Albemarle County Planning Commission
November 15, 2005

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, November 15, 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, Pete Craddock, Jo Higgins, Calvin Morris; Bill Edgerton, Chairman; and Marcia Joseph, Vice-Chair. Absent was David J. Neuman, FAIA, Architect for University of Virginia. Ms. Higgins arrived at 6:11 p.m.

Other officials present were David Pennock, Principal Planner; Judy Wiegand, Senior Planner; Sean Dougherty, Senior Planner; Stephen Waller, Senior Planner; Rebecca Ragsdale, Senior Planner; Juandiego Wade, Transportation Planner; David Benish, Chief of Planning; Bill Fritz, Chief of Current Development and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

Mr. Edgerton called the regular meeting to order at 6:07p.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.

John MacDonald, resident of Forest Lakes for fifteen years, stated that he served on the Forest Lakes Community Association Board of Directors for six years, three of which as President. There are five beautiful lakes at Forest Lakes. Unfortunately, two of these lakes have been severely damaged by the runoff from the development at the Hollymead Town Center. He distributed ten photographs of the lakes at Forest Lakes, which had descriptions on the back of each photograph. Sizeable silt bars have been created at the entrance of the two largest lakes, which are Hollymead Lake (17 acres) and Arbor Lake (4.5 acres). If they have to dredge those lakes to return them to their former condition this will cost our community thousands of dollars and possibly up to $100,000. In addition to that Hollymead Lake has recently been a very ugly brown color, which is very unattractive. This damage has occurred in spite of the fact that the development is in strict compliance with the existing State and County regulations. The County has done a good job of monitoring the development. There are four storm water basins constructed on the development site. So the only conclusion he can draw from this after viewing the damage is the existing ordinances and regulations may be adequate for a small scaled development, but they are totally inadequate for a gigantic development like the Hollymead Town Center. He urged the commissioners and the supervisors to take whatever action is necessary to stop this damage to our community. He hoped that they would take immediate action because they have lived with this for the past two years. Now it has reached the point where they feel that they have to ask somebody to help us because the existing regulations are not doing their job.
(ATTACHMENT A – Ten Photographs)

Mr. Morris asked if this matter has been brought to the attention of the County official.

Mr. MacDonald stated yes, that he understood that the County Engineering Department is meeting with a committee in Forest Lakes to discuss this issue. He noted that Mark Graham was representing the County. Actually they had a meeting two years ago with the developer and the County Engineering Department when they first noticed this brown color in Hollymead Lake. They were told that the erosion control regulations were in place and they were going to have storm water basins installed. Therefore, all they could do was to trust them and say let it proceed and see what happens. Now two years later they see these sizeable silt bars. In fact, the one in Arbor Lake is above the water line right now, plus the discoloration of their beautiful lakes. They would like to find some way to stop this and repair the damage.

Mr. Edgerton asked if there were other members of the public that would like to address the Commission on matters not listed on tonight's agenda. There being none, the meeting moved on to the next regular item.

Regular Items:

SUB 2005-0275 High View - Request for preliminary plat approval to create an 11 lot Rural Preservation Development (10 lots totaling 40.19 acres and a preservation tract of 52.45 acres). The total acreage of the subdivision is 94.29 acres. The property is zoned RA, Rural Areas. The property, described as Tax Map 105, Parcels 20E, 20E3, 20E4, and 20E5, as well as Tax Map 116 Parcel 4, is located in the Scottsville Magisterial District on Martin Kings Road [Route #618] at its intersection with Nahor Road [Private]. The Comprehensive Plan designates this property for Rural Area uses in Rural Area 4. (David Pennock)

Mr. Pennock summarized the staff report.

- This is the SUB-2005-0275, High View request for a Rural Preservation Development on 94 acres, which is in the Scottsville Magisterial District off of Martin Kings Road. The property is currently five separate lots. Four of the lots were created from one parent parcel with use of development rights over the past 10 or 15 years. The remainder is one large piece of 53.140 acres and has five development rights.

- This proposal is to basically take the equivalent development of what they could have had otherwise, which is one development right each from these parcels and the by right division of an existing lot of 23 acres. Potentially they might have gotten five development rights out of that one. They have five development rights on the property as well as two 21 acre lots for a total of eleven. Their proposal is for one road off of Martin King's Road to serve all 11 lots. The breakdown is 10 lots that average 3 to 4 acres, and then one large preservation lot in the back that is 53 acres.

- Basically, the concept of the Rural Preservation Development is to cluster the lots more towards the front and eliminate the need for a huge road. The Commission has to make a determination as to the appropriateness of that request. Having analyzed the request based on the criteria in the ordinance, staff is recommending approval of the development since the public purpose would be better served by a rural preservation development on this site than by a conventional subdivision.

Mr. Edgerton asked if there were any questions for staff. In response to some of the email questions that Ms. Joseph sent, he asked if staff could show where the additional buffer would go. On the top of page 2 of the staff report it says that the design would be improved if more of the wooded stream buffer located on lots 3 through 7 in this proposal were added to the preservation tract.

Mr. Pennock pointed out the location of lots 3 through 7. Most of the rear portion is currently agricultural, and at one point was used for soybeans. It is a large field with some small trees through the area with some more significant trees on the larger tracts. Basically, the idea of what is there now and the wooded buffer would come through this area. There is an intermittent stream along this area. They are proposing that drainage easements in that area would help to control the run off.

Mr. Edgerton asked if his concern was that if there was clearing to build that road that it is going to cause more erosion down the stream.

Mr. Pennock stated that was one concern. Arguably, if they went with the by right development the road would still have to come through there.

Mr. Edgerton asked if the applicant prepared a plat that showed what they could do by right.

Mr. Pennock stated yes, that the applicant prepared an alternative that shows how they could have gotten 11 lots in a different manner. He pointed out that he had that copy if the Commission wants to see it.

Mr. Edgerton asked to see what this is being compared to.

Ms. Joseph asked staff to also provide the soils map.

Mr. Pennock distributed copies of the soils map received from the Soil Conservation District and a copy of the alternative plat by right.

Mr. Rieley asked if staff had the total acreage of the development lots.

Mr. Pennock stated that it was 94 acres total and the preservation lot was 53 acres. Therefore, 41 acres would be in the development minus whatever is in the road, which was not broken down specifically.

Mr. Fritz stated that the total acreage in the road is 1.65 acres.

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

Brian Ray, of Roger Ray and Associates, stated that they prepared the plan. They started out looking at the 94 acres and comparing the by right plan to the RPD. They feel that the RPD is a much better alternative than a by right development. First, it allows the lots to be clustered up in the area. As noted in the staff report, the area where the lots are being clustered is cut over timber that has been replanted. The rear area is currently a farm. Therefore, they are working to cluster the lots in the area in the front and preserve the farm use in the rear. As has already been mentioned, the RPD allows the road construction to be reduced by half the length. They don't have to cross the stream in the RPD plan, which the by right plan would require. That is a good benefit also because the total environmental impact was going to be reduced by the RPD plan. If there are any questions, he would be happy to answer them. If there are any comments by the public, he would like a few minutes to address that issue.

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

Mr. Rieley asked what the average lot size for the smallest lot size and/or the largest lot size exclusive of the preservation tract is.

Mr. Ray stated that the smallest lot size is lot 8, which is 2.04 acres. The largest of the lots is 5.78 acres. Most of what they are looking at is in the 3 to 4 acre range.

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

Carlos Gonzales stated that he lived right next to the development that they are proposing. The only thing that he was wondering about was the septic or the sewer and the water. This area is notorious for a lot of wells being drilled since it was not a very good area for water. He noted that he has lived in the area for 8 years and his sewer is very shallow. He noted that he was under the impression that this land did not perk in the first place.

Brian Ray responded that a water evaluation has been done and submitted. Also, a preliminary soils test was done on the property and the profile found that the soils were adequate to support this type of subdivision.

There being no further public comment, Mr. Edgerton closed the public hearing to bring the matter before the Commission for consideration.

Ms. Joseph asked Mr. Fritz to clarify that before a final plat is approved and signed by the County that there are specific requirements for septic sites on every lot. She asked if that was correct.

Mr. Fritz stated that was correct in that before final approval of the plat the County must have approval by the Department of Health that the soils on the property appear suitable for both the 100 percent primary and the 100 percent reserve drain field, which is for every lot.

Ms. Higgins asked if that would only apply for lots of less than 5 acres.

Mr. Fritz stated no, that is if there is any lot in the development that is less than 5 acres. But, they would require it for all of the lots in this development. The County provided a Tier III water assessment, which has already been reviewed.

Mr. Edgerton stated that Mr. Gonzales' concerns have been addressed.

Ms. Joseph stated that prior to the building permit each of the lots would have a well.

Mr. Fritz stated that prior to the issuance of a building permit they have to drill a well, have it reviewed and get a document from the Health Department to provide to the County before the building permit is issued.

Mr. Rieley felt that this proposal meets the criteria of the Rural Preservation Ordinance. He pointed out that they have been looking at the revisions to the regulations in the rural area and this is a good example of why those regulations need to be reviewed and revised. They have a proposal here that as far as he could tell is completely compliant with the criteria for the rural preservation development and yet it is almost 50/50 with 44 percent lots and 56 percent preservation tract. At this rate they are going to chew up an awful lot of rural areas with this kind of subdivision. This gives him an indication that this is a provision that is making it easier to develop rural areas. While he supports this because he thinks it is compliant with our existing ordinance, he does point out that they need to revise those rules.

Mr. Edgerton stated that was a good point.

Motion: Mr. Rieley moved, Mr. Morris seconded, that SUB-2005-0275, High View, be approved as submitted.

The motion passed by a vote of 7:0.

Mr. Edgerton stated that SUB-2005-0275, High View, is approved.

