Albemarle County Planning Commission
August 8, 2006

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, August 8, 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, Calvin Morris, Vice-Chairman; Jon Cannon and Pete Craddock. Absent were Marcia Joseph, Chairman; Jo Higgins and Bill Edgerton. 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 Wayne Cilimberg, Planning Director; Amy Arnold, Planner; Scott Clark, Senior Planner; Joan McDowell, Principal Planner; Bill Fritz, Chief of Current Development; David Pennock, Principal Planner; Amy Arnold, Planner; Glenn Brooks, Senior Engineer and Greg Kamptner, Deputy County Attorney.

***Call to Order and Establish Quorum**:*

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

***Committee Reports**:*

Mr. Strucko reported that the Fiscal Impact Committee was supposed to meet last month, but they did not have a quorum. Therefore, they did not meet. But, he did take advantage of the time to meet with Steve Allshouse one on one. He communicated to Mr. Allshouse the Commission's desire to have the Fiscal Impact Committee really start looking at developing a proffer policy to look at ways or measures to determine whether or not an applicant's proffers meet the infrastructure demand in a particular neighborhood, region and the County at large. The intention is that when the Fiscal Impact Committee meets next month they will begin looking at the first steps in doing just that.

Mr. Morris asked if the Fiscal Impact Committee was going to start looking at how individual projects will impact the larger picture within the County.

Mr. Strucko replied yes, noting that the current cost model takes a couple of views. But, the one that is used more extensively is the average cost model, which is the average cost impact of a particular development to Albemarle County as a whole. What really ran into a lot of debate was whether that is applicable because there may be a development proposal in an area where there is no school capacity at the elementary level, whereas Albemarle County may have school capacity some place else. So they want to take a second view, which is regional. Then a third view would be more immediate. He would term that as the neighborhood view, but the committee still has not come up with the terminology yet. He thought that the committee would look at the costs from those three perspectives as being something that is very immediate at the neighborhood level, something that is more regional in a section of the County and then something that is in the County at large.

Mr. Morris asked if there were any more reports.

Mr. Strucko reported that the School's Long Range Planning Committee met last night. The committee was putting together a recommendation to the School Board for capital needs. Of course, the primary capital need is buildings and facilities. There is a whole host of projects that are in place that the Long Range Planning Committee will consider. A perfect example is at the high school level in looking at the enrollment figures and the pipeline from elementary to middle

to high school. Does the community need a brand new high school at a capacity for 1,000 students or can a renovation and construction project that expands the capacity of the three existing high schools be enough? A new high school in Albemarle County has a price tag of about 68 million dollars, which includes land and building. A high school's footprint is ideally about 100 acres, which includes ball field facilities as well as the structure itself to handle 1,000 students. The committee will continue its work throughout this month and next. Hopefully, a lot of the cost assumptions of that will work its way into the Fiscal Impact Committee's costing model. A lot of that information will come before the Planning Commission once they start looking at projects and the impact of the community.

Mr. Morris reported that the Interchange Committee, which is the McIntire/Meadow Creek Parkway/250 By Pass Committee, met on July 27. The committee narrowed the possible choices down to about 6 or 7, which will be looked at by the consultants. The committee will be meeting again in the fall. One of the huge questions that they are faced with is funding, not necessarily for the interchange and so on because that is federal funds, but funds for the actual Meadow Creek Parkway. They would have an interchange, but what is it going to interchange with. There being no further items, the meeting moved on to the next agenda item.

Other Matters Not Listed on the Agenda from the Public:

Mr. Morris 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 – August 2, 2006.

Mr. Cilimberg summarized the actions taken by the Board of Supervisors on August 2, 2006.

Consent Agenda*:*

Approval of Planning Commission Minutes – April 25, 2006 and May 30, 2006.

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

The motion passed by a vote of 4:0. (Commissioners Higgins, Edgerton and Joseph were absent.)

Mr. Morris stated that the consent agenda has been approved.

Items Requesting Deferral*:*

AFD 2006-01 South Garden Agricultural/Forestal District Review
PROPOSED: Review, South Garden Agricultural/Forestal District; determine termination, modification, or continuation of the District; renewal cycle revised: 7-year to 10-year review period; created October 6, 1999, review prior to October 6, 2006. Withdrawals proposed: TMP 109 - 70 (40.063 acres); TMP 110 - 8 (105.20 acres); TMP 110 - 18E (32.767 acres). Addition proposed: TMP 110 - 7A (13.440 acres). Current acreage 2,033.33; with additions/subtractions 1,868.74 acres; net loss 164.59 acres
ZONING CATEGORY/GENERAL USAGE: RA -- Rural Areas: agricultural, forestal, and fishery uses; residential density (0.5 unit/acre)
SECTION: Chapter 3.3-204; Chapter 3.3-225.5

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____No_x__
LOCATION: North Garden between Route 29 south and Routes 712 / 719 with northern boundaries adjacent to the South Fork of the Hardware River.
TAX MAP/PARCEL: Current composition: TMP 109 - 70; TMP 110 - 8; TMP 110 - 18; TMP 110 - 18E TMP 110 - 27 totaling 2,033.33 acres.
MAGISTERIAL DISTRICT: Samuel Miller
STAFF: Amy Arnold

Mr. Morris noted that due to an advertising error AFD, South Garden Agricultural/Forestal District Review will be deferred to September 5, 2006. He opened the public hearing and asked if there was anyone present to address this request. There being none, he closed the public hearing to bring the matter before the Commission.

Motion: Mr. Craddock moved, Mr. Strucko seconded, to approve the request for deferral of AFD, South Garden Agricultural/Forestal District Review, to September 5, 2006 due to an advertising error.

The motion passed by a vote of 4:0. (Commissioners Higgins, Edgerton and Joseph were absent.)

Mr. Morris stated that AFD-2006-01, South Garden Agricultural/Forestal District Review was deferred to the September 5, 2006 meeting.

SP-2006-016 Mountain View Full Gospel Church – Expansion (Sign #76)
PROPOSED: Amend SP 1981-13; church expansion.
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 (35).
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: No.
LOCATION: 1005 Smith Road (Route 758), Afton; south of Route 637.
TAX MAP/PARCEL: TM 39, Parcel 37.
MAGISTERIAL DISTRICT: White Hall.
STAFF: Amy Arnold

Mr. Cilimberg pointed out that the applicant has requested deferral of SP-2006-016, Mountain View Full Gospel Church to September 6, 2006. The applicant has changed the size of the church from what the Commission saw in the report. The Commission will get a new staff report addressing the different size.

Mr. Morris opened the public hearing and asked if there was any public comment. There being none, he closed the public hearing to bring the matter before the Commission.

Motion: Mr. Craddock moved, Mr. Strucko seconded, to approve the applicant's request for deferral of SP-2006-016, Mountain View Full Gospel Church, to September 5, 2006.

The motion passed by a vote of 4:0. (Commissioners Higgins, Edgerton and Joseph were absent.)

Mr. Morris stated that SP-2006-016, Mountain View Full Gospel Church was deferred to the September 5, 2006 meeting.

***Deferred Item**:*

SP-2006-009 Birchwood Place (Sign #10)
PROPOSED: One three-story office building totaling 19,500 square feet and a one-story bank of 3,090 square feet on 3.66 acres
ZONING CATEGORY/GENERAL USAGE: C-1 Commercial - administrative, professional office and financial institution; EC Entrance Corridor overlay
SECTION: 22.2.2(10) Special Use Permit, which allows for drive-in windows serving or associated with permitted uses
COMPREHENSIVE PLAN LAND USE: Crozet Community - CT-6, Urban Core and CT-1, Development Area Preserve
LOCATION: Tax Map Parcel 56A2-1-30, located on Three Notch'd Road (Rte. 240) approximately 0.17 miles east of its intersection with Crozet Avenue (Rte. 810)
MAGISTERIAL DISTRICT: Whitehall
CONCURRENT APPLICATION: SDP 2006-00029
STAFF: David Pennock
DEFERRED FROM THE JULY 11, 2006 PLANNING COMMISSION MEETING.

Mr. Pennock summarized the staff report.

- The property is located on Three Notch'd Road just east of its intersection with Crozet Avenue in the heart of downtown Crozet. It is adjacent to the US Joiner site, which is currently under construction. There is a site plan under review for this site, which includes an office building and a bank. This special use permit request is for 4 (four) drive through windows as an accessory use to the bank. In the C-1 zoning district the drive through windows would be allowed by a special use permit.
- Staff's recommendation for denial was based primarily on two issues that had not yet been resolved. The first issue is the circulation on the site. The County Engineer, Jack Kelsey, had some concerns with the proposed circulation. Since the staff report was drafted the applicant has actually tweaked the plan several times and dealt directly with Mr. Kelsey to resolve most of those issues. The differences between the current proposal and the plan the Commission has seen are that they provided additional signage and some new striping that they are proposing. Most recently the applicant submitted a letter from the bank that indicates that 12 stacking spaces are more than adequate to serve their needs. With those issues resolved Mr. Kelsey is able to change his recommendation to approval of the circulation. So that issues goes away from the analysis since it has been resolved.
- The other outstanding issue is the appropriateness of the drive through use. Since it is located on the Entrance Corridor the visibility is a fairly key issue. This plan has not yet been seen by the Architectural Review Board. So without a recommendation from them staff had a hard time completing the review from an appropriateness standpoint. Therefore, staff's recommendation is still for denial, but just for the issues of the Entrance Corridor and the visibility. If that is something the Planning Commission feels can be worked out through the site plan process staff put some conditions in the staff report that would seek to address that.

Mr. Morris asked if there were any questions for Mr. Pennock.

Mr. Craddock asked when the ARB was going to review this request.

Mr. Pennock said that his understanding was that the request was suppose to go to the ARB at the end of this month. It will go to the Board of Supervisors at the beginning of September.

Mr. Morris noted that it would go to the Board on September 6.

Mr. Craddock asked if the stream buffer in the rear was going to be undisturbed.

Mr. Pennock noted that the rear of the site will be undisturbed and all of the disturbance will be in the front.

Mr. Craddock said that the fill would be at the rear of the bank part.

Mr. Morris opened the public hearing and invited the applicant to address the Commission.

