Albemarle County Planning Commission
March 21, 2006

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, March 21, 2006, at 6:00 p.m., at the County Office Building, Room 241, Second Floor, 401 McIntire Road, Charlottesville, Virginia. Members attending were Bill Edgerton, Eric Strucko, Calvin Morris, Vice-Chairman; Pete Craddock, Jo Higgins and Marcia Joseph, Chairman. Absent was Jon Cannon. Julia Monteith, Senior Land Use Planner for the University of Virginia, representative for David J. Neuman, FAIA, Architect for University of Virginia was present.

Other officials present were Wayne Cilimberg, Planning Director; Claudette Grant, Senior Planner; Bill Fritz, Development Review Manager; Sean Dougherty, Senior Planner; David Benish, Chief of Planning & Community Development and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

Ms. Joseph called the regular meeting to order at 6:02 p.m. and established a quorum.

Other Matters Not Listed on the Agenda from the Public:

Ms. Joseph invited comment from the public on other matters not listed on the agenda. There being none, the meeting moved on to the next item.

Review of Board of Supervisors Meeting – March 15, 2006.

Mr. Cilimberg summarized the actions taken by the Board of Supervisors on March 15, 2006.

The Board of Supervisors deferred the Liberty Hall rezoning. The primary issues that the Commission identified in their recommendation for denial had to do with a road that went through a critical sloped area, E and S issues and storm water issues. Those items were addressed by the applicant before the Board heard the rezoning. But, there were some concerns raised by the Board about whether or not this was the right rezoning in the right location at the right time. The Board questioned the basic proposed density and deferred for the applicant to reconsider their proposal. At the same time the Board did discuss the concept and wants to actually have a work session about the concept of phasing in the greater sense for the kinds of development that they were seeing right now in terms of how residential development in the pipeline may be building an inventory as related to demand and how residential development may be developing as relates to non-residential development and infrastructure. The Board has asked that staff come back with information at a future work session probably in May for them regarding that particular issue. Staff will be doing that. That is not something that staff has outlined in our Comprehensive Plan in terms of trying to program in the plan how much should be developing when and where over the 20 years of the plan. So that is something that staff will be trying to identify for the Board as to the way some other localities may have approached that.

Ms. Joseph asked if they would be linking it with existing infrastructure.

Mr. Cilimberg stated that it would be linked with infrastructure and also the balance of residential versus non-residential. The question has not only been raised about residential, but also about commercial development and how that is occurring in relation to the overall development of the area.

Ms. Joseph asked that the Planning Commission get distribution of whatever report goes before the Board.

Regular Items*:*

SUB 2006-00021 Foxchase Landing Preliminary Plat and Open Space Appropriateness Determination - Request for preliminary plat approval which includes approval of open space in

accordance with Section 4.7.2 of the Zoning Ordinance Public Hearing Items. Tax Map 56, Parcel 93C (Francis MacCall)

Mr. Fritz summarized the staff report.

- This is a proposed subdivision of 15.5 acres into 15 lots on R-1 land. What they are proposing is to use the open space clustering and bonus provisions in order to reduce the lot size and lot frontages. The applicant is not using the bonus provisions to increase the number of units over and above what they could do without clustering or bonus provisions. It is for a configuration of the lots. The applicant is providing open space.
- This request involves two tax maps 93C and 100F. It is only this portion of the property that is under review. This portion is zoned R-1. The other portion is zoned RA. In the future this portion along with the property to the east is going to be coming before the Commission as a rural preservation development. But, that is not before the Commission tonight. He was just trying to orient the Commission on what is going on because it was referenced in the plan. This area was part of the Crozet community, but it was recently taken out of the Crozet community and retains its zoning designation.
- Staff has reviewed the application for the appropriateness of the open space and recommends approval subject to some conditions. One condition is that accesses through the adjacent development with an access that was shown in the prior development with a reconfiguration to allow for a much improved access way. He would be happy to answer any questions.

Mr. Edgerton said that the residue was marked off on the plat and says part of RPD application. He asked if that application has been developed enough to know whether that is going to be part of the rural preservation development lot.

Mr. Fritz said that it is proposed to be part of the preservation tract. He offered to roll the proposed RPD plan out for the Commission to review, but noted that the plan has not been approved and needed some revisions.