Deferred Items:

ZMA 2004-011 Charlottesville Power Equipment (Sign #37) - Request to rezone approximately 2.142 acres from C-1 (Commercial) to HC (Highway Commercial) to allow 12,000 square feet of commercial space in two buildings with proffered plan. The proposal also includes requests for special use permits for fill in the floodplain and for outdoor sales and display in an Entrance Corridor (see SP-04-36 and SP-04-37). 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 McDonald's Restaurant. The Comprehensive Plan designates these lands as regional service in the Neighborhood Three (Pantops) Development Area. General usage for regional service is regional-scale retail and service, wholesale, office, lodging and conference, employment center, and residential (6 - 34 units/acre). General usage within the C-1 commercial zoning district permits retail sales, service, public use and residential by special use permit (15 units/acre). (Judy Wiegand)

AND

SP 2004-036 Charlottesville Power Equipment – Fill in floodplain - 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.

AND

SP 2004-037 Charlottesville Power Equipment – Outdoor Sales and display - 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. ***DEFERRED FROM THE OCTOBER 25, 2005 PLANNING COMMISSION MEETING.***

Ms. Wiegand summarized the staff report.

The applicant, Charlottesville Power Equipment, is requesting rezoning from C-1, Commercial to HC, Highway Commercial to allow construction of a 12,000 square foot, two-story building for equipment sales, offices, and limited repair and storage facilities. The application is accompanied by two SPs, one for fill in the floodplain and the other for outdoor storage and display in an Entrance Corridor. The applicant has also requested a critical slopes waiver.

The character of the area is basically uses surrounding the property include two fast food restaurant, two gas stations and a muffler repair facility. Free Bridge Lane, which is adjacent to the river, borders on one side of the property. The greenway is proposed for this area and would incorporate Free Bridge Lane as a paved trail in the area between Free Bridge Lane and the Rivanna River as the greenway. Access to this site will be from Route 20 with an easement that runs parallel to the driveway of the adjacent McDonald's.

On November 16, 2004, staff presented Charlottesville Power Equipment to the Planning Commission in a work session. The applicant requested the work session in response to staff's comments on the first project submittal. In their comments, staff expressed concern about the appropriateness of this use in this location, especially in close proximity to the Rivanna River and proposed greenway. Staff raised several questions for the Commission to consider and to provide guidance to staff. It was the consensus of the Commission at that time that the proposed use would be appropriate at this location, depending on the design. Copies of the staff report and minutes from that meeting were included in the packet.

Regarding the rezoning, staff notes that this site represents an infill development challenge. It is currently zoned C-1, which is a district that allows retail eating establishments and other services by right. However, the applicant's market research indicates that the site's poor visibility from the two roads because it is behind the gas station and the fast food restaurant makes it unlikely that a use of that type will be successful because they are relying on impulse of people driving by the site to stop for a burger or whatever. The site slopes steeply down to the Rivanna River and there is a floodplain covering a large percentage of the site. This results in a limited amount of developable land. Therefore, the applicant has chosen to proceed specialized retail or offices because that would be a destination for shoppers. They chose machinery and equipment sales and service which are only allowed in an HC District. Therefore, they are requesting a rezoning to HC.

The applicant has submitted three proffers with the application. The first proffer states that the development will be in general accord with the application plan. The second proffer limits the number of uses allowed under the proposed zoning to machinery and equipment sales, service and rental as allowed under the HC District in addition to those by right uses in the C-1 District that is the current zoning. The third proffer addressed the form, massing and character of the building facades that comes from the Architectural Review Board. This proffer indicates that there will be in general accord with building elevations that were included in the packet. Staff believes that the proposed development meets the objectives of the Comprehensive Plan and the principles of the Neighborhood Model.

Turning to the special use permit for the fill in the floodplain, the applicant proposes to place a small amount of fill approximately 62 square feet in the floodplain outside of the stream buffer to accommodate grading necessary for the buildings and parking areas. The built area is small in comparison to the width of the floodplain and the river in this vicinity. Staff does not believe that the fill will have a significant impact on the flood carrying capacity of the river. Placing the fill will create some 2:1 slopes and will require retaining walls on both sides of the access road and at the corner of the parking lot down next to the Wilco facility.

The special use permit for outdoor storage and display in the Entrance Corridor, the applicant proposes to store and display from the outside of the building from the locations that are indicated on the display plan that is include with your packet. Basically, some display equipment will be displayed outside of the front of the building with small pieces of equipment. There will be some under the tower and within the walls of the tower. Some of the equipment waiting for repair will be stored outside in the lot at the rear of the building. Staff believes that the proposed special use meets the requirements of the Comprehensive Plan

and the zoning ordinance. The Architectural Review Board reviewed this proposal and has no objection to the request for the rezoning. They also have no objection to the request for the special use permit and have added conditions that would prevent the equipment from being visible to drivers and pedestrians at either Entrance Corridor.

Regarding the request for the critical slopes waiver, the critical slopes are along the natural hillside between McDonald's and Free Bridge Lane. Also, in the former stockpile that is behind the Wilco site. There is also a disturbance of man-made critical slopes along the entrance way, which is off that site within the easement. It is on the embankment created by McDonald's adjacent to Route 20 above the storm water basin. The off site disturbance in a small corner of the on site disturbance are necessary to create the entrance and travel way to the site.

One of this Commission's concerns expressed during the work session is the impact of the development at the site of the proposed greenway. This section of the greenway will be part of a larger County system and is expected to receive significant use. The appearance of this site from the greenway is important. Removal of the unsightly brush and debris from the area will benefit usage of the greenway. Further the applicant's provision of a resting area with benches in front of the greenway connection to the site will be appreciated to the users. She believed that the applicant's have some photographs for the Commission.

Staff has reviewed the proposal for conformity with the Comprehensive Plan and the Zoning Ordinance and recommends approval of the Zoning Map Amendment with proffers and special use permits with conditions, if a critical slopes waiver is approved.

Staff recommends approval of SP-2004-36 for fill in the floodplain, subject to the following conditions:

1. A letter of map amendment must be obtained from FEMA.
2. Copies of state and federal permits (DEQ, Army Corps of Engineers) must be provided.

Staff recommends approval of SP 2004-37 for outdoor storage and display in the Entrance Corridor, subject to the following conditions:

1. Site lighting shall be limited to the satisfaction of the ARB, as illustrated in the ARB-approved lighting plan, dated October 12, 2005, and prepared by Terra Partners, LLC. .
2. The storage yard fence shall be of material, character, and design that are coordinated with the building, as approved by the ARB.
3. Regarding items for storage/display:
    a. Equipment shall be stored/displayed only in areas indicated for storage/display on the "Display Area Exhibit" plan dated October 12, 2005.
    b. Items located in the storage lot on the north side of the building shall not exceed 10 feet in height.
    c. Items located in the storage/display areas under the two easternmost awnings on the south side of the building shall be limited to small lawn mowers, rototillers, and other similarly sized items. Items on display shall not extend into sidewalk, landscape, or parking areas.
    d. Items located under the tower shall be fully contained within the structure of the roofed tower, as shown on the architectural elevation drawing sheet A3 (East/front Elevation) and A5 (South Elevation), dated December 28, 2004.
    e. Items for sale/storage/display shall not be elevated anywhere on the site.
4. Retaining wall materials are subject to ARB approval and shall be indicated on the ARB-approved site development plan.

Lastly, staff can recommend approval of the critical slopes waiver because most of the slopes being disturbed are man-made and the proposed regarding and vegetation shown in the concept plan conform to the recommended erosion and sediment control measures.

Mr. Edgerton asked if on the critical slopes if this would be coming back to the Commission again.

Ms. Wiegand replied that the site development plan will be coming back to the Commission.

Mr. Edgerton stated that they have been shown that the critical slopes shown under the building are all man-made.

Ms. Wiegand stated that many of those are that were pushed from the Wilco site back there. What will happen is that their building will take advantage of those slopes by basically being one story in front and two stories in the back.

Mr. Edgerton asked to waive a flag about that because it would be unfair to approve the rezoning with this specificity outlined if they were not comfortable with the critical slopes, even though it was not before the Commission this evening. He felt that it was actually before the Commission this evening indirectly.

Mr. Rieley stated that he did not think that all of the critical slopes are man-made.

Ms. Wiegand agreed that not all of the critical slopes were man-made. The ones right next to Free Bridge Lane is not man-made critical slopes.

Mr. Edgerton stated that on page 7 when staff is evaluating the proposal against the Neighborhood Model the first one regarding pedestrian orientation that there is a sidewalk that is proposed to connect the buildings with the existing sidewalk along Route 20. He noted that he was not sure which what sidewalk that was. He asked staff to point that out on the plan.

Ms. Wiegand pointed out that the sidewalk locations would enable pedestrians to walk to the parking lot and go all the way out to Free Bridge Lane.

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

Mr. Craddock asked if Free Bridge Lane was a dead end road.

Mr. Benish stated that technically it is by VDOT standards. The cul-de-sac was a connection that was made by an agreement to allow from the end property to have access to Elk Drive. But, he thought that it was treated as a cul-de-sac road.

Mr. Rieley stated that he had several questions. Under the evaluations of this relative to the Neighborhood Model under mixture of uses it says this is a small site under which a single use is proposed so this principle does not apply. Is staff's reading of the Neighborhood Model that if a single use is proposed then the mixture of uses is no longer applicable.

Ms. Wiegand stated no that she would not turn it around that way. Staff just said that because they were proposing that use in that building that there was no mixture of uses.

Mr. Rieley asked if she did not think that it would be better and more consistent with the Neighborhood Model to have a mixture of uses rather than a single use. It just seems that it was dismissed in a remarkable way. If they were to apply this to somebody else who were making a proposal within a single use it just struck him as surprising.

