Albemarle County Planning Commission
July 18, 2006

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, July 18, 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, Jon Cannon and Marcia Joseph, Chairman. Julia Monteith, Senior Land Use Planner for the University of Virginia, representative for David J. Neuman, FAIA, Architect of University of Virginia was absent.

Other officials present were David Benish, Chief of Planning; Elaine Echols, Principal Planner; Joan McDowell, Principal Planner; Claudette Grant, Senior Planner; Sean Dougherty, Senior Planner; Amy Arnold, Planner 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 – July 12, 2006.

Mr. Benish summarized the actions taken by the Board of Supervisors on July 12, 2006.

Consent Agenda:

a. **Approval of Planning Commission Minutes** – May 30, 2006.

b. **ZMA 2004-002 Cascadia** – Request Waiver of Section 4.15.11 of the Zoning Ordinance in conjunction with requested NMD Neighborhood Model District. (Sean Dougherty)

Ms. Joseph asked if any Commissioner would like to pull an item from the consent agenda for discussion. She asked that ZMA-2004-002, Cascadia, be pulled for a short discussion on the signs. She felt that this request was open ended since it was for a 24 square foot sign pretty much anywhere on the site as close as it can get to the property line. In addition, they have already approved off-site signs. It just seems that there is not a real sign package that had been submitted for this. If they are thinking about things like the downtown mall, the downtown mall allows a 10 square foot projecting sign. But, there is nothing in the Neighborhood Model sign allowances. For something like this it just seemed too open ended without any real specificity in to what exactly it is that they were hoping to achieve by just getting rid of that setback. Therefore, she could not support this request. The signs would be too big, too close and too many. Unless the applicant is willing to come back with a comprehensive sign package, she would not support the request.

Ms. Higgins asked if all of the standards apply except the measurement to the property line at the closest point.

Mr. Dougherty replied that it would be measured 5' to the edge of the right-of-way.

Ms. Higgins noted that was the only thing they were waiving since all of the others are according to the existing ordinance.

Mr. Dougherty noted that there were a couple of other things associated with signs. But, in terms of Section 4.15.11 it is just the dimension and not anything else.

Ms. Higgins noted that it was only in regard that when locating the property line that the closest point was 5'. But, sometimes the sign has to be further because the site distance or whatever.

Mr. Dougherty said what is generating this is the areas where they plan to have more of neo-traditional development where the buildings would be very close to the street and there will not be a lot of room for placing these signs 5' from the right-of-way. It is going to be in a setting where things are very tight and not in a suburban setting, which is what the sign standards really govern. He did not disagree with Ms. Joseph at all. The size is not something that staff really discussed. But, the applicant did say that they did not want to put together a full signage package. They just wanted a waiver of the three things that are listed on page 24 for the Code of Development.

Ms. Joseph said that it seems that the Commission was dealing with a pedestrian setting and the buildings are so close to the street that she did not know why the applicant would need a freestanding sign right on the property line. She worried that a lot of cluttering was going to be happening right on the property line.

Mr. Dougherty noted that this also governs the sign that would project out or be hung out on a chandelier or somehow held up. That would technically be considered in the right-of-way in some places. But, what the Code says is that it needs to be 7' above where someone would walk and then it would be okay.

Ms. Joseph felt that sounds reasonable. But, it was the freestanding signs that she was having problems with.

Mr. Dougherty said that he understands her concern. In the places that this was going to be happening was in the non-residential area where they have got the tight sidewalks and those sorts of things. He felt that partially that would be governed by the constraints, but there is a chance that the applicant will want to put the largest sign possible between the sidewalk and the building. If that were the case some of these might be a little out of scale.

Mr. Edgerton asked if there was a way to tighten it up.

Ms. Higgins asked if what they were saying was that to get closer than 5' they would have to decrease the size of the sign.

Ms. Joseph replied that was not necessarily the case. It just seems as if they were putting the buildings and signs forward. They would have everything in their face going down the roadway. The whole idea with the 5' setback is that the building is setback 30' so that there would be some space in between it. It just seems that it is just opening up something that she could not support.

Ms. Higgins said they are talking about a 6' planting strip between the sidewalk and the back of the curb. If they have a 5' setback to a sign, and the applicant's intention is to put the sign between the sidewalk and the road, then there is only 1' left.

Mr. Dougherty noted that the right-of-way would end behind the sidewalk. So putting a sign in a planting strip on a public street would not even be an option.

Ms. Higgins asked if that would never happen.

Mr. Dougherty replied not on a public street. It would have to be a sign in the right-of-way.

Ms. Higgins noted that was a different issue than this one. They were talking about 0 to 5' back from the sidewalk, which was separated by the planting strip and the sidewalk. So they were already further back than a typical sign is under the ordinance now.

Mr. Dougherty said no, if they have a sidewalk in another development and it was the right-of-way where a public street has a sidewalk on it that it would be from that. That could apply to anything.

Ms. Higgins said that she did not have a problem with it because if they measure from the back of the curb, which was where the right-of-way was in a lot of cases, it was 5' back. Now they are talking about a 6' planting strip, a 4' to 5' sidewalk and then 0 from that. She took it as just some flexibility to work with the frontages of the building.

Mr. Cannon asked if staff would expect a waiver like this in a development of this kind.

Mr. Dougherty replied yes, that any place where they were going to have more of a neo-traditional approach with on-street parking and a 5' to 8' sidewalk beyond a 6' planting strip where they have got shop fronts that line up to what feels more like a street than a travel way or parking lot, then if they want to put any kind of signage in there, even projecting out over the building like a key sign, the Commission would have to waive this section.

Ms. Higgins said since they pulled this from the consent agenda was the applicant going to be asked if anyone wants to bring any pertinent issues forward.

Mr. Dougherty said that he was not sure if the applicant was present. He notified the applicant late in the day that it was going to be pulled from the consent agenda.

Ms. Echols noted that the reason why this came is because of the Cascadia public hearing and all of the waivers that they were talking about. Staff did not realize that this was going to be as controversial as it is. Staff thought this was something that the Commission would be looking at as a general consent agenda item. She did not think that the applicant was really alerted to the fact that this could be problematic. She felt that if the applicant had gotten all of the messages and knew how important it was that he would have been here tonight.

Mr. Craddock asked if it was pretty much open-ended as far as the number of these types of signs.

Mr. Dougherty pointed out that the second page of the staff report talks about the number of signs and how it applies to the frontage and things like that. In a situation like Cascadia the frontage would just be literally street frontage. It might only be 20'. So with respect to that, for instance, the wall signs would be limited to one square foot per frontage actually on the building. But, the other ones that would potentially be out in the front of the building or projecting out, as in a key sign or some other sign that hung out over the building, those would just be governed by the existing standards in the ordinance with one per establishment.

Ms. Joseph noted that every 100' they could have a freestanding sign.

Mr. Dougherty agreed that the applicant could have one sign per establishment.

Mr. Edgerton pointed out that it would be reviewed by VDOT and the County Engineer.

Mr. Dougherty felt that the intent of the applicant was to develop a high quality area. There is an illustration in the Code that shows how they plan to treat the sidewalk, the planting strip and the store frontages. He understood the concern and supposed that in the worse case scenario it could be really bad. But, he did not think that was the applicant's intention.

Ms. Higgins said that the Commission was not waiving anything but the setback. She asked if all of the other rules apply.