Mr. Edgerton replied that he would like to see the plan.

Mr. Craddock questioned the extension from Carlyle Place over to this subdivision because it does not exactly follow the exact easement across there. He asked how hard it was going to be to make that little dogleg in there that is showing on the plat.

Mr. Fritz noted that the applicant has negotiated with this property owner to move the right-of-way so that it would align more and they will have to do a vacation or deal with this existing area. It moves it farther away from this house. There are some issues about where this house was constructed in terms of its relationship with the construction easement of that road. So it actually moves it away from that particular house. So it helps solve a problem there. It is constructible.

Mr. Craddock asked where the property was located for the adjacent property owner that wanted to have this application reviewed.

Mr. Fritz pointed out the location of that parcel on the map.

Ms. Higgins asked if there would be continuity between the open space that has been designated under this plan and what is potentially in the pike to be generated with the other.

Mr. Fritz said that the open space is around the stream and the rural preservation tract also includes areas around the stream. It does have some continuity.

Ms. Joseph said there is a parcel with the critical slopes that is sort of being combined with this. She asked if it was floodplain in the area adjacent to it.

Mr. Fritz said that the hatched area is actually the Lickinghole basin. The darker line is the 100-year flood plain elevation around it. There is an associated buffer that is with it. A lot of the open space includes the buffer.

Ms. Higgins said that area is contiguous with what Rivanna has and that is the Lickinghole water quality basin.

Mr. Fritz replied yes that it was.

Ms. Joseph noted that this could have been done in two steps by combining that little critical slopes parcel and then doing this. What she was seeing was a parcel that was not buildable.

Mr. Fritz replied yes and noted that it is not uncommon to have subdivisions that involve multiples. He agreed that it could have been done in two steps, but it was nothing wrong with doing it as a single step either.

Mr. Strucko said that these parcels along with a larger region were part of the growth area rural area swap in Crozet.

Mr. Fritz replied that was correct. This general area was part of the Crozet development area and then was recently taken out and then swapped with the area north of Crozet.

Mr. Cilimberg said that eastern boundary generally followed the drainage basin line that drained into the Lickinghole basin on the west side of the line.

Mr. Strucko asked if the entire existing Foxchase neighborhood including this extension of it is in the rural area.

Mr. Fritz replied yes in the Comprehensive Plan.

Mr. Cilimberg said that it was now in the Comp Plan designated rural areas.

Ms. Higgins noted that Fox Chase that has already been developed was not taken out of the growth area. It was just developed by right. This is connecting to Fox Chase. The Keyes property was basically the property that was taken out.

Mr. Cilimberg noted that it was at the Board level in the consideration of the Crozet Master Plan when this boundary swap came up. The amendment actually happened separately from the rest of the Crozet Master Plan's adoption.

Ms. Joseph said that even though this is out of the growth area it is still in the jurisdictional area and has water and sewer.

Mr. Cilimberg said that it correct and that it retained its zoning. It was not down zoned.

Mr. Edgerton asked if the open space that they are looking at does not include the part that is going to be in their rural area.

Mr. Fritz said that is correct in that it does not include any RA zoning at all.

Mr. Edgerton asked if what they were looking at follows the creek line.

Mr. Fritz replied yes, that is correct.

Mr. Edgerton said that the open space that allows for greater density the applicant is not asking for greater density.

Mr. Fritz replied that the applicant is not asking for the density, but just asking for reduction of the lot size. They are putting the land in open space.

Mr. Edgerton asked if the applicant could do the same amount of development by right.

Mr. Fritz replied that the applicant could do the same number of lots by right.

Ms. Joseph noted if they can get the bonus provisions in this configuration.

Mr. Fritz said that the applicant would have to redesign the lots and the lots would be bigger, but it would be the same number of lots.

Mr. Edgerton asked if the reconfiguration would actually consume all of this open space in lots.

Ms. Joseph said that the open space would not be protected.

Mr. Fritz replied that was correct.

