Albemarle County Planning Commission
October 17, 2006

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, October 17, 2006, at the County Office Building, Room 241, Second Floor, 401 McIntire Road, Charlottesville, Virginia. Members attending were Eric Strucko; Jon Cannon; Pete Craddock; Marcia Joseph, Chairman; Duane Zobist and Bill Edgerton. Absent was Calvin Morris, Vice-Chairman. Julia Monteith, Senior Land Use Planner for the University of Virginia, representative for David J. Neuman, FAIA, Architect for University of Virginia was present.

Other officials present were Wayne Cilimberg, Planning Director; Sean Dougherty, Senior Planner and Greg Kamptner, Deputy County Attorney.

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

The Commission met at 5:30 p.m. in the auditorium for a demonstration of the new audio/visual capabilities of the newly renovated auditorium.

The meeting adjourned at 5:55 p.m. and moved to room #241 for the regular meeting

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

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

Other Matters Not Listed on the Agenda from the Public:

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

Review of Board of Supervisors Meeting – October 11, 2006.

Mr. Cilimberg summarized the actions taken by the Board of Supervisors on October 11, 2006.

Work Session:

ZMA 2006-015 Glenmore – Section S5, Livengood Property (Signs #26, 30)
PROPOSAL: Rezone 32.24 acres from RA - Rural Area zoning district which allows agricultural, forestal, and fishery uses; residential density (0.5 unit/acre) to PRD - Planned Residential District - residential (3 - 34 units/acre) with limited commercial uses to allow for 42 dwelling units. This proposal is an expansion of the Glenmore PRD and does not include commercial uses.
PROFFERS: Yes
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Neighborhood Density Residential - residential (3-6 units/acre) and supporting uses such as religious institutions and schools and other small-scale non-residential uses.
ENTRANCE CORRIDOR: No
LOCATION: 2,000 feet south of the intersection of Route 250 East and Hacktown Road, North of Pendowner Lane (in Glenmore), and east of Carroll Creek
TAX MAP/PARCEL: Tax Map 80, Parcel 48 and Tax Map 94, Parcel 1
MAGISTERIAL DISTRICT: Scottsville
STAFF: Sean Dougherty

AND

ZMA 2006-016 Glenmore – Section K2, Leake Property (Signs #31, 32, 44, 69)

PROPOSAL: Rezone 110.94 acres from RA - Rural Area zoning district which allows agricultural, forestal, and fishery uses; residential density (0.5 unit/acre)
to PRD - Planned Residential District - residential (3 - 34 units/acre) with limited commercial uses to allow for 110 dwelling units. This proposal is an expansion of the Glenmore PRD and does not include commercial uses.
PROFFERS: Yes
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Neighborhood Density Residential - residential (3-6 units/acre) and supporting uses such as religious institutions and schools and other small-scale non-residential uses.
ENTRANCE CORRIDOR: No
LOCATION: 1.25 miles south of the intersection of Route 250 East and Hacktown Road, North of the Rivanna River, west of Carroll Creek, and east of the Development Area boundary.
TAX MAP/PARCEL: Tax Map 94, Parcel 16, 74, and 16A (portion therof) and Tax Map 93A1, Parcel 1
MAGISTERIAL DISTRICT: Scottsville
STAFF: Sean Dougherty

Ms. Joseph explained the procedure of the work sessions. First, they will receive a staff update on the background information. The applicant will also provide any information that they think is important at this date of time. There is a list of questions within the staff report that the Planning Commission will go through. There will be some interaction and exchange between the applicant and the Commission. Public comments and questions will be taken. The Commission will try to answer any questions raised. After the public asks questions, the applicant will respond to any questions raised by the public and add any additional questions they might have.

Mr. Dougherty presented a power point presentation to provide the following background information on the two rezoning proposals to expand the Glenmore PRD - ZMA-2006-15, Glenmore – Section S5, Livengood Property and ZMA-2006-16, Glenmore – Section K2, Leake Property.

- Livengood: KG Associates is requesting a rezoning of 32.24 acres from RA to PRD as an expansion of Glenmore. The development pattern is proposed to be similar to that found in Glenmore: relatively large single-family detached lots. The location Map (showing both proposals with respect to Glenmore) is Attachment A, a map showing the applicant's proposal for various properties in the Village of Rivanna is Attachment B, the Livengood Application Plan is Attachment C, and Attachment D is a narrative prepared by the applicant to address County land use goals with respect to this property. Attachment E shows proposed changes to the existing proffers. The applicant proposes identical changes to the proffers for both rezonings.