Mr. Morris asked if staff feels comfortable with the caveat that it must be approved by VDOT and engineering.

Mr. Dougherty replied that he did. He understood Ms. Joseph's concern, but felt that just because there will be such a constraint on space between where the right-of-way ends and where the building begins that the applicant will come up with a creative solution. In the context that they were not trying to announce their business from miles away he felt that they will figure out an appropriate solution. If not,

then VDOT and the County Engineer would have an opportunity to look at it. But, that would not really be something that would call into play aesthetics. It would just call into play safety.

Ms. Joseph said that they were making an assumption that this developer is going to own this property forever, and that is not what is going to happen. She asked if the applicant was here.

Ms. Higgins said that the applicant was not present.

Motion: Ms. Higgins moved, Mr. Morris seconded, to approve the waiver request of Section 4.15.11 of the Zoning Ordinance regarding the 5' setback for ZMA-2004-002, Cascadia.

The motion passed by a vote of 6:1. (Commissioner Joseph voted nay.)

At the request of the recording secretary, the Commission deferred action on the consent agenda for the approval of the minutes for May 30, 2006.

***Deferred Item**:*

ZMA-2005-018 Wickham Pond – Phase II (Sign #7)
PROPOSAL: Rezone 21.35 acres from RA - Rural Areas: agricultural, forestal, and fishery uses; residential density (.05 unit/acre) to NMD Neighborhood Model District - residential (3 - 34 units/acre) mixed with commercial, service and industrial uses. Maximum number proposed residential units: Approximately 106. Approximately 16,000 sq. ft. commercial uses.
PROFFERS: Yes
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Corridor General (CT4) - mixed residential and commercial uses (net 4.5 units per acre for SFD, sfa & duplexes) (net 12 units per acre for townhouses and apartments) (net 18 units per acre for mixed use). Urban Edge (CT3) - supports center with predominately residential uses, especially single-family detached (net 3.5-4.5 units per acre) (net 6.5 units per acre if accessory apartments are added for 50% of the residential stock). Development Area Reserve (CT2) and Preserve (CT1) - development area open space preserve or reserve with very low residential density (net 1 unit per 20 acres).
LOCATION: Tax Map 56 Parcel 91. Between Route 240 and the C & O railroad. Approximately 2,200 feet from intersection of Route 240 and Highlands Drive.
ENTRANCE CORRIDOR: Yes
MAGISTERIAL DISTRICT: White Hall
STAFF: Claudette Grant
DEFERRED FROM THE JULY 11, 2006 PLANNING COMMISSION MEETING.

Ms. Grant asked to make a couple of corrections to the staff report.

- On page 8, the first sentence in the first paragraph should be Wickham Pond Phase II instead of Haden Place.
- On page 8, the second paragraph in the first sentence refers to the table below. It should be the previous table.
- On page 12, in the proffer section, Proffer One discusses the 7.4 proportionate share for Wickham Pond I and II. It is only for Wickham Pond II.

Ms. Grant summarized the staff report.

- This request is a rezoning of 19.69 acres from Rural Area to Neighborhood Model District. It is located in the Crozet area on Route 240. The proposal calls for 106 residential units and 16,000 square feet of non-residential Neighborhood Service Uses. The applicant proposes to provide 16 affordable units. A portion of this development will be of mixed use nature where residential units will be located above the non-residential uses.
- Proffers include a contribution of up to $37,000, the owner's proportionate share to improve the State Route 240 and State Route 250 intersection. The owner also proffers to pay for the total costs of a traffic analysis of the State Route 240 and State Route 250 intersection; a contribution of $213,300 cash towards the CIP for schools and other public facilities; fifteen percent affordable units for rent or sale; phasing restrictions on the commercial buildings and an overlot grading

plan.

- The applicant has verbally agreed to relocate the traffic funds to the CIP fund similar to what was done in Wickham Pond I. Wickham Pond I and II are located next to each other. Wickham Pond I was similar to Wickham Pond II. It was a rezoning for Rural Area to Neighborhood Model District for 107 residential units. It was approved in January, 2006.
- There was a work session on Wickham Pond II on February 7, 2006. Many issues of concern were discussed at that time. The applicant addressed these issues and what is before the Commission is the revisions that resulted from the previous work sessions.
- There have been concerns about traffic and the neighborhood scale commercial uses. As previously mentioned the applicant has verbally agreed to address the traffic concerns by making changes to the proffer similar to Wickham Pond I. The neighborhood scale commercial uses are meant to be small scale as a way to provide some commercial uses that will help eliminate traffic on Route 240. Perhaps residents in the proposed development and some of the adjacent developments will be able to walk or bike to the non-residential uses instead of getting into their vehicles. These small neighborhood scaled non-residential uses are not meant to be competition to the downtown but help alleviate some traffic concerns.
- The applicant has provided a hedgerow buffer at the front of the site adjacent to Route 240. But, staff recommends screening to adjacent parcels be shown on the application plan and in the Code of Development.
- If the Planning Commission and Board of Supervisors agree with staff's interpretation of affordability and density, then staff recommends approval with the following provided:
    - Revisions of proffers relative to transportation impacts as a capital improvements project to which they could apply.
    - Addition of screening for adjacent parcels on the general development plan and Code of Development.
    - Minor revisions to the Code of Development application plan and the proffers relative to form.
- Staff also recommends approval of the parking waiver.

Ms. Joseph opened the public hearing and invited the applicant to address the Commission.

Vito Cetta, of Weatherhill Homes, presented a power point presentation and explained the proposal.

Valerie Long, attorney for the applicant, noted that the application plan shows a row of landscaping along the border in two different places. They think that the landscaping will be sufficient to screen it. The commercial uses will be of a small scale.

Ms. Joseph invited public comment.

Catherine Warburton, resident of 1250 Clover Ridge Place, spoke in opposition to the request due to the large increase of traffic from the development. It was going to be hard for the traffic from the development to get off and on Route 240. Unless something was done to the road system in the area she felt that this type of building was going to cause gridlock. The nice country road was going to become a highway with bumper to bumper traffic.

Harold Spainhour, adjacent property owner of 5055 Three Notch'd Road, noted that he was concerned about the buffering between the apartment building and the adjoining land. It looks like it is being built very close to the property line. He questioned the zoning sign seven posted at the entrance, which was not on the actual property.

Barbara Westbrook, resident of Crozet, agreed with Mr. Spainhour about the sign posting. She suggested that the advertisement in the newspaper be made bigger so more people in Crozet would know about the meeting. Also, she suggested that the agenda line be updated more frequently. She voiced concerns about the increased traffic since VDOT had indicated that Wickham Pond I and II could add as many as 2,000 car trips per day. She noted that an eastern connector would be very helpful to prevent traffic congestion at Mechums River and going towards Crozet. She felt that the commercial uses would compete with downtown Crozet, which was against what they had previously discussed with staff.

She questioned the lighting at night time and if it would be seen by any of the neighbors. She asked that this approval be delayed until the eastern connector was put in. She suggested that there be more proffers for the eastern connector. She questioned the traffic analysis and cost.

Ed Adam, resident of Western Ridge and a member of the Board of Directors of Western Ridge as President for two years said that he was on the Crozet Advisory Council. At the last meeting there were a few concerns expressed about this development one of which was adequate screening. That was basically their major concern. He questioned if the buffer was a raised berm with trees on top or just a massive planting of trees. He voiced concerns about the amount of commercial space. His understanding was that there would be 16,000 square feet of commercial with 16 units. He supported keeping downtown Crozet viable and suggested that 8,000 square feet of commercial would be more appropriate.