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

David Mitchell, owner of Traditional Homes, said that he is moving from Richmond to Crozet to Fox Chase Subdivision. He has a house under contract there. Traditional Homes is mainly a custom home builder and remodeler. They will be building the homes on these lots. He said that by living in the subdivision they were going to respond to the neighbor's questions. With the design process they worked with the County and followed the 25 percent open space because they were directed that was something that the County wanted to see. They certainly understand. They will also be the applicant for the rural preservation tract. It was suggested that they combine those open spaces in a contiguous manner so that it would not be broken up and actually would be of benefit. They have 100 foot buffers along the stream and have avoided the critical slopes as requested. They actually have curved the road around some very large trees to try to avoid damaging those and continuing to keep those there. It is the part where the road first enters the subdivision at the dogleg. That is not there for looks, but is there to avoid three or four rather large Oak trees at the request of Mr. Weinberg who lives in the house just to the south or east of the access entrance. Mr. Weinberg is the adjacent owner of the house that had the issue with the right-of-way that his house was built on. Again, they are doing no more additional lots. They are going to have smaller lots obviously because they are setting aside 25 percent of the property in open space. With regards to adjacent property owners, they have contacted and responded to anybody that has contacted us. He noted that he meet the doctor on site that asked for this Planning Commission review. The doctor was mainly concerned with his property line and driveway as it comes down behind lots 1, 2 and 3. They wanted to show him exactly where the property line was in the woods. He staked the line and the doctor seemed happy with it. He emailed Francis MacCall that they had agreed however it needs to be done that instead of a 25' setback from the back yard that they make it 50' on his property just for the buildable house area. Frankly with the topography he would not build a house that close to him anyway. But, if it makes him feel better he would certainly be happy to do that. The topography dictates those houses to be roughly where there are shown. Some of the others are not shown where he would build them as a builder, but the engineers placed the houses. The doctor then told him that he was happy with the development. He seemed to be happy and satisfied with what he talked about. That is all that he had, but would be happy to answer any questions.

Ms. Joseph said that there is a sign up sheet for other persons that want to speak. She invited the first person signed up, Fred Weinberg to come forward and address the Commission.

Fred Weinberg said the he owned the lot that has the easement situation with the road. He wanted to start off that Mr. Mitchell has been very cooperative in working with that road, working with the drainage, and most importantly working with buffering the road with trees, etc. He has committed to planting in front

of his house and around the side as Rieley Way goes down towards the creek. There are a lot of houses that back up to that. The Fox Chase development is pretty wide spread with houses interspersed. Lots 10 – 14 have houses facing the road. That is one of the critical issues here. Hopefully, Mr. Mitchell will design this so the houses will go on the lots so not to be all in a row and be buffered. He has at least stated that he will attempt to do such. Some of the proposed houses will go on smaller lots than the existing Fox Chase subdivision. There is not a nice easy flow in from one development to the other even though the road is taking us there. That is a concern of a lot of people. The other concern is that they are faced with a higher density than most people believed and therefore there are a lot of trucks and construction. Once the subdivision is complete he is not as concerned about it. But, being a house that is right there next to this road where he is going to have trucks barreling in at 6 a.m. in the morning, including Saturday, is not a pleasant thought. He knew the County has regulations on when construction can start, but they don't see it and it is not enforced. Those are their concerns. They request that it is buffered as much as possible. They would like to see the development intermixed more aesthetically with what they are thinking here. He believed that Mr. Mitchell was going to work in that direction. These four houses are very close to each other, which does not fit the other ones. Again, he reiterated that Mr. Mitchell has been very cooperative with his concern about the road placement with his house location. He felt that it has been resolved as best as it could.

Don Rich said that he owns a parcel that backs up to Fox Chase Landing. He bought the property for an investment and was extremely concerned about what development would happen behind it when he heard that it had been bought. He has met with Mr. Mitchell. He is very impressed with what he has done to try and lay out a very nice looking development. He, too, was concerned with buffering issues. He thought that the fact that he was willing to move the road around those trees shows that he has some genuine concern also for the environment of the area that he is going to live in. He appreciates the time that he has spent to try and make the best of this situation. He felt that he would be a good developer in that area.

