Albemarle County Planning Commission
March 16, 2004

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, March 16, 2004 at 6:00 p.m., at the County Office Building, Room 241, Second Floor, 401 McIntire Road, Charlottesville, Virginia. Members attending were Rodney Thomas, Chairman; Bill Edgerton, Calvin Morris, William Rieley and Pete Craddock, Vice-Chairman. Absent were Marcia Joseph and Jo Higgins.

Other officials present were Wayne Cilimberg, Director of Planning & Community Development; Scott Clark, Senior Planner; Margaret Doherty, Senior Planner and Greg Kamptner, Assistant County Attorney.

Call to Order and Establish Quorum:

Mr. Thomas called the regular meeting to order at 6:00 p.m. and established a quorum.

Other Matters Not Listed on the Agenda from the Public:

Mr. Thomas 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 - December 9, 2003, December 16, 2003 and January 20, 2004.

Mr. Thomas asked if any Commissioner would like to pull an item from the consent agenda for discussion. There being none, he asked for a motion.

Mr. Morris moved to approve the consent agenda as submitted.

Mr. Craddock seconded the motion.

The motion carried by a vote of (4:0). (Rieley, Higgins, Joseph – Absent)

Mr. Rieley arrived at 6:03 p.m.

Deferred Items:

Mr. Thomas stated that SP-2003-083, Southside Church of God Amendment had been removed from the agenda because the Zoning Administrator determined that a special use permit was not necessary.

Public Hearing Items:

Mr. Thomas asked that the Commission take action on each item separately.

Review of the Pasture Fence Mountain Agricultural/Forestal District - Required 10-year review of the Pasture Fence Mountain Agricultural/Forestal District. The district includes the properties described as Tax Map 13, parcels 1, 4, 5, 8, 10, and 12. The district comprises a total of 1,323.92 acres. The area is designated as Rural Area in the Comprehensive Plan and is zoned RA Rural Areas. (Rebecca Ragsdale)

Mr. Clark summarized the staff report. He stated that the Pasture Fence Mountain District was created with 870 acres in November, 1993. The district is located in the northwestern portion of the County immediately adjacent to the Shenandoah National Park. It currently includes 1,323 acres, however staff has a request for withdrawal of a single 77-acre parcel from the district. The review period is the one time that by right withdrawal is available to members of these districts. The district is currently on a ten-year review cycle, which is the maximum possible. Staff is not proposing any change to that. The

Agricultural/Forestal Advisory Committee at their March 1st meeting recommended renewal of the district on a ten-year review cycle, which includes the withdrawal of the Morris property.

Mr. Thomas asked if the Commissioners had any questions for staff. There being none, he opened the public hearing and asked if there was anyone present who would like to address the Commission regarding this application. There being none, he closed the public hearing to bring the matter back to the Commission for discussion and possible action.

Mr. Morris moved to recommend approval of the Pasture Fence Mountain Agricultural/Forestal District as proposed on a 10-year review cycle.

Mr. Edgerton seconded the motion.

The motion carried (5:0). (Higgins, Joseph – Absent)

Mr. Thomas stated that the motion carried and that the application would be heard by the Board of Supervisors on April 14th.

Review of the North Fork Moorman's River Agricultural/Forestal District - Required 10-year review of the North Fork Moorman's River Agricultural/Forestal District. The district includes the properties described as Tax map 4, parcels 1, 2, 3, and 4. The district comprises a total of 270.48 acres. The area is designated as Rural Area in the Comprehensive Plan and is zoned RA Rural Areas. (Rebecca Ragsdale)

Mr. Clark summarized the staff report. He stated that the North Fork Moorman's River Agricultural/Forestal District is located directly north of the Pasture Fence Mountain District and was created on the same date in 1993. It includes 270 acres and has not changed since that time. There are no requests for withdrawal during the review. The Agricultural/Forestal Advisory Committee at their March 1st meeting recommended renewal of the district on the ten-year review cycle.

Mr. Thomas asked if the Commissioners had any questions for staff. There being none, he opened the public hearing and asked if there was anyone present who would like to address the Commission regarding this application. There being none, he closed the public hearing to bring the matter back to the Commission for discussion and possible action.

Mr. Rieley moved to recommend approval of the North Fork Moorman's River Agricultural/Forestal District as proposed with a 10-year review cycle.

Mr. Edgerton seconded the motion.

