**Albemarle County Planning Commission**
**August 31, 2004**

The Albemarle County Planning Commission held a meeting and public hearing on Tuesday, August 31, 2004 at 6:00 p.m., at the County Office Building, Room 241, Second Floor, 401 McIntire Road, Charlottesville, Virginia. Members attending were William Rieley; Rodney Thomas, Chairman; Jo Higgins; Marcia Joseph; Cal Morris; Bill Edgerton and Pete Craddock, Vice-Chairman. Absent was David J. Neuman, Architect for the University of Virginia

Other officials present were Wayne Cilimberg, Director of Planning & Community Development; David Benish, Chief of Planning & Community Development; Bill Fritz, Development Process Manager; Susan Thomas, Senior Planner; Rebecca Ragsdale, Planner and, Greg Kamptner, Assistant County Attorney.

**Call to Order and Establish Quorum:**

Mr. Thomas called the regular meeting to order at 6:05 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.

Charlie Trachta, resident of 203 Westbrook Place, stated that it was coming into fall and children are going back to school. The County has started discussing Belvedere Farms and other various things. The community is very concerned about these items. They have formed a citizen group to attend meetings to voice their concerns and ask questions about various proposals. For example, the Belvedere development is proposing 600 homes. They have several questions to ask. Where will these children go to school? Who is going to be redistricted? Regarding the capacity of the roadway, how will Rio Road handle this proposal and Dunlora? There will be many other questions that they will ask.

Mr. Trachta asked that the Commission work with the community on these issues. He pointed out that the community would like to work with the developers. They don't want to hear the developers coming to the Commission and saying oh I met with the community and we made them happy. He requested that the County meet with the community with the developer so that they can tell the developers why they are not happy to avoid any misunderstandings. The community was not happy because they were losing everything around them. Their children are being bused around and redistricted. Route 29 is really getting bad, particularly around the Hollymead Town Center. Coming down from Ruckersville in the afternoon it can take 30 minutes to go from Airport Road down to Woodbrook. The County has got to do something to obtain more control. He suggested that if the Commission wants some help from the community in dealing with the Board of Supervisors on these issues, that all they need to do is to ask them. He thanked the Commission for listening.

Mr. Thomas asked if anyone else in the audience would like to speak on matters not listed on the agenda. There being none, the meeting moved on to the next item on the agenda.

**Review of Board of Supervisors Meeting – August 4 and August 11, 2004**

Mr. Cilimberg summarized the actions taken by the Board of Supervisors at their August 4 and August 11, 2004 meetings. On August 4, the Board acknowledged the national award that the County won for the Neighborhood Model, as acknowledged by the Congress for the New Urbanism, which was presented to the County in Chicago back in June. The County is very proud of that award and thanks all of those who participated in this process, which includes the

Planning Commission, the DISC Committee, the consultants, staff and the Board of Supervisors. It is the third award that the County has received from a state or national organization for the Neighborhood Model.

**Consent Agenda:**

**Review of the Keswick Agricultural/Forestal District** - Required 10-year review of the Keswick Agricultural/Forestal District. (Rebecca Ragsdale) ***PLANNING COMMISSION TO REFER APPLICATION TO ADVISORY COMMITTEE***

**Review of the Kinloch Agricultural/Forestal District** - Required 10-year review of the Kinloch Agricultural/Forestal District. (Rebecca Ragsdale) ***PLANNING COMMISSION TO REFER APPLICATION TO ADVISORY COMMITTEE***

Mr. Thomas asked if there was any item on the consent agenda that any Commissioner would like to pull for discussion. (ATTACHMENT #1 - See Attached Staff Report)

Ms. Joseph asked that one of the items be removed from the consent agenda. Because her property was in the Keswick Agricultural/Forestal District, she read a disclosure statement as follows. I, Marcia Joseph, am a member of the Albemarle County Planning Commission. The transaction involved is the Review of the Keswick Agricultural/Forestal District. The nature of my personal interest affected by the transaction is that I am an owner of real property having value exceeding $10,000 identified as tax map 81, parcel 8A, which has a street address of 418 Clarks Tract, Keswick, Virginia that is located in the Keswick Agricultural/Forestal District that is the subject of the transaction. I declare that I am a member of the following business, professional, occupation or group, the members by which are affected by the transaction, the group of three or more persons who own real property in proximity to the real property that is the subject of the transaction. I am able to participate in this transaction fairly, objectively and in the public interest.

Mr. Thomas asked if she planned to vote on this matter.

Mr. Kamptner stated that she may vote on this matter because she was not disqualified.

Mr. Thomas asked that the Commission consider the Keswick Agricultural/Forestal District request first.

Mr. Craddock moved for approval of the Keswick Agricultural/Forestal District as written.

Mr. Rieley seconded the motion.

