Albemarle County Planning Commission
November 7, 2006

The Albemarle County Planning Commission held a work session on Tuesday, November 7, 2006, at 6:00 p.m., at the County Office Building Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia. Members attending were Eric Strucko, Calvin Morris, Vice-Chairman; Jon Cannon, Marcia Joseph, Chairman and Bill Edgerton. Absent were Duane Zobrist and Pete Craddock. 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; David Benish, Chief of Planning; Rebecca Ragsdale, Senior Planner and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum*:*

Ms. Joseph called the regular meeting to order at 4:11 p.m. and established a quorum.

Work Session:

Pantops Master Plan Update Rebecca Ragsdale

Based on the Planning Commission's direction during the summer work sessions, the Pantops Master Plan document has been drafted by staff and revisions have been made to the Framework and Green Infrastructure Maps. The Preliminary Recommendations discussed with the Commission have been incorporated into the draft Master Plan. Similar to the series of meetings held in this summer, staff has scheduled three work sessions to review the Pantops Master Plan draft on November 7, 21, and 28, 2006. For the November 7, 2006 meeting, staff provided Chapters 1-4, including the Introduction, Vision and Guiding Principles, Background, Place Types and Land Use, along with the Framework and Green Infrastructure Plans for the Commission to review. Staff will provide the Commission an overview power point presentation at the work session on November 7, 2006 asked that the Commission review the material by moving through each chapter of the document. Commission comments are summarized below by chapter.

- **Chapter 1-Introduction**-no changes recommended
- **Chapter 2-Vision and Guiding Principles-**
    - The Commission discussed the five Guiding Principles and directed staff to revise #5 to delete a reference to specific public facilities and institutions to avoid leaving out any facilities that may be needed in Pantops in the future. The Commission also recommended that a sixth guiding principle be added that addressed future redevelopment in Pantops.
- **Chapter 3-Background-**
    - A correction was noted on page 7 to George Rogers Clark museum.
    - The Commission asked how the future Pantops Fire Station would be included in the Plan and were advised that there would be a Community Facilities chapter to address the fire station.
    - The Commission recommended that the Albemarle County Service Authority Jurisdictional Area and service designations be added to page 13 under Water & Sewer.
    - The Commission noted that it was confusing how the recommendations of the VDOT Route 250 East Study were included on page 14 of the report and that this section should be revised so that it is clear that the master plan does not recommended all of VDOT's long range alternatives in that plan.
- **Chapter 4-Land Use & Places and Framework Plan (to page 23 of the Chapter)-**
    - The Commission requested that the Conservation/Open Space land use designation, described on page 17, be revised so that there was no confusion or expectation that properties should be placed under easement in the Development Area.
    - The Commission asked for clarification as to why the Civic Green center type was listed separately.

- The Commission asked that the Plan clarify the Community Center and Core designations recommended for the Pantops Shopping Center/Riverbend center.
- The Commission recommended that insets of the Framework Plan be included with the Place-Type descriptions in the final document to reference the area for recommendations described in text.
- The Commission discussed the need to designate State Farm as an Employment District and did not recommend any changes.
- The Luxor/Westminster Canterbury and Rivanna Ridge neighborhoods and their center-type designations, whether or not the more intensive center designation of Community Center should be applied to Rivanna Ridge instead of Neighborhood Service. The Commission did not recommend any changes to the Framework Plan or recommendations.
- The Pantops cultural center recommendation on Page 23 should be described/defined to clarify the intent of that recommendation.

The Planning Commission discussed staff's recommendations regarding the proposed language in the first chapters of the master plan and provided comments and suggestions. Due to the length of the meeting, the Commission agreed to stop and pick up the conversation on November 21.

The Planning Commission recessed at 5:29 p.m. for a dinner break.

The meeting reconvened at 6:03 p.m.

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, November 7, 2006, at 6:00 p.m., at the County Office Building, Second Floor, Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia. Members attending were Eric Strucko, Calvin Morris, Vice-Chairman; Jon Cannon, Marcia Joseph, Chairman and Bill Edgerton. Absent were Duane Zobrist and Pete Craddock. 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; Gerald Gatobu, Senior Planner, Bill Fritz, Chief of Current Development; Scott Clark, Senior Planner; Rebecca Ragsdale, Senior Planner; Joan McDowell, Principal Planner; Claudette Grant, Senior Planner; David E. Pennock, Principal Planner and Greg Kamptner, Deputy County Attorney.

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

Ms. Joseph called the regular meeting to order at 6:03 p.m. and established a quorum.

***Committee Reports**:*

Ms. Joseph asked for committee reports from the Commissioners.

- Mr. Morris noted that the CHART Committee met and discussed the Traffic Report for Biscuit Run, but due to the revision of the development plan they were back at square one.

- Mr. Edgerton noted that an ACE meeting was being rescheduled to next week.

- Ms. Joseph said that the Historic Preservation Meeting was held. One of the outcomes of that meeting is that there is a criteria being proposed for conservation easements being accepted by the state. One of the criteria is that if a building or structure is considered as contributing in an historic district, there will be restrictions imposed upon that particular building or structure.

- Regarding the Development Review Task Force Committee, Ms. Joseph noted that they would be meeting next week to go over the survey results. The final results will be brought to the Commission.

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.

Jeff Werner, representative for Piedmont Environmental Council, passed out the Development Pipeline Report dated November 7, 2006. He spoke about PEC's effort to summarize the amount of residential development in the City and County "pipeline." The bottom line is that since 2000 there have been approvals granted or applications for rezonings and site plans for approximately 17,932 dwelling units in the growth area and the City of Charlottesville. That is more than the entire County has issued building permits for in the last 20+ years. He took growth projections from the Virginia Employment Commission, VDOT, the two water supply studies (VHB in 1997 and Gannet Fleming in 2004), and even some comments from staff and projected out what those population projections are. He translated that into a very conservative 2.3 persons per dwelling unit, which is low. When you roll into that the ongoing building trend in the rural area these 17,932 units represent at the high end of the population projections enough residential units until the year 2040. At the low end of the population projections it is enough residential units to last to the year 2053. This raises some very important questions as noted in the attached report. He hoped that the Commission enjoyed reading it. (See Attachment A – Development Pipeline Review November 7, 2006 by Piedmont Environmental Council)

There being no further comments, the meeting moved on to the next item.

Review of Board of Supervisors Meeting – November 1, 2006.

Mr. Cilimberg summarized the actions taken by the Board of Supervisors on November 1, 2006.

Regular Items:

SUB 2006-235 Sadler, Mike - Two-Lot Subdivision (Waiver request for Section 14-404 of the Subdivision Ordinance): This proposal is for a waiver to Subdivision Ordinance Section 14-404, "Lot location to allow access from lot onto street or shared driveway" in order to allow one (1) new lot. The property, described as Tax Map 93, Parcel 65, contains 12.490 acres zoned RA (Rural Areas). This site is located in the Scottsville Magisterial District on Milton Road [State Route #729] on the intersection of Milton road [State Route #729] and Gable Run Road. The Comprehensive Plan designates this property as Rural Areas in Rural Area #4. (Gerald Gatobu)

Mr. Gatobu presented a power point presentation and summarized the staff report.

- This proposal is for a waiver to subdivision ordinance section 14-404, lot location to allow access from a lot onto street or shared driveway" in order to allow one (1) new lot. The property, described as Tax Map 93 Parcel 65, contains 12.490 acres zoned RA (Rural Areas). This site is located in the Scottsville Magisterial District on Milton Road [State Route #729] on the intersection of Milton Road [State Route #729] and Gables Run Road. The Comprehensive Plan designates this property as Rural Areas in Rural Area #4.
- There is a new 40' access easement that comes in through Route 729. They have an existing entrance on Gable Run. The applicant wants to keep the existing entrance as well as use this 40' access easement. According to the Subdivision Ordinance they are required to have at least this road serve both the residue and the new lot. That is the reason that they are asking for a waiver to have this open as well as to have the other as an alternative use for this building site.
- What the Planning Commission looks at when trying to determine whether they should approve or deny the Section 14-404 waiver is whether the County Engineer recommends an alternative standard. In this case the County Engineer has actually determined that there is an alternative. They require that they use the 40' access easement off Route 729 because Route 729 and Gable Run entrance has some sight distance issues.
- The sight distance is approximately 225' at most at Gable Run Road. Looking south the available sight distance is about 700'. At the new 40' access easement the sight distance is about 325'. Looking the other way the available sight distance is about 550'. Looking at the 40' access easement towards the existing house the engineer determined that there is no critical slope areas that would be disturbed to extend the driveway all the way to the other existing house. He presented photographs of the area.