The motion carried (5:0). (Higgins, Joseph – Absent)

Mr. Thomas stated that the motion carried and that the application would be heard by the Board of Supervisors on April 14th.

Review of the Eastham Agricultural/Forestal District - Required 10-year review of the Eastham Agricultural/Forestal District. The district includes the properties described Tax Map 63, parcels 1, 1A, 1A1, 2, 4, 14G, 14H, 14I, 26, 26A, 27, 28, 28A, 30F, 30G, 41A, 41A1, and 41A2. The district comprises a total of 900.09 acres. The area is designated as Rural Area in the Comprehensive Plan and is zoned RA, Rural Areas. (Rebecca Ragsdale)

Mr. Clark summarized the staff report. He stated that the Eastham Agricultural and Forestal District was created in 1985 with the original acreage of 764 acres. It currently consists of over 900 acres with 18 parcels located along Route 20 and Hammocks Gap Road just south of the intersection of Route 20 and Proffit Road. There are no requests for withdrawal during this review. This description has been checked against staff's records and is accurate, with one exception: Tax Map 63, Parcel 41A2 is not included in

The Code's description. It was created as a permissible subdivision from Tax Map 63, Parcel 41A, and the land remained in the District. This parcel will need to be added to The Code's description during the review. The Agricultural/Forestal Advisory Committee at their March 1st meeting recommended renewal of the district on the ten-year review cycle.

Mr. Thomas asked if the Commissioners had any questions for staff. There being none, he opened the public hearing and asked if there was anyone present who would like to address the Commission regarding this application.

Richard Wagner stated that he owns 11 acres of land in that area and intends to live there for the rest of his life. He stated that he did not quite understand what becoming part of the district would mean. He asked if his property became part of the district and he decided that he wanted to sell it if the buyer would be bound by any type of restraints. He pointed out that he wanted to retain the rural nature of the property, but was unclear what this means.

Mr. Clark stated that with 11 acres they would not be restricted from selling the parcel at all, but that the new owner would be subject to the same restrictions of the district. He pointed out that means that the only way that he could subdivide his land was through a friendly division because his property was less than 21 acres.

Mr. Wagner stated that he had no intentions of selling the property, but if he died he wondered if it would be an impediment for his wife to sell the property.

Mr. Clark stated that it would not.

Mr. Kamptner stated that there was a provision that would allow the heirs to remove the parcel from the district within two years after the death of the owner.

Mr. Edgerton stated the owner could sell the property, but that he might not get as much money because the bank may not find it as attractive with the restriction that it could not be subdivided. He pointed out that if the parcel was in the district that it could not be subdivided, but if it were not in the district that it could be subdivided.

Mr. Thomas asked if there was anyone else present who would like to speak regarding this application. There being none, he closed the public hearing to bring the matter back to the Commission for discussion and possible action.

Mr. Edgerton moved to accept staff's recommendation for the renewal of the Eastern Agricultural/Forestal District with a 10-year review period.

Mr. Rieley seconded the motion.

The motion carried (5:0). (Higgins, Joseph – Absent)

Mr. Thomas stated that the motion carried and this application would be heard by the Board of Supervisors on April 14th.

Since the applicant for Kappa Sigma was not present, Mr. Cilimberg suggested that the Commission take up Old Business.

Mr. Thomas asked if there was any Old Business.

Mr. Cilimberg pointed out that relegated parking was on the agenda to be heard next week and would be the first item.

Mr. Kamptner pointed out that the draft ordinance that was attached was not the latest draft.

Mr. Cilimberg pointed out that he would advise the staff.

Mr. Thomas asked if there was any New Business.

Mr. Kamptner stated that over the next several months that he would be coordinating with staff to address four issues which have been identified. One of the issues deals with changes to the conflict of interest laws. The new Commissioners heard about these changes when they came in for their meeting with us, but staff wanted to share that information with all of the Commissioners. He pointed out that there were three other topics which he wanted to cover. Each item will have a short memorandum with possibly a ten to fifteen minute presentation.

