**Albemarle County Planning Commission**
**July 12, 2005**

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, July 12, 2005 at 6:00 p.m., at the County Office Building, Room 241, Second Floor, 401 McIntire Road, Charlottesville, Virginia. Members attending were Bill Edgerton, Chairman; William Rieley, Rodney Thomas, Calvin Morris and Jo Higgins. Absent were Marcia Joseph, Vice-Chair; Pete Craddock and David J. Neuman, FAIA, Architect for University of Virginia.

Other officials present were Wayne Cilimberg, Planning Director; Elaine Echols, Principal Planner; Rebecca Ragsdale, Senior Planner and Greg Kamptner, Assistant County Attorney.

***Call to Order and Establish Quorum:***

Mr. Edgerton 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. Edgerton invited public comment on other matters not listed on the agenda. There being none, the meeting continued to the next item on the agenda.

***Review of Board of Supervisors Meeting*** – July 6, 2005.

Mr. Cilimberg summarized the actions taken by the Board of Supervisors on July 6, 2005.

- During the Board's discussion of the Rural Area Comprehensive Plan implementation, specifically as it regards the zoning text amendments for the timing or phasing of subdivision and the clustering, they discussed how those two ZTA's can move forward most quickly. The Board received some staff input and decided that they would like to have another work session at their September 7 meeting and would like to invite the Planning Commission to join them. The work session would be held during the day at which time they would receive staff information and have discussion regarding those two zoning text amendments. The two items that will be discussed are the timing or phasing amendment and the clustering amendment that relates to the Rural Preservation Development.

***Consent Agenda***:

**Approval of Planning Commission Minutes:** March 29, 2005, April 5, 2005 and May 3, 2005.

**SDP-2005-056 River's Edge Furniture Store Preliminary Site Plan** – Critical Slopes Waiver Request. (Steve Tugwell) (Tax Map 078, Parcels 58G & 58H)

**SDP-2005-050 Peter Jefferson Place VI and VII Preliminary Site Plan** – Critical Slopes Waiver Request. (Stephen Waller) (Tax Map 78, Parcels 31-portion of and 32)

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

Ms. Higgins asked to pull the minutes of May 3, 2005 off of the consent agenda.

Mr. Thomas asked to pull the March 29, 2005 minutes off of the consent agenda.

Due to Mr. Craddock's absence, Mr. Edgerton asked to defer action on the minutes of April 5, 2005.

**MOTION**: Ms. Higgins moved, Mr. Rieley seconded, to defer the approval of the March 29, 2005, April 5, 2005 and May 3, 2005 minutes to the next meeting.

The motion for deferral of the minutes passed by a vote of 5:0. Commissioners Joseph and Craddock

were absent.

**MOTION**: Mr. Thomas moved, Mr. Rieley seconded, that the consent agenda be approved excluding the approval of the Planning Commission minutes.

The motion that the consent agenda be approved passed by a vote of 5:0. Commissioners Joseph and Craddock were absent.

***Items Being Deferred***:

**ZMA 2004-012 Luxor Commercial (Sign #86):** Request to rezone 3.523 acres (portion of Tax Map 78, Parcel 55A4) from R-6 (Residential) and R-15 (Residential) to PDMC (Planned District Mixed Commercial) and to rezone 1.377 acres (Tax Map 78, Parcel 55D) from C-1 (Commercial) to PDMC to allow a 1,500 square foot bank and 80,000 square feet of mixed commercial in a planned development. The properties, described as Tax Map 78, Parcel 55A4 (portion thereof) and Tax Map 78, Parcel 55D, are located in the EC Entrance Corridor Overlay District and the Rivanna Magisterial District on the north side of Route 250 East between the Montessori School and Aunt Sarah's Restaurant. The general usage allowed in the PDMC zoning district is large-scale commercial with a broad range of commercial uses under a unified planned approach; the PDMC zoning district does not have a density range. The Comprehensive Plan designates this property as Urban Density and the general usage recommended under this designation is residential. The recommended density range is 6-34 dwelling units per acre in Neighborhood Three.

**AND**

**SP 2004-038 Luxor Commercial Drive-In Window for a Bank (Sign #86):** Request for a special use permit to allow for a drive-in window for a bank in accordance with Section 25A.2.2 of the Zoning Ordinance which allows for drive-in windows serving or associated with permitted uses within PDMC. The property, described as Tax Map 78, Parcel 55A4 (a portion thereof), contains 23.168 acres, and is pending a rezoning to PDMC (ZMA-04-12).

**AND**

**SP 2005-001 Luxor Commercial Drive-In Window for a Coffee Shop (Sign #86):** Request for a special use permit to allow for a drive-in window for a coffee shop in accordance with Section 25A.2.2 of the Zoning Ordinance which allows for drive-in windows serving or associated with permitted uses within PDMC. The property, described as Tax Map 78, Parcel 55A4 (a portion thereof), contains 23.168 acres, and is pending a rezoning to PDMC (ZMA-04-12).

**AND**

**SP 2005-002 Luxor Commercial Veterinary Office (Sign #27):** Request for a special use permit to allow for a veterinary office in accordance with Section 25A.2.2 of the Zoning Ordinance which allows for veterinary offices and hospitals within PDMC zoning. The property, described as Tax Map 78, Parcel 55D contains 1.377 acres, and is pending a rezoning to PDMC (ZMA-04-12). (Sean Dougherty)
***DEFERRED FROM THE JUNE 7, 2005 PLANNING COMMISSION MEETING.***
***APPLICANT REQUESTS DEFERRAL TO THE AUGUST 9, 2005 PLANNING COMMISSION MEETING.***

Mr. Edgerton opened the public hearing and invited public comment. There being none, the public hearing was closed and the matter before the Commission for an action.

**MOTION**: Ms. Higgins moved, Mr. Thomas seconded, that ZMA-2004-012, SP-2004-038, SP-2005-001 and SP-2005-002 for Luxor Commercial be deferred to the August 9 meeting.

The motion for deferral passed by a vote of 5:0. Commissioners Joseph and Craddock were absent.

Mr. Edgerton stated that ZMA-2004-012, SP-2004-028, SP-2005-001 and SP-2005-002 for Luxor Commercial were deferred until August 9.

***Regular Items***:

**ZMA 2005-009 Briarwood Subdivision Amendment (Signs #89, 92&94))** - Request to modify the Briarwood PRD to change building separation requirements and to establish yards and setbacks. The properties are within the Rivanna Magisterial District at the intersection of Seminole Trail and Austin Drive (Route 1575), and are identified more particularly as follows as Tax Map 32G Parcel 1, Tax Map 32G Section 3 Parcel A and Tax Map 32G Section 3 Parcel 83. The Comprehensive Plan designates these lands as Neighborhood Density residential (3-6 units/acre) and the PRD zoning permits a variety of residential uses. (Elaine Echols)

Ms. Echols presented the staff report. (Attachment: See staff report for Briarwood PRD Amendment) The attachments to the staff report will help bring the Commission back up to speed from when they last left this proposal. This was a rezoning that was originally approved in 1991 and amended in 1995. The last amendment occurred in February of 2005.

When the request went through the process there were things that went through fairly quickly. Unfortunately, setting new setbacks was not part of the Board action that took place when they approved the Briarwood rezoning. Therefore, site plans were brought in and the setbacks that were desired could not be used. The applicant asked the Board of Supervisors if they could approve the setbacks, and they advised him that he would need to come back through the rezoning process. The applicant has done that and is here tonight requesting the Planning Commission's recommendation on the modified setbacks.

In this area the R-4 setbacks have been used, and the applicant is requesting setbacks less than that. The applicant's application requested 20 feet in the front yard, 6 feet in the side yard and 5 feet in the rear yard. Staff analyzed that and talked to the people at the Service Authority and Fire and Rescue about adequate fire flow. The fire flow is adequate for the reduced side yard setback of 6 feet, which would result in a building separation of 12 feet. Staff has some reservations about the 5 foot rear yard setback because they felt that it was not enough. Therefore, staff is recommending that the setbacks be 20 feet in the front, 6 feet on the side and 10 feet (not 5 feet) in the rear. All of these things can be modified by the Planning Director by a request for a modification to the setbacks under Section 8. So if there were some unusual circumstance in the future that would need some kind of a modification, then the request could be made.

Staff's recommendation for the setbacks is unusual. Staff did not know what the ultimate recommendation would be for the setbacks since the applicant wanted one thing and staff was recommending something different. Staff believes that the applicant is okay with the setbacks they are recommending. But rather than having the applicant put those notes on the application plan, staff wanted to wait until the Commission's recommendations were made and they knew what the applicant wanted to put on the application plan. Upon approval of these setbacks, staff will ask the applicant to put that information on this application plan that will go to the Board of Supervisors at their meeting tomorrow. The setbacks will need to be put on the application plan that the Board approved on February 2, 2005.

Mr. Edgerton stated that in February the Planning Commission voted against this application and the Board decided not to take their recommendation. He pointed out that there does not appear to be any justification for the request for reduced setbacks. The Commission does not have anything that shows why they need a reduction in setbacks. He asked staff to provide some background on this request.

