Albemarle County Planning Commission
March 13, 2007

The Albemarle County Planning Commission held a meeting and public hearing on Tuesday, March 13, 2007, at 6:00 p.m., at the County Office Building, Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia. Members attending were Bill Edgerton, Jon Cannon, Eric Strucko, Duane Zobrist, Pete Craddock, Calvin Morris, Vice-Chairman and Marcia Joseph, Chairman. Ms. Joseph arrived at 7:05 p.m. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia, was present.

Other officials present were David Benish, Chief of Planning; Jack Kelsey, County Transportation Planner; Elaine Echols, Senior Planner and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

Mr. Morris called the work session to order at 6:04 p.m. and established a quorum.

Other Matters Not Listed on the Agenda from the Public:

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

Consent Agenda:

Approval of Planning Commission Minutes – January 16, 2007

Motion: Mr. Edgerton moved, Mr. Cannon seconded, for approval of the consent agenda.

The motion was approved by a vote of 6:0. (Ms. Joseph was absent.)

Public Hearings:

HO 2007-00026, New Life Therapeutic Massage (Sign #95)
Request for a modification to a Home Occupation Class A for a massage therapy practice to include a day spa, esthetician and nail technician services in accordance with Section 5.2.2.1.D of the Zoning Ordinance. The property is described as Tax Map 056A1-01-00-098A0 is located in the Crozet Community at 5896 Railroad Avenue in Crozet. The property is zoned R6. The Comprehensive Plan designates this property urban general in the Crozet Community. The property is located in the White Hall Magisterial District. (Juan Wade)

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

- The applicant has requested a home occupation, class A modification for the number of vehicle trips to the home and the request to sell retail items at a residence located at 5896 Railroad Avenue in Crozet.
- The reason that this is a modification is because all of the activities will take place within the existing home and there will be no employees coming to the site. The applicant plans to conduct massage therapy under this home occupation. She would also like to sell skin products such as moisturizers, toners and lotions and other similar items.
- Administratively staff can approve a home occupation, class A for up to seven (7) trips per week. The applicant would like to have seven (7) clients per day up to seven (7) times per day. That is an additional 14 trips. Staff has evaluated this essentially based on the transportation impacts. Staff has put signs out on the road as well as contacted all of the adjacent property owners by letter. Staff has received no objections to it. Staff did get a letter of support.
- Staff recommends approval of this request for the home occupation with six (6) conditions, which were worked out with the zoning staff. Staff feels that the conditions are enforceable. Those conditions can be found on page 4 of the staff report.

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

Leslie Wood, applicant, agreed with all of the recommended conditions, except the condition regarding the sale of retail items. The retail items are going to be directly related to the services provided. The home occupation, class A provides only for home-made or hand-made products. But, she would not be interested in home-making any products to go on somebody's body or face. That would get into safety issues and she was not a chemist. If she were not able to provide the products she used and had to refer her clients to another saloon it would be very difficult to tell a client to do that. It will be by appointment only. She was not encouraging walk-ins and wanted her clients to be on her schedule. There will be incentive to purchase the products at the time of service. In her experience, the clients will purchase the products at the time of their appointment and not just drop in for the products. She would make it clear up front to her clients that they have to make an appointment.

There being no questions for the applicant, Mr. Morris invited public comment. There being none, the public hearing was closed and the matter placed before the Commission.

Mr. Strucko asked staff to explain again about the reservation concerning the retail sales.

Mr. Wade replied that in general the zoning department feels that the sale of retail items will be very difficult to enforce. The reason the waiver is being requested is because under a home occupation, class A they would be allowed to sell hand-made items and these items would not be hand-made. That would be difficult to enforce. Upon clarification it may be easier to enforce if they only limit it to the clients if they are already scheduled for massage therapy and only those clients can purchase items. He felt that would be easier to do than just being open to the public in general.

Mr. Zobrist asked if staff would support that.

Mr. Wade replied yes.

Motion: Mr. Zobrist moved, Mr. Craddock seconded, to approve HO 2007-00026, New Life Therapeutic Massage, subject to the conditions recommended by staff, as amended.

1. Clients may only be on the property between the hours of 9:00 a.m. and 5:30 p.m. (Monday – Friday);
2. Appointments shall be scheduled with a minimum of 15 minutes between clients;
3. Only one client shall be on the premises at a time.
4. No more than seven clients per day for five days. (Monday – Friday);
5. No appointment may be scheduled on the premises on Saturday or Sunday – emergency or otherwise; and
6. The applicant will be permitted to sell related items to the services she renders (skin care products, moisturizers, toners, lotions, etc.) to the clients that have scheduled a massage therapy appointment.

The motion passed by a vote of 6:0. (Ms. Joseph was absent.)

Mr. Morris stated that HO 2007-00026, New Life Therapeutic Massage was approved and would not go before the Board of Supervisors.

ZMA 2001-00008 Rivanna Village at Glenmore (Signs #16, 17, 19, 20, 21)

PROPOSAL: Rezone approx. 93 acres from RA -- Rural Areas which allows agricultural, forestal, and fishery uses; residential density (0.5 unit/acre) residential (3 - 34 units/acre) with limited commercial uses and PRD Planned Residential District which allows residential (3 - 34 units/acre) with limited commercial uses to NMD Neighborhood Model District which allows residential (3 - 34 units/acre) mixed with commercial, service and industrial uses. A maximum of 521 dwellings is proposed with an overall gross density of 5.6 units/acre.

PROFFERS: Yes

EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Neighborhood Density Residential - residential (3-6 units/acre) and supporting uses such as religious institutions and schools and other small-scale non-residential uses and Community Service - community-scale retail wholesale, business and

medical offices, mixed use core communities and/or employment services, and residential (6.01-34 units/acre) in the Village of Rivanna.
ENTRANCE CORRIDOR: Yes
LOCATION: Intersection of Glenmore Way and Route 250 East
TAX MAP/PARCEL: a 4.583 acre portion of Tax Map 93A1, Parcel 1 and a 0.741 acre portion of Tax Map 93A1-1 zoned Glenmore PRD; Tax Map 93A1, Parcels 2, 3 & 4; Tax Map 80, Parcel 46, 46A, 46C, 46D, 46E, 50,and 55A all zoned RA Rural Areas; and Tax Map 79 parcel 25A zoned R-6 with proffers.
MAGISTERIAL DISTRICT: Scottsville
STAFF: Elaine Echols

Mr. Craddock recused himself and left the meeting since is on the Board of the East Rivanna Fire Department.