- Leake: KG Associates is requesting a rezoning of 110.94 acres from RA to PRD as an expansion of Glenmore. The development pattern proposed is similar to that which exists in Glenmore. The Location Map is Attachment A, The Leake Application Plan is Attachment F, and Attachment G is a narrative prepared by the applicant to address County land use goals. Combined engineering comments, the majority of which will be more pertinent during the next round of review, is Attachment J.

- The applicant proposes two developments that extend the form of development found in the existing Glenmore PRD, but are not consistent with certain recommendations of the Comprehensive Plan and the Neighborhood Model. The Commission is asked to consider the appropriateness of the applicant's proposals for land use, density and layout, and transportation and interconnections and provide guidance through response to a number of questions posed by staff. The first discussion will be on the Livengood proposal.

- Michael Barnes and Don Franco, representatives for KG Associates, are present to represent the applications.

Don Franco and Michael Barnes, of KG Associates, were present to represent Glenmore Associates in this rezoning.

Mr. Franco said that they are following the new two step process. Tonight they were present to gain some information on the big picture items or the land use items. In step two they would take that information and work on a more specific plan dealing with the regulatory aspects of the plan and then bring it back. Tonight they would introduce the project and explain how the project fits into the environment and the existing land uses that are out there. They would focus on big picture items that are in the Comp Plan goals, objectives and interconnections. They would stay away from form issues, whether Neighborhood Model, impacts, waivers, and proffers. At a future date they acknowledge that those items will be addressed. They have met with some of the stakeholders to receive comments. They hope to take away from tonight's discussion some guidance on the important items and some additional public input. He walked the Commission through the first part of the project in a power point presentation. He turned the presentation over to Mr. Barnes to discuss the Livengood property in hopes of getting some of their questions answered. Several of their questions include the following:

- How to best deal with Pendowner Lane and how best to deal with that situation and the environmental constraints?
- What is the best way to access property?
- How important are other forms of access from this property to Glenmore? How to prioritize other connections?

Michael Barnes introduced the Commission to the Livengood property in a power point presentation. He explained the character of the property and the environmental constraints associated with the floodplain and creek towards Rivanna Village. They hope to maximum the number of units looking for single-family attached units. This property borders Rivanna Village, but most of that property is in the flood plain. Therefore, they don't see this to be an interconnection due to environmental constraints. Also, they don't see the addition of a second gate in Glenmore to make a connection. It would change the character of the road. They see this as a natural split and it is an either or condition. Another issue includes storm water management. They are trying to get 22 to 88 units on the site, but want to maximize the number. He pointed out that they had five questions for the Commission to answer as follow:

- How to treat the environmental constraints?
- If a vehicular connection is not made, what other kind of connection would be appropriate?
- How to treat the net density?
- Single-family detached units
- How to treat the transition action area in between the two properties.

Ms. Joseph suggested asked that the Commission answer staff's questions first on the Livengood property.

Mr. Franco asked that they talk about the Livengood property first.

Ms. Joseph replied that the Commission would discuss that item first and assumed they would have another power point presentation for the Leake property.

Mr. Edgerton asked who owned the adjacent properties in between the two proposals.

Mr. Franco replied that since the last meeting they have discussed purchasing six of the eight parcels in between the properties. Actually they have made a contract pending to purchase six of the eight parcels to add to the project.

Mr. Dougherty pointed out that the other two properties of the six have been placed on the market, but it is something that just developed.

Ms. Joseph asked that the Commission start with staff's first question.

1. ***Should the Rivanna Master Plan be undertaken to a point that better guidance can be provided regarding this rezoning proposal, or should this proposal move forward under the current Plan?***

Although sympathetic to the concept for the proposal to wait for the Rivanna Master Plan, it was the consensus of the Planning Commission that it was the applicant's decision on whether to move this proposal forward under the current plan or wait for the Rivanna Master Plan.

2. ***Is the applicant's proposed density of 1.31 dwelling units per acre appropriate with respect to the Comprehensive Plan designation for the area which prescribes a range of 3-6 units per acre?***

(Combined response after question #3)

3. ***Is it more appropriate for this land to be included in an expansion of Glenmore, or should it related more effectively to the proposed Rivanna Village project?***

The Planning Commission could not reach a consensus on questions 2 and 3. The majority opinion of the Planning Commission was that Pendowner Lane should keep the same form and be an extension or a continuation of Glenmore. The rest of the property could have more of a relationship with Rivanna Village and achieve a higher density and be more responsive to the form and density proposed in Rivanna Village as an extension or through an interconnection. Under this concept, there should be a distinction between the north side of the Pendowner lots and what happens in the rest of the property with a buffer of some sort. The minority opinion of the Planning Commission was that development of this property should be an extension of Glenmore.

