Albemarle County Planning Commission
March 1, 2005

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, March 1, 2005 at 6:00 p.m., at the County Office Building, Room 241, Second Floor, 401 McIntire Road, Charlottesville, Virginia. Members attending were William Rieley, Marcia Joseph, Vice-Chair, Jo Higgins, Calvin Morris; Pete Craddock and Bill Edgerton, Chairman. Absent were Rodney Thomas, and David J. Neuman, FAIA, Architect for University of Virginia.

Other officials present were Wayne Cilimberg, Director of Planning & Community Development; Stephen Waller, Senior Planner; Rebecca Ragsdale, Senior Planner; Elaine Echols, Principal Planner; Bill Fritz, Chief of Current Development and Greg Kamptner, Assistant County Attorney.

Call to Order and Establish Quorum:

Mr. Edgerton 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. Edgerton invited comment from the public on other matters not listed on the agenda. There being none, he stated that the meeting would move on to the review of the consent agenda.

Consent Agenda:

Approval of Planning Commission Minutes: November 9, 2004.

Mr. Edgerton asked if any Commissioner would like to pull any item off of the consent agenda for discussion or if there was a motion.

Ms. Joseph moved for approval of the consent agenda.

Mr. Morris seconded the motion.

The motion carried with a vote of (6:0). (Thomas – Absent)

Public Hearings:

SP 2004-031 Gym at Seminole Place: (Formerly titled Gold's Gym): Request for special use permit to allow establishment of an indoor gym in accordance with Section 27.2.2(15) of the Zoning Ordinance which allows for indoor athletic facilities in an LI, Light Industrial district. The property, described as Tax Map 61W Section 3, Parcel 18 contains 25.4 acres, and is zoned LI, Light Industrial and EC, Entrance Corridor. The proposal is located on the south side of Greenbrier Drive (Route 866) in the former Comdial building, on the west side of Seminole Trail (Route 29 North), in the Rio Magisterial District. The Comprehensive Plan designates this property as Industrial Service in Neighborhood One. (Elaine Echols)

Ms. Echols summarized the staff report. This is SP-2004-0031 for the Gym at Seminole Place, formerly titled Gold's Gym. The Commission received a staff report on this particular project some time ago and then it was deferred. Since that time Gold's Gym has decided on an alternative location. But, the applicant wants to pursue this indoor athletic facility special use permit. Since the use runs with the land and not with the person staff felt that it was appropriate to continue with the special use permit application. This is in the old Comdial building for 60,000 square feet of area. The property is currently zoned LI, Light Industrial and special use permits allow for indoor athletic facilities in this particular district with the Board's approval. Staff reviewed the request and believes that it is appropriate to approve it because it provides for a use that is supportive of the industrial uses in the area and it also reuses an existing facility. Staff has come up with a set of conditions that she would like to discuss. The conditions are listed on page 4 of the staff report. She asked to clarify that between the Planning Commission and the Board meeting that the discrepancy would be worked out between the 50,000 square feet, as shown

on the plan that is attached to the staff report, and the 60,000 square feet, as shown in the conditions of the staff report. She felt that having two different numbers will create future confusion, but staff's recommendation is for 60,000 square feet. Staff will get that corrected on the plan.

The second issue has to do with the pedestrian and bicycle access. Since the staff report was initially prepared, she had done further research into the way pedestrian access was proposed. She said that condition 3 should probably be revised to reflect a more workable pedestrian connection. The condition requires sidewalks be added to both sides of the street from Greenbriar. She said that the street is a rural cross-section and sidewalks will likely not work at this location due to right-of-way width and existing landscaping. Staff would like to modify the condition to ensure that pedestrian access is provided, but, change the way in which it would be provided.

Mr. Edgerton asked why staff was limiting the special use permit to 60,000 square feet.

Ms. Echols stated that it was the applicant's request for a certain size, and that Mr. Slagle could talk a little more about that when he speaks. It was the applicant's request for a certain size, and then staff assessed that square footage against the existing parking.

Mr. Edgerton stated that he had wondered about that since the entire building was 456,000 square feet and why they would want to restrict that. He questioned how much square footage would actually be needed.

Ms. Echols stated that one of the things that staff is anticipating potentially is redevelopment in and around this site since they may want an opportunity to use it for other uses. Staff does not know the answer to that question, but the Commission could ask the applicant.