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

- This is ZMA-01-08 Rivanna Village at Glenmore with requests for waivers and modifications. She presented the general development plan that the applicant has been working on for years. In the last year and a half the Planning Commission has held several work sessions. The Commission has talked about the general layout of the development, the internal components, the park, the appropriateness of uses, the scale, some of the architectural elements and the streets. The staff report is very lengthy and will go to the Board of Supervisors. Much of that information the Commission has seen before. There are other aspects of it that the Commission has not seen, including a full waiver analysis at the back. Also, a copy of the Code of Development was sent that goes along with this Neighborhood Model District.
- There is a range of 348 to 521 residential units of all different types, a minimum of 71,500 square feet of non-residential uses and a maximum of 49,000 square feet of non-residential uses, which does not include the fire station. The non-residential uses are commercial, office, civic and recreational. There is an 18 acre park proposed to be a community park.
- CPA-01-03 was approved May 15, 2002. There have been 5 work sessions with the Planning Commission. A great deal of work has been done with the public and with the applicant. The proposed plan looks like the plan displayed, although it is not exact. The orientation has changed from a major entry way from Glenmore Way to Route 250 East. The Code of Development is almost in an approvable form. They have a number of pages of minor things to be fixed before the request could be approved. The proffers are almost in an approvable form. The plan appears to meet the Planning Commission's requests from the prior work session. The outstanding issues to be resolved prior to action by the Planning Commission are listed in the staff report.

Staff reviewed the following outstanding questions.
- Do the fixed and optional elements shown on the new exhibit represent the PC's understanding of the project?
- Is a perimeter buffer/screen needed where the development abuts existing single family development such as the Magruder Subdivision?
- Is the perimeter buffer needed at the south of block G?
- Is the landscape buffer across Route 250 sufficient given the ARB concerns?
- Should stand alone and structured parking be allowed by right and not by special use permit?
- Should a greater commitment be made by the Fire Department, which is a co-applicant for the rezoning for easements for paths, sidewalks, a public street and storm water management facilities? That particular question is one that the applicant wants to discuss with the Commission. So staff will talk a little bit about it, but most of that discussion will come from the applicant on it.

- **Fixed Vs. Optional elements**

Are these features the PC expects to see when the plan is built out?
- Staff received this plan today. Therefore, no one has seen this plan before. It is a greater refinement of the application plan than the Commission received in their packet. With the Neighborhood Model Districts staff has tried to be clear on what the fixed elements are in the development.

- The light yellow on the perimeter represents single-family detached housing, which was a fixed feature. There will not be any other housing type in that area. There is a wall enclosure shown around block E. There will be no exposed parking lots. There will be buildings or street walls. Especially along Main Street there is a high degree of spatial enclosure. The park location is not moving. In block C there are 3 buildings shown, which are representing a transition from the Glenmore development into this more compact and more intense development. It is the "White Gables Product" that they have talked a lot about. In block A there are 2 buildings, which represent a civic use and a tourist lodge, bed & breakfast or a single-family use, which is the building that is the closest to Route 250 in block A. **Is this your understanding of what was intended where the commitment was made for this particular plan?**

Mr. Edgerton said that the first element discussed about block E that shows enclosure all the way around is a little different than what is shown on the actual plan. He liked the enclosure around the parking on the north side. He asked if this is a change from what the rendering shows.

Ms. Echols replied that it is really not a change. What the rendering shows more than anything else is an illustration of how this plan could be developed using the Code of Development. When it was created it was the applicant's best guess. It was how he wanted to develop the property. Market conditions change so that is why the Code provides for some options. The idea on this is that it is not all buildings necessarily and the Code of Development speaks to that. There would be architectural or vegetative walls (hedges), but they would create a wall around the block to help create the enclosure. This is the governing document if it is adopted.

Mr. Edgerton questioned if there are a few significant gaps shown in the schematic plan that would leave about ½ of that parking exposed to the north unless there are a lot more trees than he would guess. The enclosure does not appear to be on the schematic. That is the reason that he was asking. He preferred the enclosure that speaks to relegated parking to minimize the visual impact of parking.

Ms. Echols noted that there is a statement in the Code that says they can't have any exposed parking.

Mr. Zobrist said that the Code of Development requires all parking to be screened.

Mr. Edgerton said that he could therefore ignore this.

Mr. Cannon asked if that was a fixed versus an optional element.

Ms. Echols said that what they just saw was a fixed element, but we may still be reading this document differently from what she was hearing from the applicant. She suggested that the Commission ask the applicant to explain that. Staff will make sure that the Code represents adequately what the expectation is. This is a little bit representative of why staff was looking for the image that indicates what is fixed and what is not. It looks like the expectation is that will be blocked. But, they will have the applicant talk about that.

Mr. Edgerton noted that it says medium degree of spatial enclosure. The applicant has two different renderings there. It looks like the western/northern side is the medium degree of spatial enclosure according to the legend and then a high degree of spatial enclosure on the south and on the east.

Ms. Echols agreed. Except for this particular one are there other features that you expected to see a commitment being made to

Mr. Morris asked staff to state what is in block A.

Ms. Echols replied that there is a bed & breakfast or tourist lodging or a single-family detached home. This building is representing a civic use. It could be a religious institution or another kind of community activity center.

Mr. Morris noted that right now it is flexibility.

Ms. Echols replied that was correct, but the flexibility is not as great as would be found in block E.

- **Should there be a perimeter buffer or screen around the development?**

Ms. Echols noted in the last staff report staff did not believe that it was going to be necessary to provide any kind of screening around the perimeter where single-family abuts single-family. But, in looking at some past minutes from the Planning Commission there was a lot of concern expressed especially about this area. From those discussions a lot of concern was expressed about this area in maintaining the existing vegetation along that boundary. It was critical to the adjoining owners. But, it also seemed to be very important to the Planning Commission. The policy is such that staff does not recommend single-family residential to be screened adjacent to single-family residential. From time to time the Board or Commission will ask that the policy not be adhered to and there should be some screening. She did not know if that was the case here. Staff wanted to bring this matter to the Commission's attention and ask if there should be a perimeter buffer or screen around the development. What that means is where it abuts single-family detached houses. They would discuss block G next, which has a variety of uses that could occur there.