Ms. Mamareli said that she lives on one of the lots that will back up to parcels 10, 11, 12 and 13. She has several concerns about the new neighborhood. One is the continuity of the existing neighborhood. She left a high density neighborhood to move to Fox Chase so that they would not have the cars and the amount of houses. Here they find themselves facing a similar issue. With two small children they like where they are because there is not a lot of traffic right now. That is going to add 32 more vehicles coming and going after the construction is done to our neighborhood. Our neighborhood is known as something special in the Crozet/Charlottesville area because it is a neighborhood with large lots, 1 acre and above. There is no townhouse or smaller cottage homes. Adding an extension onto their neighborhood puts them in a situation that they don't know what it is going to do to their property value. They don't know what the houses will be like that this builder will build. Of course, having the houses behind them she felt would affect their property value and the aesthetic view. They are concerned about the utilities and cable. As she understands right now, their utilities are stressed out there now. Their cable assess comes and goes. Their electricity flickers off and on. So she would like some one to address how they are going to make sure that they don't get their utilities stressed out any more than they already are. The main concern is the access going through their neighborhood. She asked why it could not be access from 250 and avoid coming through their neighborhood. She felt that was something that should be looked at. They are going to have to take apart completely the cul-de-sac to get this road in. That is not going to be a little job. She requested that Mr. Mitchell increase the lot of sizes of those lots .4 to .5 of an acre. She felt that it was not congruent with the existing neighborhood. The minimum in their neighborhood is .8 acre.

There being no further public comment, the public hearing was closed and the matter placed before the Commission.

Ms. Higgins asked if the roads have been taken into the state system. She pointed out that before a road is taken into the system there is no speed limits or enforcement of nuisances. It might be something that the residents are aware of.

Ms. Joseph asked staff about the noise ordinance concerning construction and the time that it starts.

Mr. Kamptner said that the noise ordinance exempts sounds generated from construction activities between 7 a.m. and 10 p.m.

Ms. Joseph said that it does not exempt them before that or after that, and Mr. Kamptner replied that was correct.

Ms. Higgins suggested that anyone concerned about that should call community development and ask for the zoning enforcement.

Mr. Kamptner noted that for this ordinance it would be the Police Department.

Motion: Mr. Morris moved, Mr. Craddock seconded, to approve SUB-2006-00021, Foxchase Landing Preliminary Plat and Open Space Appropriateness Determination with the recommended conditions as stated.

1. [13.4.1] A conservation plan as specified in section 32.7.9 must be approved by the Zoning & Current Development Division of the Department of Community Development with a copy of the original conservation plan and all subsequent revisions to be submitted to the Zoning & Current Development Division.

2. [14-317, 18-4.7] Submittal of covenants or other such instrument which evidences the establishment of an owners' association and provides for ownership and maintenance of proposed open space. Such document shall be subject to County Attorney review and approval and shall be in accordance with Section 14-317 of the Subdivision Ordinance - Instrument evidencing maintenance of certain improvements.

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

Ms. Joseph stated that SUB-2006-00021, Foxchase Landing Preliminary Plat and Open Space Appropriateness had been approved.

SDP-2005-0141 Commonwealth Townhouses Critical Slopes Waiver Request - The property, described as Tax Map Parcel 61W-3-14 is located in the Jack Jouett Magisterial District on Commonwealth Drive [Route 1315] approximately 0.1 miles from its intersection with Peyton Drive [private]. The Comprehensive Plan designates this property as Urban Density in Urban Area 1. (David Pennock)

Mr. Fritz stated that staff just received a request to defer this item indefinitely. They have looked at staff's recommendations and staff is not supporting the critical slopes modification. The applicant is going to take a look at trying to come up with an alternative design to try to address some of staff's concerns. Staff will bring back whatever is submitted in the future if need be.

Ms. Joseph asked if the public hearing needs to be opened.

Mr. Cilimberg pointed out that actually it was not a public hearing item and had not been advertised. It is just an administrative item that the Commission was asked to review.

Motion: Mr. Strucko moved, Mr. Morris seconded, to accept the applicant's request for indefinite deferral for SUB-2005-0141, Commonwealth Townhouses Critical Slopes Waiver Request.

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

Ms. Joseph stated that SDP-2005-0141, Commonwealth Townhouses Critical Slopes Waiver Request was indefinitely deferred.

