Albemarle County Planning Commission
April 11, 2006

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, April 11, 2006, at 6:00 p.m., at the County Office Building Room 241, Second Floor, 401 McIntire Road, Charlottesville, Virginia. Members attending were Eric Strucko, Bill Edgerton, Pete Craddock; Jo Higgins; Jon Cannon and Marcia Joseph, Chairman. Ms. Higgins arrived at 6:05 p.m. Calvin Morris, Vice-Chairman was absent. Julia Monteith, Senior Land Use Planner for the University of Virginia, representative for David J. Neuman, FAIA, Architect for University of Virginia, was absent.

Other officials present were David Benish, Chief of Planning & Community Development; Francis MacCall, Senior Planner; Margaret Maliszewski, Design Planner; Sean Dougherty, Senior Planner; Amy Arnold, Planner; Bill Fritz, Development Review Manager and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

Ms. Joseph called the regular meeting to order at 6:00 p.m. and established a quorum.

Other Matters Not Listed on the Agenda from the Public:

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 – April 5, 2006.

Mr. Benish summarized the actions taken by the Board of Supervisors on April 5, 2006.

Consent Agenda:

WPO-2006-008 Foxcroft Subdivision (Playfield) - Critical slopes waiver request and Open Space Improvement request - Request for approval to construct a play area in common open space, in accordance with Sec. 4.7.2, and of waiver of Sec. 4.2 in order to disturb critical slopes. (Tax Map 76M1, Section 04, Parcel A) (David Pennock)

SUB-2006-020 Haun Division Private Road Request - Authorization for private road for non-residential purpose in the Rural Areas, in accordance with Sec. 14-234. (Tax Map 59, Parcel 37C1) (David Pennock)

Approval of Planning Commission Minutes – January 31, 2006.

Motion: Mr. Craddock moved, Mr. Edgerton seconded, that the consent agenda be approved.

The motion passed by a vote of 5:0. (Commissioners Morris and Higgins were absent.)

Ms. Joseph stated that the consent agenda has been approved.

Deferred Item:

SP-2005-029 PRO Distribution (Sign #9)
PROPOSED: Retail tire sales/service
ZONING CATEGORY/GENERAL USAGE: LI - Light Industrial - industrial, office, and limited commercial uses (no residential use)
SECTION: 18.27.2.2.13 Subordinate retail sales exceeding 15% of floor area of the main use.
COMPREHENSIVE PLAN LAND USE/DENSITY: Crozet Master Plan designates CT1 Development Area preservation of open space, CT3 Urban Edge: single family residential(net 3.5-6.5 units/acre) supporting uses such as religious institutions and schools and other small-scale non-residential uses, and CT4 Urban General: residential (net 4.5 units/acre single family, net 12 units/acre townhouses/apartments, net

18 units/acre mixed use) with supporting uses such as religious institutions and schools and mixed uses including retail/office
ENTRANCE CORRIDOR: Yes
LOCATION: Tax Map 56, Parcel 87, located at 5155 Three Notched Road/Route 240
MAGISTERIAL DISTRICT: White Hall
STAFF: Rebecca Ragsdale
DEFERRED FROM THE FEBRUARY 14, 2006 PLANNING COMMISSION MEETING. APPLICANT REQUESTS DEFERRAL TO MAY 23, 2006.

Ms. Joseph pointed out that the applicant requests deferral to May 23, 2006. She opened the public hearing and invited public comment. There being no one, she closed the public hearing to bring the matter before the Planning Commission.

Ms. Higgins arrived at 6:05 p.m.

Motion: Mr. Edgerton moved, Mr. Cannon seconded, to approve the applicant's request for deferral of SP-2005-029, PRO Distribution to May 23, 2006.

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

Ms. Joseph stated that SP-2005-029, PRO Distribution was deferred to May 23, 2006.

Regular Item:

SDP-2005-144 Earlysville Business Park Major Amendment Buffer Disturbance Waiver: Request for approval to disturb the required buffer between the LI, Light Industrial zoned property of the Business Park and the adjacent parcels zoned RA, Rural Area in accordance with Section 26.10.3 of the Zoning Ordinance. (Tax Map 31, Parcel 21A) (Francis MacCall)

Mr. MacCall summarized the staff report.

- This is a request for a site plan amendment and buffer disturbance waiver. The applicant is proposing to construct a 12,000 square-foot warehouse and 1,200 square-foot office building with associated parking on 26.812 acres zoned LI - Light Industry. At the same time the applicant plans to remove the existing access road and to install a new access road into the development.
- The original application was to basically redevelop the road in the current location. It is within the 30 foot buffer required between the rural area and the industrially zoned properties. Therefore, staff asked that the applicant redesign the road because the current road is within the buffer.
- The applicant then came back with this application showing the current location of the road and moving the actual access to line up with an approved subdivision road that is across the street from Reas Ford Road. The applicant came back with the revised application that showed the road being out of the buffer. Staff was recommending that they replant the buffer to some extent. Thus the conditions that staff has on the application showed that as far as the replanting of the entire buffer. The plans that the Commission has actually do not show that because the submission that they have just has it basically buffering the new development of the warehouse and the office building. Staff's recommended condition requires that the 30 foot buffer be reestablished. To reestablish the buffer they need to disturb it. Therefore, they need the waiver. Actually they are going to disturb a portion of the buffer with the new road as well, which is why the applicant is before the Commission.
- There are also some adjacent property owners concerned with the development. Staff believes that with the access and the establishing the new buffer that it will take care of a lot of those concerns regarding the view of the whole industrial complex and some of the noise generation that happens.
- Staff is recommending approval of the site plan and the buffer disturbance with the conditions. With the Planning Commission's approval of the waiver to disturb the required buffer the site review committee can administratively approve this application
- The major amendment may be signed once the following conditions are met:

1. A double staggered row 15' on center evergreen buffer is established within the required 30' buffer along the shared property line with Tax Map 31 Parcel 21B for the entire length of the new access road and 40' feet beyond the end of that road as shown on the site plan dated March 15, 2006.
2. A double staggered row 15' on center evergreen buffer is established within the required 30' buffer along the shared property line with Tax Map 31 Parcels 19 and 10A.
3. Zoning & Current Development Planner approval.
4. Zoning & Current Development Engineer approval.
5. Virginia Department of Transportation approval.
6. Health Department approval.

Mr. Edgerton asked if the entire buffer was basically running along the property line.

Mr. MacCall stated yes, that it was running along the property line.

Mr. Edgerton asked if the applicant was going to tear out all of that and replant the buffer and if the only disturbed area of the buffer is where it was crossing the creek.

Mr. MacCall stated that was correct.

Mr. Edgerton asked how they got the previous road in.

Mr. MacCall stated that it was part of a site plan that was approved back in the late sixties. It was originally the only access to the parking lot that served that large industrial building.

Mr. Edgerton stated that subsequent to that a buffer was established, but nobody ever paid any attention to it.

Mr. MacCall stated that he was not sure about the regulations back then or what kinds of buffers were necessary. But, the current regulations require the 30 foot buffer between the rural and industrial zoned properties.

Ms. Joseph noted that the amendment was because they were putting in buildings and a parking lot.

Ms. Higgins asked if the landscape plan, on page 13, was the exact plantings that were per staff's conditions.

Mr. MacCall stated no, that they were not. This is what was submitted for the review of this application. Staff decided that they wanted those expanded.

Ms. Higgins stated that when staff wrote the conditions of approval it says the conditions have to be met before you sign it. But, he did not mean that they need to meet the conditions, but that these items must be shown on the site plan. So it means not waived.

Mr. MacCall agreed.