Mr. Benish stated that as he recalled staff's discussion that they felt like with that being the remaining site with limited develop ability it for the most part linked itself to have a single use to fill in the site given the zoning and given the by right type of uses that could be made. He felt that they could have articulated that clearly. But, as he recalled that was sort of their thinking that they kind of dismissed that as a result by right that it was going to be a single use.

Mr. Rieley stated that what bothered him about that was the proposal aspect of it and he felt that was irrelevant. He thought that if you say that this is a site that is only suitable for a single use that is a very different argument than saying well this is what was proposed. He was also a little confused about the description of the relegated parking. It says that there were few spaces along the front and most of it is in

the back. When in fact the parking is at 90 degrees and a few spaces are at 90 degrees to the majority of it so that the front is the front and the other one has to be the side and not the back. And furthermore, that side is the side that is closest to Route 250. So in fact if they regard the front of this building the way they typically regard the front of buildings as the proximity to and the orientation towards the major roadways and in fact it is on the front side of the building. It is only technically on the side of the building because of the way that you come in. But, they sure did not make that reading of what the front of the building was when they were looking at Kappa Sigma because they would not have had to get an ARB revision for their height if it had not have been reviewed that way. So really this is not relegated parking if they look at it by those standards.

Ms. Wiegand stated that she looked at it in the sense of the idea that relegated parking is to screen it from view and since they put it on that side it was not visible from the Entrance Corridors because of the topography. Also, it is less likely to be visible from the greenway area if they put it there.

Mr. Edgerton stated that there was one issue that kind of jumped out at him, which he wanted to bring up before they got into discussions. He urged the Commissioners to consider this. On page 9 it is explained in great detail that the applicant's market research as in the third paragraph indicated that the uses permitted under the current zoning, C-1, would not be financially feasible due to the lack of visibility. Then it goes on to say what they are proposing. Then in the next paragraph, public need and justification for the change, it says the staff believes that this rezoning from C-1 to HC will make the property more develop able of the purpose of regional service sales. He stated that he did not believe that it was the County's responsibility to try to help make property more develop able. Philosophically he really had problems with that approach. He asked if other Commissioners share this concern.

Mr. Rieley stated that some Commissioners do.

Mr. Thomas felt that it was up to the County to make things more economically viable as the best that they can do within the perimeters of our ordinances.

Ms. Higgins stated that the property was within the growth area designation and it was part of the infill.

Mr. Edgerton stated that one could argue that maybe if it is not viable that maybe it shouldn't be developed.

Mr. Thomas stated that it sounds like an opinion.

Mr. Edgerton suggested that it be discussed further later in the meeting. There being no further questions for staff, he opened the public hearing and asked the applicant to address the Commission.

Katurah Roell, representative for the applicant, stated that he appreciated their comments. As far as the use of the area, the biggest motivation for the rezoning is for the specific intended use. Someone working for them at the time, that use to work at the County, prepared that letter. But, the basis of it is the desire to provide some place for Charlottesville Power Equipment to expand its operation. It is currently on Market Street right next to the wheel alignment shop and is kind of jammed in a hole there. They felt like in order to find some place for him in the County that it was more of a discrete location and not so much on the street. They felt that behind the Wilco Station might be appropriate to provide him a use for his equipment with some display and yet it is not real visible from Route 250 and well landscaping behind the Wilco that will help screen it. Certainly an office building and many uses in the C-1could be built on this site in a very similar building that would be equally appealing. They have been working with this applicant for a year and a half in this process to try to provide him with this particular location. They have spent quite a bit of time with the ARB, engineering and planning staff trying to address a safe entrance, minimal impacts in the floodplain. They are not disturbing any of the critical slopes along the portion of the greenway at all. Largely the portion that they are disturbing is the result of either the residual slopes pushed off from the Wilco site that were flattened and the little curbed knoll of critical slopes that you see is now filled with paradise trees and various shrubs. They have worked extensively with McDonald's and the engineering staff to come up with something that would provide a safe transition area from the McDonald's entrance, which is the point of impact since they were obviously not using Free Bridge Lane.

They were preserving that because they have closed off the three previously entrances off of Free Bridge Lane as well as provided for pedestrian access. As pointed out, they tied that sidewalk all the way through all the way back through that bench. Then again, even where it crosses the fringe of those critical slopes they have already talked with Dan Mahon about trying to weave that sidewalk through there so that it is pedestrian friendly and does not disturb things. As well as you see dashed through that portion there is an 18 foot fiber option line that also does not allow impact, but is also maintained, mowed and cleared. He noted that he brought pictures of Free Bridge Lane so that they could have a current example of the growth that will be left from a visual standpoint along there. The rezoning is simple a matter for the use of the intended user. Again, Mr. Rieley, to address your concern about the mixed use, there is actually two spaces in the building. The large square if for the power equipment use and then the small offset space to the left is for a secondary independent user not necessarily associated with power equipment. At this point that use does not require a special use permit and is intended for office and some other retail. So they did create a dual use in the building. If for some reason this special use permit for his equipment display or the rezoning is denied, then they will provide it for typical retail use. They felt that tractors went hand and hand with gas stations and muffler shops and would be somewhat important. Ever effort has been made to make it a pleasing attractive building and it is well screened from the greenway with a minimal impact on the floodplain. They have gone through several ARB reviews and presented their retaining wall materials, which were found to be acceptable. The gentleman that represents McDonald's Corporation that owns the land has reviewed three or four different versions of the entrance and has agreed to the latest version that Glen Brooks of engineering has accepted, which provides for safety from current parking spots and ingress and egress to the entrance. Again, they used retaining walls to create a minimum impact in the floodway. They have already applied to FEMA and expect their comments or amendment within 60 days hopefully. That has been in for six months. That will be completed very shortly. On page 23, it shows the amended entrance that they worked out with County engineering that will provide for proper safety ingress and egress that misses the existing parking spots and creates a transition stop and a flow through the right into this spot. Again, this power equipment use is for lawn mowers, small tractors and so forth has a minimal amount of traffic, which is one of the pluses that they are in favor of. It is not a restaurant or something that conducts retail sales or a hardware store that are uses in the C-1 zone by right. It does reduce the amount of traffic that comes and goes from that location given that use. He passed around the photographs for review.

Ms. Joseph stated that previously they had discussed how this was going to be viewed from the walking trail or the greenway trail itself. They talked about that and how this related to that. What she was concerned about was when you are walking that trail if there is a way that the parking area in the back and the building itself could be screened. The wax myrtle proposed will get about 10 to 15 feet high. She felt that those in conjunction with some taller evergreens would allow this use to settle in so that you won't be looking at the back of the building.

Mr. Roell stated that he thought there were some hollies along that back area.

Ms. Joseph stated that there were some tiny hollies that he had suggested. But, the dwarf variety usually means that the plants are short.

Mr. Roell agreed to use some taller hollies in combination with some evergreens along that back wall that would probably be better. When the leaves fall off the evergreens would still provide an evergreen screen. He stated that they would be happy to accommodate that.

Mr. Edgerton invited public comment from other members of the public.

Alice Ewing, of 1900 Chesapeake Street and President of the Woolen Mill Association, stated that they have been keeping an eye on what is going on at Pantops, particularly along the river. They are concerned about the adjacency to the river and the amount of displaced vegetation that currently now is absorbing runoff. With the large parking lot and building combined with the steep slope between it and the river creates a situation that the landscaping won't have a chance of absorbing the water runoff before it reaches the river. So that is the concern. The amount of cut and fill from looking at the drawings that is being suggested, that she thinks that a balanced cut and fill would be a much more appropriate approach. Also, they are concerned with the use. They would love to see a use that would further the enjoyment of

the green belt and the river, and this is clearly not such a use. In looking through your report all of the critical slope issues have all been echoed here, but yet the staff recommendation seems to just brush them aside. She finds that troubling especially with the neighborhood plan. She felt that with the location of Martha Jefferson Hospital on Pantops that there is really a lot of pressure in this area and there is a lot of opportunity to start turning it around with the kind of uses they are seeing with the McDonald's and the car lots to other kinds of uses that would make it a much more interesting corridor. She hoped that the Commission would help direct the development to be more of a positive approach to the corridor.

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

Ms. Higgins asked if staff could expand a little regarding the lighting plan. She asked if the lighting plan has already been approved.

Ms. Wiegand stated that the applicant has a conceptual lighting plan that the ARB has seen twice and the ARB is comfortable with it at this time. The ARB has reviewed the proposal and has made a recommendation on the rezoning and special use permits.

Mr. Rieley noted that the ARB's preview is only from the Entrance Corridor. Therefore, they don't have any control over the scale of the building from the riverside nor do they have any interest in it.

Ms. Wiegand noted that they might have a personal interest in it.

Ms. Higgins stated that from that perspective, the scale of the building if it was under a C-1 use and they were not looking at a rezoning they would not have control over that any way.

Mr. Rieley stated that was quite true, but when this came before the Commission previously they had serious concerns about this design, its configuration and its impact on the river and the critical slopes. His recollection was that they stated pretty explicitly that they did not have a problem with the use depending on whether or not it could be successfully resolved at the detailed align. From that perspective these details are enormously important and also pertinent. The Commission did not give any indication that they would support this rezoning if those issues could not be resolved. One of the things causing concern is as if the scale of the building, the parking and all of that is sort of a given, but they did not say do the best you can with what you have got and that will be okay. They said demonstrate to us that this intensity of use and this particular use on this particular piece of property can be done gracefully and well into a level that justifies changing the zoning. This is a requested changed. Therefore, if they came in with a site plan that was done within the existing zoning then those issues would not be pertinent. But, he felt that they were extremely pertinent in these circumstances.

Ms. Higgins stated that when the Commission reviewed this proposal in the work session they felt that it was premature and needed to go through a thorough vetting with the ARB and that they put some responsibilities back on the ARB to deal with those kind of issues like the scale.