Mr. Morris asked where within the old Comdial building that the gym was in relation to the area that was contaminated.

Ms. Echols stated that she did not know the answer to that question.

Mr. Morris stated that he recalled the last time that they were looking at Comdial that there was a specific area that had some real problems with contamination. But, it was a relatively small area. He stated that he was just wondering where that area was located.

Mr. Edgerton stated that he did not remember that area being identified.

Ms. Higgins stated that it was identified on the plan in the back parking lot towards the left. That area is under a permit, which is controlled and monitored. But, she did not think it would have anything to do with the interior use of the building.

Ms. Joseph asked if staff was referencing the time in condition 1 where it talks about the gym should be operated in general accord with the letter. She questioned what staff would like to happen as a result of that condition.

Ms. Echols stated that there is the time aspect that was related to the parking spaces. Staff can clarify that condition with the applicant with what the Commission is discussing with him tonight and then between the Planning Commission and the Board meeting they can square that down.

Mr. Rieley stated that because they have not even seen possible redevelopment plans for this site and this special use permit would run with the land and not necessarily the building that if they approve this special use permit for a 60,000 square foot gym facility on this site it would be allowed regardless of whether the site is redeveloped in another way.

Mr. Kamptner stated that condition 2 would limit that. Typically the special use permit would just run with the land regardless of the building itself.

Mr. Rieley pointed out that he was not so sure in reading condition 2 on whether that made it clear. One could read that within the perimeter of the footprint of the existing building that it might ultimately be. He stated that he did not think that it matters that much, but was just curious whether that was the geographical location or whether it would not apply if the building were taken down. He asked if it was Mr. Kamptner's feeling if the building came down and other buildings were built that would make the special use permit null and void.

Mr. Kamptner stated that it was very possible that the special use permit might become null and void. It would put the zoning administrator in a tough position, but she would have to make that call. The zoning administrator would look at the building itself and not the footprint of the building. He stated that if the Commission has a concern, then they should either amend that condition to either clarify it or to simply delete the requirement.

Mr. Rieley pointed out that after they hear what the applicant has to say that they might end up clarifying that condition.

Mr. Edgerton asked if there were any other questions. There being none, he opened the public hearing and asked the applicant to address the Commission.

Tim Slagle, representative for Seminole Properties, stated that he was one of the owners of the old Comdial building and was here to answer any questions. First, he would try to address the two questions that he had heard. The amount of square footage that was originally specified is based upon the original discussions they had with Gold Gym's about a lease for a portion of the former Comdial building. Therefore, there was nothing magisterial about the square footage since it was for the amount of square footage that they were asking for at that particular point. Whether any gym facility would come on to this property under a lease remains to be seen. But, they felt that they should go ahead and proceed with this special use permit application in the event that another such use should come forth. The second question is in reference to where the gym would be in reference to the contamination on the site. The contamination was located behind the building in an area where Comdial had some storage tanks. Those storage tanks had leaked into the ground water. The gym would be located inside the building far away from this area of contamination. Actually, Seminole Properties are in the fourth year of a six year remediation plan with the State Department of Environmental Quality. Therefore, that will not be an issue in future years. He pointed out that one of the requirements with the DEQ is not to use any of the ground water on the site for potable water, which was not an issue anticipated at any point in the future.

Mr. Edgerton asked if there were any other members of the public that would like to address the Commission. There being none, he closed the public hearing to bring the matter back before the Planning Commission.

Ms. Joseph asked about the details on condition 1. She wondered what exactly was being restricted and suggested that the condition be more explicit.

Mr. Rieley stated that this was a really suitable use for the Comdial building and he was sorry that the negotiations did not work out with the previous potential lessee. He felt that the Commission should clarify condition 2 relating to whether the use could be reestablished in a new building if the existing building were removed or destroyed. Since the applicant's representative did not make a case that the request would be for a new building, his inclination would be to clarify that it is granted for the 60,000 square feet within the physical building itself and not simply the footprint of the building. He stated that he would leave it up to Mr. Kamptner to word the condition between now and the Board meeting. He moved for approval of SP-2004-031, Gym at Seminole Place, with that caveat to the recommended conditions in the staff report.