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

Brian Smith, engineer for the applicant, stated that Mr. MacCall did a good job of explaining that they are doing. It is very simple. They are crossing the buffer in one location and coming off of the state road and across some property that is zoned rural. They have a short stretch of new road that is going across that. The other location is a place where there is a gap in the trees across from the new building that is going up. They wanted to plant some trees in there to create a buffer because of that wide gap. Beyond that area are fields. Therefore, they show planting with a staggered row of evergreens to do that. Subsequent to our application, staff has recommended that the entire buffer be planted. He talked with the applicant about that and he is willing to do that. So they are all in agreement.

There being no questions for the applicant, Ms. Joseph noted that there were several persons signed up to speak. She asked the first person, Luis Gutierrez, to come forward.

Luis Gutierrez stated that he was one of the homeowners that were abutted to this buffer zone. He has some concerns in that, of course, that the development is going to increase the amount of traffic and the amount of noise. There is already a little bit of noise generated at night. Some of the truckers leave their trucks on. The lights are also on at nights all the time. So that makes it more difficult to have a peaceful environment. They are for development, but they want to be sure that it is done with care. Another question that he has is who is going to maintain the trees if they plant trees. Also, what happens if those trees die or if the trees don't provide a good screen because, of course, in the winter when the trees lose their leaves obviously they would see much more. If the trees were evergreens they would be better. He noted that he had trouble visualizing what it is going to look like when it is done. Of course, then it will be too late. From what he hears it will be more traffic. Obviously, there are going to be more trucks. The industrial park will open more places where they can park their trucks. The traffic is going to increase significantly with this expansion. With that there will be increased noise pollution and pollution. They want to make sure that their properties maintain their value and it is not going to bring them down. He also questions what will happen in the future. He asked if this was just the beginning of more expansion, which was another of his concerns. He felt that it was a problem because the existing trees had been taken down that screened the building.

Thomas Mancuso stated that he was a property owner adjacent to the buffer that is mostly deciduous trees. The plan shows that the trees stop at the deciduous line of trees. But, that staff recommended that these trees be extended beyond there. He wanted to confirm that.

Mr. MacCall stated that was correct in that was what staff was recommending.

Mr. Mancuso stated that as Dr. Gutierrez said they are concerned that these trees provide the buffer. The applicant has been a good neighbor. He has tried to make sure that these trucks that run at night are turned off, etc. He knew that he would continue to be a good neighbor, but they want to make sure that these trees go all the way up and cover that including the deciduous trees, which are all open in the winter time. That is our concern. It is maintaining and making sure that trees survive and create the cover and the screen that is necessary to make this area behind this industrial park be of a very nice nature and be preserved.

Donnie Foster, property owner, stated that he was going to maintain the property. He bought the property in 1999 and has spent hundreds of thousands of dollars sprucing the premises up. Prior to buying the property there were approximately 800 people working there on a daily basis. There were anywhere from 30 to 40 tractor trailers going in there on a daily basis. Since he has purchased the property there are actually about 60 cars going in and out of there every day because he rents it as a warehouse facility. So he does not have a lot of people going in and out of the property. Crutchfield is his biggest client and they usually get 3 to 4 trailers in there a day. The reason that he is trying to move his office up there is because he does own the property and wanted to keep a closer eye on what is going on. But, he was trying to work with everyone that essentially joins the property. The piece of property that he is developing is inside of the property. He owns all of the RA property around the property. The road is coming in off of the new road between his and the current property owners. He owns 4.3 acres that is in a long stretch between his property and the other properties. So even with the plantings that he is doing and the hardwoods that are there he did not even think in the fall of the year that they could even see the building that he was constructing.

There being no further public comment, Ms. Joseph closed the public hearing to bring the matter before the Commission.

Ms. Higgins stated that looking at the road that is already there that it seems to actually touch the property line. She felt that the adjoining property owners have brought up some good issues. The trees to be planted would be evergreen at 4 to 5 feet in height, which was per the County's buffering regulations. The lighting would be covered under Light Industrial and the Dark Sky full cut off security

lighting, which is specified. Therefore, that should be enforced so that the lights are shielded downward. Before the Certificate of Occupancy is granted for the building the trees must be planted and bonded for a year. The bond is a mechanism to ensure that the trees are planted and maintained. The additional bushes that are lining the actual parking area are also evergreen. That would be a second row of screening. She felt that this site might end up being a little bit better in respect to the entrance road.

Mr. Kamptner asked to add to what Ms. Higgins said about the required landscaping -- that the obligation to maintain and replace dead landscaping continues indefinitely as long as the site plan is in effect even after the bond was no longer in place.

Mr. Edgerton asked how that would be enforced after the bond has been released.

Mr. Kamptner stated that because it is shown on the site plan, it is required to exist and so it would be a zoning violation. Someone could make a call to the zoning staff and make a complaint. A notice of violation would be sent out and zoning compliance could be compelled.

Motion: Mr. Edgerton moved, Mr. Cannon seconded, to approve SUB-2005-144, Earlysville Business Park Amendment Buffer Disturbance Waiver subject to the conditions staff recommended in the report.

The major amendment may be signed once the following conditions are met:

1. The plan shall show a double staggered row 15' on center evergreen buffer to be established within the required 30' buffer along the shared property line with Tax Map 31 Parcel 21B for the entire length of the new access road and 40' feet beyond the end of that road as shown on the site plan dated March 15, 2006.
2. The plan shall show a double staggered row 15' on center evergreen buffer to be established within the required 30' buffer along the shared property line with Tax Map 31 Parcels 19 and 10A.
3. Zoning & Current Development Planner approval.
4. Zoning & Current Development Engineer approval.
5. Virginia Department of Transportation approval.
6. Health Department approval.

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

Ms. Joseph stated that SUB-2005-144, Earlysville Business Park Major Amendment Buffer Disturbance Waiver was approved.

Public Hearing Items:

SP-2005-035 Outdoor Furniture Display (Classic Furniture) (Signs #82, 84)
PROPOSED: Outdoor display of furniture in two approx. 20' x 20' areas of the existing parking lot on the north side of the building.
ZONING CATEGORY/GENERAL USAGE: C1 Commercial/retail sales and service uses and residential uses by special use permit; EC Entrance Corridor/overlay to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access.
SECTION: 30.6.3.2.b Special Use Permit, which allows for outdoor storage/display/sales associated with permitted uses, when visible from an EC street
COMPREHENSIVE PLAN LAND USE/DENSITY: Community Service - community-scale retail, wholesale, business and medical offices, mixed use core communities and/or employment services, and residential (6.01-34 units/acre). LOCATION: Tax Map 61M/Parcel 2; 460 Premier Circle; on the west side of Seminole Trail (Route 29 North) across from Branchlands Blvd.
MAGISTERIAL DISTRICT: Rio.
STAFF: Margaret Maliszewski

Ms. Maliszewski summarized the staff report.

- This is a request for a special use permit to display furniture outdoors at Classic Furniture Store that is located on Premier Circle, which is on the west side of Route 29 North across from Branchlands Blvd.

- Route 29 north is an Entrance Corridor. Also, the outdoor storage and display requires a special use permit when it is proposed in an Entrance Corridor. The focus of this type of review is specifically limited to the potential visual impacts of the proposed display on the Entrance Corridor. This particular display is proposed for two areas that measure approximately 20' X 20' each. They are existing parking spaces in the lot on the north side of the building. Those are the areas shown as the red squares on the right.

- The items proposed for display would be patio furniture, such as outdoor dining chairs, lounge chairs, tables, umbrellas and that sort of thing. The ARB has reviewed the proposal and they had no objection to the request and recommended conditions related primarily to the method of display and to the landscaping on the site.

- There are two points about the landscaping. One, the recommended condition that calls for shrubs along Route 29 did not indicate the recommended size of plantings. The typical required planting is 24" according to the ARB Design Guidelines. Also, the applicant has already started to plant some of the trees that were recommended by the ARB.

- The Site Review Committee has reviewed the proposal and made recommendations for adding some type of delineation to the display area so that the display would not spill out into the parking areas and the travel ways. There is a recommended condition on that point.