The motion carried by a vote of (6:0). (Joseph abstained)

Ms. Higgins asked if the Commission was suppose to defer it to the advisory committee.

Mr. Thomas pointed out that the Commission had to make a motion to refer the application to the advisory committee.

Mr. Rieley stated that was essentially what they were doing by approving this.

Mr. Morris moved for approval of the Keswick Agricultural/Forestal District as written.

Mr. Rieley seconded the motion.

The motion carried by a vote of (7:0).

Mr. Thomas stated that the consent agenda carries and both requests have been referred to the Agricultural/Forestal Committee on September 13.

**Public Hearing Items:**

**SP 2004-00015 Bethel Baptist Church Amendment (Sign #90 & 92)** - Request for amendment of a special use permit for an existing church to allow for a parking lot expansion, in accordance with Section 10.2.2.35 of the Zoning Ordinance which allows for church uses in the RA, Rural Area. The subject parcel, described as Tax Map 21, Parcel 25, contains approximately 3.004 acres zoned RA. This site is located just east of Route 29 North at the intersection of Route 641 (Burnley Station Road) and Rt. 600 (Watts Passage). The property lies within the Rivanna Magisterial District in the area designated as Rural Areas 2 by the Comprehensive Plan. (Rebecca Ragsdale) ***DEFERRED FROM THE AUGUST 24, 2004 PLANNING COMMISSION MEETING***

Ms. Ragsdale summarized the staff report. This special use permit for Bethel Baptist Church is to amend a special use permit that was approved in 2002. With SP 2004-015, the applicant is requesting approval to amend SP 2001-033 to allow for expansion of the parking lot and an increase in seating capacity for the church. The specifications for the proposed expansion are as follows:

An increase in the church's seating capacity from 216 to 345.
An increase in parking spaces from 54 to 119 spaces.

The concept plan that was approved in 2002 is attached to the staff report in Attachment H. The church is currently offering Sunday morning and evening services and a Wednesday evening service at 7:00 p.m. There are also various church activities and groups that may use the church throughout the week.

The new parking areas would be located on Burnley Station Road. With the previously approved plan there was no parking located along that road frontage. There will be some additional parking located in the corner of the property. The property is located on Burnley Station Road and the corner of Burnley and Watts Passage Road, which is fairly close to Route 29. It is a triangular shaped lot of about 3 acres. The area surrounding the church is rural agricultural and scattered residential. There has been a church located on this property for quite some time. The existing church building was constructed in 1935 and has been used continuously by congregations since that time. Department of Historic Resources records indicate the frame portion of the building dates to 1917. The first special use for this property was not approved until 1998.

SP 1997-064: Special Use Permit SP 1997-064 was approved by the Board of Supervisors to allow the church to expand parking onto the adjoining property, which the church had purchased in 1997. The approval of the special use permit resolved a zoning violation, as the church had already expanded onto that property without special use permit or site plan approval.

SDP 1998-059: A request for a site plan waiver was approved for the improvements to the church site, including parking.

In January 2002, the applicant received a Notice of Official Determination of Violation from the Zoning Administrator. Among the violations cited, two sheds were constructed on the site and were being used as classrooms; the parking lot was not in compliance, landscape screening was not installed in accordance with the plan and trees had been removed, lighting was not fully shielded; and traffic control islands were not installed per the site plan.

SP 2001-033: The Planning Commission reviewed this special use permit in March and April 2002. The Board of Supervisors granted approval with conditions (Attachment D) on June 19, 2004. Primary improvements associated with the request included a 7,480 square foot addition to the church and an additional 26 parking spaces for a total of 54. The request also allowed the use of two storage sheds as temporary classrooms.

SDP 2002-083: This site plan was approved and reflected the proposed building addition, parking lot improvements, and entrance changes approved with SP 2001-033.

Zoning Violations (VIO-2004-103): On May 11, 2004, the applicant received a Notice of Official Determination of Violation for construction activities inconsistent with the approved site plan and approved special use permit for the property. Specifically, these construction activities included grading past the limits of disturbance, removal of trees that were to be saved and building size. This notice of violation ordered the applicant to cease from further deviation from the approved site plan and special use permit. The applicant currently remains in violation but has stopped construction activities and is only working on interior improvements to the new church addition. (Attachment E of Staff Report)

Comprehensive Plan: The Comprehensive Plan identifies this site and surrounding area as being located in the Rural Areas. Churches provide a service to rural area residents and the use is considered to be consistent with the policies within the Comprehensive Plan.

Rural Area: The primary objective of the current Rural Area section of the Comprehensive Plan is not compromised with this proposed application. Agricultural and forestal activities and watersheds will not be directly adversely impacted by this proposal. Service delivery to the Rural Areas would not be expanded to accommodate proposed facilities. However, the proposed parking lot improvements associated with this SP would result in additional lot coverage, and features such as retaining walls, not typically characteristic of the Rural Area.