Mr. Rieley stated that was not his recollection at all because they very specifically said that the ARB has very limited control on this because they were only looking at it from an Entrance Corridor. Actually, the really serious issues were from the river and the ARB does not even look at it.

Mr. Thomas stated that the Commission felt that the proposal needed to be reviewed very carefully because of the river. They were really concerned about the view from the river and what it looked like from both ways. He pointed out that was in the minutes.

Mr. Rieley pointed out that staff report refers to the building as being two stories, but if you add up the elevations it is a three story building. It is 40 feet high as far as he can tell. It may not be two floors because of the size of the equipment that is in it. That is a significant size building right on the edge of a river. It does not put his mind at ease that the applicant has successfully gone away and resolved the issues that they were concerned about.

Ms. Joseph felt that the site plan was the same one that they looked at previously.

Mr. Rieley felt that the site plan was identical.

Mr. Edgerton stated that it was very close, but that they have attached the building. Previously there were two separate building and they have attached them, but it is in the same location with the same scale and orientation. He hoped to see a more creative response to the topography.

Mr. Thomas stated that it was a plus that the building was built into the critical slope, which was a very good use of that slope.

Mr. Rieley agreed with Mr. Thomas.

Mr. Morris pointed out that the building was really going to be visible from across the river. As far as the bridge of people walking along Free Bridge Lane he did not think that they were going to be able to see it.

Mr. Rieley pointed out that the staff report says that the plan incorporates many the principles of the Neighborhood Model. There are 12 listed, but most of them staff says were not met or don't apply. But there are only 3 cases that he can see in the parks and open space because of the paths, the neighborhood friendly streets and path just because of the connection of the paths and sidewalks and the pedestrian orientation for exactly the same reason. Those are the only ones that apply.

Ms. Joseph suggested that they have to look beyond the site when they are reviewing a site that is 2.41 acres and do an analysis of how that fits into the Neighborhood Model. She asked if it was a component that works because it is connected or providing whatever. She felt that when they get down to the little bits and pieces that they really need to look further beyond it to see what is happening around it so that the expectation are that not every one of the 12, but how does the 12 fit into this particular neighborhood.

Mr. Rieley agreed with Ms. Joseph, but that it was partially for that reason that he was concerned about the description under neighborhood centers. It says that this development is being added to a cluster of existing fast food restaurants, gas stations and corridor repair shops that function as a more highway oriented uses. It sounds almost as if they give up on those areas even if they happen to be located right on the edge of the river. He stated that he was troubled by that. He agreed with Ms. Ewing that it seems as if these are dismissed rather easily and quickly when in fact there are opportunities to make more of all of these principles. But, he agreed that they have to back up and look at how they tie in with the adjacent area.

Ms. Joseph asked if it was walk able from the adjacent properties and the river itself. She asked how it relates to the adjacent area.

Mr. Rieley stated that he was absolutely sympathetic with the idea of finding a good home for Charlottesville Power Equipment because he felt that it was an important business and so forth. He pointed out that they should be thinking about the long term land use because if the use does not work then the property will be sold. They need to think about what it is about a piece of property that merits rezoning. They should not be thinking in personal terms about what is going to make an accommodation for a specific business or individual.

Mr. Morris agreed with Mr. Rieley. He pointed out that there was nothing on that side of town that services power equipment or tractors for the residents and farms in that area. He felt that it makes sense to have that type of business on that side of town.

Mr. Rieley agreed, but was just concerned about it.

Ms. Higgins felt that this was a use that was needed on that side of town. She pointed out that they don't have an entrance corridor designation for rivers and greenways. She felt that they ought to be talking about that because it was in essence a viewpoint that the ARB is not involved in and they were going to be seeing more and more of it as time passes. Under a rezoning they can capture this by requesting that

more buffers be put in. If they don't have a rezoning, then the applicant can put in as much square footage as can be fit on the site with no controls. In a way this would be a tool. She felt that the plan has limited visibility and that there should probably be some more screening. If this use would require a higher traffic need, then the parking lot would be overwhelming. So she would be willing to trade building for parking lot. So from that perspective she did not think it was a terrible fit. She felt that the applicant had satisfied the ARB's concerns about the parking, which goes a long way towards what the requirements are.

Mr. Edgerton stated that the scale of the building was going to have a significant impact on this because it is a very sensitive piece of land. He felt that they have tucked it back behind and the river gets most of the impact because it is not visible from the entrance corridor. He pointed out that he was having great difficulty with that. He stated that he did not understand the need for the storage yard being so big. It was a lot of pavement that was going between the building and the river. If the County is serious about promoting the greenway, then they need to be cognitive of what they are allowing beside it. The most brutal side of this proposed project is on the river side because of the topography and the way it was laid out.

Mr. Craddock suggested that the applicant could supplement plantings along the river to screen the storage area where the equipment would be stored while waiting to be prepared and moved into the building. Years ago there was a gas station on that corner that did not exactly have a good appeal, and the last remnant of that is the little building that is still there. The location of this tucked in behind Wilco and McDonald's he thinks is a good location as opposed to doing something located right along the road. It will be screened by buildings and vegetation. He felt that it was a good use for the property, maybe not the best use, for a use that does not require a high visibility.

Ms. Joseph agreed with Mr. Craddock that they are really using infill, which was good. She felt that there was a good argument that it was a use that the people in the rural areas need and they do need to allow something like this to happen. She felt that it was the way the site was being laid out that was troublesome. She would love this to be something that is river oriented, but they have steep slopes getting down there. They have also decided that they are not going to use this road. So the connection with people and the uses to that road and the trail becomes problematic because of the steep slopes that are going down through there and the floodplain.

Mr. Rieley stated that there was 16 feet of vertical change from the storage area down to Free Bridge Lane. He noted that the corner of this building was only 80 feet from Free Bridge Lane and it was 16 feet higher. He felt there was no vegetation that was going to hide that building from Free Bridge Lane, the river or the other side of that river. So he felt that it was going to be seen. If they were comfortable with that, he was deferred.

Ms. Joseph stated that she was not comfortable with that this time or last time because the elevations were the back of the building with a huge parking area.

Mr. Edgerton noted that the huge parking area was a storage yard, which he was not sure exactly what it would be used for.

Ms. Higgins pointed out that Ms. Joseph had some suggestions regarding the double row of landscaping proposed that the applicant has said that needs some addressing. She guessed that the idea was that you don't hide the buildings completely, but a better job could be done with some vegetation that grow larger. The building is brick and has some interesting fixtures with windows. Actually, the use on the second floor is office use and was not equipment repair that would overlook the river. The river is the first item on the plate. She had one question about the proffer statement. The way the proffers read it is very clear that the sheet prepared by such and such latest revision and she would like the conditions to read in a similar manner that says the date on the sheet and then the latest revision. This would help clarify the condition in case there were questions later. She suggested that they might want to call out some things like the limits of clearing that are shown and put in some buffering requirements.

Mr. Benish stated that staff would coordinate with the County Attorney's Office to make sure that there are consistent references to the dates.

Ms. Higgins asked that condition 1 be changed to clarify the lighting plan reviewed by the ARB last revised October 12 prepared by Tara Partners. Then in 3 d) it should reflect that it was prepared by C.W. Hurt, LLC and last revised December 28. She suggested that the buffering be included in the outdoor sales and display requirements under the special use permit.

Ms. Joseph stated that the Commission was referring to the buffering on the river, which was not covered by the ARB's conditions. Therefore, she suggested that the Commission keep them pure and clear to make it clear that the outdoor sales and display ARB conditions only deals with the Entrance Corridor visibility.

Mr. Edgerton asked the applicant to come back up and explain the type of fence proposed for the storage area.

Mr. Roell stated that it would be a vertical 4 foot opaque vinyl fence along the edge of the retaining wall along that whole area, which would be an earth tone color. The ARB had reviewed and approved the proposed fence because it will have to go all the way out to McDonald's. It would go around the small loading dock space with the rest of the area to maneuver a truck in and out and be able to turn around a truck pulling a trailer that has a lawn mower on the back of it. They would not be able to reduce the size of that area. He agreed to amend the proffers to provide for taller evergreens along the back side. He noted that they would not disturb anything outside of the blue line on the plat. They would only be disturbing a third of the property with infill development. The rest of it will remain intact and undisturbed other than a pathway, which will be maintained with some landscaping and a fence to Free Bridge Lane.

Ms. Joseph stated that as she looks at this site they were thinking of this as looking at the back of these buildings and how unattractive it is so why don't they just go ahead and put a repair place there because it is unattractive anyway. But, she plants trees for a living and felt that if he planted a buffer along this way they could face the river and do something that has some sort of relationship to the river and not to the backs of the buildings. So she was not so sure she could support the rezoning to the HC even though it only allows this one use because she felt that they were missing an opportunity here.

Regarding action on ZMA-2004-011:

Motion: Mr. Morris moved, Mr. Craddock seconded, that ZMA-2004-11, Charlottesville Power Equipment, be approved subject to the amended proffers as offered by the applicant to increase the buffering and the fence be opaque.

- The additional buffering to be provided included taller vegetation/evergreens.

The motion passed by a vote of 4:3. (Commissioners Thomas, Morris, Higgins and Craddock voted aye.) (Commissioners Joseph, Edgerton and Rieley voted nay.)

Mr. Edgerton stated that ZMA-2004-11 is approved with proffers.

Regarding action on SP-2004-036:

Mr. Kamptner suggested that condition 1 be amended to include a letter of map amendment or a letter of map revision.

Motion: Ms. Higgins moved, Mr. Morris seconded, that SP-2004-36, Charlottesville Power Equipment – Fill in floodplain, be approved subject to the conditions recommended in the staff report as amended.

1. A letter of map amendment or a letter of map revision must be obtained from FEMA, if required.
2. Copies of state and federal permits (DEQ, Army Corps of Engineers) must be provided.