- The Police Department was also contacted regarding this proposal. Staff is aware that there had been some problems at the Waffle House, which is adjacent to the site on the north side. Although the police issues are not directly related to the visual impact issues that are the basis for the special use permit, staff felt that it was best to have their comment for informational purposes to pass on to the applicant. The representative from the Police Department did recommend that the lot be secured after hours and that the lot is marked for no trespassing. Staff asked the applicant to work directly with the police on these issues. Staff thinks that has been done.

- There are some neighbors who live in the area directly to the west of the site that are concerned about those problems at the Waffle House. They are also concerned about issues of buffering between the residential area and the commercial area. Staff does not want to diminish the importance of those buffer issues, but just wanted to remind the Commission that the focus of this type of special use permit review is specifically limited to the potential visual impact on Route 29.

- Based on the input from the ARB and the Site Review Committee, staff is recommending approval of this special use permit with the conditions that are listed in the staff report.

Ms. Joseph asked if there were any questions for Ms. Maliszewski.

Mr. Edgerton pointed out that they were using up four parking spaces. He asked if that affects the required number of parking spaces.

Ms. Maliszewski noted that zoning has checked into that and found that the applicant has extra parking spaces. Therefore, they still meet their requirement.

Mr. Craddock asked if the furniture was going to be outside all night. He felt that might be a police concern that might need to be addressed.

Ms. Maliszewski stated that staff did not address that concern, but that the applicant would be able to provide more information on that.

Ms. Joseph asked staff if it was possible to do some research and go back through the archives to find out whatever happened to that buffer.

Ms. Maliszewski stated yes it was possible, but that issue just came up yesterday. She checked the site plan file for when that site was originally approved. The landscape plan there does show a buffer. There is an approximate location of an existing white pines screen in order to replace all dead trees with trees of equal size and type. That is shown on the residential side of Premier Circle. Further in the file it looks like there is a buffer there and she can have someone look into it in more detail and make sure that everything that is supposed to be there is in fact there.

Ms. Joseph noted that would be considered the same thing that they were just talking about as being a violation of the site plan. It will have to be abated. There being no further questions for staff, she opened the public hearing and invited the applicant to come forward and address the Commission.

Arthur Cox stated that he was one of the family members that own the Classic Furniture Store. They now have full occupancy of the building now. Therefore, they have plenty of parking spaces. As to the furniture being left outdoors, they are working on ideas as to what to do with it after hours. They are aware that it is an area that is at times very busy even at night because the Waffle House is the only place open in the area late at night. So there is a lot of traffic in that area between 1:00 and 3:00 a.m. on Wednesday nights. They have chained off the parking lot at night. He felt that they might be better off to secure the furniture in some way outdoors or to try to bring it inside. But, it could be quite a project to bring the furniture inside every night. At this point they are favoring leaving it out all night, but securing the furniture in some way. Staff alluded to some of the trees. There was a recommendation for a planting on the east side of the building and also on the island adjacent to the eastern most parking spaces there, plus there was a tree that had expired that was recommended to be replaced. Those three trees have been replaced according to the recommendations.

There being no questions for the applicant, Ms. Joseph invited public comment.

William West stated that he resides on Commonwealth Circle. The back of his land is on the western side of Premier Circle directly abutting it along with another speaker tonight. He has been a resident there since 1980 and he was going to address that situation. He was in opposition to any variances or special use permits until a comprehensive residential/commercial buffer requirement is set. There is no evidence now that it is. He went down to the County and was shocked yesterday when he found out that the only consideration for this meeting was the visual impact on Route 29. There was no thought given whatsoever to the adjoining residences, the effects or anything else. This relates, in fact, to activities in the past 25 years of Fourth of July firework sales, lights and trash thrown onto our property. They were out there cleaning it up all of the time. Also, he wanted to mention the ammunition that had been fired. He presented a bag of shells of ammunition fire. Last Saturday night this is 13 of 20 rounds that were fired out there on the street and picked up by us on Sunday morning. It is the second or third occurrence of live gun fire. It is one of two dozen documented to the Board of Supervisors of incidents where all policemen in Albemarle County had to be rolled in order to clear out 30 to 60 people and cars along that area that occur after 2:00 a.m. in the morning. Usually it is on Saturday night, but sometimes on Wednesday night. That is how it relates. He requested that the planning staff review the many previous agreements and collect them into one comprehensive requirement that could be incorporated into special use permits for anything in that area. This is 25 years that they have been fighting this. It has been occurring ever since it was a trailer camp. He noted that he had been down to the County many times himself about these issues. Therefore, he wanted to make that specific request. Now the history from 1981 the Planning board agreed that a buffer should be established out there and that it should be a precedent prototype for residential/commercial interfaces up and down 29 primarily because they were the closest to Route 29 throughout this whole thing. He felt that it was implicit on the planning charter not to hold me responsible for going back through and establishing these requirements, but for them to. Obviously, they were very upset for this whole situation. The gun fire has raised our concerns. He pleaded that the Commission take no action whatsoever until a comprehensive barrier was out there. The Planning Board four years ago reviewed portions of it and reviewed the site and agreed that the border that is there that has been specified on site plans is not there and is not effective. The trees are down and the plantings have not been redone. There is not effective barrier, and it should be made part

of this action. That was the original intent 25 years ago.

Lance Chamber stated that he also lived adjacent to this commercial development on Commonwealth Circle. As the property owners indicated, it took him two years to get them to chain off that parking lot. Every Wednesday and Saturday night they have between 40 and 80 cars come into that area from Wolfe's to eat at the Waffle House. It takes between 3 and 6 officers to clear this area out. It usually takes 30 to 40 minutes for them to do so. They did not secure that parking lot for several years. At that time everybody parked in that parking lot and walked across to the Waffle House. He did not know how they were going to be able to secure it with outdoor furniture out there with these people walking up there on the streets at night and shooting at each other, drinking and playing their stereos. If there is furniture out there it is going to provide another area for them to sit down and enjoy themselves. It is going to make the job much more difficult for the police who are already strapped for their resources as it is to control the area. Therefore, he was against putting the furniture outside to facilitate this activity that they have been seeing in the area. Unless they come up with some sort of 10' fence to put around it or some other way to secure it to keep people out of it at 2:00 a.m. in the morning, then he did not see how the Commission could go ahead and approve such a plan.

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

Mr. Craddock stated that the issue before the Commission was the visual impact from 29. He noted that years ago somebody should have been responsible for the buffer between the building and the neighborhood.

Ms. Joseph stated that staff indicated that she had gone back and looked at site plans to see where that buffer was located and what are the notes on the site plan that indicate what is suppose to happen. Staff is going to look into that to see what is out there and whether or not it complied with the site plan requirements.

Ms. Higgins stated that it would not just apply to this property. There are three properties that are inside Premier Circle, which she assumed was a private road. She noted that police enforcement on private roads is also potentially an issue. There may be some way at the Board level that they could seek police intervention on private property, but that has to actually be requested. This is another issue that the adjacent neighbors have brought up.

Mr. Strucko stated that they were talking about a vegetative buffer of trees and shrubs between this commercial development and the residences.

Ms. Maliszewski noted that she was not sure if that satisfied the neighbors.

Ms. Joseph stated that the issue before the Commission was the visual impact from the Entrance Corridor. The other issue that is connected with this is whether or not there is some sort of violation going on with an approved site plan.

Ms. Higgins noted that it was site plans because there was another office building, hotel or three or four other properties.

Ms. Joseph suggested that the Commission focus on the special use permit aspect.

Ms. Higgins stated that on the face of the recommendations of the ARB, which she felt paid particularly attention from the perspective from 29, they are very carefully crafted to add the plantings necessary for the aesthetic concerns of the furniture on display. If the owner of Classic Furniture decides to leave the furniture outside or chain it in place, she felt that the furniture might become used by people going to the site. But, if it was chained off it is really a police enforcement issue. The conditions that they have are really the limit of the Commission's authority.