1. The proposed indoor gym shall be operated in general accord with the special permit justification dated June 21, 2004 (including attachments) and supplemental information contained in a letter from Timothy R. Slagle to Susan E. Thomas, Senior Planner, dated July 26, 2004, documents which are attached to these conditions;

2. This Special Permit (SP 2004-031) is granted for up to 60,000 square feet of area within the existing physical building itself and not simply the footprint of the building. Any enlargement of the area of use beyond the 60,000 square feet will require amendment of this Special Permit;

3. Pedestrian and bicycle access shall be provided from Greenbrier Drive to the site along the existing entrance road, as shown on the attached concept plan submitted by the applicant as a part of the Special Permit application (dated September 3, 2004 and initialed by SET). These pedestrian and bicycle facilities shall meet VDOT standards, except that all sidewalks shall be five feet in width, and shall be approved by VDOT and the County Engineer. These facilities shall be built or bonded prior to issuance of a Certificate of Occupancy for Gym at Seminole Place.

4. The existing driveway access to the site from Commonwealth Drive shall be upgraded as necessary to accommodate two way traffic to the satisfaction of County Engineering and VDOT.

5. The gated access to the site from Commonwealth Drive shall remain open during all hours the gym facility is open for business.

Ms. Higgins seconded the motion.

Mr. Edgerton asked if there was any further discussion.

Ms. Echols pointed out that there are two additional modifications to conditions that should be included in the motion. The one that Ms. Joseph brought up concerning the applicant's justification letter as referenced in condition 1 and the second regarding the pedestrian access as referenced in condition 3. That would allow staff to make those changes to the conditions before it would get to the Board of Supervisors.

Mr. Rieley stated that he certainly thought that making an accommodation for the pedestrian access as discussed should be included. He felt that the important thing was that they have it. It would really complicate matters trying to turn a rural cross section into an urban cross section for the purposes of getting pedestrian access. Therefore, he felt that including modifications to that condition made a lot of sense. He asked Ms. Joseph to explain the other clarification.

Ms. Joseph stated that the other one references the application in the letter. It would probably be a lot cleaner if they took out the important aspects of the letter such as the time, the hours of operation and the number of people that they expect to be served on this property. She felt that it would definitely be a cleaner condition, particularly for those who have to enforce this. It would also eliminate Zoning having to go back and forth trying to figure out exactly what general accord means.

Mr. Rieley agreed to add those modifications to conditions to his motion.

Ms. Higgins agreed to these modifications in her second to the motion.

The motion carried by a vote of (6:0) with the following modified conditions. (Thomas – absent)

1. The proposed indoor gym shall be operated in general accord with the special permit justification dated June 21, 2004 (including attachments) and supplemental information contained in a letter from Timothy R. Slagle to Susan E. Thomas, Senior Planner, dated July 26, 2004, documents which are attached to these conditions; **(WORDING TO BE WORKED ON BY STAFF)**

2. This Special Permit (SP 2004-031) is granted for up to 60,000 square feet of area within the existing physical building itself and not simply the footprint of the building. Any enlargement of the area of use beyond the 60,000 square feet will require amendment of this Special Permit;

3. Pedestrian and bicycle access shall be provided from Greenbrier Drive to the site along the existing entrance road, as shown on the attached concept plan submitted by the applicant as a part of the Special Permit application (dated September 3, 2004 and initialed by SET). These pedestrian and bicycle facilities shall meet VDOT standards, except that all sidewalks shall be five feet in width, and shall be approved by VDOT and the County Engineer. These facilities

shall be built or bonded prior to issuance of a Certificate of Occupancy for Gym at Seminole Place. **(WORDING TO BE WORKED ON BY STAFF)**

4. The existing driveway access to the site from Commonwealth Drive shall be upgraded as necessary to accommodate two way traffic, to the satisfaction of County Engineering and VDOT.
5. The gated access to the site from Commonwealth Drive shall remain open during all hours the gym facility is open for business.

Mr. Edgerton stated that SP-2004-31 was unanimously approved and will go before the Board of Supervisors on April 6. He noted that Mr. Kamptner will work on the language of the two conditions before the request goes to the Board of Supervisors.