Historic Preservation Plan: The goals of protecting historic resources, recognizing their value, pursuit of additional protection measures and incentives to preserve Albemarle's historic and archeological resources are all applicable to this special use permit request. The County Historic Preservation planner has provided comments that indicate the original church building has been identified as historic by the Department of Historic Resources, although it has not been evaluated for listing on the State or National registries. There were also several historic sites identified in the vicinity of the church property. (Attachment F) The Historic Preservation Planner has offered the following to mitigate negative visual impacts of the proposed parking:

Landscaping is recommended to be installed in a staggered fashion or in clusters or groupings of large and/or small trees in combination with associated shrubs. The character of the planting shall be similar to a woodland edge with canopy trees, sub-canopy trees, and shrubs. The applicant should contact the County's Landscape Planner for a recommended species list. The use of native plants is encouraged where opportunity allows reinforcing Albemarle County's unique natural setting.

Plant varieties shall be identified on the plan, and provide a planting schedule on the plan to include a complete listing of all trees and shrubs. This listing shall include a mixture of shrubs shall measure 3' to 4' and 5' to 6' at maturity, and a minimum of 3 shade trees of no less than 3 ½" caliper at planting shall be included.

The applicant has not provided a detailed landscaping plan, to include species, number and size of plants, as part of this special use permit. After consultation with Zoning and other staff, the applicant did agree to submit a landscaping plan, which will include more plantings than the minimum required by the Zoning Ordinance, as a condition of approval.

Staff Comment: Staff will address each provision of Section 31.2.4.1 of the Zoning Ordinance:

The Board of Supervisors hereby reserves unto itself the right to issue all special use permits permitted hereunder. Special use permits for uses as provided in this ordinance may be issued upon a finding by the Board of Supervisors that such use will not be of substantial detriment to adjacent property.

There has been a church at this location since 1935, with ongoing congregational activity. However, starting with the special use permit hearing in 1998, adjacent property owners have expressed concern about the church expansion. Specifically, residents expressed concerns regarding lighting. Most recently, one of the property owners to the east expressed concern regarding the proximity of proposed parking to the eastern property line, including noise impacts. With the current special use permit, the applicant has not proposed outdoor lighting. Staff has included a standard condition regarding the lighting if the applicant chooses to include lighting on the site plan. There are no outdoor recreational uses proposed on the site or any other uses besides the church use.

The Commercial District side and rear setback standards adjacent to rural areas are the larger of the two and would further provide protection of the rural area. A condition of approval has been offered to require compliance with section 21.7.2 standards for side and rear setbacks adjacent to rural area districts. As the Rural Area Zoning District front yard setbacks are greater, the RA front setback would remain. These setbacks are conditions consistently applied to churches and were a condition of approval for the special use permit approved for the Church in 2002. Typically, along with the commercial setbacks, a 20 foot undisturbed buffer is also applied to side and rear property lines adjacent to rural/residential uses. With the proposed parking lot expansion, the applicant is only proposing this buffer along the eastern property line. The proposed parking lot and grading will occur within 20 feet of the adjacent property to the north. The applicant has indicated that the adjoining property owner is aware of this and does not have concerns with this.

This particular proposal may not be entirely with keeping with the character of the district. There will be some retaining walls, a big storm water management pond and more parking than typically characteristic of the Rural Area.

Initially, with this special use permit application, the applicant had requested to maintain the Burnley Station Road entrance to the church property. After review by VDOT, it was determined that the entrance does not meet site distance requirements for a commercial entrance. The applicant then revised the plan to include closing the entrance to Burnley Station Road, which was proposed with the last special use permit for this site. VDOT then offered the same comments as with the last special use permit and these comments have been made conditions of approval. Comments include closure of the entrance onto Burnley Station Road; relocation and upgrade of the entrance onto Watts Passage Road, which should be designed in accordance with the Commercial Entrance Standards. Staff provided a handout regarding the ornamental fencing that was referenced in the condition. The update was to clarify what was meant by ornamental fencing just in case that issue needed to be discussed further. The fencing is proposed around the storm water basin, which was highlighted in pink on the copy of the concept plan. That is the only area where the ornamental fencing is proposed. That originated with the applicant's consultant. The condition that was in the staff report suggested that ornamental fencing is specified in the condition because staff did not want to leave it open for chain length fence or anything that would be detrimental to the character of the area and the historic structures.

Staff has identified the following factors that are favorable to this request:
The Comprehensive Plan suggests that churches are supportive to the rural areas of the County.

The original church building has been located at the site since 1935 and expansion often ensures a continuing congregation.