Frank Pohl, representative for Weather Hill Homes, said that with regards to the grading of the bank site, it is the front third portion of the site that will require very minimal grading. Beyond that they will have to fill in up to the buffer. They do not plan to impact the buffer, but there will probably be 25' to 30' of grading into that buffer. But, there will be no building, development, parking or anything else in the buffer. They are utilizing the adjacent storm water management pond. They have talked with Tim Mark who is the US Joiner land owner for that site who felt that it would be good to combine storm water ponds. They will try to utilize and expand their detention pond. With regards to the ARB, they have met with them and have shown them this plan. In a preliminary response from staff they are okay with what they are showing. There has not been any resistance. They were happy and pleased that the drive through was at the back of the building. They are currently under contract with a purchaser. He brings this up for the Commission's information so that they know this is not just a blind special use permit that they are requesting. They are under contract to sell this land to Second Bank and Trust. They are also under contract to perform the site grading and get the improvements there so that they can come and build their bank.

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

Mr. Cannon asked if the appropriateness is the issue that is still outstanding in the Commission's view.

Mr. Pennock replied that from a visibility standpoint he was not able to recommend anything to say that it was or was not. There is no reason to think that it is not, but on the other hand he did not know.

Mr. Cannon said that in either case of approval or denial, the Commission would be deferring to the Architectural Review Board for a view on appropriateness which would then go forward to the Board. He asked if the Architectural Review Board will have acted before this goes to the Board of Supervisors.

Mr. Pennock replied assuming that they stay on schedule they will have. He thought the earlier submittals of this plan included elevations, but the first two submittals did not go before Architectural Review Board because of problems with the applications and the plans itself in meeting the full set of elevations. The applicant finally got all of that squared away. There is

reason to believe that the request will move on, but he cannot guarantee that. He noted that Mr. Poltz's response indicates that he has at least discussed the application with the ARB, but he had not heard that. But, he did know that the applicant had talked with staff.

Mr. Craddock noted that all three conditions contained items that would have to happen anyway.

Mr. Pennock replied that was correct because he was just highlighting the conditions.

Motion: Mr. Craddock moved, Mr. Strucko seconded, to approve SP-2006-009, Birchwood Place, with the recommended conditions as stated.

1. Architectural Review Board issuance of a Certificate of Appropriateness prior to final site plan approval.
2. Virginia Department of Transportation approval of entrance design and frontage improvements as well as any associated road plans and/or drainage plans.
3. Approval of site plan by County Engineer.

The motion passed by a vote of 4:0. (Commissioners Higgins, Edgerton and Joseph were absent.)

Mr. Morris stated that SP-2006-009, Birchwood Place, would go to the Board of Supervisors on September 6 with a recommendation for approval.

***Regular Item**:*

SUB-2006-193 Bundoran Farm: Request for approval of a preliminary plat to allow the creation of 94 lots. The property, described as Tax Map 86, Parcels 13, 13A, 16C1, 22, 22A, 23, 23A, 23B, 23C, 24C, 24D, 25, 26 and Tax Map 87, Parcels 1B, 2, 3 contains approximately 2,301 acres zoned RA, (Rural Areas). The proposed development is located west of Route 29 and is located on the northeast and southwest side of Plank Road (Route 692) and the north and south side of Edge Valley Road (Route 696). This site is located in the Samuel Miller Magisterial. The Comprehensive Plan designates this property as Rural Areas in Rural Area 3. (Bill Fritz)

Bill Fritz distributed petitions staff received after preparation of the staff report. All of the petitions are in support of the waivers and the project as a total project. (Attachment A – Letter dated August 4, 2006 addressed to Sally H. Thomas from Robert B., Jr. and Rebecca M. Rogers in support of the request.) (Attachment B – Letter dated July 27, 2006 to Albemarle County Planning Commission and Sally Thomas from C. Clayton Hurt, Jr. in support of the request.) (Attachment C – Letter and Petition of Support from over fifty (50) abutting landowners and neighbors dated August 2, 2006 to William D. Fritz.) He summarized the staff report.

- It is a large project covering about 3.6 square miles located west of Route 29 on both sides of Plank Road and Edge Valley Road. This request is before the Commission solely due to waivers and modifications. There has been no appeal of the plat and the Commission is not being requested to act on the plat. There are many waivers and modifications being presented to the Commission for consideration. Action does not need to be taken on each of the items individually. The Commission may act in one motion. At the end of the hearing staff will provide the Commission with guidance on how to frame a motion.
- Staff pointed out that the eastern portion of this project includes properties that are in the

Hardware Agricultural/Forestal District. Parcel J1 is also in the agricultural/forestall district and is being shown on this plat simply as information and is not being proposed for any division. It is an existing parcel and is simply shown for information and numbered as such.

- The applicant is proposing some lots that are less than 21 acres, which is not permitted in the agricultural/forestal district. Staff already informed the applicant and they have actually started work on preparing a plat that would correct it. The applicant will just need to remove any lots that are less than 21 acres.
- The request is for the use of private roads instead of public streets. A detailed analysis of each road is included in the staff report. Staff would be happy to answer any questions about a particular street. The applicant has requested a modification for the design standards in addition to requesting private streets. Generally, staff can support the use of Mountainous Terrain Standards as opposed to Rolling Terrain Standards. However, for this project the applicant is requesting roads built to standards below the Mountainous Terrain Standards primarily to reduce the road width and shoulder width. Staff is not recommending approval of private streets. If the Planning Commission does authorize private streets, staff is not recommending a reduction in the design standards. The applicant's justification for the use of private roads at a standard lesser than permitted is that this will reduce impacts caused by road construction. This is an argument that can be made for virtually all rural area development.
- County staff did and continues to recommend that multiple rural preservation developments be pursued for this development. This would, in staff's opinion, allow for the construction of public or private roads meeting the standards and still have less impact than the street currently proposed.
- He noted that Carpenter Drive in Long Hollow will serve lots that are in the agricultural/forestall district. Therefore, those two roads are in the agricultural/forestall district.
- In regards to access, there is one lot that is being requested to have access directly to Plank Road. The ordinance requires that all lots access internal roads. Lot D12 is requesting access directly to Plank Road. Staff is recommending approval of that modification subject to conditions. A detailed analysis of that is included in the staff report.
- A critical slopes modification has also been requested. This is to allow both disturbance of critical slopes for streets and building sites. A detailed analysis of the request for disturbance of critical slopes for streets and building sites is included in the staff report. Staff would be happy to answer any questions the Commission may have about a particular street or building site.
- Street construction on critical slopes is permitted without a modification if it is determined that no reasonable alternative exists. With a project of this scale alternative layouts exist and no exemption has been granted.
- One critical slope waiver for Gooding Road is recommended for approval. All of the waivers for street construction are not recommended for approval.
- A modification to allow building sites on critical sites has been requested. In every case except one there are alternative locations meeting the requirements of the ordinance for a building site. Therefore, staff is recommending denial. In the case of lot H1 no alternative location exists meeting the ordinance requirements. Further if this modification is granted it would allow for the creation of a lot that is not consistent with the kernel rule. Staff would be happy to go into that more if the Commission would like. But, there is content in the staff report about that also.
- The applicant has also requested a modification of building sites. On two lots the applicant is proposing a building site shape that does not meet the ordinance

requirements. The area is adequate. It is only the shape that is in question and the 30,000 square feet is not in a rectangle 5 to 1 ratio. In both cases alternative lot configuration would allow for building sites meeting all of the requirements of the ordinance. Therefore, staff is not supporting the request.

- That is a summary of the actions the Commission needs to take. The staff report is broken out so that each individual one is addressed. Staff provided a page reference. If there are any questions, staff would be happy to answer them.

Mr. Morris asked if there were any questions for Mr. Fritz.

Mr. Cannon said that this is an interesting and carefully thought through proposal and basically the response from staff's review is that the things that it needs it should not have. So they have a list of things that it needs in its current form that it should not have. There is some pretty strong opposition here. He was interested in trying to figure out how to get through it. Operating underneath the response that staff summarized it seems to be an alternative vision for this site. He wanted to make sure that he understands it and what it would look like. That is the multiple RPD option. What would that look like and how in the review would it accomplish the same or similar purposes as the proposal that has been put forward by the applicant?

Mr. Fritz asked to first echo something that Mr. Cannon said. The applicant has clearly put a lot of thought into this. Staff is not criticizing the applicant's efforts at all. It is simply an analysis of whether or not it applies to our ordinance provisions, which he asked to make clear. What staff is recommending is a use of multiple rural preservation developments. What that would in essence do, in staff's opinion, would still be consistent with the applicant's desire to preserve large tracts of either wooded or farm land and allow them, in essence, to cluster their development activities thereby reducing road lengths. For example, they would not have to go to the top of the mountains. Staff believes the applicant would be able to cluster these in areas which would have reduced visual impacts from adjacent properties and from public areas and the roads. It would be a different layout than what the Commission currently has. It would be clustering a lot of the development into particular areas or into multiple clusters. When looking at the property it appears to staff that there are areas that would provide those opportunities. There are wooded areas with gentle hills and areas that are already developed with some level of activity that could be used. It would be a different layout than what the applicant is currently proposing where they are utilizing a significant portion of the property and disbursing the residential development throughout that property as opposed to clustering every single place. The benefit is a much reduced road length. They were disturbing somewhere in the neighborhood of 28 acres just for the road construction. They have had developments in the urban areas that serve more lots than this and don't have as much infrastructure development. Those 28 acres is not taking into account any disturbance for roads, driveways and houses and the like. It is simply the infrastructure of the road.

Mr. Cannon said that is interesting. His question would be that road length is one consideration, but there are other considerations that purport to be driving this proposal like preservation of view sheds across open agricultural land that now exists and the preservation of agricultural land itself in large contiguous parcels that would maximum its continued use for agricultural purposes. Does the RPD idea accommodate those purposes to the same or greater or lesser degree?

Mr. Fritz said those are actually design guidelines for a rural preservation development. It talks about view sheds and preservation of agricultural and forestall activities. So in staff's opinion, yes, it is consistent with what their goals are.

Mr. Cannon said that is an abstract level. He would take it that nobody has sat down and designed the alternative RPD.

Mr. Fritz noted that they would have to sit and look at it and start to think of some of the ways. Some more work would have to be done to determine the real view sheds of any particular area. There would be a lot more work that is necessary, but, in staff's opinion, it is something that could be done.

There being no further questions for staff, Mr. Morris opened the public hearing and asked the applicant to come forward and address the Commission.