***Public Hearing Item**:*

SP-2005-032 Rosewood Village Assisted Living at Hollymead Town Center (Signs #8, 34)
PROPOSED: Request for a special use permit to allow for a 70,000 sq. ft. assisted living facility on 1.25 acres.
ZONING CATEGORY/GENERAL USAGE: PD-MC Planned Development Mixed Commercial - large-scale commercial uses; and residential by special use permit (15 units/ acre); EC Entrance Corridor Overlay District.
SECTION: 25A.2.2.1 which allows assisted living facilities by special use permit in PDMC.
COMPREHENSIVE PLAN LAND USE/DENSITY: Town Center: designates compact, higher density area containing a mixture of businesses, services, public facilities, residential areas and public spaces, attracting activities of all kinds.
LOCATION: Tax Map 32 Parcel 41 D. The property is located approximately 1,500 feet from U.S. Route 29 along Timberwood Boulevard in the Hollymead Town Center.
MAGISTERIAL DISTRICT: Rio
STAFF: Sean Dougherty

Ms. Higgins recused herself from SP-2005-032 due to a direct relationship through her mother with the existing Rosewood Village to avoid any appearance of impropriety. She left the room at 6:55 p.m.

Ms. Higgins recused herself from SP-2005-032 due to a direct relationship through her mother with the existing Rosewood Village to avoid any appearance of impropriety. She left the room at 6:55 p.m.

Mr. Dougherty summarized the staff report.

This is a request for a special use permit to allow for a 67,291 square foot 96 bed assisted living facility within PD-MC zoning in Area C of the Hollymead Town Center. This is in the northwest quadrant of the town center. It will provide long term residential care for the elderly including special care units for residents with Alzheimer's.

The request is found to be generally consistent with the existing zoning, the land use plan and the Neighborhood's Model. Staff supports the application.

Factors Favorable to this request
- The proposal for this use adds diversity and increases residential uses in the Town Center.
- The use does not generate impacts associated with typical residential development.
- The residents of an assisted living facility in this location will benefit from the retail and restaurants provided within the commercial portion of the Town Center in addition to open space amenities.

Factors Unfavorable to this Request
- The roads to serve this facility are not in place. With the inclusion of condition four with this special use permit request, this concern is addressed.

Staff opinion is that this special use permit is consistent with Sections 5.1.13 and 31.2.4.1 of the Zoning Ordinance, the area's Comprehensive Plan Designation, The Hollymead Design Guidelines, and the Neighborhood Model. Therefore, staff recommends approval, subject to the following conditions:

1. Maximum usage is limited to ninety-six residents (96) residents in the facility

2. No part of the assisted living facility site may be utilized for any activities other than those directly related to the adult care residence.

3. The special use permit authorizes only an adult care residence which provides an assisted living level of service, as defined by 22VAC40-71 as provided under the Virginia Administrative Code.

4. The site plan associated with Rosewood Village will not be signed until proffer 2.F. for Area C (ZMA 2001-999) is met.

The fourth condition was amended by zoning today and has been reviewed by the County Attorney. The revised condition reads, "Neither a preliminary or final site plan, building permit, Certificate of Occupancy or any other permit shall be approved or issued for this project if the zoning administrator determines that the owners of Area C are in violation of proffer 2.F. for Area C (ZMA-2001-009).

There is one clarification under the review of Section 31.2.4.1 where staff had said that the applicant had submitted documentation for regulatory requirements for a nursing home. That is not correct. It is actually an assisted living facility. The wrong words were used. Everything else in the staff report is reflected correctly. But, this is an assisted living level of service and not a nursing home, which is a little bit more intense.

Staff presented a PowerPoint presentation showing the area of the proposal. One slide showed the extension of Town Center Drive going out to Route 606, which will come in with proffers for A-1 and A-2.

Mr. Strucko asked if Timberwood Boulevard was the road that was not yet constructed.

Mr. Dougherty stated that road has been constructed to a point.

Mr. Strucko asked if the road extends beyond that point from Airport Road where the fire house access was located.

Mr. Edgerton stated that the fire house access was on the other side of Airport Road.

Mr. Strucko stated that there was going to be some activity for the fire and rescue service at this institution.