Ms. Echols stated that there have been varying setbacks used in Briarwood over the years. Therefore, over the past several years there had to be some kind of a determination made of what setbacks to apply. The applicant did not realize that the setbacks that he wanted to use could not be used in the townhouse section with the site plan that has been submitted because the determination had been made about the R-4 setbacks. The applicant did not know that the setbacks were not included in the action that went to the Board of Supervisors. The applicant's desire is for a particular form some of which already exists in Briarwood.

Mr. Edgerton stated that it was a precedent for these setbacks with the 5 foot rear yard.

Ms. Echols stated that there have been plats that have indicated setbacks at the 5 foot rear yard setback. But, they are varying and they are not sure where those things came from since they were predating any of the people in the department right now. But, in order to provide the order in a consistent application of the requirements, an R-4 determination was made and has been consistently applied since that was made in that is the way it is to be handled. That is what will happen with the existing development in Briarwood. Staff has had a number of citizens that have called because they don't know what this request is about. Staff has explained that it is about the setbacks in the new section, but the citizens have been concerned about the setbacks in the existing sections. Staff has told them that the R-4 setbacks are the ones from the zoning standpoint that would apply.

Ms. Higgins stated that staff had indicated that there were specific circumstances that a reduction down to the 5 feet could be done through a request for a determination, which would be done by staff. She asked what the basis was for that exception.

Mr. Cilimberg stated that there were a series of questions that basically have to be answered regarding that, which he did not have with him. It is to assess the situation of a particular development as Ms. Echols mentioned. It is the form of the development and the relationship, which was particularly important of the new development, and the potential request for less than a 10 foot back yard to existing development that plays into whether or not that would be permitted. It also includes the use of the back yard. He pointed out the setbacks in Briarwood have not been very rigid. There have been a number of different setbacks employed there.

Ms. Higgins stated that would make her think that increasing it to 10 feet would make it different from what has been done there.

Mr. Cilimberg stated that this is establishing the setback for all of the new area.

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

Wendell Wood stated that there does seem to be quite a bit of discrepancy. Therefore, he brought with him the recorded plats from over the last 15 years for Briarwood. There are two plats that have been recorded and the lots have been sold. The note says that the typical yard setbacks are the front as shown, 6 foot side setbacks and 5 foot rear setbacks. They have built 354 houses in accordance with these plans that all have approved and recorded deeds. They have always been there. If they look in the file there is a letter from when they requested this in February that requested that the setbacks would match the previous setbacks. That is all that they ask for. What came back to them was that there was a difference between the side yard setback and the separation. That is what brought up the discrepancy. They have always built these houses with a 6 foot side yard setback and a 5 foot rear yard setback. He pointed out that they were trying to build affordable housing, and they did request that this approval be in conformance with the existing 354 houses previously built.

Mr. Thomas asked what the front setback was on the 354 houses.

Mr. Wood stated that the plat said as shown. He pointed out that this plat showed a 25 foot front setback, but there were some sections that had a 20 foot front setback.

There being no further questions for Mr. Wood, Mr. Edgerton invited public comment. There being none, he closed the public hearing to bring the matter back before the Commission.

Ms. Higgins asked if the rear setback was typically applied to accessory structures.

Ms. Echols stated that there was a different section of the ordinance that applies to the accessory structures. The 10 foot rear setback only applies to the primary structures. The research that Current Development did indicated that there were some plats that did have this information on it, but other plats had different information on them. Staff is not modifying what has already been

done. Staff is just looking at the future lots. Staff is concerned about the adequacy of the use of the rear yard. If a case could be made that the design worked and there really was no reason to have a rear yard, then that is something that the Planning Director would consider on a case by case basis and make decisions on.

Mr. Edgerton stated that he did not get the impression that Mr. Wood was comfortable making the adjustments that staff recommended for this request. He asked Mr. Wood to come forward and address the Commission about that.

Mr. Rieley suggested that the Commission provide their response before asking Mr. Wood for a response.

Mr. Thomas stated that he would like to hear the justification for changing it since 354 houses have already been built.

Ms. Echols stated that their research did not indicate that all of the houses that have been built out there have a 5 foot rear yard setback. The research showed that there were various setbacks. On some of the plats that was shown, but that was not uniform across the rest. Absolutely, there have been some structures that have been built that have that, but to answer the question she would have to tell the Commission exactly where things have taken place and how many. To get that information she would have to go back and research all of the plats. In terms of the front setback, she thought there have been 25 foot front setbacks and some that have been shallower than that. It is varied depending on what went on the plat. She apologized that she could not tell the Commission what went into what went on the plat, but it is varied. Staff was most concerned about the side yard setback because of the fire separation and fire flow issues. They wanted to make sure there was adequacy of fire flow for the building types that go in there. Regarding the rear yard, they were concerned about the usability and the adequacy of the rear yard. But, it really depends on what the Planning Commission wants to recommend.

Mr. Cilimberg stated that there were cases where yards back up to open space and a 5 foot rear yard setback may work well in those cases. But there may be other cases where lots back up against another lot. In that case there would be a 10 foot potential between units. But, that is going to vary depending on the design. There may be units in the new section that will back up to a road. But, it really is what the Commission feels comfortable with.

Mr. Edgerton asked if the property was currently zoned R-4.

Mr. Cilimberg stated that it was not the zoning on the property. The R-4 was determined by the Current Development and Zoning to be the zoning setbacks that would be used for the future. Those are different again than these setbacks are.

Mr. Rieley asked what the R-4 setbacks were.

Ms. Echols stated that the R-4 setbacks were 25 feet in the front, 15 feet on the side with the potential reduction to 10 feet and 20 feet in the rear.

Mr. Rieley stated that this was considerably less restrictive.

Mr. Edgerton stated that Mr. Wood wants 20 feet in the front, 6 feet on the side and 5 feet on the rear. That would be the 20 feet versus the 25 feet in the front; the 6 feet versus the 15 feet on the side; and the 5 feet versus the 20 feet in the rear. Staff's recommendation is 20 feet for the front; 6 feet for the side; rear setback of 10 feet and a very clear distinction of building separation for 10 feet.

Ms. Higgins stated that unless you reduce the rear setback to 5 feet, you would never be closer than 12 feet anyway. She asked what the setbacks were for what the property is zoned.

Mr. Cilimberg stated that the existing Planned Development zoning has never had setbacks

actually put on the plan.

Mr. Edgerton stated that the existing 350 houses were built under the original rezoning for the first phase of this project.

Mr. Cilimberg stated that was correct and they did not have a setback stipulated.

Mr. Edgerton stated that what was being considered by the Board tomorrow is Phase 2 of this rezoning.

Mr. Cilimberg stated that it would be for everything that was rezoned back in February.

Mr. Edgerton stated that Mr. Wood was arguing that the same rules should apply that applied back in 1991.

Mr. Cilimberg stated that the rules that applied back in 1991 were that no setbacks were set.

Ms. Higgins stated that in looking at this it seems that the front setback of the 20 feet versus the 25 feet might have varied, but clearly the two plats that he bought with him that were recorded plats were a reduction to the 5 feet. They have all admittedly here recognized that this neighborhood has provided a significant amount of affordable housing. An increase to 10 feet could potentially mean that the house gets 5 foot shorter because the lot design is already set.

Mr. Rieley disagreed because it was 5 feet more on the front. He stated that it was a net of exactly the same.

Ms. Higgins stated that they were suggesting that with the 10 feet in the rear that there be 20 feet between the houses in the back versus 10 feet makes it that much different. If a significant amount of the lots have been 5 foot it just does not seem that one was the questionable one.

Mr. Rieley felt that reducing the setbacks makes a lot of sense, but also establishing setbacks makes a lot of sense. Clearly it is time that this should be done. He felt that reasonable flexibility is called for because this is an area where they were trying to strive to provide affordable housing. However, there are two points in this that make him support the staff's recommendation. The first is that there is not net loss. If you take 5 feet off the front and add it to the back, it is the same. Secondly, instinctively a back yard of a width of a piece of plywood plus a foot is just not reasonable. He felt that the rear yard needs to be 10 feet. Therefore, he supports the staff's recommendation.

Mr. Edgerton asked Mr. Wood to come back up to answer a specific question. Staff represented at the beginning of the meeting that Mr. Wood would be comfortable with adding the recommendation or the notes that refer to their recommendation. He asked Mr. Wood if that recommendation is correct.

Mr. Wood stated that the answer was yes and no. Most of these houses were affordable housing. The original plan called for a 5 foot patio. They found out that the majority of the people wanted it increased. On the last 200 houses they built 10 foot and 12 foot patios. They put a deck on where you come out on the first floor of the kitchen, which then becomes part of the house and must be setback 10 more feet. It becomes an enclosed porch that becomes part of the structure and the setback has to be met from that.

Ms. Higgins asked if they would move the house 5 feet.

Mr. Wood pointed out that would not necessarily be done because it would depend on the slope of the lot.

Ms. Higgins stated that the curve of the road could affect the front setback.

Mr. Rieley stated that was true on every single lot that Mr. Wood showed them that had a 25 foot setback. The front setback would vary, but in this case they would be starting with 20 feet. Therefore, it was a net gain.

Mr. Wood stated that with the 5 foot setback that porch could no longer be added.

Mr. Rieley stated that with staff's recommendation the net effect was exactly the same as the plan that Mr. Wood showed us. There is no net change.

Mr. Morris stated that the footprint could remain the same.