Robert Baldwin, Jr., President of Qroe Companies, who is the developer of this proposed project, said that he succeeds his father in this position. He certainly wished his father was here to make this presentation, but he was extremely excited about his project and honored to be here. Over the last several months he has spent a lot of time in the area. He walked the land extensively, met with a great number of the neighbors and met with a few Commission members. Now he could see the vision and the potential that he thought that his father saw in this piece of property. He did not look to rebut other visions, but would try to explain how they arrived at their vision and how they believe that it satisfies a great number of the goals they have for the rural areas. He asked to start with the goals and methodology that they use when they do their planning. They believe that they arrived at the best plan for the land and not just the cheapest, easiest or most convenience. He presented a power point presentation of the proposal. First they looked at the existing land use. Next they take a look at the road systems for the public road systems, farm road systems and even secondary farm tracks. They believe that these road systems were there for a reason and contribute to the contours of the land. Next, they looked at the view shed from the public road. They look to maintain that view shed. They looked at some of the critical natural habitat and natural resources. This would be the water ways and wetlands. It is extremely important to their concept, which has as its foundation in the preservation of farm land and operating farm is the operating and productive farm land. Shown on the plan in yellow is the current cattle grazing land and in the orange current productive orchards. Then they move up into the forestry and natural wildlife habitat and make a real point to identify contiguous unfragmented pieces of wildlife habitat that they work to preserve. They laid these on top of each other. As shown, it leave them with most of the land that ought to be and will be preserved under their planning. The reverse of this, of course, is what they consider to be the most suitable land areas for development. Those areas generally fall within the seams of the land in between the natural habitat and forestry and the productive farm land outside of the view shed. That is what they are looking to do. To take it one step further they walked the land again. He pointed out that they had done a lot of walking on the land. His father spent days on this land. Each one of the potential sites has been gone out to, staked out
and looked at on the ground to make sure it is suitable, outside the view shed and in fact can be developed. At the end of the day, they end up with the proposed master plan. So that is their process. What they try to do is preserve as much of the key assets of the property as possible. The major results that they have come up with about this plan include:

- Land preservation - 2,100 out of 2,300 acres were permanently preserved in our plan. Excluding the building envelopes everything else is permanently preserved. Therefore, 90 percent of the land is permanently preserved, which they think is the most precious land. That includes the natural habitat, the water resources and productive farm land.
- This property is protected by virtue of cross easements with all of the other home owners. It would take 100 percent of all of the home owners to agree on any change to that land use.
- Farm preservation – They went to great length to put the road systems out and around

all of the productive pasture land and orchards and out of the view shed where ever possible. This is to preserve the rural character and the view shed. But, equally important is not to fragment the productive farm land. Whereas, today they have cattle, but do not know what the right agricultural use is going to be 50 years from now. Once it is fragmented it cannot be unfragmented.

- Regarding the farm land, they create a system of economic support that comes from the home owners. It is a complicated system, but it ties the two uses together. As a homeowner on this property they not only accept the farm operations next door, but they are there to support it in off years.
- Regarding natural resources, the land, of course, preserves all of the eco-systems. They are going one step further on this. They have partnered on a long term basis with Audubon International and have on staff two Natural Resources professionals. Those professionals will make sure that not just their development and land planning is done in such a way that it enhances the natural habitat, but also all of the development of all of the home sites, the materials chosen and the siting of the buildings. It will be done in such a way not to hinder or hurt the natural habitat, but enhances it to the greatest extent possible.
- Rural character is very important. They believe that the view sheds that they are maintaining is a critical piece. They are maintaining the rural character, the wild life character and the operating farm in perpetuity. Of course, they are very happy to host now and into the foreseeable future the County Fair and other such cultural operations.
- All of these results come together with one other important result in which it is an acceptable economic return so that it makes sense. Their plan is very carefully balanced so that they believe that they have just the right number and right quality of home sites.
- Regarding the waivers, they are not asking for density waivers. They are proposing development rights on this property that equal about two-thirds of the by right development. What they need is to essentially preserve the farm land and the rural character and avoid these pasture lands. These are the road waivers and critical slope waivers. They have worked with County staff and make no argument that there are many other alternative routes for our roads and home sites, but they respectfully suggest that if they took advantage of all of these it would in fact degrade the rural character and the farm land more than their plan. They have made a couple of changes already. They are totally open to taking a look at specific issues where they did not see an alternative route that worked. They will continue to do that on specific case by case basis.
- There are seven home sites that impact critical slopes. They will restrict all home owners from disturbing the critical slopes. On these lots the home site would be outside of the critical slope. They will be happy to enforce that no septic systems will be located in areas of critical slopes.
- Regarding the road system, their philosophy is that roads should be unobtrusive but serviceable access to also unobtrusive home site. They are not looking for waivers of critical slopes for private roadways in order to gain extra access or for economic gain. They believe that they can access virtually all of the home sites under a public road system. They will be engineering their private road system to practically public road standards. They will engineer it so that it is there forever. It just won't look exactly the same. There will be some issues around the mountainous terrain versus the rolling terrain. That is very helpful to keep us out of the middle of the pasture.
- They could move the road system by just dropping them down in the pasture, but they don't think that is the proper use of pasture land to the view shed. They realize the importance of the regulations regarding the private roads and the critical slopes and that

this is not a decision to take lightly at all. They respectfully submit that they have unique property and a unique planning approach that sets the bar extremely high for any other developer and warrants special consideration. What he means by that is if they are approved these waivers will allow for the reduction of overall density and not an increase. It will provide for preservation of not just farm land, but an operation farm. It will serve in perpetuity 90 percent of the land. It will preserve rather than obstruct the view shed. The goals and results of this would be assured through a system of cross easements, harboring with Audubon International to make sure the natural resources are taken care of and a well managed, well funded homeowner's association structure that has been well proven and tested over time.

- In conclusion, he felt that they have a very unique plan that he believes aligns well with many of the County's goals for the rural areas. They respectfully submit that if they give them a chance and waive some of the technical requirements that they would like to move forward and realize the vision and proof that it is a very worthwhile mechanism.

Mr. Morris asked if there were any questions for the applicant.

Mr. Strucko asked what legal mechanisms they were considering to permanently preserve the 2,100 acres.

Mr. Baldwin replied that they use a system of cross easements from one home owner to the other enforceable by all the other home owners. It comes with the deed upon purchase of the property. It is enforceable with the home owner's association. The idea is that all of the land that is not a development site, the 90 percent, is accessible by everybody else in the community and as well as development restrictions. If anyone ever wants to change that they don't just go to one organization and convince them to rewrite the easement. They need to convince 100 percent of their neighbors that it makes sense. They believe that this has buy in from the entire community about the importance of the preservation and frankly locks it in. One could realize how difficult it would be to change it.

Mr. Strucko said that these would not be easements held by an external entity. These are 92 home owners that would require a unanimous acclamation to change the arrangement. He was concerned with the word perpetuity if they could get 92 people to agree upon something.

Mr. Baldwin said that he could not argue with that statement. He mentioned that this is a system that has worked well for them in the past. They have in the past overlaid that system with an external entity and they would be happy to talk about that as well.

Mr. Cannon asked if they grant some or all of the waivers would he be agreeable to a condition that required you to implement in order to take the benefit of that waiver the easement program and protections that he had outlined.

Mr. Baldwin replied absolutely. He would not have any problem whatsoever.

Mr. Morris said that he was very impressed with his philosophy. One thing that has bothered him is the consistent width of the roads and whether it is public or private. His primary concern is emergency vehicles getting access in inclement weather for the 93 or 94 occupants.

Mr. Baldwin said that first and foremost they are equally concerned about the life and safety. Life and safety is something that they don't negotiate in our business. They would not look to build anything that is not easily accessible for all of the life safety systems. He knew that they had had some conversations with some of the first responders out in North Garden. In addition

they look to engineer a road bed that is 16' paved section with engineering shoulders. That brings it down to the rural character like Edge Valley Road a little bit. But, they are going to engineer the shoulders so that they are there to support any emergency vehicle or for passing. They will go through the same exercise with the grade differentials as well to make certain in life safety that emergency vehicles can make it.

Mr. Morris invited public comment.

Robert B. Rogers, Jr., an abutting property owner, said that his family has been in Albemarle County in this red soil since before it was Albemarle County. He has people buried out in this area. He has looked at these view sheds and hunted on them, fished on them and swam on them with his father, my children and looked at them as a boy and never wanted to see them changed. He was a life member of the Nature Conservancy. He believed in conservation very deeply. He believed in conservation easements. His family actually owned a significant part of Bundoran Farm at one time many years ago. As a young boy when he looked out at the beautiful Ragged Mountains of North Garden he said the he hoped that he would never see it change. But, he knew as a realist that things change. Growth has found southern Albemarle County and North Garden. When he heard about this development coming he was naturally skeptical. H. L. Meniky said that you don't get a second chance to make a good first impression. Well he will tell the Commission that Robert Baldwin, Sr. and David Engels Brown bless their souls gave him a very good first impression. He was an engineer, not a civil engineer, but he was skeptical of anything and checked everything as many ways to Sunday as you can and found that these people had done their homework. They had provided a spectacular approach or an alternative to what they are now fighting about in this County on how best to manage growth. It was not invented here, but a lot of things are not invented here. A lot of Mr. Jefferson's thoughts were not picked up in Albemarle, but were picked up in other countries. As an engineer he felt that they could engineer study things to death with computers. The question is not whether what your requirements or your objectives are, but is the functionality in the form of the road fitting to the requirement and they flow together in a system with what they are trying to develop and preserve. How often have they looked at highway engineers and transmission engineers and said why these people ever did this and run these roads through our scenic developments and across our historic grounds. He looked at this and would say grant these waivers. All of the abutting neighbors and property owners have come forward. This is really a down zoning. They are using a less road standard. There will be fewer homes here. They were touched by two great men being Jefferson and Major Claudius Crozet. They did spectacular achievements. They brought Albemarle County here in his mind. He wondered today what they would look at here. It is a chance to protect almost 4 square miles of pristine rural area with strict agricultural controls, architectural controls, and environmental controls and make it pretty much like it is today and have a marketable scheme at 57 percent at what they could by right develop. It is a viable alternative to clustering and a beautiful one.