- Staff recommends denial. Based on the sight distance it would be best to access both properties from 729 and the new 40' access easement and not from the existing entrance on Gable Run.

Ms. Joseph asked how many parcels were served currently by Gable Run.

Mr. Gatobu replied that there were four houses. There are some people already using Gable Run Road.

Mr. Edgerton asked if Gable Run was a public road.

Mr. Gatobu replied that it was a private road.

Mr. Edgerton asked if they chose to could they access Gable Run from the new proposed parcel.

Mr. Gatobu replied that they would have to do some improvements to the private road. It will serve from 3 to 5 lots. So they have to go to the road standards for 3 to 5 lots.

Mr. Edgerton asked if none of those improvements would increase the sight distance to the north.

Mr. Gatobu replied no.

Ms. Joseph asked Mr. Brooks if he had anything to add to that.

Glenn Brooks, Senior Engineer, said that he did not believe that Gables Run is a private road authorized by the County. They would have to come to the Planning Commission and ask to be an official private road under 232 of the ordinance. So when they ask if it was a private road, it was an existing driveway serving multiple lots. But, according to the County's ordinance definition it is not a private road.

Mr. Fritz said that there would have to be the upgrade at the intersection.

Mr. Brooks said that if it is a fine road and is in good condition, it would require minimal widening. But, it would not improve the safety condition to 729.

Mr. Edgerton said that it is not a state road, it is a private driveway.

Mr. Brooks agreed.

Ms. Joseph said that it does have development potential. It looks like there are large lots. She wondered what happens at that point. She did not think that the sight distance was going to change if they subdivided it.

Mr. Brook said that if they came back and asked for further development in the lots in Gable Run and they wanted to serve that new development from Gable Run his recommendation would be that the sight distance is inadequate and they need to do improvements on the state route to gain the sight distance, which is probably prohibitive. He noted that it was both vertical and horizontal.

Mr. Cannon said that the request is for a waiver to 14-404 that would allow two separate entrances with one on Gable Run and one on the state route 729. The County Engineer has looked at the situation and recommends an alternative standard, which is one of the conditions for a waiver. So are they proposing to grant the waiver, but on different terms or not grant the waiver.

Mr. Fritz said that there is an alternative to granting the waiver.

Mr. Cannon said that there is an alternative.

The public hearing was opened and the applicant invited to address the Commission.

Mike Sadler said that the entrance to Gables Run he improved the ingress and egress by paving the entrance up 300' to give a better start of getting in and out of Gables Run. The hardship comes into play

with the existing house. The front door of the house faces Gables. So if they use the 40' access easement there would be no way to get to the front of their house without getting onto Gables Run to get to their driveway. So by using the 40' access easement they could get the property, but not to their driveway. So that is a hardship for this house. The house has been sold to a couple and they are waiting for this approval of the 4 acres that he was selling to them. But, the hardship for them is if they have to use the 40' access easement then you can't get to the front of their house. The front of the house would not be able to access from the new 40' access easement. The entire front of the house faces Gables Run. According to the comments all entrances onto Gables Run must be closed before final plat approval can be granted. The only entrance into both properties shall be formed the proposal's new 40' access easement. So in that case there is a hardship because they can't get to the front door of that house. They can get to the property, but they can't get to the front of the house without accessing Gables Run.

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

Mr. Cannon said that the issue here was if there was an alternative standard that will allow access to the house on the residue. That seems to be the question that the applicant has raised in his statement. He would like to hear a response on staff's view on whether this road can be extended in a way consistent with the proposed resolution that would allow the house to be appropriately accessed.

Mr. Fritz replied that the ordinance does not speak directly to that. It is something that the Commission at its discretion can consider. Staff is finding that there is a good reason not to grant the waiver. When staff is recommending approval of a waiver they are not looking for reasons to deny the waiver, but are looking for reasons to approve the waiver. They did not find them in this circumstance. There were not the physical restrictions to prevent the connection of the two properties with a single entrance. It may be more desirable to use Gable Run because of the location of the existing structure, but they can still get to at least to the garage area by coming through using the new access easement. So that is staff's recommendation.

Mr. Cannon asked if they get to the garage area is that where the access now comes.

Mr. Fritz replied that there is another entrance somewhere to the west.

Mr. Cannon noted that there was something which was not shown that goes to the house.

Mr. Fritz noted that they would have to drive up to the side of the house.

Mr. Cannon asked if that changes staff's view about whether there is an appropriate alternative standard, which he would assume was staff's finding that leads him to suggest that the Commission deny the waiver.

Mr. Fritz noted that he felt that there was reasonable access.

Ms. Joseph noted that the issue was sight distance.

Mr. Fritz agreed.

Mr. Morris said that it was disappointing that the applicant was more than willing to put in the extension, but that is not the question. It is the property owner's ability to get to their front door with a driveway.

Mr. Fritz said that they could give a partial modification, but it would be difficult or nearly impossible to enforce a condition. But, they could require the connection so that it connected through to the existing drive so that they could come and go out to Milton without coming through the Gable Run intersection with Milton Road. That would be virtually impossible for staff to enforce. It could be on the plat, but staff could not guarantee its enforcement.

Ms. Joseph agreed with staff because of the sight distance issue. She felt that it was probably something that could happen, but it would mean a new driveway and a new access. They would have to maneuver

around on that parcel a little more. There would be more pavement, but there are already 3 existing entrances.

Motion: Mr. Edgerton moved, Mr. Strucko seconded, to deny the applicant's request for SUB-2006-235, Sadler Mike – Two-Lot Subdivision - Waiver request for Section 14-404 of the Subdivision Ordinance.

The motion passed by a vote of 4:1. (Commissioners Zobrist and Craddock were absent.) (Commissioner Morris voted nay.)

Ms. Joseph stated that SUB-2006-235, Sadler, Mike – Two-Lot Subdivision Waiver Request was denied.

SDP 2006-051 Woodlands of Charlottesville: Request for final site plan approval for 300 multi-family units on 24 acres zoned R-15, Residential. The property described as Tax Map 76 Parcels 46C, 46C2 and 46C3 is located in the Scottsville Magisterial District on east side of Sunset Avenue Extended [Route # 781] between I-64 and Redfields Road. The Comprehensive Plan designates this property as Urban Density in Urban Area 5. (Bill Fritz)

Mr. Fritz summarized the staff report. (See Staff Report)

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

Valerie Long, Attorney for the applicant, and Scott Collins, of McKee Carson represented the application. Ms. Long noted that they had been before the Commission in January and have worked on the outstanding issues. They have spent hours with the engineering staff and Mr. Brooks and have worked close with the Sherwood Manor Homeowner's Association to work out the issues.

Ms. Joseph invited public comment.

Gary Leavel said that they have worked out all of the issues and off site easements. The project has received ARB approval. All the site plan issues are technical issues, which they hope to wrap up soon and start construction.

Ms. Joseph asked if everything has been addressed on the plan.

Mr. Collins replied yes that the drainage issues have been worked out in the time given to them. They met with the developers and members of the association many times and hired an engineer to look over this project. They feel that the stormwater issue would work out.

Gary Leavel said that the surface collecting will be reduced and less water will be coming down into those homes. The berm is much wider than it needs to be. It was built so that the spill way would take care of any water that runs over the top. It will flow through the street channels in a better way than it is now. It will not be an issue because of the fixture. The Board of Sherwood Manor supports this unanimously. He requested that the Commission look on the request favorable and pass the project on to next step

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

Ms. Joseph asked Mr. Brooks if all of the issues have been worked out.

Mr. Brooks said that he would give his stamp of approval since the applicant has complied with everything they were asked to do.

Ms. Joseph noted that many folks have had their homes destroyed by the existing conditions.

Mr. Brooks said that the conditions should be improved.

Motion: Mr. Strucko moved, Mr. Morris seconded, for approval of the applicant's request for SDP-2006-051, Woodlands of Charlottesville, subject to staff's recommended conditions.