Mr. Rieley stated that he could just move it forward 5 feet. He pointed out that it depended on which note that Mr. Wood put on the plan as to whether he could support it.

Mr. Morris supported staff's recommendation. He felt that gives Mr. Wood everything that he wants that he has had in the past. Therefore, it is a win/win situation.

Ms. Higgins stated that the reality is that it is no net difference. But, even when it was 25 foot it does not necessarily mean that the house was as close as 25 foot because they were also considering putting parking in front of these houses. At 20 feet that is almost a car length. Therefore, it might end up still being 25 or 23 feet. This is an affordable housing neighborhood. She asked why their livable space and square footage be cut down when so many of the other 200 houses have been done that way. She asked why they should decrease the building envelope in a neighborhood that has the density and the type of housing that they see elsewhere. That does not mean that it has to be as close to 5 foot either. If they move it up, then they might not need to build a bigger house. By the same argument by saying that there is no net difference, you provide a little bit bigger building envelope. It does not mean that it will be used. In those cases where it is necessary and there is available opportunity to come in on a case by case basis and go through a process where staff could say there is open space there and therefore you can reduce it to 5 feet. She questioned why they wanted to put that burden on staff to have people come in on a case by case basis. That would add the burden of that to staff time. Also, they would add the burden to the applicant. And again, affordable housing has to do with the total cost of providing a development. On this particular development, they have got into sidewalks that did not exist before, street trees and other things that are going to add costs to the overall development. She felt that they should give this neighborhood the greatest flexibility since it is consistent with the neighborhood as it has been interpreted previously.

Mr. Rieley pointed out that it was not consistent because it was 5 feet closer to the street.

Ms. Higgins stated that staff does not have the data to say how close the houses were built. Therefore, why not provide that flexibility instead of putting the burden on staff to review each.

Mr. Thomas supported staff's recommendation, but his fear is what the effect it will have on the affordable housing part of it.

Mr. Edgerton stated that it worried him to suggest that they should lessen the quality of life because it is affordable. They have planning for a reason. Staff's recommendation is very clear and provides Mr. Wood with a lot more flexibility then he would ordinarily get. They don't have specific drawings or justifications on why this happened. But, he has the ability to go back to staff for a modification of which they prefer. He pointed out that the applicant has not even done a layout yet for where these houses will be located. Therefore, he was comfortable with staff's recommendation. He invited Mr. Wood to come back up again and clarify what setbacks he was requesting.

Mr. Wood stated that he simply was asking for it to be as it has been for the last 15 years.

**MOTION**: Mr. Rieley moved, Mr. Morris seconded, for denial of ZMA-2005-009 for Briarwood Subdivision Amendment on the basis that the setbacks are not consistent with those recommended with staff.

The motion for denial passed by a vote of 3:2 with Commissioners Rieley, Edgerton and Morris voting for denial and Commissioners Higgins and Thomas voting against. Commissioners Joseph and Craddock were absent.

Mr. Edgerton stated that ZMA-2005-009 would be heard by the Board of Supervisors on July 13 with a recommendation for denial from the Planning Commission.

Mr. Kamptner asked the Commission to make a motion on what setbacks they would recommend for these phases of Briarwood in order for staff to give the Board some clear direction tomorrow night.

**MOTION**: Mr. Rieley moved, Mr. Morris seconded, to recommend to the Board of Supervisors that they accept the setback recommendations on ZMA-2005-009 for Briarwood Subdivision as outlined by staff, which is:

Front setback: 20 feet (Note: reduction of 5 feet)
Side setback: 6 feet
Rear setback: 10 feet (Note: increase of 5 feet and no NET change)
Building separation: 12 feet

The motion for approval passed by a vote of 3:2 with Commissioners Rieley, Edgerton and Morris voting for approval and Commissioners Higgins and Thomas voting against. Commissioners Joseph and Craddock were absent.

Mr. Edgerton stated that ZMA-2005-009 would be heard by the Board of Supervisors on July 13 with a recommendation that they accept the setback recommendations as outlined by staff.

**SP 2005-012 Singleton Studios (Sign #50)** - Request for a special use permit to allow a Home Occupation Class B for a recording studio business 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 103, Parcel 16D, contains approximately 49.4 acres, and is zoned RA, Rural Area. The property is located at 135 Quandary Farm, which is located along Blenheim Road (Route 727) approximately 1 mile north of the intersection of Blenheim Road and Secretarys Road (Route 708), in the Scottsville Magisterial District. The Comprehensive Plan designates this property as Rural Area. (Rebecca Ragsdale)

Ms. Ragsdale presented the staff report.

- This is a request for a special use permit in the Rural Areas on a 50 acre parcel in the southern portion of the County near Scottsville on Blenheim Road. The applicant wants to convert an existing barn into a recording studio, which would be about 970 square feet. Along with this special use permit is a modification to allow that 970 square feet, which is from the supplemental regulations for home occupations that stipulates that the square footage shall be no more than 25 percent of the square footage of the dwelling. In this case it is just a little more than the dwelling. The applicant has provided information about the uniqueness of the recording studio as far as the sound proofing that would be necessary to actually record the music at this location. He also has provided a justification for his space needs.
- The property is known as Quandary Farm, which has been identified as a historic resource. It is also contributing to the Southern Albemarle Historic District, but the Rural Preservation Planner did not have any concerns with this having any impacts on that.
- Staff recommends approval of the special use permit with the modification. The barn is located in the center of the 50 acre parcel and is surrounded by additional properties under the same ownership. Staff found no concerns with any neighbors near by that would be impacted by the clients of the studio or did not see any noise impacts. Staff recommends two conditions in the staff report.

Since there were no questions for staff, Mr. Edgerton opened the public hearing and invited the applicant to address the Commission on this application.

Mathew Singleton stated that he and his wife, Elizabeth Muse, were present to speak regarding the application. This is a small recording studio that will largely be used for personal use, but will be opened

to the public on occasion in order to generate some revenue to help mitigate the cost of equipment and the cost of the renovations to the barn. It was an existing barn that was basically falling to the ground. They want to make the barn a productive part of the property. They have taken great pain to make sure that the barn appears almost unchanged from almost every angle except for one where they put in some windows, which is not facing the entrance way.

Mr. Edgerton asked if there were any questions for the applicants.

Mr. Morris asked if the studio would be soundproofed.

Mr. Singleton stated that absolutely the recording studio will be soundproofed.

Mr. Edgerton invited public comment. There being none, he closed the public hearing to bring the matter back before the Commission for consideration.

**MOTION**: Mr. Morris moved, Mr. Rieley seconded, that SP-2005-012 for Singleton Studio be recommended to the Board of Supervisors for approval subject to the following conditions:

1. This Home Occupation shall be conducted in accordance with the application plan Area of Detail (Attachment D); including outdoor lighting plan (Attachment E).

2. Structures used for this home occupation shall be limited to the building labeled Barn on the plat showing a physical survey plat of the property dated July 17, 1996. (Attachment B)

The motion passed unanimously by a vote of 5:0. (Commissioners Craddock and Joseph were absent)

**Action on the Modification:**
**MOTION**: Ms. Higgins moved, Mr. Rieley seconded, to grant the modification to Section 5.2.2.1a as requested on SP-2005-012 for Singleton Studio

The motion passed unanimously by a vote of 5:0. Commissioners Craddock and Joseph were absent.

Mr. Edgerton stated that SP-2005-012 for Singleton Studios would go to the Board of Supervisors on August 3 with a recommendation for approval.

***Work Session:***

**ZMA 2001-008 Rivanna Village at Glenmore (Signs #16,17,19,20,21)** – Work session to determine conformity with the Comprehensive Plan to rezone 88.36 acres from RA Rural Area and PRD to NMD Neighborhood Model District to allow a mixed-use commercial and residential area with a range of 272 to 495 dwelling units in apartments, townhouses, and single-family detached homes and up to 240,000 square feet of commercial uses including offices, retail commercial; inn with restaurant; County park and other public/civic uses. The property, described as a 5.25 acre portion of Tax Map 93A1, Parcel 1 zoned Glenmore PRD; Tax Map 93A1, Parcels 2, 3 & 4; Tax Map 80, Parcel 46A, 50, and 55A; and Tax Map 79D, Parcel 8; and Tax Map 79, parcel 25A also zoned PRD is located in the Scottsville Magisterial District on Richmond Road (Route 250 East) and Glenmore Way. The Comprehensive Plan designates this property as neighborhood density, recommended for Community Service in the Village of Rivanna Development Area. (Elaine Echols)

Ms. Echols summarized the staff report.

- The current application plan for the Rivanna Village Neighborhood Model District was displayed. This is a work session to determine the general conformity of that plan to what was approved in the Comprehensive Plan back in 2002. The proposal is for approximately 88 acres in the Village of Rivanna to create a mixed use community. There are many members of the public in the audience who have a lot of interest in the rezoning and the relationship of the application plan to the Comprehensive Plan. The packet includes information from many members of the public.