4. ***What sort of road or path facility, if any, should be provided to connect this property with Rivanna Village?***

It was the consensus of the Planning Commission that the applicant should provide a stub road with an expectation for future interconnection. In terms of approving a rezoning, all of this property would initially take access through Glenmore and, at a future date, it may connect to

Rivanna Village with a transition gate between the public and private roads. The Commission strongly supported having at least a pedestrian connection to Rivanna Village from the beginning.

5. Is the use of rural cross sections appropriate, despite the subdivision ordinance requirements in Development Areas for curb, gutter, planting strip, street trees and sidewalk on both sides of the street?

It was the consensus of the Commission that before providing a specific response to the question, the Commission needs to see what form the applicant brings back in response to their discussion. The Planning Commission provided several comments about the northern portion of the property. If the proposed development is in the Glenmore form it can continue with private roads. The northern part of the property, should it be more of the Rivanna Village form, should reflect the street requirements of the Subdivision Ordinance.

6. Is the use of paved paths, bridal trails and golf cart paths, rather than sidewalks, appropriate for this development?

It was the consensus of the Commission that before providing a specific response to the question, the Commission needs to see what the applicant brings back in response to their discussion.

Ms. Joseph invited public comment.

Sterling Profft said that he had questions about the Leake property.

Rep Riplinger, resident of Glenmore, asked why they think that putting a second entrance in would do anything to the traffic problem.

Ms. Joseph said that he was expressing concerns about the external roads and not the internal roads.

Mr. Strucko pointed out that the Commission was talking about the internal traffic increase within the development itself and not on Route 250. If they were adding 40 additional residents certainly a second entrance would alleviate the internal traffic.

Mr. Cilimberg noted that they will get information about traffic impacts both internally and externally as a result of the traffic study that the applicant would do as a result of tonight.

Mr. Franco pointed out that one of the standards they look out for determining on how far they go out on a traffic study is VDOT's 15 percent standard. Once they drop below the 15 percent impact of their traffic impact that is where the traffic study ends. Therefore, when they talk about external they are not looking at including Route 250 as part of their traffic study. They recommend that they will have an incremental impact and will have to pay their proportional share, but it is going to be mystery proffer process to get there.

Ms. Joseph pointed out that one of the comments in the staff report talked about the fact that there might be a traffic light on 250, but it is not warranted at this point in time. She asked when the applicant thought that might be warranted to help

Mr. Franco replied that right now there is a traffic light proffered at the intersection of 250 and Glenmore Way. It has not met the warrant requirements in the past. It is ready to be implemented. Rivanna Village is going to require a traffic light upon approval.

Paul Accad, a ten year resident of Glenmore, asked if the second gate is mainly to allow Glenmore residents to exit and not overburden the internal roads of Glenmore and use our one gate. Is that the major reason for the gate or is there another reason?

Mr. Strucko replied that was his original understanding.

Mr. Accad asked assuming the second gate is rejected by Glenmore what type of access the Commission wants between Glenmore and Rivanna Village. He asked if it would be the pedestrian, golf cart connection as previously discussed or does the Commission feel strongly that there has to be a connection.

Mr. Craddock replied that if the Glenmore residents chose to have higher traffic within their community and reject the second gate if that will be option.

Mr. Strucko replied yes.

Mr. Accad asked if the Commission feels that there needs to be some kind of connection.

Mr. Craddock felt that if Glenmore does not want a connection, he did not think they should have to, but it would be helpful to have a pedestrian path connection.

There being no further public comment, the work session moved to the second rezoning request for the Leake property.

Ms. Joseph asked staff if they had another presentation.

Mr. Dougherty said that he did not have a separate presentation on the Leake property, but wanted the Commission to answer the questions raised in the staff report.

Mr. Franco presented a power point presentation on the Leake property and explained the character of the neighborhood. He asked what the Commission felt was the appropriate density and whether it should be single-family attached. They need to discuss the environmental constraints, how they need to treat the hard edge and the connection to Running Deer.

Mr. Barnes presented a power point presentation and explained the Leake proposal.