Mr. Strucko stated that to address the criminal aspect of it, of course, it is quite concerning especially if

there are multiple gun shots occurring at night. But, certain they could not let the criminal activity inhibit somebody from conducting business. Again, it is a police enforcement issue. He did not think that lawn furniture on display was going to do anything about that.

Mr. Cannon asked if this furniture store has been in existence for some time, and Ms. Higgins stated that the use had been in existence since 1987.

Mr. Cannon asked if there was another form of action that concerned citizens might have at their disposal to address what he took as being fundamentally a public safety problem. He was referring to the people gathering together and creating public safety issues such as shooting guns and otherwise disturbing the peace apparently that goes on frequently. He asked if there was a form of petition because he was having a hard time connecting that concern, which he takes very seriously with the matter before them. He asked if there is an avenue of petition that citizens could pursue that would lead to the kinds of relief that they are looking for in some other forum.

Mr. Benish stated that in terms of land use he felt that it was limited at this point in time other than checking the prior actions on the potential rezonings, special use permits or site plans to see whether there has been a violation of the buffers that were intended to be constructed. But, after that he felt that it becomes more of an issue of enforcement of the activities on the site. He was not aware of any conditions on any of these properties that limited the time and activity such that it is a land use issue.

Mr. Kamptner stated that this has been discussed with the Board. It has been brought to the Board's attention and the Police Department on how serious the problem is, but he did not know what the resolution is going to be.

Mr. Edgerton stated that if a buffer has been removed that was mandated by a previous action, that would be a zoning violation.

Mr. Kamptner stated that was correct and would be addressed.

Mr. Edgerton stated that the safety issue was separate.

Mr. Cannon stated that the problem was real, but it was something that the Commission was not equipped with the authority to address. But, it was a real problem.

Ms. Joseph asked Mr. Kamptner if aside from having this aired in public in a setting like this, there is nothing else that the Planning Commission can do to help that situation.

Mr. Kamptner stated no, but just by discussing it, it will show up in the minutes that the Board reads. Particularly since this special use permit will be going on to the Board, they will know about the Commission's concerns about the law enforcement aspect of the Waffle House and the use of the adjoining parking lots and private streets. This may cause there to be a discussion about the law enforcement issue with the Board.

Ms. Joseph agreed with Mr. Strucko that this was not something that she would want to prohibit people who are trying to carry on a business because of what is happening that is beyond their control at that point where they have chained off the parking lots. She pointed out that there was on change to be made to the conditions to indicate the size of the evergreen shrubs of 24".

Motion: Ms. Higgins moved, Mr. Craddock seconded, to approve SP-2005-035, Outdoor Furniture Display (Classic Furniture) subject to the conditions staff recommended in the report, as amended, and with all the concerns brought to the Commission's attention.

Staff recommends approval of this special use permit, subject to the following conditions that reference the "Classic Furniture Outdoor Display" sketch plan dated 2-6-06.

1. Items shall be displayed only in the areas marked for display on the plan entitled "Classic

Furniture Outdoor Display" and dated 2-6-06.

2. Items displayed shall be limited to patio furniture. Beds and mattresses shall not be displayed.
3. Items for display shall not be stacked one atop another.
4. Items for display shall not be elevated anywhere on site.
5. Planters joined by black chain shall be used to delineate the boundaries of the display areas.
6. No new lighting is approved for the display areas.
7. Final approval of the site plan amendment/letter of revision is subject to Design Planner approval of the revised landscape plan (submitted with the amendment). Planting illustrated on the plan shall including the following additions to the site:
    a) One 2½" caliper tree located in the island situated at the interior of the parking row in front of the building.
    b) One 2½" caliper tree located in the island at the east end of the parking row in front of the building.
    c) Evergreen screening shrubs 24" in height along the EC frontage to screen the parking lot from the EC. These shrubs shall replace the existing row of shrubs located closest to the parking spaces and shall consist of a holly that grows to a minimum of 2-3' in height.
    d) Replace the missing tree along the EC frontage with a Kwanzan Cherry at 2½" caliper, and add another flowering Cherry in the planting bed along the EC to visually balance the replacement tree.

(Note: Several neighbors living in the area directly to the west of this site were concerned about the problems at the Waffle House and also about issues of buffering between the residential area and the commercial area.)

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

Ms. Joseph stated that SP-2005-035, Outdoor Furniture Display (Classic Furniture) was approved.

ZMA-2005-010 Wachovia Bank and Shops at Rio Road (Signs #39, 41)
PROPOSAL: Rezone 1.836 acres from CO (Commercial Office) zoning district which allows 15 units per acre to C-1 (Commercial) zoning district which allows 15 units per acre to allow a partial redevelopment of the site and accommodate redevelopment of an adjacent parcel (Tax Map 61, Parcel 122A). No residential uses are proposed with this rezoning.
PROFFERS: Yes.
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Regional Service (regional-scale retail, wholesale, business and/or employment centers, and residential (6.01-34 units/acre) in Neighborhood One.
ENTRANCE CORRIDOR: Yes.
LOCATION: 1625 Seminole Trail (Wachovia Bank), near the southeastern corner of U.S. Rt. 29 and Rio Road.
TAX MAP/PARCEL: Tax Map 61, Parcel 122.
MAGISTERIAL DISTRICT: Rio.
STAFF: Sean Dougherty

Mr. Dougherty summarized the staff report.

- This is ZMA-2005-10, Wachovia Bank and Shops at Rio Road. The applicant is requesting a rezoning of 1.836 acres (the Wachovia Bank property) from CO to C-1 to allow for redevelopment of an adjacent property (zoned C-1) at the corner of Rio Road and Route 29. Specifically, the applicant would like to replace the Rio Road Superette and Heritage Memorials of Charlottesville with a new restaurant of 4,300 square foot restaurant and 11,000 square feet of retail. A rezoning of the bank property would be followed by a boundary line adjustment and the purchase of about one acre of land from the bank to support the developer's plans for the adjacent property (Rio Road Superette and Heritage Memorials). No proffers accompany this request.

- The property at the corner of Rio Road and Route 29 has been developed with the Rio Road Superette and Heritage Memorials for several decades. The applicant would like to redevelop the

site with retail and restaurant uses by using a portion of the bank's property. This would include shared and coordinated parking for the bank property and the redevelopment of the corner property.

- Given the visibility of this site along two designated Entrance Corridors, the applicant took initial redevelopment concepts for the bank property and corner property before the Architectural Review Board on August 25, 2005. The ARB expressed concern regarding the initial concepts and offered the applicant direction so that an appropriate design solution for this prominent site could be composed. The ARB reviewed the applicant's current proposal on February 6, 2006 and unanimously approved the applicant's revised plan.

- The request is found to be consistent with the Land Use Plan and with the Neighborhood Model in general. The plan reflects the ARB's feedback and comments.

- Factors favorable to this request
    - The placement of the building beside the Entrance Corridor conforms to the Neighborhood Model.
    - The plan effectively relegates parking.
    - The pedestrian connection to Fashion Square supports the Neighborhood Model.
    - The proposed storm water management concepts for the site will provide better than currently exists on the property and in excess of what the storm water ordinance requires.

- Factors unfavorable to this request
    The applicant has not made a commitment to the key features illustrated on the rezoning plan.

- Staff recommends approval if a commitment to the proposed rezoning plan is made

Mr. Edgerton stated that staff lists the favorable conditions and they have these nice renderings showing relegated parking and all of this good design. Staff celebrates the good design, but then says that the applicant is not willing to commit to that good design. Therefore, he was trying to figure out what it is that they are being asked to review if they were not being asked to review the design. With no commitment the designs are nothing.

Mr. Dougherty stated that they could basically dilute it down to the point where you are saying whether this site could be developed or not. That is pretty much what the Commission would be saying without a commitment to the drawings. The applicant would like to discuss his concern with the proffer in the plan or proffering the features of the plan. He felt that the applicant was more receptive to proffering key features, but he is concerned that proffering the plan itself will make it less easy to redevelopment in the future or further develop the site. That is his concern with proffering the plan.