Staff has identified the following factors that are relevant to this request:
Adjacent property owners have had concerns regarding expansion of the parking area.
The applicant has a history of non-compliance with approved special use permits and site development plans.

Staff recommends approval of the special use permit with inclusion of all of the conditions recommended in the staff report. If the Planning Commission so desires, staff recommends a possible modification to condition 2 that says that an ornamental fence shall be provided around the storm water retention basin and shall be a minimum of 6 feet in height, and that chain link fencing shall not be used.

Mr. Thomas asked if there were any questions for Ms. Ragsdale.

Ms. Higgins asked if there was a requirement that the storm water basin be fenced at all.

Ms. Ragsdale stated that the engineering comment did not specify that, and she was not sure if it was an actual requirement. Originally this area was proposed with a 2:1 slope, which has been revised to a 3:1 slope.

Ms. Higgins stated that she had seen storm water ponds where an applicant installs a safety bench so that if someone were to slip in that they don't immediately slide to the deep part. She voiced concern about starting to impose requirements like that since it was the applicant's option. Also, she felt that a 6 foot fence seemed to be kind of excessive.

Ms. Ragsdale pointed out that the 6 foot ornamental fencing did originate with the applicant on the first submission of the concept plan. Staff placed that in the condition so that they did not forget something that could cause negative visual impacts. Whether or not it was a County requirement, staff did not explore that issue.

Ms. Higgins stated that since there is a double staggered row of buffered plantings along there, she asked if there was a complaint or concern raised by an adjacent property owner.

Ms. Ragsdale stated that adjacent neighbor has expressed concerns to staff about the parking and the church improvements getting closer to her property line and having impacts on her property.

Mr. Benish stated that the proposed condition was not based on an ordinance requirement.

Ms. Joseph asked if the parking was based on ordinance requirements.

Ms. Ragsdale stated that in the Rural Areas that the Zoning Administrator could require a parking study if the applicant is not proposing to meet the typical calculations used, which was one per four parking spaces. The Zoning Administrator looked at car counts and corresponding attendance counts to come up with a formula. She determined that based on the parking that they could provide on the site and what the maximum attendance would be. Therefore, the applicant has provided parking for the number of spaces which corresponds with their maximum attendance that they would be able to park there. It may be more parking provided, but it was based on the information that the applicant provided.

Mr. Benish stated that it was based on the area of assembly that the applicant proposed.

Ms. Joseph stated that it was based on the area of assembly and not the seating.

Mr. Thomas asked if staff had any information regarding the violation of getting into the grading past the limits of disturbance. He asked if staff could elaborate on why that happened.

Ms. Ragsdale stated that she did not have an explanation as to why that happened, but that the Zoning Division has a new way of enforcing it. The applicant removed some trees that were supposed to be saved according to the site development plan. In order for the applicant to come into compliance, ultimately they have to have this proposed special use permit approved along with a revised site plan that reflects the existing conditions and then complete the site work.

Mr. Thomas asked if there were any more questions for Ms. Ragsdale. There being none, he opened the public hearing and asked the applicant to come forward to address the Commission.

Brian Smith, engineer and consultant for the applicant, stated that they understand the conditions proposed by staff and agree to them. He pointed out that he had discussed the conditions with the Pastor, Wendell Lamb, who was in the audience tonight if they have any specific questions for him. If the Commission has any technical questions, he would be happy to answer them.

Mr. Edgerton asked why the violation occurred.

Mr. Smith stated that he did not know the answer to that question, but perhaps Pastor Lamb could address that issue.

Mr. Thomas asked Pastor Lamb to come forward and address Mr. Edgerton's question.

Mr. Edgerton stated that they were in violation of the previously approved site plan because of excessive grading and the destruction of trees that had been mandated to be saved. He requested that Pastor Lamb explain to the Commission why that happened.

Pastor Wendell Lamb stated that on the Burnley Road side of the church towards Route 641 they did take down some trees that were at the edge of an old road bed. The root systems of the trees were actually coming out of the sod. Those trees were very unsightly. He stated that the church wanted to replace those trees with some nicer trees and would do so with the new site plan. The old trees were just shrub trees. The other violation regarding the grading was that they did have a dirt pile with about 3 dump truck loads of dirt that went beyond the silt screen at the graded line. It was located about 15 feet on the other side of the silt screen. The top soil dirt was dumped outside of the area where they were supposed to have dumped it because it was beyond the grade line. He stated that he was responsible because he made the judgment call that the other trees should go and that other trees needed to be planted.

Ms. Joseph asked if the church planned to have any outdoor play areas for children or a cemetery.

Pastor Lamb stated that they don't have a play area or cemetery.

Mr. Morris asked if the church made the decision to put up the fencing.

Pastor Lamb stated that they made the decision that they would do it if that was what the County wanted.