SP 2004-056 Meadowgate Farm Home Occupation Class B: (Formerly titled "Winn, Jr., Wendall) Request for a special use permit to allow a Home Occupation Class B with up to two employees for an office, in accordance with Section 10.2.2.31 of the Zoning Ordinance, which allows for Home Occupations Class B. The property is described as Tax Map 120, Parcel 22, contains 109 acres, and is zoned RA, Rural Area. The proposal is located at 7060 Esmont Farm, approximately .20 miles from the intersection of Route 715 (Esmont Road) and Route 719 (Alberene Road), in the Scottsville Magisterial District. The Comprehensive Plan designates this property Rural Area. (Rebecca Ragsdale)

Ms. Ragsdale summarized the staff report. This special use permit is for a home occupation, class B. The special use permit is to allow the author that works from her home there to have up to two employees to assist with any office related or other related things to the writing. It is expected that these employees will work normal office hours generally from 9 a.m. to 5 p.m. five days per week. The employees would work within the primary residence of the house. There would be no alterations either inside or outside the house to accommodate these employees. During the site visits there would only be a laptop and phone. When the employee left they will pack up and you would never know that they had been there. This property is 109 acres located in Esmont. As included in the staff report, there are no issues regarding access. There are two entrances onto the property from two state roads that are paved. There is ample parking for these employees. Staff did not identify any issues with this being incompatible or having any impacts to the rural areas. It is a historic property, but the Historic Preservation Planner did not have any concerns since there were no alterations or concerns with it. Regarding conditions of approval and Section 5.0 of the ordinance that governs home occupations, there were no requests for modifications. The area for such home occupation shall not exceed 1,500 square feet. Since the applicant has not proposed any accessory structures to be used, staff suggested that as a condition under 2 on page 3 of the staff report. Staff recommends approval with the two conditions. Actually, the first condition is not necessary. Mr. Kamptner pointed out that condition 1 was covered under other sections of the ordinance regarding home occupations. Therefore, staff recommends approval with just the one condition that the applicant does not expand or utilize the accessory structures on the property for the home occupation.

Mr. Edgerton asked if there were any questions for staff.

Ms. Joseph asked if the special use permit would run with the owner.

Mr. Kamptner stated that the special use permit would run with the land. Therefore, as long as they continue that same occupation the special use permit would be valid.

There being no further questions for staff, Mr. Edgerton opened the public hearing and invited the applicant to come forward to address the Commission.

Wendall Winn, an attorney with Richmond & Fishburne, stated that he was present to represent the applicant, Meadowgate Farm. This request is just to enable an author to write in her home, which is an old historic property. He stated that she does have one employee who devotes some of her time to supporting her writing effort. Therefore, they thought that it would come under the Class B, Home Occupation. They went ahead and applied for permission to have two employees in the event that she should subsequently hire someone else. She is a fairly well know authoress and is very glad to be in Albemarle County. Hopefully, this special use permit will be approved.

Mr. Edgerton asked if there were any questions for Mr. Winn. There being none, he asked if there was any member of the public who would like to address the Commission on this application. There being none, he closed the public hearing to bring the matter back before the Commission for action.

Mr. Craddock moved for approval of SP-2004-056, Meadowgate Farm Home Occupation Class B, subject to condition 2 recommended in the staff report.

~~1. The number of employees, other than family members residing on the premises, associated with this home occupation shall not exceed two.~~
2. No accessory structures shall be used for this home occupation.

Mr. Morris seconded the motion.

The motion carried by a vote of (6:0). (Thomas – Absent).

Mr. Edgerton stated that SP-2004-056, Meadowgate Farm Home Occupation Class B was approved unanimously and would go to the Board of Supervisors on April 6.

SP 2004-059 Toad Hollow Farm Horse Show: Request for a special use permit for horse show grounds, permanent, in accordance with Section 10.2.2.12 of the Zoning Ordinance which allows for horse show grounds, permanent in the RA (Rural Areas) by special use permit. The subject parcel, described as Tax Map 41, Parcel 15A, contains approximately 36 acres and is located at 4333 Cannon Brook Way, on the east side of Browns Gap Turnpike (Route 680), approximately 2 miles south of White Hall. The property lies within the White Hall Magisterial District, is zoned RA (Rural Areas) and is in the area designated as Rural Areas 3 by the Comprehensive Plan. (Rebecca Ragsdale)