Ms. Higgins stated that there was a mention of an acre being purchased. She asked if that was part of this property.

Mr. Dougherty stated that it is. He explained that the 1.8 acres was the bank's property now. The property line of the two parcels is here. With the rezoning of this parcel to C-1 the applicant would eventually purchase this property from the bank with the new C-1 zoning and use this combined parcel to redevelop this site.

Ms. Higgins noted that the property was not owned by the applicant.

Mr. Dougherty stated that was correct. The property is owned by Wachovia and the request is being made by the developer of this portion.

Ms. Joseph asked staff to go through the list of uses on page 5. She had a discussion with staff on whether they could require these things if this came in as a by right site plan. Apparently the only thing on this list that Mr. Dougherty finds favorable to this request was the location and number of vehicular entrances that are the only things that could be determined at site plan stage.

Mr. Edgerton stated that without a commitment or proffering to this plan.

Ms. Joseph replied that was correct. She asked if there were any other questions for Mr. Dougherty. There being no further questions for staff, Ms. Joseph opened the public hearing and invited the applicant to address the Commission.

Steve Messing, representative of Unicorp National Development, stated that he was a partner in this project. They are in contract to buy the left hand portion of the Wachovia parcel. Also, they are in contract to buy the Joseph parcel, which is the gas station on the corner. So at the end of the time if they can get the approvals and the permits, then they will close and then own the two parcels that are on the left hand side. As far as the commitment, he was still a little confused. They will go through the ARB and site plan approval processes. What he needed to get feedback on is if he withdraws that processing that he could still by right build off street and unrelegated parking with no pedestrian access. He asked if that was what he had just heard. He stated that he did not understand the situation. It seems that there is an ARB process of the overlay district, the site plan approval process that would basically require them to build up to the street as they want to and as they are showing here as part of the ARB approvals and everything else. He asked if they would help him understand this a little bit more.

Mr. Dougherty asked that they talk about what the concern would be. The concern would be that you get the rezoning and some of your investments possibly get washed away and you are not able to develop this right away. Then you come back with the C-1 zoning, but want to change the plan to possibly put something more conventional here. What they have is a commitment to a lot of the things that has taken a while to work out through the site, and if they don't get a commitment to that and for some reason you don't develop this next week that there is not an assurance here that we won't get a ten year form of development.

Ms. Higgins stated that if they rezone this C-1 without a concept plan proffered, then all of these uses that are listed under C-1 become a possibility. If the applicant wants the Commission to consider a C-1 designation, they need the zoning ordinance and all of the C-1 uses because none of the uses have been proffered out. By the layout of the buildings they know what the applicant can put there. But, if the applicant wants blanket C-1 zoning she would say that it would be difficult for them to approve it. If they were proffering a concept plan, it would affect their discussion.

Mr. Messing stated that he understood that a little more and was okay with proffering that plan itself. But, on the uses he would like to clarify one thing. They are asking for up to 4,300 square feet for restaurant space. They do not have the tenants yet nor do they have the leases. So they are still working through that process. It could be 0 or 4,300, but he wanted to clarify that use of it.

Ms. Higgins stated that if he had C-1 under this plan, then what he fits into the building was a C-1 issue. It could be flexible uses, which was her understanding. But, if he does not proffer the plan, then he could come back and want something different in any other use that they could think of, which was potential issues. She asked if he wanted to proffer the plan or not. If so, he would have to submit a proffer form.

Mr. Benish stated that there is standard language for the proffer that provides for some latitude. He felt that the applicant would want to look at that language. It locks in certain levels of commitment, but it also allows for certain discretion at a ministerial level on some aspects of the plan. So he felt that they would need to see that language to be comfortable with how the proffers are formatted. He felt that was an appropriate next step if he was agreeable to proffer the plan.

Ms. Higgins asked if the Commission could consider that the applicant told us that the concept plan would be proffered and act in their discussion that way. Or, do they need to wait until the applicant actually does it.

Ms. Kamptner stated that historically the Commission has occasionally acted without having something right in front of you if the applicant made a commitment. Just looking at the schedule, thought, he could tell them that the May 3 Board date would have to kick over to probably the June day meeting. Staff would have had to have the proffers already in hand in order to meet the May 3 date.

Mr. Benish stated that staff has to have the proffers a minimum of one month in advance.

Ms. Higgins stated that he was referring to the Board, but that the Commission could still take action.

Mr. Benish stated that if the Commission was comfortable acting with the assumption that the proffers were going to be developed to their satisfaction they would do that. But, they are going to lose some time.

Ms. Joseph asked if the applicant had anything more that he would like to say to the Commission.

Mr. Messing stated that they would appreciate the opportunity to go ahead and proceed with the understanding that they would proffer the property and go to the Board at the next level. They have spent a lot of time with the ARB meetings with the travel time. He felt that it would be nice if that could be done.

Ms. Joseph asked if there was any one else who would like to speak to this item. There being no further public comment, the public hearing was closed and the matter before the Commission.

Ms. Higgins stated that it appears that if the plan was treated as a concept plan and was proffered, it would have favorable comments across the board. After driving by the site, she felt that this would be a more attractive site and would actually tie in more with what the future of that corner area as has been envisioned in Places 29. It seems to be more compatible looking at the rezoning than what they have now if the Places 29 Neighborhood is adopted. So for that reason she was supportive for the general C-1 classification as long as this was proffered. If not, she would suggest that they look at the list of uses and blanket rezoning is not something that they have done in a long time. Therefore, that was her thoughts on it.

Mr. Cannon stated that he did not have any questions about the merit of the proposal. But, his question was on this process whereby they approve something that does not yet exist in specific terms. There is a plan, but the proffer would still stand to be negotiated. So they do not have a proffer in terms to build on. He asked if they are comfortable that there are sufficient restraint on discretion and the negotiating process that what they approve is actually a thing that is capable of being approved.

Mr. Kamptner stated that it has been about three years since this Commission recommended for approval a rezoning where the Commission did not have the proffers right in front of them or at least a draft. His understanding is what the applicant is willing to proffer is the site layout. So that proffer would really not be much more than the applicant proffering that the development of this site would be in general accord with this site layout. It would allow some flexibility to move things around, but the plan would have to be in general accord. This is not a site plan so the project does not have to be developed exactly like this. If the Commission chose to do so, it would be recommending approval of this rezoning subject to the applicants submitting a proffer in an acceptable form assuring that the development of the site will be in general accord with this site layout for Wachovia Bank Shops at Rio Road.

Mr. Strucko asked if it would include relegated parking and pedestrian access.

Mr. Benish stated yes, that the main features would get locked in. If those changes are not deemed according to the plan, then it would have to come back to the Commission. He cautioned the Commission that they don't know whether the applicant wants to attach other proffers beyond what that proffer is. It sounds like the Commission would be comfortable with staff's recommendations if the plan was proffered as was mentioned. There is a potential that the applicant will ask for additional proffers that might set further limitations or control the proposed plan. He was no suggesting that they are, but that is the one shortcoming that they have if the Commission is not reviewing those proffers. But, that is something that can be dealt with at the Board level.

Mr. Kamptner noted that if the Board thinks that whatever is proffered is significant for the Commission to examine, they can refer it back. Proffers are imposing additional restrictions for requirements on the development of the site. So whatever you see or recommend for approval today with whatever conditions you are imposing, the Board will be seeing something that is more restrictive and subject to more requirements.

Mr. Cannon stated that it has the feeling of signing a blank check and he wanted to make sure that there were some restraints in what goes in the check ultimately.

Ms. Joseph pointed out that had happened to the Commission with the affordable housing proffers in the past.

Mr. Benish stated that if the Commission is comfortable with the plan before them, then their expectations are that plan will be proffered. Anything beyond that is going to be different than what they have seen.