Hugh Morrow, resident of 1410 Plains Drive, said that he moved from Roanoke to get away from improper planning for development. He voiced opposition to the huge amount of traffic and the noise created by the new development. He said that it was unsafe to ride a bicycle on Route 240. He felt that the infrastructure was not adequate, but objected to the widening of the roads. He opposed widening Route 250 because it was a scenic highway and its beauty should be protected.

Mary Rice urged the Planning Commission to look at the density bonus because the county would get nothing from the interpretation. She voiced opposition to the county looking at maximum density in this area. She urged the Commission to approve it at a minimum. She urged the Commission not to approve any commercial activity in this area, but support the existing commercial area in downtown Crozet. An update has been requested on how many homes have been approved in the Crozet area. The one that the county provides does not include totals. It is a year and a half since the adoption of the master plan and they are already rezoned for 12,382 people if they include the by-right area.

Babe Argenbright, resident of Crozet, spoke in opposition to the request due to the effects of the proposed development on the beautiful farm land north of Route 240. She voiced concerns about the traffic safety on Route 240 with the large increase in cars. She asked that this request be deferred until the other road options can be addressed to make this development feasible. She suggested that they attempt to buy the back of Mr. Spainhour's property in order to gain assess to the Route 240/Route 250 connector road. She asked that they put some emphasis on getting the traffic to Route 250 and I-64. She asked that they put the development on hold for further investigation.

Valeria Long, representative for the applicant, said that they appreciate the comments from the public. They think that this is a very high quality development. This has gone through a number of work sessions with the Planning Commissions and many meetings with the planning and zoning staff. The traffic engineer for the project is present who can answer questions. A traffic study was prepared and VDOT and the transportation planner for the county have all agreed with the consultant's report that was prepared for this. They are addressing the traffic impacts through the cash proffers. As the staff report indicates they had offered to prepare at their expense the traffic study. They obtained estimates from engineers and traffic analysts in town who prepared similar studies based on the scope that was expected. They gave them an estimate of about $40,000, which was why that figure was in the proffers. They added the if/then language in case the county at some time wanted to dramatically expand the scope of the traffic study, which raised its cost significantly. They obviously wanted to go into the proffers knowing roughly what the cost would be. If the cost of the study ballooned they would still cover it, but would reduce the contributions to the capital improvement project. Staff has now indicated that they prefer that they revise the proffers to remove the language about paying for the traffic study. They will remove that completely and go back to their original cash proffer, which was $3,025 per market rate unit or about $290,000. Those funds could be used by the county as deemed fit for projects in the capital improvement project, including the eastern connector. They are more than happy to make that clear in their proffers.

Ms. Long continued that they are sensitive to the traffic issues along Route 240 and the Entrance Corridor. This project has gone before the Architectural Review Board. As a result of those comments and the work sessions with the Commission the commercial buildings were pushed farther back away

from Route 240 and the two buildings closest to Route 240 have been reduced in height. There is an existing hedgerow. Some of that hedgerow will likely have to come out with the addition of the turn lane and the sidewalk. But, any portion of the hedgerow that is impacted by that construction will be replaced. That will help protect that view from Route 240. She noted that the commercial is contemplated by the master plan. This project is consistent with the Crozet Master Plan. The plan contemplated a small neighborhood center in this area. They are merely building what was envisioned by the master plan.

Mr. Cannon said that he was trying to understand the relationship between the traffic analysis of the 240/250 intersection, which is the $40,000 estimate and the determination of contribution towards intersection improvements, which is proffer one. He asked if the determination of intersection improvements depend on the result of the study that is going to be done.

Ms. Long replied that it would. She asked Ms. Grant or their traffic engineer to comment if she was wrong. She said her understanding was that there is a basic assumption based on conversations and meetings with VDOT officials, the county transportation planner and the traffic engineers that the estimated costs of what would be needed to improve that intersection is roughly $500,000. It was not determined what the best method was. They calculated what percentage of the impact Wickham Pond would be creating or adding to that intersection problem. It was the 7.4 percent. Therefore, Wickham Pond's proportionate share is the $37,000. This might be a moot point since staff has recently suggested that the proffer be changed completely since there is not a traffic study planned in the near future. The suggestion was to use the per dwelling unit basis to increase the amount that they would contribute to the capital improvement project. Those funds could be spent at the county's discretion.

Mr. Morris asked that the buffer be addressed as discussed by Mr. Spainhour.

Ms. Long replied that they are happy to continue to talk to the staff and certainly continue to discuss with Mr. Spainhour about the screening that would be appropriate to address the concerns.

Jared Ulmer, EIT, Associate Planner with Renaissance Planning Group, spoke concerning the traffic study. He pointed out that the data today shows that the intersection as a whole is operating at a level of service "E".

Mr. Cannon asked if there was a schedule for the improvement of the intersection.

Ms. Echols inserted that this is not on any of the county plans, but is a VDOT priority project. It is VDOT's belief that is the single most important improvement that could be done to assist with traffic flow in this particular area. When Wickham Pond I was reviewed by the Board of Supervisors they took a different approach on how to deal with the project especially coming to that intersection. They believed that the Eastern Avenue, as has been mentioned, would potentially be a better way to deal with the problems with the failing intersection by getting that road built and taking the pressure off of that one. While certainly that is a bad intersection our Board in its previous activities suggested that there should be more opportunity for the capital improvements and money to be spent than just at that intersection. They asked the applicant to broaden their proffer last time as they were trying to address this particular intersection for Wickham I. The applicant did what they were asked to do in terms of assessing what the impact was on the major road. But, in looking at how they addressed the impact staff was afraid because the 240/250 intersection is not on the approved plan and it was not as inclusive as they needed the proffer to be to try to deal with the traffic impacts. She replied that there was no schedule for it and was not addressed on any plan.

Mr. Cannon asked what the schedule is for Eastern Avenue.

Ms. Echols replied that this is accumulating some of the money for it. Last week Westhall increased their proffer towards Eastern Avenue.

Mr. Benish noted that the concept would be to determine what the location and design of that road would be so that they would have a final study. The assumption has been that the bridge portion of that roadway would have to be borne by the county with development of the undeveloped areas in that area

providing for most of that roadway as part of the future development of that area. The county has within its CIP begun to set aside funding, but anticipates a million per year to address a number of transportation planning projects both local and regional. Through the next CIP five-year plan they are going to be setting some priorities for those projects. The Eastern Avenue has always been identified as one of the high priority projects for that funding. But, there is no significant timeframe as of this date. Staff hopes to be working towards that with the future CIP. It has to be balanced with the Southern Connector, Sunset Avenue Connector and Meadow Creek Parkway construction. They are trying to move forward and advance it as quickly as possible.

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

Ms. Higgins pointed out that there were many perceptions on the Eastern Avenue or Eastern Connector. She noted that it was not going to be a by-pass and solve all of the problems, which everyone should be aware of. It would solve some of the neighborhood traffic problems. She suggested that they make sure that the lighting cutoff is addressed in the Code of Development for the residential component.