The Current Development Division shall not accept submittal of the final site plan for signature until tentative final approvals for the following conditions have been obtained. The final site plan shall not be signed until the following conditions have been met:

1. Current Development Planner approval to include:
    a. Approval of Light Fixtures complying with Chapter 18, Section 4.17.3 of the County Code definition of "Full cutoff luminaire".
    b. Approval of plat combining parcels and dedicating right of way for "proposed new road".

2. Current Development Engineer approval to include:
    a. Erosion and Sediment Control Plan.
    b. Storm water Management Plan.

3. Albemarle County Service Authority Approval to include:
    a. Water and Sewer plans.

4. Architectural Review Board approval.

5. Virginia Department of Transportation approval of road plans for "proposed new road" as a public road connecting existing Mountainwood Road to Sunset Avenue.

6. Approval of Road Names.

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

Ms. Joseph stated that SDP-2006-051, Woodlands of Charlottesville was approved.

SUB 2006-292 Karen R. Lewis, GST Trust (Waiver request for Section 14-404 of the Subdivision Ordinance): This proposal is for a waiver to Subdivision Ordinance Section 14-404, "Lot location to allow access from lot onto street or shared driveway" in order to allow one (1) new lot. The property, described as Tax Map 69, Parcel 6, contains 143.75 acres zoned RA (Rural Areas) and EC (Entrance Corridor). This site is located in the Whitehall Magisterial District at the intersection of Critzers Shop Road (Route 151) with Dick Woods Road (Route 637) and Goodloe Lane (Route 803). The Comprehensive Plan designates this property as Rural Areas in Rural Area 3. (David Pennock)

Mr. Pennock summarized the staff report. (See Staff Report)

- Staff has reviewed the request in accordance with the requirements of Section 14-404(C). Staff finds that there are unusual circumstances present on this property that may indicate the appropriateness of a waiver. The construction of a drive utilizing existing entrances would require at least an estimated 1.5 acres of disturbance. There is also a physical separation between the entrances to this property that will allow the new entrance to front on a different street and away from existing drives. With the requisite 250 feet of road frontage on an existing public road, this waiver would not be necessary if the proposed parcel were 5 acres instead of 3.7 acres. Staff finds that the request to waive the requirement of Section 14-404(A) is appropriate in his circumstance, and therefore recommends approval of this waiver.

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

Roger Ray, representative for the request, said that he was the surveyor that prepared the plan. He asked that the Commission approve the request.

Ms. Joseph invited public comment. There being none, she closed the public hearing to bring the matter before the Commission.

Mr. Edgerton said that he could not support this sort of piece mill development in the rural area.

Motion: Mr. Strucko moved, Mr. Morris seconded, to approve the applicant's request for SUB-2006-292, Karen R. Lewis, GST Trust – waiver request for Section 14-404 of the Subdivision Ordinance.

The motion passed by a vote of 4:1. (Commissioner Edgerton voted nay.) (Commissioners Zobrist and Craddock were absent.)

Ms. Joseph stated that SUB-2006-292, Karen R. Lewis, GST Trust – Waiver request for Section 14-404 of the Subdivision Ordinance was approved.

SUB 2006-163 Lake Ridge: Request for approval of a preliminary plat to allow the creation of 104 lots (7 Rural Area lots and 97 Development Area lots). The property, described as Tax Map 78, Parcel 57, contains 252.72 acres zoned R-1 (Residential), RA (Rural Areas) and PRD (Planned Residential Development), adjacent to the Franklin, Ashcroft West, Cascadia, and Fontana subdivisions. This site is located in the Rivanna Magisterial, with proposed access from Fontana Drive [Route #1765]. The Comprehensive Plan designates this property as, in Atts, Neighborhood Density in Development Areas Neighborhood 3 and, in part, Rural Areas in Rural Area 1. (David Pennock)

Mr. Pennock summarized the staff report. (See Staff Report)

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

Keith Lancaster and Charlie Armstrong, representatives for Southern Development, explained how the request had been changed since August 22. Also present was David Jensen of WW Associates.

Ms. Joseph invited public comment.

Mike Higgins, Director of Franklin Neighborhood Association, spoke in opposition to the request due to the safety issues relating to the interconnections. He asked that their neighborhood be protected from having a high level of construction and pedestrian traffic.

Jeff Werner, of Piedmont Environmental Council, echoed Mr. Higgins' safety concerns regarding the traffic.

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

Mr. Morris said that he did not want to see the same mistakes made in Fontana repeated. He noted that there are a lot of critical slopes in that area. He felt that sidewalks on both sides of the road would be the best way to go.

Mr. Edgerton agreed with staff's recommendation for denial of the request.

Mr. Armstrong requested a deferral so that they could go back and work out some of the issues and concerns.

Mr. Strucko suggested that the applicant work on the conflict with the Neighborhood Model and to mitigate some of the off site impacts from the development.

Motion: Mr. Morris moved, Mr. Edgerton seconded, to approve the applicant's request for indefinite deferral of SUB-2006-163, Lake Ridge.

The motion carried unanimously (5:0). (Commissioners Zobrist and Craddock were absent.)

Ms. Joseph stated that SUB-2006-163, Lake Ridge was indefinitely deferred.

Public Hearing Items:

SP-2004-029 Holy Cross Episcopal Church (Sign 28):
PROPOSED: Special use permit amendment for expansion of an existing, non-conforming church to expand the existing fellowship hall by approximately 800 square feet.
ZONING CATEGORY/GENERAL USAGE: RA -- Rural Areas: agricultural, forestal, and fishery uses; residential density (0.5 unit/acre). SECTION: 10.2.2.35 ("church building and adjunct cemetery").
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: Craigs Store Road (Route 635), approximately 3.5 miles south of Batesville.
TAX MAP/PARCEL: Tax Map 84 Parcel 61.
MAGISTERIAL DISTRICT: Samuel Miller.
STAFF: Scott Clark

Mr. Clark presented a power point presentation and summarized the staff report.

- This is an application for a special use permit and a site plan waiver for Holy Cross Episcopal Church. Holy Cross Episcopal Church is an existing church, which has been on Craigs Store Road southwest of Batesville since about 1905. It is an existing nonconforming church and does not have a special use permit to this point.
- The proposal is for the expansion of the church's fellowship hall, which is now about 736 square feet. They want to add 800 square feet more and not to expand the actual level of use on the site, but to accommodate uses that right now have to be accommodated outdoors. This includes social events for the existing congregation.
- There are three major issues for this application:
    - The addition itself, labeled as building #4, will be tacked on to the existing fellowship hall on the church. This location has been moved from the original application. The plan shows a 30" Maple. Originally, this proposed addition was to be to the front of the existing addition, which would have required that tree to be removed. It would have placed the addition much closer to the existing historic church, which is building #1 on the detail. The issue here is that they do not have any elevations or the designs yet for the proposed addition. In order to make sure that the design is appropriate to the historic church, building #1, there is a recommended condition of approval that would require Historic Planner approval of the actual design once it is prepared.

Mr. Edgerton asked what building #3 was used for.

Mr. Clark replied that building #3 was probably a former dwelling although it is not used for one right now. It is just a structure that is used for monthly food bank distributions. It is not used for anything else at this time. The church does not propose any other use at this time.

Mr. Strucko asked if building #3 was hooked up to water and electricity.

Mr. Clark replied that he would have to defer that question to the applicant. He continued the staff report.

- The other issues are:
    - The entrance to the site. The site distance to that point from the top of the hill to the northeast on Craigs Store Road is about 300'. VDOT requires 390' to be acceptable. So given that safety situation VDOT has asked for a new entrance location, which is shown in the detail. It goes to the farther end of the property from the current entrance to maximize the distance from the obstructing hill to increase the site distance. There is a significant amount of grading that would have to happen as this new entrance would cut through a tall bank to get up to the grade of the existing driveway. However, the existing entrance could remain as a right out only exit. It would not need to be entirely closed.
    - The impacts of the neighboring property mostly to the west, which is tax map 84, parcel 61. They have a letter from one of the residents asking for some measures that would reduce the impacts, some of which would be generated by this new driveway. Because of the traffic moving to this portion of the parcel the neighbors are hoping to get some

screening vegetation added there. There is a recommendation condition of approval specifying what that would be.