Work Sessions:

SP-03-91 Kappa Sigma International Memorial Headquarters (Sign #56) - Request for special use permit to allow the fraternal headquarters for Kappa Sigma International in accordance with Sections 13.2.2.2 and 5.1.02 of the Zoning Ordinance which allows for fraternal clubs. The property, described as Tax Map 91, Parcel 16, contains 6.14 acres, and is zoned R-1, Residential. The proposal is located on Rt. 20 (Scottsville Road), approximately one mile south of Mill Creek Drive, in the Scottsville Magisterial District. The Comprehensive Plan designates this property as Urban Density in Neighborhood 4. (Margaret Doherty)

Ms. Doherty summarized the staff report. She stated that Kappa Sigma International Memorial Foundation, which is the fraternity side of Kappa Sigma, is moving their offices and use from their site on Route 250 west across from Birdwood Golf Course. They propose to move their use to tax map 91, parcel 16, which is approximately 6 acres, zoned R-1. It is within the development area and is located about a mile south of Mill Creek Drive on the west side of Route 20. The proposed site is currently rural in character and has a single-family house. Although the property is in the development area, it is located on a rural stretch of Route 20 with no public utilities. The applicant has provided a concept plan, which they would be bringing in any minute. It shows a main building with additions and two outdoor pavilions with parking for the use. A use of this scale as shown on their concept plan requires major infrastructure improvements. VDOT is requiring right and left turn lanes. The County has a policy that they should hook up to public water and sewer. The proposed project will result in the removal of a large wooded area on an Entrance Corridor. In reviewing the special use permit, staff found that the use may be acceptable in this location because it would not incur a lot of traffic or other nuisance type impacts to adjacent properties. However, the infrastructure improvements required and the amount of building and improvements that they would like to construct requires the removal of most of the woods with major work on Route 20. That brings up the question of whether the water or sewer lines, which are both approximately one mile away, should be extended to serve the use. It occurred to staff that although the use may be appropriate, the amount of programmed construction may not be appropriate at this time. Therefore, staff wanted to bring the project to the Planning Commission and ask the following specific questions.

- Is the use appropriate at this location?
- Is the design appropriate to the site?
- Should public water and sewer be extended by the applicant to serve the site or should a septic system be allowed?
- Should the concept plan be scaled-down to meet the current needs of the applicant, to reduce the impacts on the site, adjacent properties and the Entrance Corridor?

If the Planning Commission advises that the proposal is appropriate, the concept plan is acceptable and that the use should not be scaled down, then staff suggests that the applicant should be required to construct the necessary improvements, as well as address the other issues raised by the Site Review Committee that was mentioned in the staff report. She pointed out that if there were any questions that she would be happy to answer them.

Mr. Thomas stated that the Commission would start with the first question. Is the use appropriate at this location?

Mr. Rieley stated that he was having some difficulty in making that determination without more information. He pointed out that all that they had received was a flat plan with no topography. He noted that his preference would be to withhold that conversation and defer to the applicants for more information.

Mr. Edgerton concurred with Mr. Rieley.

Ms. Doherty pointed out that the applicant has prepared a presentation for tonight if the Commission was willing to hear it.

Mr. Edgerton stated that he would rather defer the questions until they have all of the information, and requested that the Commission hear the presentation from the applicant.

Mr. Thomas asked if the applicant would like to come forward.

Lori Garrett, with Gaffney and Holmes Architects, introduced Don Kalp, Project Architect from their firm; Nick Wilson, Executive Director of Kappa Sigma Fraternity; Don Rissmeyer, Civil Engineer with Draper Aden Associates and Linda Winecoff, Landscape Architect with John Milnor and Associates. She asked to briefly review their design intent and then have Ms. Winecoff address the landscaping, particularly the tree removal. Then Don Rissmeyer would address the site improvements such as utilities, parking, turn lanes, and storm water management. As Ms. Doherty mentioned, they prepared a Master Plan for Kappa Sigma Fraternity primarily because they wanted to ensure that the potential future uses would be allowed on this site for further development. They have been on their present site on Route 250 West for 50 years and they want to be able to stay on this site for a long time. They did not want to get in a situation where they would have to relocate if it was determined that they could not expand what they were initially building. Phase I of the Master Plan is envisioned to actually be comprised of this main block and wing. She pointed out that the wing on the north side of the site and the wing to the rear would be potential future growth. The primary program for Phase I would be comprised of the museum space, administrative office spaces and a chapter meeting room. Future growth might include additional conference space, perhaps with some guest lodging with a bread and breakfast type of thing just for their members, and growth of the administrative function. In addition, there would be some recreational activities anticipated which would require a picnic pavilion, some walking trails and bike paths, and that type of thing. The image for this project would be that of an estate with a large house, which would be typical of this historic region of the County. They did not want to convey the image of an office park, but wanted to have something much like what they have on Route 250 West now. She presented a conceptual rendering, which looked like a design building, which was due to getting a fund raising rendering before they had everything thought out. She presented an image of the proposed building that they were working on. Parking is one of the things that would not be present typically on an estate, but they felt that by locating the parking up on the hill that the visibility of any asphalt or cars would be minimized. Therefore, they located the bulk of the parking in this location. This parking was done before they completed the traffic and parking study to really ascertain what they really need. Currently they were under discussion with the Zoning Administrator proposing that they only do about two-thirds of this parking. She pointed out that their traffic engineer suggested that the use would only need 88 parking spaces, and that Don Rissmeyer will address that. She asked that Linda Winecoff comment on the trees and the landscape design.