- This Comprehensive Plan Amendment was submitted in 2001. The Commission took about one year to review the CPA and made a recommendation to the Board of Supervisors in 2002. A rezoning and zoning text amendment came in at the exact same time. As is your usual pattern, the Commission asked the applicant to postpone pursuing the rezoning until the CPA could take place, which he did. But, the Commission said that the applicant could continue with his request for the zoning text amendment and have it going on a path at the same time as the comprehensive plan amendment.
- The Planning Commission had six meetings between 2001 and 2002. At those meetings the Commission discussed the merits of the proposal and had significant public input to discuss different aspects of the plan. In March of 2002, the Commission recommended approval and the Board of Supervisors adopted the comprehensive plan amendment on May 15, 2002. The Board made a few minor changes to the language. After that the applicant began working with the staff on the rezoning. As occurs with many large rezonings after a deferral of any sort, applicants work with staff over a period of time to try to bring a plan into as much conformity with the Comprehensive Plan as they can before asking for a public hearing. That is not uniformly the case, but it is often the case. It is also not unusual for the time period for refining an original plan to be lengthy. Staff notes several rezonings are still in the development phase that has not been approved, but they are still in the process. One is North Pointe, which has been under consideration for 5 years; Cascadia for 3 years; and ConAgra for 3 years. Those are just some of the large rezonings that have been worked on by staff that the Planning Commission has seen, but have not taken full shape and form for a public hearing.
- The most significant aspects of the time period that it has taken on this particular project have related to the redesign of the area for a regional park and negotiations for the fire station on whether or not to include their property for redevelopment in the plan.
- Staff has looked at the plan that the applicant is proposing now as well as the Code of Development to look for general conformity with the Comprehensive Plan so that the Commission can advise the applicant on what his next step should be. Staff noted in the staff report where additional information is needed. Staff anticipates receiving that information before the public hearing. It is possible that the Commission could have other work sessions on this to discuss the particulars or impacts of this proposal. Sometimes applicants decline to provide the information that staff or the Commission requests. That has taken place in some recent rezoning applications. Staff does not expect that with this applicant because this applicant has indicated that he wants to put it in the form that is appropriate for the Commission's review. At present staff is working specifically on street profiles and proffers. There are other aspects of the development plan that are under revision.

- Staff wants to call the Commission's attention to the most significant differences between what was in the plan referenced in the Comprehensive Plan Amendment and the proposed rezoning plan.
    - **Replacement of the lake/storm water facility with a regional park in the eastern portion of the site.**
    - **Replacement of a redeveloped 3 acres near the fire station with an undeveloped 3 acres**
    - **Placement of buildings instead of trees and parking areas in the corner area created by the intersection of Route 250 East and Glenmore Way**
    - **Placement of townhouses instead of parking areas in the area to the south of the Magruder subdivision**
    - **A larger area for the rezoning than was shown on the plan accompanying the CPA**

- The regional park change is the most significant one on the plan and the primary reason why the rezoning has not advanced as quickly as originally envisioned. This change was actually initiated by the County in the summer of 2003 by the County Executive's office.
- To understand the reason for the change, one must know that 27 acres was proffered in the original Glenmore rezoning for "a public school or other public use facilities" within an area shown on the original Glenmore application plan. These 27 acres were not rezoned with the PRD, but were adjacent to the PRD, owned by the Kessler Group and proffered as part of the rezoning. The acreage was actually not in one tract, but part of larger tracts of land -- TMP 93A1-3 and

TMP 93A1-4. The proffer allowed the County to select 27 acres from the two parcels. The owner proffered to provide adequate right-of-way to the site.

- In 2001, the applicant approached the Schools' division of the County to see if a school was planned for the 27 acres. School Board staff indicated that no school facility was needed in this general area for the foreseeable future. As part of the CPA, the applicant asked the County for permission to change that proffer and include the 27 acres as part of the new development. Planning Commissioners discussed the appropriateness of including the 27 acres in the development of Rivanna Village at Glenmore. After analysis, they concluded that public facility service was adequate for the development area and were supportive of including the 27 acres as part of the development.
- The Commission and staff expectation was that the applicant would provide the value of the 27 acres back to the County in one form or another. The Commission left the staff to negotiate the replacement value as part of the rezoning process. Possible alternatives discussed with the applicant in 2002 included giving the cash value of the acreage back to the County for County use, provision of cash for transportation improvements or other improvements to schools serving the Glenmore development, providing a constructed building for a future public use, and providing a boat launch at Milton.
- During the summer of 2003, the County Executive's office became concerned that future regional parkland would be needed for the eastern part of the County and that the 27 acres proffered by Glenmore might be more appropriately used as a regional park. The school site would have included park facilities in the form of ball fields, etc. that are needed in this part of the County. While the School Board determined a school wasn't needed, the need for the park facilities didn't go away. Thus, the County Executive's office saw a need for park facilities as part of changing the use of the proffered land and approached the Board of Supervisors for guidance. Board of Supervisors members indicated that they weren't aware of the expectation that Rivanna Village at Glenmore would be using the 27 acres as part of the development. They indicated that a regional park should be provided with the Rivanna Village at Glenmore proposal.
- In late 2003 and early 2004, the applicant worked with staff on ways to incorporate a regional park into their development because they had no other land to offer as a regional park. The challenge faced by the applicant was finding a way to add a large park but retain the integrity of the original plan.
- The applicant has developed a plan that attempts to meet both goals. The current plan shows a little less than 15 acres as a regional park that replaces the storm water facility on the original plan. The applicant has also provided a list of park improvements to be proffered (See Attachment D). Parks staff has approved the location and general layout of the proposed park and the proposed improvements. That is why you see a park instead of a lake in this design.
- Staff believes that this replacement is appropriate. Staff and the developer attempted to find ways to have both a regional park and the lake; however, the acreage desired for the regional park was approximately the same as the lake. Upon closer examination, County staff became concerned the proposed lake would actually be a pond and would not be an attractive amenity. First, the drainage area for this pond was only about 60-70 acres, while a drainage area of 120-150 acres would fit the rule of thumb for the larger lake. Second, staff found almost no base flow in the channel during the summer months. Base flow is the water from springs that seeps and keeps a stream active during drier weather. The very small base flow and relatively small size of the drainage area resulted in considerable concern that this pond would be stagnant for extended period during the summer months. Similar ponds have been considered nuisances by neighbors and generated complaints about appearance and mosquito breeding. As a result, the developer has proposed an alternate approach to storm water management. She pointed out that Mark Graham was present if the Commission had questions on the specifics of the storm water management.
- Staff feels that this is an appropriate response to the Board's request for a regional park as well as what the Comprehensive Plan showed. The lake was always anticipated to be an amenity area during the Comprehensive Plan Amendment. Therefore, one of the questions for the Commission is whether or not this is an appropriate replacement.

- There were originally 6 acres that were a part of the fire station, which was a property that was owned jointly by the County and the East Rivanna Fire Company. The original plan showed that site would be redeveloped and this plan shows that it is not redeveloped except to provide for

access around the site. The negotiations between the developer and the fire company were such that they could not come to a mutual agreement in the short term on whether or not that property should be developed. As a result it is being shown in the form that it is now except with the public road access. That won't preclude future development on that parcel if between the County, the East Rivanna Volunteer Fire Company and the developer that there is something more that would be mutually agreeable for that particular site. One of the advantages that this plan offers right now, however, is that it does provide some parking that might be needed in the development, especially for the regional park.

- There were trees and parking areas shown in the corner area created by the intersection of Route 250 east and Glenmore Way in the original CPA plan. When staff analyzed that area with the Comprehensive Plan they recognized that it was possible that other things could happen in that corner. Staff's most pressing concern was that it would not be a Highway Commercial corner with a face to Route 250 and that whatever went there needed to be oriented internally to the development. So the text to the Comprehensive Plan described that the area would be available for development provided that it was not commercial or highway oriented. In that section staff feels that the plan conforms.

- There were a number of residents who were concerned about parking areas backing up to the back of their lots. They asked the Commission for special consideration on their need for privacy of those residential lots. Therefore, the Commission added language to the Comprehensive Plan Amendment that said that these areas should be developed in a way that minimizes adverse impacts on the residential properties surrounding the area by preserving mature vegetation, having residences that abut adjoining residential properties, use of buffering, screening and berming, and use of live buffer strips. So what the applicant is showing here is that there are townhouses that are backing up to the single-family residences, but there is a buffer area with landscaping in there. The applicant will need to get the specifics of that in their Code of Development. Staff does not have anything more specific right now than what they see on the proposal on the wall. Staff feels that is an inadequate response to what the Comprehensive Plan said.

- The biggest question for staff was whether the larger area that is shown for rezoning that was shown in the Comprehensive Plan Amendment was appropriate. Staff looked at this and noted that there are several areas or properties that have been added that are currently shown for neighborhood density residential at 36 units per acres on the County's Comprehensive Plan. Staff is agreeable with adding those areas into the development provided that density doesn't increase above the six units per acre. That is not problematic. Those commitments would have to be made, but the plan certainly represents that it can be done.

- There are a couple other properties that have been added. One is at the second entrance on Route 250 and the other one is at the corner area that they were just talking about. Those two parcels are shown as Neighborhood Density Residential on the Land Use Plan. One is proposed to be an area at least on that plan to be expanded for a non-single-family residential use, but staff is not quite sure what that building represents. But, there are commercial uses that are allowed in that corner. The other one would allow potentially a nursing home at the other side. The nursing home is a hybrid use because it is residential, but it also has some commercial aspects to it. Staff feels that by expanding the area to put that use on the parcel you would not be changing any of the approved square footage. Currently, a nursing home is not allowed by special use permit in the RA district. Staff feels that it can be viewed as appropriate.