- o There are existing drainage concerns at this point on Craigs Store Road. The ditches here tend to carry loads that overwhelm the drainage facilities down hill of this site. So again, staff has recommended a condition of approval that would require County Engineer approval of later storm water measures to be designed on the church site.
- o The matter of lighting needs to be addressed so as not to add lighting that would not impact the neighboring properties. Staff has again specified a condition calling for full cut-off fixtures for any new lighting to be added to the site.

- Staff recommends approval with the recommended conditions listed on page 5 of the staff report.

Mr. Edgerton was concerned about the lack of site distance at the existing entrance and the condition of the existing entrance. Staff makes a point in the staff report that improving the entrance itself would not solve the site distance problem. But, then when they go down the road to where they would have to go to get safe site distance they are in a situation that VDOT is unhappy with again because of the 15 percent grade. Staff's recommendation tends to go that route. He asked if staff got a clear signal that VDOT was more comfortable giving up the 90 feet or the grade. Neither of these locations meets their standards. Therefore, he was trying to figure out how to deal with that.

Mr. Clark replied that VDOT repeatedly said that the site distance was their major concern. It is not acceptable as it is. The last comment that he had from the VDOT reviewer said that although the grade is steeper than they would normally accept, they would acknowledge that there were no other options.

Mr. Strucko said that the proposed use would not increase vehicular traffic in and out.

Mr. Clark replied that according to the applicants they will use this addition to move some of their existing activities indoors and not to increase the amount of activity on the site.

Mr. Strucko said that the current entrance handles a certain amount of traffic. What the applicant wants to do is continue with the current entrance and this building will not increase the vehicular traffic at all.

Mr. Clark replied that is correct.

Mr. Edgerton asked staff to explain the chart on page 4 about the collisions for the last six years. He asked what an angled collision is.

Mr. Clark replied that he believed that references the manner in which the vehicles met.

Mr. Edgerton said that there has been one real collision between two cars if that is correct in six years. They have a couple of side swipes and three deer. Then there are five fixed objects off of the road, which he did not know what that was.

Mr. Clark replied that was a tree or mailbox. He noted that it was not collisions at the church site. It was collisions from the intersection of Castle Rock Road and Route 691, which is beyond that hill that blocks the view to this site all the way southwest to the Nelson County line.

Mr. Edgerton noted that the applicant has represented that there have been no accidents at the entrance.

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

John Grady said that he was present to represent the church in their request for a special permit and site plan waiver to expand their existing fellowship hall. It is the member's desire to expand the hall by approximately 800 square feet. The area will be used for after services for special events mostly dinners and coffees. They are not look for any expansion in membership uses or anything that would require additional parking or more trips to the site. The church is over 100 years old and is not on any historic record. They really do not wish to be on a federal, state or local register. The church has approximately 75 members on record. There are only about 35 active members. On any typical Sunday there will be 12

to 15 vehicles at the site with approximately 25 to 35 members. They would like to address some of the staff's comments and recommendations of conditions.

1. The church will certainly conform to the current site plan requirements that they have shown.
2. There will be no daycare center or private school without amending this special use permit.
3. They appreciate the 5 year extension if granted. Certainly the church does not have the funds yet to do the addition. If the requirement of a new entrance is imposed, it will be maybe some time before they gather the initial funds.
4. The new entrance by VDOT. They would like the recommendation to be removed for several reasons. There is no expansion of seating, membership or proposed uses. So therefore they are not doing anything to increase any population or vehicular traffic to the site.
5. To build a new entrance will require removal of several large Oak trees and getting into a 12' to 15' bank. This technically will cause more detrimental harm to the environment than it is worth. The new entrance will also take away the only remaining drain field area. The existing drain field functions properly. There have been no problems. But, this has been in the ground 50 years and they don't know what will happen. The area in front of the church is where the well is located and can't be used for drain fields. The rear area cannot be used because of an existing cemetery. They hope that condition #5 will not have to be addressed if the entrance is removed.
6. Approval of Historic Preservation Planner. The church has sent in a letter saying that they will use the hearty plank to match the existing sanctuary on both the existing fellowship hall and the proposed addition. They will use the existing shingles that were just replaced on the sanctuary. They will match the elevations with the existing church. They did not want to be held accountable to something that they felt would be a financial burden because they did not know what would be required. They did look to try to match the windows to the church. Of course, they are a steeple type of window and that was somewhat cost prohibitive.
7. The vegetative buffer. They hope that will not be required if they don't have to do the entrance. Technically putting that buffer in or if they had to put the entrance in it would just about destroy everything to the neighbor's property. There will be no buffer there. Along the road there is a fairly substantial buffer right now. The visibility of the church is somewhat blocked by these trees.
8. Lighting on the site. They will certainly have a note on the site plan that all lighting will be full cut-off fixtures.
9. Storm water management. If the entrance is not required, that negates a lot of storm water management that they normally would have to do. He felt that if the entrance was required it would make the drainage worse. They will certainly use French drains and rain gardens for the existing sanctuary, the existing fellowship hall and the addition and put that underground to manage what runoff they do create.

Mr. Grady noted that they did receive something from VDOT, which said that 811 trips a day with 11 accidents. They would like to note that Mr. Massie has been at that church for 70 years along with a couple of other members who have never seen an accident at or near this entrance. The road is about 5 miles from Batesville. There are certainly worse places in the road where it narrows and turns. He did not understand the 811 vehicle trips per day. They just had a study done this past year with Malone and Associates on 8/30/05 and 8/31/05, a Tuesday and Wednesday respectfully. Their study, which they gave VDOT, shows 446 trips on a Tuesday and 438 on a Thursday. He questioned if VDOT possibly might have forgotten to divide it by 2. The minister and one of the parishioners are present to answer questions. The biggest obstacle they face is the entrance. Making that go away would be a major help.

Reverend Anthony Andrews thanked the Commission for being so patient. He also thanked staff, John Grady and Massie Hughes, their Building Chairman. He pointed out that they need the expansion for several reasons. When they have a dinner they can hardly fit the 35 members in the small parish hall. When they have homecoming once a year everything has to go outside. There are certain areas of ministries that they cannot do. They are part of a 15 member region. He would love to have that region gather there once a year just to see what the ministry in the mountain church is like. But, they cannot hold that many people in the parish hall. The second function is their church functions. While they do alright on Sunday, when they have a major event such as baptism or funeral the place cannot fit everyone in there. So it limits their church functions. The third is education. They cannot have a nursery for the three babies due to limited space. So they are really restricted in their ministry right now. They urge the Commission to help them get the addition built.

Mr. Grady pointed out that the church membership had agreed and it was mentioned by someone on site a couple of weeks ago that if VDOT would not be opposed to it they would certainly be willing to put some type of signage on the north side as you approach the church area. This could be a flip sign that says church service in progress or a solar panel flashing sign that says church entrance. That might answer some of the questions about the upcoming entrance.

Ms. Joseph invited other public comment. There being none, she closed the public hearing to bring the matter before the Commission. She noted that 800 vehicle trips were not that large of an amount. Since they don't have anything in writing from VDOT she felt that the new entrance has been a suggestion on their part as they have been reviewing this special use permit. She was not so sure this was something that they could require.

Mr. Strucko agreed with Ms. Joseph. He pointed out that he had visited the site and met with the gentleman. His main concern coming here tonight was if he could adequately represent to the Commission the severity of the proposed second entrance. He was glad that they provided the photograph with the gentleman standing on top of the bank because he did not have to say a thing. He felt that the compelling argument here is that the number of vehicle trips in and out of this will not change with this addition. Since that entrance has been there as long as the church and since there have been no accidents of the result of that entrance he had no problem with maintaining the existing entrance and not be concerned with the additional one. He agreed that it looked like a clerical administrative decision on VDOT's part.

Ms. Joseph noted that there was another issue that the Commission needs to discuss dealing with the review of the architecture. In a lot of things that the Commission asks staff to review there are guidelines. There are no guidelines with this. This is just open ended. She did not feel comfortable requiring that sort of review for this addition to this building.

Mr. Morris agreed.

Mr. Strucko requested to ask the applicant a question. Regarding condition #3, he asked if the applicant was satisfied with the 5 year limitation.

Mr. Grady replied that the church is close to getting some of the funds together. If the entrance is not going to be a problem they can work well within the 5 years to get the building done. That is not a problem if the church does not have to go back and redo the entrance.

Motion: Mr. Strucko moved, Mr. Morris seconded, to approve the applicant's request for SP-2004-029, Holy Cross Episcopal Church, subject to staff's recommended conditions as amended, with the deletion of conditions 4, 5, 6, 7 and 9.

