Albemarle County Planning Commission
June 24, 2003

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, June 24, 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; and Tracey Hopper, Vice-Chairman. Absent were Jared Loewenstein and William Finley.

Other officials present were Wayne Cilimberg, Director of Planning & Community Development; David Benish, Chief of Community Development; Michael Barnes, Senior Planner; Greg Kamptner, Assistant County Attorney; Margaret Doherty, Principal Planner; Scott Clark, Planner; and Steven 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

Approval of Planning Commission Minutes - May 20, 2003.

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

Mr. Craddock seconded the motion, which carried unanimously (5:0). (Loewenstein, Finley - Absent)

Items Requesting Deferral

SP 2003-031 Albemarle County Fire Department Communications Amendment – Request for a special use permit to allow the attachment of an antenna, consisting of two 80-inch segments supporting communications for the County of Albemarle's Fire-Rescue services, at 148 and 165 feet on an existing 205-foot tall tower. This request is being made in accordance with Section [10.2.2.6] of the Zoning Ordinance, which allows for radio-wave transmission and relay towers, and appurtenances in the Rural Areas. The property, described as Tax Map 91, Parcel 28, contains 234.165 acres, zoned RA, Rural Areas. This site is located in the Scottsville Magisterial District, on Carter's Mountain Trail, approximately 1 mile south of the intersection with the Thomas Jefferson Parkway (State Route 53). The Comprehensive Plan designates this site as Rural Area 4. (Margaret Doherty) ***STAFF REQUESTING DEFERRAL TO JULY 1, 2003***

Mr. Rieley opened the public hearing and asked if anyone wished to address the Commission. There being no one, he closed the public hearing to bring the matter back to the Commission for possible action.

Ms. Hopper moved to accept staff's request for deferral of SP-2003-031 to July 1, 2003.

Mr. Thomas seconded the motion, which carried unanimously (5:0). (Loewenstein, Finley -Absent)

Regular Item

Mr. Rieley stated that SUB-03-82, Hidden Acres Road Waiver, was listed on the preliminary agenda as a consent item to be heard first, but then was changed on the final agenda to a regular

item to be heard last. Since the agenda is lengthy, he asked that the Commission move this item to the beginning of the agenda so that the applicants don't have to stay for the entire meeting.

It was the consensus of the Commission to hear the request first.

SUB-03-82 Hidden Acres Road Waiver - To create one lot on a road which will serve five lots and have the standards from Section 14-514 Table A, for a three (3) to five (5) lot private road, be waived by the Planning Commission. The property, described as Tax Map 30, Parcels 29A, 32B and 32C and Tax Map 31, Parcel 9 is located in the Rio Magisterial District on Rt. 764 (Link Evans Lane), approximately 2 miles from the intersection of Routes 764 and 663. The Comprehensive Plan designates this property as Rural Area in Rural Area 1. (Margaret Doherty)

Ms. Doherty summarized the staff report.

- This is a request for a subdivision that would result in a total of five lots. Since this is fairly complicated, she suggested that the Commission take a look at page 11 of the staff report, which is a color topo that shows the existing lot lines and farm lanes. The purpose of this road standard waiver request is to allow a private road on existing farm roads with minimal improvements to the road. Rather than building the roads to the County's private road standards, the roads would be improved up to a two-lot standard and meet minimum Engineering Department changes. As these lots exist today, they could have two dwelling units each for a total of eight dwelling units. The applicants are proposing one new lot and a total of eight dwelling units. The applicant's proposal would allow some of these lots to retain development rights for guest dwellings. In the staff report, staff was recommending that the applicant not be allowed the guest dwellings unless there was some guarantee that the properties would not be further subdivided. Since the staff report was submitted, there have been conversations between the applicant, staff and the Planning Commission. Staff has revised the conditions of approval, which had been passed out. Staff is in agreement with the applicant that this is generally a good idea and meets the Rural Area Guidelines for maintaining farm roads and rural preservation in the Rural Areas.
- The Engineering Department has reviewed the road standards and recommends approval. The discussion is really the mechanism of how to make this happen. There is precedence for this. When the Nature Conservancy purchased a piece of property, they put a conservation easement on the property, thereby not using the development rights. There is no standard mechanism in the County to distinguish development rights. Staff is trying to come up with something. She proposed conditions that were similar to those used on the Nature Conservancy site, but pointed out that Greg Kamptner was not present and had not had a chance to review the conditions. She questioned whether the applicant has had a chance to review the conditions and suggested that they just discuss them. Staff preferred not going into the details because the request was so confusing and complex, but if there were particular questions about the reconfiguration of the lots that, she would be happy to approach it that way.

Mr. Rieley asked if he was summarizing this fairly. Currently the applicant can build eight dwelling units on the property without making any road improvements. Under this proposal the applicant could also build eight dwelling units and would have to make some minor road improvements, which need the road waiver. The road waiver is really the item before the Commission. Staff is working out a mechanism through which they could guarantee that the remaining seven development rights of the ultimate fifteen that could be used with a public road would be permanently removed.

Ms. Doherty stated that was correct.

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

Ms. Van Yahres stated that her family has been wondering for years how to preserve the family farm. She pointed out that her brothers live on the West Coast and have no interest in the farm, but she would like to retain two of the smaller parcels for family members. She noted that they also needed to get a fair return on the land. She stated that they came up with this scheme to preserve the rural character of land. Basically, they would be giving up seven development rights and in return would like to be able to create these five lots with eight houses on them and ask the County to waive the road requirements. She noted that they want to preserve the character of the land and limit the development on it. They also want to preserve the farm lanes the way they are. They want to preserve the open slopes and the open land. Basically the land will look the same and will function more or less, as it has for the past fifty years since her parents have owned the land. Over the last year, she has had discussions on the site with Roger Ray, Mark Graham, Wayne Cilimberg and Bill Fritz to try to come up with a scheme for this special request. She pointed out that they received the revised conditions of approval. There was one problem in number two in the second paragraph where it says that the private road shall not serve any land outside of the subdivision. If you look on page 11 where they showed the existing parcels and the potential development rights, and if you look to the right of the page to the road that is white that goes through TM 31/9 and says existing right-of-way. That right-of-way is existing to the Woods property for their access to that land. It is a 15-foot easement that was made even before my parents bought the land fifty years ago. The pointed out that was an issue. There are things that they could do there now by right, being the eight dwelling units or the fifteen development rights. She noted that it does not make any difference because that access to that road is there anyway. Therefore, that condition would create a problem since they have no control over the existing access easement and have to allow access to that land.

Mr. Edgerton suggested amending the conditions to accept preexisting easements.

Mr. Rieley agreed that a clause could be added.

Ms. Van Yahres stated that there was one clarification on condition three, agent approval of the final plat and deed. She asked if staff meant the deeds as they sell the five lots.

Ms. Doherty stated that was correct.

Ms. Van Yahres stated that condition seems reasonable.

Mr. Rieley asked if there were any questions for Ms. Van Yahres. He asked if anyone else would like to address the item. There being none, he closed the public hearing to bring the matter back before the Commission for discussion and possible action. He thanked staff for working hard to get the request before the Commission in this configuration.

Mr. Cilimberg stated that staff has struggled from the beginning to figure out how to do this. Despite the County's intentions of trying to restrict development in the Rural Areas, staff does not have all of the mechanisms to do that easily. As an example, someone cannot distinguish their development rights and make them go away. They have to find a way to make it happen in a legally available mechanism. He felt that if this approach worked for the applicant, then he felt it would work for staff since it had been successful previously.

Mr. Craddock asked what the difference was between a guesthouse and a regular house.

Mr. Cilimberg stated that it would not be considered any different since a guesthouse was a dwelling unit. He noted that was the reason that a guesthouse used a development right.

Mr. Rieley pointed out that Mr. Graham was present from the Engineering Department if anybody had any questions regarding the road standards. He suggested putting a comma after the sentence that begins, A private road shall not serve any lands outside of the subdivision, except with the existing 15 foot easement on tax map 31/9.

Mr. Thomas asked if there were any other existing right-of-ways. He suggested changing the wording from existing right-of-ways to pre-existing right-of-ways.

Mr. Rieley stated that the reason he preferred to reference the specific existing right-of-way was that it was a 15-foot easement and it could not be later upgraded to a public road. He pointed out that it was a farm easement.

Mr. Kamptner arrived at 6:20 p.m.

Roger Ray, surveyor, stated that there was another parcel of land that had the right to use this road. He pointed out that tax map 30, parcel 29A1 already has the right to use the 30-foot road that enters the property. He suggested that the condition be worded so as to include the parcels other than the existing parcels that have the right to use the right-of-way.