Russ Bodie, Senior Scientist with Audubon International spoke in favor of the request. Audubon International is a non-profit environmental organization. They work with people to achieve sustainable development. They do this through their program, which is in all fifty states in the country and 27 countries in the world. They certify properties that achieve their environmental goals and objectives. Their staff includes trained scientists, like me in fields such as aquatic toxicology, wild life biology, and fresh water ecology, who are all active in their fields. Therefore, they apply the logical principles to the properties that they work with. They do feel very good about the plan that has been done for Bundoran Farm. They feel like it is the best plan environmentally for this piece of property. What is important here is that they apply the ecological theory to design, construction and management of the properties and especially in the long term education of the residents and visitors of the property. They have worked with the

Qroe team since the beginning of the property for approximately a year on coming up with this design. They worked with their complete team. During their last decade of working with projects to create sustainable development this will be our first project that integrates a working farm, a working orchard and residential community. Therefore, they are very excited to be involved in this. They feel that it is certainly achievable. What sets their goal signature program apart is the long term commitment to sustainability. As Mr. Baldwin mentioned, they have an on site presence in the form of a natural resource manager and a sustainability development coordinator that will be part of the property during design, construction and management. They require annual recertification of all of our projects. Obviously, they don't recertify properties if they are not following our environmental goals and objectives. So their natural resource manager is there to help make sure that the framework of the sustainable development is being followed throughout the property, even after the developer goes away. They really want the fabric of sustainable development to be with the community and not just with the developer. They feel that is very important. To that end they also encourage environmental education in having the residents really embrace the concept and be involved in the community. He appreciated the Commission's time. They are very excited to be here in Albemarle County.

Pat Lloyd said that she lived on Tom Mountain, which abuts this property. They have lived there for about 20 years. She is a city girl, but thinks that now she is a country girl at heart. The growth that she has seen during the 20 years that they have been in this area has made her heart sick. In looking at the plan and seeing what ideals these people are hoping to have happen she hoped that the Commission would consider very seriously the waivers that they are asking for because they speak very much to preserving the environment and the beauty of the little bit of heaven they now have at Edge Valley.

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

Mr. Craddock said that a few months ago he sat on the Mountaintop Committee with Fred Scott. Then it was announced that Mr. Scott was going to sell the property. At that time he wondered what would happen to the land. Then Mr. Strucko and he were invited out to a presentation at the cottage by the pond for the initial meeting regarding the plans for this property. He went out with dubious thoughts in mind about how they were going to develop the property. Then when it came in that it was going to be roughly two-thirds of what they could do by right he thought that t his was looking good. He has been on the Commission for 6 or 7 years and he did not know of any projects that they have come before us for developing a property where they have had everybody come out in support of it instead of being in opposition. It is a different design and there is nothing like in Albemarle County. As they seen from the meetings last week he felt that everybody has the same basic goal, but just had a different way to get there as far as trying to minimize development, preserve the rural area and keep Albemarle County as an ideal place to live. His folks go back to the early times of the Rivanna Channel Company and so he has seen a lot of changes here. He thinks that with the whole philosophy of this presentation that he would like to work to make these waivers reality. One of the questions that he had at the last meeting with the applicants was about the fire safety and EMS. He thought that they have done their homework as far as getting the folks from North Garden to check these out and make sure that the apparatus can negotiate the terrains and things like that. So he has no problem working to try to make these waivers and requests a reality.

Mr. Cannon said that he shares a lot of Mr. Craddock's thoughts on this. It seems that this is not fitting the mole, which is partly why people are struggling with it. It is not our image of cluster development. It is not our image of the rural preservation alternative as they have developed it. But, there is an intuitive appeal about the way these folks have gone about this

and about their rationale for the decisions that they have made and are proposing that they adopt. He looked at the critical slopes and say that there might be ways to avoid some of that, but he heard at the same time that in fact at least as the building sites it is not the intent of the developers to disturb the critical slopes. So there may be some conditions or further guarantees that they could have in that regard that would minimize the apparent conflict there and still preserve the benefits as he understands them of placing these home sites where they are minimally disruptive of the three major environmental concerns that are guiding the development plan. There are more roads than there would be in a clustered development, but the roads allow houses to be dispersed and moved back, which he felt on this landscape, had some obvious benefits. That is confirmed by the support that the plan has from folks that live on adjacent lands. So he would like to find a way to make this work in a way that does not sacrifice significantly the values that are reflected in our regulations, but gives us a different way to go at securing those values. Mr. Strucko brought up a good point on the conservation easement. It seems that the developer is willing to consider an additional level of commitment there, which he felt would be great. But, otherwise he was finding it very appealing and would like to work through to allow it to happen appropriately.

Mr. Strucko said when he heard that Mr. Scott sold the farm he was concerned when he found out there were 160 odd development rights on the various parcels combined. A lot of Albemarle County's standards when it comes to the rural areas are fairly strict. He knew that the Board of Supervisors and Planning Commission has held public road standards in the rural areas because they were concerned that exceptions to those rules would grant access to terrain and to agricultural and rural lands and they wanted to make sure that our standards are implemented. The public road standards are one way of doing that. He went down to the cabin by the lake at the end of the air field with a bias in his thinking that he could not look at this any other way than this is rural area development. Even at 92 units, it is 92 units in Albemarle County's rural area and a choice section of our rural area on top of that. But, he had to admit that he was very disarmed by the presentation and by the care that Qroe and affiliate staff put into assessing the land and familiarizing themselves with it looking for ways to exercise these development rights in a method that maintains the agricultural and forestry character of the land, open space and minimizes the visual impacts. This is unprecedented in our community. Therefore, they have to step back to give this concept a fair thinking. He went down a second time last week to discuss these issues with developers and came back again inclined favorably to this. The reason that he was inclined favorably to it is that this is a unique property with a unique planning approach and an exception to the rule because of the uniqueness, the extent and the care, and the innovations that involve the cross easements with home owners. He would like to something a little bit more extensive to secure those 2,100 acres in perpetuity. However, there is a way that this project is developing and preserving. Certainly like Mr. Rogers stated Albemarle County does not have a monopoly on all of the great and innovated ideas. This is something that no one has considered for the last ten years when they were looking at the Neighborhood Model and new ways to develop our designated growth areas and methods for preserving rural land. They are wrestling with those issues now. Then along comes this style of development. So it is very unique. It has a lot of conditions. The residents must embrace and agree to the concepts. Because of that uniqueness he too am willing to consider these waivers and try to work something out. Now he did not know what kind of motion or how complex this thing has got to be and what are all the sentiments they want to embody in it. He felt that was the next thing that the Commission needs to work out.

Mr. Morris said that is the tough one. He echoed his sentiments also. He went out and met with the applicant's father, Mr. Brown, and actually toured the property. He thought that it was absolutely unique that most of the roads were not designed or laid out by engineers, but by cattle who generally know the right way to go. It is a unique proposition and he would love to

see it work, but he did not know how because there are certain items that staff has clearly pointed out that need to be addressed. He felt that they had a consensus that the Commission was in favor of the request if it can be worked.

Mr. Fritz recommended that since they don't know what the nature of the conservation easement language is the Commission could reserve the final plat review and the language of the conservation easement to themselves as a condition of the waivers. Staff would simply bring the final plat along with the conservation easement documents back to the Commission for their review and approval to ensure that it accomplishes the things that they are after.

Mr. Morris asked if that was possible.

Mr. Kamptner replied that the Commission has the right to call the final plat back and the right to review the documents regarding the duly recorded cross easements. He felt that could be a condition of the waivers to address their concerns.

Mr. Fritz noted that staff's only concern is that the Commission does not have the plat before them, but only the waivers. He felt that they could do that as a condition of the waivers.

Mr. Kamptner replied that was correct because the Commission had a pretty wide discretion to impose condition that addresses their concerns.

Mr. Morris asked if anyone could put that in the form of a motion.

Mr. Fritz questioned whether the Commission wanted to do them all together or break them apart. He noted that there are multiple waivers and modifications. Among the waivers that they have is not only the private streets and critical slopes for both streets and building sites, but they also have building shapes that they also addressed. The other one is access to lot D12, which staff was recommending approval on with conditions.

Mr. Morris asked if the Commission should make a separate motion on that.

Mr. Kamptner said that the Commission could based upon the information that they have received conclude that those would satisfy the requirement that the private road standard will alleviate significant degradation to the environment under Albemarle County Code section 14.2.32.a.1 and that they are able to make all of the findings under Albemarle County Code section 14.2.34.c.1 – 5. Those are that the private streets that would be adequate to carry the traffic volume, which may be reasonably expected to be generated by the subdivision. The Comprehensive Plan does not provide for a public street in the approximate location of the proposed private streets. The fee for the private streets would be owned by the owner of each lot abutting the right-of-way or by an association composed of the owners of all of the lots in the subdivision subject in either case to an easement for the benefit of all lots served by the street. That is a standard requirement for a private street. Then 4, except as required by the Commission to serve a specific public purpose the private street shall not serve through traffic nor intersect the state highway system in more than one location. He asked staff if it meets that standard.

Mr. Fritz replied yes.

Mr. Kamptner said that 5, if applicable, the private streets would be improved in accordance with Section 30.3 of the Zoning Ordinance, which deals with Flood Hazard Overlay lands. He asked staff if they have any of those.

Mr. Fritz replied that there is one street that goes over a dam, which is in the Flood Hazard Overlay.

Mr. Kamptner said that is correct. With respect to that dam the Commission is directed in 34b, which directs the Commission to consider that absent compelling circumstances private streets should not cross over dams or bridges that involve other infrastructure that would be reasonably prohibited to maintain should not serve as the primary or sole interconnections between the subdivision and the abutting property or serve through traffic by being the connector between two or more public streets. He asked if any of those circumstances apply in this case.

Mr. Fritz replied no, that it was just the dam. He pointed out that there was one additional thing. That is a modification of the standard as permitted by Section 22.5.1 to allow the design standard that they are seeking.

Mr. Brooks said that this is because if they grant the request for a private road authorization that comes with a certain standard in the ordinance. The applicant does not want to use that standard, but wants to go with a lesser standard. The private road standard is equivalent to the public road standard in this instance, except they are using the Mountainous Terrain Standard instead of the Rolling Terrain Public Standard. The ordinance allows you to make that and step down.

Mr. Strucko asked what the Mountainous Terrain width is.

Mr. Brooks replied 18' with 4' shoulders. The applicant is asking specifically to use a 16' pavement width and 2' shoulders.

Mr. Fritz noted that it was 13' pavement width in some places.

Mr. Brooks replied that it was smaller in some cases. If the Commission wanted to make a condition with regard to the standard the roads are to use they could specifically refer to the proposal where it is outlined.

Mr. Fritz noted that those standards are shown on the plats that the Commission has in their documents for this proposal.

Motion: Mr. Cannon moved, Mr. Strucko seconded, to approve the request for the waivers related to private street authorizations as set forth in the applicant's proposal in SUB-2006-193, Bundoran Farm, on the basis of recitation by counsel as then later supplemented with the further condition that the Commission reserve the right to review the final plat and conservation easements associated with the development plan set forth by the applicant.