The Commission discussed and replied to the following questions outlined in the staff report regarding the Leake property.

1. ***Should the Rivanna Master Plan be undertaken to a point that better guidance can be provided regarding this rezoning proposal, or should this proposal move forward under the current Plan?***

Although sympathetic to the concept for the proposal to wait for the Rivanna Master Plan, it was the consensus of the Planning Commission that it was the applicant's decision on whether to move this proposal forward under the current plan or wait for the Rivanna Master Plan.

2. ***Is the applicant's proposed density of 1.0 dwelling unit per acre appropriate with respect to the Comprehensive Plan designation for the area which prescribes a range of 3-6 units per acre?***

(Combined response after question #3)

3. ***If the proposed density is not appropriate, should the applicant use the most developable portions to achieve a higher density?***

The applicant presented two concepts for this area. One that included large single-family detached lots and another that incorporated smaller lots, such as the "Scottish" homes in Glenmore. The Commission agreed the applicant should let the constraints of the property guide the layout, but that a mix of large lots and smaller lots would be more fitting. It was the consensus of the Planning Commission that a layout based on site constraints that works to achieve a higher density than 1 unit per acre is acceptable as long as the only connection into Running Deer Subdivision is for emergency access only.

4. ***Is it more appropriate to provide access to the Leake property through Glenmore or Running Deer Lane, or possibly both?***

The Commission could not reach a consensus on providing access to the Leake property through Glenmore or Running Deer. It was the consensus of the Commission that the applicant should make a commitment to reserve a 50' strip for a future connection to Running Deer should the only initial access come from Glenmore.

5. ***Should the applicant show connections to the Glen Oaks area or should the applicant be providing access to Glen Oaks through another route?***

It was the consensus of the Commission that it is not appropriate to discuss this issue at this time due to a pending special use permit application for Glen Oaks.

6. ***Is the use of rural cross sections appropriate, despite the subdivision ordinance requirements in Development Areas for curb, gutter, planting strip, street trees and sidewalk on both sides of the street?***

Before providing a specific response to the question, the Commission wants to see what the applicant brings back in response to their discussion.

7. ***Is the use of paved paths, bridal trails and golf cart paths, rather than sidewalks, appropriate for this development?***

It was the consensus of the Commission that before providing a specific response to the question, the Commission needs to see what the applicant brings back in response to their discussion.

Mr. Franco pointed out that there was a lot of concern about traffic with the residents, particularly the construction traffic. He asked for some direction on that issue from the Commission because he did not have a consensus of the Glenmore residents, particularly on the second gate.

Ms. Joseph invited public comment.

Sterling Proffit, resident of Running Deer for 22 years, said that he was not clear about what he had heard on Running Deer Lane potentially providing access to the Leake property. He would assume that the County would do a traffic study. He questioned whether there would be a parallel road next to Route 250 installed and what impact it would have on Running Deer.

Mr. Cilimberg pointed out that the parallel road was part of what the master planning would address.

Mr. Edgerton said that a mandated traffic study was only required when a proposed development got to a certain scale. He did not think that Glen Oaks would trigger a traffic study.

Mr. Cilimberg said that there would not be an off site traffic study done, but there would be some analysis to make sure the roads are adequate. A traffic study would not be required for a by right development. On the Leake and Livengood projects, traffic studies would be done as a result of what the applicant would decide to pursue for actual density and connections as the result of tonight's meeting.

Rep Ripplinger said that he had several questions. The first deals with misconceptions on what the people in Glenmore want or not. He felt that the comment about the residents not wanting a second gate is totally wrong. Also, he questioned the way that the proffers are handled. He suggested that the public receive information on the proffers in what they have actually gotten for the money they have given. He felt that they ought to get the proffers up to some reasonable figure. He questioned the purpose of the County's Comprehensive Plan. There are a lot of things that the residents decided about the Rural Areas. But, there is one caveat that the people in the growth area are suppose to put their own plan together in perspective to what is in the Comp Plan. It is beyond him why the County would not follow their own Comp Plan by giving the taxpayers in the Village of Rivanna Village area the opportunity to put together a plan before all the area is gone. He questioned how they could be denied that right, which is given to them by the Comp Plan.

Ms. Joseph felt that he had a point that they need to know what has been done with the proffers to far and asked staff to look into that issue.