Ms. Hopper pointed out that their map has parcel 29A.

Mr. Cilimberg pointed out that the Commission was actually granting a waiver tonight and not a subdivision. If the Commission's intent is to make sure conditions 1 and 3 are correctly worded and condition 2 is in with the final plat with modifications to reflect the existing roads not being subject to this, then suggested that they state that as part of the waiver approval. Staff will make sure that the correct language is placed on the plat.

Mr. Rieley stated that he did not see any reason that they can't state their general intention on number two and then have that be refined. He asked if the Commission was happy in leaving number two after the word subdivision except for the existing 15-foot easement on 31/9 and access to tax map/parcel 30/29A1.

Ms. Hopper moved for approval of the private road waiver for SUB-03-82, Hidden Acres Road Waiver, subject to the revised conditions of approval with the one amendment and including the unrevised conditions 3 through 8.

The final plat shall not be submitted for signature nor shall it be signed until the following conditions have been satisfactorily addressed:

1. No more than one dwelling maybe constructed on Tax Map 30, Parcels 29A and 32C. No more than two dwellings may be constructed on Tax Map 31, Parcel 9, and Tax Map 30, Parcels 32B and New Parcel 9. Any subdivision of the parcels mentioned above shall be developed generally in accord with the preliminary plat entitled *Preliminary Plat Showing Proposed Division of the Property of Hidden Acres, LLC,* prepared by Roger W. Ray & Associates, dated April 8, 2003;
2. The private road shall serve not more than a total of five lots and not more than a total of eight dwelling units (not to exceed more than two on any lot) within the subdivision. The private road shall not serve any lands outside of the subdivision, except the existing 15' easement located on Tax Map 30, Parcel 9 and the 30' easement serving Tax Map 30, Parcel 29A1. The final plat shall include notes that restate the first two sentences of this condition and identify which lots may have up to two dwelling units on them;
3. Agent approval of the final plat and deed to include language noted in condition 1 and 2.
4. New structures shall be located to the edges of forests or places where previous structures or barns stood;
5. The applicant shall submit an instrument evidencing maintenance of the private road;

6. The existing road shall be upgraded with the placement of more gravel from the junction of State Route 764 (link Evans Road) to the driveway at the existing farmhouse on TM 30, Parcel 29A;
7. An additional passing turnout shall be constructed on the south side of the existing road at the 106.61' radius curve;
8. The approximate 700' length of travelway proceeding southwest from the existing farmhouse shall satisfy the two-lot subdivision road requirements stated below:

    a. The surveyor shall certify on the final plat that the existing and/or proposed right-of-way is of adequate width and horizontal and vertical alignment to accommodate a travelway passable by ordinary passenger vehicles in all but temporary extreme weather conditions, together with area adequate for maintenance of such travelway; and

    b. Such certification may be accomplished by the following wording on the final plat: "This private road will provide reasonable access by motor vehicle as required by Section 14-514 of the Albemarle County Code." And "The streets in this subdivision may not meet the standards for acceptance into the secondary system of state highways and will not be maintained by the Virginia Department of Transportation or the County of Albemarle." (14-303n)

Mr. Thomas seconded the motion, which carried unanimously (5:0). (Loewenstein, Finley – Absent)

Mr. Rieley stated that SUB-03-82, Hidden Acres Road Waiver, was approved with conditions.

Deferred Items

ZMA 01-20 Hollymead Town Center (Sign #56) - Request to rezone 37.13 acres from C-1, Commercial and LI, Light Industrial to PD-MC, Planned Development- Mixed Commercial to allow for a mixed-use development. The property, described as Tax Map 32, Parcels 41D, 43A, 44, 45, and 46 is located in the Rio Magisterial District on Route 29 North at the Timberwood Boulevard/ Route 29 intersection. The Comprehensive Plan designates this property as the Hollymead Town Center in the Hollymead Community and recommends Mixed Use/Regional Service/ Community Service uses. (Michael Barnes)
AND

SP 03-30 Hollymead Town Center - Request for special use permit to allow residential uses in accordance with Section 25A.2.2.1 of the Zoning Ordinance which allows for uses permitted by special use in commercial districts which allows for all uses within a R-15, Residential district. The property, described as Tax Map 32 Parcels 41D, 43A, 44, 45, and 46, contains 37.13 acres and is zoned LI, Light Industrial and C1, Commercial. The proposal is located on Route 29 North at the Timberwood Boulevard/ Route 29 intersection in the Rio Magisterial District. The Comprehensive Plan designates this property as Mixed Use/Regional Service and Mixed Use/ Community Service within the Hollymead Town Center in the Hollymead Community Development Area. (Michael Barnes)
AND

ZMA 02-02 Hollymead Town Center (Sign #58, 59) - Request to rezone 24.1 acres from RA, Rural Areas to NMD, Neighborhood Model District to allow for a mixed -use development. The property, described as Tax Map 32, Parcels 46 and 41D, is located in the Rio Magisterial District on Route 29 North at the Timberwood Boulevard/ Route 29 intersection. The Comprehensive Plan designates this property as the Hollymead Town Center in the Hollymead Community and recommends Mixed Use/Community Service and Urban Density uses. (Michael Barnes)

Mr. Barnes stated that first staff would take the ZMA-01-20, SP-03-30 and the waiver requests at one time since they all pertain to Area C.

Staff brought this to the Commission on May 27 for a work session. The plan has not changed from that day. The applicant provided you with their application booklet, which put the information from the packet in a format that would be easier to use. That format will be very workable for staff. Unless there are specific questions about the application or the layout, he would not get back into that. The special use permit is for residential within Area C, which was covered within the proffers and the review with the rezoning. Staff feels that SP-03-30 should be supported without any conditions.

Then there are waiver requests from Section 21.7 and Section 4.11.1. These pertain to the rural area boundaries that are required from Rural Area Districts. Currently, Area C is zoned RA, Rural Areas as well as portions of Area A. Those portions will eventually be rezoned and become parts of the town center and would need buffers for those areas as you normally would in a Rural Area. It does not make any sense in this case. Staff supports the request for waiver requests for those sections of the ordinance.

Staff has worked with the applicant and now feels that the applicant has met the site design goals that are set forth in the Comprehensive Plan. Staff would be in a place to support approval of this application if the transportation issues were worked out. As you know, Area B has gone on to the Board. The Board is currently working on transportation issues with Area B. Staff's position is that it would best if those were worked on simultaneously and sort of integrated with the other sections. Staff's recommendation is essentially that if the Commission was satisfied with the site design issues that you would recommend it to the Board for approval pending the successful outcome of the transportation issues.

Mr. Rieley asked if there were questions for Mr. Barnes.

Mr. Edgerton asked if Mr. Barnes could define successful outcome of the traffic issues.

Mr. Barnes stated that in part he would define that as the VDOT letters that are the Attachment E and F in your report on pages 39 through 42. VDOT has sort of enumerated what the transportation elements are that need to be in place to support this development and to allow an adequate level of service on Route 29 to this section. Those in short pertain to adding an additional north and southbound lane on Route 29 in front of the light at the Timberwood intersection 1,000 feet north and south. It is hard to break this apart because they are woven together. It is essentially from Airport Road 1000 feet south continuing past the signal that is at the cemetery light with another 1000 feet from there, as well as correcting the vertical curvature on the southbound lane of Route 29 to make that match the northbound curvature for the safety concern. It is also making the internal road improvements that are called for in the Hollymead Town Center as well as the negotiations that are going on with the Board. He stated that he was not quite sure how they would exactly play out to create the connections that allow the Access Road C, sometimes referred to as the Ridge Road, to connect to Airport Road south through the Mooney property and then back to the Hollymead Drive. Then another connection would need to be made that would come from Route 29 through to Dickerson Road or the Earlysville Road area. That would start to build the successful system of parallel roads that staff believes needs to be in place to support this total development.

Mr. Cilimberg added that actuality there have been discussions with all of the developers of the Areas A, B, C and D. They have all been told what VDOT has indicated as necessary and what the County in turn would support as necessary to meet the VDOT requirements in the system improvements. Mr. Barnes has alluded to those on Route 29, those that are internal and those that would be connections. There is also before the developers an expression of the Board's interest in having the projects in this area participate ultimately in a community development authority. This authority would be for other improvements beyond the project boundaries in the

system that would be necessary to ultimately complete the transportation system as it is called for in the Comprehensive Plan. That creation of a community development authority is a future possibility. It has to be tied in with, very honestly, the development of these lands or there is really no value for a community development authority to utilize. But that has been identified. The Board has expressed a real interest in trying to use that as a piece of what would ultimately be necessary to fund larger improvements up in this area. It won't pay for all of it and it won't come close to the larger improvements because of the magnitude of those.