Ms. Winecoff pointed out the view from the property from Route 20, which shows that the land slopes gently up the hill with about a 12 percent slope. Along the bottom of the property is a small creek with some drainage that runs through the property. It is shrubby right now with some native vegetation along the creek. Then there is an open area with an utility right-of-way. Then predominantly from this point up the hill is shrubby Virginia Pine, which was pretty thick. They propose to generally save the hardwoods that are located down in the lower floodplain area and in the area adjacent to the utility right-of-way. The County requirements for landscaping are shown in this plan. Particularly along Route 20 there are some

large shade trees shown that are associated with some small flowering trees that line the Entrance Corridor. In the parking lot they have shown some plantings, which the County requires. In addition, a number of large shade trees are shown lining the entrance drive with trees on each side of the entrance. There are some evergreens shown which would provide some screening from the residential areas. She stated that the plan is preserving trees and in addition is adding trees to enhance the property.

Mr. Thomas asked how close other residences were to the parking area.

Ms. Doherty pointed out the nearest residence on the plan located on the bulletin board.

Mr. Craddock asked if they were going to use the existing entrance and sort of go to the left up the hill.

Ms. Winecoff stated that was correct.

Mr. Craddock asked if the house on the property would get bulldozed, and Ms. Winecoff stated that was it would be.

Mr. Craddock asked if they had any intentions of buying the property with the house near the parking lot.

Ms. Winecoff stated that they would really like to buy that adjacent property. She pointed out that the adjacent topography was considerably steeper than this. It was probably not developable, but the condition of that property is less than desirable. She pointed out that the property had old rusty pieces of equipment and machinery, old plastic playhouses and was just not cleaned up very well. Therefore, they would like to buy the property to be able to improve it, particularly from the view of their property. She pointed out that she had no idea if that was a possibility either financially or if the property was even for sale.

Mr. Craddock pointed out that he grew up on the property to the right of the house. He strongly suggested that they buy that piece of property that they were talking about. He pointed out that Cow Branch Creek is a great amenity for that piece of property and that a lot could be done with it.

Mr. Thomas asked if there were any other questions for the applicant.

Mr. Rieley stated that there was a way that the buildings have been built in this area to line up, but it was also at 90 degrees to the next road. There is a system at work here that has been at work for a long time. He noted that they took a huge building and turned it at a 45 degree angle to that system and he just wondered why.

Ms. Garrett pointed out that they were actually paralleling their building with the topography.

Mr. Rieley pointed out that if they drew a line from the upper right to the lower left and followed that line, that is directly parallel to the contours and that building is setting at a 45 degree angle to it. He asked why they would do that.

Ms. Garrett stated that he must have a different survey than she did. She pointed out that this was a survey that was done in October at 1 foot contours by their Civil Engineer. She pointed out that their intent was to locate it parallel to the topography, but that their intent was to have the building parallel. The design intent would be rather than having it parallel to the road, because the topography seemed to indicate something different, and that they wanted to orient it parallel to the topography. That is an adjustment that they can make if they find that the topography lines run differently. She pointed out that their intent was to do what he was saying. Mr. Rieley pointed out that the two surveys were consistent.

Don Rissmeyer, with Draper Aden Associates, stated that they were doing the civil engineering for the project. He stated that he brought a copy of the plan that shows the 88 parking spaces just in case there were any questions about the reduction in the parking and what it looks like. They have tried to make some of the landscaped areas bigger with this layout. He stated that he made a list of the four issues

basically that were raised by staff that they have not responded to yet because the studies were ongoing. He noted that they were trying to address the comments that they received initially. The first one is the parking study, which was essentially completed. They took the programming document because it was a mixed use facility. There is a chapter room, a conference room, administrative staff and an events plan. The events are what draw the large amount of traffic to the site. When they looked at it and staff made the comment about the parking looking like a lot of parking, they talked with the owner about what they have got at their existing facility and they were proposing significantly more and it seemed to justify looking at it more closely. Essentially the study that they have given the owner includes three scenarios.