Mr. Kamptner clarified that the term "conservation easement" in this case may be declarations proposed to be recorded that will maintain open space as represented by the applicant tonight.

Mr. Cannon agreed, but noted that there is some room for discussion within that space.

Mr. Morris asked for one clarification based on the motion. He asked if they were going with the standard of 18' road width or 16'.

Mr. Fritz said that the motion is worded so it would be the 16' and 13' as shown on the plans that the Commission has before them tonight as presented by the applicant.

The motion passed by a vote of 4:0. (Commissioners Higgins, Edgerton and Joseph were absent.)

Motion: Mr. Cannon moved, Mr. Strucko seconded, to approve the waiver request of Section 14-404 to allow Lot D 12 to access Plank Road directly as submitted by the applicant in SUB-2006-193, Bundoran Farm, based on the stated finding under Section 14-404, with the recommended conditions on page 22 of the staff report.

1. The use of Lot D 12 shall be limited to activities as permitted by Albemarle County Code, Chapter 18, Section 10.2.1(3), 10.2.1(4), 10.2.1(5), 10.2.1(7), 10.2.1(12), 10.2.1(17), 10.2.1(20), as it exists on July 21, 2006.
2. The applicant shall obtain all necessary permits from the Virginia Department of Transportation to install any required improvements.
3. Access to Lot D 12 shall be limited to existing entrances except as they may require modification as recommended by the Virginia Department of Transportation. Any entrance shall comply with the design standards set forth in Albemarle County Code, Chapter 14, Section 410(F) and 410(G)
4. The subdivider shall demonstrate to the agent prior to approval of the final plat that the waiver does not violate any covenants to be recorded for the subdivision.

The motion passed by a vote of 4:0. (Commissioners Higgins, Edgerton and Joseph were absent.)

Mr. Morris noted that the motion was approved. He said that the next motion was for the critical slopes. The 12 requests are:

Building site location for Lot A6 (Staff recommends Denial)
Building site location for Lot F1 (Staff recommends Denial)
Building site location for Lot H1 (Staff recommends Denial)
Building site location for Lot H7 (Staff recommends Denial)
Building site location for Lot H10 (Staff recommends Denial)
Street encroachment on critical slopes for Bundoran Farm Drive (Staff recommends Denial)
Street encroachment on critical slopes for Gooding Road (Staff recommends Approval)
Street encroachment on critical slopes for Sprouse Road (Staff recommends Denial)
Street encroachment on critical slopes for Carpenter Drive (Staff recommends Denial)
Street encroachment on critical slopes for Quartz Hill Lane (Staff recommends Denial)
Street encroachment on critical slopes for Hightop Drive (Staff recommends Denial)
Street encroachment on critical slopes for Long Arm Lane (Staff recommends Denial)

Mr. Fritz pointed out that the critical slopes were for the roads and the building sites. In these cases the building sites have the 5:1 ratio, but the 30,000 square feet includes some critical slopes. On this particular modification the Commission needs to make certain findings. Staff has outlined the language in the staff report. The Commission may modify or waiver any requirement of section 4.2 in a particular case upon finding that:

1. Strict application of the requirements of section 4.2 would not forward the purposes of this chapter or otherwise serve the public health, safety or welfare, or that alternatives proposed by the developer would satisfy the purposes of section 4.2 to at least an equivalent degree; or

2. Due to its unusual size, topography, shape of the property, location of the property or other unusual conditions, excluding the proprietary interest of the developer, the requirements of section 4.2 would effectively prohibit or unreasonably restrict the use of the property or would result in significant degradation of the site or adjacent proper ties. Such modification or waiver shall not be detrimental to the public health, safety or welfare, to the orderly development of the area, or to adjacent properties, or be contrary to sound engineering practices; or

3. Granting such modification or waiver would serve a public purpose of greater import than would be served by strict application of section 4.2.

Mr. Strucko said that he had a question for the applicant.

Mr. Morris asked the applicant to come forward.

Mr. Strucko said in dealing with the proposals currently for building does it disturb critical slopes for residential construction.

Mr. Baldwin replied that the building envelope does, but the actual building does not except in one case. But, they would agree to move it.

Mr. Cannon asked if it would be consistent with his plans with the one adjustment that he just made. He asked if the Commission put a condition on it that said that although critical slope waivers are necessary for some of these building sites the building in fact will not be located on critical slopes.

Mr. Baldwin replied that is absolutely correct. That is a condition that they would be happy to comply with.

Mr. Strucko said that his assumption was that there was no physical disturbance of the critical slope. It is just that the 30,000 square foot site overlaps them.

Mr. Baldwin replied that is correct. In fact, it includes a yard, a garage, septic system or anything like that.

Mr. Morris said that it was his comment that no building site will disturb critical slopes. He asked if that was paraphrased correctly.

Mr. Strucko replied that was correct because there won't be any actual physical disturbance with the critical slopes. It was just that the 30,000 square foot space overlaps.

Mr. Fritz noted that it was the dwellings, drain fields and driveways.

Mr. Kamptner replied yes, that the Commission can impose a condition that the construction of none of those will disturb critical slopes.

Mr. Baldwin pointed out that the driveways might be a slightly different situation because they did have some critical slopes. But the yards, the building and septic system will not be in the critical slopes.

Mr. Kamptner said yes, that could be a condition. He asked staff if the waiver requested for lot H1, which is the one that has the kernel rule problem, resolved in the resubmitted of the plat.

Mr. Fritz replied no, if the Commission grants the modification. If the Commission would turn to page 29 through 31 the Commission can see the property. Lot H1 is a 4 acre parcel, which has a triangular piece that sort of juts into it. They could see a dashed line that then continues off from that just north of where the building site is. Lot H1 is a 4.4 acre parcel. Lot H1 is deriving its development right from the southern or western parcel in this particular case. They allow parcels to do that and share acreage provided that there is a building site within the parcel that is obtaining its kernel or development right from. In this case the Commission is granting a waiver to allow a building site to exist where no building site would otherwise exist.

Mr. Cannon asked if on the piece of land upon which this development right is derived there is no buildable site.

Mr. Fritz said that is correct. That building site that they show does not meet the definition of a building site unless the Commission grants the waiver. If the Commission denies the waiver on lot H1, then lot H1 would have to be absorbed into adjacent properties and could not be developed as a lot of less than 21 acres. That is one of the derivatives of the kernel rule that one has to get the 2 acres and a building site from the parcel they are obtaining the development right from. In the case the applicant is getting the 2 acres, but not the building site unless the Commission grants the waiver. Then the applicant would get it.

Mr. Kamptner asked that to be highlighted to the Commission because that particular parcel has a different situation on it.

Mr. Cannon said that the critical slopes waiver could be based on the finding under 4.2.3. Granting such modification or waiver would serve a public purpose of greater import and would be served by a strict application of section 4.2, the greater public service being the protection of established forested lands and agricultural lands and the avoidance of locating building sites on or intruding into those lands or minimizing the impact on those lands.

Mr. Kamptner noted that it was section 4.2.5.b.3.

Motion: Mr. Cannon moved, Mr. Strucko seconded, to approve the twelve (12) critical slopes waivers that have been requested by the applicant in SUB-2006-193, Bundoran Farm, based on the previously stated finding under section 4.2.5.b.3 with the condition as to the waiver for building site locations that there would be no disturbance of critical slopes for the construction of buildings or septic fields in the construction.

The motion passed by a vote of 4:0. (Commissioners Higgins, Edgerton and Joseph were absent.)

Mr. Strucko asked if that was just for the building. He asked if the Commission needs to consider the streets at this point.

Mr. Kamptner noted that the streets are going to disturb critical slopes.

Mr. Cannon noted that the condition applies only to the homes.

Mr. Fritz noted that the next waiver request was for the building lot shape under section 4.2.2.a.1.

Mr. Cannon asked how many lots this applies to, and Mr. Kamptner replied for two lots.

Mr. Fritz noted that the modification was being done under section 4.2.5.

Mr. Strucko asked if these lots could contain the 30,000 square feet, but not to the dimensions.

Mr. Fritz replied that these lots do contain the 30,000 square feet. Staff could have granted these administratively, but did not have a preliminary report from the Health Department. One of the criteria is that staff must have that in order to grant it administratively. Staff did not have it and did not grant it. Therefore, staff referred it to the Commission. As part of the final the applicant would have to obtain Health Department approval. It was simply a factor in the review that made staff unable to grant it.

Mr. Cannon asked if the Commission was able to grant it without such a review now.

Mr. Fritz replied that the Commission could grant it now.

Mr. Kamptner said that is required only for administrative approval. Therefore, the Commission could grant it now.

Mr. Fritz noted that the Commission did not need to put a condition on it about Health Department approval because that is an automatic part of final review.

Motion: Mr. Strucko moved, Mr. Craddock seconded, to approve a waiver for modification on the two sites on SUB-2006-193, Bundoran Farm.

Mr. Kamptner said that based on the discussion, he assumed that the basis for that is under section 4.2.5.b.3 because of the visual impacts as identified by the applicant.

Mr. Strucko modified his motion to include the basis as previously stated by Mr. Kamptner.

Mr. Craddock seconded the modification.

The motion passed by a vote of 4:0. (Commissioners Higgins, Edgerton and Joseph were absent.)

Mr. Morris stated that the requests for SUB-2006-193, Bundoran Farm were approved.

The Commission took a 5 minute break at 7:42 p.m. The meeting reconvened at 7:50 p.m.

Public Hearing Items*:*

SP-2006-015 Monticello Memorial Gardens (Signs #33,38)
PROPOSED: Expansion of existing, operating cemetery: additional road network; demolish four existing cottages.
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 (32); Entrance Corridor Overlay District.
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: Jefferson Lake Drive off Thomas Jefferson Memorial Parkway (Route 53).

TAX MAP/PARCEL: TM 77, Parcels 32B, 34, 35, 35A, 36, 36A, 36B, 37, 37A, AND 38C.
MAGISTERIAL DISTRICT: Scottsville.
STAFF: Amy Arnold

Ms. Arnold summarized the staff report.