Mr. Edgerton noted that he concerned very early on about this. He believed that there is a drainage swale running through there and some existing vegetation that provides a natural buffer. He was concerned about the drainage swale being destroyed with the development. It is sort of the dividing line in the rear of those existing home sites and the property line.

Ms. Echols said that some of it is on that dividing line and some of it is on either side of the property.

Mr. Edgerton noted that he would like to see some effort made to leave that intact if they could.

Mr. Cannon asked if that was a screening concern or about a concern about conserving the natural functions of the swale.

Mr. Edgerton replied both of the concerns.

Mr. Zobrist noted that is shown on the master plan on the right screen. This is a much higher density use than back behind. He has a farm next to Old Trail and he planted 300 trees already and was going to plant some more. He thought that these people were entitled to some kind of a privacy screen there as Mr. Edgerton said without destroying the natural area. This will be a more intensive use. The neighbors will probably be planting trees along there anyway.

Ms. Echols said that this is the more desirable plan for the applicant. She assumed because the green was being shown in that location that it meant a commitment was being made to it. That was something that the applicant said no that they were not committing to that and they really don't need to do that because the County's policy is that single-family residential is not screened from single-family residential. The applicant is right. But, there was the previous discussion. Part of that discussion took place because the original plan showed a great big parking lot at that location. Then it changed to town houses and she thought that there might have been some parking behind there in one of the versions of the plan. Now it has gone to a lower density, although not anywhere near as low as what is behind it.

Mr. Strucko asked what the Commission's justification was for granting the exemption to that policy.

Ms. Echols replied that it was in the comprehensive plan amendment discussion. There was a discussion about the different uses abutting one another. When that discussion took place there was a higher intensity non single-family use shown on the CPA plan. But, there was still the discussion about the drainage area, the ravine and the existing vegetation that Mr. Edgerton brings to the table. She felt that was part of the discussion, too. It is not written in the comprehensive plan amendment that has to be preserved. The words do not exist in the comprehensive plan amendment.

Mr. Strucko asked if single-family detached homes are a fixed element in block B now.

Ms. Echols replied yes.

Mr. Edgerton pointed out that there are 22 of them lined up against another 6. He felt that justifies some sort of screen.

Ms. Echols said that block G has a number of uses that can occur such as assisted living. When they were talking about the perimeter and whether there needed to be a perimeter vegetative screen or buffer the applicant was concerned that this particular area lent itself in a future rezoning into a more intensive use potentially and that screening along this buffer, except for objectionable uses, might not make sense in the long run. Staff was still concerned about the perimeter screening issue and is not sure about that and wanted to bring that one to the Commission as well. The applicant wants to speak to some of these issues. Therefore, the Commission might want to defer their decision until after they have heard from them. It may make a difference in what they conclude.

The Commission decided to defer their decision on this question until after they heard from the applicant.

- **Is the landscape buffer across route 250 sufficient given the ARB concerns?**

Ms. Echols said that as noted in the staff report and in the Code of Development what the applicant has proffered has to change.

- The applicant has proffered 100' of buffer area in a portion of which 80' of which if Route 250 is ever widened would go away. The 80' would be made available for right-of-way for the widening of Route 250 leaving about 20' in this particular area. That is not a great width for landscaping.
- The end units would be apartments over garages that would relate to the townhouse development. But, as noted in the Code this particular block does not necessarily have to be developed as townhouses. It has a number of other residential options that would be available in this area. The applicant could not commit to what would be built in this area and did not want to commit to any kind of a landscape treatment until they are ready to develop it to know what would go in there.
- This is a difficult discussion to have because the master plan has not been done for this area. As part of the master plan staff will be working on what the exterior of that development area should look like. What those areas would be and how they would look and be landscaped or buffered would really be decided through the master planning process. It has not taken place here. They don't really know whether that entry way should have a rural feel or if it should be more urban or even suburban because there is a lot of suburban development with Glenmore.
- The ARB asked what the County's policy is right now. Currently Rivanna Village is an independent village. It is a little satellite area embedded in a rural area. Staff's expectation right now on the edges is that it would have a rural look and feel and inside the village it was suppose to be oriented inward. Because of that the ARB said that if it was supposed to be oriented inward, then it needs to have a large landscaped buffered area that would allow them to put a rural landscape treatment along 250 after the dedication takes place.
- Counter to the ARB that is difficult to do and achieve the density that the Commission has been asking the applicant to achieve. It puts the applicant in a bind. No one knows what the best answer is. Of course, that is why staff brings it to the Commission. There are potentially two competing interests right now for that area. Staff does not have a recommendation relative to that because they have the ARB recommendation. They are very sensitive to the issue of density. They are sensitive to the ARB's concern that 20' is not a lot of area to create a landscape treatment especially if there are garages backing up to it.
- Staff does not have a solution to this problem. If the Commission says that density is more important, then what the applicant will have to do is when a site plan is ready for this particular area they will have to create a landscape treatment across the front that is acceptable to the ARB.

Mr. Strucko asked if that was the boundary of the designated growth area.

Ms. Echols replied that Route 250 was, but not to the east. The boundary goes all the way over to Running Deer.

Mr. Strucko noted that was a northern boundary. The side of Route 250 in this particular area is a growth area. Immediately on the other side of Route 250 is a rural area. He pointed out that the issue of density can be addressed in a variety of ways and not necessarily the amount of square footage available for development in this particular area, but changing the housing product in other areas as well in the project.

Ms. Echols agreed that it could be done, but the higher density and the taller products would need to have sufficient parking. She asked that the applicant speak to the Commission about the different possibilities for that area. She noted that there was a possibility of what the mix might be.

Stand alone or structured parking in blocks in blocks c, g, e, d f?

The applicant would like in A, C, G, E, D and F stand alone or structured parking in these blocks.