Motion: Mr. Edgerton moved, Mr. Morris seconded, to approve ZMA-2005-018, Wickham Pond – Phase II with the change in the proffer relating to traffic/infrastructure to be directed towards the infrastructure improvements as needed in the Crozet community.

Ms. Higgins asked for a friendly amendment concerning the setback on building A with the buffer, cut off lighting in the Code of Development and that setbacks are addressed on the plan.

Mr. Edgerton accepted the friendly amendment.

Mr. Morris seconded the friendly amendment.

Ms. Echols asked if that would also include the other recommendations of staff for changes to the proffers and other changes to the Code of Development.

Mr. Edgerton stated yes, that he would accept the changes to the proffers and other changes to the Code of Development.

Mr. Morris seconded the amendment.

The motion passed by a vote of 7:0 with the following amendments:

1. Revision of proffers relative to transportation impacts to include Eastern Avenue as a capital improvements project to which they could apply.
2. Addition of screening for adjacent parcels on the General Development Plan and Code of Development.
3. Minor revisions to the Code of Development, Application Plan, and to the proffers relative to form.
4. Pull Building A back to 20 feet and add more landscape buffer.
5. Cut off lighting shall be added in the Code of Development.
6. Setbacks are to be addressed on the plan.

Motion on Parking Waiver for On-Street Parking:

Motion: Mr. Edgerton moved, Mr. Craddock seconded, to approve the waiver for on-street parking for ZMA-2005-018, Wickham Pond – Phase II.

The motion passed by a vote of 7:0.

Ms. Joseph stated that ZMA-2005-018, Wickham Pond would go to the Board of Supervisors on September 13, 2006 with a recommendation for approval.

The Planning Commission took a ten minute break at 8:03 p.m.

The meeting reconvened at 8:14 p.m.

***Public Hearing Item**:*

SP-2006-12 Colonial Baptist Church Mission Building (Sign #29)
PROPOSED: New building (80' x 50'), mission ministry/storage; additional driveway/parking/planting
ZONING CATEGORY/GENERAL USAGE: RA -- Rural Areas: agricultural, forestal, and fishery uses; residential density (0.5 unit/acre)
SECTION: Section 10.2.2.35, Special Use Permit, church building
COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (.5 unit/ acre)
ENTRANCE CORRIDOR: Yes
LOCATION: 4218 Richmond Road
TAX MAP/PARCEL: 94/46
MAGISTERIAL DISTRICT: Scottsville
STAFF: Amy Arnold

Ms. Arnold summarized the staff report.

- The congregation of Colonial Baptist Church proposes to construct a new 8' X 50' or 4,000 square foot building to house a print shop, which is currently operated out of the existing church building. The proposed mission building would also provide general storage space for supplies for disaster relief and seasonal display. To support the mission building the proposal includes an additional driveway, parking area, and site planting.
- The church print shop produces pamphlets and booklets for local and international ministry outreach on behalf of Colonial Baptist. Producing their own printing material saves the congregation as much as 90 percent on printing costs when compared to using a commercial printer allowing the bulk of the resources of the congregation to concentrate on ministry efforts. Currently the print shop is operated by four volunteers and receives an average of two truck deliveries a month. In addition to the printed ministry the church supports disaster relief programs the importance of which was highlighted in the fall of 2005 as the congregation initiated efforts to support communities affected by hurricane Katrina.
- Colonial Baptist Church has applied for a special use permit for additional construction on this site twice. With this submittal as the third effort to construct the new building both SP-1998-23, which was approved on August 19, 1998 and SP-2000-80, which was approved on March 27, 2001, were approved with conditions included in the body of the staff report and the attachments.
- SP-1998-23 and SP-2000-80 both proposed the construction of a 3,040 square foot building to house a print shop and mailing service for the additional driveway parking area and site planting. Both special use permits expired before the use was established on the site.
- Colonial Baptist Church is located approximately 6 miles east of Free Bridge on Route 250 East, Richmond Road.
- In conjunction with the special use permit review the applicant has begun site plan and ARB review processes. Current Development has brought to staff's attention that during site plan review comments for VDOT have been provided that conflict with the recommendations provided by VDOT during the special use permit review. These comments were provided by different reviewers. There have been two VDOT reviewers involved in the project. The recommendations that they made for the special use permit are different than recommendations that they are making for the site plan review. The difference is the inclusion of a deceleration lane. Current Development asked staff to be sure to bring that to the Commission's attention this evening. The deceleration lane was not included in staff's review or in this particular VDOT reviewer's review.

Ms. Joseph asked if the membership or congregation was being increased.

Ms. Arnold replied no, that the church was not being increased, which was the basis for the VDOT comments provided in the special use permit. It is not an intensification of the use.

Ms. Higgins asked if it was a recommendation or a requirement.

Ms. Arnold replied that it says should. In staff's opinion, it is a recommendation. Our VDOT reviewer provided comments, met with the Pastor, reviewed the entrance, had the comments about the radii and she spoke with him. Then yesterday they had a whole different set of recommendations. Community Development asked that staff bring that to the Commission's attention.

Ms. Higgins said that she had no problem with this other than it seems to be focused on operating a print shop with limited distribution of church related items. So if zoning were to make an inspection to make sure that the church was working in conformance with the special use permit are they suppose to look at the documents that are being printed and determine if they are church related items. The premise here is that this is a business operation. She wished that it did not say that it was a print shop, but that it was just a building for other church activities. She asked if they were stepping out of the bounds of allowing a church to have another church related activity in a separate building by starting to say that it is a print shop and it has to be this kind of thing that it is printing. Now they would have to make a judgment call are these church related items or not.

Mr. Kamptner said that his reading of the staff report is that it sounds as though they are connecting the distribution of printed materials as part of this church's ministry and the printing activity is accessory. Of course, if they were going to be printing nonreligious materials and zoning were warned about it, then there would be an investigation.

Ms. Higgins asked what if another ministry has a business activity that is printing and distribution. As long as it is established as part of the ministry, then it is okay. She felt that it does have a specific purpose, but it seems more like a business operation. The temptation of operating a printing operation exists in not letting the equipment set idle. The enforcement of it would be a nightmare. There are many uses that a church could do that could be problematic as a business.

Mr. Kamptner said that it may be.

Ms. Arnold pointed out that it seems to be an established long running part of their ministry. She visited the building and they have an extensive set of publications not only in English, but in Spanish. She noted that the church does not sell any of the materials.

Ms. Higgins said that she did not have a problem with it, but would want to compare it with something else that might come before the Commission that could be a business related activity.

Ms. Joseph noted that there are other ministries that assist in disaster relief.

Mr. Edgerton asked why condition # 7 listed 12 truck deliveries instead of the 2 mentioned previously.

Ms. Arnold replied that staff's consideration there was to try to gauge or get some sense of what it would be like during a disaster so that if they went above their normal 2 trucks a month trying to assist the community.

Ms. Higgins asked if the number of truck deliveries includes the incoming and outgoing deliveries. She noted that the truck delivery volumes would be more due to paper delivering.

Ms. Joseph suggested that they ask the applicant. She asked Mr. Kamptner about recommended action 2 because the Fire Official has not defined what that is. What are their expectations of the applicant if they don't even know what the Fire Official's expectations are?

Mr. Kamptner replied that this condition is merely stating what is in the Fire Code.

Ms. Arnold said that it is reiterating the comment provided by the Fire Marshall.

