Albemarle County Planning Commission
June 3, 2003

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, June 3, 2003 at 6:00 p.m. at the County Office Building, 401 McIntire Road, Charlottesville, Virginia. Members attending were Rodney Thomas; Bill Edgerton; William Rieley, Chairman; Tracey Hopper, Vice-Chairperson; William Finley and Jared Loewenstein. Absent was Pete Craddock.

Other officials present were Wayne Cilimberg, Director of Planning & Community Development; Susan Thomas, Senior Planner; Greg Kamptner, Assistant County Attorney; Scott Clark, Planner; and Stephen Biel, 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

SDP-02-135 Rivers Edge Office – Critical Slopes Waiver – Request for critical slopes waiver in conjunction with a preliminary site plan approval for a 3,300 square foot office building on 1.31 acres zoned C-1 Commercial and Entrance Corridor, tax map 78, parcel 58G. (See SP-02-75). (Margaret Doherty)

SDP-02-114 CVS Pharmacy #1554 Preliminary Site Plan Critical Slopes Waiver - Request for critical slopes waiver in conjunction with a preliminary site plan request for a retail pharmacy, with a drive-in window on 1.85 acres zoned C-1 Commercial, tax map 32, parcels 41A and 41D1. (Margaret Doherty)

Mr. Rieley asked if any Commissioner would like to pull any item off the consent agenda for discussion. Since there was no response, he asked for a motion.

Ms. Hopper moved to approve the consent agenda as presented.

Mr. Loewenstein seconded the motion.

The motion carried unanimously (6:0). (Craddock – absent)

Public Hearing Items:

Ivy Creek Agricultural Forestal Review – Review of the Ivy Creek Agricultural/Forestal District in accordance with Section 3-204 of Chapter 3 of the Albemarle County Code, which requires periodic reviews of Agricultural/Forestal Districts. The district, which includes 476.099 acres, consists of the following described properties: Tax Map 44, Parcels 20, 20A, 20B, 20C, 20D, 20E, 20F, 20G, 21, 21D, 21I, 35, 35A; Tax Map 45, parcels 3C, 4C, 5F, 5F4, 7A. No additions to the District have been proposed. The District is located in the Jack Jouett Magisterial District on Rt. 676 (Woodlands Road), approximately one mile from the intersection of Route 676 and Route 743. The property is zoned RA Rural Areas. The Comprehensive Plan designates this property as Rural Area.

Mr. Clark summarized the staff report. He stated that the Ivy Creek Agricultural/Forestal District was created in November of 1988 for 578.03 acres. The district has been reviewed once in February 1996 and is currently up for review again. The review period is the one point when a landowner can withdraw from a district by right. Currently, there are two requests to withdraw from this district as follows: (1) Tax Map 044, Parcels 21 and 21I which contains 249 acres and (2) Tax Map 045, Parcel 3C which contains 9.2 acres. As it stands with the withdrawals, the district would be reduced to an area of 240 acres. This district is currently in a seven-year review period. Recent County policy has been to extend Districts to a ten-year review schedule (the maximum); staff will recommend the same extension in this case. Members of the District have been notified of this change. While this is a very significant withdrawal from this District, given the nature of the area with the farmlands, stream valleys and adjacent South Fork Reservoir, staff feels that the District still has an important service to provide. On April 28, 2003, the Agricultural and Forestal Districts Advisory Committee voted unanimously to continue the Ivy Creek District for a ten-year period. Therefore, staff will follow that recommendation.

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

Mr. Edgerton stated that in describing the landowners that want to withdraw, staff mentioned that "Woodlands" is listed on the National Register of Historic Places and is under a conservation easement. He asked if staff was familiar with the terms of that easement.

Mr. Scott stated that he was not familiar with that, but he would get that information for him.

Mr. Edgerton questioned what the applicant would be accomplishing by withdrawing this from the District since it was under a conservation easement.

Mr. Rieley questioned the effective integrity of the District.

Mr. Scott stated that even without the three parcels in the District, the two remaining sections of the District are all within the one-mile distance of each other that would normally be expected to establish a District.

Mr. Edgerton asked what would be the size of the district.

Mr. Scott stated that the District would have 240 acres. He pointed out that there were no applicants to add to the District at this time.

Mr. Rieley opened the public hearing and asked if anyone would like to address this issue. There being none, the public hearing was closed and the matter placed before the Commission for discussion and possible action.

Mr. Loewenstein stated that the fundamental question deals with the point that Mr. Edgerton raised, which was what are the specific terms of the conservation easement. Depending upon what the terms are, it could be a viable alternative. He concurred with staff about the Helvin parcel because it was a small tract, but asked for more information on the conservation easement. He asked if it was possible to get that information this evening.

Mr. Scott stated that staff could not get that information this evening. He pointed out that staff would have to find out who the holder is and get that information from them.