- Staff goes through a lot of analysis on when to have stand alone or structured parking. One of the benefits of the Neighborhood Model District is that they look at those issues up front. If they think that it can be taken care of in a way that is suitable, then they would not necessarily need a special use permit for structured parking. But, they have never talked about this. Therefore, she was not comfortable to say that they potentially could have structured parking in those areas.
- The applicant has said that mostly in block A that it would be a stand along product. In block C they might want to have some structured parking as it relates to these particular units. Staff could see it for block E with no problems. But, blocks G and D would be more of a medium density meaning the intensity of use and it might be appropriate. In block F there could be a parking structure or stand along parking potentially. Would the Planning Commission be comfortable with them because there are architectural standards that the applicant has proposed? Those architectural standards apply to every building.
- It is those people who would buy into the development not knowing that structured parking could go across the street from them or in a particular location that they were not expecting that might catch them off guard and be of concern.

Mr. Edgerton said that from past experiences he thinks it should be required by special use permit.

Mr. Zobrist agreed.

Mr. Kamptner noted that the problem is the way that the Neighborhood Model District is set up. There are only two particular uses that are allowed by special use permit under the Neighborhood Model regulations. Every other use that they want to put into the district is by right. But, the Code of Development allows the applicant and the County to impose restrictions in terms of conditions. Essentially it works the same way, but it is put into the Code rather than the applicant coming back later in a separate process asking for a special use permit. It can be done by right with additional terms and conditions put into the Code of Development.

Mr. Zobrist asked if they could require a special use permit for structured parking.

Mr. Kamptner replied no, that the way the district is set up, the applicant needs to identify and the Board needs to approve all of the uses that are going to be allowed in the district. All of the uses are by right. Any particular use can have terms of conditions imposed upon that use. Those terms are placed in the Code of Development.

Mr. Zobrist asked if it could say they could have structured parking, but the County gets to approve the architectural design.

Mr. Kamptner replied that the applicant proposes them in the Code of Development and the Planning Commission and the Board approves those terms and conditions.

Ms. Echols noted that the question is not whether it should be a special use permit. The question is should it be by right with conditions. If so, then what conditions do they feel would be important if it is a by right use.

Mr. Kamptner said that is correct. The only two uses that are allowed by special use permit in the Neighborhood Model District are the drive through windows serving or associated with permitted uses and outdoor storage display and/or sales. Every other use is designated by right.

Mr. Zobrist said that if there is going to be structured parking Mr. Edgerton and Mr. Strucko feel it can't be done in such a way as to throw a curb at the people. The people who buy these units do not think about what is going to happen tomorrow. That is exactly what they heard in the other instance where they had 140 people come in and say they were suppose to have town homes across the street and now it was going to be structured parking. Therefore, they could ask the applicant to make his parking terrace look like a row of town homes so they got exactly what they bargained for.

Mr. Edgerton agreed that was exactly what they were talking about. If he was hearing correctly in the legal interpretation that they could ask for a condition for structured parking and that they bring it back for approval from the Commission.

Ms. Echols replied that she did not think that was correct because the Commission could not bring it back for approval.

Mr. Kamptner noted that they could ask for conditions in terms of the use. They could put in the Code of Development some criteria as to the façade of the structure such as the height of the parking structure, its particular setback and any particular provisions dealing with lighting.

Mr. Edgerton asked how that condition would be imposed. Would that be administratively imposed?

Ms. Echols replied that is correct.

Mr. Kamptner said that the conditions would be written into the Code of Development.

Mr. Zobrist asked if Zoning would enforce those conditions.

Ms. Monteith asked how does that work in block L where some of the uses have been determined and some of the uses have not been determined.

Ms. Echols replied that was one of the difficulties that the Commission is bringing up about the fixed and the optional elements.

Mr. Cannon asked if staff has in mind a set of appropriate conditions that would allow this issue to be managed appropriately in the Code or Development. Or, is that something that they just don't know how to do right now?

Ms. Echols replied that staff can come up with some conditions.

- There are other special use permits that have been approved in the development areas that have had conditions that have been imposed on them. Staff can look at some of what those are and talk with the applicant to come up with what would work there and bring it back to the Commission. That is one of the conditions that the applicant might want to talk to the Commission about.
- The Planning Commission liked structured parking, but wanted it to be sympathetic to what is next door. That can be done with façade treatment, scale and some of the things Mr. Kamptner has mentioned.

Ms. Monteith noted that in looking at the plan there are a lot of different uses. So just to put a blanket statement on the plan may be a little bit challenging.

Mr. Cannon said that their choices were to either attempt some set of conditions that would be applicable through a range of different possibilities or to punt. Or, they could just say no to structured parking.

Mr. Zobrist requested that staff and the applicant figure out a way to be able to allow the structured parking so that it fits into the community so it won't upset the home owners.

The consensus of the Planning Commission was that structured parking is an acceptable use in the development if restrictions are also provided that will protect residential units across the street. These restrictions/conditions need to ensure that the structured parking doesn't have negative impacts on other residential uses also.

Should a greater commitment be made by the Fire Department (co-applicant) for the rezoning) for easement for paths, sidewalks, a public street and a storm water management facility.

Ms. Echols said that staff will allow the applicant to discuss this with the Commission.

The Next Steps:
Ms. Echols said the answers to the Commission's questions would be next. There is a public hearing tonight and the Commission needs to decide on whether or not they can take action tonight. Before the Commission takes an action they need to discuss the waivers that are at the end of the document. If the Commission decides to take action on the rezoning, then staff would also want them to take action on the waivers.

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

Mr. Zobrist questioned how they could keep the process moving and still get these things resolved.

Mr. Kamptner replied that the Commission can conduct the public hearing tonight and have a discussion, reach a consensus on some issues and give direction to staff. Assuming they have reached the time limit on when the Commission needs to make its recommendation to the Board, the Commission can ask the applicant if they wish to defer. They could come back and take action at a later date once these other remaining issues have been resolved.

Ms. Echols said that if the Commission feels comfortable that they don't need to see it again and the outstanding issues can be worked out between the applicant and staff, then they would take action tonight and move it on.

Mr. Morris suggested that they check the last paragraph on page 23 of the staff report. There is one thing that has not been brought up yet. On page 22 of the staff report in #3 architectural standards he asked where the interaction with Monticello is regarding the view shed and so forth as they move forward.