Ms. Ragsdale summarized the staff report. The applicant is requesting approval of SP 2004-059 to host horse shows at their 36.78-acre property known as Toad Hollow Farm. The applicant would use an existing 25,000 square-foot covered arena and an 80' by 210' outdoor arena for the horse shows. The applicant currently has a commercial stable use there for riding lessons and for other persons who want to rent the facilities. The portion of the property that will be utilized is shown on the application plan. The applicant intends to host 6 horse show events a year for local participants and also host several smaller dog agility trials and clinics with approximately 30 people to be limited to 3 per year. A full description of the proposal has been provided by the applicant in their special use permit application. Horse show events would be attended by approximately 80 participants and spectators for dog agility trials would have approximately 30 people attend. There would be no new permanent facilities to accommodate the horse shows as arenas and parking areas are existing. Gravel parking is provided around the arenas and barn, and pastures would also be used for trucks and horse trailers.

This is a request for a special use permit for horse show grounds, permanent, in accordance with Section 10.2.2.12 of the Zoning Ordinance which allows for horse show grounds, permanent in the RA (Rural Areas) by special use permit. The subject parcel, described as Tax Map 41, Parcel 15A, contains approximately 36 acres and is located at 4333 Cannon Brook Way, on the east side of Browns Gap Turnpike (Rt. 680), approximately 2 miles south of White Hall. The property lies within the White Hall Magisterial District, is zoned RA (Rural Areas) and is in the area designated as Rural Areas 3 by the Comprehensive Plan.

Immediately surrounding the Toad Hollow Farm are properties within the Moorman's River Agricultural and Forestal District. There is a residential subdivision to the southwest, which has 2 to 3 acre lots. Most of the adjacent land is similar properties with commercial stables and other related facilities. The indoor horse arena was constructed in 2004 and the resident has the commercial stable use there now. This is considered an agricultural use when it comes to the site plan requirements. Therefore, staff took that into consideration when looking at the Comprehensive Plan Policy with the approach that it was a use that was supportive of agricultural uses in the County and the Rural Area Policy. Since it is a property that was adjacent to the Moorman's River Agricultural and Forestal District, the advisory committee reviewed the application and had favorable comments. They also identified concerns that came from other reviewers regarding the access to the property, which she would go into a little bit more in detail. But, they also had concerns that on event days there might be farmers in the community that would need to know about the events so that they are prepared for the increased traffic. This would be in case a farmer

needed to get out on the road on their tractor during the event so that there would be no problems. The issues regarding access to the property was the main concern in this review. The concerns came from VDOT and the Engineering review. VDOT's concern was mainly the sight distance of Cannon Brook Way. Cannon Brook Way is the private lane or road that runs from Brown's Gap Turnpike back to the property. It is a nonexclusive right-of-way, which ranges from about 20 to 30 feet in right-of-way width, but the paved portion is not adequate for two way vehicle traffic. At its intersection with Route 680, VDOT has indicated that the sight distance to the south is not adequate. The site distance should be at least at a 500 foot minimum. Therefore, VDOT has recommended that the applicant provide a sight distance easement and remove the trees. The entrance itself to the state road was determined to be adequate for the increase in truck and trailer traffic. A suggested condition of approval includes VDOT's comments about sight distance being met. The engineering comments were about Cannon Brook Way itself and addressing the need for adequate room for two-way truck and trailer travel. To address that they decided that travel pull-offs was an adequate solution. A minimum of two gravel pull-offs along Cannon Brook Way would be required to allow two vehicles to pass safely. Photographs are provided at the end of the staff report to help clarify what she was trying to explain. If there were any questions, she would be happy to answer them. Attachment F is the sight distance easement at the intersection of Cannon Brook Way with Route 680. Engineering's suggested comments include providing improved signage to provide two DO NOT ENTER signs and one ONE WAY sign, which was a suggested condition of approval. Since it was determined that this was an agricultural activity the site plan was not required. A site plan could be required, but staff did not suggest that because the concept plan indicates what will be happening on the site itself. The other issues regarding the easement would be addressed on the plat. The applicant and engineering would work together to determine the appropriate size and location for the gravel pull-offs. Engineering has indicated that the size would be roughly what is required for a loading space, which would be 12 feet by 25 feet. Staff recommends approval of this application indicating that it was supportive of agricultural and forestal policies. Staff has heard from two adjacent property owners. One owner was just curious about the request. The second owner, the Smith's, who own a commercial stable just north of this property, said that they were supportive of the request. The unfavorable factors identified were that there would be some need to improve Cannon Brook Way and the sight distance to accommodate this use safely. Staff recommends approval of the request subject to the conditions listed in the staff report.

