Albemarle County Planning Commission
July 26, 2005

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, July 26, 2005 at 6:00 p.m., at the County Office Building, Room 241, Second Floor, 401 McIntire Road, Charlottesville, Virginia. Members attending were William Rieley, Rodney Thomas, Calvin Morris, Jo Higgins; Bill Edgerton, Chairman and Marcia Joseph, Vice-Chair. Absent was Pete Craddock and David J. Neuman, FAIA, Architect for University of Virginia. Mr. Rieley arrived at 6:15 p.m.

Other officials present were Wayne Cilimberg, Planning Director; Claudette Grant, Senior Planner; Yadira Amarante, Senior Planner; Stephen Waller, Senior Planner; Bill Fritz, Development Review Manager and Greg Kamptner, Assistant County Attorney.

Call to Order and Establish Quorum:

Mr. Edgerton called the regular meeting to order at 6:09 p.m. and established a quorum.

Other Matters Not Listed on the Agenda from the Public:

Mr. Edgerton invited comment from the public on other matters not listed on the agenda. There being none, the meeting moved on to the review of the consent agenda.

Consent Agenda:

CPA-2005-002 Growth Management Update – (Joan McDowell)

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

Motion: Ms. Higgins moved, Mr. Morris seconded, that the consent agenda be approved.

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

Items Being Deferred:

ZMA 2004-024 Old Trail Village (Signs #56,65,82,90) - Request to rezone approximately 257.4+ acres from Rural Area, and Residential - RA, R1, and R6 zoning districts, to Neighborhood Model District - NMD for a combination of residential and commercial uses. This development includes approximately 500 single family units, 350 townhouse/rowhouse units, 800 apartment units, and approximately 250,000 square feet of commercial/office/recreational space in the village center. The property, described as Tax Map 55E-1-A1 (previously identified in legal ads as Tax Map 55 Parcel(s) 55E Part 1 and 55E Part 2 and Tax Map 56 Parcel(s) 55E Part 1 and 55E Part 2) is located in the White Hall Magisterial District on the north side of Route 250 West, approximately 2,000+ feet east of the intersection of Miller School Rd. and Route 250. The Crozet Master Plan of the Comprehensive Plan designates this property as District, CT5, CT4, CT3 (Edge and General) and Development Area Reserve (CT2) and Preserve (CT1) in the Crozet area. General usage for District is warehouses and light manufacturing in center zones. Airports, research/office parks, regional parks and preserves at outer edge zones, and is recommended as employment center which may be single use or mixed use area. If single use, typically no more than 20% of the neighborhood or downtown area. General usage for CT5 is mixed residential and commercial uses. Residential density is 12 dwelling units per acre; 18 dwelling units per acre in a mixed use setting. General usage for CT4 is mixed residential and commercial uses. Residential density is 4.5 dwelling units per acre; 12 dwelling units per acre for townhouses and apartments; 18 dwelling units per acre in mixed use setting. General usage for CT3 (edge) is primarily single family detached houses at 3.5-4.5 units per acre. (6.5 units per acre if accessory apartments are added for 50% of the residential stock.) General usage for CT3 (general) is it supports the center with predominately residential uses, especially single-family detached and is recommended for 3.5-4.5 units per acre. General usage for CT1 and CT2 is development area open space preserve or reserve with very low residential density, and is recommended

for very low residential density no greater than 1 unit per 20 acres. General usage of the proposed amendment (rezoning request) is residential, and commercial. The density of the proposed amendment is 4.5 dwelling units per acre for the CT3 blocks, 4.5 dwelling units per acre for single family, 11 units per acre for multifamily, and 15 units per acre for mixed use in the CT4 blocks, and 12 units per acre for multi-family, and 18 units per acre for mixed use in the CT5 blocks. This property is also zoned Entrance Corridor. (Claudette Grant) ***TO ALLOW FOR ADEQUATE PUBLIC NOTIFICATION, STAFF REQUESTS THIS ITEM BE DEFERRED TO THE AUGUST 2, 2005 PLANNING COMMISSION MEETING.***

Mr. Edgerton stated that staff has requested that this item be deferred to August 2 to allow for adequate public notification. He opened the public hearing and invited public comment. There being none, he closed the public hearing to bring the matter before the Commission for action.

Motion: Ms. Higgins moved, Mr. Morris seconded, to defer ZMA-2004-023 Old Trail Village to the August 2, 2005 meeting.

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

Mr. Edgerton stated that the Planning Commission deferred the request to August 2, 2005 as per staff's request.

ZMA-2004-011 Charlottesville Power Equipment - Request to rezone 2.142 acres from C-1 (Commercial) to HC (Highway Commercial) to allow 12,000 square feet of commercial use in two buildings with proffered plan. The proposal also includes requests for outdoor sales and display and fill in the floodplain (see SP-04-36 and SP-04-37).

AND

SP-2004-036 Charlottesville Power Equipment – Fill in the Floodplain (Sign #37) - Request for a special use permit to allow fill in the floodplain in accordance with Section 30.3.05.2.2(3) of the Zoning Ordinance which allows for filling of land. (See concurrent requests, ZMA-04-11 and SP-04-37).

AND

SP-2004-037 Charlottesville Power Equipment-Outdoor Sales and Display (Sign #37) - Request for a special use permit to allow outdoor sales and display associated with permitted uses, which would be visible from an Entrance Corridor Street in accordance with Section 30.6.3.2(b) of the Zoning Ordinance. The property, described as Tax Map 78, Parcels 4A1 and 4B, is located in the Rivanna Magisterial District on the northwest corner of the intersection of Route 20 and Route 250 East behind McDonalds's Restaurant. The Comprehensive Plan designates this property as Regional Service, in Neighborhood Three. (See concurrent requests, ZMA-04-11and SP-04-36.) (Judy Wiegand) ***DEFERRED FROM THE JUNE 21, 2005 PLANNING COMMISSION MEETING. APPLICANT REQUESTS DEFERRAL TO OCTOBER 11, 2005 PLANNING COMMISSION***

Mr. Edgerton stated that the applicant has requested deferral of the three applications to October 11. Since this has been advertised, he opened the public hearing and asked if there was any public comment. There being none, the public hearing was closed to bring the matter before the Commission for action.

Motion: Ms. Higgins moved, Mr. Morris seconded, to approve the applicant's request for deferral of ZMA-2004-011, SP-2004-036, and SP-2004-037 Charlottesville Power Equipment to the October 11, 2005 meeting.

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

Mr. Edgerton stated that the Planning Commission deferred the request to October 11, 2005.

Regular Items:

SUB-2005-091 Ashcroft West Preliminary Subdivision Plat - Request for approval of a preliminary plat to allow the creation of 28 new lots. The property is described as a portion of Tax Map 78 - Parcel 57, which contains 253.7 acres zoned R-1 (Residential), RA (Rural Areas) and PRD (Planned Residential Development) adjacent to the Franklin, Ashcroft and Fontana subdivisions. This site is located in the Rivanna Magisterial on the PRD portion of the parcel and would take access from the east through the Ashcroft subdivision. The Comprehensive Plan designates this property as being split between Neighborhood Density in Development Areas Neighborhood 3 and Rural Area 2. (Stephen Waller)

Mr. Waller summarized the staff report.