1. The church's improvements and the scale and location of the improvements shall be developed in general accord with the conceptual plan entitled "Application Plan SP 2004-29" ," prepared by Lum's Land Surveys, Inc., and [insert new date when a new dated plan is submitted.]
2. There shall be no day care center or private school on site without approval of a separate special use permit;
3. Construction of the proposed addition shall commence within 5 years of the date of approval of this special use permit or the permit shall expire.
4. ~~The proposed new entrance must be approved by the Virginia Department of Transportation. The note requesting approval of continued use of the existing entrance shall be removed from the conceptual plan.~~
5. ~~The existing entrance may be used as a right-turn-out-only exit, provided that directional signage is provided to VDOT's satisfaction.~~
6. ~~The design of the addition is subject to review and approval by the Historic Preservation Planner. This review shall occur with the building permit application. The Historic Preservation may require roof pitches, exterior materials, and window designs similar to those of the existing church, as well as minor changes to the footprint of the addition, as~~

~~compared to the footprint illustrated on the concept plan, for the purposes of protecting the historic character of the existing church and/or providing sufficient visual compatibility with the existing church.~~

~~7. The applicants shall provide a vegetative buffer consisting of a mix of evergreen and deciduous trees, including some fast growing species, along the west property line to provide year-round screening. The buffer shall extend from the edge of pavement of Route 635 southward 130'. The buffer shall have a minimum width of 20' except that the planting width may be reduced as necessary at the entrance to the site from Route 635 to accommodate sight distance. The vegetative buffer shall be planted prior to issuing a Certificate of Occupancy for the addition. The vegetative buffer shall be shown on a site plan and is subject to approval by the Landscape Planner.~~

8. Any new outdoor building and site lighting shall be provided by full cutoff fixtures. The note regarding the current lighting provisions shall be removed from the conceptual plan.

~~9. The applicants shall provide storm water management facilities to reduce the impact of site drainage on properties downhill along Route 635 to the satisfaction of the County Engineer. The facilities shall be shown on a site plan.~~

The motion carried unanimously (5:0). (Commissioners Zobrist and Craddock were absent.)

Ms. Joseph stated that SP-2006-029, Holy Cross Episcopal Church, will be heard by the Board of Supervisors on December 6.

Amended Motion:

Mr. Edgerton questioned whether the wording of the first condition needs to be changed. It says church improvements . . . shall be developed in general accord with the conceptual plan, which shows that entrance.

Mr. Cilimberg suggested that the referenced plan be changed before the Board meeting to reflect the removal of the conditions.

Mr. Edgerton suggested that the site plan could be redrawn.

Mr. Grady noted that he would have the site plan amended to show the approval of tonight.

Ms. Joseph asked if the Commission needed to amend that motion.

Mr. Kamptner replied that it should be amended.

Motion to Amend:

Mr. Edgerton, Mr. Morris seconded, to amend the motion.

The motion carried unanimously (5:0). (Commissioners Zobrist and Craddock were absent.)

Motion to Amend Special Use Permit:

Motion: Mr. Strucko moved, Mr. Morris seconded, to approve the applicant's request for SP-2004-029, Holy Cross Episcopal Church, subject to staff's recommended conditions, as amended, with the deletion of conditions 4, 5, 6, 7 and 9 and to amend condition 1 to leave the date open for now until a new dated plan is submitted.

1. The church's improvements and the scale and location of the improvements shall be developed in general accord with the conceptual plan entitled "Application Plan SP 2004-29" ," prepared by Lum's Land Surveys, Inc., and [insert new date when a new dated plan is submitted.]
2. There shall be no day care center or private school on site without approval of a separate special use permit;

3. Construction of the proposed addition shall commence within 5 years of the date of approval of this special use permit or the permit shall expire.
4. ~~The proposed new entrance must be approved by the Virginia Department of Transportation. The note requesting approval of continued use of the existing entrance shall be removed from the conceptual plan.~~
5. ~~The existing entrance may be used as a right-turn-out-only exit, provided that directional signage is provided to VDOT's satisfaction.~~
6. ~~The design of the addition is subject to review and approval by the Historic Preservation Planner. This review shall occur with the building permit application. The Historic Preservation may require roof pitches, exterior materials, and window designs similar to those of the existing church, as well as minor changes to the footprint of the addition, as compared to the footprint illustrated on the concept plan, for the purposes of protecting the historic character of the existing church and/or providing sufficient visual compatibility with the existing church.~~
7. ~~The applicants shall provide a vegetative buffer consisting of a mix of evergreen and deciduous trees, including some fast growing species, along the west property line to provide year-round screening. The buffer shall extend from the edge of pavement of Route 635 southward 130'. The buffer shall have a minimum width of 20' except that the planting width may be reduced as necessary at the entrance to the site from Route 635 to accommodate sight distance. The vegetative buffer shall be planted prior to issuing a Certificate of Occupancy for the addition. The vegetative buffer shall be shown on a site plan and is subject to approval by the Landscape Planner.~~
8. Any new outdoor building and site lighting shall be provided by full cutoff fixtures. The note regarding the current lighting provisions shall be removed from the conceptual plan.
9. ~~The applicants shall provide storm water management facilities to reduce the impact of site drainage on properties downhill along Route 635 to the satisfaction of the County Engineer. The facilities shall be shown on a site plan.~~

The motion carried unanimously (5:0). (Commissioners Zobrist and Craddock were absent.)

Ms. Joseph stated that SP-2006-029, Holy Cross Episcopal Church, will be heard by the Board of Supervisors on December 6.

Motion on Site Plan Waiver:

Mr. Clark noted that condition 1 in the recommendation for the site plan waiver was for field run topography to more closely identify the grades on the new entrance. That condition is not longer relevant because the Commission removed the requirement of a new entrance.

Motion: Mr. Strucko moved, Mr. Morris seconded, to approve the applicant's request for SDP-2006-0085, Holy Cross Episcopal Church, with staff's recommended conditions as amended, with the removal of condition 1.

1. ~~In accordance with Section 32.7.2.7, field run topography is to be provided for the entrance in order to verify grades. If necessary, an alternative alignment to lengthen the entrance drive is to be provided in order to lessen the grade.~~
2. In accordance with Section 32.6.6.j. outdoor lighting information including a photometric plan and location, description, and photograph or diagram of each type of outdoor luminaire shall be submitted for any proposed lighting on the site.

The motion carried unanimously (5:0). (Commissioners Zobrist and Craddock were absent.)

The Planning Commission took a ten minute break at 8:30 p.m.

The meeting reconvened at 8:39 p.m.

ZMA-2006-012 UVA Foundation-Advanced Research & Technology Building Annex (Signs 35,36,40):

PROPOSAL: Rezoning on CO-Commercial Office (offices, supporting commercial and service uses; and residential use by special use permit at 15 units/ acre) zoned property to allow an additional 30,000 square feet for a building square footage total of 565,000.
PROFFERS: Yes.
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Office Service - office uses, regional scale research, limited production and marketing activities, supporting commercial, lodging and conference facilities, and residential (6.01-34 units/acre) in the Development Area.
ENTRANCE CORRIDOR: Yes.
LOCATION: Ray C. Hunt Drive in the Fontaine Research Park, located on Fontaine Avenue, adjacent to the northeast of the Rt.29/250 Bypass in Neighborhood 6 of the Development Area.
TAX MAP/PARCEL: TMP 76-17B, 17B6.
MAGISTERIAL DISTRICT: Samuel Miller.
STAFF: Rebecca Ragsdale

Ms. Ragsdale summarized the staff report and gave a power point presentation.