The motion passed by a vote of 5:2. (Commissioners Craddock, Higgins, Morris, Joseph and Thomas voted aye.) (Commissioners Rieley and Edgerton voted nay.)

Regarding action on SP-2004-37:

Mr. Rieley suggested that they be careful about the way that they suggest additional screening between the river and the building because it was an existing wooded area. He felt that ought to be looked at carefully with maybe something like hollies that will grow in the shade of other trees. There are not very many evergreens that will grow in the shade of other trees. They don't want to be in the position of removing existing vegetation in order to put in something to eventually get some tall screening.

Mr. Edgerton asked if they want that to come back to the Commission as a site plan.

Ms. Joseph stated that what they were approving had to do with outdoor sales and display and has nothing to do with the visibility of the storage area from the river.

Mr. Benish noted that for sales and display the conditions should only apply to the entrance corridor areas.

Ms. Higgins amended the motion to take out item 2f.

Motion: Ms. Higgins moved, Mr. Morris seconded, that SP-2004-37, Charlottesville Power Equipment – Outdoor Sales and Display, be approved subject to the following conditions as amended:

1. Site lighting shall be limited to the satisfaction of the ARB, as illustrated in the conceptual lighting plan, prepared by Terra Partners, dated October 12, 2005.
2. The storage yard fence shall be of material, character, and design that are coordinated with the building, as approved by the ARB.
3. Regarding items for storage/display:
    a. Equipment shall be stored/displayed only in areas indicated for storage/display on the "Display Area Exhibit" plan dated October 12, 2005.
    b. Items located in the storage lot on the north side of the building shall not exceed 10 feet in height.
    c. Items located in the storage/display areas under the two easternmost awnings on the south side of the building shall be limited to small lawn mowers, rototillers, and other similarly sized items. Items on display shall not extend into sidewalk, landscape, or parking areas.
    d. Items located under the tower shall be fully contained within the structure of the roofed tower, as shown on the architectural elevation drawing sheet A3 (East/front Elevation) and A5 (South Elevation), plan prepared by C.W. Hurt Contractors, last revised December 28, 2004.
    e. Items for sale/storage/display shall not be elevated anywhere on the site.
4. Retaining wall materials are subject to ARB approval and shall be indicated on the ARB-approved site development plan.

The motion passed by a vote of 4:3. (Commissioners Thomas, Morris, Higgins and Craddock voted aye.) (Commissioners Joseph, Edgerton, Rieley voted nay.)

Mr. Edgerton stated that SP-2004-037 is approved.

Regarding action on Critical Slopes Waiver:

Ms. Joseph asked that the site plan come back to the Commission.

Mr. Rieley asked that his condition about providing shade tolerant trees be appended to this motion.

Motion: Ms. Higgins moved, Mr. Morris seconded, to approve the critical slopes waiver subject to the following conditions:

1. Placement of the landscape buffer along the edge of the storage yard facing the river shall be provided.
2. Increase evergreen screening along the ARB evaluated fence line between the river and the storage area. Provide shade tolerant trees.
3. The site plan shall come back before the Planning Commission for review.

The motion passed by a vote of 5:2. (Commissioners Craddock, Higgins, Edgerton, Morris and Thomas voted aye.) (Commissioners Rieley and Joseph voted nay.)

Mr. Edgerton stated that SP-2004-037, SP-2004-036 and ZMA-2004-36 would be forwarded to the Board of Supervisors on December 7, 2005 with a recommendation for approval.

Mr. Benish asked for clarification if they expect the applicant to amend the proffers to address the buffering issue along the rear of the site. He felt that was the Commission's expectation.

Mr. Edgerton stated that it was definitely their expectation and it was part of the motion.

SP 2005-021 American Spirit Institute (Sign #75) - Request for special use permit to allow use of a private school in accordance with Section 23.2.2.6 of the Zoning Ordinance which allows for private schools in CO commercial districts. The property, described as Tax Map 61, Parcel 27, contains approximately 0.835 acre, and is located in the Jack Jouett Magisterial District at 2776 Hydraulic Road, near the corner of Hydraulic Road and Whitewood across from Albemarle High School. The property is also zoned EC Entrance Corridor. The Comprehensive Plan designates this property as Neighborhood Service in Neighborhood 1 Development Area. General usage for neighborhood service is neighborhood-scale retail, wholesale, office, service, and residential (6 - 34 units/acre). General usage within the CO Commercial zoning district permits offices, supporting commercial and service use, and residential by special use permit (15 units/acre). (Judy Wiegand)

Ms. Wiegand summarized the staff report. (See attached staff report.)

Mr. Edgerton asked staff with the applicant's request for an extension to June, 2006 if the Commission was being asked to grant a special use permit for 7 ½ months. The special use permit if granted would go with the property forever, but the applicant was vacating the site.

Mr. Kamptner stated that the Commission could put a time limitation on the special use permit.

Mr. Edgerton stated that he had a lot of trouble that the applicant had been operating in violation all of this time and the granting of the special use permit was a housekeeping effort.

Mr. Benish suggested that the Commission put a time limitation in the conditions of the special use permit.

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

Celia G. Hines, applicant, complimented staff for her thorough job on explaining the staff report. When she originally went into business she called to get a business license and was told that she did not have to get one until she had $5,000 worth of sales. When she came in to get her business license she was sent to zoning and pretty much as been working with zoning ever since. Once she became aware of the violation she started this process. Currently she was working to find a location zoned HC for the business so she would not have to come back.

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

Mr. Rieley suggested that the conditions contain a cut off date for the specific use because there was a reason why this was not a permitted use in a CO district. Since this request is for a temporary use he supported the condition for a time limitation for the use.

Motion: Mr. Morris moved, Mr. Thomas seconded, that SP-2005-021, American Spirit Institute, be approved subject to the following conditions as amended:

1. The number of students in any class offered between 7am and 5pm shall not exceed 3 students.

2. This special use permit shall expire on December 7, 2007.

The motion passed by a vote of 7:0.

Mr. Edgerton stated that SP-2005-021, American Spirit Institute, would go to the Board of Supervisors on December 7 with a recommendation for approval.

Public Hearing Items:

SP 2005-022 Berean Baptist Church Amendment (Sign #72) - Request for special use permit to allow for expansion of an existing church in accordance with Section 13.2.2.10 of the Zoning Ordinance which allows for churches in the R-1 residential zoning district. The property, described as Tax Map 76, Parcel 51B contains 4.0 acres, is located in the Samuel Miller Magisterial District at 1284 Sunset Avenue and in the EC Entrance Corridor Overlay District. The Comprehensive Plan designates this property as Neighborhood Density in Neighborhood Five. General usage for Neighborhood Density is residential (3-6 units/acre) and supporting uses such as religious institutions and schools and other small-scale non-residential uses. General usage within the R-1 zoning district permits low density residential development at 1 dwelling unit per acre. (Sean Dougherty)

Mr. Dougherty summarized the staff report. (See Staff Report)

- The expansion includes four classrooms, three offices, a nursery, a conference room, bathrooms and a small gymnasium. The addition is highlighted on the exhibit. The applicant has also brought a model for the Commission's review.
- The church's worship and fellowship area remain the same. Therefore, there is no need to increase the amount of parking provided on site, which is 63 spaces. The largest area is a 2-story gymnasium. Essentially one-half of the floor space on the second floor is open to the area below.
- The congregation anticipates a fund raising drive to implement the work themselves and is requesting an extension of the standard time frame from two years to five years for this special use permit. That is reflected in the conditions.
- One issue that is not resolved through the special use permit is the church's ability to tie into public sanitary sewer. The church plans to eliminate the septic system noted on the plan and the church has made an attempt and is working to tie into the sanitary sewer at the Mosby Mountain Subdivision. A letter explaining their efforts was included with the staff report. The applicant has indicated that he can answer any questions or concerns that the Commission may have.
- Staff has reviewed this request for compliance with Section 31.2.4 of the zoning ordinance and recommends approval with condition.

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

Ms. Joseph stated that she was confused about how a building could be placed over a septic site and not hook up to public sewer.

Mr. Dougherty stated that the septic would have to be moved. The plan is for the church to tie into the sanitary sewer. The church has made one attempt, which has been unsuccessful. The church is working with VDOT and the Service Authority to try to connect along the right-of-way down to Mosby Mountain. At this point there is no solution and no sure thing.

Ms. Joseph asked if any soil tests have occurred out there so that they know that they actually have another site, and Mr. Dougherty replied no, but that the applicant might be able to expand on that.

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

Alton Carter, architect representing the Berean Baptist Church, stated that the pastor and several members of the church are present if there are any questions. Fortunately, this church is not anywhere near the river. The staff report is very thorough and he did not have anything else to add to that. He distributed an aerial photograph showing the church and the location of the existing sewer in Mosby Mountain. Just a little history of that is that there is an adjacent piece of property next to the church owned by Wintergreen Land Trust, and the owner of the trust is in a nursing home. The church began this process of trying to obtain a sewer connection to the sewer line at Mosby Mountain long before that subdivision was actually started. In fact, there were some conversations with one of the members of the Service Authority and an arrangement was made that when the subdivision was to be developed that there would be an easement made available to the church for that very process. Well as things happened, when the subdivision began to come together that was missed. So their only option right now, which he had discussed with VDOT and Service Authority representatives, is to put a force main along the right-of-way that would by pass the adjacent property. It is hard to see, but right on the corner of the little yellow mark is a green sanitary manhole that is on lot 17. They have approached the developer of the subdivision and he did not have any additional information that would enable them to work through him to be able to get the easement. So now they don't have any other option except to approach the property owners to be able to route that force main along the right-of-way and a short distance across the back edge of their property to tie into the sewer. Having said all of that, the civil engineer that they are working with says that there should not be a problem with maintaining a septic drainfield if they can't get the sewer line hooked up. They are requesting an extended period of time for five years to not only allow the church members to be actively involved in the construction process, but to also include the time that they need to get that sewer situation straightened out. There is no other location except to cross Fifth Street Extended where there is another church and beyond that another subdivision. Obviously, tying into the sewer there would be prohibited. So there may be some other opportunity between now and the time that this certificate of occupancy will come into play with the church.