- At the corner of Glenmore Way and Route 250 staff feels that can be viewed as appropriate because the square footage has not been requested to be increased above what the Comprehensive Plan Amendment has recommended. It could go either way. Therefore, the Planning Commission should have some discussion and make their determination. In the past the Commission has made determinations on conformity with the area on the Comprehensive Plan in different ways. Sometimes they have felt like it is important to be quite specific about the land area, and other times felt that there was some flexibility. Staff does not have a parcel based land use plan adopted yet that would designate specific properties by land use designation.

However, in this particular case the applicant did identify the properties. Therefore, it is pretty clear that those two areas along Route 250 were not included in that Community Service designation.

- Again, what staff is asking the Commission to do tonight is to look over the staff report and the items raised in the staff report for judgment about whether this is in conformity with the Comprehensive Plan. Staff also wants the Commission to note for us, the public and the applicant if there are areas that they don't believe are in conformity with the Comprehensive Plan for which changes are needed and if there are any other issues that the applicant is going to address other than the ones already brought up in the staff report. This will enable the applicant to proceed, for staff to know how to advise the applicant, and let the public know what the Commission is advising.

**RECOMMENDATIONS**

- Staff believes that the proposed development is in sufficient accord with the Comprehensive Plan for the applicant to continue working on the proposal. The Commission, however, needs to articulate for the applicant, staff, and the public whether or not the proposal is sufficiently in accord with the Comprehensive Plan.

- Future discussions with the Planning Commission are expected on the following topics since detailed discussion which will not be possible at the July 12 meeting.

    1. Impacts to Route 250 East and mitigation of those impacts, including any needs to revise the Traffic Impact Analysis submitted with the CPA
    2. Architecture, massing, landscape treatments, and ARB review, including historic resource protection, building heights, and screening.
    3. Detailed review of the application plan and code of development, including specific uses, locations of and orientation of buildings and parking area
    4. Streetscapes internal to the development/public and private streets
    5. Affordability
    6. Proffers including cash proffers and regional park proffer

- In addition to the Commission's determination on general conformity with the Comprehensive Plan, staff asks that the Commission identify any additional areas for future discussion or problematic areas in need of resolution.

Mr. Edgerton stated that he had one question for staff concerning one item that he did not think was addressed in the staff report. In the original plan there were no single-family lots, but in the new plan there appears to be quite a few single-family lots around the regional park.

Ms. Echols stated that the expectation in that original plan was that there was going to be varying densities and that single-family was included in the different types. But, that is a very good catch. She pointed out that did not strike her because she knew there was going to be a mix and they were just primarily showing the blocks and the locations of buildings.

Mr. Edgerton asked if there had been any evaluation of what that does to how the density of what they were looking at tonight on the current plan was versus the one that was approved back in 2002. The properties included in the village have increased a bit, but it looks like about one-half of it is being put into single-family lots. That was very different from what they saw originally. He questioned what that does to the density.

Ms. Echols stated that the control on this has always been the number of units. They have a maximum density of 6 units per acre, and the Code of Development in the Comprehensive Plan has a maximum density of 5.6 units per acre. These were always intended to be graphic representations of what was possible. There are probably fewer units being proposed on the current plan than on the CPA plan, but that does not mean that there will be fewer units because again it is a graphic representation and it is

primarily showing the layout and the form that would be there. There is an opportunity for different housing types in here, which is part of the reason she left them with the Code of Development so that the Commission could see that within the blocks there are opportunities for different housing types.

Mr. Edgerton asked for clarification on page 36 where it references Mr. Cox's plan. It gets very specific and says that no commercial uses are to take place on the property adjacent to the most eastern entrance from 250 East. He stated that he wanted to make sure what that was referencing.

Ms. Echols pointed out the specific area Mr. Cox was referring to on the plan.

Mr. Edgerton stated that a lot of the comments from the public that they received were suggesting that some of the commercial activity be directed in that way, which was part of what the Commission decided three years ago should not happen. He stated that he wanted to make sure that he understood that. Then the large vacant area shown with trees at the corner of 250 East of Glenmore Way, which was that area, says no commercial.

Ms. Higgins stated that in the last sentence it said no retail use of this area is allowed.

Ms. Echols stated that the purpose behind that was, again, that they did not want them to have a highway commercial use that faced 250, but that it needed to be oriented internally. That plan also represented that the commercial area was expected to be along the main street and extend to the entrance.

Ms. Higgins stated that staff mentioned parking when she was speaking about the public park. She asked if all of the parking was on-street parking.

Ms. Echols stated that there was a lot of on-street parking proposed in this particular development. There has been a parking study submitted and she felt that there has been additional information provided. But, she did not believe that information has gotten through zoning. She thought that there was still some information that they want. But, there were questions about where the people who were coming to the park would park. The discussion that they will have at a subsequent meeting would indicate that there will be on-street parking for most of this development. There was a concern that the shared parking between the residents and the on-street parking could conflict if the people were home and there was no place to park for soccer games, etc. In our preliminary conversations the fire station representatives were agreeable to have one of their parking areas available for use for parking at the park. The applicant is anticipating that some of that parking is going to take place in this commercial area, which is going to be of value to the merchants. In addition to going to the park, those people might shop or eat out at one of these businesses. She noted that there is a parking relationship that has been considered.

Ms. Higgins stated that again on page 36, it discourages large areas of pavement set aside by parking. Therefore, she felt that staff meant that the parking would be integrated into the street system.

Ms. Echols asked if there were any other questions about the map.

Mr. Rieley stated no, that actually he felt that staff has covered one of his major concerns, which was what seemed to be a fairly substantial decrease in density. In fact the numbers that show up in this plan have a high end that is a little bit lower than the previous high end that they saw and a low end that is very substantially lower than what they saw. He felt that is a matter of some concern, but he would not reiterate it because Mr. Edgerton had already brought that up.

Ms. Higgins stated that the key question was if the Cox plan was in substantial accordance with the master plan.

Ms. Echols stated that staff feels that the plan is in sufficient accord based on the things she has told them and the historic judgments of staff, the Commission and the Board of Supervisors. But, there are a lot of details that need to be worked out that relate to the rezoning. She pointed out that the net square footage is not being increased, but is just being spread out a little bit over more area.

Mr. Rieley stated that one of the other areas in which it has changed really significantly is the loss of the lake and the substitution of a regional park in that area.

Ms. Higgins stated that she felt that the lake was going to be a swamp.

Mr. Rieley felt that it was a legitimate concern because engineering felt that there was not enough through flow to keep the lake clean.

Mr. Edgerton asked how the Commissioners felt about the park.

Mr. Thomas stated that it was a very good amenity for the project for the park to be located there.

Mr. Rieley asked if there was a representative from engineering present who could address that issue.

Ms. Higgins stated that having walked that property in the past that it does seem to lend itself to those kinds of soil conditions, but it just does not need to be built on.

Mr. Rieley asked staff to tell them about the criteria they used.

Mr. Graham stated that as a general rule of thumb that staff typically thinks that to sustain a lake an area needs to be from 125 to 150 acres for the drainage area.

Mr. Rieley asked if it depended on the size of the lake. He stated that the drainage area is relative to the storage in acre of feet.

Mr. Graham stated that was correct. But, the other issue, which was really our concern, was whether there was a sustainable base load during the summer. When David Hirschman and others went out there they just did not find it, and it was not during the 2002 drought. It was just felt that they were not going to be able to keep this as an attractive amenity because of the lack of base flow.

Mr. Rieley stated that it was the stream more than the drainage area that they were concerned about, and Mr. Graham agreed.

Mr. Edgerton stated that they would start with the first issue on page 9 to address each of staff's questions. The first item was the replacement of the lake/storm water facility with a regional park in the eastern portion of the site.

Mr. Rieley stated that since engineering took a pretty quick rule of thumb look at this he wondered if they could ask the consultant to see if their preliminary work was any more extensive or contradictory. He asked Mr. Cox if he would like to address that.

Frank Cox stated that engineering took a fairly detailed look at this issue. He agreed with staff's summary about the lake. He stated that obviously they spent a great deal of time looking at that area. The concept of the amenity lake was born out of market studies as well as environmental analysis. They felt that the presence of a standing water impoundment would be an asset. Their experience has been in similar situations where you would have a similar amount of contributing drainage area that in a stressful drought you would have to have deep well supplemental water to keep the standing pool. You can do that successfully, but you would need to spend money and use your ground water in order to maintain the level. They certainly agreed with staff that if this was to be a pond that was to be naturally maintained and not deplete groundwater supplies, then moving in the way that they did is appropriate. After this idea of the regional park came up by the County Executive's Office or the County Attorney, it was very late in the process. They worked with Mr. Graham's office over about a four or five month period and did a very detailed analysis in how to integrate BMP's and low impact devices into the system. They feel that this would be a high quality way to deal with water quality. Regarding quantity issues, he felt that engineering is satisfied that they also have a solution. That is all documented with a fairly extensive study.

Mr. Rieley stated that he regretted the loss of the pond, but it sounds as if it is pretty inclusive that it is just not a feasible fit. From a Comprehensive Plan perspective he felt that the park and the pond are reasonably equivalent.