Ms. Echols replied that the applicant has indicated that they have been working with Monticello. The applicant is trying to come up with some suitable language in the architectural standards that would address Monticello's concerns. As a County they have not asked Monticello to do design review on any of the County projects. There is a set of design standards that Monticello has asked staff to ask the applicants to abide by. She asked for Mr. Benish's comment.

Mr. Benish replied that they would contact Monticello so they can work directly with the applicant.

Ms. Echols asked to talk about transportation. When the CPA went through via a traffic study that was done to identify what the impacts would be from the development, the traffic study gave us some information. Staff looked around at different projects on Route 250 for which funding could be provided or specific improvements to Route 250 that could be made. Because the Board of Supervisors had not adopted a plan yet, staff did not feel comfortable advising the applicant to put money towards any particular improvement. Since that time the applicant has updated their traffic study. As it turns out the updating of the traffic study has been reviewed by VDOT at the same time that they have been reviewing the Biscuit Run Traffic Impact Study. It is a number of years later and VDOT is out of money. They are concerned that the County not miss an opportunity to get developer participation in Route 250 improvements. In some ways they are no different than they were back in 2002 because the Board of Supervisors has not seen or adopted a plan that money could be attributed to. On the other hand they do have a more current study that gives us some ideas of what recommendations would be from that plan. The day she wrote the staff report she received the memo from Chuck Proctor concerning the improvement that he believes that Rivanna Village could contribute to, which would be a road widening

from Route 22 up to Glenmore Way. He has put a price tag on that particular widening and given this development its proportionate share of that. This would be going down a different path than they have gone before with this particular project. From a transportation improvement standpoint a lot of things change over time. There is no cash proffer policy. This is a rough question to try to answer. Staff has obviously not given the Commission much guidance because they don't know how to advise them on this particular item. Staff leaves that with the Commission. The applicant might want to speak to that.

Ms. Joseph arrived at 7:05 p.m.

Ms. Echols noted that there has been a study going on for some time. When the traffic impact analysis came back in she was under the impression that what they were doing was just updating the numbers. But, VDOT felt compelled because of their recommendations on Biscuit Run to treat similar projects similarly. Even though it has been out for some time and even though they headed down one particular path with VDOT they felt that they would not be doing their duty if they did not bring it to the same standard that they were holding Biscuit Run to right now. Staff received the information on the same day the staff report went out. Therefore, staff has not had a chance to analyze a whole lot of what it means.

Mr. Cannon said that he wanted to make sure that he understood the numbers correctly. The 7.5 million dollars would represent what VDOT would say would be the applicant's proportion and share of improvements to Route 250 occasioned in part by the increased demand from this development.

Mr. Edgerton noted that it said 7.2 million earlier in the paragraph. The last sentence talks about a railroad bridge widening at an intersection and they put a price tag of 7.5 million on that. A littler higher in the paragraph it talks about the estimated cost for widening improvements. This would require approximately 7.2 million as the development's pro-rata share of these improvements.

Ms. Monteith said that she would be interested in what the definition of transit ready is once the applicant comes to speak.

Mr. Edgerton noted that in the staff report Ms. Echols has ongoing concerns about private versus public roads in the project and the interconnectivity issue. He hoped that the applicant can address that issue as well. That has been an issue from the beginning.

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

Don Franco, of KG Associates, said that he would like to start over with the presentation about the project tonight. The discussion so far has focused in on the fact that they have an illustrious plan that they have spent the last six years designing, planning and working with the public to balance their interest as well as the stated public policies that exist out there. They believe that this plan represents that vision. It represents the balance of those objectives out through there. Since the December Commission meeting they have been trying to figure out how to implement that plan. So it has really been a refinement of the details of that plan in the creation of the regulating documents, which includes the Code of Development and the General Development Plan that has been their focus with staff. In order to get to those questions he asked to focus in on the park. Last time they had a brief presentation at 12:30 a.m. He never heard the Commission say at the end that the park that they are proposing meets the Commission's vision and it is consistent with the Comprehensive Plan. Therefore, they have an abbreviated version of that presentation so that they can get that out on the table. Then he would like to allow the public to come in and talk and then come back and answer the Commission's questions. If the Commission is okay with that format he asked to turn it over to Will Rieley, who they have been working with on the parks. He asked that the Commission focus in on what the park is all about and make a determination on whether the park is consistent with the Comp Plan. Then they can use that knowledge to begin to talk about what are the fixed and important features with respect to the park that need to be in our Code of Development.

Mr. Rieley said that as Mr. Franco said the last time they got together they were all blurry eyed. He did show the Commission at that time some preliminary thoughts about the park. Since that time they have met with the Department of Parks and Recreation. Obviously, this part of the project is developed to a greater level of specificity because this item is an item to be proffered. He presented the overall plan of

the proposed park in a power point presentation to orient the Commission to the park's location. One of the things that they have always felt was a great amenity for this park is the fact that relatively dense housing, even though some of it is single family, is bordered by park. The other side of that is the park is bordered by a built environment. The area is a little less than 20 acres. It has a stream that runs through the middle with several branches off of that with houses and businesses along the perimeter. He presented the features of the property.

Mr. Franco requested that public comment be taken and then they could come back and discuss the questions.

Mr. Morris invited public comment

Dennis Ordinov, head of the Master Planning Steering Committee in the Village of Rivanna, noted that last July they submitted a CPA to the Planning Commission, which was rejected because it was deemed that it would cause confusion between the master plan and this amendment. They still don't have a master plan. They may start early this summer. When the master plan process starts they will deal with only 12 percent of the entire Village of Rivanna because 88 percent of it will be under consideration or will have been completed. They have a problem, as they did in the Comprehensive Plan Amendment, with Community Service Designation for the Village of Rivanna. The Comprehensive Plan Amendment of 2002 dealt with the Village of Rivanna and not Rivanna Village. This designation leaves the door open for more commercial development on the remaining rural acreage. The developer will agree to a Neighborhood Density designation for Rivanna Village provided that they allow the square feet that he has already asked for in commercial. Residents agree with that. They are overwhelmingly in favor of that. They are concerned about what happens after that. So please listen to the request expressed by the residents and find a way to change the designation to Neighborhood Services allowing the present ZMA to go forward. Secondly, in a previous work session the Commission suggested a minimum density of 4 to 6 dwellings per acre instead of 3 to 6 as is designated in the Land Use Plan. The Commission also stated that they had no interest in how this was going to be measured in meters. So the obvious question they have is what compelling reason they have to tighten the reins from 3 to 6 up to 4 to 6 dwelling units especially since they were dealing with the possibility of increased buffers on Route 250. They are 20 minutes away in response time to the nearest rescue squad and having an advanced medical technician. The East Rivanna Volunteer Fire Department serves their community well, but it does not have an advanced medical technician. They would like to see a cash proffer for the East Rivanna Fire Department for training and qualification of 3 advanced medical technicians. They are 25 minutes away from the nearest library. They would like to see a proffer that would donate space in the Village Center to be used as a library branch. They are very happy with the park design. They are very happy with the cooperation they have had with the Parks Department and the developer in creating this. They think that it is a vast improvement over originally what was there. Basically, the design of Rivanna Village with the improved park is satisfactory to the residents. They would really like the County to look at the Neighborhood Service Designation.