Mr. Cannon stated that if that could be the understanding with this going forward, then he was comfortable with it.

Mr. Benish noted that ideally the Commission would have the proffers in hand to review before the request is forwarded to the Board of Supervisors. He felt that the Commission's expectation was clear that they wanted the plan as proposed proffered.

Ms. Joseph asked how much time would be lost if they delayed their decision.

Mr. Benish pointed out that they would lose at least a month in the review schedule with a deferral. But, he would have to check the Commission's calendar to give a specific answer.

Mr. Craddock felt that there were enough safe guards to what is being proffered that if it was different that it would have to come back to the Commission. Therefore, he felt better about going ahead with this.

Motion: Mr. Cannon moved, Mr. Strucko seconded, to approve ZMA-2005-010, Wachovia Bank and Shops at Rio Road on the condition that the applicant submits the site layout plan contained in the materials as a proffer and that no additional conditions not reflected in the June 27 site layout plan be approved in that proffer.

Mr. Kamptner asked if the Commissioner's recommendation is that there is the one proffer, but no other proffers.

Mr. Cannon stated that the issue was raised whether there might be additional conditions not reviewed here and not in the plan that would come forward as part of the proffer. Not having reviewed those conditions he did not feel comfortable approving an arrangement whereby those additional elements could come forward and be sent forward as part of a recommendation to the Board.

Mr. Edgerton stated that he was saying that he was not comfortable agreeing with anything else that comes into play.

Mr. Kamptner asked if that would prevent if the applicant wanted to add an additional proffer to proffer out service stations or funeral homes.

Mr. Canon clarified that it needs to change the terms on which the plan is offered.

Mr. Kamptner stated that he wanted to make certain that everyone understands what the Commission meant by the motion, understanding that proffers are imposing additional restrictions or requirements; if they were recommending approval with this one proffer at the site plan. Any other proffers would be imposing additional requirements. So just in case the applicant or staff comes up with an idea that they wanted to proffer out a certain use or something, that they can do that without losing the Commission's recommendation.

Mr. Cannon stated that his concern was that the proffer would be forwarded in a form different from the plan included here.

Mr. Benish pointed out that he just wanted to make sure that the proffer reflects the plans before the Commission. He felt that if it was listed as the affirmative without the negative statement in it, then it would be clear. His only concern would be that they would proffer the plan, except that they would have the latitude to say not provide sidewalks as shown on the plan and that would not be consistent with the picture there.

Ms. Higgins suggested that they call it the June 27 site layout and reference it so that it is real clear.

Mr. Benish stated that any proffer that staff feels is necessary to implement that plan would be appropriate to the Commission.

Ms. Higgins stated that she was okay with it under those stipulations.

Mr. Cannon asked if the motion needs to be rephrased or is the motion impact as elaborated and interpreted.

Mr. Kamptner noted that staff understands the Commission's intent.

Mr. Joseph felt that it was appropriate for this particular use on this site based on the way Mr. Dougherty wrote the staff report telling us what this particular zoning district was intended for,

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

Ms. Joseph stated that ZMA-2005-010, Wachovia Bank and Shops at Rio Road was approved. She asked if the request would still be heard on May 10 by the Board of Supervisors.

Mr. Benish stated that because of the Board policy that staff have the proffers at least in advance and agreed to that they were probably going to lose that May date. But, it was up to the Clerk of the Board. He felt that they should be able to meet that June date provided that staff has that information a month in advance.

SP-2005-034 Camp Watermarks (Signs #90, 96)
PROPOSED: Nature / agriculture camp, four weeks per year for local / urban children.
ZONING CATEGORY/GENERAL USAGE: RA -- Rural Areas: agricultural, forestal, and fishery uses; residential density (0.5 unit/acre). SECTION: 31.2.4.1; 10.2.2.20; 5.1.05.
COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (0.5 unit/ acre).
LOCATION: 1145 James River Drive, west of Route 726 and Hatton Ferry Road; TM 136, Parcels 6B, 9D, 9D1, 9E. MAGISTERIAL DISTRICT: Scottsville.
STAFF: Amy Arnold

Ms. Arnold summarized the staff report.

- The applicant has requested a special use permit to allow for the establishment of a camp for girls and boys from ages 8 to 18 in an agricultural setting. The applicant proposes to hold a maximum of 4 overnight sessions per year at the camp with the maximum enrollment of 36 to 45 children for each session. Four week sessions would consist of one week during spring planting, two weeks during the summer growing season and a fourth week during the fall harvest. Camp activities and accommodations are proposed in several areas of the site including 9 cabinets, a recreation hall/dining facility, basketball and skateboarding areas, a fishing lake, a fire pit and near by animal paddock.

- The applicants have indicated that one of their primary goals is to provide nature and agricultural experiences for children who normally have limited exposure to outdoor and agricultural environments.

- The applicants operated the camp for a week during the summer of 2005 utilizing the buildings that were approved only for agricultural use. Electricity had been installed in the cabins without permits. The shower room had been in use during the camp session without building, electrical or plumbing permits. In addition, the shower room had been operating without Health Department approval of the septic system. The violations were abated on September 16, 2005 when the camp showers were disconnected and the

applicant agreed to preclude camp activities until approval of the appropriate permits.

- Staff has identified the following factors favorable to this application:
  1. Farming will continue as the primary activity on these parcels; the camp is a secondary use.
  2. The applicant's proposal for traffic management on James River Road is sensitive to potential impacts on the neighborhood.
  3. The camp environment is well integrated into the surrounding landscape.
  4. The camp has the potential to heighten awareness and understanding of agricultural processes and natural resources.

- Staff has identified the following factors unfavorable to this application:
  1. Increased traffic on James River Road.
  2. Increase in overall activity levels on and around the site.

- Based on the findings contained in this staff report, particularly as to the projects support of Rural Area objectives, staff recommends approval of SP 2005-34, subject to the conditions listed in the staff report.

Staff pointed out that seven letters of support for the Critzer's proposal had been received and included in the staff report. Also, there were seven additional letters and emails of support for the proposal from neighbors and adjacent property owners that were distributed this evening.

Ms. Joseph asked if there were any questions for staff.

Mr. Edgerton asked staff to point out which parcels belong to the applicant on the drawing on page 8.

Ms. Arnold stated that the parcel that belongs to the camp is 136-6B. The entrance to the camp is located on the adjacent parcel. That was a topic of discussion during the review process. There is a plat attached to the staff report that shows the different parcels. Since then the applicant has had a licensed surveyor go out and confirm that is the case. So the parcels are 136-6B, 136-9D, 136-9D1 and 136-9E. The reason that 136-9E is involved as seen in the combination drawing because of the approximate location of the gravel overflow parking actually spills over a little into 136-9. There are four parcels total that are impacted by the camp itself. The applicants actually own more property around that.

Mr. Edgerton asked if the applicant is trying to get approval for what they had already been doing, and Ms. Arnold stated that was correct.

Ms. Higgins asked if engineering had reviewed the double parking area of 50' X 100'. The assumption here sounds like it is a bus strip. She asked what if 45 parents and 10 staff members are delivering children on a Sunday. She asked if someone has looked at it for adequacy.

Ms. Arnold stated that yes, in fact, that parking lot was identified in that area and established in conversation with zoning based on their requirements and approved by them. She understood that parents do not drop off or pick up their children.

Ms. Higgins asked that condition to be made clear in case of a change in the owners and the activities ongoing. On the whole list there is nothing about the entrance or anything being verified. Normally for something like this there has to be an entrance that VDOT has looked at and to make sure if there are buses and entrances that has been confirmed by engineering.

Ms. Arnold stated that the staff report indicates that County engineering and VDOT have both been out and looked and approved not only the entrance, but the drive into the camp for surface, width, radius and site.

Mr. Craddock asked if it was approved for both cars and buses.

Ms. Higgins stated that they did not make it as a condition of approval.