Mr. Edgerton stated that even if their desired connection was not available, they still have another connection with a force main.

Mr. Carver stated that right now the only option that they were working towards actively at this point is the force main, which would run along the right-of-way and tie into the property of lot 17. That would require the church to get an easement from that particular property owner.

Ms. Higgins stated that the assumption is that that addition will not be built unless the church replaces the septic field or are put on public sewer, and Mr. Carver stated that was correct.

Mr. Benish stated that there would be a condition to that effect.

Ms. Higgins noted that there is no choice here in that it would either have to be worked out or the church could not do the addition. That is beyond the Planning Commission's control because that is decided by the Health Department. At the time of the building permit the church will have to already have had an application approved for an alternate location or be put on public sewer.

Mr. Carver pointed out that this property is not located in the watershed of the Rivanna. Therefore, it is not as critical as other sites might be if they continued to use the septic drainfield.

Ms. Higgins pointed out that the church was also in the jurisdictional area for service. Therefore, there are no impediments, except for the physical ones to get to the existing systems.

Mr. Carver stated that the church was still trying to work with the Rivanna Service Authority to see if they can come up with some alternative since they had basically promised it, although it is not in writing.

Ms. Joseph asked if anybody was talking about condemnation, and Mr. Carver stated that he did not think so.

Ms. Higgins pointed out the location of the storm water BMP.

Mr. Carver stated that when that site plan was developed it was done by the Cox Company in 1993 and the gentleman that is here with the church worked with the County to do the first underground retainage.

Joel Hockingsmith stated that he was a Trustee of Berean Baptist Church at the time when the parking lot was put in place. In order to control the water runoff from that parking lot and building they went above the building and put in an underground storage containment system. At that time they did have soil testing and went through perk tests, and what not. They established that they could put in a water containment system. Therefore, there is no runoff from the parking and it all perks underneath. Then in the event of a 100-year flood the water is contained underground. In a 500-year flood, there is a possibility of spillover and so there is a little containment pond just outside that system. That spills over to the underground pipe that runs on the left for the length of the property.

Mr. Rieley asked if that was already constructed, and Mr. Hockingsmith stated yes, it existed.

Mr. Edgerton stated that on the schematic it appears that there is a considerable amount of land available for a septic.

Mr. Hockingsmith stated that the site was 4 acres and was very deep as shown in the aerial photograph.

Ms. Higgins stated that the worst problem is that the church would have to meet new Health Department regulations and it would need a larger septic field.

Ms. Joseph asked to see the model, and Mr. Hockingsmith presented the model to the Commission.

Mr. Rieley asked what would be in the gymnasium.

Mr. Carver stated that it was a Baptist church and they play a game called Awania, which was a circular game. Also, they have put in a one-half court basketball area. The existing site and sanctuary was established for about 250 persons. Right now there is considerably less than that. What they are trying to do is improve the facilities for the existing congregation. There are all sorts of subdivisions being built around the church. The additional facilities for a neighborhood center would entice other people to come and join in.

There being no questions for the applicant, 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. Rieley moved, Ms. Higgins seconded, that SP-2005-022, Berean Baptist Church Amendment, be approved subject to staff's recommended conditions with an additional condition that stipulates that either septic or sewer shall be installed according to the Health Department regulations and conditions.

1. The improvements and the scale and location of the improvements shall be developed in general accord with the concept plan dated August 8, 2005.

2. The floor plan of the proposed addition will be no larger than 5,100 square feet.

3. The construction of the church expansion, as shown on the application plan dated August 8, 2005 and titled Berean Baptist Church, shall commence within five years of the approval of this special use permit or this special use permit shall expire.

4. There shall be no daycare center or private school provided on site without approval of a separate special use permit.

5. Connection to public sewer or installation of septic system as approved by the health department prior to issuance of building permit.

The motion passed by a vote of 7:0.

Mr. Edgerton stated that SP-2005-022, Berean Baptist Church Amendment, would go to the Board of Supervisors on December 14 with a recommendation for approval.

SP-2005-023 Ford, Linda - Alltel Tier III PWSF (Sign #77) - Request for approval of a special use permit to allow the replacement of an existing 43-foot tall wooden power pole with a new 53-foot tall wood pole that would allow the co-location of a personal wireless facility in addition to the existing power lines. This application is being made in accordance with Section [10.2.2.48] of the Zoning Ordinance which allows for Tier II personal wireless service facilities in the Rural Areas zoning district. The property, described as Tax Map 59 - Parcel 80C, contains 155.45 acres and is zoned RA, and EC, (Entrance Corridor). This site lies in the Samuel Miller District and is adjacent to the south side of Ivy Road [U.S Route 250 West], across from the intersection with Old Ballard Road [State Route 677] and the Christian Aid Mission. The Comprehensive Plan designates this property as Rural Areas in Rural Area 3. General usages for the Rural Areas are agriculture and forestal activities, with a recommended density of 0.5 dwelling units per acre. (Stephen Waller)

Mr. Waller summarized the staff report. (See attached staff report.)

- The applicant is requesting approval of a special use permit to allow the installation of a Tier III personal wireless service facility. The proposed facility would include a 3 flush mounted antennas attached on a 53-foot tall wooden power pole, which would replace the existing 43-foot tall pole within the easement. Although the proposed antennas would be flush mounted, this application represents a Tier III facility because the proposed antenna would be attached to a totally new structure.
- The proposed site of this facility is the easement, which is located on an incline adjacent to the east bound lane of Ivy Road across from property that is currently owned by Christian Aid Mission. The existing structure is one of three closely grouped poles that have very limited visibility due to the presence of a tall line of trees bordering Ivy Road to the east and west of the site.
- During a field visit staff recognized that this grouping of poles was not visible until approximately 1/10 mile east from the site. When approaching the site from the west, the clearing where the three poles were visible was not reached until reaching the intersection with Broomley Road and the access road for this particular property.
- The Architectural Review Board has reviewed this request and approval was granted with a condition requiring screening of the access road and the ground equipment.
- Staff has reviewed this request with the requirements for approval of special use permits and also with the criteria for Tier III personal wireless service facilities and hereby recommends approval with the conditions set forth in the staff report.
- There are two mistakes in the conditions that staff would like to bring to the Commission's attention.
    - In condition 1, in the line that says site drawing of the facilities, it should read, ". . . site construction drawing of the facilities. . ." That is one change that would need to be made if approval is recommended to the Board of Supervisors.
    - In condition 7, in the line that says "that makes it likely that tower" should read, "that makes it likely that the tower or pole will be unnecessary in the near future."
    - In condition 8, the first line it reads, "and/or", which should read "and" deleting "/or".

Mr. Edgerton asked if there were any questions for staff. With the proposed easement and gravel access how do they access the existing power poles?

Mr. Waller stated that there is no road or anything in there.

Ms. Joseph stated that it was currently a power pole.

Mr. Waller stated that since it was an existing power pole that Virginia Power may be able to just pull off to the side of the road and use a cherry picker to do the work required from the right-of-way.

Mr. Edgerton stated that one of the power poles shown in the photographs is going to be removed.

Mr. Waller stated that the power pole in the center would be replaced by another one that would be ten feet taller, which would continue to serve as a power pole.

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

Pete Caramanis, representative for Alltel, stated that he came before the Commission about a year and a half ago with another application that was intended to provide wireless coverage to this area. That request involved a flag pole on the Christian Aid Mission property, which is why the current request is still called Christian Aid Mission even though it is not located on their property anymore. It is the same project as far as Alltel is concerned. That application was not favorably received. At that time staff with some comments of support from some Commissioners, received a recommendation to hook to the power poles across the street to use as an alternative way of providing coverage rather than the flag pole. That is what they did. Alltel is currently before the Commission with that application, which is intended to follow the recommendations received by staff from the Commissioners one and a half years ago.

Mr. Caramanis continued that obviously, the purpose of the project is to provide wireless telephone service along Route 250. The details of what they are going to do have been covered. But, basically the center of the three proposed poles is currently 43 feet tall and would be replaced by the same pole only 10 feet taller for a total height of 53 feet with flush mounted antennas at the top. The same power lines of the current pole would also be connected with this one. It would be a power company pole and they would be doing the replacement. It would be their pole with Alltel's equipment attached. In addition, there are the two standard cabinets that will be located behind the pole from the road. The antennas and cabinets would be painted with the typical matte brown color that they have used elsewhere. The benefits of this site are recognized by the fact that this was recommended as an option by staff. But, basically this site is a less visually obtrusive site. The flush mounted antennas are a lot less visible than the power poles' existing attachments such as transformers, which are not painted to blend in. The poles that are clearly more of a visual impact than this would be. In addition, as staff noted, there is a very small area along Route 250 where it would be visible at all. They were approval by the ARB. The ARB staff report recommended screening for the entire road, which included the area between the property line and the proposed access road. The ARB felt that was unnecessary and what they included in their recommendation was a proposed hedgerow between the access road, the property line, the cabinets and then extending from the cabinets 50 feet to the west. It would not include the entire area between the road and the property line. The reason for that was that the ARB did not feel that the road needed to be screened basically due to the contour of the site. It was the ARB's opinion, correctly, that the road will not be visible driving down 250. The hedgerow was intended to screen the cabinets for someone traveling east on 250. He submitted a recent plan after the staff report that intended to address the ARB's conditions. They do have a plan that shows the proposed hedgerow there, which addresses all of the other conditions. He noted that condition 6 was unnecessary since the gravel access road did not need to be screened. The screening of the equipment itself is taken care of by condition 5. He asked that the Commission recommend approval of this application.