- This is an application for approval of a preliminary subdivision plat that proposes the creation of 28 new lots on 89 acres zoned PRD (Planned Residential Development). As a result in the conditions of approval for the most recent rezoning, which is ZMA-1994-16, this site is required to become a part of the Ashcroft PRD with the subdivision plat. This proposal is before the Commission tonight because the applicant is proposing to create a private road that would connect with the existing private road within the Ashcroft Subdivision if approved. Also, the subdivision includes 51.84 acres of open space that will be held in common ownership. That also requires Planning Commission approval. The Site Review Committee has reviewed the layout of the proposed lots for compliance with the relevant requirements of the Subdivision Ordinances and can grant approval of the subdivision plat if the Commission decides to approve the request
- for the private road and open space.

- Staff recommends approval of both of these items and will not accept the final plat for the creation of the 28 proposed lots until all of the conditions provided in the staff have been addressed satisfactorily.

Mr. Edgerton asked if there were any questions for staff. He stated that he had one question about the letter the Commission received from Mr. Mitchell of the Board of Directors of the Ashcroft Neighborhood Association. The letter expressed a lot of concern about the earlier proposal of the road being made a public road. He asked if staff had received any further response from them.

Mr. Waller stated that his only response had been in the form of verbal conversations. From those conversations he thought that they were happy that the connection from Franklin and Fontana Subdivisions has since been removed.

Mr. Fritz stated that he had also talked to some members of Ashcroft and their concern about the relationship and some of the issues that have gone on with the Homeowner's Association in the past. He noted that there is a representative here from the Ashcroft Homeowner's Association who can talk about that.

Ms. Joseph stated that one of the questions in her email to staff had to do with part of the letter that the applicant wrote talking about using the ditches beside the road for storm water detention facilities. She assumed that when staff wrote the response that he had talked to Allan Shuck about that. Staff's answer says that they could do it, but there wasn't any sort of yes we should this or no we should not do it.

Mr. Waller stated since the applicant's mentioning of it in his letter was kind of brief, Allan Shuck thought it would be a good idea to breach that conversation with the applicant as well. He noted that Mr. Shuck thought it is a feasible condition that could be placed on the private road approval.

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

Katurah Roel, representative for the applicant, stated that he would try to address some of the concerns of the Commission and the neighbors. They have talked with the adjoining property owners and Homeowner's Association, but he would let them speak for themselves about their attitude about the road and the connection. Just from a technical standpoint, the few hundred feet of extension across the even grade has less than 20 feet of vertical distance from the existing Ashcroft Road, foregoing the fact that Rick Beyer has a cul-de-sac shown less than 150 feet away from their boundary line, which would

ultimately be the area that they would disturb to make that connection. It by far meets the needs of both the water and roadway connection with the least amount of degradation foregoing improving Ashcroft/ Lego Drive from a 14, 12 to 16 percent grade in various places to a 10 percent grade. It will affect various yards, driveways, trees and so forth as shown on other plans for the connection that came off the end of their cul-de-sac, went down the face of the mountain, connected to the back of Lake Ridge and exited through Franklin. They had studied and met with the neighbors on the road plan for the mere purpose of showing connections so that Ashcroft One maybe had an alternative way out. It was something that he wanted to show on the plan and give the Commission at least an opportunity to consider for everyone's well being. But after a couple of meetings with Mr. Morris and his supervisor and talking with community individuals they felt that it was the locals desires to show the least amount of impact with the shortest road and to make it isolated. So what the Commission has before them is what they consider to be the least amount of environmental impact in a road system that provides for these lots that have been conditionally approved for some thirty years. This is the last phase of this development. As far as the flat water ditches for storm water management or water quality control, he was happy to meet with the local engineering staff. He pointed out that he had a meeting with Allan Shuck tomorrow afternoon at 3:00 p.m. to discuss some of these kinds of items. His only concern about them was that he did not want to see water lying in those ditches with mosquitoes. So as long as the ditches can absorb, drain properly and provide a proper surface that is healthful and safe, he did not have any objections to creating a flat water ditch. He noted that he had seen a lot of them in rural subdivisions already. But, they have had to go back in and fill them with dirt so that the ditches don't stand with water because of the neighbor's complaints. Therefore, they need to make sure that all of the neighbors understand the benefit of that flat water ditch. They did extensive field surveying and aerial topography on the existing Ashcroft Roads as well as their own mountainside. They did design a road to public road standard with 10 percent grade coming out of Lake Ridge that can tie to this development that would be a matter of course for public construction and acceptable to VDOT if the Commission did not find it in the best to make this shorter road connection and make a private road acceptable. It would certainly not please the homeowners in Ashcroft to revamp their road and widen out their front yards and lower their driveway grades. It certainly did not seem practical from his engineer studies of making Lego Drive to 10 percent grade or less.

There being no questions for the applicant, Mr. Edgerton invited comment from the other members of the public. He invited Mr. Hoffman, the only person signed up to speak, to come forward and address the Commission.

Ron Hoffman, President of the Ashcroft Neighborhood Association, stated that since he was out of town that Shannon, their Vice-President, had written the letter that had been referred to. Aside from some of the issues that Mr. Roel had just read about having to regrade the roads and lowering the street 10 feet from some people's driveways, our concerns were mainly around safety. It is a very steep and winding road that goes right through the neighborhood. There is a lot of children in the neighborhood and the recreation center is located right there. It is a safety issue now and they have gone to the County and asked for help to control speeding. By connecting through Franklin they feel that would add many more cars and make that situation much worse. Therefore, they would like to say that they appreciate their dealings with Virginia Land and their responsiveness to their request to take the connector road out of the plan. They are willing to bring in a private road into Ashcroft and connect to all of the other private roads that they do have. That is the road issue. As some of them know they do have some issues with their current developer just in the base case in Ashcroft as he discussed with Mr. Fritz, Mr. Morris and Mr. Roel. He stated that Virginia Land has assured them that any development in West Ashcroft will comply with their by-laws, covenants and restrictions despite some of the current issues that they are having. They are comfortable with that. Therefore, they support the applicant.

There being no further public comments, Mr. Edgerton closed the public hearing to bring the matter back before the Commission for discussion and possible action.

Mr. Rieley stated that he had one question for staff. In the 1988 letter from John Horn to Republic Homes related to ZMA-1979-27 he presumed that was the same parcel they were looking at now.

Mr. Waller stated that was correct.

Mr. Rieley stated that one of the provisions was Planning Commission approval of areas to be cleared on individual lots and of general dwelling location on each lot. He asked if that was still pertinent.

Mr. Waller stated no, that the conditions from the ZMA-1994-16 were now the governing conditions of this site. That is no longer a requirement.