Ms. Arnold stated that it did not need to be because it already exists. VDOT and engineering already approved it.

Ms. Higgins stated that usually they have the letter from VDOT in the staff report or they have it as a condition. She felt that just putting in the verbiage was important in case something changes so that they always have to maintain an entrance that meets approval and is not modified in any way. She did not want to go into what could happen, but usually it is one or the other.

Mr. Craddock asked what condition 11 means that a zoning compliance clearance is required once a year. He asked if they have to come back to the Commission to run their camp every year. He asked if it means that the Health Department, etc. comes and makes sure that everything is set up for the year.

Ms. Arnold stated that was correct.

Mr. Kamptner stated that the applicant does not have to come back to the Commission. It is done administratively. Usually it is just to make sure that the sanitary issues are worked out each year.

Ms. Higgins asked if during the year these buildings are used to store corn in, then someone would go in and make sure that the roof is still okay and whatever things that they require.

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

Travis and Amie Critzer were present to represent the request. Mr. Critzer stated that they were proposing just to use this property four times a year, which is a running farm. It will continue to be an operating farm. They want to share some of the things that they grew up with and live with on a daily basis with some of these children. They want the children to get some things out of this such as exposure to fresh air, fishing, and that kind of stuff. This will be a Christian based agricultural style camp.

Ms. Higgins asked where the road goes that is shown on 136-9E.

Mr. Critzer stated that the road goes all the way through their property.

Mr. Edgerton asked what they would have the children do.

Mr. Critzer stated that the children would be a part of everyday farm life. They will get to learn that milk does not come from a bottle. That beef does not come from a store. They will get to understand about hay growth and that cows eat it. They will be able to learn and express themselves in a Christian manner and learn things that they can't do in school, but can do here.

Ms. Higgins asked if the applicant had any problem with wording a condition to ensure that 45 parents would not be coming on Sunday to pick up or drop off children. She asked that it be clarified that the buses would be the primary means of transportation for the children.

Mr. Critzer stated that they do have two pick up and drop off places for the children when they do this. One is Effort Baptist Church in Palmyra and the other is Scottsville Shopping Center in Scottsville. They will meet the children at these locations and bus them to the camp.

Ms. Higgins stated that if they mention in here that the primary means of transportation would be buses. This would ensure that if someone else took over the business and it changed, then the roads and other things would have to be looked at. She asked if he would be okay with that.

Mr. Critzer stated that he would agree with that. One of their biggest concerns in their area is that more and more people are cutting up their land. The idea of this is that they want to hold onto their land. They

own a little over 200 acres and want to keep it as a farm. They don't want to develop or split up their land. This is a way that they can share what they are doing with our community and surrounding community.

There being no further questions for the applicant, Ms. Joseph invited further public comment.

Peter Way, long time resident of the Scottsville area, stated that he was present in support of this project. The vision and the dedication of the Critzers have given inspiration to all of us in southern Albemarle County. This project has the tremendous support of everyone there. There is not a negative comment from anyone in the area because this is a good thing. They hope that the Commission will approve it.

Scott Morill stated that he had been a neighbor and had known Mr. Critzer since 1979. He has been a good neighbor and has never created any problems. He felt that anybody who is willing to spent their money and give their time to help children today become better citizens for tomorrow deserves a lot of credit. Therefore, he was definitely for this project.

Kris Clifford stated that he was a Youth Minister at the church that Mr. and Mrs. Critzer attend. In any weekly basis he gets to work with 50 to 75 to 100 young people. So he was constantly working with young people and he gets to see the lives of that they live and what they go through. He knows from experience that children need a place to get away from the nightmares of their lives. Everyone can watch the news today and realize that young people have hard lives. He believed that opening a place like this is just another way that people are rising up in our society to make a different for the leaders of tomorrow. If they are willing to do things like this, then he would support them for creating a place like this for children to be changed.

Reverend June Clifford, Associate Pastor of Effort Church in Fluvanna County, stated that she was an adolescent nurse manager for a pre-adolescent program at Charter Hospital for over 11 years. So my involvement with young people and children has been long standing. It is just a privilege to be a part of a pastor in a relationship with Mr. and Mrs. Critzer. She has been involved as she is a teaching pastor and discipleship minister as well in equipping, training and raising them up as youth leaders in our church. She is a risk manager and a person who is involved in the mentor of children and adults. This couple has impacted the youth in our community for years. Extending that to children in other communities is beyond belief the opportunity to do that. So again, she would like to express their wholehearted devotion and their willingness to do the training and conferences and their leadership is worthy. Therefore, this is a great opportunity.

Kevin Fletcher stated that he lived in the Scottsville area. He supports Camp Watermarks. He felt that it fits into the Comprehensive Plan for the rural areas. As their growth areas become more populated he felt that it was important that it provides a way for the youth to get out and become more familiar with our rural areas. He hoped that help provide support for the County's efforts to preserve our rural areas.

Ken Leap stated that his family has lived here for approximately 35 years. It is really not much that he can add to what everybody else has said about Mr. and Mrs. Critzer. He has seen the camp and felt that they were very fortunate to have someone step forward to do such a thing. He hoped that the Commission would support the request.

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

Mr. Craddock stated that several weeks ago he had visited this camp with Reverend Way and a young man that this home made a big difference for in his life. He thought that what the Critzers are doing in Scottsville will make a lot of difference in a lot of young people's lives and try to put them on the right pathway to a good living. All of the letters the Commission received today were in support of the request. One letter was from Barry Clark, who is the Town Administrator of Scottsville, and he basically put down in writing everything that he was thinking of about a safe place for children to go. It is a good place to have down in southern Albemarle. Therefore, he was very much in favor of this project.

Ms. Higgins asked for two amendments to the conditions to say that buses are the primary means of transportation for children and then the maximum number of trips. Then another condition should be added that says compliance with VDOT requirements for the entrance is verified prior to clearance for the commencement of the special use permit. This would be for the record for the safety issue.

Ms. Joseph asked that the condition state buses or vans.

Ms. Higgins asked that the condition state buses or van trips.

Motion: Mr. Craddock moved, Ms. Higgins seconded, to approve SP-2005-034, Camp Watermarks subject to the conditions staff recommended in the report as amended.

1. Special Use Permit 2005-34 shall remain in general accord with the concept application plan dated February 22, 2006, prepared by Angela and Travis Critzer, and titled "Watermarks Christian Ministries Camp" (Attachment A. drawing 1.) However, the Zoning Administrator may approve revisions to the concept application plan to allow compliance with the Zoning Ordinance.
2. Compliance with the Virginia Statewide Fire Prevention Code shall be verified by the Fire Marshall prior to clearance and the commencement of the Special Use Permit.
3. Compliance with the Virginia State Department of Health regarding minimum septic requirements shall be required prior to the commencement of the Special Use Permit.
4. Compliance with the Virginia State Department of Health regarding kitchen and food service approvals shall be verified by the Health Department prior to clearance and the commencement of the Special Use Permit.
5. Total number of staff (in addition to the applicant and their family) on site at one time shall be limited to 10.
6. Camp sessions shall be limited to a maximum of four, each one week long, overnight sessions per year.
7. The maximum number of children per session shall be limited to 45 (forty five).
8. The maximum number of bus or van trips (round trips) to and from the camp, each session shall be six (6). Bus or van trips shall be the primary means of transportation for the children.
9. Outdoor amplified sounds or bull horns shall be prohibited.
10. Compliance with VDOT requirements for the entrance shall be verified prior to the clearance for the commencement of the special use permit.

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

Ms. Joseph stated that SP-2005-034, Camp Watermarks would go to the Board of Supervisors on May 3 with a recommendation for approval.