Brian Smith stated that this storm water detention basin has gone through a couple of designs. The first design had 2:1 slopes. There was a similar situation that he did on another site plan in a different zoning of Light Industrial where he could get by with 2:1 slopes if he could provide some

security and some other things to the pond. One of the security items was putting the fence in. After they revised the plan to have 3:1 slopes we talked about keeping that fence there for two purposes being security and attractiveness. There is nothing magic regarding the 6 feet.

Ms. Higgins asked if he was saying that the fence was necessary or not. Then the second thing is that at 6 feet the fence would be very visible since normally in the rural areas one would see split rails and more agricultural types of fences.

Mr. Smith stated that part of that was his concern about liability. He stated that he was responsible for designing that storm water detention pond. If somebody does not want that pond or that fencing there for some security reason, then he had to express concern about some liability issues coming back to him particularly when it was in a residential area. He feared that there might be neighboring children that might be curious about the pond, particularly if a big storm came through like the one recently in Richmond. He stated that he felt that the fence was necessary, but that it did not have to be 6 foot tall. He pointed out that his main concern was keeping the children out of that area.

Ms. Higgins pointed out that the Building Code has a regulation about the height of fencing for a pool, which was either 48" or 52".

Mr. Morris asked if that was his decision regarding the fencing, and Mr. Smith agreed that it was his decision.

Mr. Thomas asked if there were any more questions for the applicant. There being none, he asked if there was anyone else present who would like to speak regarding this application. There being no one, he closed the public hearing to bring the matter back before the Commission for discussion and a possible action.

Ms. Joseph passed around some pictures taken by Julie Mahon for the Commission to review.

Mr. Rieley stated that he would make a couple of comments about the discussion the Commission had last week about the relationship about their action in general for the religious land use act. A couple of these conditions seem to perhaps be a little over reaching in light of that act. It seemed that there was a pretty specific reason for the requirement for additional planting on the application that they had last week because of the proximity to the busy roadway. This is a rural church in a rural setting which is typically exemplified by very simple site plans and very simple plantings, particularly not with a lot of shrubs which are specifically mentioned on page 3 on the long list of historic preservation plants. He stated that he was not comfortable in adding additional requirements in a setting like this as a condition for a church. Similarly on the issue of the fence, it seems that the only issue is a safety issue and that whether it is ornamental or not is none of their business. The height of the fence is a matter for the Engineering Department to determine and for the engineer's comfort level about his own liability. He preferred to see condition 2 changed to something saying that Engineering shall warrant that the storm water pond meets the County's safety requirements. That would be this request on the same footing with every other project in the County. He suggested that condition 13 be eliminated, which seems to talk about an issue that is a matter of preference and not a matter of principle.

Ms. Joseph stated that she preferred having more landscaping provided, but not necessarily the way that it was mentioned. The site has an enormous amount of parking on a little site, and the applicant is in violation of removing the required trees. She suggested that the plan require some groupings of trees and not necessarily a shrub row. She agreed with Mr. Rieley about the fencing in that if it was not required that they should not include it in the conditions. She suggested that the fencing be left up to the applicant.

Mr. Benish suggested that the fencing condition be removed because staff was just trying to reflect what the applicant wanted to do.

Ms. Higgins agreed with Mr. Rieley's comments. She stated that there were a couple of conditions that might be sensitive such as all parking areas shall drain to the proposed BMP storm water basin. She stated that this should meet their storm water requirements as any other plan should. She asked if this was making this different. She pointed out that would be a standard in the storm water design. Therefore, she questioned why this was listed as a specific requirement. She agreed with leaving the fencing if the applicant puts a certain type of fencing on the plan as per the applicant's decision on safety. Then, it becomes part of the site plan. But, she did not feel that a special condition was warranted for it. The other part of where the landscaping overlaps is on page 3. On page 3, she pointed out that she was getting confused about the historic preservation plan. This has the flavor in the way that it was worded in item 3, for example, about 3.5 caliper of plantings and things like that. From this she was starting to perceive that historic preservation and entrance corridor seem to be going down the same tract. She stated that if they could go to native plants, which was condition 2, that she would very much applaud that. But, she felt that everything in the County was going to be in some association with historic, but it seemed like they were dwelling on that and possibly getting away from reality.

Ms. Ragsdale stated that there were advisory comments that were not made into specific conditions. She felt that the Historic Planner was trying to offer suggestions as far as ways to soften and ways to do the landscaping to be in keeping with the rural area and lessen the impact of things like the retaining walls and the parking. She stated that was where the comments originated. The condition regarding that all parking areas shall drain to the proposed BMP storm water basin was requested by the Engineering Department. That condition was carried over from the previously approved special use permit. She felt that the condition originated by staff because they preferred that design for the use of that storm water management basin.

Mr. Benish pointed out that some of the conditions addressed the violations on the site.