Mr. Rieley stated that he would be interested in Mr. Morris' thoughts on this because he had looked at it carefully and met with neighbors.

Mr. Morris stated that when visiting the site he found that this was an extremely steep slope, which moves right into the area of their club where they have children playing all of the time. He felt that it just needs to have a lot of slow traffic and not fast traffic. That was the primary concern that he perceived from listening at their meetings for not having a connector over to Lake Ridge, Franklin and so on. He stated that he would not want his children on that. He pointed out that he did not know how they could correct it. It is just a little area that is a private road, but it just will not meet the public standards.

Ms. Joseph stated that she was trying to find a way to justify the non-connection between all of the other neighborhoods there because that was something that they always look at. It is something that they listened to the people in Forest Lakes come and talked about the children playing in the street and how they need to have a safe area. She stated that she was trying to find something that makes this different than Forest Lakes where they were ready to deny that application because it did not have the connectivity.

Mr. Morris stated that he had a relatively small car, but as he drove down that hill of what is to be Ashcroft West and coming into the current Ashcroft he was going to have to ride his brakes all the way down because it is just a dangerous situation.

Ms. Joseph stated that what he was telling her was that the 16 percent as it stands is a situation that he feels makes this more difficult to traverse this area and he would rather not have as many people coming through this area. He wanted to keep it open just to the people who know the neighborhood, where that turn is and where that steep slope is.

Mr. Morris stated that he did not look at it as an engineer or anything else, but just that he was going to be driving down that hill.

Mr. Thomas asked if there was another alternative to the private road.

Ms. Higgins stated that she read this differently. This is part of Ashcroft so a connection to it is appropriate. A public road cannot be accepted into the State system unless it is connected to a public road. If it went in another direction it would not preclude this connection. In essence it would make this section eligible for a public road if it went through in the other direction. They are focusing on something that is related to the existing public road. The comparison that she was looking at is the private road would be a 12 percent grade, the public road would be a 10 percent grade, and the sections through Ashcroft that are a private road are short sections of steep grades. She noted that she really truly hesitates to acknowledge that it is not safe there because those are private road standards that the County has used for many years. There are occasions where waivers for short distances have been granted in various locations. She stated that they hesitate more and more because of that. But, what the differences are here is that they are adding 28 lots that were approved a long time ago. That in itself is only 28 lots, but if the connection is made to the other side then it becomes a pass through situation.

Ms. Joseph stated that however, the approval for those 28 lots talked about the fact that it could be connected.

Ms. Higgins stated that it said it could be, but it did not mandate it. Therefore, she felt that it did allow for this discussion because they were talking about a subdivision that this is part of. But, truly looking at the application based on an older basis of degradation to the environment not only are they talking about the design of this road being less environmentally impacted, but it does meet that criteria to be eligible for consideration. It also maintains that the connection to the existing Lego section with whatever the name

is for the section that goes down through Ashcroft can remain private too and not be upgraded. That would mean potentially wider right-of-ways, and the taking out of trees, which she did not think had been measured in this report. It is not assumed that has been taken into account. So it meets the criteria. When she looked at this it is a lot of critical slopes and the lots are located in the least areas of critical slopes and their placement seems to be maybe consistent, of course having to meet the septic field of less than 25 percent slope could have made it so that they could not have gotten this number of lots. But, they have achieved the lots in the areas and are setting aside the land into the critical slopes. So again, do they want to impose a public standard where there is an environmentally sensitive area? Therefore, she did not dwell as much on the interconnectivity issue. On this basis she felt that it was eligible and that if they did it differently the lots would have steeper driveways and potentially they would have more cut and fill slopes. Therefore, she did not know if they would be achieving anything since they were only talking about 28 lots. Therefore, she would prefer to look at it from a private road standard than to look at how to make it a public road.

Ms. Joseph stated that she did not have any problem with the private road because if you look at the applicant's letter it talks about the fact that changing that 16 percent slope that the existing properties on either side of the driveways would be difficult. She had talked about that with Mr. Waller, who talked with Allan Shuck, and they both agreed that would cause some problems with the existing properties, houses and driveways. Therefore, she did not have a problem with the private road. So it is just this whole concept of connectivity that the Commission has required in the past.

Ms. Higgins stated that if they review this under the analysis of a private road, and you agree in this case that a private road is appropriate, it is not really before the Commission to decide if they have to connection them because it says that it could be. All of the reading that she read it does not say that it has to be. Therefore, if they were making that part of the equation for the private road she was not sure that it was even in their preview. That is what makes it different. It is the last section of an old subdivision that was done many years ago.

Mr. Fritz asked to point out a couple of things. If they were talking about the connection of this through Franklin connecting through, this plat came in for review under the prior Subdivision Ordinance. There would be another modification that the Commission would have to grant to allow a private road connecting to a public road. That would be a private segment connecting to a public road. It would be a public portion of Lego connected to the public portion of Franklin through a segment of private road. Historically, that has been an issue in terms of maintenance.

Ms. Joseph asked what about Ms. Higgins' interpretation that really is anything that they should discuss here because all they are here is to look at whether or not they can approve this private road period.

Mr. Fritz stated that the request before the Commission is this particular private road request. He believed that if the Commission felt that this private road request for whatever reason is flexibility that they have that an alternative alignment such as to Franklin. He stated that he was not quite sure in terms of connectivity between the two.

Mr. Kamptner stated that the staff report indicates that the private road and open space issues are in front of the Commission. Under the ordinances there is a request by an abutting owner that the Commission review the plat in its entirety.

Mr. Waller stated that was correct.

Mr. Kamptner stated that therefore the Commission has everything in front of them tonight.

Ms. Higgins asked if there was a particular issue identified and who was the property owner.

Mr. Waller stated that the issue at the time was the connection.

Ms. Higgins asked if it was specifically asked for it to be brought before the Commission because they want this particular plat.

Mr. Rieley stated that it was because they did not want something else.

Mr. Kamptner stated that when someone made the request that it be reviewed by the Commission that they were suppose to specify the grounds, but it was not in front of them.

Mr. Fritz stated that the difference between this request and the one in Forest Lakes is that this property is in the rural areas of the Comprehensive Plan and not in the development areas of the Comprehensive Plan. Therefore, the connectivity provisions of the recently adopted Subdivision Ordinance would not apply to this particular development because it is in the rural areas and not in the development areas. He noted that he just wanted to point that out.

Motion: Ms. Higgins moved, Mr. Morris seconded, for approval of SUB-2005-091 for Ashcroft West Preliminary Subdivision Plat with the provisions for private roads as shown subject to staff's recommended conditions with one added condition.