Ms. Higgins stated that it changes a private amenity to a public amenity through the neighborhood. She stated that it would not be appropriate to have it pushed to the pond stage and then have it in low water conditions because when low water restrictions are imposed it would be applied. Potentially they might have something that could be a grievous situation.

Mr. Rieley stated that this should be viewed to some extent within the initiatives of the Neighborhood Model in bringing parks in close to the center of things, which was very much in the spirit of that.

Mr. Morris felt that the park would be used a lot more than a pond.

Mr. Thomas stated that he would prefer the park over the lake under the circumstances. He felt that it fits within the Comprehensive Plan.

Mr. Edgerton agreed that it was a reasonable amenity. Since this was initiated by the County Executive's Office he felt that they know more about that than he does. He asked if they have background on the need for a park in this area of the County. He pointed out that in some of the comments received from the public they questioned the need for a park in this part of the County. He asked if staff has a response to that question.

Ms. Echols stated that the County's Park and Recreation people have indicated that there is a need. There was an expectation that with the school they would be getting a park under our old combination shared facilities model.

Ms. Higgins pointed out that it was clearly documented that there is no school need in this area.

Ms. Echols stated that staff previously brought information to the Commission from Al Reasor with the school's division on whether or not he believed that there was going to be a need for a school in this area in the foreseeable future. He replied that he did not see a need for a school in this area in the foreseeable future. Often times, even though it is not a popular solution, they handle the additions through redistricting if they have changes in number of students in different schools. She believed that they are not seeing the same increase in enrollment that they had seen in years past. Therefore, there is an elementary school that is proposed in our CIP, but not located as to where it will be needed with that anticipation.

Mr. Cilimberg stated that two elementary schools have been cited in the long range plan and are noted in the CIP. The southern area school has been delayed. It was anticipated originally that school would be under construction by now. But because of enrollment differences it is no longer in a construction timetable. The other was for another northern elementary school, which is not in any construction programming at this time.

Mr. Rieley stated that it was behind the Sutherland School.

Mr. Cilimberg agreed that the Sutherland School was first and then the northern one was further out. There has not been an eastern school identified in their planning work.

Ms. Higgins stated that based on the Comp Plan that the students that were generated in this area should have already been considered.

Mr. Cilimberg agreed.

Mr. Morris stated that generally when you have a green area you are going to have soccer fields. After seeing what happened at Darden Towe Park, he questioned how this area could handle the parking that soccer breeds.

Ms. Higgins felt that the Rivanna Fire Department's parking had been envisioned to be used for that. She questioned whether the fire company was a part of the application.

Ms. Echols stated that yes; technically the fire department is a part of this application. When the original application was made the fire company was included. Staff has received a subsequent letter from them saying that they are a part of the rezoning. Their part is a little bit different from the rest of the development. They have activities at the fire department that don't meet our zoning regulations that relate to special events and community facilities. Those activities are important to the fire department as fund raisers and to many members of the County and the community. Therefore, they are asking to be included primarily to deal with the uses that occur there. The Code of Development will specify what they propose to the Commission and Board. The Code of Development will specify uses in addition to the fire department in that block and in that area that would relate to what they are doing now, but are not in conformity with what zoning believes is appropriate there.

Ms. Higgins stated that it was kind of a glaring hole in the ZMA master plan to have it tagged with the rezoning. It is not a bad thing, but she felt it was inconsistent to have it at the level of detail that it is and say that they are continuing negotiations. She questioned if that has to be addressed. When they eventually get to the Code of Development and get to that level of detail it won't be represented if it is left basically blank. She asked if the applicant could weigh in on that.

Mr. Rieley felt that was a very good point.

Mr. Thomas asked if it would be possible to incorporate the applicant into their conversations here.

Mr. Edgerton stated that the write up indicated that the fire company and the applicant could not come to any agreement so they would leave it out. But, then they are hearing that the fire company wants their special uses to be included as a part of this.

Mr. Rieley asked if there was a second part to this quid pro quo. They want to have their uses validated, but they have talked about parking to serve the park but yet there is nothing shown. There is a red line drawn around their property. He asked if there has been any discussion about the fact that there was no parking shown for the park. He agreed with Ms. Higgins that there was a glaring hole in this. It seems that the only provision for that was for additional activity.

Ms. Echols stated that the one thing that it does is preserve an opportunity for further development or redevelopment of a part or the entire site to a subsequent rezoning. She pointed out that Andrew Dracopoli is here and he is with the fire department. Since the fire department is available as part of the application, he may be available to answer individual questions that the Commission might have.

Ms. Higgins felt that they should not skip over the 6 acres.

Ms. Echols stated that the 6 acres was included with the application.

Ms. Higgins felt that there needs to be some understanding as to how that was integrated. She opposed skipping over it now and then later on having it hold up some other action because it was a hole.

Ms. Echols stated that the way that it was planned to be articulated in the design was as it was shown right now.

Mr. Edgerton asked Mr. Dracopoli if he could come up and answer the Commission's questions.

Andrew Dracopoli stated that he was present at the request of the East Rivanna Volunteer Fire Company. He stated that he has been on their board for many years and been involved with this issue for a long time. He noted that he was no longer on the board, but that they had asked him to come and represent them. This goes back to the original comp plan amendment when Frank Kessler came to us and asked if the fire company would be willing to be part of the development plan for Rivanna Village. The fire company said yes they were certainly willing to work with them. Mr. Kessler has always been very good to the fire company over the years. The original plan incorporated a redevelopment of about one-half of

the land, the 3 acres, into the Rivanna Village portion of it. It was land in surplus to the fire company's specific requirement, and it was open space right now. When they got into the negotiations of it, they were a non-profit organization and had an obligation to sell this land to Glenmore for its fair market value. They are not in the position to be donating land since it is an asset to the fire company and to the County. They did not feel that they were in the position to give the land to Glenmore. They got an appraisal of the land that was going to be contributed. About the same time that was going on the Kessler Group were having discussions with the County about the 27 acre park. At that point the whole plan got changed around. They came back with a revised plan that did not incorporate any of our land. They decided that they would not incorporate any of the fire company's six acres into their redeveloped plan. It seems to make sense to the fire company to have the six acres incorporated into the overall plan for Rivanna Village. Otherwise, there would be an island in the middle of a stand alone parcel which does not fit in at all. So they have continued to request to be part of this proposal and part of their plans, which includes the streetscape along the front of their property being consistent and other issues like that. Also, some of the storm drains will be run through the fire company property that is not going to be developed.

Mr. Dracopoli noted that one of the issues that they have had with the zoning department over the last couple of the years is that they use their banquet hall as a fund raiser for the fire department. They rent it for weddings, special events; the Sexual Assault Resource Agency has a yearly antique show, etc. The zoning department has come to the fire department and said that they are not sure with how the zoning code is written now that some of these uses are 100 percent above board. Therefore, they have felt this was an opportunity to clarify what the uses are that they are allowed to do on the property and to incorporate it into the overall development plan. There will undoubtedly be some cosmetic changes to the building and the landscaping and so on.

Mr. Dracopoli pointed out that staff then came to them and asked if they could use their parking lot as additional parking for the park. At our board meeting this year it was discussed that the park's parking needs would not conflict with their use. They have about 124 to 130 parking spaces there, which most of the time are sitting vacant. Therefore, the fire company has no problem with that being incorporated as part of the shared parking for the overall parking for the Rivanna Village. That is sort of the history regarding where they are now. They are not trying to pull any surprises on anybody or to get any additional uses. What they are trying to do is not have this parcel as an isolated pocket in the middle of a Comprehensive Plan development, but to be part of it. Also, they want to address the issue that they have with zoning about some of the events that they do as fund raisers. They want to be part of the community.

Mr. Edgerton stated that they need about 3 of the 6 acres.

Mr. Dracopoli stated that currently they use 3 of the 6 acres, and have no plans for any additions.

Mr. Edgerton stated that their original plan was to sell back to the developer the excess land and have that be part of the village.

Mr. Dracopoli stated that idea fell through. He stated that it was part of the rethinking about the park and the school on the 27 acres. They could fill in that blank there with their existing facilities. At this point they have no plans to enlarge the fire company or any need to do so. They do not plan to enlarge the parking lot at this point. They have no need to do so for their own uses. But that parking is clearly surplus 95 percent of the time. It is surplus to their requirements. They need it Monday night for the bingo and for some of the banquet hall events. They would be happy to let it be utilized within that Rivanna Village community.

Ms. Higgins stated that just so that at the rezoning stage that the fire department's uses and needs are addressed, it might be good to fill in the existing use.

Mr. Dracopoli stated that they would work with staff on incorporating that in. There is no intent on their part to change or enlarge their building, parking or uses over and above what they are doing now. He felt that the Code of Development for this block does spell out the kind of uses that they have talked about as being allowed. That would also be something that they would work on with staff.

Ms. Higgins stated that they were part of it, but it still leaves open the idea that the 3 acres could be reworked at some point in the future if something came up.

Mr. Dracopoli stated yes, but that he had seen in the plan that there was storm water detention on some of that 3 acres and easements through it.

Ms. Higgins asked if there was an expectation that your availability to 250 as far as emergency access is acceptable the way that it plays into this development. Right now it is a road that they do have, but there is a lot of history from before it was built.