Mr. Edgerton asked who would pay for those.

Mr. Cilimberg stated that it was going to be an obligation that is going to be combined with projects such as these in a CDA and properties within them, the state and the county.

Mr. Edgerton asked if any of that was figured in the fiscal impact assessment.

Mr. Cilimberg stated that it was not included in the fiscal impact assessment. The Board has had that discussion and they have very definitely talked about that and made it very clear that the CDA is only going to be a piece. He noted that they don't have any six-year primary plan monies anymore. There is some money going into the Route 29 Corridor Study and a second phase corridor study as a follow-up to what was done in the past six months on the Hydraulic/Route 29 by-pass area that has been approved by CPD for this next year. Ultimately, the corridor studies could extend all the way to the North Fork of the Rivanna River. Staff has also indicated to the developers here the anticipation of funding that study. That is all that this package of information and discussion with the Board would be about as these projects are before them.

Mr. Rieley asked if there were other questions for the staff.

Ms. Hopper stated regarding the need for a public facility, particularly fire and rescue, which was mentioned by, staff, where are the negotiations for that proffer.

Mr. Barnes stated that they were still somewhat influx. He stated that in a meeting today with Tom Foley, the Assistant County Administrator, they talked about the preferred locations for the fire station, which may be changing. They were going to work on trying to get something a little more firmed up on whether the dedication of the land as the staff report suggests is a good idea. The other possibilities include the possible reservation of land or through more of a cash proffer towards a fire station that may eventually be on the eastern side of Route 29.

Mr. Rieley stated that they could not ask specifically for anything because they don't have a proposal from the County because they don't have a site.

Mr. Barnes stated that staff's vision was to try to have that completed and be in a position to be able to tell the applicant what is the best way to tackle this issue prior to approval by the Board of the rezoning of this area.

Mr. Rieley stated that he was curious to the degree to which the uses that are laid out in page 4 under the paragraph Conformity with the Land Use Plan are keyed to the application plan, and therefore bound by the rezoning. He stated that it talks about fairly specific uses by block.

Mr. Barnes stated that as you know the Daggett and Grigg plan is right here and basically put Area C into three zones. The three zones include the regional service, community service and some urban density residential. They brought some of that into their site. Staff has interpreted that broadly, but that plan has shifted as they have moved through this process. He stated that more or less the uses are consistent with the plan. The uses that are listed in the tables in the booklet on page 30 more or less correspond with those regional service uses. In fact they may be able to be interpreted a little bit more broadly so that in the regional service zone you could have things that may be construed more as a smaller service user and take up less square

footage. This would allow for more of a broader range of uses and potentially more of a mixture of uses that they would hope that would eventually be in those areas.

Mr. Rieley asked if that table was considered part of the application plan.

Mr. Barnes stated yes, that the table was a part of the rezoning package and governs the rezoning package. If it is a blank, then you cannot have that use in that block.

Mr. Rieley asked if there were other questions. There being none, he opened the public hearing and asked if the applicant would like to address both ZMA-01-20 and SP-03-30.

Katurah Roel, representative for Area C, thanked staff and everyone who have worked over the years on this project. He noted that he was glad to see it coming to some focus. The two points raised that staff says are still unresolved are largely due to definition or be able to make the issues resolved. Both Mr. Runkle and he have determined the location for a fire station and have reserved the land. However, the County is not quite sure if they want it there. He stated that they would continue to work on that issue. He pointed out that he had met with VDOT a couple of times to narrow down what is referred to on page 39 for VDOT requirements for Area C. Both he and Mr. Runkle have been concerned that any improvements or overall improvements were certainly conditions for the development, but various parts have different impacts. He stated that they wanted to make sure that VDOT separates what is required of their area to mitigate and then what Area B's and their entrance for Access Road A for their mitigation. Other than that, they have tried to work cooperatively with everyone else to make joint points. The waivers, especially due to the happenings of the rezonings, certainly don't want to try to leave a 20 foot undisturbed buffer up against what is intended to be future commercial properties and thereby inhibiting the possibilities to make this development function to provide access across the property lines. Obviously, everything around it is developing or needs to have access. He stated that he would be happy to answer any questions about the booklet. He hoped that the booklet spells out a good method for development that will be an example for the others to follow.

Mr. Rieley asked if there were questions for Mr.Roell?

Mr. Craddock thanked Mr. Roel for the booklet because it looks very good.

Mr. Roell stated that there were still a few minor refinements, but most of the bugs were worked out.

Mr. Rieley stated that there was one person who was signed up to speak. He asked Kay Slaughter to come forward to address the Commission.

Kay Slaughter, Senior Attorney at the Southern Environmental Law Center, stated that they strongly support the County's efforts to promote mixed-use town centers in the designated growth areas. However, we have serious concerns about the Hollymead Town Center, especially its impacts on the regional transportation system, by itself and cumulatively with Albemarle Place and North Pointe. As Hollymead moves ahead of the other two projects, its precedential impact cannot be overstated. Twenty years ago, Albemarle officials' decisions led to the current sprawl along 29. How you advise on and how the Board of Supervisors chooses to deal with Hollymead is critical to the future of Albemarle County. We urge you to take the time to step back, look at the big picture and be conservative and cautious in your approach. Hollymead Town Center should not be considered piecemeal. Area A --- no yet before you – contains the heart of the development project and will have many of the most significant impacts. The Planning Commission should defer sending a recommendation on C and D until Area A is reviewed. Most important, the project will exacerbate traffic on Route 29, the major transportation corridor for local and through traffic. In order to serve both local and through traffic, transportation projects must be implemented before additional regional shopping trips snarl traffic further in the corridor. Through the Metropolitan Planning Organization, Albemarle County has designated its top ten

transportation priorities along this corridor. These comprise over $63,000,000 worth of projects, including the Meadowcreek Parkway and improvements near Airport and Proffit Roads. (MPO FY 2003 TIP, page 57). Development of the Hollymead Town Center will accelerate need for these projects, which are not yet funded. In addition, the County along with the City most recently participated in identification of further improvements in the US 29-Hydraulic-250 Bypass Intersections Study, which requires additional new funding of approximately $175,000,000. (29H250, page 105.) While developers are looking to the establishment of a Community Development Authority (CDA) to fund highway improvements, you must access the increased transportation issues generated by this project and compare the total dollar need to the dollars generated by a CDA. The Planning Commission should not approve the project until there is a clear picture of the proposed CDA and the likely financial contributions from various development projects. We reiterate that Albemarle's top transportation priorities equal $63 million; Hydraulic intersection improvements, another $174 million and even before you look at VDOT's request for additional lanes and signals, an as-of-yet an undetermined amount. A CDA, as Mr. Cilimberg said, would fund but a small portion of the total need of almost a quarter billion dollars. We also remain concerned that the project is not truly mixed use but merely different uses located adjacent to one another: Housing next to office/residential next to commercial. Re-packaging more of the same strip development will not change development patterns in Albemarle County that are currently chewing up our land, clogging roads and generating air and water pollution. However, in order not to compound traffic problems on 29, Hollymead needs a network of roads - - rather than merely parallel roads - - to take the traffic off Route 29 and make the area usable by walkers and bicyclists. She pointed out that she submitted a report entitled, "Proposed Route 29 Widening and Parallel Frontage Roads: A Review of Need and Design" which was prepared for the Southern Environmental Law Center by Glatting Jackson Kercher Anglin Lopez Rinehart, Inc. dated October 9, 2000. (See the attached copy of the report and diagram.) She stated that the Commission has seen this report previously in a diagram showing how that would work as attached to this. Area A is vital to this network; thus, approval of B, C and D would be premature without the critical connections in Area A. The Planning Commission should therefore defer approval until 1) Area A is considered; 2) the transportation needs - - including the additional traffic generated by this project and the dollars needed to correct the problem - - are compared with the improvements that can be funded by a CDA; and 3) there is a definable and workable network of neighborhood-scaled roads connecting to existing roads east and west and north and south. Should you however decide to recommend these projects, we urge you to recommend to the Board of Supervisors that they defer a final decision until have A, B, C and D before them together and until they can answer these questions about the cost of these infrastructures, especially the roads. She stated that she would be happy to answer any questions. (See the attached copy of the report.)

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

Mr. Thomas stated that regarding the $174 million on the Hydraulic intersection, does that include the interchange and all of the improvements.