Mr. Cilimberg stated that as much as they would like to say that you could not withdraw from the district, staff really could not do that. It really becomes a question of whether or not if what remains of the District is relevant and is accomplishing a purpose. While the conservation easement information might be helpful in determining if they were maintaining some continuity with the parcels that still remain and that parcel, it is not going to affect the ability to make the decision on allowing the withdrawal. It really comes down to whether you feel the District is still

an important one without those parcels. He pointed out that he asked Mr. Scott to make sure that they have some clear understanding in the reasons why they are getting the withdrawals. That is a question that has been asked by the Board and whether there is anything that staff can do about it in terms of possibly persuading the people to stay. If you feel that it is important for those parcels to be included if possible, then the Commission could certainly acknowledge that as part of the action. Staff will make the contact before the Board sees this so that they would have at least had that opportunity. Otherwise, they would be deferring for purposes that would probably not accomplish much in terms of the decision on the District itself unless you have questions about its integrity without the parcels that would be affected by that conservation easement term.

Mr. Rieley stated that was a question he had, noting the proximity to the reservoir; the adjacency of several of them, and the fact that the remainder is all within the one-mile radius. He agreed with staff's position that what is left is defensible as a stand alone District, but also would not quarrel with other Commissioners who would feel otherwise and would like to know the terms of the easement as a way of determining whether there is enough left to justify it.

Mr. Finley asked if the easement was on the larger piece, and Mr. Scott stated that the easement was on the smaller piece.

Mr. Finley stated that when they joined the District they were told that they have the right to withdraw.

Mr. Loewenstein clarified that it was just the parcel that had the house on it that was under easement.

Mr. Rieley pointed out that made a difference.

Mr. Finley moved for approval of the Ivy Creek Agricultural Forestal District as requested by the Committee.

Mr. Thomas seconded the motion.

The motion carried (6:0) to forward the following recommendation to the Board of Supervisors. (Craddock - Absent)

> The Planning Commission recommends approval of the Ivy Creek Agricultural Forestal District for a ten-year period.

Mr. Edgerton asked that staff provide the conditions of the easement to the Board of Supervisors before their public hearing.

Mr. Rieley stated that the Board would hear this request on July 9.

SP-2003-018 Olivet Presbyterian Church Amendment (Sign #82 & 86) - Request for special use permit to amend SP-2000-020 to expand an existing church for office/classroom uses and an outdoor recreation area in accordance with Section 10.2.2.35 of the Zoning Ordinance which allows for churches. The property, described as Tax Map 43, Parcel 8, contains 9.187 acres, and is located in the Samuel Miller Magisterial District on Rt. 614 (Garth Road) approximately 300 feet west of the Garth Road and Rt. 676 (Woodlands Road) intersection. The property is zoned RA, Rural Areas and EC, Entrance Corridor Overlay District. The Comprehensive Plan designates this property as Rural Areas in Rural Area 3. (Steven Biel)

Mr. Biel summarized the staff report. Olivet Presbyterian Church is requesting approval to amend SP-2000-20 to allow for the expansion of an existing church, which would include office, classroom uses and the reconfiguration of parking. The property described as Tax Map 43; Parcel 8 contains 9.187 acres and is located in the Samuel Miller Magisterial District on Garth

Road approximately 300 feet west of Garth Road in the Woodlands Road intersection. The property is zoned Rural Areas. The footprint of the proposed addition would be 3,350 square feet and would contain a basement and two above ground floors for a total of 10,050 square feet. There would be no increase in the church's seating capacity, which currently is 192 seats. There would be no increase in the existing 92 parking spaces. SP-2000-20 was originally approved for an addition that had a building footprint of 2,400 square feet and additional parking areas for 54 vehicles, which made a total of 92 total parking spaces, and an outdoor recreational area with an unlighted basketball play area. At the time of approval, it was undecided as to how many floors there would be for the building addition. The proposed new addition would be in the general location of the previously approved structure. The church is currently offering three Sunday morning services from 8:30 a.m. through noon. There are various church activities throughout the week at various times as well as community activities such as Girl Scout and Boy Scouts meetings. The area surrounding the church can be described as agricultural and residential. The Harmony Subdivision is adjacent to the church just to the west. This property is adjacent to a portion of the Moorman's River Agricultural Forestal District, which is located just to the east and to the north across Garth Road. The Agricultural Forestal Advisory Committee has reviewed this application and has unanimously recommended the request be approved. The closest residence is approximately 175 feet to the east from the church and is buffered by landscaping in accordance with condition # 5 from SP-2000-20. The next closest residence is located in the Harmony Subdivision approximately 475 feet to the southwest of the church. There is approximately a 50-foot natural wooded area that buffers the church from this residence. As you see in Attachment F, there are a number of neighbors from the adjoining Harmony Subdivision and also the neighbor adjoining the church to the east that have expressed concerns with the impacts of the proposed addition on the surrounding area. There were six main points that were brought out in this letter. Staff has addressed all of the six concerns as follows:

1) Noise of the parking/playground area. This request is not increasing the amount of parking. In addition, the parking to the adjoining neighbors will not be changed. The parking that will be displaced by the new building addition is going to be right in the general area of the new building. There is no projected increase in the use of the playground. As conditioned by the previous special use permit no outdoor recreation or play activities are permitted after dark, and this condition will carry over with this current review.
2) Outdoor lighting. There is no outdoor lighting proposed, which has been denoted on the site plan. Lighting issues would also be reviewed at the site plan stage and would be in accordance with Section 4.1.7 of the Zoning Ordinance.
3) Traffic Issue. There is no proposed increase in the seating capacity of the church. Therefore, there would be no increase during the peak time for the Sunday morning services. Staff figured that there would be 384 vehicle trips for all three services, which was based on three people per car. There would be 128 vehicle trips per service.
4) Septic Capacity issues. Again, there would be no increase in the seating capacity. The Health Department has expressed no concerns with this proposed addition and has given preliminary approval.
5) Water Usage. The same is true regarding the water usage issue as the septic capacity issue.
6) Property Values. The church has been in existence for over 120 years and there appears to have been no apparent consequences on the surrounding property values.