Mr. Edgerton asked if there were any questions for staff.

Ms. Higgins stated that staff refers to the easements, but in the conditions there is no easement language.

Ms. Ragsdale stated that what VDOT has said to meet that requirement was in condition 5, which was subject to their approval. VDOT said that ultimately to insure the best maintenance of that sight distance would be an easement, but that would be something that the applicant gets approved. Staff did not specify that they would be providing an easement. At the time staff was not sure if some other arrangement would be satisfactory to VDOT. Staff did not want to be the one requiring the easement since the County would not actually be the easement holder involved in that. It would be approved with the plat, but it would subject to VDOT's requirements.

Ms. Higgins questioned the condition that says the applicant shall obtain Health Department approval prior to all events. She pointed out that she did not know if the Health Department has a procedure for the issuance of an event permit.

Ms. Ragsdale stated that staff did not find an actual Health Department approval that was needed, but thought that the Health Department would be the agency that would address the number of portable toilets and that sort of thing. But, they don't actually have those standards. Therefore, it would either be appropriate to eliminate that condition or suggest our own standards in a condition if the Commission feels that is appropriate.

Ms. Higgins stated that it was not very well defined because they don't have anything like that and she was not sure in a case like this that there is even a necessity for something like that. Typically the owners would need to get portable johns or alternative facilities.

Mr. Rieley stated that it was not a Health Department approval.

Ms. Higgins stated that they would only need Health Department approval if they were going for an event like the County fair. Then they would have to go in and meet a certain number, which would get more involved than that.

There being no further questions for staff, Mr. Edgerton opened the public hearing and invited the applicant to come forward to address the Commission.

Ann Sutherland, representative for Toad Hollow Farm, LLC, stated that she was one of the general partners. They were putting in this application for a special use permit because they want to provide some additional facilities for the local horse association to have schooling shows to allow people to school their horses and have a venue for exhibiting them. In terms of the conditions, they were in favor of the conditions. They were in favor of the limitations because she did not think that they could organize more than six horse shows a year and stay sane. They have talked with the other owners along the road about changes to the layout of the road, the signage and putting in the gravel turn-outs. All of the other owners had no objections. They have specifically spoken to Chris Middleton who owns property on which they would have to obtain a sight distance easement. Mr. Middleton was completely in favor of them maintaining the sight distance there. They have not done anything formal about the easement, but she did not foresee that they would have any problems in obtaining that. If there were any other questions, she would be happy to answer them.

Mr. Rieley asked if she had met with the VDOT representatives when they were looking at the sight distance.

Ms. Sutherland stated no that she did not. She pointed out that everybody along that road knows that sight distance is a problem because the road curves up and away and then there is a big bank of trees right on the edge of the road. When you come up to the intersection you can look to the right and see perfectly well. But, if you look to the left you can't see much beyond the intersection with Jones Mill Road. She felt that everybody along the road have felt that even in a small car that you run the risk of coming out and running into somebody that does not know that there is a road there. Therefore, that is why everybody was in favor of having the sight distance improved at that intersection. She stated that it was not just an issue for the horse trailers that would be pulling out, but it is really for anybody pulling in and out of the road.

Ms. Higgins pointed out that it had already been improved.

Mr. Rieley stated that he just wanted to make sure that everybody was clear on the extent of what would have to be done. He pointed out that it appeared that the fence and some trees might be an issue. It also looked like there might be some grading required.

Ms. Sutherland stated that she felt that some clearing would do the trick. She pointed out that a lot of the trees were already gone.

Mr. Morris asked if condition 2 was going to be a problem if there is no outdoor amplified sound system for the events.

Ms. Sutherland stated that she did not think that it would be a problem at all because most of the shows that they have gone to at other places don't even have outside amplified sound. In general there is no need for it. They do have speakers inside the arena, but they have been working with their neighbors to make sure that they were not ominous in terms of the amount of noise coming out of it. But, that was the only speaker system that they anticipate having.