Ms. Higgins asked how often is it possible to use a Dominion Virginia Power utility pole to put antennas on and does it preclude other antennas on the same pole.

Mr. Caramanis stated that as far as how often it is possible that it all depends on where it is and whether it is accessible and in an area that would actually provide the coverage. That is a tough question to answer.

Ms. Higgins asked if they have done it in other places.

Mr. Caramanis stated that they do it whenever they can because usually it is favored to be able to use a power pole. Obviously, in this case they had to have the permission of the land owner in order to put the cabinets on their property as well as the approval of the power company and their willingness to be able to replace the pole and make it taller. Whether or not another carrier could use it, it is unlikely in this case because they would actually require a separation from the power line for safety purposes. Another carrier would end up being below Alltel and would be too close to the power lines. Theoretically, it is possible if the pole was made taller than they were asking it to be made. But, in this particular case he did not envision another carrier being able to use it.

Mr. Edgerton asked if they need a 10 foot separation and was why the request was made for the additional 10 feet.

Mr. Caramanis stated that was correct.

There being no questions for the applicant, 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. Rieley moved, Ms. Joseph seconded, that SP-2005-023, Ford, Linda – Alltel Tier III PWSF be approved subject to the conditions recommended in the staff report with the changes requested by staff.

1. The replacement power pole, antennas and ground equipment shall all be sized, located, installed and maintained in general accord with the site construction drawings of the facilities, structure elevations and schematic drawings, entitled “Alltel - Linda Ford Bucks”, last revised November 7, 2005 and initialed SBW on November 8, 2005.
2. Prior to the issuance of a building permit, the applicant shall submit a final revised set of site construction drawings of the facility. Planning staff shall review the revised plans to ensure that all appropriate conditions of this special use permit have been addressed.
3. The top of the replacement pole antenna shall not exceed a height of 53 feet above ground and elevation of 731 feet above sea level.
4. The replacement pole shall be of a color and finish that is consistent with the other existing poles that are to remain within the power line easement, and the antennas shall be painted to match that color and flat finish as well.
5. The ground equipment cabinets shall be painted a flat, natural dark brown color and/or screened in accordance with the requirements of the Architectural Review Board.
6. The gravel access road shall be screened from State Route 250 in accordance with the requirements of the Architectural Review Board.
7. The facility shall be disassembled and removed from the site within ninety (90) days of the date its use for personal wireless service purposes is discontinued. If the agent determines at any time that surety is required to guarantee that the facility will be removed as required, the agent may require that the parcel owner or the owner of the facility submit a certified check, a bond with surety, or a letter of credit, in an amount sufficient for, and conditioned upon, the removal of the facility. The type and form of the surety guarantee shall be to the satisfaction of the agent and the county attorney. In determining whether surety should be required, the agent shall consider the following: (i) the annual report states that the tower or pole is no longer being used for personal wireless service facilities; (ii) the annual report was not filed; (iii) there is a change in technology that makes it likely the tower or pole will be unnecessary in the near future; (iv) the permittee fails to comply with applicable regulations or conditions; (v) the permittee fails to timely remove another tower or pole within the county; and (vi) whenever otherwise deemed necessary by the agent.

8. The owner of the facility shall submit a report to the agent by no earlier than May and no later than July 1 of each year. The report shall identify each user of the existing structure, and include a drawing, photograph or other illustration identifying which equipment is owned and operated by each personal wireless service provider. Multiple users on a single tower or other mounting structure may submit a single report, provided that the report includes a statement signed by a representative from each user acquiescing in the report.
9. Certification by a registered surveyor stating the height of the replacement pole, measured both in feet above ground level and in elevation above mean sea level, and using the benchmarks or reference datum identified on the construction plan shall be submitted to the agent after installation of the monopole is completed and prior to issuance of a certificate of occupancy.

The motion passed by a vote of 7:0.

Mr. Edgerton stated that SP-2005-023, Ford, Linda – Alltel Tier III PWSF, would go to the Board of Supervisors on December 14 with a recommendation for approval.

Ms. Joseph commended Mr. Waller for his excellent staff reports.

ZMA 2005-012 Sandridge (Signs #59,71) - Request to rezone .68 acres from the R-2 (Residential) Zoning District to the R-4 (Residential) Zoning District to allow creation of an additional lot and construction of a single-family dwelling. The R-4 Zoning District allows 4 dwelling units per acre. The property, with a street address of 5709 Wayland Drive, is described as Tax Map 56A1, Section 2, Block A, Parcel 3 and is located between Wayland Drive (Route 1216) and St. George Avenue (Route 1202), approximately 200 feet east of Crozet Avenue (Route 810) in the White Hall Magisterial district. The property is located in the Community of Crozet as designated in the Comprehensive Plan. The Crozet Master Plan designates the property as Urban General (CT 4), which is intended to support the center of downtown with a variety of residential types and a mixture of residential and commercial uses. Maximum allowed residential density is 4.5 dwelling units per acre for single family detached, single family attached, and duplexes; up to 12 dwelling units per acre for townhouses and apartments; and up to 18 dwelling units per acre in a mixed use setting. There is a concurrent subdivision application (SUB200500274) for this property. (Rebecca Ragsdale)

Ms. Ragsdale summarized the staff report. (See attached staff report.)

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

M.W. Sandridge stated that he wanted to build a single-family dwelling and subdivide the present lot.

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

Ms. Higgins asked if staff has heard from any of the adjacent property owners, and Ms. Ragsdale stated that they have not.

Ms. Joseph stated that the request makes perfect sense because all of the lots appear to be nonconforming. The proposed lots conform to the rest of the neighborhood and the subdivision. She felt that regarding the waiver request that it was much less a degradation to the property as it is using the other part of the ordinance that says that it is an unusual circumstance because it has two frontage. She asked if they could pick one aspect of the waiver and focus on that.

Mr. Kamptner stated that there is a glitch in Section 14-404 that the ordinance does not recognize this kind of situation for a subdivision. So when they go back and do some housekeeping clean up for the new ordinance they will address this.

Ms. Joseph stated that it appears to be very complicated for anyone who even has road frontage to do a subdivision without a waiver request from the Commission. She asked if she had read that right.

Mr. Kamptner agreed that it is complicated. But, it is an either or section.

Regarding Action on ZMA-2005-12:

Motion: Ms. Joseph moved, Mr. Morris seconded, that ZMA-2005-012, Sandridge, be approved as submitted.

The motion passed by a vote of 7:0.

Regarding Action on SUB-2005-074 Sandridge Section 14-404 Waiver Request:

Motion: Mr. Morris moved, Ms. Joseph seconded, that SUB-2005-00274, Sandridge, waiver request be approved as submitted.

The motion passed by a vote of 7:0.

Mr. Edgerton stated that ZMA-2005-012, Sandridge, would go to the Board of Supervisors on December 7 with a recommendation for approval.

Work session:

Six Year Secondary Road Plan – Work session to review and comment on the proposed Priority List for Secondary Road Improvements in the County. (Juandiego Wade)

Mr. Benish stated that typically the Six Year Secondary Road Plan process is reviewed by the Board of Supervisors. Staff runs the proposed list by the Planning Commission for your comments. Typically the Planning Commission does not hold a public hearing. Staff uses this opportunity for the Commission to advise us as to what issues they see. The Commission's minutes will be forwarded to the Board of Supervisors regarding the proposal. The Board has the final deliberations on this. They are under a relatively tight time frame given the amount of time on the Commission's agenda and the Board's. VDOT typically wants action by the end of the year, and the plan is scheduled for action by the Board in January.

Mr. Wade stated that early this year when the Board of Supervisors addressed the Six Year Second Road Plan they saw this whole list of 130 to 140 projects and felt that it was hard to put their hands around it. The Board wanted to focus on the top projects. That is where staff developed the strategic priorities, which are basically those top 20 or 21projects. For those projects, the Board of Supervisors requested staff to basically get them some additional technical information. That information is shown on the sheet that shows the capacity ratio, where the project was initiated from, etc., which the Board will use to help them make their decisions. It is not that they are not considering the other projects, but to be honest, they realized that for a lot of the projects on the list it may be several years before that project gets developed. The Board wanted to concentrate on those projects that could get done in the possibly the next 5, 6 to 10 years. That is why staff developed those lists. Nothing changed on the new sheet. Staff did not put new projects in there. Those were the projects that were basically the top 20 projects or so. Also, the Board asked staff to look at the possibility if they infuse some money to some really strategic project, such as Jarman's Gap and Profit Road, to see if that would assist those projects, prevent them from being delayed and expedite their development. When staff started this that project was Jarman's Gap. But, after staff met with VDOT they felt that at this point additional money might not expedite that project because it was already at the stage that they were going to be having a public hearing in the spring. At that point, staff is now focusing on Profit Road to see if some additional money for that project would expedite it. So that is where staff is with that. Staff has not heard back from VDOT concerning putting 1.5 million dollars of revenue funds for that project. Hopefully, that will help some, but right now it is scheduled for 2011. It is still a few years away and it is hard to know the impact that it is going to have. But, VDOT is working on that for us.

Mr. Wade noted that staff has had some questions about public requests. Staff receives many calls during the years. This happens a lot particularly in the spring when dust comes up and people call saying

they want their road paved. At that point they basically write it down and put it on the list at this time of the year. A lot of those roads have a lot ADT and therefore go to the bottom of the list. Staff determines the public support for those projects when they go to request right-of-way for them. If there is public support for the request, then the property owners will sign the paper to donate the right-of-way. If not, they have so many projects on the list that staff just moves on to the next one. That is how staff gauges support for those types of public requests. It has come to the point where some projects when one or two persons have called that when it comes to the point to actually construct it there was not enough public support there and the project did not move forward.