There are three possible violations as outlined in Attachment J, which was a memo from Jan Sprinkle of the Zoning Department. The first possible violation was the possibility for a daycare center. The church has a program called Kids Connections that meets from 2:30 p.m. to 5:00 p.m. one afternoon a week on Wednesday. The Zoning Administrator has determined that this program does not constitute a daycare facility based on one day per week with limited hours. Therefore, there is no violation. The second mention of a violation was the parking area closest to Harmony Drive. During the approval of SP-2000-20, it was noted that the parking area would be for overflow parking only. A waiver was granted on the parking to allow a gravel surface on part of the parking lot rather than paving the full surface. Then there was a portion of the parking lot that had the basketball goals installed. Since that approval, the entire parking lot has been paved with the installation of the basketball goals. Again, the Department of Zoning has determined that

there is no requirement for the parking lot to remain gravel. Therefore, there is no violation. Finally, the neighbors have cited a possible violation pertaining to a lighting issue. The only outdoor light pole is at the front of the church, which is approximately 20 feet from the right-of-way of Garth Road. The light from this pole glares into the adjoining properties during the months when the vegetation has dropped its leaves. Staff had hoped that the Zoning Inspector would have been out prior to this meeting, but they will try to make it this coming week. If it is determined that there are any problems, then staff can address those at the site plan stage or they can add a condition that would satisfy that. As previously mentioned, the church has been in existence for over 120 years and a portion of the existing church is a historic structure. The Virginia Department of Historic Resources has surveyed it. The addition was added to the original church. The applicant has provided an elevation to be reviewed by the Planning Commission and the Board of Supervisors as shown in Attachment H. The Architectural Review Board staff has reviewed the building elevation and suggested that the applicant revise the façade and also to make more of a distinct separation between the new and the existing structure at the courtyard entrance façade. The ARB's concerns have been covered in condition # 6 and # 7. Previous comments from the Virginia Department of Transportation regarding SP-2000-20 recommends that a 100-foot right turn taper be constructed at each entrance. The VDOT review for this application reaffirms that recommendation. VDOT believes that the right turn tapers would mitigate the dangerous speed differential between vehicles slowing to turn and vehicles traveling past the site at 45 miles per hour. The Department of Engineering does not have any concerns with this proposal and they have specifically mentioned that they do not support the need for the 100-foot right turn taper. Staff does concur with the Department of Engineering and does not recommend the construction of this right turn taper. This is consistent with the action taken on SP-2000-20. In summary, the church has provided a service to the community for over 120 years. There is no expected detrimental impact as a result of the building addition and parking configuration. The proposed building addition would be architecturally compatible with the historic section of the existing building. Therefore, staff does recommend approval of SP-2003-18 subject to the nine conditions. It should be noted that conditions # 6 and # 7 replace condition # 4 of the previous special use permit. Conditions # 8 and # 9 are carryovers from SP-2000-20. He stated that he would be happy to answer any questions.

Mr. Rieley asked if there were any questions for Mr. Biel. Since there were no questions, he opened the public hearing and asked if the applicant would like to address the Commission.

Marcia Joseph, representative for Olivet Presbyterian Church, stated that she would give a brief history of this property. She pointed out the location of the existing use noting that the stormwater detention area had been moved over on the site after working through the details with Dave Hirschman. She noted that the addition had been approved for a 40' X 60' area. The special use permit was vested by placing all of the structures on site in a phased fashion. The parking and vegetation has been put in. The church planned a 2,400 square foot addition, but when the fund raising came in and they discussed the plans among the members, they found that they needed 3,300 square feet.

Mr. Rieley asked if she was talking about a 3,300 square foot footprint.

Ms. Joseph stated that was correct. She presented several sketches of the church for the Commission's review. She stated that the trees, shrubs, parking, stormwater, and basketball goals are all in. The lighting was placed on the property in 1996 or 1997 which predates the Zoning Ordinance regulations of 8/12/98. She pointed out that she had a response to the concerns of the citizens. Regarding concern # 1, the outdoor play area for the children will not be expanded, but only flattened to create more of a gradual grade. Regarding concern # 2, no additional lighting is proposed. The only thing that might happen to the lighting is that the Building Official may require emergency lighting outside. Regarding traffic issues, no traffic light has ever been discussed by anyone concerning this site. No improvements to Garth Road have been required. Regarding concern # 3, septic usage is measured on a daily basis. They will rely on the Health Department's approval for the septic and water usage. The majority of the usage

will be related to the toilets, which will be sporadic. Irregular use will help the septic field and the ground water recover after each period. Regarding concern # 6, the unfortunate thing is that there is no where in Albemarle County for us to escape the noise, traffic or other disturbances. The noise that the neighbors make in the Rural Areas is not avoidable, whether it is car doors closing, children using the outdoor space on the church grounds, mowing, conversation and music coming from a residential use or the crowing of the rooster and moaning of the cattle from an agriculture use. She stated that our population grows around 2% annually, as a result of this, traffic increases everywhere in the County. She introduced Albert Connette, the pastor of Olivet Presbyterian Church, who would like to speak. (Ms. Joseph's written comments are attached.)