The Department of Community Development shall not accept submittal of the final subdivision plat for signature until tentative final approval for the following conditions has been obtained. The final subdivision plat shall not be signed until the following conditions have been met:

1. The plat shall be subject to the requirements of Section 14-303 (Contents of final plat), as identified on the "Final Subdivision Checklist" which is available from the Department of Community Development.
2. *[Design Manual, Section 1102]* The required offsite utility easements need to be approved and recorded before the engineering review can recommend approval to the final subdivision plat. *[Design Manual, Section 1102]*
3. *[14-313]* County attorney approval of Homeowner Association documents including any maintenance agreement identifying all parties that are responsible for the private road and common area/open space that is being created and their roles in maintaining this area, subject to County Attorney review and approval.
4. Approval of all new road names by the E-911 Addressing Coordinator.
5. The plat shall be subject to the Current Development Division's engineering review.
6. [14.309 & 310] Written approval from the Health Department for all septic and reserve drainfield locations.
7. Service Authority review and approval of water meter locations and plans for the off-site water line extension.
8. The flat bottom ditches or the water quality BMP features be incorporated as per the County Engineer's approval.

Mr. Kamptner pointed out that the motion also included the open space determination that was in front of the Commission.

Mr. Rieley asked to make one additional comment before they vote. He felt that the issue of interconnectivity is a valid one, and that they could consider it because with the public road access from Franklin it creates a defector connection if they were to require that the public road comes to the point of interconnection. While he was a big advocate of interconnectivity he did not think it was equal or even desirable everywhere. In addition to the reasons that Mr. Morris brought out about the up and down grades in this area that he felt argue against this as a reasonable opportunity for interconnectivity, he felt that the down side outweighs the advantage of the interconnectivity. Therefore, he supported the motion.

The motion passed unanimously by a vote of 6:0. (Commissioner Craddock was absent.)

Mr. Edgerton stated that SUB-2005-091 for Ashcroft West Preliminary Subdivision Plat was approved.

***Public Hearing Items**:*

SP-2004-055 Walgreens (Signs #52,63,96) - Request for a special use permit, in accord with the provisions of Section 24.2.2.13 of the Zoning Ordinance, to operate a two-lane, drive-thru facility associated with a pharmacy on approximately 2.30 acres of land situated at the southeast corner of the

intersection of Seminole Trail [Route #29] and Proffit Road [Route #649]. The property, described as Tax Map 32, Parcel 37C is located in the Rivanna Magisterial District. The property is zoned HC - Highway Commercial and EC - Entrance Corridor Overlay District, and is designated for Regional Service in the Hollymead Community. A Site Development Plan has also been submitted with this request. (Yadira Amarante)

Ms. Amarante summarized the staff report.

- The applicant has two requests before the Planning Commission tonight. One request is a special use permit in accordance with Section 24.2.2.13 of the Zoning Ordinance, which allows for drive-in windows serving associated by-right uses in the HC District. The applicant is requesting two drive-through lanes associated with a proposed Walgreens Pharmacy. The second request is a critical slope waiver to disturb the critical slopes that are on the property to allow for the construction of the new Walgreens Pharmacy and redevelopment of an existing retail site known as the Mercer Building.

- The Site Review Committee has reviewed requests for the special use permit, the critical slopes waiver and the site plan. The site plan can be administratively approved with approval of the special use permit and the critical slopes waiver request.

- In summary, staff has looked at the special use permit and the proposed drive through use is consistent with other by right uses in the HC zoning district. It is consistent with the health, safety and general welfare provisions of the Zoning Ordinance with the recommended conditions of approval.

- Basically, staff looked at the layout of the drive through windows and the traffic patterns. Engineering has reserved the right to further comment on additional signage for paint, stripes, and markings on the pattern at the time that the final plan comes in. Therefore, staff has added a condition to the special use permit that would allow engineering staff to look at the final for additional safety issues.

    - Staff is basically saying that the provisions of the drive through services can be considered a standard function of pharmacies these days, which are by right in this district.

    - The drive through lanes would offer an opportunity for customers who are coming on to the site to by pass that drive through traffic and not have to be encumbered by it.

    - Based on the proposed site layout, no conflict is expected to occur between vehicles stacked in any of the drive-through lanes and the off-site traffic passing the entrances to this site. There is only going to be a right in off of 29. Therefore anybody using the Mercer retail site will have to exit the site through Profit Road. Therefore, they will have to automatically go through the Walgreen's site to get out.

- The second request is a critical slope waiver request. Staff did not find that the critical slopes were in our Open Space Plan or were critical slopes of any significance in terms of natural resources. Staff recommends approval of the disturbance of the critical slopes.

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

Ms. Higgins felt that the whole access issue was a little confusing. She asked if engineering had commented on that issue.

Ms. Amarante stated that engineering and VDOT looked at the special use permit request and neither had any opposition to the drive through. She pointed out that the engineering staff did not specifically comment on the location of the by pass lane, but had reserved the right to review the safety aspects at the time of the final plan submission. She stated that the site plan has to be in general accord with the special use permit plan.

Ms. Higgins stated that there were a couple of notes on the actual plan that was being referenced that she had questions about. On page 12, there is a 25 foot opening in the curb that says access easement. If you are on Profit Road and turn in there is an access easement shown going that way.

Ms. Amarante stated that staff had requested an interconnection with that parcel. She stated that the grade there just drops off.

Ms. Higgins asked where the access easement goes.

Ms. Amarante stated that the access easement would end at that property line. If that property owner comes in to develop that property and wants to use that, then at that point they could have an interconnection. Staff has also asked for another one at the end of that access easement to connect into the Forest Lakes Shopping Center.

Ms. Higgins stated that access easements have to be to somebody.

Mr. Fritz stated that this access easement goes to the property line for further development that might occur on that adjacent parcel. Staff is always looking for opportunities to provide interconnections for future development or redevelopment. Staff realizes in this particular case that it is going to take a lot of site work on the other side. It might not be practical, but they at least wanted to provide the opportunity for it.

Ms. Amarante stated that it is mandated by the ordinance to look for interconnections. In the past staff required the interconnections to be built to the property lines, but later found that the people on the other property don't have the legal right to trespass on the property. Therefore, they started asking for access easements in order to eliminate that problem.

Ms. Higgins pointed out that there was something mentioned in the staff report about VDOT reviewing this.

Ms. Amarante stated that VDOT had substantial comments just on the site plan itself in terms of that right in off of Route 29.

Ms. Higgins stated that is because it is being moved and the other one is being abandoned.

Ms. Amarante stated that was exactly true and that it had all been worked out.

Mr. Fritz pointed out that would have been included in the Site Review Committee's comments.

Ms. Amarante stated that they were actually reserving quite a bit of land for the improvements for Profit Road. She pointed out that VDOT was able to come up with a width, which is why they were able to require that reservation.

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

Ned Bickers, of Laird Development in Knoxville Tennessee, stated that he was the applicant in this case and that also present is Laurie DaRue who is the civil engineer working on this site. He stated that he did not have much to add. In working with the ARB to come up with a design, orientation and site layout with landscaping that fit within their preference the one thing that they added was the island. That allowed a landscape buffer of not only that island, but the next island over at the retail shop's building so that the drive through was not extremely visible from the road. He felt that if they looked at the site plan they will see that they have accomplished at least that part of it. This is the ideal time for stubbing in the access easement. Once you add a layer of corporate entity like Walgreens on a lease as a permanent lender he felt that getting approval to do those cross accesses was almost impossible after the fact.