Mr. Rieley agreed with Ms. Joseph that it was always good to have some additional plants between a big parking lot and the road and it was certainly good to disperse the rain water. But, his concern was about the issues that really relate back to the items listed under the historic preservation plan that hook into the requirements of condition 13. When you require a condition like that he felt that it was implicit that the plan is unacceptable, i.e. deniable if it does not have that condition. That is not the case. The Commission does not have the legal authority to deny this plan if it does not have as many trees as they would like to see. He felt that the Commission has to acknowledge that. Literally the Commission does not have the right to turn this plan down because they don't like the planting plan or because they don't think there are adequate plantings. That being the case, he felt that this should not be required. The Commission should only require what the ordinance requires.

Mr. Thomas asked if it was the consensus of the Commission to delete condition 13.

Ms. Joseph, Mr. Edgerton and Mr. Morris disagreed.

Mr. Craddock suggested that they change the wording to include encouraged.

Mr. Edgerton questioned if the Commission did not have any concern about the neighbors.

Mr. Morris stated that the neighbor's concern regarded the parking. Therefore, he felt that the landscaping condition should be included.

Mr. Thomas stated that the applicant had agreed to leave that condition as written. He suggested that condition to remain because of the parking lot.

Mr. Morris suggested that the second sentence of condition 13 be deleted.

Mr. Edgerton asked if anybody else was concerned that the additional parking was pushing the church to a 10 foot setback on the Burnley Station Road.

Mr. Thomas stated that he was not concerned about that.

Ms. Higgins pointed out that 10 foot was the required setback.

Ms. Joseph pointed out that setback was normally seen in a commercial area and not in the rural areas.

Mr. Rieley summarized that the suggestion made was to delete condition 2 and to delete the second sentence in condition 13.

Mr. Thomas asked if all the Commissioners agreed with the suggestion.

Mr. Rieley stated that he did not agree, but would not vote against the request because of it.

Ms. Higgins disagreed because if the landscaping regulations in Section 32.7.9, which was also the industrial landscaping regulations, was not enough that the ordinance needs to be changed and not to add an arbitrary percentage to a church plan to make up that difference.

Ms. Joseph stated that it was required as a special use permit because it was something out of the ordinary in the rural areas. When it is a special use permit they can ask for something special from the applicant because it is something that they don't normally see. There are residences around the church site that will be affected by this.

Mr. Morris moved for approval of SP-2004-00015, Bethel Baptist Church Amendment, with the conditions as amended.

1. The church's improvements and the scale and location of the improvements shall be developed in general accord with the site plan entitled "Bethel Baptist Church", prepared by Brian P. Smith, PE Civil Engineering, Inc. and dated April 1, 2004, last revised August 17, 2004;
2. ~~An ornamental fence shall be provided around the proposed storm water retention basin and shall be a minimum of six feet in height;~~
3. The Church's sanctuary shall not exceed 345 seats;
4. Health Department approval of existing well and septic systems;
5. Commercial setback standards for side and rear setbacks, as set forth in Section 21.7.2 of the Albemarle County Zoning Ordinance, shall be maintained adjacent to residential uses or residentially zoned properties (including RA zoned property). The front setback shall conform to the Rural Areas standard as set forth in Section 10.4 of the Albemarle County Zoning Ordinance;
6. A 20-foot undisturbed buffer, as set forth in Section 21.7.3 of the Albemarle County Zoning Ordinance, shall be maintained along the eastern property line. There shall be no removal of the existing pines within this buffer;
7. There shall be no day care center or private school on site without approval of a separate special use permit;
8. VDOT approval of new entrances and closure of existing entrances shall be required. The entrance to Burnley Station Road (Route 641) shall be closed and the existing

entrance [approximately fifteen (15)-feet wide] to Watts Passage (Route 600) shall be closed and relocated to the south. The proposed new entrance shall meet commercial standards and radii and profiles of the entrance shall be provided on the site plan;

9. The residential dwelling on the property shall be used only as a parsonage residence;
10. All existing gravel areas not included in the existing and proposed parking areas and travelways shall be replaced with vegetative cover;
11. All parking areas shall drain to the proposed BMP/storm water basin;
12. All exterior light fixtures shall be shown and approved on a site development plan and shall be full cutoff luminaire, fully shielded and arranged or directed to reflect light away from adjoining properties and away from adjacent roads;
13. ~~13.~~ An additional 25% of landscaping materials, above the minimum landscaping materials required by Section 32.7.9.7, shall be installed within the parking area. ~~The additional landscaping shall consist of a mixture of evergreen and deciduous plant materials and shall be approved by the County Landscape Planner and/or Historic Preservation Planner.~~

Ms. Joseph seconded the motion.

The motion carried by a vote of (7:0).