Albert Connette, pastor of the Olivet Presbyterian Church for seven years, stated that the historic mission of any Christian Church is to love and worship God; to love one another; and to reach out in love to the world. Olivet has been carrying out this mission from our location on Garth Road for over 120 years. This has included periods when outhouses served for bathrooms, church dinners were held on the lawn, and for lack of space Sunday School teachers might meet with their class in their car in the parking lot. Olivet has experienced some slow steady growth over the last ten years as it has carried out its mission in a growing community where over 7,000 people now live within a radius of 5 miles of our church. He noted that they have the need and are seeking the resources to enlarge their church facility to sustain their mission to provide facilities to meet their needs and the expectations of people in 2003, and address safety concerns and handicap accessibility constraints of their existing facility. The church has a need for a choir rehearsal room, a nursery, four children's classrooms, three youth classrooms, three adult classrooms, four office spaces, a church library and a parlor. The church only has nine rooms that are currently available in the existing building to accommodate these eighteen needs. He pointed out that the church was aware of the aggressive campaign to encourage opposition from their neighbors that were based on the following false accusations:

- the church has tried to buy neighboring properties;
- has plans to start a school;
- is operating an illegal day care center;
- illegally paved a parking area;
- tried to hide the impact of the building by only putting the footprint square footage on the amendment application;
- has plans for future expansions;
- will be installing parking lot and ball field lights;
- In addition, carries out many activities that are ancillary to the mission of a church.

He pointed out that each of these is a misleading distortion of truth or an outright lie. He stated that the Church appreciates the assistance of the Planning and Community Development and Engineering Department staff, who have worked with us on improvements to our plans. He asked that the Commission support staff's recommendation for approval of our requested amendment to allow the footprint of our planned building to be 950 square feet larger than what we received approval for in 2000. He passed out a picture of their Bible School. (Mr. Connette's written comments are attached.)

Mr. Rieley asked if anyone has any questions for the applicants.

Ms. Hopper asked if they would be willing to comply with the lighting ordinance even though that light may have been established prior to that.

Ms. Joseph pointed out that they have been talking with Zoning about what kinds of things that they might be able to do. One possibility that they have discussed is getting a shield over the light.

Ms. Hopper asked how the current light is out of compliance as compared to the current lighting ordinance.

Ms. Joseph stated that the existing light is not shielded and has an exposed light source.

Ms. Hopper asked if the light had higher illuminaires than are allowed, and Ms. Joseph stated that it may, but they have not measured the intensity of the light yet.

Ms. Hopper asked if the applicant would agree to a condition that the existing outdoor light would comply with the existing regulations.

Ms. Joseph stated that they would agree to do that. She pointed out that there was only one existing outdoor light.

Ms. Hopper asked if her client has had meetings with their neighbors.

Ms. Joseph stated that there were letters sent out that asked the neighbors, which included all of Harmony Subdivision, to please respond, and there was only one response.

Mr. Edgerton asked what the outcome was of the Agricultural/Forestal Committee meeting.

Mr. Biel stated that the Agricultural/Forestal Committee met on May 19th and their recommendation for approval was unanimous.

Mr. Rieley opened the public hearing. He stated that there were eight people signed up to speak. After that, anybody else who wished to speak to this issue certainly may.

John Frezell, of 2380 Spring Brook Road in Harmony Subdivision, asked to make a correction to the staff report for the record that it was actually the intersection of Owensville Road and Garth Road rather than Woodlands Road. He stated that he was a member of the Architectural Control Committee for the neighborhood. Since his father was a minister, he was in sympathy with the church's mission to minister to the needs of its members and to the community and to seek to bring others into the church. He stated noted his concern with this expanding community of faith and its membership in its outreach would place burdens on the surrounding area and the neighbors that are detrimental to their interest. He felt that if the expansion were allowed that it would eventually lead to the adverse outcomes such as an increase in noise and traffic, and environmental issues. He asked that the church be restrained to its current size.

Rob Cumbia stated that his family lives in the Owensville area because he wanted to raise his children in a rural, quiet and healthy environment. Up to now the Owensville area has been just that. However, in the last weeks he has learned of the planned expansion of the church and has two main concerns. First is the concern about the increase in traffic that will result. The necessity for stoplights, blinking lights or signs in changing Garth and Owensville Roads to accommodate the increased traffic will result. No doubt the area and near by neighborhoods will become less attractive to the current as well as potential residents and property values will decrease. Ultimately, the character of Owensville and the Garth Road area will be changed from the rural, quite peaceful neighborhood it is today. The second main concern is the impact of any expansion of the church on our water supply. The quality and cleanliness of our water and septic issues is very important. The church is advising the Planning Commission that there will be no increase in consumption of water or increase in waste because there will be no change in the number of members. If that is the case, it becomes difficult to understand the purpose of the expansion that includes seven bathrooms and classrooms. The expansion will result in activities that are more frequent and increased consumption of water and increased volumes of waste. All neighbors in the surrounding area depend on individual wells for their water supply. Any increase in the volume of waste will negatively impact the ground water, which supplies all of the wells in our area. On behalf of his wife and two small children, he respectfully requested that these concerns and the other concerns of his neighbors be thoroughly reviewed by the Department of Planning.