Betty Batten supported the Neighborhood Services Designation. The Comprehensive Plan describes Villages as consisting of mixed service and residential uses. It states that such uses shall be limited to Neighborhood Services. But, in 2002 when the Comprehensive Plan was amended to allow for Rivanna Village a Neighborhood Model Development within the Village of Rivanna the amendment specified Community Services instead. Last summer the Commission decided not to consider the comprehensive plan amendment relating to Rivanna Village offered by the residents of Rivanna Village. They stated that they would treat the amendment as public input instead. Our CPA calls for Neighborhood Services Land Use Designation in Rivanna Village. At their community meetings they have asked for the Neighborhood Services Land Use Designation. In their surveys the respondents have asked for the Neighborhood Services Land Use Designation. They have emailed and written to the Commission asking for the Neighborhood Services Land Use Designation for Rivanna Village. They are told that the developer would be willing to entertain the change from Community Services to Neighborhood Services provided the development is approved for 125,000 square feet that he asking for. David Benish of the Planning Department has stated that although Neighborhood Services calls for 40,000 square feet of non-residential uses, the County could be flexible about this. With the community, the developer and the Planning Department in basis agreement about the Neighborhood Services Land Use Designation for

Rivanna Village they are here to ask for the Neighborhood Services Land Use Designation again tonight. They respectfully ask the Commission to approve this important change for us.

Carol Milkus, property owner in the Magruder Subdivision adjoining the north side of the proposed Village development, spoke about the concerns of this adjoining property. First, she was concerned about the large number of hardwood trees on the Village property. She hoped that the Kessler Group will find a way to keep as many of these trees as possible, especially those that border the existing residential homes. She also requested that the developers keep to their plan as shown in the latest maps to put screening trees between the existing residential homes and the new development. They bought their property years ago because they wanted to be in the country with the peace and quiet that this area afforded. They also wanted to enjoy the beauty of the county side. They are now being forced to be part of a dense Village that they did not ask for and they do not want. It will go a long way in being good neighbors for the developers of Rivanna Village to provide good screening trees. She submitted some photographs to the Commission that were taken along the border of the existing property of Running Deer that shows what the folks from Running Deer see in the Q-2 development without screening trees. The Magruder development lots are ½ the size of Running Deer and the screening would be even more important to the residents in order to provide some protection there. Secondly, she was concerned about the process of clearing the land of existing trees and brush. She has heard form neighbors on Running Deer that they had to suffer many days of discomfort from the burning of trees on the Q-2 Glenmore property bordering their backyards. There were also days when the burning was left unattended adding to the possibility of wild fires. Due to the large number of trees that are likely to be removed in the area bordering the Magruder Subdivision she would request that some other solution be sought to remove the downed trees and brush. In this age of environmental concerns the trees could serve many uses instead of being wasted for burning and pollution. The last concern has to do with storm water management. Several lots in Magruder Subdivision get a lot of storm water runoff from Route 250 passing across our yards. During heavy storms my backyard has a nice size stream running the full length of my property front to back. She wants to make sure that whatever system is devised will adequately handle the heaviest of storm water at the point it leaves her property and flows into the Village. She was concerned that it not back up at her property line and that the drainage system will not be a hazard to any youngsters playing in the area.

Neil Means, resident of Village of Rivanna, asked to second everything that the previous speakers have said. The plan that has evolved here is looking good. They have done a lot of hard work. He particularly liked the proposed park plan. He would like to see a library, which would be a good amenity. He asked that the burning issue be addressed. It should be Neighborhood Services. It says in the Comprehensive Plan that it should be Neighborhood Services. There has been no master planning for this area. There are a lot of people that want to participate in the master planning process if the County is willing to do it.

Paul Accad, resident of Glenmore for 12 years, raised a question from page 17 and 18 of the staff report regarding utilities that he would hope would be answered. It talks about the Village of Rivanna is served by a package sewage treatment plant at Glenmore. It says that Glenmore Associates paid for the construction of the sewage treatment plan. According to the ACSA Glenmore will be responsible for the costs of necessary expansions for their development. He was hoping that was a typo and that the word Associates is supposed to be in there. He would like that answer before this request gets approved. The second issue in on page 18 regarding cash proffers for the development. He has not been able to find proffers like these. He has spent a lot of time on the County's web site. These proffers are not specific and say that the monies can go to the schools or the roads. He has never seen that before and does not think that is a good idea. He lives in Glenmore and they have proffers for schools and roads. When the building permit is issued $1,000 goes into an account for the schools and $1,300 goes into the account for the roads. There is a person in the County that can give the balance in those accounts today to the penny. That is very valuable. They are talking about possibly 450 units of about $3,000, which will not do much for the roads over 10 years. He asked that the proffered amount be broken up and separated into two accounts for the roads and schools just like Glenmore has. It would also aid accountability. If they have a fund that they can call up and get the amount, then they can tell the principle at their children's school that there is a certain amount in the fund. If the playground is looking bad and they know there is $65,000 n the fund, then they would be able to do something. But, they are not going to widen 250 with $65,000. The nature of CIP projects takes a long time to develop the idea. They need the money segregated in a fund.

Bob Livengood said that he would be concerned about the lack of a buffer at C and G areas. He lived adjacent to that area. They need some buffer at least during the general construction. He would also have some concerns about a band stand being in the area.