Mr. Kamptner said that it is based on that Code section. If it was a Fire Prevention Code requirement, it does not need to be restated as a condition. It can merely be stated as information to the applicant that they will need to satisfy the Fire Prevention Code's requirements for water supply.

Mr. Craddock noted that the church is within five miles from a volunteer fire company plus there is a large pond right across the street.

Mr. Morris asked if it is within the East Rivanna Fire Department's area, and Mr. Craddock replied that it was.

Ms. Joseph opened the public hearing and invited the applicant to address the Commission.

Ed Leake, Pastor of Colonial Baptist Church, said that he had been here before and would like to explain in repetition that in 1998 when the first application was made that they just ran out of time in raising the money to build that building. Then the second application was also passed. They saw a growth in their church and had to look farther down the road. He felt that any future building that they needed to do probably would be on the west side of the building. They had studies done on that. So the planners deemed that this Mission Building location was the best place for this. It left the east side free for church growth and expansion. He pointed out that their application says Colonial Baptist Church Mission and Storage Building. They never named it a print shop. Printing happens to be a ministry that they have had and have been operating in a small room in an existing building. It is a ministry with the total expense on their shoulders. Things are given away. There has never been a dime charged since it has been operating for these years. He assured the Commission that it was a ministry. There is no reason for moving the building from where it was. The electricity to go to that building would have required several hundred feet of power lines. If it had been done underground it would have been a bigger expense than they anticipated. They are less than 125 feet from the power supply. That was a big factor in the building change. They have seen the need in the past and do not plan to operate a Walmart size warehouse for disaster relief. Their plan was for two truck trips a month, excluding disaster. They could not answer Ms. Arnold's question about that and pray to God that they never have to use it. But, to raise it to 12 trips a month would take care of that. They don't anticipate that at all, but that was staff's recommendation. He requested the Commission's approval.

Ms. Higgins asked if the truck deliveries included the paper deliveries and disaster relief.

Mr. Leake replied that would be inclusive in the trips per month average.

Mr. Morris asked if he understood and could comply with condition 2.

Mr. Leake said that he did not understand it. He had made four calls to the Fire/Rescue number and did not have the calls returned. They made two visits and could not get an answer. So they just proceeded. They have no idea what they are looking for.

Ms. Joseph asked if there was any other public comment. There being none, the public hearing was closed and the matter before the Commission.

Ms. Higgins said that based on their discussions she thought that condition 2 could be pulled out.

Mr. Morris felt that it was important to note that the applicant does not know what it says.

Ms. Joseph noted that the Commission did not know either.

Mr. Craddock said that two years ago the special use permit had a maximum of five people and was 9:00 a.m. to 9:00 p.m. Monday through Friday. He assumed that it was changed over time to four people and 7:00 a.m. to 7:00 p.m. He asked if the applicant was fine with that.

Motion: Mr. Morris moved, Mr. Strucko seconded, to approve the applicant's request for SP-2006-12, Colonial Baptist Church Mission Building, with the conditions recommended in the staff report, as amended.

1. Special Use Permit 2006-12 shall be developed in general accord with the concept plan dated May 23, 2006, prepared by SL Key Inc., and titled "Conceptual Plan Colonial Baptist Church Missions and Storage Building" (Attachment A.) Important elements of the concept plan include the following:
    - The establishment and maintenance of the 20' buffer along the western parcel boundary.
    - The preservation of the existing tree line outside the limits of construction as defined on the concept plan; the complete tree line outside the limits of construction shall be retained.
    - The inclusion of tree protection details from the Virginia Erosion and Sediment Control Handbook.
2. A 20' buffer shall be established and maintained along the western boundary of the parcel. There shall be no disturbance within that buffer. Tree protection / limits of construction shall be included on the site development plan as shown on the concept plan. Tree protection shall be provided prior to any site disturbance and in accordance with the Virginia Erosion and Sediment Control Handbook.
3. Print shop and mailing service shall be limited to the distribution of church related items.
4. Operators of the print shop shall be limited to a maximum of four.
5. Hours of operation of the print shop shall be limited to 7:00 am to 7:00 pm Monday through Friday.
6. Number of monthly deliveries by truck shall be limited to a maximum of twelve.
7. Sanctuary and classroom expansion, or the addition of day care and other non-worship uses, will require amendment to this petition.

The motion passed by a vote of 7:0.

Motion on Waiver:

Motion: Mr. Craddock moved, Mr. Morris seconded, to approve the waiver request from Section 18.31.2.4.4 for SP-2006-12, Colonial Baptist Church to increase the time allowed for construction and the start of the use of the special use permit to five (5) years.

The motion carried by a vote of 7:0.

Ms. Joseph said that SP-2006-12, Colonial Church Mission Building will go to the Board of Supervisors on September 6 with a recommendation for approval.

Work Sessions:

ZMA-2001-008 Rivanna Village at Glenmore (Signs #16,17,19,20,21)
PROPOSAL: Rezone approx. 94.5 acres from RA -- Rural Areas which allows agricultural, forestal, and fishery uses; residential density (0.5 unit/acre) residential (3 - 34 units/acre) with limited commercial uses and PRD Planned Residential District which allows residential (3 - 34 units/acre) with limited commercial uses to NMD Neighborhood Model District which allows residential (3 - 34 units/acre) mixed with commercial, service and industrial uses. A maximum of 500 dwellings is proposed with an overall gross density of 5.29 units/acre.
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 and 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) in the Village of Rivanna.
ENTRANCE CORRIDOR: Yes

LOCATION: (address/intersection/route number and street name) and Rural Area or specific Development Area.
TAX MAP/PARCEL: a 4.583 acre portion of Tax Map 93A1, Parcel 1 and a 0.741 acre portion of Tax Map 93A1-1 zoned Glenmore PRD; Tax Map 93A1, Parcels 2, 3 & 4; Tax Map 80, Parcel 46, 46A, 46C, 46D, 46E, 50, 51,and 55A all zoned RA Rural Areas; and Tax Map parcel 25A also zoned PRD.
MAGISTERIAL DISTRICT: Scottsville
STAFF: Elaine Echols

CPA 2006-001 Rivanna Village - Work session to review and discuss a request to amend the text and recommendations contained in the Profile for the Village of Rivanna in the County's Land Use Plan. (David Benish)

Mr. Craddock recused himself from ZMA-2001-008, Rivanna Village at Glenmore and CPA-2006-001, Rivanna Village since he was on the Board of East Rivanna Fire Department. He left the room.

Mr. Benish pointed out that the PC actually has two work sessions related to the Rivanna Village. There is one for the ZMA and then staff will follow up with a community request for amendment to the Comprehensive Plan. Staff provided the staff report on the CPA about two weeks ago so that the Commission would have this information in advance of meeting on the CPA because some of the CPA comments are comments related to the ZMA. Some of the major changes that are being proposed in that CPA do stem from the proposal that is part of the rezoning. Staff felt that it would be useful for the Commission to have that request from the community and staff's initial comments related to it. Obviously, there will be a follow up work session where the applicant for the CPA will have an opportunity to make a presentation about that proposal and talk about that CPA more particularly. If the Commission has any questions of staff regarding the CPA as it relates to the ZMA they certainly can also discuss those as necessary during the ZMA. Ms. Echols' report on the rezoning focuses in on the ZMA as it relates to the adopted Comprehensive Plan. But, again if the Commission has comments about how it relates to the applicant's proposed CPA, staff will be able to discuss that in the context of this upcoming ZMA too.