French Slaughter, a neighbor of the church, opposed the expansion of the church facility for the same reasons already stated. He pointed out that there was just too much going on out there. This area cannot take the increased traffic and sewage. He felt that the increased traffic would be dangerous, and therefore opposed the church's request.

Leslie Blackwall stated that she appreciated Pastor Connette and his church. She feared that this was being presented as sort of a small little modification, but from her point of view, this was a large building of 10,000 square feet. She noted that this was a quiet residential area. In the staff report, staff recommends against a daycare or a school. There are many activities going on at the church that have the impact on the neighborhood equivalent to a daycare or school. There are many scout meetings going on into the night. During the past month, she has had to call the church to complain about noise. Similarly in the month of March, there was a four-night spiritual renewal event that had loud amplified music every night. She stated that the intermittent community events were seriously affecting the neighborhood already particularly with the noise and traffic. She pointed out that the seating capacity of the church was not going to be increased, but that the increase in the community events would negatively impact the neighborhood.

John Birdsall stated that his farm was located on the north side of Garth Road just opposite the Olivet Church property. He pointed out that the farm had been his wife's home since 1950. He noted his concern with the degradation of the rural areas brought on not only by the suburban sprawl throughout the County but also by the incremental expansion as represented in this application by the Olivet Church. He stated that the 10,000 square foot building to house classrooms with its intended use will not further degrade the rural nature of the area is simply ignoring reality. For the Planning Commission to approve an application of this nature by the church would be extremely discouraging to those hundreds of landowners throughout the County who are so committed to rural preservation that they have voluntarily donated conservation easements on their property. He pointed out that the land on the north side of Garth Road directly opposite the church is property so protected. This property is the southern edge of several thousands of acres in permanent conservation easements. He stated that the consequences of granting a special use permit for this property would reach far beyond this corner of Albemarle County. He asked that the Commission deny the request.

Mary Scott Birdsall stated that she agreed with everything that her husband just said. She asked when did a church become more than a church and what body will monitor the possible increased expansion and its uses in the facilities. She pointed out that in a letter from the church dated May 15th, the opening sentence under the heading our need, the sentence begins for the immediate future we have a need. She stated that it seems to imply that greater future needs will be placed before this body and would be incrementally engaged in. She stated that there was a lot of concern in the community about this larger building and the paving, lighting, traffic and the unexpected type of interruption of the daily life of the neighbors.

Steven Monovitch stated that on a number of occasions the neighbors who have come together to share our concerns for the future of our neighborhood have asked the church's minister to recognize that they have neighbors. Many of the hundreds of people who come to the church come in on Garth Road and may not know that their institution has an impact on the neighborhood. On May 3rd, Ms. Faulconer, Mr. Cumbia and himself talked to Mr. Reasor and Ms. Joseph about their concerns. At that time, they asked Mr. Reasor and Ms. Joseph to negotiate with them on the limits to growth. Perhaps there is an alternate plan that would take care of the church's need for crowding, but would not have this enormous impact on the neighborhood. He pointed out that the neighbors have not received a response to that. He stated that the County has ruled that the Wednesday afternoon activities are not daycare. He noted that it does not matter what they are called, but that type of activity was more appropriate for an urban church in a commercially zoned area. He stated that the neighbors have a continuous impact from the screaming and shouting from the various scout groups and play groups. He stated that they wanted to respect the spiritual mission of the church and recognized that they have been there for 120 years. He noted that if the church had stayed the same for the past 120 years that nobody

would have a problem. He stated that the church would have a larger impact on the neighborhood once this 10,000 square foot addition was built and is gradually populated with more activities.

W. A. Pace stated that he had been a resident of Albemarle County since 1964 except for 2 ½ years that he lived in Winchester. He pointed out that his wife, Jean Mahanes, grew up in this church. He stated that in 1980 when he moved back to this area from Winchester that he bought a home in Ivy Farms and decided that they needed to be a part of Olivet Church. The 1977 Comprehensive Plan designated the Ivy area as the most important type one village in the plan and encouraged residential growth in the area. In 1987, Harmony Subdivision was approved. The Calhouns owned that property and they decided to give the church some land that was behind the church along Harmony Drive and to Garth Road on the west. In 1989, the church started to plan for the growth that had already occurred in the area plus the anticipated additional growth. In 1990, a three-phased plan was developed and phase one of that plan was completed in 1992. In 1997, phase two was completed which was the fellowship hall. In 2000, phase three was approved and the parking lots added with the requirement that the building construction begin within five years. He pointed out that they now want to start that construction and complete phase three. There have been many allegations and statements made concerning the future plans of the church. Since he has personally been linked to a few of them, he asked to respond to a few of them. The first one is that no phase four-construction plan exists for this church. There has never been a school planned. The recent Zoning Department investigation has confirmed that the church is not in violation of the conditions of the special use permit. The existing exterior lighting was installed prior to 1997. As the report indicates, the church is willing to work with Zoning to determine what needs to be done to comply with the current ordinance. The church is in a unique situation in being located in a rural area, but they were in close proximity to many subdivisions, which were allowed under an old Comprehensive Plan. This plan has helped produce over 7,000 people in that general area. Many of these people enjoy our facilities. He asked the Planning Commission to accept the staff's recommendation and approve the amendment to the special use permit.