Ms. Slaughter stated yes, since that amount includes Hillsdale, the interchange, Angus Road, and that whole package.

Mr. Rieley asked if anyone else wanted to address these applications. There being none, he closed the public hearing to bring the matter back to the Commission for discussion and possible action.

Mr. Thomas agreed that traffic was their main concern. He stated that it was voiced in the staff report very strongly that is the wrench that makes the whole thing turn. He questioned how the project could be phased since the traffic will be the deciding point.

Mr. Rieley stated that the Commission has had ample opportunity through several work sessions to express their views about the formal relationships and uses within this project. He agreed with

Mr. Thomas that the major issues tend to relate to the transportation. He pointed out that he was struck by the fact that they have more dangling issues with this application than we almost have ever had. Staff, the applicant and Ms. Slaughter articulated five different areas in which they don't have a resolution or a provision for interconnection on a broader scale both north/south and east/west roads. The participation of all of the parties in a CDA, which even though it is a small component of the solution, is clearly a critical one. Participation of the applicants in the study that will carry this transportation study far enough up 29 North to include this area. There needs to be a provision for a fire and rescue facility and where it will be. Also, there needs to be the inclusion of Area A with the impacts of Area A added into the cumulative impacts of the other three pieces of this. Therefore, there is a lot of dangling remaining issues. On the other side of the coin, if the Commission denies this request or asks for a further deferral to refine these issues further, it has the practical effect of separating these applications from the Area B application which the Board will hear on July 16th. In some ways one could argue that their best mechanism to have the Board look at all of these together is to give them something as close as they could in a full package to look at.

Mr. Thomas asked if that mechanism was already included in what they have discussed.

Mr. Rieley stated that if the Commission can articulate all of the areas of concern clearly, he thought essentially that was what staff had recommended.

Ms. Hopper asked Mr. Barnes where in the pipeline is Area A right now.

Mr. Barnes stated that to date staff has not had conversations on what they can do to bring their application into compliance with the points outlined in the staff report which was looked at back in March. He noted that he had thought about this. The applicant has said that he needed to know more about what staff needs for him to do. After going back and reviewing the staff report, he found that there is a lot of information there that states to the applicant what staff is looking for regarding what we need and why staff thought it was an incomplete application. He pointed out that the information was there and the applicant is yet to respond to that.

Mr. Cilimberg asked to mentioned something that came up as part of the consideration that staff provided in a report to the Board of Supervisors that affects Area A, but is about Area B. When staff thought Area B was going to the Board at the first deferred hearing, a report was provided which did note at a minimum that one of the necessary components associated with Area B would be connection to and provision for the Ridge Road on Area A. That has been conveyed to the applicant for Area B who is in fact also a party in the Area A application. There are some essential components to Area D that are in fact part of Area A. Even though that area is not yet before the Commission and the Board for a decision, staff feels this needs to be addressed as part of the Area B application. That is in part then to provide for interconnectivity, but essentially to provide more than the access to Route 29 for Area B's development.

Mr. Rieley stated that could certainly include an east/west connection as well as the north/south connection as represented by the Ridge Road.

Mr. Cilimberg stated that was in fact noted in the letter from VDOT, and staff has indicated that to all of the applicants that those are things that need to be provided for and ultimately connections that have to be made.

Mr. Edgerton stated that on the commitment that was made or that is currently being discussed for Ridge Road, it is not all the way through but was just until it can connect back into it.

Mr. Cilimberg stated that Mr. Barnes could point out the road's location. Basically, it was sort of an L from Route 29 up to the Ridge Road and over to Area C. Going south from there would be taken up as part of the Area A application and the ultimate connection goes off site and would not be under the control of any of these owners. That along with the connections to the south was

part of what the VDOT letter refers to and it did not come up as a minimal part of the discussion of what needs to go with Area B. It is part of the overall package that the Board will be looking at in July.

Ms. Hopper stated that the list of considerations that Mr. Rieley described earlier should be made a part of the Commission's motion. She suggested that the Area A issue be flushed out more as it pertained to Ridge Road so that it can be pointed out to the Board of Supervisors. With those five considerations noted, she pointed out that she would be prepared to vote for approval of this subject to that.

Mr. Rieley noted that he liked the way that staff's recommendation was worded. Should the Commission agree, staff offers the alternative for the Commission to forward this application to the Board with the staff's recommendations and with the recommendations of our own. That seems to move this along to the Board so that they can hear it all as one package, but it also articulates our concerns for these unresolved issues. Frankly, it puts a very difficult issue in the lap of the Board because he felt in the $63 million that Ms. Slaughter pointed to that they should back out the Meadowcreek Parkway because he thought that is funded. Clearly, there was well over $200 million worth of improvements. If you just look at the area around the Hydraulic/Route 29 intersection relative to what a CDA might generate in that area, a generous estimate would be a million dollars a year. That means it would take 174 years to generate enough money to make the transportation improvements. That gives an idea of how inadequate a CDA is going to be in the long run.

Mr. Thomas pointed out that they have to start somewhere. He pointed out that $174 million would not be all spent in one day, but would be spent over a period of years. He stated that the money for the Meadowcreek Parkway should not be moved, but spent for construction of the parkway. He noted that the improvements on Route 29 would have to be phased in over a number of years.

Mr. Rieley stated that his only point was that a 174-year phasing plan is a pretty long phasing. There is a tremendous amount of money that will have to come from somewhere to generate this. The question is where is the money going to come from, which is the problem that they are passing along to the Board.

Mr. Edgerton thanked the staff for their hard work and the developers for trying hard without coming together as much as he would like to see them. He thought that there has been some sincere effort in trying to do this. He agreed with the statement made by Ms. Slaughter that the project is clearly not a mixed use, but merely different uses. He stated that might be the way that they have to work into this over a gradual period of time. No matter on how hard he tried, he did not think that they were fulfilling their duty to just pass this on to the Board without a recommendation from a Planning perspective. From a Planning perspective, if they were looking at over $200 million dollars of transportation improvement to make this a possible scenario for our community, then he thought that they have an obligation to take a stand that this does not make sense at this point. He noted that they don't know where this money is going to come from. He acknowledged Mr. Thomas' point that it would not be all spent in one day, but they have to recognize that those are the estimates at today's cost and the costs will go up over the years. He stated that they have a responsibility, as a Planning Commission to make a recommendation about how they feel this will work as a planning project. Ultimately the Board is going to have to make the decision on this project on whether it is a good project for the community or not. He stated that he was not comfortable with just passing this along so that it could all be heard together. He stated that he probably could find a way to work with this project if he had any optimism that they could deal with the traffic impacts. He noted that he had not been able to find any way or any reason to be optimistic that they will be able to do that in the foreseeable future. At that point, he felt that it does not make sense on any level. He pointed out that he read the fiscal impact study very carefully and that does not even include the most important issue. He noted that he was having trouble with this one and was going to have to vote against it.

Mr. Craddock concurred with the Chairman about bringing these applications together. Personally, he felt that Area A would be a lot more thought out and well done if it had some type of report like this that would bring it all down to make B, C and D more coherent. If Area A could have something along these lines and B, C and D go on to the Board together hopefully would make it a coherent package right there. He stated that he was for moving the applications.

Mr. Rieley asked if they would like to include in their list of shortcomings the fact that the Area A plan does not include sufficient detail like the report they received on Area C.

Mr. Craddock agreed with Mr. Rieley.

Mr. Rieley stated that the Area A plan does not contain sufficient detail like the report the Commission received for Area C.

Mr. Thomas moved for approval of ZMA-01-20, Hollymead Town Center, with the additional requests from the Planning Commission on the traffic issues included in the concerns articulated by Mr. Rieley. These five conditions were:

1. Provision for interparcel connections to the north to Airport Road (via Access Road C), to the south to North Hollymead Drive (via Access Road C), and to the west to Dickerson Road (via Access Road A).
2. Provision that all participants be in a Community Development Authority that would help fund transportation improvements.
3. Participation in a regional transportation study.
4. Resolution of the fire/rescue facility issue should be resolved.
5. The design for Area A, especially the mixed use area, should be further refined and included as part of the other rezoning approvals.

Ms. Hopper asked to make a friendly amendment to change the motion to say recommend approval to be forwarded to the Board to match the language in the staff report on page 15.

Mr. Kamptner stated that the Board would want a conditional recommendation that you recommend approval subject to issues 1 through 6 being addressed to the satisfaction of the Board.

Mr. Thomas asked Ms. Hopper if she liked Mr. Kamptner's wording.

Ms. Hopper stated that she did not agree with his wording. She withdrew the friendly amendment since she wanted to discuss this issue.