Mr. Edgerton asked if they had considered relegated parking. He pointed out that this site was going to be the first thing anybody sees when they come to Charlottesville.

Mr. Bickers stated that actually there was a significant amount of give and take on the parking. Initially the building itself was shifted back towards the retail building on the site. There were two rows of parking on the Profit Road side. But, the ARB wanted to see at least one row of that parking go away. Therefore, they realigned the building and aligned the front of the building parallel with the front of the retail building. As far as the number of spaces for the square footage, he believed that was the County's requirement for that amount.

Mr. Edgerton asked staff if there was any opportunity for reduction of the required spaces with the drive through.

Ms. Amarante stated that the applicant had already gotten that reduction in parking.

There being no further questions for the applicant, Mr. Edgerton invited comment from other members of the public. There being none, he closed the public hearing to bring the matter back before the Commission for discussion and possible action.

Mr. Edgerton stated that they had 16 extra spaces, which would be almost an entire row of spaces in front. The elimination of those extra spaces would allow for even more of a planting area.

Ms. Joseph stated that there was a note on page 15 of the landscape plan that says shrubs will be allowed to reach the mature height and the parking lot perimeter shrubs will be allowed to grow into a hedge. She asked if there was any reason that they could not add trees into that to avoid having the severe pruning that they have seen on Pantops.

Ms. Amarante stated that was an ARB item and she had not reviewed the landscape plan. She pointed out that they will have additional landscape requirements.

Ms. Higgins noted that they did not take a parking reduction for the drive through and it is the full required amount of spaces. She stated that they have exceeded it by the allowable amount of 20 percent.

Mr. Edgerton stated that they were being asked to approve a special use permit for a drive through window. He asked if they wanted to consider linking that approval to a reduction in the parking.

Mr. Rieley stated that the new parking standards say that 20 percent of this parking is adequate not even including the drive through window. Also, there is a bonus provision for bus parking. Therefore, he did not feel comfortable supporting this when it has not only as much parking as our zoning people think is necessary, but 20 percent more than that. And in addition to that it has a drive through window which should reduce the parking and so far is not reducing it.

Mr. Edgerton stated that they don't have a drive through window until they approve the special use permit.

Mr. Rieley stated that it was a very valid point that they are dealing with the maximum amount of parking allowed, that is 20 percent above the target amount with a drive through on top of that. He felt that they acknowledge that a drive through window should reduce the parking.

Ms. Higgins suggested that they ask the applicant to come back up and give some feedback as to how the parking relates to the use.

Ms. Amarante stated that Jan Sprinkle of Zoning did look at the parking requirements extensively and gave them a reduction of 25 square feet for both drive through windows. She noted that was the number that was on the plan.

Mr. Fritz stated that the number on the plan of 71 required spaces for Walgreen is based upon the credit for drive through.

Mr. Edgerton stated that they had 16 additional spaces that would reduce almost an entire row of parking spaces in the front and allow for more of a planting area.

Ms. Higgins stated that it already said that the required amount was already a reduced number.

Mr. Edgerton stated that was correct and that he was suggesting that they hold them to what the reduced number is as opposed to allowing them to go above it.

Mr. Rieley stated that he was not comfortable with that because that is a minimum number and he did not recall a case in which they had required somebody to meet the minimum. If they figured in the reduction and used that as the basis and then the 20 percent allowable was added on top of that, then he felt that reasonable. He stated that he just did not understand that.

Ms. Higgins suggested so that they don't get precedent issues in the future that maybe it be noted on the site plan what is different about this calculation as opposed to the actual amount required without the reduction for the drive through.

Mr. Fritz stated that staff could include that reference on the final plat.

Mr. Thomas pointed out that when he walked the property he was very surprised how much the property dropped off in the rear.

Action on SP-04-055:

Motion: Mr. Rieley moved, Mr. Thomas seconded, that SP-04-055 for Walgreens be recommended to the Board of Supervisors for approval subject to the conditions recommended by staff.

1. The site shall be constructed in general accordance with the preliminary site plan entitled "Walgreens", issue date of 7/13/05 and initialed Y.Q.A dated 7/15/05.
2. Signage and pavement markings shall be provided at the entrance and exit points of the drive-through lane, subject to Current Development Division engineering approval to ensure appropriate and safe travel patterns.
3. Landscaping beyond that outlined in the ARB Design Guidelines is required to mitigate the impacts of the site layout. Landscaping shall be provided to the satisfaction of the ARB.

The motion passed by a vote of 5:1. (Commission Edgerton voted nay.) (Commissioner Craddock was absent.)

Action on Critical Slopes Waiver:

Motion: Mr. Thomas moved, Mr. Morris seconded to grant the critical slopes waiver to Section 4.2.5.b (2) as requested by Walgreens.

Ms. Joseph supported the critical slopes waiver because the slopes were man-made and it was not going into any watershed immediately. She felt that it and would not cause any erosion problems. Also, they were using the site in the urban area as they like them to.

The motion passed by a vote of 6:0. (Commissioner Craddock was absent.)

Mr. Edgerton stated that SP-04-055 for Walgreens would go to the Board of Supervisors on September 7 with a recommendation for approval.

SP-2004-052 Kenridge (Sign #40) - Request for special use permit to allow development of a multifamily complex in accordance with Section 23.2.2.9 of the Zoning Ordinance which allows for R-15, Residential use in a CO, Commercial Office district. The property, described as Tax Map 60 Parcels 27 and 27B, contains 16.5 acres, and is located in the Samuel Miller Magisterial District on the north side of Ivy Road [Route #250 West] approximately 1/2 mile west of the intersection of Ivy Road and the 29/250 By-pass.

The Comprehensive Plan designates these lands as Office Service, in Neighborhood Seven. General usage for Office Service is office parks and mixed-use planned development emphasizing office uses, residential uses, and regional-scale research and office uses providing information and professional services to the County and the larger region, and is recommended for 6.01 to 20 dwelling units per acre, with possible densities of up to 34 dwellings per acre under a planned development approach. General usage of the proposed amendment (SUP request) is residential. The existing carriage and manor houses have the option of being used for residential and/or office use. The density of the proposed amendment is 4 dwelling units per acre. This property is also located in EC, Entrance Corridor. (Claudette Grant)

Ms. Grant summarized the staff report.

- The applicant, Kenridge, LLC, is seeking approval for a special use permit to allow development of a 66 unit residential complex on 16.5 acres. The property located on Route 250 West across from the Birdwood Golf Course. The residential units would include 5 detached units, 48 (42 foot wide) villas, and 12 (24 foot wide) townhouses. The existing 8,000 square foot manor house and 3,000 square foot carriage house have the option of being used for residential and/or office use. The special use permit would allow for R-15, Residential use in a CO, Commercial Office district.