Mr. Thomas stated that SP-2004-00015, Bethel Baptist Church Amendment, would be heard by the Board of Supervisors on October 13.

**Work Sessions:**

**ZMA-04-07 Belvedere** – Request to rezone approximately 243.722 acres from R-4, Residential to NMD, Neighborhood Model District, to allow up to 661 dwelling units, with an overall density of 4.4 dwelling units per acre, ranging from a density of 1.4 dwelling units per acre in some areas to 9.5 dwelling units in others. The property, described as Tax Map 61, Parcels 154, 157, 158, and 160, Tax Map 62, Parcels 2B and 2C, and Tax Map 62A3, Parcel 1, is located in the Rio Magisterial District on the east side of Rio Road (Route 631) immediately east of the Southern Railroad. The Comprehensive Plan designates this property as Neighborhood Density in the northern portion of the property (3 to 6 dwelling units per acre), Urban Density in the middle and southern portions (6 to 34 dwelling units per acre), and Community Service adjacent to the railroad, in Neighborhood Two. (Susan Thomas)

Ms. Thomas stated that the work session tonight was on ZMA-2004-007, Belvedere. In order to keep the discussion within a reasonable period of time, she suggested that the Commission hear from several staff members first to discuss various topics concerning the proposal and then staff would address the issues discussed in the staff report.

Julie Mahon, Historic Preservation Planner, passed out several handouts to the Commission. (See Attachments) She provided a recap on the historic preservation issues related to the Belvedere rezoning. She presented information regarding historic archaeological and architectural resources that have been identified on this property, and in the immediate area, by the Department of Historic Resources and through the survey conducted on behalf of Stonehaus Development by the William and Mary Center for Archaeological Research. Previously, the applicant was asked to provide a development plan or map including the locations of identified resources as per the William and Mary survey and explain how the study would affect the County, but the applicant failed to do so. Once this information has been received, staff will provide additional comments.

Don Skelley, representative with Stonehaus Development, stated that at Ms. Mahon's request they have requested William and Mary for the same exhibit. That has been forwarded to their

planning firm to do an overlay on the development. He stated that he believed that was one of the documents forwarded to staff just this afternoon by email. It was in the larger group of exhibits. He pointed out that they have made efforts to put that together so that those areas could be overlaid.

Ms. Mahon stated that late this afternoon staff had received a copy of the Neighborhood Model Zoning Map Amendment Code of Development. In previous comments she had indicated that the applicant had neglected to address the treatment of the historic resources in the Code of Development, but it looks like they have done that. The applicant has indicated a willingness to conduct a Phase One survey, which is very helpful. That is a wonderful step and great gesture to begin the process of making sure that they extract the information they need from the site prior to moving forward with Belvedere.

Julian Galle, representative from Monticello and member of the Albemarle County Historic Committee, urged the Planning Commission to require an intensive Phase I archaeological survey and a thorough architectural recordation to be conducted prior to the rezoning of the property. She suggested that the survey be done as early as possible before the excavation is done on the site.

The following information was distributed to the Commission:

- Letter dated 8-23-04 from Kat Imhoff, Chief Operating Officer of Monticello to Rodney Thomas, Chair of Albemarle County Planning Commission.

- Letter dated 8-30-04 from Barbara H. Pugh regarding ZMA-04-07, Belvedere, to Susan Thomas.

- Belvedere ZMA Student Population dated 8/31/04.

- Research Summary and Recommendations on excerpts taken from: *A Cultural Resources Reconnaissance Survey of the Proposed Belvedere Development Project, Albemarle County*, William and Mary Center for Archaeological Research, 2004.

- *A Cultural Resources Reconnaissance Survey of the Proposed Belvedere Development Project, Albemarle County*, Prepared by Stonehaus Development.

- Three pages of photographs.

Frank Stoner, representative for Stonehaus Development, stated that he wanted to be proactive and open to all of the various groups. He questioned whether the rezoning would be held up regarding these issues. He stated that if they need to go in and explore some of these areas that now is the time so that it will not hold up the rezoning.

Ron White, Director of Housing, discussed some of the applicant's proposals to provide affordable housing and his reactions based on the discussions of the Housing Committee.

**In summary**, the Planning Commission held the second work session on ZMA-04-07, Belvedere, to update the Commission on points previously noted, bring new issues to the Commission's attention, and provide an opportunity to discuss the Code of Development. Staff pointed out that the revised Code of Development had not been reviewed since it had been submitted after the staff report had been completed. Staff discussed the major issues discussed in the staff report, which was commented on by the applicants, and asked for comments and suggestions from the Commission on several specific issues. The Commission discussed the proposal with the applicant and provided comments and suggestions. The Commission asked staff to schedule a

public hearing so that public comments could be received at the next scheduled meeting without a decision being made on the rezoning. After receipt of public comments, the Commission could schedule another work session. Staff asked the Commissioners to email any questions that they had about the revised Code of Development.