Linda Herrald said that she drafted the Comprehensive Plan Amendment for the Village of Rivanna. There are a couple of housekeeping items. On page 15, they referred to a fiscal impact analysis, but she has not seen it or heard it referred to tonight. Also, on page 17 it says water capacity is sufficient to serve the development. She thinks that the capacity and the pipes to bring the water to development is probably okay, but our County's reservoirs are not adequate to serve the needs of the public going forward with all of this growth. So she thinks there ought to be some proffers to expand expansion of the reservoir. On page 20, it says the sunset on Glenmore proffers for 250 and Glenmore Way is XXX. She felt that somebody meant to put a date in there. She thought that they were talking about April 10, 2010. The other comments are substantive. She asked to reiterate what was said earlier that some of the public facilities are not adequate to the development. The rescue square is certainly an issue. It took 23 minutes for the rescue squad to get to her house from McIntire Road for emergency service to her house. Due to the growth on Pantops and the fact that Free Bridge is a very narrow place to get through it would be great to provide some improved services to this area. The Police need a presence in this area. There are no natural barriers entering Glenmore. The Glenmore Community pays $300,000 a year for security. It basically had porous borders. Now they were going to put an urban environment right next to them. There is not adequate parking for the community park. They need to take a look at that. The land use is not in conformity with the County's Comprehensive Plan. It says that it should meet the functional description of Villages described in the plan. The plan says commercial shall be Neighborhood Services. It is not an option, but is mandated. It says shall be. She asked that the County look at the new legislation that would allow them to get proffers for improvements that are not immediate to the project. That would tie into VDOT's 7.5 million. Back in 1989 and 1991 when Glenmore was being approved they were told that there would never be any commercial out there. Then in 1996 there were going to be a few small shops. In 2001 it was changed to Community Level Services. She felt that someone makes a promise they ought to keep it unless there is some compelling reason to make a change. When someone puts in writing what they say they do, then they ought to do that. Therefore, she expects it to be Neighborhood Services as it says on the County's website.

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

Mr. Strucko asked to hear from the applicant.

Mr. Franco said that they want the Commission's input on the questions. He asked if the park is consistent with their goals. Then they have a list of questions similar to Ms. Echols of the important questions that need to be answered.

Mr. Morris asked what the Commission's opinion was about the park.

Mr. Cannon said that the park appears to be a winner.

Ms. Joseph asked if they were willing to build every single thing that they saw put up on the screen.

Mr. Franco replied that if they look at the Code of Development it itemizes the items that are proposed in and through the park area. It should be consistent with the illustrious plan through there. That is the balance that they are asking the Commission about.

Ms. Joseph asked if he felt that the Code of Development reflects everything that they saw.

Mr. Franco noted that on page 35 of the Code of Development they tried to be very specific as to what the requirements will be and what they see as being on that plan. He asked if they have described it significantly in enough detail so that it can be enforced by the Zoning Department.

Mr. Morris said that it was a real winner and was beautiful.

Ms. Joseph asked if staff feels that what they have seen represents something that can actually be done.

Ms. Echols replied yes.

Mr. Franco noted that they have to work with other agencies for other approvals. There is some flexibility in the plan that some of the features could go away if the CORPS of Engineers does not approve. If not, they will have to get approval from the Planning Director and Parks. Their purpose is to define the fixed and important are with some flexibility. They are trying to create a range that high degree of enclosure means 65 percent of enclosure and above. Medium enclosure would mean that they would have less than 65 percent of buildings creating the enclosure. Parking will be screened from the row with hedges and shrubs.

Mr. Zobrist screening asked about the issue of screening along block B.

Mr. Franco said that they heard the Commission say that they wanted the use changed to single-family as a transition to the adjacent property. The intent was not to create a tree buffer, but to use the single-family use. The intent they heard from staff was that no similar uses need to be buffered. As Ms. Echols said the County policy is not to buffer similar uses in and through there.

Mr. Zobrist felt that the density between those two uses is not the same. He suggested that they ought to be good neighbors and provide screening because the subdivision was more rural and those residents should not have to look at those town homes every day.

Mr. Franco noted that it was not their understanding that the swale was to be totally preserved.

Mr. Edgerton said that it sounds like the applicant does not want to provide a buffer. Is there anything you can do to address it? There were at least four other Commissioners this evening that expressed the desire to have come screening.

Mr. Franco replied that they can work with staff to try to address that. They will try to preserve trees on the edge that they can and if they have to come back and augment.

Mr. Edgerton asked that they preserve as many trees as possible and then fill in. The Commission is looking for some sort of visual buffer so that the adjacent owners will not be so negatively impacted.

Mr. Franco agreed that revegetation was something they can address.

Mr. Zobrist said that it was in blocks C and D.

Mr. Franco agreed that it was in block C on the bottom edge.

Ms. Joseph said that this seems to be more like a work session than a public hearing. She questioned what their goal was tonight.

Mr. Morris said that staff had indicated that due to the new things on the table tonight that they wanted some questions answered. That is what the applicant has asked for.

Mr. Zobrist suggested that the Commission act on the request if there was a way they could feel comfortable delegating these issues to staff. Staff is comfortable if they have concurrence with the applicant on these issues, but needed a little bit of direction from us. Staff would prefer to go to the Board on the date and not defer if possible.

Mr. Franco said that they would defer the Board meeting date to work this out, but in general he felt that they all agree on this vision and they are trying to write the document that implements it in clear guidance. If there are components of their plan, such as public roads, they can get it in there, but just need to know what they are.