Mr. Craddock seconded the motion so that the issues can be discussed.

Ms. Hopper stated that with that in mind that the Commission was in the position that they either have to approve or deny, but what they were really doing was forwarding this to the Board to have a more thorough discussion of all of the issues. She felt that it made more sense to move to deny the request with the caveat to consider all of the issues to make it clear that that it has not been resolved. With all of the other positive things that the Commission said still applying, it does not make logical sense to move for approval to say subject to all of these things being resolved. She stated that she would not vote for his motion based on that.

Mr. Edgerton pointed out that was basically what he was trying to say. He felt that the Commissoin had a responsibility to take a position on it and if they really do think it is ready to go, then they should approve it. But if it is not, then he thought that need to tell them so and give them a list. He suggested that they recommend denial and then list the items.

Mr. Thomas withdrew his motion since he did not want a motion on the floor to deny.

Mr. Edgerton made a motion to deny the request for the purposes of addressing the five issues that were identified by the Chairman. He stated that the motion would state that the Commission felt compelled to deny until they could address these issues.

Mr. Kamptner asked that before they move to that, since there was a motion and a second to approve, he wanted to make sure that the first motion was cleared out. He stated that the safe thing to do was to take a vote on the first motion.

Mr. Rieley asked for a vote on the first motion to approve ZMA-01-20 with conditions.

The motion failed (3:2). (Edgerton, Rieley, Hopper - No) (Thomas, Craddock - Aye)

Mr. Rieley asked for another motion.

Mr. Edgerton moved for denial of ZMA-01-20, Hollymead Town Center, because of the inability to resolve the five issues as noted.

Ms. Hopper seconded the motion.

Mr. Rieley read the list, which contain the five issues that need to be addressed. These items are primarily related to transportation and include the following:

1. Provision for interparcel connections to the north to Airport Road (via Access Road C), to the south to North Hollymead Drive (via Access Road C), and to the west to Dickerson Road (via Access Road A).
2. Provision that all participants be in a Community Development Authority that would help fund transportation improvements.
3. Full participation in a regional transportation study.
4. Resolution of the fire/rescue facility issue should be resolved.
5. The design for Area A, especially the mixed use area, should be further refined and included as part of the other rezoning approvals.

He asked if those concerns were correct.

Mr. Cilimberg suggested that it might be helpful if the Board understands if the Commission has an opinion about Area C's internal characteristics or in other words, the basis. Staff has said that they have met land use and site design goals and requirements. If the Commission has any comment on that, he thought that it would be useful for the Board.

Mr. Rieley stated that it was in the minutes, and it was implied that issue was not among the items that they were raising concerns about. For the record, the Commission generally is comfortable with the internal relationships expressed in Area C.

Mr. Edgerton stated that he had already expressed his opinion in that he did not feel that it was a true mixed-use development. He stated that Area C has made an attempt at mixed use, but it was far from what he envisioned when he was thinking about a town center with truly mixed use development.

Ms. Hopper asked if he needed a clearer signal than that on that issue.

Mr. Rieley stated that he would feel comfortable if they vote on the things that they have talked about and allow the minutes to reflect the various opinions of the Commissioners on the other items.

Ms. Hopper stated that she did not remember if she had commented on that issue. She stated that she was comfortable with the land use and site design and would vote for approval on that issue. The other issues that are listed are why she is voting for denial.

Mr. Craddock stated that he was in general agreement with Area C.

Mr. Rieley stated that he had some reservations about the configuration. The Planning Commission has had at least three work sessions on this and he raised his concerns then. He stated that there was a motion and second on the floor.

Mr. Kamptner asked if that list includes all of the recommendations that VDOT made for Area C in its May 30 letter.

Mr. Rieley stated that the list includes all of the recommendations that staff made and staff embraced VDOT's concerns.

Mr. Barnes stated that VDOT was saying that improvements need to be made along Route 29 at 1,000 feet north and south of the signal, and the internal connections need to be made. He pointed out what he was hearing from Mr. Rieley's points was that it really needs to go beyond that since it was not just that kernel. It has to include the extension of Access Road C to tie Ridge Road all the way to the Airport and south of Hollymead Drive and Access Road C all the way over to Dickerson Road. He asked if that was correct.

Mr. Edgerton stated that the VDOT letter actually speaks to not being able to look at this in a piecemeal way and these conditions address that.

Mr. Rieley agreed since this is the Commission's opportunity to do that. He stated that the motion was for denial and the reasons are listed in addition to those that staff has articulated. He asked if there was a second to the motion or any further discussion. He stated that he was persuaded by the arguments. He noted that one of the main arguments for sending this along for approval subject to these reservations is that he wanted the Board to hear all of the requests at one time. He pointed out that it would get to the Board at the exact same time with a recommendation for denial as it would with a recommendation for approval.

Ms. Hopper seconded the motion.

The motion carried (3:2) for denial. (Craddock, Thomas – No) (Hopper, Rieley, Edgerton – Aye)

Mr. Rieley stated that ZMA-01-20 would go to the Board with a recommendation for denial with very specific items for them to address.

Mr. Rieley stated that the next item is SP-03-30, which is a waiver request to allow residential uses in the PD-MC district.

Mr. Cilimberg suggested that the vote be based on if the Board approves the request so that they will have the Commission's recommendation on this.

Mr. Barnes stated that staff is not recommending any conditions on this special use permit because if the ZMA is approved the constraints in the application plan or booklet will more than adequately control the residential uses.

Mr. Rieley asked if there were any comments about this. He stated that this request was very a very straightforward mechanism to allow some of the Neighborhood Model principles to work their way into a more conventional zoning designation.

Mr. Thomas agreed with Mr. Barnes on this since the application book will dictate. He pointed out that he read on one page that all 12 principles are used in Area C.

Ms. Hopper stated that based on Mr. Cilimberg's comments, she would move for denial subject to the approval of the ZMA. She stated that if they approved the special use permit.

Mr. Cilimberg stated that the Commission was making a recommendation to the Board so that you are recommending how they should act on the special use permit provided that the zoning map amendment is approved. Otherwise, the special use permit can't be acted on by the Board.

Ms. Hopper stated that one of the conditions was that the zoning map amendment be approved.

Mr. Cilimberg stated that the ZMA has to be approved for the special use permit to even be acted on. He stated that the Commission was recommending the special use permit.

Ms. Hopper recommended the approval of SP-03-30 and of the waivers subject to the ZMA-01-20 being approved by the Board.

Mr. Thomas seconded the motion, which carried unanimously (5:0). (Loewenstein, Finley – Absent)

Mr. Rieley stated that SP-03-30 would go to the Board with a recommendation for approval contingent on the approval of the ZMA.

Mr. Rieley pointed out that the waivers would have the same condition that the waivers would not come into effect unless the ZMA is passed. The first waiver is from Section 21.7.1-3, which requires a 30-foot setback from streets and a 50-foot setback from a RA setback. Mr. Barnes articulated the need for the waivers in the staff report. He asked for a motion on the waivers.

Ms. Hopper moved for the approval of the waivers subject to the approval of the ZMA-01-20.

Mr. Rieley asked if they could do all of the waivers at once, and Mr. Kamptner stated that they could.

Mr. Rieley pointed out that the second waiver was from Section 4.11.1 to allow covered porches, balconies, chimneys and eaves to project closer than 6 feet to a lot line.

Mr. Craddock seconded the motion.

The motion carried unanimously (5:0). (Loewenstein, Finley – absent)

Mr. Rieley stated that the waivers are approved subject to the approval of the ZMA-01-20.
He stated that the next item before the Commission was ZMA-02-02, Hollymead Town Center, Area D.
Mr. Barnes stated that this application was brought to the Commission on May 27 for a work session. There was some discussion held on this item. There were questions for staff which included how this application should relate to Deerwood Subdivision, questions related to stormwater and streets. Staff has worked in the intervening time to resolve all of those concerns. The form presented by the applicant was well received by the Commission. At this time staff is recommending, based on the land use and site design elements, that this could be approved if the issues related to traffic and all of the other concerns articulated by Mr. Rieley previously could be addressed.

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

Mr. Cilimberg noted from the staff report that this particular area has the lowest level of traffic generation. They are part of the discussion of the traffic impacts, but this area's is relatively low because of the nature of the uses.