Ms. Higgins questioned condition 3 that says there shall be no overnight camping. She acknowledged that they were not trying to run a campground. Therefore, if there were a two day event some people who had horse trailers with living quarters might want to stay overnight. Therefore, she did not think that needs to be part of the conditions because that means that everybody technically has to leave and then return. They would then have the in and out versus some people if they have that kind of trailer that would just stay there. She noted that there would not be any strain on the bathroom facilities because they are

all self-contained. She asked if that was something that staff has a concern about or where did that condition come from.

Ms. Ragsdale stated that the condition came from the zoning staff.

Ms. Higgins pointed out that for a two day event that it could be an issue.

Ms. Sutherland stated that at the moment they do not anticipate having any two day events. They were basing this on the model of the shows that they have gone to in the past few years where it begins at about 8 a.m. in the morning and ends at about 4 p.m. in the afternoon, which was all inclusive. Because it was a schooling show as opposed to a recognized show, it usually does not last beyond one day. Therefore, she did not anticipate that there would be any need for that.

Ms. Higgins moved for approval of SP-2004-059, Toad Hollow Farm Horse Show, with the recommended conditions in the staff report except for condition 9 and 10, which would be eliminated.

1. The horse show use shall be conducted in general accord with the concept plan, titled "Toad Hollow Farm" and labeled as "Attachment B".
2. There shall be no outdoor amplified sound system for events.
3. There shall be no overnight camping.
4. All exterior light fixtures shall be full cutoff luminaries and fully shielded and arranged or directed to reflect light away from adjoining properties and away from adjacent roads.
5. Prior to the issuance of a Zoning Clearance for the horse show use, the applicant shall provide sight distance at Cannon Brook Way and Route 680 (Browns Gap Turnpike) to the satisfaction of the Virginia Department of Transportation.
6. Subject to the approval of the county engineer, prior to the issuance of a Zoning Clearance for the horse show use and to provide safe and convenient access to the site, the applicant shall provide a minimum of two gravel pull-offs along Cannon Brook Way to allow two vehicles to pass safely. The applicant shall also provide two **DO NOT ENTER** signs and one **ONE WAY** sign placed at locations specified by the county engineer along Cannon Brook Way.
7. The number of horse show events shall be limited to 6 per year. The maximum number of participants and attendees at any single event shall be 80.
8. The number of events, other than horse show events, shall be limited to 3 per year and the maximum number of participants and attendees at any single event shall be limited to 40. These events shall not utilize the pastures for parking.

~~9. Seating provided for spectators shall be limited to 50 seats.~~
~~10. The applicant shall obtain Health Department approval prior to all events.~~

Mr. Rieley seconded the motion.

The motion carried by a vote of (6:0). (Thomas – Absent).

Mr. Edgerton stated that SP-2004-059, Todd Hollow Farm, was approved unanimously and would go to the Board of Supervisors on April 6.

SP 2004-060 Second Bank & Trust – Southside: Request for special use permit to allow a drive-in window to serve a bank in accordance with Section 25.2.2.4 of the Zoning Ordinance, which allows for drive-in windows serving or associated with permitted uses. The property contains approximately 1.34 acres, zoned Planned Development - Shopping Center (PDSC), and Entrance Corridor (EC). This site lies within the Scottsville Magisterial District and is located on the southern side of Mill Creek Drive (Route 1150) approximately 240 feet east of the intersection with Avon Street Extended (Route 742), adjacent to the Mill Creek Exxon. The Comprehensive Plan designates this property as Community Service in Development Areas Neighborhood 4.

AND

SDP 2004-103 Second Bank & Trust – Southside: Critical Slopes Waiver Request. (Stephen Waller)

Mr. Waller stated that this is a request for a special use permit that would allow the construction of a bank with a drive-through window and an ATM Machine. The Site Review Committee has reviewed this proposal for all relevant requirements of the Zoning Ordinance and Comprehensive Plan. This includes all of the provisions and standards for safe and convenient one-way access such as adequate stacking lanes and a by-pass lane aside from the drive-through. Staff recommends approval of this special use permit with the conditions that are provided in the staff report. The staff report also includes a request for the approval of a critical slopes waiver, which is also detailed in the staff report and requires a separate action by the Commission.

Mr. Edgerton asked if the Commission had recently reviewed something on this same piece of land or an adjacent parcel.