Ms. Echols noted several changes to the staff report and plan and discussed the rezoning as it relates to the adopted Comprehensive Plan, as follows.

- From Ms. Joseph's email she found that the number of potential by right for the use of the property of 8 was not correct. She failed to include the Bieker parcel. The Bieker parcel was in addition to the development after it was initially submitted. It is zoned R-6. It would allow for 24 units in 12 buildings. That would bring the total up to 32. There are potentially also other development rights that are intact on the individual parcels. She did her math on them collectively and there are lots of individual parcels. Staff did not go back to do the math on all of the individual parcels. What she is talking about is shown on the exhibit on display. The map on the right has more parcels added to it and a lot of them are smaller parcels that are on the periphery. In addition, one parcel has been removed. Staff has not done all the math on the development rights. Staff estimates that it is between 32 and 45 for the by right use of the property. If that is an important item for the Commission to know the exact number of development rights staff can go back and have zoning do that.
- On page 5 of the report it talks about the interconnections. There is only one interconnection to Glenmore Way. There are two connections to Route 250 east. There are a number of interconnections shown on the development plan to the outside parcels, with some proffered and some not proffered.
- On page 8 the mass scale and architectural detailing of buildings, staff said that in the Main Street area building heights will not exceed 3 stories. That restriction is for non-residential uses. The applicant put in the Code of Development that they may go up to four stories for residential uses, which may be important.
- Finally, on page 9 the 26 percent under a variety of Parks and Recreational opportunities is amenity area. There is actually 47.5 percent being proposed in open space. She apologized for the need for these changes in the report.
- Ms. Echols made her presentation as follows:
- She used the three displays of the development to bring them through the process thus far. The exhibit on the left was what was anticipated through the comprehensive plan amendment. There

was a proposed large lake on the plan that was to be a stormwater facility and have some recreational amenity around it and near by. She noted the grid street grouping on all three plans. There was an anticipation of a main street closer to Glenmore Way than on the current proposal. There were a variety of housing types and mixture of uses with some unknown things on the edges about what was going on. The language of the Comprehensive Plan as it is now left a little flexibility on the edges about how development would take place.

- Last year the Commission reviewed the middle plan on how much in conformity that middle plan was with the plan on the left. The Commission said generally they found it was in conformity, but had some concerns that they wanted to talk with the applicant about. They had considered what had happened with the lake and the change over to a park and said that was acceptable. They looked at the corners and said what was going on in relation to Route 250 perhaps needed some work. There needed to be more care given at the entrance of Glenmore Way and 250. At the other end they were worried about buildings presenting the backs of the houses on 250 or whatever buildings might be there. The third exhibit is the plan that is currently under consideration. It has a redesign to it that is in many ways responsive to the comments expressed by the Commission and public about a year ago.
- The primary entrance now is to be from Route 250 East. The actual area devoted to commercial use has been reduced. The amount of commercial area has been limited in the Code of Development. The Comprehensive Plan Amendment allowed up to 240,000 square feet of retail space. The applicant is limiting the amount of nonresidential space to 125.000 square feet. Staff will have to check if that includes the fire station, but it is pretty limited. The applicant has provided height limitations on the buildings. It is all one, two or three stories except in the Main Street area for residential buildings. The park is a little different in terms of the expectations. The picnic shelters have been consolidated and they removed one set of tennis courts and basketball courts from that particular park.
- One key feature has to do with what the entrance along Glenmore Way looks like. There is a green area that would be undeveloped along Glenmore Way that starts to create a similar appearance that is in Glenmore already. On the bottom of the newest plan there are five buildings, which are condominiums or larger apartment buildings in the style of Ednam. There were residents of the Rivanna Village area who asked for that particular product type. There are other citizens that don't think that is appropriate. The large multi-family building was a specific response to requests from members of the community for that type of housing to be shown there.
- The buffer along 250 is shown as 100' from the edge of pavement. Staff will want to work with the applicant to determine exactly what that means. At the eastern entrance it provides enough room to really create a rural landscape at that location and also allow for any of the future improvements for widening that might take place on Route 250. At the corner of 250 and Glenmore Way it looks more like what presented in the CPA plan in keeping that sort of a green open area. That development would be more of a community use area, such as a possible community center or religious opportunity. It is very open at the entrance. There are more properties added to the rezoning. There about three times as many as what were approved in the Comprehensive Plan.
- In the second version the Commission said it was okay to add some properties. But, they have a proviso about the need for the densities to be in keeping with the land use plan. It was shown on that plan it was single-family detached. As shown on the third plan, there are town houses. What the applicant is proposing is to allow the density to be spread out more in the rezoning than specifically applied to the area for community service. So that while the land use plan would say Neighborhood Density for those properties that were not included in the original Comprehensive Plan Amendment the applicant wants a higher density in that area as long as overall he does not go over 6 units per acres.
- It looks like a more dense development and more intensively developed property in the third version. Something that they need to remember in all three of these is that these particular plans or depictions of how the development could take place the Code of Development allows for different housing types in some places, but yet mandates single-family detached in other places so that the housing type could change. At the entrance they left themselves the opportunity for any kind of residential units at that entrance. Those could be single-family detached or attached. An assisted living facility might be available in that area. Staff does not believe that even though it is depicted in this plan as being perhaps more intensely developed that it is different than what

was anticipated by the Comprehensive Plan Amendment based on the maximum numbers in the Comprehensive Plan Amendment.

- The applicant is here to speak about what is under review and what he would like to get out of this work session before they move on to the next step, which is the detailed review of all of the Code, the proffers, transportation and that kind of thing. Staff posed some questions at the end of the staff report. When staff reviewed what is on the board with one exception, which is the way the densities are arranged, they found that plan is still in keeping with the Comprehensive Plan and is not remarkably different in terms of the expectations that would be there.
- There will be future work sessions to talk about the Code, traffic impacts, proffers and those kinds of things. But, for now staff is going to stop and take questions.

Mr. Edgerton asked when the Comprehensive Plan Amendment that addressed this adopted.

Ms. Echols replied May 15, 2002, which was three years ago.

Ms. Joseph invited the applicant to present any additional information.

Steve Runkle, of KG Associates representing Glenmore Associates, explained the proposal and noted changes made to the plan as a result of conversations with local residents, as follows.