Ms. Joseph asked if only one or two people have called for the public requests.

Mr. Wade stated for a lot of the projects that say public requests it could have been one person who called asking to have a particular road paved.

Mr. Benish pointed out that often it was a petition from a number of people, but it could be just one person.

Ms. Joseph stated that in other words, staff does not ignore anybody and just puts them on the list.

Mr. Wade pointed out that was why the list was so big. A lot of the requests, even if it comes from a neighborhood association, staff still puts public request. Anything outside of that would either be staff or an adopted document such as the Comp Plan.

Mr. Benish noted that the County does not acquire right-of-ways. Therefore, it requires voluntary donation along that roadway, which was one way that interest is gauged as the project moves through. Staff does prioritize projects that they feel have the strategic initiative or value, such as Rio Mills Road paving is higher on the list because of the benefit that the County or staff has recommended for that particular project.

Ms. Higgins asked if there was an individual hearing process whether it was under the regular or the rustic pavement plan for paving of a specific road.

Mr. Benish stated that there is a public meeting that they hold particularly for a rural rustic road just to make sure that the residents understand that road could be a rural rustic road and to make them aware of what those improvements are. Under the paving process if not right-of-way is acquired it does not have to go through the traditional location and design public hearing process.

Ms. Higgins asked if in the rustic case that a road without the gravel right now can be paved without additional road right-of-way and potentially without the support of all the people on the road.

Mr. Benish stated that practical speaking by that point in time there is usually a public meeting such as Catterton Road had a number of meetings before it was withdrawn.

Ms. Higgins stated that was the point because there was actually right-of-way already dedicated and that one was withdrawn due to the public input.

Mr. Wade stated that when rural rustic roads came along when projects did not have to have right-of-way. The Board implemented a policy outside of VDOT's guidelines when a project comes up. The County did that with Route 640, Gilbert's Station Road. The County sent out letters to all of the residents adjacent to it letting them know this could be a regular paving or a rural rustic paving and to let the County know by contacting us back. The Board approved a process that if a certain amount of people call back, then they have to have a public hearing. Even if one or two people have questions or concerns, staff still tries to address it, but the Board no matter what the process is they have a process to gather public input.

Ms. Higgins asked if it was different than what happened with the Sugar Hollow Road and could not happen again, and Mr. Wade replied no.

Mr. Benish stated that none of this was the Board's policy.

Ms. Higgins pointed out that basically one-half of the people on that road did not want it paved, but VDOT paved it irregardless of the one-half of the people's objections.

Ms. Joseph pointed out that was like Route 795.

Mr. Benish pointed out that the limits of the Profit Road project are only to the development area and not the length of Route 20. It is from Baker Butler School to Route 29. The improvement is for two lanes with bike lanes, curb and gutter.

Ms. Joseph asked if that would include the landscaping.

Mr. Benish replied that hopefully the landscaping would be included.

Ms. Joseph pointed out that the developers are required to do that and they have really made a lot of noise about that recently. She felt that if they were requiring it of them, then the County really ought to do it ourselves.

Mr. Benish stated that our effort and goal would be to try to apply to the projects that the County builds the same standard that they have set for our road system. With the boulevard and lane concept they do lose some latitude in the ultimate decision making by VDOT and/or the funding of some of those improvements that are in addition to it.

Ms. Joseph pointed out that the funding was with the developers use. She felt that they really need to be consistent.

Mr. Edgerton stated that the County's contribution could come in.

Mr. Benish stated that what the County would do if landscaping is required and the VDOT would not fund with Six Year Construction funds is that they would have a parallel CIP funding for those items.

Ms. Higgins stated that her threshold is a little bit lower than landscaping. She pointed out that when the 29 widening was done that the contractor under VDOT's purview never stabilized the Lowe's frontage along Lowe's nor or the northwest side of the intersection. Now it has reached the point where the slope has broken and it is sliding. It truly was a cut slope that Lowe's should not be responsible for because it was done as part of the road widening, and it has never been stabilized. Landscaping is an important issue, but E and S is a State mandated thing. She questioned why something like that was not brought to their attention, particularly because it was on the Entrance Corridor. She asked that situation be put on the hit list for somebody to go back to the residency. She pointed out that mud had come down on the sidewalks and flows to the east side of the road.

Mr. Rieley stated that it was just a construction defect.

Ms. Higgins stated that it was erosion that has taken place over a period of time, which was located right on the Entrance Corridor.

Mr. Thomas pointed out that the mud at times actually covers the sidewalk.

Ms. Higgins suggested that staff put that on the hit list for somebody to go back to VDOT to send someone out there since they did not enforce the contract.

Mr. Benish stated that it could possibly be done as a maintenance issue. He noted that the condition of 29 and Lowe's will be reflected in the minutes so that the Board will be aware of it.

Ms. Higgins stated that mud covers the sidewalk when it rains and goes into the drop inlet at the intersection. She pointed out that it goes down the east side of the road.

Mr. Rieley asked if he could ask a very small question about Route 795 and its intersection with 790 and how that got ranked #15 with the nature of the project being for a road with 630 ATV.

Mr. Benish stated that he would suspect that it was one that has evolved over time that has slowly moved up as they have slowly knocked off projects above it.

Mr. Wade stated that at one point it did start receiving some funding, but about 3 or 4 years ago when VDOT hit the financial crisis they pulled money away from some of the projects, such as Sunset Avenue. He felt that this was one as well. Another request came from Scottsville. Staff tried to accommodate Scottsville, but this one has been on the list for most of the time that he has been at the County.

Mr. Benish pointed out that some of the counts go back to the mid 1990's.

Mr. Wade pointed out that some of the projects might have the 1996 or 1994 count on the list.

Mr. Benish stated that what staff cited in the ranking comments was that Blenheim Road had more sight distance. There much have been a fairly significant amount for a sight distance issue, but the volume is low. The volume capacity ratio is fine. Therefore, it is probably purely a site distance issue. He felt that this was a long standing issue.

Mr. Wade stated that Albemarle County essentially acts as Scottsville agent for their transportation improvements. They would like to use revenue sharing for a project to improve some sight distance at the intersection of Route 20 and Route 6. It is a sharp angle and they want to make some improvements there. The way that the State Code is written they cannot do it themselves. They have to come through Albemarle County and they can only use up to $500,000. Last year they got a special allotment that they could go to a million dollars, but the General Assembly may not allow that again this year. But, they want Albemarle County when they apply for revenue sharing in the spring of 2006 to have this project as one of our projects. As for the last two years the County has utilized their revenue sharing for Profit Road as much as possible to the highest extent that the state allows. If they decide to support Scottsville and the state allows $500,000, they could only put $400,000 for Profit Road if that is what the Board chooses and $100,000 for this. This proposal is going to the Board and staff wanted to get some feedback from the Commission to share with the Board on this.

Mr. Edgerton questioned if Profit Road was more important than Scottsville's needs.

Mr. Wade stated that it was a decision that the Board would have to make.

Ms. Joseph asked if they could specify that the County is helping a town.

Mr. Benish stated that the money was restricted to that amount of money per this locality, which would include Scottsville. Therefore, they would not get an additional $100,000 because it is just how the process works. It puts us in an awkward position of trying to match up their priorities with ours.

Mr. Rieley asked if there was any statistical information, such as accident reports, that would help guide us.

Mr. Wade stated that he was not sure, but he would check to see if he could get that information from Scottsville. Normally, he meets with them every two months. They have been requesting this improvement from the last three to four years and heavily lobbying them for this. They were given direction that this is a way to do that. He pointed out that he would ask the Mayor and Chief of Police if they have this information. This might not be as large of an impact if the state allows up to a million dollars again because they could put $900,000 towards Profit Road. Currently, the way the policy is written it says $500,000.

Mr. Benish stated that staff would have to find out a little more about the scope of the project. But, staff assumes that this is an important project that the Town of Scottsville has asked the County to support. He pointed out that the County was not funding it, but it was just a lost opportunity of $100,000 towards a

County project due to the matches of funds by the state.

Mr. Edgerton complimented staff on the map provided to the Commission.

Mr. Benish pointed out that it had been in the plan before, but Rio Mills Road and Dickerson Road were both paving projects that they were trying to move forward with paving. The intent in the value of the paving of those roads is that it provides for a paved alternative to Route 29 near Hollymead. It a paving project to take an unpaved road to a two-lane paved road.

Mr. Wade pointed out that he would contact Scottsville in order to get the additional information.

Mr. Benish stated that no action was required by the Planning Commission.

In summary, the Planning Commission held a work session to review and comment on the proposed Priority List for Secondary Road Improvements in the County. Staff reviewed the proposed Priority List for Secondary Road Improvements and explained the procedure. The Commission discussed the priority list and provided comments. Staff was requested to obtain additional information from Scottsville to provide to the Board and also to make the Board aware of the Lowe's/29 soil erosion problem. The Commission took no formal action.

Review of Board of Supervisors Meeting – November 2 and November 9, 2005.

Mr. Benish summarized the actions taken by the Board of Supervisors on November 2 and November 9, 2005.

Old Business:

Mr. Edgerton asked if there was any old business.

- *The Commission asked for an update on the MacDonald complaint about the lakes at Forest Lakes to include the number of complaints and concerns from the public and the disposition of those concerns.*

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

New Business:

Mr. Edgerton asked if there was any new business.

- *The Commission preferred holding the work session on Dickerson Road next week at 6:00 p.m. instead of at 4:00 p.m.*
- *Color copies for next week's packets will be delivered to the Commissioners due to the break down of the color copier.*
- *November 29 will be the graduate seminar for the recent graduates of the Certified Planning Commission Institute.*

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

Adjournment:

With no further items, the meeting adjourned at 9:23 p.m. to the next regular meeting on November 22, 2005.

_____
V. Wayne Cilimberg, Secretary

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