Mr. Rieley asked if there was anyone else present who would like to speak to this issue.

Ernie Walls, resident of the Harmony Subdivision and a member of the church, stated that he was totally in favor of the church's proposal. He pointed out that he had not seen any decrease in his property value.

Katie Hobbs, resident of Albemarle County, stated that she had a hard time keeping straight on how a church that has been there for over 100 years did not have squatter's rights. If there had been no development around that area, the church would not be growing. Some of these subdivisions around Olivet Church have contributed to the growth and that is a good thing. The Comprehensive Plan allows churches in the Rural Area.

Mr. Rieley asked if the applicant wanted to take the five minutes allowed to readdress the Commission.

Mr. Connette, Pastor of Olivet Church, supported the church's water situation because it would be based on the peak number of people at the church at any given time. Regarding the traffic situation, he pointed out that he had been told that 3,000 cars a day pass by the church on Garth Road. He pointed out that the additional space is needed now for their current congregation.

Mr. Thomas asked how many Boy Scout and Girl Scout troops meet in the church per week and where do they live.

Mr. Connette stated that he thought there were eight troops who meet every other week in the fellowship hall. He stated that the children were from area schools.

Mr. Rieley closed the public hearing to bring the matter back before the Commission for discussion and possible action.

Mr. Thomas asked if there were any more parking lots to be paved.

Mr. Biel stated that there was nothing except the new reconfigured parking lot to be paved.

Mr. Finley stated that the staff has done a good job, the application is in order and should be passed.

Mr. Rieley stated that he questioned condition # 5 of the previous approval concerning the screening between the church and the neighbors. He asked if the County dictated the choice of plants.

Mr. Biel stated that it was a combination of trees and shrubs of the conifer and deciduous type.

Mr. Cilimberg stated that he did not remember the specific direction given as to the plantings. He stated that in most cases with a condition like that, the applicant would present a landscape plan of certain species with the County to approve or require modifications to the plan.

Mr. Loewenstein pointed out that one of the things that they had talked about in the staff report was the reuse of some of the trees removed when the parking lots were created for the screening buffer. He stated that he did not know if that was done, but he did remember the discussion.

Mr. Rieley asked Ms. Joseph if she could enlighten the Commission on this.

Ms. Joseph stated that there was some existing vegetation. There were some small spruces existing and they added some Leyland Cyprus, which tend to grow very quickly. She noted that they planted them close enough together for screening. The trees have grown, but they do not provide as dense of a screen as they would have liked at this point.

Mr. Rieley asked who determined what type of plants would be used.

Ms. Joseph stated that the County did not dictate. She noted that the church submitted a landscape plan and the County approved the plan.

Mr. Edgerton stated that it appears that there was a former condition, although it was not listed, that the overflow parking would be left as gravel. Subsequently, the overflow parking was paved. The Zoning interpretation was that since that was a waiver, that there is no violation. He asked for guidance on how a condition could be imposed by the Planning Commission and then ignored by the Zoning Department.

Mr. Kamptner stated that looking at the Zoning Administrator's memorandum, it appears that the applicant obtained a waiver to have a gravel parking lot. He noted that established a lower minimum standard. That did not necessarily prohibit the church from establishing a higher standard parking lot.

Mr. Cilimberg pointed out that it was not listed in the conditions.

Mr. Kamptner stated that it was based on the waiver for a lower threshold.

Mr. Edgerton stated that with asphalt it does impact the ability of groundwater recharge, which was some of the concern expressed by the neighbors. For all projects in the rural area, there is the long-term impact of the water resources.

Mr. Rieley stated that his recollection was that this was represented as a lower use for an overflow parking area. Therefore, it did not need to be paved. He noted that was the justification for getting the waiver so that it did not have to be paved. There was representation that it was intended for overflow parking and not as a part of the permanent parking system. However, if there is a fault that he felt that it was the Commission's because they did not write the conditions in a way that made it clear that they wanted it to be graveled and not paved. He felt that if there was a shortcoming that it was on the part of the Commission.

Ms. Hopper stated that the Commission needed to be careful this time with the wording of the conditions.

Mr. Rieley stated that he appreciated the Engineering Department taking the position on the turn taper.

Ms. Hopper voiced concern about that stretch of road and how fast the traffic moves. In the last set of minutes on page 38, it talks about a right turn taper and says that if there is further expansion to consider left turn lanes at the entrances and access at Harmony Drive. It says appropriate conditions were imposed to ensure safe access. Then when it talks about conditions, number 9 on page 40, it talks about moving the sign out of the right-of-way. She stated that she was not convinced whether they needed those turn lanes to make sure that there is not a pile up there because it moves so fast during the peak hours. She voiced concern about the nighttime activities.

Mr. Loewenstein concurred that the traffic situation for that stretch of road has declined over the years. He asked that the Commission think about this a little bit further in this case.

Mr. Rieley asked Mr. Biel if he had any further information about this.

Mr. Biel stated that he did not have any further information. The Engineering Department was basing their recommendation on the fact that there will be no added vehicle trips during the peak time.

Mr. Rieley asked if there have been any accidents at this location.

Mr. Biel stated that he was not familiar with the accident rate.