- The Planning Commission saw this application on December 14, 2004 for a work session. The Planning Commission also saw this application for a public hearing on March 29, 2005. The applicant at that time requested an indefinite deferral during this meeting.

- The applicant has made significant changes to the plan and the Architectural Review Board has recommended favorably regarding the design with conditions.

- However, staff still feels that there are some issues that still need to be resolved. These issues are internal parking that could be better relegated; storm water and management need to be consistent with each other; and affordability still needs to be addressed. Staff is still working with Zoning and the County Attorney on the conditions. The applicant is requesting private streets. The critical slopes waiver was requested and reviewed. There are no engineering concerns which prohibit the disturbance of the critical slope. Action on private streets and critical slopes should also be considered.

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

Steve Blaine, attorney for the applicant, stated that with him tonight was Jim Gregg, the architect, who has been involved with them on the plan. He felt that as the staff report indicates there has been a significant progress made since their work sessions. Hopefully, the Commission can appreciate the elements that make up the application before them that should be considered from a big picture standpoint. They have been able to implement the 250 Task Force recommendations for linking this project to the White Gables project, which is now under construction for the first phases. They have been able to link that to reduce the number of entrances to this project and combine that to a combined entrance across from the Birdwood Golf Course. They have been able to work with ARB staff and the Planning staff to preserve the historic resources in the Manor Home and the Carriage House. In addition, they have been able to work with a plan that is sensitive to those historic resources and also incorporate a significant open space an amenity in what they are referring to as an edge park of approximately 4 acres. They are trying to keep it in its natural condition as they see today. That explains the request for a private road and what they envision in the front part of the project as a rural section. They intend to connect that area with the White Gables connection. Therefore, they would seek a road design consistent with theirs. Currently they understand that their design would be a 22 foot section with cobblestone gutter as opposed to a standard curb and gutter. That gives you kind of a flavor as to the elements to the plan. They also found a way to preserve within that area the stone wall, which is important to the ARB. With the redesign the 66 units include 6 single-family units. The ARB was particularly concerned because it is not typically part of their jurisdiction, but they proffered a condition that would allow this to come back with the single-family homes and any changes to the Manor Home in fact would require the ARB's approval.

You may recall from the prior work session that they are working with a tight building envelope and some existing challenging slopes. When you take into account all that they have tried to incorporate with these various interests, they have done really the best that they can with the conditions. He felt that ties into the comment from staff about the nature of the parking. What they have done is relegated the parking internal to the site. So there will not be parking to the external part of the site. There are those who may have a personal preference to rear loaded garages as opposed to front loaded garages. But what that design imposes is additional infrastructure. With a tight site like this they felt that with a single loop road that was the minimum disturbance that would be needed to provide the access. The internal loop road would convert to a Neighborhood Model matrix, and would comply with the main matrix that would include sidewalks and street trees. There is a cut away section in your staff report that gives an example of that. In an ideal perfect world with a larger site they could have perhaps achieved all of these other objectives and maybe addressed the parking differently. But, they believe that this would be an attractive design and that the home owners will appreciate that design.

As for the affordable housing issue, it is correct that affordable housing as they would define it that Albemarle County is coming to grips with is not incorporated into this site. There are constraints with the building envelope that he has mentioned that reduced the available density. They have reduced this density from 88 units down to 66 units. With the land and grading costs of the improvements it makes the prohibited level of a price range of $175,000 economically enviable. But what he would like to point out is that since they started and made this application they have had this dialogue with the staff and the County, he knows that the Commission has been struggling with this policy as well in implementing the affordable housing objective, the applicant has recognized that the market opportunity for affordable housing and has since the application developed 184 affordable units in a condominium conversion known as the Hessian Hills Condominiums. Those units have all been marketed below the affordable housing target. The initial prices on the two-bedroom units were $129,500. The prices on the three-bedroom were $139.500. He stated that he was happy to report that at the 18 month to 2 year projection of sales has already been met. In about 6 months they have sold 150 units. It is important to point out that these units are intended for owner/occupants. They sought and just recently obtained Fanny Mae approval, which in a condominium conversion for certain approvals for that Fannie Mae financing require that you have a minimum number of owner occupied residents. They have a minimum threshold of 60 percent, which translate to at least one affordable housing unit will be owner/occupied for each one of these luxury townhouse units that the applicant is pursuing. So there are some policy considerations here. They understand that the County's policy and implementation is evolving. They would point out that in a special use permit the conditions usually relate to the impacts proposed by the use that is already contemplated in the district and they were not displacing housing units with this proposed use. They were converting a commercial office designation or use to a residential use. There is always the upstream argument too with providing upstream housing if there are local residents who seek this option. That makes available, hopefully, lower priced housing for affordable units. So they are sensitive to the issue. They discussed this with the Housing Director, Ron White and he agreed that what they discussed was reasonable. They would offer that as addressing affordable housing recognizing what they have not incorporated for affordable housing.

Regarding the issue on grading, they know they have to make the storm water management plan work. McKee Carson is the same engineering firm that designed the White Gables storm water system has done some preliminary calculations. They have told us that they can make it work. If there is a concern that when they get in and address the actual grades of the storm water facilities if there is a material change if it is not ultimately in general accord with what you approve, then they would have to come back to the Commission. Therefore, they have to make it work from an engineering standpoint and they have to honor the County's grade and specifications. There are some good conditions proposed in Ms. Grant's staff report. There are some clarifications that they would recommend and it is really the Commission's pleasure as to how they want to do that. If there is time during the deliberation, they could come back and address those. If there are particular questions and concerns, he and the architect would be available for questions.

Mr. Edgerton stated that he had several questions for Mr. Blaine. The staff report refers to transportation issues on page 2 where staff is recommending Neighborhood Model road standards be followed. They are not shown on the plan. The applicant has noted that the interior roads will be designed to urban road standards; however the applicant wishes the entrance road to be designed to rural standards. In the

drawing that he has it looks like the entrance road has a sidewalk, which certainly does not fit with the rural standards. He asked for some clarification on that.

Mr. Blaine stated that issue was not clear in the report. The rural standard would allow a more sensitive grade to the road within the area that they were trying to preserve. They would like to have, if it was not a sidewalk, a pedestrian link consistent with the 250 Task Force and other staff recommendations. So that does not need to be a sidewalk if adjacent to a curb and a gutter like an urban section. They actually are envisioning something more like a trail. There is a plan located on the board that identifies how that might be. The idea is to give access to the adjoining neighbors and also to make an amenity walking trail. It could be asphalt or a more upgrade aggregate in keeping with the other designs. They don't want to get hung up on urban versus rural. What they want to have is the least impact in that area. Clearly they can implement the Neighborhood Model matrix when you get up to the loop road where it connects next to where the housing units actually begin. There they can control the grade and use that model, which they think is appropriate.

Mr. Edgerton stated that he had one other question. There were some real concerns expressed on page 3 on the traffic study and the validity of it and whether it fit with the site. He asked if he had a response to that.