Mr. Cilimberg stated that the road across Airport Road from the end of Timberwood Boulevard would be part of the future development to make a connection. It is not the road that will have the fire station located on it.

Mr. Strucko asked if the fire station would have access to that road through the other connections.

Mr. Cilimberg stated that it would ultimately, but for the near term it would come out to Airport Road, up to Timberwood and then into this back side of Hollymead Town Center. If you look where the C is located on the plan, then just to the left it is sitting over the extension that would occur ultimately of Meeting Street to the Lewis and Clark Boulevard. But, that would have to come through a future development that is not before the County as yet.

Ms. Joseph noted that one of the things staff had talked about was how residents of this facility would be able to walk to different parks.

Mr. Dougherty stated that was included on the site as outdoor patio green space and outdoor seating along Meeting Street, which would be used as a gathering place. In Abington Place there is a rather large park that provides access back towards the green space, which is literally within 100 feet of the western corner. The entrance to the greenways trails is also located within 100 feet. There is a part in section A-1 that will be coming in for review. That would essentially be all of the larger spaces. But, Timberwood Boulevard and this traffic circle are suppose to include small sort spaces carved out of the street walls, which would be essentially small plazas where a couple of benches would fit with some public art and those sorts of things. That is in addition to the sidewalks and benches that are provided throughout the area.

Mr. Cilimberg stated that Rosewood Village on Greenbrier Drive is probably within a similar distance of the greenway trail, which was part of the Rivanna Trail system. There is probably not a lot of difference in

distance between that location and the proximity to that trail off of Greenbrier and this location in proximity to this future greenway.

Mr. Dougherty continued the Power Point presentation in order to show the Commission what is going on out there now.

Ms. Joseph asked how many stories would be in this building. Also, when the building plans come in will staff look at them to see if they are in compliance with the guidelines.

Mr. Dougherty stated that on the street the building would have four stories and on the interior of the site three stories. When the building plans come in the site planner will review for compliance with the guidelines, and he will receive a copy. He pointed out that it was a very attractive building.

Mr. Edgerton asked if the elevations will be part of the approval if the request is approved.

Mr. Dougherty stated that he was not sure and had not discussed that with the applicant, but that was not part of the conditions as written.

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

Ms. Taub, owner and applicant, stated that six years ago she came in front of most of the Commissioners for Rosewood Village on Greenbrier Drive, which is across from the Senior Center. At that location they have 66 residents. In this building they want to be able to accommodate another 84 units, which would be about 90 residents. They have designed the building to have an urban look because they are in the Hollymead Town Center. They are excited about the fact that it is very much located like their Greenbrier facility because it has the residential component like Branchlands, which is the residential component there. This has this new residential component, which is very nice. She felt that the green space and the amenities at Hollymead Town Center will be very beneficial for the families. She felt that it was a good compliment both ways. She pointed out that her husband was also present.

Ms. Joseph invited other public comment. There being none, the public hearing was closed and the matter was before the Commission.

Mr. Morris stated that he liked to see this type of facility in the Hollymead Town Center. He felt that it was very appropriate.

Mr. Strucko agreed. He thanked staff for the broader context, which really helped him understand what is happening in and around this area.

Ms. Joseph supported the request because it is not going to be a detriment to the area and it really does conform to pretty much everything that they want happening in Hollymead Town Center.

Motion: Mr. Morris moved, Mr. Edgerton seconded, to approve SP-2005-032, Rosewood Village Assisted Living at Hollymead Town Center with the conditions, as amended, recommended by staff.

1. Maximum usage is limited to ninety-six residents (96) residents in the facility

2. No part of the assisted living facility site may be utilized for any activities other than those directly related to the adult care residence.

3. The special use permit authorizes only an adult care residence which provides an assisted living level of service, as defined by 22VAC40-71 as provided under the Virginia Administrative Code.

4. Neither a preliminary or final site plan, building permit, Certificate of Occupancy or any other permit shall be approved or issued for this project if the zoning administrator determines that the

owners of Area C are in violation of proffer 2.F. for Area C (ZMA-2001-009).

The motion passed by a vote of 5:0. (Commissioner Cannon was absent.) (Commissioner Higgins abstained.)