Mr. Cilimberg stated that VDOT would make that recommendation if circumstances that exist might warrant it. VDOT was looking at this based on that road section and the current circumstances and Engineering reviewed this based on how much additional peak traffic that there would be. There are really two opinions on either side of the issue. He felt that it was a legitimate condition if the Commission feels like adding it.

Ms. Hopper stated that there were two opinions from different perspectives.

Mr. Rieley stated that either he would not advocate widening the road from the church's or the neighbor's perspective. He stated that the left turn lane would really make a difference, and it was not even proposed. He stated that the right turn lane is the one that is being proposed. He felt that the wider road would make people drive faster and not have much practical impact.

Mr. Thomas stated that it was true that a narrow road does slow people down.

Ms. Hopper stated that the road was already a very fast moving road.

Mr. Loewenstein asked staff to get some statistics on accidents for that stretch of road at that intersection, at the entrance to the church or around the first curve past the Harmony entrance.

Mr. Rieley stated that the Commission's action was advisory to the Board. He noted that the same issues of tonight could come up again when it comes before the Board.

Mr. Edgerton asked if the church anticipated an increase in the outside activities, such as the Boy Scout and Girl Scout meetings, with the new addition.

Mr. Connette stated that the church allows the use of the facility based on request. Currently there have been no requests that they have not been able to make space available. He noted that most of the groups meet every other week. He stated that he thought that there are eight troops using the facilities, but that there are many one-time users for weddings and homeowner association meetings.

Ms. Hopper stated that there are a number of turn lanes along Garth Road. She suggested that staff provide descriptive information to the Board on those turn lanes so that they can consider it. She questioned whether those turn lanes contribute to how fast that road is already.

Mr. Rieley stated that was a good point. He suggested that the Board might want to hear more about the taper lane from the church and the neighbors.

Mr. Finley pointed out that the seating of the church was not changing. Therefore, there would be no increase in the traffic for the small gatherings.

Mr. Rieley stated that the request does represent an incremental increase in the activity of the church. He pointed out that the church was growing and was something that the Commission needs to weigh carefully and acknowledge that there is a limit at some point. He questioned where that limit would be. He stated that he supported the request with a condition that the external lighting has to meet the current lighting ordinance regulations.

Mr. Loewenstein pointed out that the applicant had agreed to that condition being added.

Mr. Rieley asked that conditions 6 and 7 be deleted since he felt that the historic preservation issue should be a matter addressed by the applicant and his architect and not the Planning Commission.

Mr. Loewenstein pointed out that conditions 6 and 7 replaced old condition 4 in 2000. He supported including old condition 4 in the conditions of approval, which referred to the historic structure and the role of the Design Planner in the integrity.

Mr. Finley moved to recommend approval of SP-2003-018, Olivet Presbyterian Church Amendment, with the following modified conditions recommended by staff:

Based on the findings contained in this staff report, the Planning Commission recommends approval of SP 2003-018, subject to the following conditions (conditions 6 & 7 replace condition #4 from SP 2000-020 and conditions 8 & 9 are carryovers from SP 2000-020):

1. The church's improvements and the scale and location of the improvements shall be developed in general accord with the site plan entitled, "Olivet Presbyterian Church Special Permit Amendment and Major Site Plan Amendment," prepared by Joseph Associates, and dated February 24, 2003 and revised May 9, 2003.
2. The area of assembly shall be limited to a maximum 192-seat sanctuary.
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. There shall be no day care or private school on the site without approval of a separate special use permit.

5. Health Department approval of well and/or septic systems shall be required prior to the issuance of a building permit.
6. No parking lot lighting shall be installed in the parking areas. Only walkway lighting to the parking areas, with no more than three thousand (3,000) lumens, shall be permitted to be installed. The walkway lighting shall be turned on only for nighttime services or meetings.
7. No outdoor recreational/play activities shall be permitted after dark.
8. The outdoor light will be brought into compliance with the existing lighting ordinance.

Mr. Thomas seconded the motion.

The motion carried (6:0). (Craddock - Absent)

Ms. Hopper asked that staff provide additional information to the Board regarding varieties of right turn taper lanes along Garth Road and accident data.

Mr. Rieley stated that the Board would hear SP-2003-018 on July 9th.

ZMA-2003-001 Four Seasons Proffer Amendment (Sign #63, 64, 65) - Request to amend existing proffers for a PUD Planned Unit Development district on 7.979 acres, to allow office use in an existing facility. The property, described as Tax Map 61X2, Parcels 4A, 4B, and 4D, is located in the Rio Magisterial District on Rt. 1456 (Four Seasons Drive) approximately 1/2 mile south of the intersection of Four Seasons Drive and Rt. 631 (Rio Road West). The Comprehensive Plan designates this property as Urban Density Residential (6.01 - 34 dwelling units per acre) Neighborhood 1.

AND

SP-2003-017 Four Seasons School Amendment (Sign #38) - Request for special use permit to allow a private school in accordance with Section 20.4.2(1) of the Zoning Ordinance, which allows for R-15 Residential uses in a C-1 Commercial district. The property, described as Tax Map 61X2, Parcel 4B, contains 2.256 acres, and is located in the Rio Magisterial District on Rt. 1456 (Four Seasons Drive) approximately 1/2 mile south of the intersection of Four Seasons Drive and Rt. 631 (Rio Road West). The property is zoned PUD, Planned Unit Development, and Airport Protection Overlay. The Comprehensive Plan designates this property as Urban Density Residential (6.01 - 34 dwelling units per acre) in Neighborhood 1. (Susan Thomas)

Ms. Thomas summarized the staff report.