Mr. Dracopoli stated that they have been through that. It is his understanding that there is a median break opposite that main entrance just to the left of their wide area. It is a new median break and does not line up with the location of the existing median break. But where that comes out on Glenmore Way there would be a median break. From the emergency access point of view the access is adequate for fire trucks and would be just as fast. In the original plan they had some concerns about all of the emergency access going around the round about. They were a little concerned about that. But, they have reviewed this with Mr. Cox and our board and have concluded that this is fine.

Mr. Rieley stated that there was a concern about the use of the park and the adequacy of the parking, which obviously relates directly to this site being used for overflow parking. He asked if the analysis of the traffic load including soccer fields, if proposed, looked at the impact on those 125 parking spaces and does that need to be expanded.

Ms. Echols stated that staff is still working with the applicant to make sure that those numbers work. In the back of the Code of Development there is a parking study, but it did not include those spaces. There were questions by zoning as to how much sharing of the on-street parking that could actually take place. This is something that has been considered, discussed and preliminarily agreed to. But, it has not been incorporated into the parking study to verify the adequacy of that.

Ms. Higgins stated that realistically if a program was envisioned here for parks there might be some opportunity to put some spot parking lots in there. That is what the Parks Department does if they plan the usage of the field. She asked if that level of detail was needed at this point.

Mr. Rieley felt that it was something that they need to look very carefully at during the rezoning level. He stated that he would not be in favor of putting parking lots in the middle of the regional park green space. It is suppose to be green space. As he understood, utilizing this area that is currently parking for the fire house with the additional available space that could be dedicated to it within a couple of blocks of the park just seems to be a really reasonable solution to this. But, he felt that it needs to be documented what the reasonable expectation of the need is and that it should be shown on the plan. If it needs to be expanded, then it needs to be a part of this plan.

Mr. Morris agreed.

Mr. Edgerton stated that it would make it less of a hole in the plan. He stated that he would like to see it incorporated.

Mr. Rieley agreed with Ms. Higgins in that even just showing the existing use would help. There is a parking lot there that is not shown.

Ms. Higgins stated that incorporating the parking in with the road system would be more linear than to put it as a pod in the middle of the field.

Ms. Echols stated that on-street parking is the expectation all around the park. For accessible spaces, staff was looking at on-street accessible spaces.

Ms. Higgins stated that there were pros and cons to this. If the parking is not available, it becomes more of a neighborhood park and it becomes a park that people who live there will walk to and use. If you provide the parking spaces, then the people from the outside come in.

Mr. Rieley stated that if they program soccer games on those fields there will definitely be people coming to the park.

Mr. Edgerton stated that the general consensus of the Commission seemed to be that there be further integration of the fire station parcel into the plan and whether it is a temporary parking solution or whatever.

Mr. Morris and Mr. Thomas agreed with Mr. Edgerton's statement.

Ms. Higgins stated that to keep it consistent with the goals of the Comprehensive Plan it needs the shared parking and no large parking lots as it was listed in the 2002 Comprehensive Plan. If it was not done that way, then it was inconsistent.

Mr. Edgerton stated that some of the parking behind the retail space might be available. The next question involved whether the buildings located in the corner area created by the intersection of Route 205 East and Glenmore way are appropriate. He pointed out that a proposed assisted living facility was being proposed.

Ms. Higgins noted that they had prohibited not direct access to Route 250.

Mr. Rieley stated that the proposed plan seemed to be consistent.

Ms. Higgins asked if the Code of Development ties down the uses in that area.

Ms. Echols stated that it could be a number of things in that area. One of the things that the Code of Development needs to address is that it won't be retail. Right now it is fairly open and staff is still letting the applicant know about the details that are needed. That is one of those places where the applicant has to provide additional restrictions in their Code of Development.

Ms. Higgins asked if the Architectural Review Board has weighed in since this is an Entrance Corridor.

Ms. Echols stated that this has not been reviewed by the ARB. The applicant has not submitted for ARB review, but staff is anticipating that they will. It needs to be noted that this is a representation of a possibility right now and whatever they ultimately propose for that might be different. But, staff is looking forward to getting some comments from the ARB on what the treatment should be like right there along 250 at the entrances.

Mr. Thomas stated that regarding the corner property being discussed that the italicized paragraph says no commercial uses and they were dealing originally with no retail. He asked what the difference was between commercial and retail.

Ms. Echols stated that it referred to the eastern end.

Ms. Higgins stated that to be consistent with what was adopted in the 2002 plan it precludes swapping those two features. It means that the single-family residential was more towards the entrance towards the west and vice-versa. Therefore, the 2002 Comprehensive Master Plan would be inconsistent.

Mr. Edgerton stated that was correct. The next question was about the placement of townhouses instead of parking areas to the south of the Magruder subdivision. He felt that was an improvement and a direct response to some of the comments made.

Mr. Rieley agreed and pointed out that the Commission had some long discussions about the impact of the parking lots on the stream and the stream's access to its floodplain. He presumed as this moved ahead that those considerations will still be at the fore because the vegetation and the protection of that stream was almost as important to the people who lived in the Magruder subdivision as the parking being there.

Mr. Edgerton stated that this was definitely in response to the concerns expressed by the public at the last public hearing. He pointed out that they have a larger area that the developer has acquired more property and added it as part of this. He asked if that was a problem or is that inconsistent with the plan. He stated that it looks like it solves the density question in that they get a little more land and things are more spread out.

Ms. Higgins asked if that was consistent with the goals for other centers or villages.

Mr. Rieley stated that Ms. Higgins' had raised a legitimate concern. His concern about that area is not only the density, but the configuration with the cul-de-sac and the lots backing on to 250. It is really an ex-urban pattern in the development area. While he did not have a problem with the addition of that area, he did think it was reasonable that the area be lower density as a transition to the surrounding neighborhood. But, he did think it needs additional design work to make it more consistent with the rest of the project.

Ms. Higgins stated that they were trying to minimize connections to 250.

Mr. Rieley stated that he was in favor of that, but felt that if they make a right turn and connected it back to the road that they might lose a lot, but it would allow everything to be connected. He felt that it was not too much to ask that the development be held back from 250 itself and even tightened up so that corridor to the greatest extent they can is a pleasant one and that they don't have the back ends of houses fairly close in onto 250.

Ms. Higgins agreed with Mr. Rieley particularly due to the small size of the lots.

Mr. Edgerton and Mr. Morris agreed.

Ms. Higgins stated that she would like to understand more about what is happening with the topography in that area before making that decision. She would hate to say connect something when there might be some natural drainage to keep in mind.

Mr. Rieley stated that he was just raising it as a concern.

Ms. Higgins stated that she agreed to it in principle, but that it needs to be looked at more than on a flat sheet of paper. It needs to be looked at to see if there is some natural way to do it.

Mr. Edgerton stated that on the old plan it appears to be pretty steep, but it is not shown on the new plan.

Mr. Thomas stated that there were no plans to widen 250. He asked if there was a necessity to have dedicated right-of-way.

Mr. Edgerton stated that if it was appropriate, this would be the time to do it.

Mr. Rieley stated that made a lot of sense and yet another reason to hold back the property lines in that area.

Ms. Higgins asked if this would be a good point to have Mr. Cox weigh in on these issues.

Mr. Edgerton invited Mr. Runkle to weigh on these issues.

Steve Runkle stated that he was present to represent Glenmore Associates, who was the developer. He pointed out that Frank Cox and Michael Fenner are here from the Cox Company and they could correct him if anything he said was incorrect. He believed that in discussions with VDOT that the area that they would like for them to preserve right-of-way on is in this eastern most block that the Commission has discussed. The intent would be to provide enough right-of-way there for future use of VDOT to provide that road.

Mr. Edgerton asked if that was anticipated on the schematic.

Mr. Runkle stated that it was not anticipated on that plan. Therefore, some of those lots would be lost relative to that. But the intent is to provide that right-of-way. Relative to the comment that Mr. Rieley made relative to the cul-de-sac, they were not overly pleased with the way that area looks either, but it begs the question of do you front the road or do you turn to the west and intersect the road coming off. If you do that, then do you have lots backing or do you provide enough buffer and distance to shield the back of that to make it not visible from Route 250. Or do you run a parallel road immediately adjacent to 250.

Mr. Rieley agreed that there were lots of ways to do it.

Mr. Runkle stated that was certainly something they could consider as they go forth. Relative to that area he would also like to add that not only was it indicated in the Comp Plan process that it not be commercial, but it was also deed restricted. It can only be used for residential as per the deed restriction. Therefore, even if the County allowed it he did not think they could put anything else other than residential there.

Mr. Edgerton pointed out that that they had to stick to specific questions and could not open it up for a presentation. He asked if there were any other questions for Mr. Runkle.

Ms. Higgins stated that the Commission had gone over several items that maybe the applicant could have given some feedback on.

Mr. Edgerton pointed out that she could ask any questions that she wanted to.

Ms. Higgins asked Mr. Runkle if he had anything to say about the last two items that the Commission had discussed.

Mr. Rieley stated that the Commission had talked about the replacement of the parking areas with townhouses in the areas south of the Magruder subdivision.

Mr. Runkle stated that was in response to the change to the plan that was submitted as part of the Comp Plan process.