Mr. Blaine stated that in the end this was a traffic signal warrant in the specifications where you site down with Chuck Procter of VDOT and when it would be done and how it would be done. What really matters is whether VDOT will approve a signal. They did not do a signal warrant study to show that they did not have to do a signal. They think that a signal will enhance the project. The signal has already been proffered by White Gables. Therefore, it is not an issue of tagging the development with the cost of the signal. It has already been covered. He felt that they could take issue with the criticism with the counts at the Birdwood Golf Club. The signal warrant was not even close in the number of trips generated from that use. So whether you did it on a day that was 102 degrees and it would be crazy to play golf or a rainy day in October our traffic engineer does not think it would make a difference. It is a criticism, but it is in the end VDOT has to be convinced that a signal is warranted and there are just not the trips generated to warrant the signal. But your staff has ably covered the point in that if it is ever warranted the White Gables developer has agreed to install that signal. He guessed that their quid pro quo is that they have agreed to give them access and they have agreed to build the link over to allow the use of that signal. They also identified some resurfacing and frontage improvements. They have offered to put those in a condition, but it does not appear in here. But he would suggest that if you missed any thing at the White Gables that you might have missed the widening and the striping for the left turn signal, which they are prepared to put in. They might be able to do that in advance of the signal, but that would be a site plan consideration.

Mr. Thomas asked the size of the space buffer along the CSX tracks.

Mr. Blaine stated that they had agreed to do a 50 foot setback to put some landscaping in, but he was not sure if there was a required buffer.

Ms. Higgins suggested that before the application was passed on that they define the front, side and rear yard setbacks. She pointed out that there might be two different rear yard setbacks with the lots along the railroad tracks being different than the lots along the sides.

Mr. Blaine stated that the setbacks were 30' side, 50' rear setback and 275' side.

There being no further questions for the applicant, Mr. Edgerton invited comment from the other members of the public.

Lynn Mailleux stated that he was a neighbor in the rear and marketing agent for the White Gables, which was located on the east side of the proposed project. He stated that he reviewed the new plan and did not see a whole lot of changes from the previous plan that was submitted, other than going from 80 units down to 66 units. His concerns dealt with the straight lines and straight roads with the large amount of town homes just lined up. He felt that it looked like northern Virginia. He suggested that some work needed to be done on the design of the project because it was too linear. With 16.5 acres he felt that

they could work something out that would look better, particularly in this prestige area. The streetscape was nothing but garages on the front with two parking places out in front. The last time he was here he had asked for the details of the buildings, but he did not see any details of the buildings whatsoever. He asked if the buildings were brick, still the hearty plank or what other material. He asked what materials would be used for the roof. He pointed out that was very important because a lot of the people that would be living in White Gables were going to be looking at roofs. In the winter time he would be looking at all roofs from his property in the rear, which was shown in the elevations on page 18 under site elevations C. He felt that there should be a lot more details on the plans before a decision was made. In addition, he would like to see the landscape plan. As far as the drainage, he knew what they went through with the White Gables drainage project and it was still being developed so to speak. When he looks at what they have here, it was his understanding that 40 percent of this property was in the Ivy Creek Watershed. If that is so he would think that the water runoff engineering of that would be a major situation that would have to be studied. The applicant is showing two bio-retention ponds and one open detention pond.

Jeff Werner, representative for Piedmont Environmental Council, stated that he was not going to offer a specific comment on this project, but he was here fulfilling a promise that he made to a gentleman in the Blue Ridge Homeowner's Association to completely and repeated challenge them on the affordable housing issues. First, he applauded the Hessian Hill issue and one could only hope that the affordable housing units that are there were acquired by people that truly deserve that have affordability problems. The fact is that really all they did was displace renters who are now looking for housing. But, he missed last week's meeting and he understands that once again the County was cascaded by a representative of the Chamber of Commerce and the development community for its failure to accommodate affordability housing in the County. The key argument as usual was that the County's policies and regulations would a primary impediment to constructing more housing, and therefore by inference cheaper housing. That is if only the County would let them build more, and then the builders and developers could charge less for houses. A few weeks ago, the Commission reviewed a revised Rivanna Village project that now has a range of housing units significantly less than the original proposal. The proposal coming to you tonight has 66 units and previously had 80 units. He realized that was an insignificant reduction, but the fact is overall that build out of this project is significantly than the zoning would allow, which is pretty consistent for development throughout Albemarle County. He stated that he does not offer any specific comment on this proposal. But, he simply believed that the time is past due to when necessary to remind the Commission and the public that while there is an enormous challenge on the affordability problem one would only need to review what has been built and what is being proposed to see that it is not County regulations but developer choice to construct housing projects at far less than the densities and therefore the quantities that are allowed. He asked that the next time the affordable housing blame is placed on the County for limiting maximum developer that the County should start asking the developer why so they continue to build less.

There being no further public comments, Mr. Edgerton closed the public hearing to bring the matter back before the Commission for discussion and possible action.

Mr. Edgerton pointed out that he was absent at the last meeting and asked if the new plan addressed all of the items listed on page 9.

Ms. Joseph stated that the sentence below that says that Mr. Craddock agreed that the request should be deferred, particularly so that the view shed from the back of the property could be addressed. She pointed out that there were many things that needed to be addressed. Therefore, she agreed with Mr. Mailleux that nothing really has changed except the units have been reduced. She stated that the layout was pretty much the same, which was something that they had talked about needed to respond to the Neighborhood Model. They had talked about the garages in the front and the parking, which really has not changed. One of the comments in the minutes was that Mr. Blaine said that the manor house would be used as a residence, and what is going to become of that has not been addressed. If they look at this in terms of the Neighborhood Model, it would be nice to have the commercial work somehow with the residential. She felt that this plan really does not do that. If you look at the office building there is really not sidewalk or anything that connects that to anything. It is really sitting out there with a couple of parking spaces. There really has not been any attempt, except from lowering the density on this property, to make any changes.

Ms. Higgins stated that her memory of it was that there was a parking area in the center and the use was greater. She pointed out that her problem with the office use was that they had to have the parking to support it. Therefore, she felt that was a positive thing since she did not look at it that way. One of the issues they had was the significant amount of parking in relationship to the historic structure.

Ms. Joseph stated that it was still not identified other than a verbal statement in their minutes of what they building was going to be used for. It is zoned commercially. This could change significantly if they are required to have more parking if they decide to use it for a commercial use. If it is a commercial use then maybe there should be some sort of connection between those two parking areas for the manor house and that other little building. There are things going on here that could make that connection, but they don't know what is going to happen. She noted that she was very concerned that there was no screening shown in the back because they were specifically talking about the fact that they wanted some sort of protection to the back. That has not been addressed.

Ms. Higgins pointed out that the ARB would still have to review this plan. She suggested that they compare what would be allowed by right versus the special use permit issue which is before the Commission. She felt that the proposed use was displacing office use of a possibly significant volume, but then they don't have the associated parking and other issues. Again, she felt that this was decreased use. She felt that the decrease from 88 units to 60 units was significant. She felt that this plan fits with what is already in the area.