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

Steve Runkle stated that he was a little perplexed and had been for some time in this process. He stated that he agreed to participate in the development of a masterplan, which was his suggestion at the Board Supervisor's meeting when staff's CPA moved to the Board for this approval. When it appeared that the CPA was in trouble, he suggested with the agreement of the other participants that maybe they could come together and develop a masterplan with design guidelines and so forth that would be acceptable to everybody. That attempt was made and it generated the Daggett and Grigg masterplan with the design guidelines and the CPA language that was developed by staff. He stated that he did not agree at that time to make his rezoning application contingent on the other applications. Just as in Crozet where a masterplan is close to being adopted and he was trying to initiate a rezoning, that he did not intend for that rezoning to be subject to the whelms of other people's planned land use or rezonings. He stated that his assumption was that if he meets the goals set forth in the Comp Plan as expressed in the masterplan and the design criteria, that he should be allowed to proceed particularly if he was willing to mitigate his impacts. He stated that was the position that he takes here. From the beginning of this process, this has been treated as one application. He noted that it was not one application, but multiple applications. He stated that he did not understand the rationale that if he had a masterplan that he could not evaluate a piece of it without having all the pieces if he already had a plan. If that is the case, he did not know how masterplanning our development areas would help us. He noted that was one concern that he had here. This has boiled down to basically a traffic issue. He stated that he was willing to proffer, as has been suggested, to limit his development to a traffic generation number that would be acceptable. Comments from VDOT relative to their piece has not been received as have Areas B and C. He noted that he has requested that, and staff has now passed that request on to VDOT. In his conversations with VDOT, his belief is that their response is going to be that minimal or almost no improvements would be required as part of this phase. But repeatedly they have indicated a willingness to belong to a CDA, to be part of a CDA, to mitigate their impacts through up front contributions, or deal with their traffic issues as they have done on other projects. He stated that as a member of a group he was not going to agree to be part of a solution to off-site improvements without also agreeing to the on-site improvements. Also, he was not going to be subject to a unified set of improvements that would result if those people should go away after that agreement is reached for whatever reason, and then he would be subject to that agreement before he could start. He stated that if Area D were outside of the Hollymead Town Center that he would be treated differently. He questioned if there was another rezoning in progress if they would be treated the same way. He felt that he was being held hostage because he was part of something that they have tried to put together to assist in the review process. Our maximum traffic generation would be approximately 2,000 or 2,100. One of their development scenarios would be about 130 townhouses, which would be less than 1,000 in traffic generation. If in order to proceed that the Commission and Board feel like it would be appropriate to keep it at 1,000 or 1,500, then he would agree to that level of development. He stated that he was happy to try to scale their development to the infrastructure capacity that exists with the mitigation that he was willing to participate in. He stated that he could not get any direction. He stated that he was willing to help correct this on the basis of his impact. He stated that it was not reasonable to expect that he would provide more correction than that. As he understood, one of the comments was that some of the conditions imposed requires that the group of owners relative to Hollymead Town Center would be required potentially to make improvements out of their control or on property off-site not owned by them. If that is going to be a requirement here or at other locations, then the County is going to have to come to grips on how that can be made to happen. He stated that he could not make it happen, just as no other individual developer could. He asked for a definition of mixed use and what other uses did they want to be mixed in this area. At the beginning, the level of

density discussed was far greater than what this is. The minimum FAR was .75. If the traffic study had been based on that FAR, the traffic impact would have been much larger. This puts the development community in the position of trying to meet the goal of the Comp Plan by design, density and to get as much utilization in the development areas as he could. However, what he was hearing was that he could not do anything until they solved the traffic problem. He pointed out that he was saying that he has solved his traffic problem, so please don't make him wait until the applicant across the street could solve his traffic problems.

Mr. Rieley asked if anyone else wanted to speak regarding this matter. There being no one, he closed the public hearing to bring the matter back before the Commission for discussion and possible action. He asked to respond to a couple of Mr. Runkle's remarks. He stated that it very well might be true that the density that they were seeking for the town center when they were looking at it without the regional service component at a .75 FAR would have generated traffic in excess of what is being proposed. He pointed out that a Comp Plan is a twenty-year vision and was not something necessarily that moved as quickly as this project. The traffic for a shopping center occurs all at once, and a Comp Plan envisions a longer view of things. He stated that they stand some better chance over a twenty-year period of having transportation improvements being in sequence with the development. He felt that there was a little bit of misunderstanding with their list of reservations that they passed along to the Board. He felt that they were suggesting that all of these should be looked at together because their cumulative impact is taken into consideration because that impact is the reality that they have to deal with. He noted that they did not suggest that any applicant be required to make improvements on somebody else's property.

Mr. Edgerton stated that Mr. Runkle was asking the County to rezone a very limited piece of land that was currently zoned RA. The 24 acres has by-right 5 single-family developments. He is requesting between 97 and 370 dwelling units on this piece of property. The property is in the area that was masterplanned as part of Hollymead Town Center. There would be an enormous benefit to his development if the town center could be developed to support his development as well. He stated that it was not quite fair to just look at this as he was suggesting as an isolated piece of land that he was requesting a rezoning on. He is asking the County to rezone a very limited piece of rural land right now. He felt that they need to remember that. As far as his questions about mixed use, he pointed out that, his objection is the grouping of all the residential. He acknowledged that he did have a mixed use of residential uses and he applauded that. However, the fact was that all of the residential was grouped. There has been a suggestion by the owner of Area A of more of an integrated mixed use where there would perhaps be different activities on different levels. He noted that in Area C they had some of that. He stated that Area B is not mixed use at all, as far as he could tell since it was just a shopping center. He noted that he felt compelled to respond to some of his comments since there had been a misunderstanding. He felt that this should be treated the same way that Area C was and that they should address it forthwith.

Mr. Thomas stated that he had one comment about Mr. Runkle's mixed use. He stated that as a Commissioner he would like to have more concrete information on how to determine mixed use. He pointed out that a lot of things that they look at are mixed use. He stated that the town center was intermixed. When they started out about 7 years ago with mixed use, it would be in phases and include shopping, townhouses, apartments and then a single-family dwelling. Then it moved into a mixed use of having commercial on the first level, apartments on the second and whatever on the third level. He asked if that was mixed use or does it have to be mixed on the same area like a shopping area. He asked if a shopping area, apartments, and townhouses on a project a mixed use. He asked if it has to be intermixed all through the project.

Mr. Rieley stated that both cases were mixed use. He stated that he was satisfied with the range of activities within a reasonable walk on this project that this is mixed use. He stated that they could debate the intensity of the various uses, but he believed that it was a mixed use.

Mr. Thomas agreed that this area was within the 5-minute walking circle discussed previously and that within that circle it was a mixed use.

Ms. Hopper stated that she sat on DISC with Mr. Runkle for a few months. She stated that the town center idea was presented and discussed in DISC. She stated that it was discussed at length and it was discussed at their meeting. She stated that they did not actually adopt the aspect of the idea of having residential on the fringes more and then having the main activity in the middle. The main activity would have more of the mixed use, but the edges would have more of the residential. She felt that it was certainly in keeping with that. She agreed with Mr. Edgerton's comments that Area D has benefited by the CPA has a whole that makes it more valuable. She felt that Mr. Runkle was correct that his application maybe more than any other have been held hostage by the process. She felt that some of that has been necessary particularly since with the CPA the road network shifted as we went through the process of ironing out the details. When the road network shifted, it became necessary to get the rezonings done because it no longer purported with the CPA. Finally, if the VDOT letter was back about Area D and if the details were ironed out about how to address the impacts of Area D then she would be much closer to approving this tonight. She felt that the Commission was in the same position as they were earlier with Area C because they did not know exactly what was going to have to be done to mitigate the traffic impacts of Area D. She pointed out that she would vote for denial again subject to the resolution of the five issues. She noted that Area D does not have the same burden to mitigate the traffic impacts as the rest of the applications do.

Mr. Rieley agreed with almost everything Ms. Hopper said. He stated that the traffic is the major issue on this entire project. He stated that there was an issue of magnitude here. He felt that the amount of traffic generated by this particular project in and of itself should not hold it up. He felt that the magnitude was not great enough to warrant that. He stated that he would like to see this move ahead with a recommendation for approval but with a reiteration that the issues that they discussed in the others remain issues. He noted that the ones that are particularly pertinent to this site are the participation in a CDA, the study of the Route 29 Corridor and the resolution of the issue of the location of the fire/rescue facility. Obviously the level of participation in the CDA should be in proportion to the degree of traffic that this particular component is generating. He stated that the magnitude of this project does not warrant holding it up based on the issues concerning Area A and the broader issue of interconnectivity. He stated that it was a matter of scale.

Mr. Thomas asked if by chance Area D was approved by the Board and Area C was not, how would he access his property.