Gary Hylton, eleven year resident of Running Deer Subdivision, said that he was very happy with the applicant's proposal to not provide access through Running Deer Subdivision except for emergency purposes. He pointed out that Running Deer Road should not be used as a general access road or for construction traffic unless it is significantly upgraded.

Josh Leavett, resident of Glenmore, pointed out that everyone in Glenmore is not against the second gate or access point. If an additional access point is needed, this seems like the logical point to do it. He voiced concerns over the layout of the roads. He noted that the developer had indicated that they were amendable to working with the residents of Glenmore on the layout of the roads, which was an open question at this point. There are a lot of people in Glenmore that want less traffic coming through and possibly a second access point, but he did not think there was a consensus at this point.

Cindy Burton, resident of Running Deer, said that the Running Deer residents do not want traffic coming through their subdivision. She noted that there were very few citizens in attendance at the community meeting with the developer on October 3. The main concern she heard at that meeting was that they did not want the construction traffic coming through. She felt this issue was something that the Glenmore residents needed to get together on to come to a consensus about. Living on the edge of the growth area made this area very unique and was a good

reason to complete a master plan first. They need to put more planning into this and get more input from the citizens.

Mr. Franco said that he was not trying to represent what the Glenmore residents' opinions are. They plan to meet with the residents again in two weeks to address tonight's comments. Then they will work on a plan to come back to the Commission. There is a provision in the Glenmore documents to allow access through this area for additional development. But, they plan to work with the residents on how to do that.

Paul Accad, resident of Glenmore, questioned the treatment of the hard edge of the growth area that went into the rural area. He asked if that is a hard edge or if it can be pierced.

Mr. Cilimberg said that they have the choice to access Glen Oaks through Running Deer Road. They are proposing providing access through Glen Oaks through Glenmore with private roads.

There being no further public comment, Ms. Joseph pointed out that staff would provide a bulleted list in a couple of weeks, which the Commission would review and agree upon. She pointed out that Glen Oaks will be considered at a later time.

Ms. Monteith said that regardless of one's opinion, she really appreciated the clarity of the applicant's presentation.

Mr. Franco asked when they come back with the special use permit if there was anything specific that the Commissioners would like to see or information that they need, particularly since Glen Oaks was put aside on the table.

Ms. Joseph felt that the concerns had already been expressed.

Mr. Craddock pointed out that he did not want Glen Oaks accessing Glenmore.

Mr. Franco asked if providing a plan showing it done the other way would be helpful, and Mr. Craddock agreed.

Ms. Joseph thanked everyone for coming.

In summary, the Planning Commission held a work session on ZMA-2006-015, Glenmore – Section S5, Livengood Property and ZMA-2006-016, Glenmore – Section K2, Leake Property to introduce the Commission to the applicant's proposal and provide the Commission an opportunity to discuss how well the applicant's proposals for these lands relate to the Comprehensive Plan. Staff and the applicants presented power point presentations to explain the rezoning proposals and explain the character of the properties. The Commission answered the questions staff outlined in the staff report and received comments and questions from the applicant and the public. The Commission discussed what additional information may be needed to better evaluate the project. The Commission provided direction on the appropriateness of the proposal's land use, density and layout, and access and interconnections so that the applicant would have clear parameters for conducting a traffic impact analysis. The Commission replied to the following questions outlined in the staff report regarding the Livengood property:

Old Business:

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

New Business:

Ms. Joseph asked if there was any new business.

Due to the work load, staff asked if the Planning Commission would be willing to hold a meeting on November 21, which was the week of Thanksgiving. It was the consensus of the Commission to hold the November 21 meeting if necessary.

- Marcia Joseph will be absent on November 21.
- Duane Zobrist and Pete Craddock will be absent on November 7.
- Jon Cannon, Duane Zobrist and Bill Edgerton will be absent on November 14.

Mr. Cilimberg noted that staff will have to check with Cal Morris on his availability on both November 7 and November 14. Biscuit Run will be heard by the Planning Commission on November 14, but staff is awaiting a new plan. The November 14 meeting was preset with the applicant to give the Commission and the public an overview of the new plan.

The Commission preferred to have its full membership present for the Biscuit Run meeting on November 14 and asked staff to check into the possibility of moving this item to another date.

- The packets were distributed for next week's meeting.

- There will be a 4:00 p.m. work session on October 24 regarding affordable housing.

There being no further new business, the meeting proceeded.

Adjournment:

With no further items, the meeting adjourned at 9:05 p.m. to the Tuesday, October 24, 2006 meeting at 4:00 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.)