SP-2006-003 American Cancer Society, Pink Ribbon Polo (Signs #42, 47)
PROPOSED: Annual polo match, benefits American Cancer Society
ZONING CATEGORY/GENERAL USAGE: RA -- Rural Areas: agricultural, forestal, and fishery uses; residential density (0.5 unit/acre)
SECTION: Section 31.2.4, 10.2.2.42, 5.1.27
COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (0.5 unit/ acre)
LOCATION: King Family Winery, 6640 Roseland Farm, Crozet; TM 55 Parcels 80, 81
MAGISTERIAL DISTRICT: Whitehall
STAFF: Amy Arnold

Ms. Joseph stated that due to advertising errors the Commission will not vote tonight on this request. The Commission will vote on this request on April 25. Tonight they will open the public hearing and discuss the request only. The reason for the readvertising the request was that they went from a one time event to an annual event.

Ms. Arnold summarized the staff report.

- The applicant proposes to hold a annual not for profit polo event to benefit the American Cancer Society breast cancer research. An event was held for the first time last summer on June 12, 2005 with administrative approval from the zoning department. The applicant estimates that the attendance at that event totaled about 764 people in 345 cars. The applicant is projecting that this year's attendance at 1,120 people with 450 cars to accommodate on this site.

- Staff has identified the following factors favorable to this application:

1. The primary use of the property remains a farm winery that has been placed under permanent conservation easement.
2. The proposed event is a model of integrating the purpose of the rural areas ordinance within an event that directly benefits the community as a whole.
3. A temporary equestrian event held on a farm winery directly supports local agricultural activities.

- Staff has identified the following factors unfavorable to this application:

1. With a projected attendance of over 1,000 people for the event, traffic volumes for a short period of time may be heavy in the surrounding areas.

- The applicant has expressed the interest in making the polo match an annual fundraising option for the American Cancer Society, rather than a one time event. The County Engineer has no objection to the event being held annually. The Zoning Division has indicated no objection to the proposal as an annual event and added that approving the event as an annual fundraiser would benefit the Division by eliminating yearly review of a Special Use Permit.

- Staff supports the not- Staff has reviewed this request for compliance with the provisions of Sections 31.2.4 and 10.2.2.42 of the Zoning Ordinance and recommends approval, based on consistency with the Comprehensive Plan, subject to conditions of approval.

Ms. Joseph asked if there were any questions for Ms. Arnold.

Ms. Higgins asked if any adjacent property owners had responded to the notice.

Ms. Arnold replied no, and that the applicant did not receive any complaints about the event last year. Staff is in discussion with the County Police Department and they are researching who the officer was last year so that they can determine what intersections that they recommend that we cover. The applicant has suggested that they do that. Staff is checking with them to see if there were any complaints. But, staff has not heard back from them yet.

Ms. Joseph asked if there was something in the current ordinance that would cover the decimal levels.

Mr. Kamptner stated that it would be subject to the zoning noise ordinance and also to the other noise ordinance. One is based on the decimal levels and the other is based on nuisance impacts.

Mr. Benish stated that in the residential and rural areas it is around 60 decimals during the day and 55 at night.

Ms. Higgins pointed out that she was at the event last year and the only problem was that you could not hear anything and nobody knew what was going on. Therefore, the sound was not an issue.

Mr. Kamptner stated that it appears that this annual event would not fall under any of the exemptions.

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

David King, applicant, stated that he owned a farm and this large group of 35 to 40 ladies came to him last year requesting to hold this event because they could not get the golf course across the road. They knew that we use the same contractor to do the field on his farm as the golf course. They asked if the field would be ready in time to hold a fund raiser. They were just barely finished in time and there was enough grass to play. The group did quite well apparently on the money and was happy enough that now

they want to try again. Last year when he first came to the County to see if they needed a special use permit it was suggested that they file an administrative approval, which they were quite happy to have at the time with the idea that if they came back and wanted to do the event on an annual basis that they would do that. When he reapplied this year it did not occur to him that he was seeking a one time event. The organizing committee has requested that they would like to have Father's Day for the next five years to do this. Therefore, so they don't have to go through this ever year he suggested a couple days ago that they make an annual request rather than a one time event for that reason. He noted that there have not been any complaints from his neighbors. They have had a lot of nice comments about this. He has had other groups that have suggested that they would like to do this same thing in the fall and he may be coming back again for a fall event. They are really motivated to do this. One of their local players, Wendy Cursnick, about six months ago was diagnosed with breast cancer. She was actually supposed to play last year. All of us in the local polo group are highly motivated to do this not only on her behalf, but because it is a good thing to do. He hoped that the Commission would grant this request for an annual event.

Ms. Joseph asked if there were any questions for the applicant.

Mr. Cannon asked if used the field for polo groups apart from this.

Mr. King stated that he did. They have a local club with about 18 members. They play normally every Sunday. It is basically his friends that play on the field on Sundays. They do that because they only have two fields in Charlottesville. One is at the University of Virginia. That field with the amount of use that is put on it gets a little chopped up. So when he put this field in they decided as a local group that if they could they would split the amount of play. So it makes some sense for that reason to do it. Normally, in the absence of something like this they would have 20 to 30 cars that would drive in. They don't charge admission because this is not a commercial activity. It is mainly for horse people. It is not intended to be run as a polo club. Although he is required by the USPA, United States Polo Association, to have a club on file with the USDA in order to take the benefit of insurance and that type of thing. He did not intend to make this a commercial venture because it would never be a money making thing. He understood that this particular event made $70,000 last year for breast cancer. This year he understood that they have 22 company sponsors that have already donated about $65,000 for the overhead to put the event on. Sprint and Ferguson were the two lead sponsors, but the list is pretty long. This event has been well received by the business community and they are obvious supporting it. He was happy to have it as long as the ladies are willing to put it all together. One other thing on the traffic issue, the field itself is probably 1,500 feet into the farm. Last year on stacking, for example, they did not have anyone on One-half Mile Branch Road. There has been some suggestion by VDOT that an officer is located at both ends of One-half Mile Branch, but he honestly did not see the necessity for that. Even at the end of the game the people trickle out. The entrance to the road is located on a crest and site distance is good in both directions. He had already contacted the Police Department and planned to have an officer located at the entrance.

Ms. Joseph stated that the Commission was not going to take any action on this tonight. Therefore, maybe some of those issues can be worked out and be a little clearer on April 25.

Ms. Joseph invited public comment. There being none, the public hearing was closed. She noted that the matter will come back before the Commission on April 25. No formal action was taken and the Commission will vote on this matter on April 25.

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.

Ms. Higgins asked to make one statement about something that they had tonight, which was the summer camp for the children. She felt that their consideration of the farm worker had something to do with that. She felt that it made it very clear that having it done by special use permit gets the property owners notified and that sort of thing. She really has a lot of concerns based on her research with the farm worker issue. Therefore, she will not be able to support it without a limitation for the special use permit. Any kind housing in the pictures presented is the kind of housing that could end up for farm workers. Without public notification she would not want it happening next to her property. It is just a general statement that this application emulates what that could be.

Ms. Joseph pointed out that the Commission will have that discussion next week. She pointed out that at a City Planning Commission meeting she attended they gave a tiny two sentence report on whatever committee they were on once a month. She suggested that this Commission do something similar.

Mr. Edgerton felt it was a great idea.

Mr. Craddock pointed out that he was absent at the last two Mountaintop Meetings, but that Mr. Cannon had attended in his absent. He had received very favorable reports from all there as well as the Daily Progress.

Mr. Cannon pointed out that they actually reached consensus, but there is a piece net that still has to be crafted. But, the basic outlines were agreed to by a consensus of everybody in the meeting. He pointed out that it might come apart, but he felt that it was basically done.

Mr. Benish pointed out that the staff reports for next week will be delivered due to the copy machines being down.

Ms. Higgins suggested that the ARB report and the use list for the C-1 zone should be attached to the Wachovia Bank staff report when the matter goes to the Board.

There being no further new business, the meeting proceeded.

Adjournment:

With no further items, the meeting adjourned at 8:04 p.m. to the April 18, 2006 meeting.

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V. Wayne Cilimberg, Secretary

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