Mr. Edgerton stated that the use of the manor house would affect what infrastructure would have to be shown. If there was going to be a lot more parking it would really affect the plan. The proposal says the existing 8,000 square foot manor house and 3,000 square foot carriage house have the option of being used for residential and/or office use. Those two items are for two different things.

Mr. Cilimberg stated that staff proposed conditions if in the event the Commission was to recommend approval. The first of those conditions was intended to address that issue in terms of the parking aspect.

Ms. Higgins stated that would be item 1 that says parking is limited to what is shown on the plan, and if it is required for office spaces, they will need to do an amendment to the plan. Therefore, there would be a controlling factor. Any amendment to the special use permit would have to come back before the Commission.

Mr. Rieley felt that issue could be handled in that way. But, his concerns were broader and go back to their original two reviews of this proposal. Last time he had said that this project had made great strides from the previous time that they had seen it and he looked forward to seeing it again to see it continue to get better. He stated that there were some changes that had been made such as the four units encroaching on the setback area are no longer there. He felt that was a positive change. He did not necessarily applaud the overall reduction in units. In fact, with a different approach than this, they could probably get a higher total density with less impact by working with the slopes in a different way. He agreed with staff in that there were some good things about this project, but he did not think that it warrants approval at this stage of the game. He agreed with Mr. Mailleux about the fact that this is a very ordinary approach on a really extraordinary piece of property. So that the notion of having these drive in garages completely aside from the fact that it is utterly at odds with the Neighborhood Model creates a long flat zone that one would expect to see in another area. It is tough to put that on this type of sloping site. The impact can be seen in all of the grading that spreads out for about 100 feet on each side of it. He reiterated from their last review that that there needs to be another round of thought and redesign to deal with these kinds of fundamental issues. He stated that he did not feel that they have that. Currently, they have a very minor adjustment. The other issue was that he felt that they have to deal with affordable housing on every project. This plan has not changed much from last time and he still has the same concerns. He stated that he would look forward to supporting an adjusted project on this, but he could not support this one the way it is.

Mr. Morris agreed with Mr. Rieley's comments.

Mr. Thomas stated that this project was located in a very affluent area and would be scrutinized very closely. He stated that he would like to see the buffers increased in the rear next to the railroad tracks.

He asked to see more information from Engineering on the water runoff and how it would be contained on the site and leave the property. He asked that the Commission invite Mr. Blaine back up to address the unfavorable remarks.

Mr. Edgerton invited Mr. Blaine to come forward to answer Mr. Thomas' question.

Mr. Thomas stated that in the minutes he had asked the question if he had addressed all of the unfavorable comments from the staff, which was on page 30.

Mr. Blaine stated that he could refer him back to the staff report tonight that identifies three issues that they have discussed.

Mr. Edgerton stated that the Commission did not have a copy of that staff report.

Mr. Blaine stated that they can rely on staff to identify the remaining issues. This application was submitted in September of last year. It has been significant iterations. It has been in response to the various issues that they have heard tonight. The concern about the rear is why they reduced the density to put a larger buffer in. There is a condition that they are willing to make that will require landscaping for screening to adequately screen the units. They may not be able to satisfy someone's desire that this is too linear, but they can screen what is visible from the adjoining property through the buffer. Staff has indicated that 50 feet should be adequate. Therefore, he did not know what else they can do. They have tried to balance the Neighborhood Model. They have a blend of Neighborhood Model matrix for the road loop internal, and then yet a rural to preserve the edge park. They have hired an architectural historian to look at the significance of the buildings and the interrelation of the new buildings to the old. He felt that there can be as many views as there are persons viewing the type and style of the plan. They can address the engineering issues. They can address Ms. Joseph's questions and issues with the use of the manor house. It is intended to be residential. If that use changes, then it will have to come back because the parking requirements will make a material change to the plan. It says and/or because the carriage house is intended for an office use. That would provide 2,500 square feet plus or minus of a mix of use. They have indicated to the ARB that the townhouses will be all brick. The ARB must approve any changes to the manor house. All of the aesthetic visual concerns that the Commission have addressed has been vetted at the ARB. They have been before the ARB repeatedly, and they have unanimously supported the approach. He stated that he was sorry that there was perception that it has not gone as far as some would like, but they have taken a great deal of care in trying to balance the various issues. Surely if affordable housing were the only issue, they would do multi-family to the maximum of the R-15.

Mr. Thomas thanked Mr. Blaine for answering his question.

Motion: Ms. Higgins moved, Mr. Thomas seconded, that SP-2004-052 for Kenridge be recommended to the Board of Supervisors for approval subject to the conditions recommended by staff plus additional conditions to (1) address the rear buffering, (2) to clarify the use of the mansion and carriage house and (3) incorporate into the plan some sort of pedestrian interconnection to the 2,500 square foot of office space that is the carriage house.

The motion was defeated by a vote of 4:2. (Commissioners Higgins, Thomas voted aye.) (Commissioners Joseph, Morris, Edgerton, Rieley voted nay.) (Commissioner Craddock was absent.)

Mr. Edgerton stated that the motion failed.

Mr. Kamptner stated that it would be helpful to have another motion citing the reasons for denial.

Motion: Mr. Rieley moved, Mr. Morris seconded, that SP-2004-052 for Kenridge be recommended to the Board of Supervisors for denial based upon the staff's recommendation, specifically: (1) internal parking, (2) storm water management and (3) affordability issues, as well as the issues Mr. Thomas raised about the specificity of the screening that should be addressed at the special use permit level, which should not be done afterwards because this is the point that the public gets the opportunity to see and comment on it. He stated that Mr. Blaine's assurances notwithstanding, that this is such a difficult site and they are

adding so much impervious area that staff should have a reasonable comfort level with the storm water management before it comes to the Planning Commission.

The motion was approved by a vote of 4:2. (Commissioners Joseph, Morris, Edgerton, Rieley voted aye.) (Commissioners Higgins, Thomas voted nay.) (Commissioner Craddock was absent.)

Mr. Edgerton stated that SP-04-052 for Kenridge would go to the Board of Supervisors on September 14 with a recommendation for denial.

Old Business:

Mr. Edgerton asked if there was any old business.

There being none, the meeting proceeded.

New Business:

Mr. Edgerton asked if there was any new business.

Mr. Morris pointed out that he felt that they would see the area where Ashcroft is going to connect when they review Lake Ridge. He noted that is where the road will be coming in, and then it will be further recommended to tie into Fontana.

Mr. Rieley complimented Ms. Grant on her staff report on such a tough project.

Mr. Edgerton stated that he would be absent for the next two weeks.

Mr. Cilimberg stated that he would also be absent next week.

Mr. Morris stated that he would be absent the week after next.

There being no further new business, the meeting proceeded.

Adjournment:

With no further items, the meeting adjourned at 7:59 p.m. to the August 2, 2005 meeting.

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V. Wayne Cilimberg, Secretary

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