- This request by the University Foundation is to increase the approved square footage in the Fontaine Research Park. The site is zoned Commercial Office. It was first zoned in 1992, but along with that came a set of proffers and a plan that limit the square footage on the site. With each space needs increase it has been incrementally increasing since 1992. The Fontaine Research Park is still designated as Office Service in the Comprehensive Plan. Within the Research Park it is the last building that is under construction, which is referred to as the ART Annex.
- The ART building itself has been approved with a site plan. The applicant is requesting the annex, which would be underneath parking. The proposal is to increase the total square footage approved in the research park from 535,000 to 565,000 square feet. Staff provided the Commission with the illustrations that the applicant provided. The proposal is to add the annex underneath the parking as shown on the previous plan.
- Staff evaluated the request with each of these increases. There was one in 2004, which increased from 495,000 up to the 535,000 square feet that is approved. The Foundation has seen with this particular user that they need more lab space. So this particular request did not bring with it any impacts that staff was concerned about in terms of traffic or impacts on the site. It is within the developable area that was approved with the original ART Annex Building.
- Therefore, staff recommends approval based on that with the two conditions. The revised proffer statement has not been submitted, which will reflect the square footage increase, and also to update some of the other proffers as recommended by zoning. Then there is the requirement that was recommended by the County Engineer that calls out the requirement for the Certified Engineer's Report to describe the uses that go in to the building to make sure that there are no negative impacts from that. When the property was rezoned for Commercial Office carried with it special use permits for the lab facilities research and development. As a condition of that special use permit the Certified Engineer's Report is required. Staff is recommending that it is something that happens at the final site plan stage for the building.

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

Fred Missel, Director of Design and Development for the Foundation, said that this request does extend the opportunity to do state of the art research at the Fontaine Research Park. He thanked staff for the clear presentation. It does not change any of the uses that are in existence in the Fontaine Research Park currently. The facilities are rather unique in that it is 100 percent underground with the exception of one area that is used for ventilation that is adjacent to the existing building. The additional parking that is required by this is minimal. They feel that they can work that out very clearly with the Zoning Department. He has had conversations with John Shepherd regarding that. In addition, the traffic generation will obviously be minimal as well. Others present this evening were Tim Rose, the CEO of the Foundation and Tom Marshall, Project Manager. If there were any questions, he would be happy to answer them.

Mr. Edgerton asked if they were comfortable with staff's recommendations about the proffers.

Mr. Missel replied yes, they are comfortable with staff's recommendations.

Ms. Joseph asked if they are ever going to amend this to add some more commercial space so that they can actually have people working in this space that don't have to leave.

Mr. Missel replied that they have actually looked at including commercial space in the buildings as they stand now. Honestly, the space for research is so valuable and so limited that it has been found that research has to trump that in this case. As they go forward with the growth of the park there is a good chance that is something that might be needed and will be included in the future plans.

Ms. Joseph invited public comment. There being none, she closed the public hearing to bring the matter before the Commission for discussion and a possible action.

Motion: Mr. Cannon moved, Mr. Strucko seconded, to approve ZMA-2006-012, UVA Foundation-Advanced Research & Technology Building Annex, subject to staff's recommended changes to the proffers and that a Certified Engineer's Report is submitted with approval of a final site plan for the proposed building annex.

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

Ms. Joseph stated that ZMA-2006-012, UVA Foundation-Advanced Research & Technology Building Annex will go to the Board of Supervisor on December 13 with a recommendation for approval.

ZMA 2006-017 Buck Mountain Planned Residential Development Boundary Adjustments and Rural Areas rezoning (Signs 71, 72):

PROPOSAL: Rezone 2.456 acres from RA Rural Areas zoning district (TMP 17-26D) which allows agricultural, forestal, and fishery uses; residential density to become a part of TMP 17-60 Planned Residential District PRD (Buck Mountain PRD) which allows residential (3 - 34 units/acre) Also, boundary line adjustments within the Buck Mountain PRD, 1.56 acres PRD Common Area (TMP 15-115) to TMP 17-60 and TMP 17-61, and 1.56 acres of TMP 17-26D added to Common Area (TMP 17-115). No additional residential units proposed.
PROFFERS: No.
EXISTING 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: Southeast quadrant of intersection of Free Union Road (Rt. 601) and Davis Shop Road (Rt. 671).
TAX MAP/PARCEL: 17-60; TMP 17-61; TMP 17-115; TMP 17-26D.
MAGISTERIAL DISTRICT: White Hall.
STAFF: Joan McDowell

Ms. McDowell presented a power point presentation and summarized the staff report.

- This is a request for a rezoning and boundary line adjustment within a planned residential development. The applicants, Mr. and Mrs. Reid inadvertently built some buildings and a fence over property lines into the common open space of the Buck Mountain PRD. This is the reason for this application.
- The area in Buck Mountain is characterized by a mixture of residential wooded areas, open spaces and agricultural uses. As seen in the slide, there are some agricultural districts as well as the green easement. The purple is the Mountain Overlay District.
- The history of Buck Mountain PRD is quite interesting. It was approved by the Board of Supervisors in 1975. It had been previously A-1, Agricultural. Over time it became the Buck Mountain Planned Residential Development. It was rezoned to that because the PUD no longer existed and because the Buck Mountain PUD did not develop as the owners had originally planned. However, the portion on tax map 17, parcels 60, 61 and 26D are the three properties involved. Parcel 26D is a Rural Areas property.
- This application is requested in order to correct building encroachments into the Common Open Space. The title company found the mistake. They are asking to pull a little over 2 acres of land out of the open space and place into lot 60. Their driveway on lot 61 actually is the driveway for lot 60. All of the land that is taken out of the open space they would replace from TM 17 Parcel

26D, which is zoned Rural Areas. It used to be part of Buck Mountain PUD. A gap in open space would close with this acquisition of land from the rural areas.

- Factors Favorable:
  1. The amount of Common Open Space land placed into residential lots would be replaced by an equal amount of land.
  2. The existing gap in the Common Open Space at the junction of TMP 17-26B, TMP 17- 98 and TMP 17-60, would be closed to connect two parts of the Common Open Space.
  3. No additional dwellings will result from this rezoning.
  4. The land removed from the Rural Areas zoning district would be used as open space for residents of the Buck Mountain PRD.
  5. No additional demands for public facilities or services would result from this rezoning.

a. Staff has not identified any factors unfavorable to this application.

b. Based on the findings contained in this staff report, staff recommends approval of Zoning Map Amendment (ZMA) 2006-17 and the request for modification from Section 19.6.1 of Section 19 Planned Residential Development (PRD) of the Zoning Ordinance to allow less than the minimum 25% common open space.

   A Boundary Line Adjustment application would be reviewed separately from this application, should the ZMA 2006-17 be approved.

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

George McCallum, an attorney, stated that he represented Tim and Daphne Reid. Ms. Reid is here. Jeff Kilmer is here. He would like to correct a couple of factual matters. When the Reids bought the property in 1989 the fencing and shed which encroaches into the common area was already there. Their survey done at the time that they acquired the property did not show these issues. Mr. Jeff Kilmer when he built a barn on his property some years ago believed that he was wholly within his lot. But, the structure is built partly in his lot and partly in the common area. The driveway to their two adjoining lots indicates that it was to be a shared driveway, but nothing was indicated on the plat that said it. The subdivision plat was done in the 1970's. The driveway built to the Reid's house is half on their lot and half on the other lot. The issues that they are dealing with here came to light when they were approaching closing on a sale by the Reids of their property when a new physical survey was done by another surveyor who discovered these various fences and buildings and so forth. The purchaser through her attorney objected and wanted her driveway solely on the property. So the Reids went to the Kilmers and said that they would like to see if they could have the driveway put on their lot. Mr. Kilmer said that he had discovered that he had a problem because he had a part of a building in the common area just as they had fencing and suggested that perhaps they could collaborate here. So that was done. In the packet there is an Exhibit A, which shows the various pieces and bits of land that would be traded about that cures these problems. Exhibit C in the staff report shows the improvements on the Reid's lot 16 and the location of the building that encroaches that is on the Kilmer's lot 17. They have the approval of the Buck Mountain Homeowner's Association, which required two-thirds of owners of lots to sign a declaration for the property line adjustment. They have a bit over that and thought that they were in good shape and submitted the plat for administrative approval. It was determined by zoning that because a part of the property was in this PRD and a part was in the Rural Areas the property that was in the Rural Areas could not be moved into the PRD without getting it rezoned. So that is why they are here tonight. This is a boundary line adjustment among two consenting neighbors and the property owner's association that owns the common land that removes these encroachments and has the benefit of connecting together two areas of the common space within this PRD that are currently disconnected. You can't get from one to the other. That is the exhibit that was both yellow and blue. The staff report is accurate and thorough. Staff recommends approval of this. The applicants would ask for the Commission's approval of this.

Daphne Reid asked the Commission to approve the request.