- The applicant for the Montessori School is seeking to amend an existing special use permit to allow use of the former ACAC Facility in the Four Seasons Development for private school. If approved, the facility could be used by a variety of private schools provided they operated under the conditions of the special use permit. The applicant has requested a maximum of 85 students, early childhood through high school, with operating hours of 7:30 a.m. to 6:00 p.m. and occasional uses in the evening and over the weekend. Classes will not be held during the summer.
- Staff believes that the proposed use is appropriate for the site, and it meets a public need in the urban area. It is considerably less intensive than schools that previously operated in this location without negative impacts to immediate neighbors or general public, and thus staff recommends approval with conditions.
- The applicant is seeking to amend existing proffers to allow office use within the former ACAC Facility in the Four Seasons Development. If approved, the Soccer Organization of Charlottesville Albemarle will move its offices to the facility, where it already conducts training programs. In a previous re-zoning to allow expansion of the recreational use, the applicant proferred out the office use that it now wants to re-instate.
- Staff believes that the proposed use is appropriate for the site, and it meets a public need in the urban area. It is considerably less intrusive than the large school or commercial fitness

club that previously operated in this location, and those operated without negative impacts to immediate neighbors or general public. Staff recommends approval, with proffers.

Ms. Thomas stated that this was a well-crafted mixture of uses that really maximizes the benefit of the facility. Staff suggested and the applicant agreed that it is about time to put in some somewhat more formal pedestrian linkage to Four Seasons Drive. It would be better to have a designated route that was away from the cars for the children to walk on than in the parking lot. The applicant is willing to do this quickly as a safety measure. Therefore, staff recommends approval of the request with the three conditions listed in the staff report.

Mr. Edgerton questioned why the applicant proffered out the office use in the last application.

Ms. Thomas stated that originally she thought that the applicant had proferred out the office use, but it was actually never included. When the original PUD was approved, it did not include office. She stated that there was a business problem involved. Then ACAC ended up buying the fitness club that was previously a homeowner's club and operating it as a commercial business. At that time, ACAC did not need the office and did not include it in. She pointed out that the office user would not be part of the school or ACAC.

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

Grant Gamble, Chief Operating Officer at ACAC, stated that he had met with Ms. Thomas about a week ago concerning the sidewalk. He stated that he was meeting with the construction company tomorrow, and they hoped that the construction will begin on that sidewalk within two weeks and be finished before the summer camp program. He noted that their mission was to change lives through recreation and education.

Mr. Rieley asked if there was any one else who wished to address either of these two items. There being none, he closed the public hearing to bring the matter back to the Commission for discussion and possible action.

Mr. Loewenstein stated that this was a good place for this type of activity. He pointed out that it was a less intensive use than some of the prior ones. Therefore, he supported the approval of the request. He moved to recommend approval of ZMA-2003-001, Four Seasons ACAC Amendment, to the Board of Supervisors subject to the proffers as recommended by staff (see Attachment D).

Mr. Edgerton seconded the motion.

The motion carried (6:0). (Craddock - Absent)

Mr. Rieley stated that ZMA-2003-001 would be heard by the Board on July 9th.

Ms. Hopper moved to recommend approval of SP-2003-017, Four Seasons School Permit, to the Board of Supervisors with the following conditions:

1. Maximum enrollment will be 85 students.
2. Normal hours of operation for school shall be from 7:30 a.m. to 6:00 p.m. with occasional uses in the evenings and weekend.
3. The applicant shall construct a pedestrian pathway connecting the school and pool buildings to Four Seasons Drive, to a standard acceptable to the Departments of Planning and Engineering and Public Works. The pedestrian pathway shall be complete by December 31, 2003.

Mr. Thomas seconded the motion.

The motion carried (6:0). (Craddock - Absent)

Mr. Rieley stated that SP-2003-017 would go to the Board on July 9th.

The meeting recessed at 8:05 p.m.

The meeting convened at 8:30 p.m.

Work Session:

Charlottesville-Albemarle Airport Master Plan – Presentation by Airport Authority staff providing an overview of the update of the Charlottesville-Albemarle Airport Master Plan.

Bryan Elliott made a presentation to the Planning Commission regarding an overview of the update of the Charlottesville-Albemarle Airport Master Plan. It is a federal mandate of the FAA and State that requires all public use airports to have an updated concurrent Comprehensive Plan on file and accepted by that agency to serve as a road map for future development and operations of the airports. The power point presentation identified the Master Plan Update Project Approach and the proposed time schedules. There are three distinct outcomes or elements to consider: 1. The airport's mission. 2. Long term growth, and. 3. Technical accuracy. After the FAA finalizes the plan, the plan will be brought to the County for consideration. General discussion was held with the Planning Commission. The Planning Commission took no formal action. (See the attached Master Plan Update for additional information.)

Old Business:

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

New Business:

Mr. Rieley asked if there was any new business.

Mr. Cilimberg stated that the joint meeting with the City Planning Commission on the 29 Corridor on June 4th has been cancelled.

Adjournment

With no further business, the meeting adjourned at 9:00 p.m. to the next meeting on June 10, 2003.

V. Wayne Cilimberg, Secretary

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