- Monticello Memorial Park was established as a cemetery prior to the late 1930's becoming Monticello Memorial Gardens in March, 1979 with a change in ownership. The cemetery was established with 26.54 acres and has remained at this size since that time.
- S.E. Cemeteries of Virginia, Inc. is proposing the expansion of the existing cemetery with an additional road network, the construction of a maintenance shed and the demolition of 4 existing cottages. S.E. Cemeteries is proposing phasing the expansion increasing the footprint of the cemetery slowly over time. Currently the cemetery averages 15 internments a month with a maximum increase not likely to exceed 30 internments a month by 2016.
- The current operation hours of the cemetery are 8:30 to 5:30 Monday through Friday and 8:30 to 12:00 p.m. Saturday and Sunday.
- In addition to the physical changes in the site S.E. Cemeteries is proposing an extension of their week day hours to seven days a week. Currently the cemetery employs 7 people (3 maintenance staff, 2 sales persons, 1 administrator and 1 manager). S.E. Cemeteries is proposing an increase of 4 additional employees (2 additional maintenance staff and 2 additional sales persons) for a total of 11 employees.
- The Monticello Historic District lies immediately to the east of the parcels with a large wooded area to the west. On the south of Route 53 is historic Michie Tavern. Interstate 64 is adjacent to the northern property boundary. The western adjacent property boundary is adjacent to the Blue Ridge neighborhood area.
- The area is dominated by rolling topography, mature stands of deciduous woodland, open areas and a few scattered residences. The adjacent Thomas Jefferson Memorial Parkway is a narrow heavily wooded winding its way through the adjacent hills all the way up to Monticello Mountain.
- Attachments D on pages 15 and 16 of the staff report describe the proposed closing of the existing entrance to Jefferson Lake onto Route 53. This proposed closing would impact access to Route 53 from parcels 32 and 38, land that is not included in the cemetery proposal. The County Engineer recommends the closing of Jefferson Lake Drive exit onto Route 53 to reduce the points of conflict along this sharp curve and Route 53. The applicant has expressed concern about limiting this access to Route 53 from parcel 32 and has requested the following alternative: Close the cemetery access to this portion of Jefferson Lake Drive and the entrance onto Route 53 by removing the connecting paving leaving the resident of parcel 77-32 as the sole user of this access to Route 53. With this scenario alternative access for the parcel 38 would still need to be provided to the cemetery. The applicant's alternative proposal is described on page 16.
- Staff has received a copy of a letter from Nora Safran who is a resident of parcel 32 voicing her opposition to the closing of Jefferson Lake Drive entrance onto Route 53. Staff distributed copies of Ms. Safran's letter for review. (Attachment D – Letter dated August 2, 2006 from Nora Rachel Safran to County of Albemarle Planning Commission and Board of Supervisors in reference to Monticello Memory Garden Expansion)

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

Mr. Craddock questioned what Ms. Safran's concerns were.

Ms. Arnold noted that Ms. Safran's concerns are essentially limited access for herself, for emergency vehicles and excessive visitors.

Mr. Craddock asked if VDOT had recommended closing the entrance.

Ms. Arnold replied no. It was the recommendation of the County Engineer.

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

Eric Wilkes, representative for the applicant, said that basically the background of this request is that this property is currently owned by Monticello. They propose to sell the property to us because they prefer that it be preserved in a more natural land use and developed by right on the existing parcels. One clarification that staff pointed out was that access to 77-38 is still going to be retained by Monticello. They have agreed to abandon their access to q.c.d. to us whatever right-of-way they have over the cemetery. The only other parcel for which access is a concern is Ms. Safran's and she has probably stated her concern with removing her access to Jefferson Lake Drive more articulately than he could. He pointed out that Mr. Kelsey drew the analogy between Michie Tavern and the current applicant. In that case he was not sure that was a quite aped comparison because Michie Tavern was required to close one of their entrances, but in that case they were dealing with one landowner and not a third party. In this case Ms. Safran is a third party. Other than that they only have one concern, which they would like to negotiate with the Planning Commission, which would be #5 in staff's recommended actions. It is his understanding that the ARB is requesting a 50' buffer along the northern end between 64 and the existing cemetery and the proposed new land for the cemetery. He spoke to Margaret Maliszewski and she said that one reason for doing this is that they can't rely on VDOT to maintain the existing wooded buffer, which at its narrowest point is 100' and through most of the boundary is over 125'. He noted that 50 percent of this land is undevelopable as it is because both staff and he had agreed to basically retain all of the critical slope areas in the two big areas as preservation areas where no trees will be removed over 12" in diameter. They would actually be happy not removing any trees over 6" in diameter. There is no flat land that lies towards the northern edge of these parcels. It is their belief that a 25' buffer would be sufficient because even then there would still be 125' of total buffer between where VDOT mows and where the existing cemetery would be developed. There is already a 25' setback. That is the only other objection that they have just to reduce the size of that buffer along the northern boundary. He felt that even if they reduced the size of that buffer to 25' that taking in account the setbacks on the external boundaries and the critical slope areas still of the total acreage still only about 45 percent will be developed. So in a large measure, which is something that Monticello wanted, they are going to be kept in a natural state along all of the steep slopes and along the perimeter. Then there are wetlands in the middle. There is a pond there. The northern boundary is between 25' and 45' in elevation higher than the roadway. The rationale for the Architectural Review Board is that they are trying to protect view sheds. This is not even visible from the road bed of 64 because they would be 4 or 5 stories above the low of the road. It is not visible and there is already 100' to 200' of buffer in VDOT's right-of-way. If they add 25' to that he felt that is significant protection for the view shed along 64.

Mr. Morris asked if there were any questions for the applicant.

Mr. Craddock asked if along the front of 64 if there was 100' of buffer from that fence into that lowest road there at the current cemetery.

Mr. Wilkes said that he was not sure which fence he was referring to.

Mr. Craddock replied that it was the fence that runs along the whole Interstate 64.

Mr. Wilkes said that he was going by the edge of the wooded area. It was between the edge of the woods from where they got the aerial data from the Albemarle County Service Authority. They followed it up actually in looking at aerial data that the County had. From the edge of the wooded area in VDOT's buffer two of the property lines of the cemetery is at it narrowest point 100'. In referring to Attachment A, which is their concept plan, at most points it is well over 125'. There is 100' basically of woods between their property and I-64 where the woods stop and the grass starts. He felt that would be a sufficient buffer to protect the scenic resources, which the ARB is concerned with. Even at that point they were talking about an area that was 25' above the elevation of the road way. But, he was just going by their survey and the County's data.

Mr. Craddock noted that the existing cemetery plots could be seen from I-64. Traveling west on I-64 when one looks to the left they can see those cemetery plots, particularly in the winter time.

Mr. Wilkes felt that the reason it could be seen from I-64 was because one would be traveling down hill and would be looking over the trees. But, there is 100' plus feet and usually 25' to 40' in elevation change.

There being no further questions for the applicant, Mr. Morris invited public comment.

Keith Johnstone, Vice President for Business Administration for the Thomas Jefferson Foundation, said that they have an interest in this because they are selling the land to the cemetery. They put the land on the market and could have looked at other alternatives. They took less money for this alternative and would like to encourage the Commission to rule favorably for the applicant. Monticello's position on conservation is well known. They think that this is the quietest use that they could possibly find for this land. He would also like to speak to Ms. Safran. That is a bad turn there, but he believed that she has to have that drive way to get into her property. They would encourage that stipulation be granted because it could be closed lower than her house and allow Ms. Safran to get into her house. He felt that would be an excellent solution.

Mr. Morris asked if he was recommending maintaining the current road.

Mr. Johnston replied yes, but just to her house. If they want to close it lower than that, he felt that would be okay.

There being no further public comment, he closed the public comment to bring the matter before the Commission.

Mr. Craddock said that on the list of recommended action he would suggest that condition 10 be struck about closing her entrance. That entrance has been there for many years. He knew there was another entrance to Michie Tavern just up the street. But, with the proposed gate that they were proposing just past where the new road would come over from the cemetery he thought that would limit any cemetery traffic coming on to that road from there. Then Ms. Saran would have access onto Route 53 keeping in mind over the years that was a working farm. There were tenants that used that entrance way onto Route 53. Also, it is about #5 concerning the 100' of wooded buffer. He still did not understand what was going on, but he would say leave it in there because he felt that it needs to be protected from I-64.

Mr. Strucko agreed with Mr. Craddock.

Mr. Cilimberg pointed out that they need to have a condition that would substitute there because there is going to need to be. He thought that the applicant made a proposal of a substitute that they want to have to assure that the entrance was being left only for the use of that particular Ms. Safran's property.

Mr. Craddock said that according to Attachment there is an attached gate. He asked if Attachment A's drawing go with the application to ensure that the gate is placed in the specific location. He asked if the conditions need to include the recommendation that the road be gated to prevent cemetery traffic from using Ms. Safran's road.

Ms. Arnold said that the applicant is actually proposing a stiffer solution, which was to not even have the gate and remove the actual connecting paving. That way they could be assured that the sole user of that drive is Ms. Safran.

Mr. Cilimberg said that if the Commission decides to approve and wants to use a condition with that reference staff can make sure that it gets into the conditions that go to the Board of Supervisors.

Mr. Morris said that is very good. He asked if that would take care of it.

Mr. Craddock asked with the new part of the cemetery how would they get to the old part.

Ms. Arnold replied that there is a proposed connection across from the existing Jefferson Lake to the entrance drive that exists now.

Mr. Strucko asked if the applicant wanted to remove the pavement in lieu of the gate.

Ms. Arnold replied that is correct so that there is no occasional use by the cemetery and to make sure that there is no other use whatsoever.

Mr. Cannon asked if there would be no road, and Ms. Arnold replied exactly.

Mr. Strucko noted that he was experiencing a little bit of hesitation on that idea because it just funnels into one entry and exit point. He asked if there was a possible situation that there may be a need for emergency purposes.

Motion: Mr. Craddock moved, Mr. Strucko seconded, to approve SP-2006-015, Monticello Memory Gardens, with the recommended conditions, as amended, with condition #10 removed and to be replaced by a condition developed by staff implementing the applicant's suggestion to remove the pavement.

1. Special Use Permit 2006-15 shall be developed in general accord with the concept plan revised July 12, 2006, prepared by Thomas B. Lincoln Land Surveyor, Inc. and titled "Monticello Memorial Gardens Expansion Concept Plan" (Attachment A.) in conjunction with Attachments A.1, A.2, and A.3.
2. The operating hours of the cemetery shall be limited to 8:30 am to 5:30 pm seven days a week.
3. Employees shall be limited to eleven (11).
4. A minimum of 11 parking spaces shall be provided for employees.
5. A 50' wooded buffer shall be maintained on the property along the full length of I64 that abuts the property. The 50' buffer shall consist of existing wooded areas, which

shall remain without disturbance, and currently unwooded areas that shall be planted with a mix of evergreen screening trees, staggered at 15' on center, minimum 6' in height at planting.