Ms. Joseph stated that SP-2005-032, Rosewood Village Assisted Living at Hollymead Town Center would go to the Board of Supervisors on April 12 with a recommendation for approval.

Work Session:

ZMA-2005-017 Biscuit Run (formerly Fox Ridge) – Signs #52,56,63
PROPOSAL: Rezone approximately 920 acres from R-1 Residential (1 unit/acre), R-2 Residential (2 units/acre) and RA--Rural Area: agricultural, forestal, and fishery uses; residential density (0.5 unit/acre) to NMD Neighborhood Model District - residential (3 - 34 units/acre) mixed with commercial, service and industrial uses. Maximum number proposed residential units: 4,970. Commercial uses proposed also.
PROFFERS: Yes
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Neighborhood Density Residential-residential (3-6 units/acre) and supporting uses such as religious institutions and schools and other small-scale non-residential uses.
ENTRANCE CORRIDOR: Yes
LOCATION: Tax Map and Parcels 90-5, 90-6D (portion), 90-17D, 90-A-3, 90-A1-1, 90-A1-1E, 90-15A, 90A-1A, 90A-1B, and 90A-1C. Between the east side of Old Lynchburg Road and the west side of Route 20; adjacent and to the south of the Mill Creek subdivision, adjacent and to the west of the intersection of Avon Street, Extended and Route 20.
MAGISTERIAL DISTRICT: Scottsville
STAFF: Claudette Grant

Ms. Grant distributed four maps of the proposal. (See Attachments – four maps) She summarized the staff report. (See Staff Report)

APPLICANT/OWNERS: Forest Lodge L.L.C. is the property owner and the applicant represented by Steven Blaine of LeClair Ryan with Timmons Group as the consulting engineer.

PROPOSAL:
The applicant is requesting to rezone approximately 920 acres from R-1 Residential, R-2 Residential and RA-Rural Area to NMD Neighborhood Model District. Approximately 2,500 to 4,970 residential units and three neighborhood centers, which would include commercial, office and community uses, are proposed.

BACKGROUND:
The property encompasses the following tax map and parcels: 90-5, 90-6D (portion), 90-17D, 90-A-3, 90-A1-1, 90-A1-1E, 90-15A, 90A-1A, 90A-1B, and 90A-1C, and is located between the east side of Old Lynchburg Road and the west side of Route 20 adjacent and to the south of the Mill Creek subdivision. (See Attachment A)

A majority of the site is located in the development area. Approximately 92 acres of the project area is located in the rural area, where the applicant is proposing a school and park.

The Comprehensive Plan designates most of the site as Neighborhood Density, allowing residential density at 3 – 6 dwelling units per acre. There is a southern portion of the site that is designated and zoned as Rural Area.

An information session was held on March 7th, 2006 in order to familiarize the Commission with the proposed development and allow an opportunity for public comment. The City Planning Commission and the Scottsville Planning Commission were invited to the meeting and members from each group attended.

DISCUSSION:
This meeting is a work session to discuss general conformity of the proposed rezoning to the comprehensive plan. The work session will also be used for the Commission to advise the applicant on any problematic areas or changes needed for the rezoning.

RECOMMENDATION:
Staff believes the proposed plan is relatively consistent with the Land Use Plan general guidance from the Comprehensive Plan with the exception of the school location. Staff is seeking guidance from the Planning Commission regarding the questions posed in this report. There are many additional topics to further discuss at future work sessions. These additional topics are described at the end of this report.

In summary, the Planning Commission held the second work session on ZMA-2005-017, Biscuit Run (formerly Fox Ridge), to review and discuss the general conformity of the proposed rezoning to the comprehensive plan. The Commission reviewed and discussed the proposal with staff and the applicant, and responded to the preliminary questions posed by staff.

Question for the Commission: Is the location of the school and park satisfactory and in keeping with the Comprehensive Plan?