Mr. Rieley stated that was precisely why these things should move through the process together.

Mr. Thomas stated that he would like to ask Mr. Runkle how he would access his property if his were passed and Area C was not.

Mr. Runkle stated that the property to the north was part of the Airport Road's improvements and VDOT was going to build a crossover. They were going to building a road down the eastern boundary of that property to the property under rezoning in order to get access back to the post office facility for the trucks coming in. That would provide access to this property. They also have an agreement with the current road that serves the post office facility to provide access for this and they have access potentially out of Deerwood Subdivision as well.

Mr. Rieley stated that they clearly could move ahead.

Mr. Edgerton asked Mr. Runkle if assuming that the rest of these are held up you still would have that option.

Mr. Runkle stated that in order to accommodate the masterplan, the roads started shifting around and they were sitting and waiting. Timberwood Boulevard Extended goes over and connects to Airport Road and is part on their property. He pointed out that they would be shifting some properties around to enable the centerline of their property to run down the centerline of that road. He stated that he could meet the condition of this plan. The only problem that he has with meeting the masterplan on this one was that he might have to adjust out Timberwood's work a little. The road between Area D and Area A is on that plan shown entirely on Mr. Wood's property. As the roads evolved somehow that road ended up on our joint property line. Now the road is shown on the masterplan as being centered on their property line. The issue could be how could we build that road. He asked if he would have the flexibility of moving that road far enough onto their property to keep the same general concept with the plan and be able to develop it internally. He pointed out that as long as he could deal with it internally there would be no problem, but if he could not then it would create many problems dealing with the masterplan.

Mr. Edgerton asked if they have gotten anything back on the traffic generation from VDOT.

Mr. Rieley asked Mr. Barnes what was the best information they have on the traffic for Area D.

Mr. Barnes stated that the traffic has been broken down in some of their tables, but he did not have that right in front of him. He stated that just raw trips generated without consideration of pass by and internal capture rates which bring these numbers down, he thought Area B was at 17,000, Area C was at 12,000, and Area D was at 2,000. On the order of magnitude it is less, but it still is not insignificant because it still is traffic and has an impact on the corridor. Relatively speaking the traffic on Area D is insignificant.

Mr. Rieley asked if they approve this with the stipulation that the traffic be taken into account and that issue be resolved, then they were not ignoring the significance of that traffic.

Mr. Barnes stated furthermore this was just something that staff felt that the Board should deal with them all together. He suggested that the CPA might not apply to an all-residential portion, but perhaps it would be a one-time cash proffer, which could be incorporated in to the sale price. There are multiple ways of handling this that staff would try to work through in the upcoming weeks and maybe m months.

Mr. Rieley stated that they all acknowledge that when this gets to the Board that they will work out modifications that make sense.

Mr. Edgerton stated that he was concerned with the Commission sending a mixed signal to the Board by sending two different pieces of this with two different positions.

Ms. Hopper stated that to be consistent they have to move for denial, but she thought that they could add to their list of conditions or add a statement that recognizes that Area D is different. Area D relative to the other applications does not have the same volume. If they had the information before them with the VDOT letter and the mitigation and whether staff recommends CPA or a cash proffer, then she could see Area D getting approved before the other pieces which are much more complicated and long term. In order not to send a mixed message to the Board, she suggested that they move for denial.

Mr. Rieley stated that they both make good points. He stated that these two applications are different enough to sending one with a recommendation for approval subject to several things that need to be dealt with and another one for denial with the reasons for that denial and those being very similar. He stated that from the beginning he had always thought this was the piece that was

the most consistent with the Neighborhood Model and was the piece that was best resolved. He stated that they were down to the issue of traffic and the magnitude of the traffic that this project is contributing to that problem and how it can be dealt with. He felt that it was appropriate to send a mixed signal. He noted that the Board would hear both requests at one time.

Mr. Thomas moved for approval of ZMA-02-02 with the following three conditions to be satisfied before approval could be granted:

1. Provision that all participants be in a Community Development Authority that would help fund transportation improvements.
2. Participation in a regional transportation study.
3. Resolution of the fire/rescue facility issue should be resolved.

Mr. Rieley asked if the conditions include the participation in a CDA or its equivalent, the participation in the 29 Study, and resolution of the fire/rescue facility.

Mr. Thomas agreed that all of the items that Mr. Rieley mentioned were part of the motion.

Mr. Craddock seconded the motion.

The motion carried (3:2) subject to the recommendations. (Edgerton, Hopper – No) (Loewenstein, Finley – Absent)

Mr. Rieley stated that ZMA-02-02 would go the Board with a recommendation for approval with staff's recommendations and the three areas of concern.

Ms. Hopper moved for approvals of the two waivers subject to the Board's approval of ZMA-02-02.

Mr. Thomas seconded the motion.

The motion carried unanimously (5:0). (Loewenstein, Finley – Absent)

Mr. Rieley stated that the waivers that were described on page 26 and the same waivers requested in the previous application passed subject to the approval of ZMA-02-20.

The meeting took a 15-minutes break at 8:10 p.m.

The meeting reconvened at 8:20 p.m.

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

Mr. Clark passed out a copy of the vicinity map. He summarized the staff report.

The applicant is proposing two stream crossings for road access to the recently approved Old Trail Golf Club and for future residential development of the remainder of the Old Trail property. There are two stream crossing being proposed on Slabtown Branch, where two forks of the

stream are being crossed. One with a pair of 60 inch concrete culverts and one with a single culvert.

Lickinghold Creek and Slabtown Branch are both perennial streams and are indicated as Important Stream Valleys in the Open Space Plan. The other crossing is on Lickinghole Creek and that would be a bridge. The design of the bridge has not been determined yet.

These crossings are placed in such a way that they match up the general road network indicated in the Crozet Framework Plan which is not yet a part of the Comprehensive Plan, but is expected to be adopted in basically the current framework. These crossings would make that road network possible.

The main concern of these crossings is to avoid increasing flood levels upstream of the newly installed crossings. The applicant has worked with the Engineering Department in quite a bit of detail to make sure that at least the preliminary designs will be acceptable and the final details will be worked out and in accord with the conditions that you have at the end of your report.

One additional concern that came up during the review is that the southern crossing on Slabtown Branch is sited at a confluence of two streams in a floodplain. Such locations have been recognized as probable sites of Native American archaeological sites found in the County. In order to investigate whether there is a site there and address the impacts to it, staff is recommending an additional condition for an archaeologist study. The description of that study is attached to the report. Basically phase one is an investigation stage to find out whether or not there is a significant site there at all. Then if so, that study would produce recommendations about how best to treat the site.

There is also a total of 3.1 acres of impact from construction of the two crossings plus possibly some additional areas outside of the cut and fill areas where they would be constructed which will impact the stream and stream buffer areas. The applicants are working in detail with the Engineering Department to develop a mitigation plan for those crossings. There is some additional work to be done on that to come up with the final plan. The plan will prepare stream buffers along both of those creeks and also will provide some restoration of wetlands downstream of the Lickinghole Crossing. Again, the draft mitigation plans are attached to the report.

In summary, staff found that the crossings would provide the necessary road access for developing this portion of the Crozet community in accord with the Comprehensive Plan. The crossings are also in accord with the road network proposed and the framework plan and are necessary to provide access to the already-approved Old Trail Golf Club.

Staff is recommending approval of the request with the five conditions listed in the staff report.

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

Mr. Edgerton asked for assistance on locating the stream crossing on the handout.

Mr. Clark pointed out the two stream crossing locations on the handout.

Mr. Rieley asked if there were other questions for Mr. Clark. Since there was none, he opened the public hearing and asked if the applicant would like to address the Commission.

Paul Tramp, Transportation Manager for the Timmons Group, stated that Jerry Cammus, the golf course developer, and Tom Sinclair, Construction Manager were present. He stated that they have been working very closely with the Planning staff during the Crozet Masterplan process to make sure that the north/south road that will go through the development and serve the golf course will be in general conformance with the proposed Crozet Masterplan. They also have

been working closely with Engineering on the specific designs of these crossings to make sure that they do minimize the impacts of the streams, stream buffers and any other environmental issues that they have. They think that they have worked out a good engineering design and look forward to developing the final plans to begin the road construction. Then the access to the golf course can take place quickly and the north/south access through the development can take place to help further the development in the Crozet area. He stated that he would be available to answer any questions.

Mr. Rieley asked if there were questions for Mr. Tramp. He asked if anyone else would like to address this application. There being none, he closed the public hearing to bring the matter back to the Commission for discussion and possible action.