6. There shall be no disturbance of critical slopes*.*
7. All indigenous trees 12" caliper and above shall remain only within the areas of critical slopes defined by the shaded (cross hatched) areas in Attachment 2. Tree protection, as defined by the Virginia Erosion and Sediment Control Handbook, shall be in place before any disturbance of the site adjacent to an area of critical slopes.
8. All exterior parcel boundaries shall include a 25' setback for internment areas.
9. The entrance improvements shall be included as described in Attachment 3, pages 1. and 2. with the first phase of construction.
10. The driveway pavement in the area labeled, "section of pavement to be removed" on the concept plan (Attachment A) on Jefferson Lake Drive between the access road for TMP 77-22 and the cemetery shall be removed with the beginning of the first phase of development and replaced with topsoil and seeded with grass or turf grass.
11. All internal access ways shall be designed according to the minimum standards listed below:

	Primary Access way	Minor Access way
Pavement Width:	18 ft.	14 ft. (2-way), ft. (1-way)
Shoulder Width:	4 ft.	4 ft.
Grade:	less than 12% preferred, 16% max.	Less than 12% preferred, 16% max.
Design Speed:	20 mph	10 mph
Centerline Radius: (usually dictated by sight distance)	120 ft.	50 ft. or more
Sight Distance:	Stopping: 125 ft. Intersection: 200 ft.	Stopping: 85 ft. Intersection: 100 ft.

12. County approval of a plat consolidating all parcels into one when the use begins.

The motion passed by a vote of 4:0. (Commissioners Higgins, Edgerton and Joseph were absent.)

Mr. Morris stated that SP-2006-15, Monticello Memorial Gardens would go to the Board of Supervisors on September 6, 2006 with a recommendation for approval.

SP-2006-013 Little Keswick School Dorm Amendment (Signs #23,24)
PROPOSED: Construct building for dorm; use existing dorm for offices.
ZONING CATEGORY/GENERAL USAGE: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (.5 unit/ acre).
SECTION: 10.2.2(5) Private School.
COMPREHENSIVE PLAN LAND USE/DENSITY: RA -- Rural Areas: agricultural, forestal, and fishery uses; residential density (0.5 unit/acre).
ENTRANCE CORRIDOR: No.
LOCATION: 500 Little Keswick Lane; Rt. 731 1/20th of a mile south of Rt. 22.
TAX MAP/PARCEL: TM 80 Parcels 110A, 110A2, 112, 117A, 118, 119.
MAGISTERIAL DISTRICT: Rivanna.
STAFF: Joan McDowell

Ms. McDowell summarized the staff report.

- This is a special use permit for dorm relocation for Little Keswick School. It is located at 500 Little Keswick Lane in the Rivanna Magisterial District. It has both rural area zoning designation as well as the Comprehensive Plan designation. The Little Keswick School was established in 1963 prior to the adoption of the Zoning Ordinance. The dorm itself that the children are using now has been grandfathered in. She spoke at length with the State representative and they are very anxious to have the old dorm replaced with the new dorm. The applicant proposes to change the old dorm into offices and recreational and storage type uses.
- There were a couple of issues with previous special use permit conditions of approval that staff would like to note. One was that they would not increase enrollment. The other was that if there was an increase in enrollment, then the Virginia Department of Transportation would want a commercial entrance permit. She spoke at length with the zoning department and their concern was that no increase in enrollment, but not tying it to an actual number. So there is a condition of approval in this special use permit that would tie it to 31, which is what the State license is and what they have. The applicant does not intend to increase the enrollment. Staff also spoke with VDOT and the County Engineer and they both agree because there is no increase in enrollment anticipated and that the enrollment is 31 that there would not be any commercial entrance requirement. Therefore, the new conditions of approval would remove that requirement because they don't believe it is necessary.
- There are no other issues that staff found with this application. The new dorm would be located in an area a little recess down an embankment. Although it has some visibility to the neighbor, it is not much. So staff recommends approval with the conditions as listed in the report.

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

Mark Columbus, Head Master of Little Keswick School, said that this school has been in school for 44 years. They have boys that have been diagnosed as emotionally disturbed learning disabled. They are not court advocated boys, but are between the ages of 9 and 15 upon admission. They have had boys in the past from Egypt, Peru, Louisiana, Texas and California. They still have the sort of catch man area that is nation wide. The vision of the founders of the school certainly in keeping with improving the quality and enhancing the experience of these boys with our national reputation is to envision this existing dorm and now locating it away from the CSX Railroad track, which is pretty noisy. They plan to put the dorm in the bank, which aesthetically keeps the view very low from the adjoining properties. The only thing that they would ask is a modification on the 60' setback. Under construction if they were to come across any bed red or under ground spring areas that they would have the ability to move it within that area, but certainly not to violate the 25' setback. They were not changing the number of staff or number of students. They are licensed by the Department of Education to have 31 students. The owner of the school, Mr. Wilson, met with Gloria Dalton, their educational representative. They have long applauded the work that the school does. The school is the only school in VASES history to have an unblemished review or audit within the VASES, Virginia Association for Special Education Schools, who is one of their crediting agencies. So they want to just keep growing in quality and this dorm expansion will allow us to do that. There will be no change in the number of cars parked on site. They have ample parking spaces around the campus. The total number of day time staff is only 31. The night time staff, since it is residential, is 8. They have a total number of parking spaces of 72. Access has been made to the road for emergency purposed. They were able to purchase the old Keswick train depot and use it for their dining facility. They have access to the back railroad bed or the road to the existing dorm as it does now when they built the gymnasium in 1990. So there are really no changes at all.

Mr. Morris asked what the original use of the current dorm was.

Mr. Wilkes replied that back in 1993 it was called the barn dorm. It is a frame building with a tin roof. They have modified it and put rooms and dorms in up to specs. The only variances that they have there is that they would like for us to have another bathroom adjoining to it. They did do an expansion of the bathroom. They already have approval by the health department for a septic field already approved for this building. Then if they were to add another bathroom they would have to have the quality of the septic field enhanced. Right now they do have a variance on that.

There being no further questions for the applicant, Mr. Morris asked if there was any other members of the public present to speak regarding this request.

John Grady, representative for the applicant, noted that a comment was made about the 60' setback. They certainly showed that because it is what they want to do. But, looking out here if they get back in here and encounter either rock or a spring, which is highly likely, they needed to modify it by 15' to 20'. They wanted the Commission to be aware of this because if they go to the zoning administrator the way this is written if it is within the concept plan she needs to hear it from the Commission that it was okay for it to be modified. If they had to shift something around 15' the side setbacks from the Zoning Ordinance for the Rural Area are still only 25'. Therefore, they would be more than what they would be required to be away from that line. They wanted to play safe. If they need to move it they don't want to have to stop and come in and come back just because they lost 15' some where.

Mr. Morris asked if they moved back if that would then restrict vehicular traffic getting into the gymnasium.

Mr. Grady replied no, because the road is fairly tucked up along the rear property line. If they were to go back 20' it would not restrict the traffic going back to the gymnasium. There would still be a road back there.

There being no further public comment, Mr. Morris closed the public hearing to bring the matter back before the Commission.

Mr. Craddock asked if staff has heard any comments from any of the neighbors, and Ms. McDowell replied no.

Regarding the waiver request to extend the time to commence construction, Mr. Kamptner recommended that a condition be added to state: "Construction of the dorms shall commence within five (5) years of the date of approval of the special use permit, SP-2006-013."

Mr. Strucko asked if they need to add a condition about the setback.

Mr. Cilimberg said that the wording in condition 1 is that it be located and developed in general accord and the Zoning Administrator may approve revisions to allow compliance. If the Commission's intent is that there is a bit of flexibility based on what the Commission heard tonight what staff could do between now and the Board meeting is just check with the Zoning Administrator in seeing if there needs to be any additional language to accomplish that.

Mr. Craddock agreed with Mr. Cilimberg's proposal.

Motion: Mr. Craddock moved, Mr. Strucko seconded, to approve SP-2006-013, Little Keswick School Dorm Amendment, with the recommended conditions, as amended by Mr. Kamptner and Mr. Cilimberg, and to approve a waiver from Section 18-31.4.4 to allow five years from the date of approval of this special use permit to commence construction.

1. Special Use Permit 2006-13 shall be limited to the construction of a maximum two-story 45' by 95' residential facility "New Dorm" for students enrolled in the Little Keswick School and for the conversion of the existing "Barn Dorm" to non-residential uses, such as office, recreational, storage, meeting area, or other similar uses. The "New Dorm" shall be located and developed in general accord with the concept plan, titled, "Little Keswick School, Concept Plan" (Attachment A.) and dated June 22, 2006 (last revision date). However, the Zoning Administrator may approve revisions to the concept plan to allow compliance with the Zoning Ordinance.
2. Maximum enrollment of students shall be limited to 31. Any increase in enrollment shall require an amendment to this special use permit and may require entrance improvements subject to Virginia Department of Transportation requirements.
3. The existing dorm, labeled "Barn Dorm" on the concept plan (Attachment A) shall be subject to review by the Building Official prior to conversion of the existing use to any other use.
4. Construction of the dorms shall commence within five (5) years of the date of approval of the special use permit, SP-2006-013.

The motion passed by a vote of 4:0. (Commissioners Higgins, Edgerton and Joseph were absent.)

Mr. Morris stated that SP-2006-013, Little Keswick School Dorm Amendment would go to the Board of Supervisors on September 6 with a recommendation for approval.

SP-2006-014 SOCA Club Offices at South Fork Soccer Park (Sign #27)
PROPOSED: Amendment to SP 1998-018, which permitted creation of a club facility for soccer fields, to add temporary office facilities.
ZONING CATEGORY/GENERAL USAGE: RA -- Rural Areas: agricultural, forestal, and fishery uses; residential density (0.5 unit/acre); FH -- Flood Hazard - Overlay to provide safety and protection from flooding
SECTION: 10.2.2.2: Clubs, lodges, civic, patriotic, fraternal.
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: No.
LOCATION: Polo Grounds Road, approximately 1.1 miles east of US 29.
TAX MAP/PARCEL: 46-26C1.
MAGISTERIAL DISTRICT: Rivanna.
STAFF: Scott Clark
Mr. Clark distributed copies of the concept plan for SOCA at South Fork New Offices dated August 4, 2006 (Attachment E). He summarized the staff report.