- The Commission could not reach a consensus on this question. There were pros and cons discussed surrounding the issues. There were varying opinions on this issue. Several Commissioners felt that schools in the development area were an integral part. Others believe that the school and park should probably be located within the development and not in the adjacent rural area portion of the site. There may be justification for the park to be located in the Rural Areas because it allows for greater density in the development areas and because there are small park sites proposed within the development. Concerns were expressed if the park were located outside of the development areas about the access to the park, the possibility of extending the jurisdictional areas and the impacts of the stream crossing. Other Commissioners supported the park location, but not the school location in the development. Other Commissioners supported keeping the edge between the development area and the rural areas. It is important that they recognize that they now have the Neighborhood Model and need to look at how they are going to look at schools from this point forward. The Commission acknowledged that they have some important issues on the table.

Question for Planning Commission: Are the proposed allowable non-residential uses appropriate and consistent with the Comprehensive Plan? Staff would like guidance regarding what the Commission considers to be neighborhood scale non-residential uses. Some of the uses proposed in the Biscuit Run development do not appear to be of neighborhood scale.

- The Commission agreed with staff's view that some of the uses proposed in the Biscuit Run development do not appear to be of neighborhood scale, but they can support it with one caveat that restaurants, hotels and motels need to be appropriately scaled to the neighborhood. That caveat would be appropriate to be placed in the Code of Development.

Is the density proposed consistent with the Comprehensive Plan intent? Staff believes the proposed density is consistent with the Comprehensive Plan; however, as is always the case with rezonings, form and timing are as important as density and impacts from density, which must be mitigated.

- The Commission agrees with staff that the proposed density is consistent with the Comprehensive Plan based on their table, but cannot support the ultimate density until they feel comfortable with the infrastructure. The transportation component will be a factor of all of those things.
- The Commission asked that staff be very clear about net density versus gross density and that it be kept consistent throughout the discussions. The definitions should be reviewed and there be an understanding on what is agreed to. The Commission agreed that gross density would be used consistently throughout their discussions.

- Some concern was expressed about recommending that the maximum density be used without having the traffic study information.

Is it appropriate to use the transect districts similar to the Crozet Master Plan for the Biscuit Run project?
Staff would like guidance from the Planning Commission regarding the use of transect districts similar to those used in the Crozet Master Plan. In terms of creating centers as discrete places around which residential units can cluster, the gradations of intensity and density are consistent with organizing principles from the Neighborhood Model. Staff does not view this organizational principle as problematic, but notes that it provides a different distribution of density than represented on the Land Use Plan.

- The Commission agreed that it was appropriate for the applicant to use the transect districts similar to those used in the Crozet Master Plan.

In addition, the Commission agreed that there are many additional topics to further discuss at future work sessions. Since the traffic report will not be available on April 18, the Commission asked that the next topic of discussion be # 7 regarding the environmental issues/site planning that respects terrain and other issues associated with that.

  - Since it is unlikely that this area is going to be master planned in the near future, the Commission suggested that after receipt and discussion of the transportation study that an informal open house informational session be held on a future Saturday from 9:00 a.m. to noon.
  - The Commission requested that Ches Goodall come to the next meeting to provide a forest report on what might be located in this area.
  - The Commission requested that a member of the watershed staff be available for questions regarding the watershed and storm water issues at the next work session.
  - Staff was requested to provide more detail in the weekly action memo in the form of quick summary minutes that cover this work session, which should be shared with the City and Barry Clark, the representative for the Town of Scottsville.
  - Ms. Monteith suggested that the relationship of what is shown as green space on their plan and the natural systems of the site and how those all tie together could be an item for discussion at the next work session.
  - Any other suggested items for discussion that the Commission might have should be emailed to staff.

Ms. Joseph said that the next work session would be held on April 18.

Old Business:

Ms. Joseph asked if there was any old business. There being none, the meeting moved on to the next item.

New Business:

Ms. Joseph asked if there was any new business.

- Mr. Morris pointed out that on Thursday, March 23 from 4:00 p.m. to 7:30 p.m. at the Senior Center there is going to be a presentation and an opportunity to see where the Steering Committee is for the 250 Interchange. He suggested that anyone interested should drop by.

There being no further new business, the meeting proceeded.

Adjournment:

With no further items, the meeting adjourned at 9:18 p.m. to the Tuesday, March 28, 2006 meeting at 6:00 p.m. at the County Office Building, 401 McIntire Road.

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V. Wayne Cilimberg, Secretary

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