The Commission voiced concern over the following issues:

- The level of detail and specificity in the plan is lacking for a rezoning application.
- The three issues expressed by the Fairview Homeowner's Association need to be addressed. The applicant should provide a more detailed examination of the post scale of the buildings, the width of the buffer and what the relationship was between the two. Address the pond capacity and the soil stabilization of surface runoff. The Engineering Department should provide information on the last two issues.
- A buffer needs to be provided in block ten of proposal.
- Appendices are not included in the revised Code of Development.
- The road standards would most likely not be reduced in the proposal. The proposal does not meet any of DISC II's criteria for low impact types of development being allowed to eliminate or waive the requirement for curb and gutter and sidewalks.
- Recreational needs for the Belvedere proposal must be met.
- Provide a development plan or map including the locations of identified resources as per the William and Mary survey and explain how the study would affect the County, but the applicant failed to do so. Once this information has been received, staff will provide additional comments.
- Provide an intensive Phase I archaeological survey prior to the rezoning of the property. This survey should be done as early as possible before the excavation is done on the site.
- Clarify the affordable housing issues in the proposal.

**The Planning Commission took a ten minute break at 8:50 p.m.**

**The meeting reconvened at 9:00 p.m.**

**Proposed Southern Albemarle Rural Historic District** – To provide an overview of the work underway to establish a state and nationally registered historic district in southern Albemarle consisting of approximately 87,000 acres. The district would encompass an area generally located between Monticello, the James River, Alberene and the Fluvanna County line. (David Benish/Marcia Joseph)

Ms. Joseph explained the origin of the proposed Southern Albemarle Rural Historic District. She stated that this proposed historic district was privately funded and would affect a lot of properties. She stated that Jennifer Hallock and Gardner Hallock had established a new firm in Keswick called Arcadia Preservation. The private group has hired Arcadia Preservation to conduct the study and collect the data to set up the Southern Albemarle Rural Historic District. The Southern Albemarle Rural Historic District will be a great benefit to Albemarle County.

Jennifer Hallock and Gardner Hallock presented information to the Commission regarding their work on the project.

**In summary**, the Planning Commission held a work session to hear an overview of the work underway to establish a state and nationally registered historic district in southern Albemarle consisting of approximately 87,000 acres. The Commission discussed the issue and provided comments and suggestions.

**Resolution of Intent – Tier II Personal Wireless Service Facilities Fees**

Mr. Kamptner presented the following Resolution of Intent for the Planning Commission's consideration regarding a simple Zoning Text Amendment to add a line to the fee section for Tier II personal wireless service facilities. Originally, staff felt that the fee could be captured in the site plan process, but then decided that a separate fee was needed.

Mr. Rieley moved for approval of the Resolution of Intent as submitted regarding establishing a fee that is adequate to cover the reasonable cost of the services provided by the County to review an application for Tier II personal wireless service facility.

**RESOLUTION OF INTENT**

**WHEREAS,** Section 35.0, Fees, of the Zoning Ordinance establishes a schedule of fees for various zoning applications and approvals;

**WHEREAS,** as part of a pending zoning text amendment, applications for personal wireless service facilities will be reviewed under one of three possible tiers of review depending on the type of facility proposed;

**WHEREAS,** established fees for building permits and special use permits would cover the costs of Tier I and Tier III reviews, respectively, but no established fees would cover the cost of a Tier II review; and

**WHEREAS,** it is desired to amend Section 35.0 in order to establish a fee that is adequate to cover the reasonable cost of the services provided by the County to review an application for a Tier II personal wireless service facility.

**NOW, THEREFORE, BE IT RESOLVED THAT** for purposes of public necessity, convenience, general welfare and good land development practices, the Albemarle County Planning Commission hereby adopts a resolution of intent to amend Section 35.0 of the Zoning Ordinance to achieve the purposes described herein; and

**BE IT FURTHER RESOLVED THAT** the Planning Commission will hold a public hearing on the subdivision text amendment proposed pursuant to this resolution of intent, and make its recommendations to the Board of Supervisors, at the earliest possible date.

* * * * *

Ms. Higgins seconded the motion.

The motion carried by a vote of 7:0.

**Old Business:**

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

**New Business:**

Mr. Thomas asked if there was any new business.

The Planning Commission welcomed David J. Neuman, Architect for the University of Virginia, to the Commission as the replacement for Pete Anderson.

Mr. Thomas asked if there was any other new business. There being none, the meeting proceeded.

**Adjournment:**

With no further items, the meeting adjourned at 9:35 p.m. to the September 7, 2004 meeting.

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V. Wayne Cilimberg, Secretary

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