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

Ms. McDowell noted that there was a request for a modification. The PRD zone, which is generally something that happens in a more urban environment, requires 25 percent open space. The PUD never had 25 percent and it is going to have a little less than that now. Staff has recommended approval of the modification from Section 19.6.1 of the Zoning Ordinance.

Motion: Mr. Edgerton moved, Mr. Morris seconded, to approve the applicant's request for ZMA-2006-017, Buck Mountain Planned Residential Development Boundary Adjustments and Rural Areas rezoning and the request for modification from Section 19.6.1 of Section 19 Planned Residential Development (PRD) of the Zoning Ordinance to allow less than the minimum 25% common open space.

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

Ms. Joseph stated that ZMA-2006-017, Buck Mountain Planned Residential Development Boundary Adjustments and Rural Areas rezoning was recommended for approval and will be heard by the Board of Supervisors on December 6.

ZMA 2006-014 Professional Office Building at Hydraulic & Georgetown Roads (Signs #58 & #65)
PROPOSAL: Rezone 1.051 acres from C-1 Commercial zoning district which allows retail sales and service uses; and residential use by special use permit (15 units/ acre) to NMD Neighborhood Model District zoning district which allows residential (3 - 34 units/acre) mixed with commercial, service and industrial uses. Approx.13,000 sq. ft. of office uses.
PROFFERS: No
EXISTING 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: Southwest corner of Georgetown/Hydraulic Roads intersection.
TAX MAP/PARCEL: 60F/3
MAGISTERIAL DISTRICT: Jack Jouett
STAFF: Claudette Grant

Ms. Grant summarized the staff report.

- This site is located on the south west corner of the intersection of Georgetown and Hydraulic Roads. The site is currently vacant. On June 6, 2006, the Planning Commission held a pre-application work session on this project. They discussed several issues during the work session.
- The Commission generally felt that the proposed use for a 12,000 square foot professional office building was less intensive than the permitted use for a gas station/convenience store and considered the proposed use to be appropriate for this location.
- During the work session they discussed the need for this project to be reviewed by the Architectural Review Board. It is located in an Entrance Corridor. This application went before the ARB on October 16 and the following concerns came up.
    - The ARB was not able to support the request for the rezoning because they feel landscaping is needed for relief between the street and the building, and 3 feet is not an adequate setback. The ARB feels ten to fifteen feet free of utilities and easements would be appropriate.
    - The ARB feels they may support the rezoning if the applicant provides suitable building setbacks to allow for landscaping free of utilities and easements and reduces the building size to be more appropriately sized for the site, with minimal grading and tree clearing. There are steep slopes at the rear of the site that make the area available for development very small.
    - The water line at the front of the site also impacts location abilities for the proposed building. In terms of reducing the size of the building, if the applicant were to reduce the size of the building, then there would most likely be a reduction in the parking requirements allowing some additional area on the site to work with.
- The applicant is requesting a rezoning from C-1, Commercial to Neighborhood Model District. The Neighborhood Model District supports buildings located closer to the street. The applicant has stated that reducing the size of the building below 12,000 square feet become financially difficult. The staff report describes some options regarding these issues and concerns. There

are also other issues to be resolved. However, staff is in need of direction from the Commission before the applicant proceeds further revising the plan.

Ms. Joseph asked if there were questions for staff.

Mr. Edgerton asked if the sheet dated March 31, 1997 was a vested plan. He asked if this can be done by right tomorrow.

Ms. Grant replied that it is an approved plan.

Mr. Edgerton questioned if the applicant could come in and get a building permit on this plan as shown.

Mr. Cilimberg replied that is a zoning question that he was not sure he could answer. Zoning would determine the vesting of a site plan based on what progress has been made on that plan. There has not been any activity out there to develop under the plan. He asked Ms. Grant if she had asked zoning if the plan was vested.

Ms. Grant replied that she did not asked zoning.

Mr. Cilimberg noted that they would have to get that answer.

Mr. Edgerton noted that he wanted to make sure that they understood what the applicant's options were.

Mr. Cannon said that it was approved as a site plan.

Mr. Edgerton said this plan is consistent with the zoning that exists on the property.

Mr. Cilimberg replied that the site plan that was approved was consistent with the zoning that existed.

Ms. Joseph noted that a site plan was good for five years after approval.

Mr. Edgerton noted that it has been nine years.

Ms. Joseph said that the reason that they were here was that they were trying to sort out the difference between what went on with the ARB and what the applicant wants.

Ms. Grant replied that was correct.

Ms. Joseph pointed out that there was a member of the ARB present. She asked if the applicant would like to give a presentation at this point.

Gate Pratt, with Gateland Architects, said that he was representing the applicant CKW II. Also present is Tom Muncaster who is our civil engineer. The Commission has seen this project once before and gave some feedback on it. Generally the Commission was supportive in the direction that they were going. They would like to put a two-story office building towards the front of the site and relegate the parking. That was the general concept. In the details is where it gets tricky because the site is fairly tight. To get the size office building that they need to get for the economics of the project requires a certain amount of parking, which is also a little challenging. When they went to the ARB to discuss the specifics of the site they suggested that they push the building back 10' from the property line. If they were to do that they run into some issue with pushing the parking back and getting a little further into the steep slopes, which is an area that they would like to avoid if possible. Generally it is complicated on this particular site.

Mr. Pratt continued that with regards to the two points that the ARB commented on asking for the setback, they would ask the Commission if they would encourage some permission to proceed with a minimal setback. He noted that there was approximately 15' of right-of-way that was currently asphalt and sidewalk between their property lines. They have a 6' sidewalk and a 9' asphalt sidewalk that currently exists. They are proposing to set the building 3' back from the property line. They could design that area of the right-of-way anyway that was seen as appropriate. It could be paved and landscaped

with street trees, which is one possibility. The request for street trees was there from the ARB. It could also be more of a green buffer depending on what is appropriate at that corner. They are seeing this as an urban corner. They want the building to address the streets. He did not think that they needed to completely hide it behind landscaping. It could be paved and landscaped with street trees. The request for street trees was there from the ARB. It also could be more of a green buffer depending on what is appropriate at that corner. They are seeing this as an urban corner. They want the building to address the street. He did not think that they necessarily need to completely hide it behind the landscaping and they certainly have a large area that they can work with if it was acceptable in the right-of-way. That would prevent them having to push the building further back from their property line, thus pushing the parking back into the slopes. Regarding the size of the building it is more at this point an issue of economics of the site. They are trying to hold the size of the building to around 12,000 square feet in order to make the financing of the project work. There is a scheme that allows them to put the building behind the parking and they get roughly 50 to 53 parking spaces, which is more than they need. But, they think that the overall result is not as nice in terms of how the building addresses the street. Those are the 2 issues that were brought up by the ARB. They are asking tonight to hold to the original scheme presented that show the building 3' off of the property line, but in effect 18' from the paving. They would like to keep the building essentially the same size. But, in order to do that they would have to get some parking on the lower level. There would be access from an adjacent property owner's parking and access area. They have indicated that would be acceptable to them. They are showing 2 options on how that would be laid out.

Ms. Joseph invited public comment.

Candace Smith, Chair of the Architectural Review Board, said that the when the ARB initially reviewed the project everybody's sentiment was that they would rather have an office building than a parking lot with a gas station. That was emphasized in the last sentence of their comments to the Planning Commission. However, when they looked at the plan because of the conceptual stage and they overlaid it with the plan that had been approved for the gas station because of the on flat parking at that grade level for the first floor entry of this office building in the back they would actually look like it would be even more grading into the critical slopes, particularly where they are showing an entrance off of Georgetown Road. They were told that they would not be allowed to have the entrance off Georgetown Road either from VDOT or engineering. They were asked to look at something that might not be allowed. But, the parking and that driveway even in the small illustration exceeds the grading that was put up for the gas station, which would have left very, very steep slopes at the back of the site. All of that is a product of the size of the building, which forces the size of the parking lot. When they discussed this with the applicant they understood that and were certainly interested in a smaller building. Obviously, they have done some number crunching and now say that to make it feasible to building that kind of office building they need 12,000 square feet. Even 12,000 square feet is better than the 13,000 square feet that is being proposed. That would allow for some of the setback of the building to the street. The ARB looked at the context of the apartment buildings on one side and the other buildings shown on the site plan and look at the relationship of the building to the street. They were not trying to make it rural, but they don't feel that it is nearly as urban as what is going to be happening at Albemarle Place at Hydraulic and Route 29. They feel that the discussion of sidewalks and tree planting off of their property is very uncomfortable for the ARB because it is not on their property. If they are allowed a 3' setback from their property line there are not going to be any trees or shrubbery or sidewalks in that space. The most important element that the ARB wanted to emphasize about the setback was that they wanted 10' to 15' free of utilities. The current site plan does show utilities in those areas. So there were a number of undecided issues including the entrance off of Georgetown that forced far more grading into the back trees and slopes that was going to clear and present a very different back of the building. The buildings adjacent to it have a forest appearance to them. It seemed that a lot of the pressures would be relieved by a smaller building and less parking and they would get the needed landscape in front. They could then proceed to address the building design that has its own concerns in terms of addressing the corner. The ARB was in favor of the concept, but felt that it was really going to force them into not being able to approve the building. The ARB did not want them to get that far and then have to appeal their decision.