Ms. Higgins stated that the Commission had talked about the building at the western corner of the entrance at Glenmore Way. That is a little change because now it showed a building.

Mr. Runkle pointed out that there was an additional acre or so purchased making that area a little bit bigger than it was on the eastern area.

Ms. Higgins asked if that was part of the area that was zoned R-6.

Mr. Runkle stated no, that was the part behind the fire house.

Ms. Higgins asked the question about the parking around the park in relationship to what is going on at the fire station.

Mr. Runkle stated that if she wanted to ask a question about the fire station that he would give his version. But relative to parking in the park, he would not disagree with anything that had been said relative to the station, but there were some things he could add.

Ms. Higgins asked if he thought it could be worked out.

Mr. Runkle stated that he was not sure if he specifically understands what she was asking. If the question is whether they would consider buying the three acres that is not used for the price of the appraisal upon condition on the rezoning, then the answer is yes that they would probably consider that. But, there were many other things discussed other than just the cost of that land.

Ms. Higgins asked if he thought it was a potential to integrate parking to support the park's use without a problem regarding Mr. Rieley's concern.

Mr. Runkle stated that he felt that Mr. Cox or Mr. Fenner could speak to this issue better than he could. But, based on their conversations with the mix of facilities proposed for the park and what Parks and Recreation sees the need for parking being for the amount of on-street parking and a little bit of the shared parking on the portion of some of the main street parking, there are 200 spaces within easy walking distance of that park. But that would not be including the fire house parking. The 200 spaces includes the on-street parking plus a portion of the commercial area for some shared parking there. He felt that he was correct in saying that for the residential development surrounding the park that the goal has been to provide the required parking for that residential component off-street so that the on-street parking could be largely dedicated to overflow parking that might be required by the residential, but to a large extent to the parking required by the park.

Ms. Higgins stated that at the site plan stage they would not expect to submit with a parking lot shown in the middle of the park.

Mr. Runkle stated that the only place that they would envision potentially placing additional parking if it was desired was by the tennis court and the basketball facility. They use to have a private swimming facility in that location, but they have taken that out. That could support some on-site parking perpendicular to the street in that location. He stated that the Commission was back to the question should the rezoning include area which was not considered to be part of the Community Service Area shown on the Land Use Plan. He stated that he was comfortable with it. He asked if any Commissioner was uncomfortable with it.

Mr. Rieley stated that he was comfortable only with the caveats that he had expressed before.

Ms. Higgins stated that the big question is to communicate whether it is in sufficient accord with the Comprehensive Plan.

Mr. Rieley stated that they have talked about lots of areas in need of resolution as it moves to the next step. From his perspective, if those issues move ahead in a positive way that it is indeed in compliance with what they looked at before.

Mr. Edgerton stated that it was consistent with what they looked at before. He asked if staff needed any more information.

Ms. Echols stated that there was a list on the last page of the staff report of things that there is going to be additional work done on. It may be coming back to the Commission as a work session item or as a public hearing. Staff is not sure exactly where the applicant wants to go next. Definitely, staff wants to talk to the Commission about the Route 250 impacts because that is probably the largest impact that people are going to feel from this particular development. Staff has noted some of the problems that they have right now in the staff report with the fact that they don't have a plan that the Board has approved so that they know what the applicant could proffer that relates to that. Staff is still working through that and will be bringing that one back to the Commission as well as these other things.

Mr. Edgerton stated that the list looked very short. But, if you go back to the part of the staff report where staff goes through bullet by bullet talking about it that there were a lot of issues that need a lot of attention, particularly in the Code of Development. There were a lot of questions that remain unanswered. He stated that he did not know how quickly those answers can be obtained, but he would hope that the Commission would not see anything in a formal application until they have complete answers to those questions.

Ms. Echols stated that staff was thinking about that in item 3 because so many of those things relate to the Code of Development. Staff will be working with the applicant on getting resolution, getting them in a Code and then bringing that Code to the Commission for review.

Mr. Thomas asked staff if the traffic impact was specifically on the Glenmore Village impact or would it take into consideration activities going on further down on 250, like the 1,200 homes going in on Rt. 15 and things like that.

Ms. Echols stated that the original traffic impact analysis was based on the existing and the projected traffic on 250 that related to the growth outside the County and other factors as well on how this particular project would impact it. Those projections actually included the growth that is expected in the village, but the conclusion of VDOT was that the need for the improvements was going to be accelerated. Therefore, those improvements were going to be needed sooner rather than later as their VDOT study had shown.

Ms. Higgins asked if the positive side had been weighed in on the study for a reduction on the road if the services were provided out in this area.

Ms. Echols stated that it was factored in, but that Mr. Cox might be able to answer that better. She pointed out that her recollection was that VDOT only allowed a 15 percent capture rate to pass by traffic.

Mr. Rieley stated that figure had been very much contested in the pass, particularly on Route 29 North.

Ms. Echols stated that it was certainly staff's expectation that there would be many opportunities to reduce the number of trips out here by having the good and services available in the village on a small scale. The other thing was with the mixed use aspect of it that there would be an opportunity for some of the people who work in those shops or restaurants to live in the village, which would further reduce it.

Mr. Morris stated that a lot of the issues that are being raised are the same ones that they discussed in the Pantops Master Plan, which has been put on the back burner. But, traffic is the number one issue across the board and is going to get worse before it gets better. He stated that he did not know what they could do about it, but that the infrastructure needs to be looked at tremendously.

Mr. Rieley agreed with Mr. Morris. He asked to make a personal observation as they move to the next step of this relative to these items on the recommendations list. In light of the fact that a lot of the correspondence that the Commission received in their packet were from people who felt as if they were coming into the process late, he felt that the more public that they could make these discussions the better it would be. When they get to the public hearing, he would very much like for the Commission to have time to digest what they hear from the public hearing before they come back to make a decision on how this moves ahead. Just to express a personal opinion, he would love to see the Commission have another work session after they have ARB information, after they have more specific traffic information, after they have more a detailed Code of Development about the streetscapes, the affordability issues and all of the things that are on this list so that everybody has an opportunity to be a part of hearing how those are moving along. It will make their public hearing a lot more effective because people will be better informed. They will be able to zero in on the really pertinent issues. After that he hoped that the Commission would have time to digest public comment before they moved ahead.

Mr. Edgerton agreed with Mr. Rieley that the Commission have some time to digest the public comments. He pointed out these issues were not brought up in the 2002 public hearings, but that was not the Commission's or the applicant's fault.

Ms. Higgins pointed out that a lot of the changes that were incorporated were based on that input.

Mr. Morris noted that public input was received in 2002.

Mr. Edgerton stated that what the Commission had before them was consistent with what was recommended by the Planning Commission and adopted by the Board.

Mr. Rieley congratulated staff on their clear and concise staff report.

**In summary**, the Planning Commission held a work session to discuss whether the proposed development is in general conformity with the Comprehensive Plan. Staff summarized the staff report and asked the Commission to identify any additional areas for future discussion or problematic areas in

need of resolution. Discussion was held on the questions posed in the staff report regarding the differences between the plan referenced in the Comprehensive Plan and the proposed rezoning plan. Public input was received only on specific questions the Commission directed to specific representatives for the applicant. General public input was not taken.

The Commission answered all of the questions posed in the staff report and agreed that the proposed development is in general conformity with the Comprehensive Plan with the caveats that they had expressed. They noted that for the rezoning itself, there were still a lot of unanswered questions and issues in the Development Plan that need to be worked out. The Commission said they hoped those issues can move ahead in a positive way. But, the Commission felt that the plan is consistent with what was recommended by the Planning Commission and adopted by the Board of Supervisors.

The Commission requested that another worksession be scheduled after the ARB reviews the plan and provides input. The chair noted the significant number of public in attendance and said that public participation was encouraged at the public hearings. The Commission said it will take the necessary time to seriously take the public input received at that time into consideration before taking final action. Staff said it was not sure which issues would be brought to the Commission next, citing the need for a work session on the street profiles, Route 250 improvements, and the Code of Development in particular.

***Old Business:***

Mr. Edgerton asked if there was any old business.

Mr. Morris provided an update on the Financial Impact Advisory Commission. At the end of 2004 they were really going to meet every other month. As of this date the meeting is planned for sometime in September.

Ms. Higgins asked for an update from staff on the Design Review Committee.

Mark Graham stated that the Design Review Manual is being done by internal staff, Jack Kelsey. It is coming forward as staff's recommendation and is being given to the Planning Commission's work group first and then they would offer it for public comment. Then staff will provide it to the Board of Supervisors. He pointed out that there was no active committee at this time. He stated that he would follow up with Jack Kelsey and make sure that the Commission receives this information.

Mr. Cilimberg reminded the Commission about the worksession with the Board of Supervisors on September 7 on the zoning text amendments. He pointed out that information on this would be sent out one week in advance.

Mr. Cilimberg stated that the worksession for Places 29 would take place next week during the regular meeting.

There being no further old business, the meeting proceeded.

***New Business:***

Mr. Edgerton asked if there was any new business. There being no further new business, the meeting proceeded.

***Adjournment:***

With no further items, the meeting adjourned at 8:31 p.m. to the July 19, 2005 meeting.

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V. Wayne Cilimberg, Secretary

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