Mr. Waller stated that the Commission had reviewed a critical slopes waiver for the adjacent parcel located to the south of this parcel.

Mr. Edgerton asked if that property was shown as lot C on page 18.

Mr. Waller stated that was correct. The prior request had come before the Commission last week on the consent agenda as a critical slopes waiver for Creekmill Commons, which was approved. He pointed out that this request could have gone on the consent agenda as well, but it was just included in the staff report for the special use permit since another action was also needed.

Mr. Edgerton stated that on page 18 it showed that the only critical slopes were located on the northeast corner of the drive-through area at the retaining walls. He asked if that was correct.

Mr. Waller stated that was correct.

Ms. Higgins asked if the critical slopes were located in all of the shaded area.

Mr. Waller stated that the shaded area included some of the critical slopes. He pointed out that the critical slopes next to the pond will remain intact.

Mr. Edgerton asked if the Department of Engineering reviewed the proposed critical slopes waiver.

Mr. Waller stated that Engineering had reviewed the proposed critical slopes waiver and that their report was included in the staff report. He pointed out that is why Alan Schuck's name is on the report, but that Mr. Snell actually did the analysis.

Mr. Edgerton asked if there were any other questions for staff. There being none, he opened the public hearing and invited the applicant to address the Commission. Since there was no one present to speak for the applicant, he asked if there was any other member of the public that would like to speak regarding this application. There being none, he closed the public hearing to bring the matter back before the Commission for discussion and a possible action.

Mr. Rieley stated that he agreed with staff's recommendation.

Mr. Morris moved for approval of SP-2004-060, Second Bank & Trust – Southside, with the conditions recommended in the staff report.

1. The site shall be constructed in general accordance with the preliminary site plan entitled "Proposed Site Plan and Special Use Permit, Second Bank & Trust - Southside Branch", last revised December 27, 2004.
2. The furthest lane from the building shall be maintained free of any obstructions and limited to bypassing traffic.
3. Signage and pavement markings shall be provided at the entrance and exit points of the drive-through lane, subject to Current Development Division engineering approval to ensure appropriate and safe travel patterns.

Mr. Rieley seconded the motion.

The motion carried by a vote of (6:0). (Thomas – Absent).

Mr. Edgerton stated that SP-2004-060, Second Bank & Trust – Southside, was approved unanimously and would go to the Board of Supervisors on April 6.

Ms. Higgins moved for approval of SDP-2004-103, Second Bank & Trust – Southside Critical Slopes Waiver Request.

Mr. Craddock seconded the motion.

The motion carried by a vote of (6:0). (Thomas – Absent).

Mr. Edgerton stated that SDP-2004-103, Second Bank & Trust – Southside Critical Slopes Waiver Request was unanimously approved.

Old Business:

Mr. Edgerton asked if there was any old business.

Mr. Kamptner stated that last week the Commission had asked him to provide an update on some bills that were working their way through the General Assembly. There were two bills. One dealt with the tax credit for parcels that are donated as conservation easements. The bill that was originally proposed was going to impose a limit on the amount of the tax credit and to also limit the amount of the unused tax credit that could be sold or transferred to other people. The bill that was approved was significantly changed. The approved bill imposes clearer standards for the qualified appraisal that needs to support the application for the tax credit. The other piece of legislation deals with historic preservation and establishes a standard for making applications for historic preservation state aid from DHR. It was also going to establish requirements for organizations that apply for the state aid. The bill that was passed by the House last week does those two things. It also adds "interpretation" of sites and facilities as a funding priority along with the maintenance and operation of those sites owned by historical organizations. There is a third piece of legislation working its way through Congress, which may significantly reduce the tax benefits for donations of easements for lands for conservation purposes.

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

New Business:

Mr. Edgerton asked if there was any new business.

Mr. Cilimberg asked that the Commissioners take note that there will be no meeting next week.

THERE ARE NO ITEMS ON THE AGENDA FOR NEXT WEEK, THEREFORE THE NEXT SCHEDULED PLANNING COMMISSION MEETING WILL BE HELD TUESDAY, MARCH 15.

There being no further new business, the meeting proceeded.

Adjournment:

With no further items, the meeting adjourned at 7:05 p.m. to the March 15, 2005 meeting.

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V. Wayne Cilimberg, Secretary

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