- He noted that the changes to the park that were made were done in consultation with the parks folks. They agreed with the removal of the basketball courts. The consolidation of the park shelters, if approved, will result in two larger shelters that will be along that main road to help frame the main road. The five shelters were designed to be single table shelters. They think this will be a nicer situation to provide larger shelters for events and also help frame the street. They have been dealing with two groups involving the association and the master planning committee. The White Gable type product, which is below the fire house, is a specific request that replaced the single-family products shown on the second map. That came with that agreement for the minimum 100 foot buffer from the edge or pavement. It is variable in width, but was at least 100 feet. So that was a specific request for that type of product.
- The other changes were the elimination of the featured entrance off of Glenmore Way, the removal of the commercial area further to the east adjacent to the park and the more primary entrance being off of Route 250. He was aware that there were persons here who still oppose the park and would like for the area where the White Gables is shown to be left with a buffer. They also agreed in the Code of Development to limit non-residential development in total to 125,000 square feet. That would include the chapel/church or community building at the west side of the site, a bed and breakfast, which is the last house at the west end of the site and the club facility that would serve this community. It is a private facility above the park area. Those facilities would be limited to 100,000 square feet for non-residential. It would not necessarily be that much, but that would be the maximum allowed with the current Code of Development. It has never been their vision that there would be 240,000 square feet. That was originally specified as a maximum in the Comp Plan. It probably was the maximum specified in some of the Code of Developments turned in relative to these previous plans. But, when you add up what is available on the plans it has never been that much.
- One of the reasons that the third plan looks denser than the other two is because there are houses on the lots on the third plan. On the previous plans there were no houses on the lots. The Code of Development currently specifies on the single-family lots that there can only be single-family homes. The rationale was to get a mixed product and to put those products primarily where residents of Glenmore and Village of Rivanna indicated that they would like to see a less dense product along Glenmore Way. The other thing they decided was to put single-family product adjacent to where external single-family product already existed so that there would be a like kind of product. The White Gables product was a request of one of the groups they met with. That is 60 units by the Code of Development. It is a little over 8 acres in that block. So at 8 units per acre they could get 51 units there. If they feel it is important to hold it to 51 units then they could do that. The question is would that come in hand with potentially increasing the density where they are showing some of these other single-family houses. The other place they felt it was most rational to get higher density was adjacent to 250 away from any existing single-family homes. The current Code of Development maximum there shows 127

units. If they limited it to 6 dwelling units per acres it would come out to about 88. That is a 40 unit drop. If that is the way it needs to be done then they might consider it with the Commission's approval of changing some of the other blocks to increase the density or just live with the reduced density.

- They have agreed by the Code of Development to limit the number of units to 500. Their expectation is that it would be more like 450 with the maximum use possible in these blocks as shown on that plan if they have 100,000 square feet in block E, which is the central commercial area. If they actually achieve 100,000 square feet of non-residential space, which would be a mixture of office and retail spaces, then along with that 100,000 square feet there would be about 66 residential units. If that non-residential space dropped down to 75,000 square feet they could probably get up to 150 residential units in that area with the available parking and so forth. That would push the total up to about 550. But, they put an overall cap of 500 in the Code of Development. If the Commission feels it is too dense at 500 and the cap should be lower, then their preference would be to lower the cap and put the density where they think is most rationale on the plan given all of the external situations. Typically they would expect that density to be more concentrated in the center and get less as they move out to the edges. That is their comment to the incremental pieces that were added and what kind of density ought to be allowed there.

Ms. Joseph noted that in the last review they were talking about private roads and public roads. She asked what they were now.

Mr. Runkle replied that they could all be public roads. They had two work sessions relative to the middle plan. The first was whether it was in conformance. The second was the street sections because this plan predated when some of the standards were adopted. Everything in the third plan, as far as he knew, meets the current standards and could be public roads. They would probably want the ability for Main Street to make at least a portion of that private from a design standpoint so that it could be other than what may be allowed from a surface type by VDOT. It might allow them to close it and have special events on that street from time to time. But, it is designed so that it could be public.

Ms. Joseph asked what the biggest retail space is.

Mr. Runkle replied that the biggest retail space shown on the plan is about 16,000 square feet, which is the building across from the park. They would expect it to be a high end grocery store. If the Commission feels that a limit is appropriate that is fine.

Ms. Joseph invited Pat Mullaney to come forward and talk about the park.

Pat Mullaney, Director of Parks and Recreation addressed the County's need for park facilities in this area. He said that it had been a popular misconception that this park was going to be a regional athletic complex. It designed to be a community park to serve the growth area and the immediate rural area around the growth area. It is a relatively small community park. They have heard the neighbors and have worked with the developer on several changes to the plan. They have agreed that the second field does not have to be a standard field. Basically, it can be a flat irregular shape to minimize grading. They have a perfect place to have two informal games for people in the neighborhood. They reduced the basketball courts. The tennis courts are still shown at this time. They have also asked for consideration of a possible fenced in dog area. It is going to be a community park. In the parks need survey small community parks close to home ranked high their survey. They have an opportunity here in a development area that is still being designed to put a community park in an area in the county that is basically underserved with community park space. The only community park in this area is at Stone Robinson School, which is not available while school is in session. He noted that practice space for soccer in this area is also underserved.

Ms. Joseph asked that the Commission discuss the questions posed by staff.

The Planning Commission provided the following feedback on the issues mentioned in the staff report as follows:

1. Is the redesign appropriate with the orientation of the commercial area towards the eastern entrance to Glenmore rather than to Glenmore Way?

The Commission agreed that the redesign was appropriate with the orientation of the commercial area towards the eastern entrance to Glenmore rather than Glenmore Way. This gives some relief to Glenmore Way and responds to some of the Commission's and residents' concerns.

2. Is it appropriate to add the additional properties to the eastern part of the site?

The Commission agreed that it is appropriate to add the additional properties to the eastern part of the site to the development.

3. Should density in the additional properties be considered as part of the overall development or should it be consistent on a parcel basis with the designations in the Comprehensive Plan?

It was noted that all of the added parcels that were not part of the original CPA are Neighborhood Density Residential on the Land Use Plan. The Commission agreed that the density in the additional properties could be higher than Neighborhood Density Residential, but, overall for the whole site, density could not exceed 6 units per acre. The density can be considered as part of the overall development as long as the form is done well and cohesively.

4. Is the form of the proposal in conformity with the Comprehensive Plan?

The Commission agreed that the proposal is in conformity with the Comprehensive Plan.

Ms. Joseph invited other public comment.

Mr. Benish noted that he had spoken with Dennis Odinov who is the applicant for the CPA. He has a number of CPA comments that will be related to the ZMA. He suggested that the Commission allow him to make about a ten minute presentation. Some of the major changes being proposed in that CPA stem from the proposal that is part of the rezoning. Therefore, staff felt that it would be useful for the Commission to allow Dennis Odinov, representative for the CPA, to speak now.

Dennis Odinov, head of the Master Planning Steering Committee in the Village of Rivanna, spoke.

- He asked to put up their plan, which he would get to a little later. He asked to comment on the staff report summary under the proposed CPA which notes that taking on this amendment under the master planning process could create confusion, inconsistencies and inefficiencies regarding all their master planning efforts for the Village of Rivanna. He asked if that was so when the approval of a major residential and commercial area just a few months before the master planning process will begin create the same confusion, inconsistencies and inefficiencies. He noted that they were not opposed to the idea of Rivanna Village and liked most of the ideas. But, what they are opposed to is the scale that is suggested in the existing Code and the needless destruction of up to 14 acres of woodlands and the unnecessary alteration of the rural character of the area.
- He explained their proposal was to change Map H from Community Service to Neighborhood Service. First, the revised zoning application describes uses that fit Neighborhood Service more closely than Community Service. Second, the designation of Community Service suggests the scale that invites a 14 acre park containing playing fields that are not needed. Third, Community Service Areas can occupy a maximum of 250,000 square feet. The developers reduced this total to about 150,000 square feet of non-residential uses. That is much closer to the maximum of 40,000 square feet, which describes the scale of Neighborhood Service. He asked to talk about the park and preserving trees, lakes and streams that are in that area.
- In June, 2005 there were 1,676 people in the Village of Rivanna. Thirteen hundred of those people live in Glenmore. On the Glenmore property there is a soccer field, which is right next door to the recreational vehicle storage facility. There are also two basketball courts for 85

percent of the people who live in the Village of Rivanna. That soccer field that was put up in 2000 is very seldom used. He asked the Commission to consider this CPA prior to master planning the area or along with. In addition, the projected residential population of Rivanna Village according to the developer is about 2 people per unit. So after the build out of Rivanna Village it is very unclear how much of the fields will be used and the county or tax payers will bear the cost of maintenance in a county park. They desire to preserve mature trees, lakes and streams, which the proposal to build the playing fields is going to cause destruction of. This is being done without ever consulting the residents of this area.