1. Normal weekday traffic, which is when Scottsville Road has their high traffic volumes. During the weekday for the site you are looking at the staff and potentially a community meeting. That will generate the need at most for 45 parking spaces on the site. That would be the normal week day load on the site.
2. On weekends there is the potential for events. The largest event that might occur on an annual basis or possibly a little more frequent, would be a summer weekend event. This would include the leadership school, which would consist of approximately 200 people with some accessory staff and other functions that might be going on at the same time. Essentially, the report shows that there would be approximately 240 people. That is where the 88 parking spaces were generated.
3. The third case would include the decade event. Essentially once every ten years tons of members might come in. The facility is made to accommodate more than 300 people for when that happens. For that type of event they would have to use event parking. They would have to obtain some off-site parking and use a shuttle or something like that. Given that everybody agrees that this could happen a couple of times per year, this would be a good design scenario. They have made that recommendation to the owner to go ahead and size the lot for those 88 parking spaces. This would reduce the parking area by a third. He stated that the study has been submitted to the County to Jan Sprinkle.

He stated that he wanted to touch base on site grading a little bit from the standpoint of storm water management in the stream buffers. Essentially what they were accomplishing was putting the estate building and parking higher and staying out of the stream corridor. They would be keeping the buffers and still have room to put the storm water treatment facility down adjacent to the stream buffer.

Mr. Rieley asked if there was a FEMA map associated with their floodplain, and Mr. Rissmeyer stated that they did not because it was an intermittent stream and therefore it was not a RPA either according to the County.

Mr. Rieley asked when he was talking about the stream corridor what was he referring to.

Mr. Rissmeyer stated that he was referring to the Corps of Engineers definition because it has been designated as jurisdictional and they have submitted to the Corps of Engineers and are waiting for confirmation on that.

Mr. Rieley asked what the geographic limits of that would be.

Mr. Rissmeyer stated that it was essentially just the stream from the top of the bank to the top of bank in this case, which was what they submitted.

Mr. Rieley stated that if they were setting the building outside of the stream, then they could put it 4 feet from the bank and still meet that definition.

Mr. Rissmeyer stated that they have not done the preliminary site plan from the standpoint of design. He noted that they would reorient the building to try to tie it into the terrain. He stated that had discussed trying to buy the adjacent property. Regarding the public utilities, they were still working on that with the Service Authority and would have to study the costs of extending it to this site. He pointed out that the other issue that was raised by VDOT had to do with the entrance turn lane. He stated that they had to work on this issue to determine the actual traffic patterns and would have to do a traffic study. He noted that they would look at this site regarding the whole issue of connecting bicycles and pedestrians. He stated that they would address of those concerns.

Nick Williams, Executor Director of Kappa Sigma, pointed out that the use of this property would be similar to what they currently do on Route 250.

The Commission discussed the questions raised by staff and provided the comments as outlined in the following summary.

In summary, the Planning Commission held a work session on SP-03-91, Kappa Sigma International Memorial Headquarters. A presentation was given by the applicant of their proposed concept Master Plan and uses planned for the property along with a detailed description of the various phases of construction. The Commission held a discussion with staff and the applicants concerning their request. Staff presented several questions to the Commission in order to get direction on the big picture items early in the process. The Commission concluded that it has not been demonstrated that the use can be accommodated on the site. The scale of the improvements could be made to work, if it they were better oriented with Route 20 and the predominant topography, similar to adjacent parcels. There are two serious unanswered questions, which affect the layout: 1) the entrance location and VDOT entrance improvement requirements; and 2) the location of parking lots built up against the adjacent properties. The Commission also agreed with staff that connection to public utilities is reasonable and that the sewer connection should be a gravity sewer for public use. Finally, the Commission recommended using porous paving or stabilized turf for those parking spaces closest to the adjacent residential parcels, although the Engineering Department would have to approve these materials.

Old Business:

Mr. Thomas asked if there was further old business. There being none, the meeting proceeded.

New Business:

Mr. Thomas asked if there was any new business.

The Commission welcomed Girl Scout Troop # 569 from Earlysville who attended a portion of the meeting.

Adjournment:

With no further items, the meeting adjourned at 7:41p.m. to the March 23rd meeting.

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V. Wayne Cilimberg, Secretary

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