Mr. Hopper stated that she supported the special use permit and was glad to see that the applicant, the County and the Commission were in agreement about condition # 5. Therefore, she moved for the approval of SP-02-79, Old Trail Golf Club Entrance, with the conditions recommended in the staff report.

1. Engineering Department approval of computations and plans documenting changes to the floodplain. Plans must show floodplain limits and levels before and after construction. Ordinance Sections 18-30.3.02.2 and 18-30.3.03.2 allow no increase in flood levels.
2. Engineering Department receipt of copies of federal and state permits for disturbance of the stream channel and any associated wetlands, including changes to the FEMA maps for the area.
3. Engineering Department approval of a final mitigation plan for repair and enhancement of the stream buffers. [17-322] The mitigation is to follow that shown on the conceptual plans titled "Conceptual Stream Impact Mitigation Plan (Lickinghole Creek)" and "Conceptual Stream Impact Mitigation Plan (Slabtown Branch)," dated 6-05-03, and the stream-bank treatment schematic titled "Root Wad Detail" received by the Engineering Department on June 9, 2003. The existing Lickinghole Creek bridge is intended to become part of the trail system for the site, but improvements or modifications to it may be part of the final mitigation plans.
4. The location and nature of the crossings are to be as shown on sheets 3 and 4 of the preliminary road plan titled "Old Trail - Western Avenue (N-S Access Road)," dated 5/10/03. However, the Lickinghole Creek crossing may be a simple span, or an arch, with road and fill elevations lower than that shown on the preliminary plan. The road profile should be as low as reasonably achievable.
5. A plan showing all areas to be disturbed during the construction of the Slabtown Branch crossing shall be submitted to the Planning Department. A Phase I archaeological survey shall be completed in those areas, and appropriate mitigation measures shall be carried out as directed by Planning Staff, prior to issuance of a grading permit for the Slabtown Branch crossing.

Mr. Edgerton seconded the motion.

The motion carried unanimously (5:0). (Loewenstein, Finley – Absent)

Mr. Rieley stated that SP-02-79 would go to the Board of Supervisors on July 9 with a recommendation for approval.

Public Hearing Item

SP-2003-028 Matheny Well Drilling (Sign #57, 66)- Request for special use permit to allow a well drilling business in accordance with Section 10.2.2(31) of the Zoning Ordinance which allows for a Home Occupation, Class B. The property described as Tax Map 84, Parcel 14E2, contains 2.586 acres, and is zoned RA, Rural Areas. The proposal is located on Kacey Lane, approximately 700 feet northwest from the intersection of Kacey Lane and Rt. 635 (Craigs Store

Road), in the Samuel Miller Magisterial District. The Comprehensive Plan designates this property as Rural Areas in Rural Area 3. (Steven Biel)

Also, staff discussed the applicant's request for a waiver to Section 5.2.2.1(b) to allow for outdoor storage, and a waiver to Section 5.2.2.1(a) to allow for more than 25 percent of area devoted to the home occupation in relation to the main residence.

Mr. Biel summarized the staff report. The applicant, Mr. Kenneth Matheny, is requesting a special use permit for a Home Occupation, Class B to operate a well drilling business. The property contains 2.5 acres. Mr. Matheny's property is part of a family division that was approved in 1988. The family members still reside on the parcels that make up this family division in the parcels adjacent to the applicant's site. He employs two people with one being his father who recently turned the business over to him. As far as equipment that belongs to this business, he owns one drill rig, one service truck, and two pick up trucks. One of the pick up trucks is used by one of the other employees and is not kept on the site. The drill rig and service truck is normally kept off site at the customer's site where the work is being done. The normal hours of operation are Monday through Friday from 8:00 a.m. to 4:00 p.m. VDOT has required that the existing entrance be improved to a 30-foot wide commercial entrance. The Department of Engineering does not support VDOT's requirement as the road meets private road standards and has been well maintained as you can see in the one photograph in Attachment D. Staff also concurs with the Department of Engineering's recommendation. Mr. Matheny is also requesting a waiver to Section 5.2.2.1(b), which states that there shall be no change in the outside appearance of the building premises or other visible evidence of the home occupation. The applicant wishes to store pipe that would be 21 feet long and would be stacked 5 feet high outside of the garage. Due to the difficulty in storing this pipe in the garage the applicant has requested a waiver to this section to be permitted to store the pipe outside in the location shown on the sketch plan. Staff has visited the site and has determined that the outdoor storage would not be visible from the adjoining properties and would not significantly alter the outside appearance. Staff does recommend approval of this waiver. Mr. Matheny is also requesting a waiver of Section 5.2.2.1(a), which states that a home occupation may be conducted either within the dwelling or an accessory structure or both provided that no more than 25 percent of the floor area of the dwelling shall be used in the conduct of the home occupation and in no event shall the total floor area of the dwelling, accessory structure or both devoted to the home occupation exceed 1,500 square feet. The sketch plan indicates that the garage is 768 square feet. The covered storage area, which has not been built yet, is shown on the sketch plan. That is 384 square feet and the outdoor storage area is 105 square feet for the total of 1,257 square feet. The real estate records indicate that the residence is 2,300 square feet. Given these numbers, the area devoted to the home occupation would be 54 percent of the area of the house. The detached garage is a fairly typical garage that you might see built for an area for storage or to park a normal vehicle in. The applicant would not be using the entire garage for storage of equipment related to the business, but would also store personal belongings as well. Mr. Matheny was not able to precisely determine the storage area needed for each type of storage being business and personal. He would like the ability to intermix the business storage and personal storage without having to have a designated area within the garage. The total area devoted to the home occupation is less than 1,500 square feet that is permitted for the use of an accessory structure in a home occupation, class B. As the storage would be within the garage, except for the 105 square feet for the pipe, staff believes the applicant's request for this waiver meets the intent of the Zoning Ordinance. Staff recommends the approval of this request for the waiver. In summary, the service offered to Mr. Matheny specifically serves the residents in the rural areas. There would be minimal visual and noise impacts from the proposal. The proposed use would not be inconsistent with the character of the area. All of the residents on Kasey Lane and the surrounding area are family members. Staff has not received any opposition to this request. Staff does recommend approval of SP-2003-028 subject to the four conditions and also approval of the two requests for the waivers. Mr. Matheny is here to answer any questions.

Mr. Rieley asked if there were questions for Mr. Biel. There being none, he opened the public hearing and asked if Mr. Matheny would like to address the Commission. He stated that Mr. Matheny did not want to speak, but would be available for questions. He asked if anyone else would like to address this request. There being none, he closed the public hearing to bring the matter back to the Commission for discussion and possible action.

Mr. Thomas moved for approval of SP-2003-028, Matheny Well Drilling, subject to the conditions as amended.

Ms. Hopper seconded the motion.

Mr. Rieley asked if there was further discussion.

Mr. Kamptner asked Mr. Biel regarding condition # 4 if the hours were meant for the operation of the business office or if all of the vehicles have to be on or off the property within those hours.

Mr. Biel stated that he cited the normal business hours. He suggested that Mr. Matheny might want to speak to that.

Kenneth Matheny stated that normally his help shows up at 8:00 a.m., they leave the job at 4:00 p.m. and get home between 4:30 to 5:30 p.m. depending on where the job is located.

Mr. Rieley stated that it seemed that the time was awful tight. He stated that it could be 7:00 a.m. to 6:00 p.m.

Mr. Kamptner stated that he did not want anyone to claim a Zoning violation if they saw a rig leaving at 7:30 a.m. or coming in at 5:30 p.m.

Mr. Rieley suggested that the hours be changed to 6:00 a.m. to 8:00 p.m.

Mr. Thomas amended the motion to change condition # 4 to the hours of 6:00 a.m. to 8:00 p.m.

Ms. Hopper agreed to the amendment to the motion.

The motion carried unanimously (5:0). (Loewenstein, Finley – Absent)

Mr. Rieley stated that SP-2003-28 would go to the Board of Supervisors on July 9 with the following conditions:

1. There shall be no outdoor storage permitted except for the 5' X 21' outdoor storage area for piping as shown on the sketch plan in Attachment A.
2. The home occupation shall have no more than ten (10) visits per week.
3. No more than four (4) vehicles associated with the home occupation shall be parked on the site at any given time (one drill rig, one service truck, and two pickup trucks).
4. Hours for the home operation shall be Monday through Friday, 6:00 a.m. to 8:00 p.m.

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. There being none, the meeting proceeded.

With no further business, the meeting adjourned at 8:43 p.m. to the next meeting on July 1, 2003.

V. Wayne Cilimberg, Secretary

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