Ms. Joseph disagreed. She felt that a 10' – 15' setback is more of a suburban look than they want in their urban areas. Even though they are looking at what is happening out there, that is not the model that they want to set. She was not sure if 3' was the answer because there have to be trees out there, too, so that

they can be graded and within a sidewalk. It could be a larger sidewalk than normal, but she felt that because they were trying to implement the Neighborhood Model and to use the space as efficiently as they possibly can in the urban area she felt that asking for 10' to 15' of green space is not sending the signal that they want to see in the Neighborhood Model.

Mr. Morris noted that initially the Commission felt that 18' was plenty of distance, but the ARB is absolutely right that you can't plant in 15' – 16' in those places that the property line is set back at that particular point. They need to get the trees in.

Ms. Joseph noted that sometimes trees are located in the VDOT right-of-way. The trees have to be there. She questioned if they put sidewalks in the right-of-way.

Mr. Cilimberg replied generally yes, they want the public sidewalks in the public right-of-way.

Mr. Cannon noted the size increase from 1,200 square feet to 1,300 square feet. He suggested that there might be some negotiations in the size. They have a building that has to be situated on a particular size lot. The question is whether they put it close to a street with some potential screening or do they push it back and create more disturbances on the critical slopes.

Ms. Joseph hoped that the building would be beautiful and not need to be screened.

Mr. Morris noted that if something could be worked out with VDOT so that the asphalt strip could be used for planting it would be wonderful. Then they would be 18' back from the edge of the road. That is a great start.

Mr. Edgerton said that he did not know what flexibility that VDOT would allow them since it was their right-of-way. He would like to see the building set back a bit further and a comfortable row of street trees along the edge of Hydraulic Road and a sidewalk behind it so that there is some true separation between the heavy traffic on Hydraulic and Georgetown Roads. He would like the pedestrian circulation on that sidewalk separated by a row of street trees. He felt that VDOT had some problems with that, or at least they had heard that. He supported it being a green building. He felt that the problem could be solved with the adjustment of the design. He was sympathetic to the ARB's design about it being a bit too close. He felt that 3' was too little. He would like to see it moved back a little bit. It could be accomplished with perhaps a reconfiguration of the parking area to get nearly half of the parking under the back half of the buildings. Therefore, it would minimize how far they would have to go back into the critical slopes.

Mr. Strucko noted that he was more inclined in bringing the buildings up closer to Georgetown and Hydraulic Roads maintaining that parking area in a location that is not going to impact the critical slopes and the buffer between this use and Georgetown Green to the rear. He was confused about the actual number of feet involved.

Ms. Joseph noted that one of the things Mr. Edgerton said was that he wanted street trees between the road way and the sidewalk. In this illustration it is the opposite.

Mr. Edgerton noted that our urban cross section shows the street trees separating the vehicular traffic from the pedestrian traffic. If that can be accomplished and if VDOT will go along with it, he would be comfortable in using their space to do that. He was looking for a way to get some real separation from a really busy road for the pedestrian access.

Mr. Strucko said that the rear of the site was his greatest concern with Georgetown Green and the disturbance of the critical slopes. He was not necessarily concerned with a green buffer between the pedestrian pathway and the building itself because of the urban nature of the area. In order to have compatibility between the two uses there has to be some buffer. He was concerned if the building were pushed back that it might compromise that. He was not concerned with the aesthetics, but was concerned with the scale and the nature of the corner. It is a busy intersection.

The Planning Commission discussed the issues and provided comments as noted in the following summary.

In summary, the Planning Commission held a work session on ZMA-2006-014, Professional Office Building at Hydraulic & Georgetown Roads with a focus on staff and the applicant obtaining the Planning Commission's guidance regarding the location of the building and the size of the building before proceeding with plans for the building.

After the pre-application work session in June, the applicant decided to proceed with a two story, 13,000 square foot professional office building. As discussed during the previous work session, the applicant also decided to request a rezoning for Neighborhood Model District primarily because of the flexibility in setback requirements. Both the Commission and the ARB agreed that the proposed office use is less intensive and more appropriate than the permitted use for a gas station/convenience store.

The applicant still has a variety of issues to be resolved, such as engineering comments, which request a grading plan so that disturbance to critical slopes can be determined. Concerns also exist regarding ingress and egress to the site. Engineering staff wants the access for this site shown on Georgetown Road to be eliminated. Proffers will need to be provided. The applicant is aware of all of the concerns from staff review.

The Commission discussed staff's recommendations regarding the rezoning request and provided comments and suggestions to the questions posed in the staff report as follows:

1. ***What is the appropriate setback for the building?***

2. ***Should the building size be reduced?***

   There was no consensus of the Commission. The question was how to balance the two. If the applicant provides less setback along Hydraulic and Georgetown are they causing less grading to occur in the rear? If they want to bring the building closer to the street, then the Commission's anticipation is that there will be less grading in the rear. The following comments were made:

   a. Mr. Edgerton wants to see street trees and sidewalks in front of the building.
   b. The ARB wants the building 10' – 15' back free of utilities, which may include the sidewalk. They were looking at a planting, a sidewalk and then the building.
   c. As long as the pedestrians are protected as they walk around the corner of Hydraulic and Georgetown and VDOT and the Service Authority okay the use of their right-of-way for plantings, the Commission has no problems with that aspect. The applicant should explore the possibility with VDOT and County Engineering about treating the right-of-way at the front of the site as the area for planting and landscaping. In an attempt to keep the setback being proposed, the applicant needs to look a little closer at locating the proposed parking on the lower level. In looking at the utility issue, the Service Authority needs to be a part of that discussion as well as VDOT.
   d. The Commission would like to see minimal grading in the rear.
   e. The Commission asked if the applicant could accommodate these restrictions and still maintain the size of the building and the number of parking spaces.
   f. The Commission asked that the parking for the adjacent property be left out of the forested area. The parking should be minimized.
   g. The Commission felt that if removing the lower level parking meant the building size had to be adjusted because of the parking requirements, then that is what the Commission would expect.
   h. The Commission suggested the applicant take the discussion from this meeting and figure out how to make the location and building size work on the site.

Old Business:

Ms. Joseph asked if there was any old business.

Mr. Cilimberg said that in looking at item 5c on tonight's agenda, which was the second waiver request for the driveway requirements, it had a recommendation for approval. These are not typical waivers that

come to the Commission. Current Development felt that for the time being this is a relatively new Subdivision section that they are trying to administer and they would bring all of these to the Commission for approval. But, earlier the Commission talked about the possibility for items to be put on the consent agenda. This is one that was actually recommended for approval. He asked if the Commission would have been comfortable having that on the consent agenda.

Ms. Joseph asked to see those types of waivers because that section might need some changes eventually because of things like that.

There being no further old business, the meeting moved on to the next item.

New Business:

Ms. Joseph asked if there was any new business.

Mr. Cilimberg said that the Commission did not need to make this decision tonight and could think about it. The University has requested that the Commission appoint a Master Planning Council representative. They meet on a quarterly basis. He asked that the Commission decide that next week.

Mr. Strucko said that he would love to do that.

Mr. Edgerton noted that he would be interested in it, too.

There being no further new business, the meeting proceeded.

Adjournment:

With no further items, the meeting adjourned at 10:06 p.m. to the Tuesday, November 14, 2006 meeting at 6:00 p.m. at the COB 5th Street, Room, Old Lynchburg Road (need address).

_____

V. Wayne Cilimberg, Secretary

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