- This is a special use permit request to amend SP-1998-18, which permitted an athletic facility to change the use to a club, which would allow the addition of a small office building in the operation of the club offices for this organization on the site.
- The site in question is a 28 acre rural parcel located between Neighborhood II in the Hollymead Community along the South Fork Rivanna River just upstream of the confluence with the North Fork. It is largely in the floodplain. The edge closest to the

river is under a conservation easement co-held by the Soil and Water Conservation District and by the County. The majority of the parcel is open. The section along the river is wooded. This is also the site of a very significant archaeological area of a 17th century Monican Indian village.

- The use as it now stands is an approximately 2,000 square foot building with storage areas and a concession stand with two rest rooms. Otherwise, there is parking in a large flat grassy area in the fields themselves.
- It is currently served by sewer, but is under a limited use designation, which only permits the uses that became possible with the two special use permits in 1998, for the use and the floodplain fill. So that limits in that designation and does not permit this expansion to happen. So at the same time the special use permit is being processed there is a request for extending that limited service designation for the use that is going to the Board. Assuming this is recommended for approval, it will go to the Board on the same night. If the use is approved, the Board will consider extending the service. There would not be any physical changes to the service on the site. It would just be allowing the increased use to happen. That use would consist of 1,000 square foot of building being added to the site in an office use for about 9 people. Seven of those persons frequently visit the site anyway. So the impacts of those people on the site are not really significant.
- Staff is recommending approval with conditions. In the report staff has noted where there are additions or changes in the conditions. Staff distributed a replacement for Attachment A of the staff report. Condition 1 recommends approval with a plan dated August 1, but the new plan distributed is dated August 4. So any approval would have to make that change. That was just to allow for a couple of small corrections that were made on the plan.
- Some of the other significant changes that were made to the conditions from the original approval include:
    - Condition 7 is being deleted because that was a condition that related to the final site plan that has already been approved on the site.
    - Condition 11 is a modified version of the condition relating to the archaeological resources on the site from the final site plan. Originally, this permit would have just called for Phase I Archaeological Review and what staff has added is the remaining relevant parts of the condition that applied after the Phase 1 and the Phase II surveys were carried out.
    - Condition 11 is phrased just to keep access for the study of the site still open to the UVA Department of Anthropology. Condition is now noted for deletion. This was originally imposed because of concerns that the Meadow Creek Parkway might go through this site. That is no longer expected, recommended or planned for this area. Also, because this permit should run with the land it was a questionable condition from the beginning.
    - Condition 13 has some additions that clarify that the proposed building can exist on the site.
- So with those conditions staff is recommending approval of SP-2006-14, SOCA Club Offices.

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

Billy Mueller, Executive Director with SOCA Organization of Charlottesville/Albemarle, said that they are a not for profit volunteer based community service organization. They are an inclusive club dedicated to serving the community by providing soccer activities for persons of all ages

and all abilities. They have year round programming for both children and adults. They will register about 9,000 players each year. In any given season they will have over 3,600 participants playing in their organization. As such they are committed to providing quality experience for all those participants and the South Fork Soccer Park is a critical part of that plan to provide service. Our impact in the community is significant. They are a vital part of the community. They are vital in two different ways by being full of life and vitality and also because they are a critical part of what makes this community a great place to be and to live and participate in these sorts of activities. Their purpose is to serve the soccer community. They are a committed community servant. They make it their business to provide healthy, happy activities for all of their participants by providing a high quality programming in activities. They manage them to the greatest benefit of our participants. This is visible through their recreation program, which is open to all comers. In their outreach program they have a program that includes children from underserved and under privileged communities. In the paper today they had one of their teams win a national championship. That describes the breath and dept of their programming. They have a significant financial assistance program. Everyone was invited to come and participate in their recent camp that took place out at the park. That is just an example of the life and the vitality and the joy that is part of their program, but also the commitment that they have towards their community. Our request before the Commission is pretty simple and straight forward. They are asking for permission to amend their existing special use permit to allow the addition of an office use on their existing site. He felt that it was worth clarifying that the Commission was going to be seeing a second application that has to do with the expansion of the park. This first item being discussed this evening really came about as a result of our plans for an expansion to help us in our service. When they begin the process of defining and designing their expansion they learned that they were going to lose any ability to save on their existing lease. They were going to be looking for a place to live frankly. The expansion project being as complex as it is will take some time before it comes before the Commission and the Board of Supervisors. As a result they are finding ourselves needing to relocate our office. Their intent is that the office use would be a temporary one. They are looking for a solution that is fiscally responsible to our customers and allows us to serve them well. There is an obvious confluence of interest by having our office associated with the park facility, which is really the center of their operations. To located the office use on site they feel they can serve their customers well and contribute to the community as they have been doing. There will be minimal disturbance to the surrounding neighbors. They can go about the business of serving their customers as best as they can. In terms of impact, they will be quiet and sort of tucked away and out of site. Frankly, there will be fewer automobile trips as a result of locating the staff on site because there is no intent to shuttle back and forth between their existing office and the park. The greatest numbers of their registrations actually take place through the mail. They don't have a huge volume of walk in traffic. They do have some, but they expect that to diminish further when they convert all of their registrations to an on line process, which will hopefully take place this fall. He asked that the Commission approve their request.

Mr. Morris asked if there were any questions for the applicant.

Mr. Craddock asked if they would be using the offices at night or does there need to be anything in the conditions about night use. The current conditions state no lights and that the park is used during the day.

Mr. Mueller said that they do have meetings at night. They are opened one day a week until 6:30 p.m. So at different times of the year that is dark. Typically the offices are opened until 4:00 p.m. Staff does work well beyond closing. There are board meetings and other meetings with coaches and other activities that take place in the evening. They don't have anything other

than lights on the building lighting the immediate exterior of the building. They don't have any parking lot fixture because those were not permitted on the first go round.

Mr. Kamptner said that the permit allows the use to take place at any time. The hours of operation is a permissible condition if he thinks there is an impact from that use.

Mr. Craddock said that he did not think that there is any problem, but just wanted to make sure there was no problem with night meetings. He assumed that in the second phase it was going to be a more permanent building.

Mr. Mueller said that is correct. Their plan is that in the expansion project there would be a permanent office building along with a playing field and a covered arena. They would be happy to talk about it in greater detail in the future. Their intention is for it to be a temporary facility. Pending approval of the expansion project then the office would be relocated up the hill.

Mr. Cannon asked if the expansion will be on land that they own or would they have to acquire additional land.

Mr. Mueller said that they have an option on the land, but do not own it at this point. They are seeking to own the land.

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

Mr. Cilimberg said that in response to Mr. Strucko's last question, there is a separate special use permit that will be coming that intends to establish permanent facilities, including an office. That is going to be subject to a future decision. This permit does not require or condition that this be a temporary use. In the event that for some reason that other special use permit does not end up going through this might be a longer term use.

Mr. Cannon said that it is clear from these conditions that the office use is solely for the soccer organization and is not office space that will be used for other purposes.

Mr. Cilimberg replied that is actually the way the application was made.

Mr. Cannon noted that condition 13 addresses that, and Mr. Clark agreed.

Mr. Kamptner asked to clarify his comments on page 6 regarding condition 12. When he was reviewing these comments he was focusing on the conditions language that the permit would be void. Looking at it a different way that kind of condition could be permissible as a durational limitation, which the Board occasionally imposes on uses typically where the full intent of the impacts is not know and they want the applicant to come back through and renew their permit and modify the conditions as necessary. But, in this case it works out. His recommendation to staff was that this condition was inappropriate because it is no longer needed because of the Meadow Creek Parkway plans have been altered since back in 1998.

Motion: Mr. Strucko moved, Mr. Craddock seconded, to approve SP-2006-014, SOCA Club Offices at South Fork Soccer Park, with the recommended conditions, as amended, as follows.

1. Special Use Permit 2006-14 shall be developed in general accord with the concept plan, titled 'SOCA at South Fork New Offices at Existing South Fork Soccer Park' (Attachment A.) and dated August 4, 2006. However, the Zoning Administrator may

approve revisions to the concept plan to allow compliance with the Zoning Ordinance.
2. No exterior lighting shall be installed;
3. No loudspeakers or public address system shall be permitted;
4. No portion of any athletic field shall be located closer than seventy-five (75) feet to any lot line;
5. Compliance with the provisions of 5.1.16;
6. The vehicular entrance to the site shall be gated to prevent use of the site after hours and during flood events;
7. Water quality measures shall be provided to achieve water quality at least equivalent to pre-development conditions, subject to the approval of the Water Resources Manager;
8. Route 643, Polo Grounds Road, shall be upgraded with a minimum of 1.5 inches of SM-2A from Route 29 to the entrance of the soccer fields. This work shall be completed prior to the applicant making use of both SP-98-18/SP-98-22 [Soccer Fields] and SP 90-35 [Church]. The applicant may make use of one of the special use permits without the need to upgrade Route 643, Polo Grounds Roads;
9. The owner shall reserve a one hundred (100) foot wide strip of land the length of the property abutting the northern side of the Rivanna River for the Rivanna Greenway. The width of the reserved area shall be measured from the edge of the Rivanna River at its normal flow level. When the County decides to establish a public area or park, including canoe access, the owner shall dedicate the reserved area to the County and such property necessary for ingress and egress to the reserved area;
10. The applicant shall cooperate with the University of Virginia Department of Anthropology regarding development and further archaeological study of the site, specifically, the Applicant shall grant the Department permission to collect artifacts from any plowing or other soil disturbance of the site, and allow the Department to be present for the excavation of the French Drain on the western edge of the soccer field.
11. The use of the buildings shall be limited to restrooms, equipment storage, a concession counter, and offices for the soccer organization. The interior area of the new office structure shown on the concept plan shall not exceed 1,000 square feet.
12. The concession counter shall be open only during use of the soccer fields; and
13. A tot lot shall be provided.

The motion passed by a vote of 4:0. (Commissioners Higgins, Edgerton and Joseph were absent.)

Mr. Morris stated that SP-2006-014 would go to the Board of Supervisors on September 6 with a recommendation for approval.

Old Business:

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

New Business:

Mr. Morris asked if there was any new business.

- There will be a 4:00 p.m. work session on August 29 regarding affordable housing.

- Mr. Craddock commended Mr. Cilimberg, Ms. McDowell and Mr. Benish who spoke at the two joint Board of Supervisors/Planning Commission public hearings last week for their great presentations in such a difficult situation.

- Mr. Cannon said that he would not be present next week.

There being no further new business, the meeting proceeded.

Adjournment:

With no further items, the meeting adjourned at 8:43 p.m. to the Tuesday, August 15, 2006 meeting at 6:00 p.m. at the County Office Building, 401 McIntire Road.

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V. Wayne Cilimberg, Secretary

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