- Much has been said about the meeting of Kessler Group with residents. That was Glenmore Community Associates, which was a small committee. No one in Glenmore or the Village of Rivanna was ever told about that meeting. They had a town meeting with over 100 people. They sent out an email survey to 524 addresses and got a response of 354 people who agree with what they are going to present. He presented pictures of the area showing the quarry and lake. Their plan proposes that block C, which contains the White Gables, be moved and relocated on the existing 8.6 acres of dense woods over to the western end of block I where the park is. The playing fields should be eliminated from this area. The remaining land should be made into a neighborhood park centered around the stream and the lakes that exist in the area with paths and bike trails taking advantage of the natural beauty of the area. The back of the condos would overlook those lakes. They could have a small part of this area reserved for fenced in exercise area for dogs and a small playground. By doing this they would save 8.6 acres of woods in block C and approximately 5 to 7 acres in block I would be preserved of woods. The condos would be moved much closer to the Village Center. Currently the condos are a third of a mile from the Village Center. The rural character of the equestrian center and manor house would be maintained. Even with 100 setbacks those condos are directly facing the equestrian center. It is just taking out all of those woods.
- He had a meeting about this with Mr. Mullaney, the residents, Eric Strucko and the Kessler Group. They suggest the following to meet the needs of the county as far as playing fields. They are saying that at this time they don't need the playing fields. Most of the residents have playing fields. In the future after the build out and Rivanna Village is complete if the residents would like to have a playing field, then they suggest that it be deferred until that time and that they look at some of the 3 acres of land that is occupied at the east end of the fire house for playing fields. They would have a natural parking area that abuts this that would eliminate the need for on-street parking. With a proffer, they are suggesting a combination neighborhood library branch and meeting center. There are libraries 25 minutes away. The county's own library suggests a maximum of 10 minutes away. They would also like to activate the proffer that has less than 4 years to run for a stop light at the corner Glenmore Way and 250. That is a proffer originally given, but was never done. They all know that the proffer has expired for improvements from Glenmore Way to Route 22 and 250. They think that there should be a traffic light put at the eastern end of Rivanna Village at Route 250. They are also suggesting cash proffers for bona-fide medical service in the Village. It takes 20 minutes for a rescue squad to get to Glenmore. He acknowledged that there are plans to put one in at Pantops in the future. If that is the case they would like to have an advanced medical technician stationed at the fire house for the Village. They also have $483,000 left over from a previous Glenmore proffer in the early 90's the Albemarle School system could use for soccer fields on school lands. There is a field right opposite Monticello.
- In conclusion, they are not antigrowth. They don't see any point in bashing the county endlessly. They are about solutions. They would like to see this development succeed. They have provided alternatives that make much more sense than the present proposal. They have the support of many residents in the Village of Rivanna. They are proposing some changes that they feel will satisfy everyone and hoped that they would work with them.

Ms. Joseph asked if there was anyone else present to speak for Rivanna Village. There being none, she asked if the applicant had any questions.

Mr. Runkle asked if they wanted the park as designed. He noted that it came to them as a requirement. He noted that they have worked with Parks and Rec and the residents in designing the current park plan. He explained the history of the design process for the process and asked for guidance.

Ms. Joseph noted that staff had suggested that the Commission use the CPA for public input to obtain all of these concepts at this point in time.

Mr. Edgerton noted that from a planning aspect one of the things that need to be determined is whether they are concerned about the county needs or the neighborhood's needs. The CPA being proposed would limit the use of the park to the neighborhood and would not be open to the public. He did not know if the soccer field would be open to the public.

Mr. Odinov replied that the existing soccer field in Glenmore is not open to the public to his knowledge.

There being no further questions, Ms. Joseph closed the public hearing to bring the matter before the Commission. She asked if there was a motion.

Action on CPA 2006-001 Rivanna Village

Motion: Mr. Cannon moved, Mr. Morris seconded, to not adopt a resolution of intent to proceed with CPA-2006-001, Rivanna Village, but to direct staff to make certain that this document is included as part of the master plan study.

The motion carried by a vote of 6:0. (Commissioner Craddock abstained.)

Ms. Joseph said that this action means that this document will be used in the master planning process. The Commission will also use the document as reference as they are going through this rezoning. If any one has any comments concerning the rezoning all of the Commissioners can be reached at planningcommission@albemarle.org. So if there is any thing else that anyone wants to discuss about this item or anything else in the County, please email the Commissioners. She thanked everyone for coming to the meeting.

Old Business:

Ms. Joseph asked if there was any old business.

There being no further old business, the meeting proceeded.

New Business:

Ms. Joseph asked if there was any new business.

- Planning Commission appointment to the Eastern Connector Study Committee. (Mark Graham)

Mr. Morris asked to be considered for the appointment since it was part of CHART.

Motion: Ms. Higgins moved, Mr. Strucko seconded, that Cal Morris is appointed to the Eastern Connector Study Committee.

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

- Vacation Schedules:
  - Ms. Joseph, Mr. Edgerton and Ms. Higgins will be absent on August 8.
  - Mr. Strucko will be absent on August 1.

- IN LIEU OF A PLANNING COMMISSION MEETING ON JULY 25, 2006, THERE WILL BE AN INFORMATIONAL OPEN HOUSE ON THE PROPOSED MOUNTAIN OVERLAY DISTRICT IN THE SECOND FLOOR LOBBY OF THE COUNTY OFFICE BUILDING (MCINTIRE ROAD).

- THERE WILL ALSO BE AN INFORMATIONAL OPEN HOUSE ON THE PROPOSED RURAL AREA PHASING AND CLUSTERING PROVISIONS ON JULY 27, 2006 IN THE SECOND FLOOR LOBBY OF THE COUNTY OFFICE BUILDING (MCINTIRE ROAD).

- THE NEXT PLANNING COMMISSION MEETING WILL BE A JOINT PUBLIC COMMENT SESSION WITH THE BOARD OF SUPERVISORS ON TUESDAY, AUGUST 1, 2006 AT THE BURLEY MIDDLE SCHOOL AUDITORIUM REGARDING THE PROPOSED MOUNTAIN OVERLAY DISTRICT.

- THERE WILL ALSO BE A JOINT PUBLIC COMMENT SESSION WITH THE BOARD OF SUPERVISORS ON THURSDAY, AUGUST 3, 2006 AT THE BURLEY MIDDLE SCHOOL AUDITORIUM REGARDING THE PROPOSED RURAL AREA PHASING AND CLUSTERING PROVISIONS.

There being no further new business, the meeting proceeded.

Adjournment:

With no further items, the meeting adjourned at 10:25 p.m. to August 1, 2006 at 6:00 p.m. at the Burley Middle School auditorium.

_____

V. Wayne Cilimberg, Secretary

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