In summary, the Planning Commission discussed the following items and provided advice to the applicant to use in making changes to the plan, the code, and the proffers:

1. The General Development Plan shown at the meeting adequately illustrates the "fixed" and "optional" items. The plan which has been titled, "ZMA Master Plan" is acceptable as an illustration of the General Development Plan.
2. Where the boundaries of the development abut single family residential lots, the developer should retain the existing mature trees to the greatest extent possible. Where existing trees cannot be maintained and accomplish the proposed plan, replanting is necessary to establish a buffer between the surrounding properties and the development.
3. The "landscape area" along Route 250 East may be diminished to 20 feet if the r.o.w. is ever needed for widening of that road. Detached single-family residential should not be placed in Block L in the areas that are visible from the Entrance Corridor and under the jurisdiction of the ARB.
4. The 100' landscape area along Route 250 actually will be less than 100' because of the need to measure the landscape area from the edge of the r.o.w. and not from the pavement.
5. Rather than extend the time period to find a qualified purchaser for an affordable unit, it is acceptable to proffer to pay $16,500 in cash in lieu of an affordable unit if, at the site plan stage, the Housing Director says that the cash is preferred rather than the unit. This would be in addition to units for which cash-in-lieu of units has already been proffered.
6. Accessory-type units should be limited to 30% of the maximum units provided.
7. Structured parking is an acceptable use in the development if restrictions are also provided that will protect residential units across the street. These restrictions/conditions need to ensure that the structured parking doesn't have negative impacts on other residential uses also.
8. The VDOT comments reflect concerns of VDOT. The Board of Supervisors will need to deal with whether cash proffers are sufficient to mitigate off-site impacts, including traffic impacts. The Commission did not advise the applicant that the cash proffers were insufficient.
9. The proffers and the Code relating to the park are sufficient to address earlier concerns of the Commission.
10. Proffers relating to the need for future easements from the Fire Department and County for storm water management, street and sidewalk construction are acceptable.
11. Transit needs to be addressed.

The Planning Commission took a ten minute break at 8:50 p.m.

The meeting reconvened at 9:00 p.m.

Mr. Morris asked if any Commissioner had anything that they wanted to cover at this particular time.

Mr. Cannon said that this was just to ensure that they have covered the comments that were raised by the public. There were several comments made that the Community Services provided for should be Neighborhood Services. He was not sure what that distinction means. But, he also understood that was a designation which was still intended to accommodate the floor space or the square footage that they were seeking, but with a somewhat different designation. They were represented as being okay with that. The County staff was represented as being okay with that. He was interested that if all three parties are okay with it in determining if the Commission is okay with it.

Ms. Echols felt that what some of the questions were about had to do with the comprehensive plan designation. What she got from it was that they were being requested to change the Comprehensive Plan designation through this rezoning. The Comprehensive Plan allows for community service. The level of activity that the applicant is requesting relative to square footage of commercial uses is diminished from what the Comprehensive Plan would allow. That is where the commitment is. Staff believes that it is sufficiently restricted. If there was a need to change from Community Service to Neighborhood Service that is a question that would be answered during the Master Plan process and not through this rezoning. But, staff believes that the amount of commercial and non-residential use square footage is appropriate to this location and it is lower than what the Community Service would allow.

Mr. Strucko said that it is between Neighborhood Service and Neighborhood Service. It is some where in between.

Ms. Echols replied yes, that the Comprehensive Plan designation says Community Service. What is being offered in this rezoning is not as great as what the Community Service would allow. It is more than the Neighborhood Service would allow.

Mr. Cannon asked if it was more in the sense of square footage.

Ms. Echols replied yes.

Mr. Strucko said that the square footage as the ratio to residential.

Mr. Franco noted that in Neighborhood Services the scale is 40,000 square feet total. What was in the Comp Plan was 250,000 square feet total. Where they are is some where in between that. What is on table right now is support to this level of development or non-residential stuff out that intensity is fine. What they are looking for is added assurance that the Comp Plan will be amended so that if in the future someone wanted to come back and do a higher density that they would have to rezone and change the Comp Plan.

Mr. Cannon said that in the absence of that change the assurance that they would be able to offer would be the Code of Development itself that limits them to those. But, that at some point could be changed just as the Comprehensive Plan could be changed.

Mr. Franco agreed.

Mr. Struckco said that they also heard from the public that the potential use that they would like to see is library services. Could block A offer that potentially?

Mr. Morris noted that Jefferson Madison Regional Library has no real extensions of putting a new branch out on the eastern part of town at this particular time. The next branch will go towards the south after Crozet.

Mr. Franco said that he was confident that in Block A that they have the ability to accommodate that use if it comes up in the future.

Ms. Joseph noted that the library bus stops in front of the Keswick Post Office on Wednesday mornings.

Mr. Morris asked if the Commission wanted to go through waivers.

Mr. Strucko asked if they were going to talk about whether they have exhausted the subject of 7.2 million dollars for road improvements.

Mr. Cannon noted that they did not exhaust it. He would be interested in the applicant's response to it. This is a late in the game deal. He was not sure he understands exactly what that means. They don't have a full staff analysis of it. He asked if the applicant has offered proffers, including proffers related to transportation.

Mr. Franco replied that they have to a value consistent with what has been happening. Personally, he felt that this was part of the knee jerk reaction of VDOT to what is going on in Richmond in and through there. But, again he would propose that the Commission push this to the Board and say that they recommend approval of this project subject to that cash proffer being appropriate to compensate the impacts.

Mr. Cannon said that he was in favor of that, but does not have enough confidence in this VDOT response so late in the game and not well anal sized to say that is an appropriate term.

Mr. Franco pointed out that one thing to keep in mind is that the number that they are proposing based on the density they are proposing they are talking about $20,000 a unit. The affordable housing is $165,000

is not at $145,000 with that proffer on it. When they start throwing in development and everything else if they could produce that house for $20,000 he felt that they could meet that criteria. But, that is all what is part of what is there.

Ms. Echols asked to make two comments. One is about the fiscal impact analysis. She was glad that Ms. Harold pointed that out. Staff was supposed to receive that today to bring to the meeting. But, she did not receive that. Therefore, staff does not have that information for the Commission. If it is relevant, then the Commission can wait. The information will show that the commercial activity plays in to the ability of this development to support itself because a mixed use development has less of a fiscal impact on the County than a solely residential development.

Mr. Strucko speculated that analysis would contain a commentary on the impact this development would have the schools, roads, fire/rescue, libraries, parks, water, sewer and affordable housing. He felt that the Commission had touched every one of those subjects. The cash proffer per unit was mentioned in the staff report as covering schools. They just talked about the roads. Staff was correct that a residential unit offers a surplus to the County where as a residential unit on the whole offers a deficit. To have the two in a development like this together that one could offset the other.

Ms. Joseph said that one of the speakers talked designating it instead of having it go into to a pot, but splitting it to designate part of it for schools and roads. She asked if staff or the applicant had any thoughts on that.

Ms. Echols said that if it was given as lump sum, then the Board can decide through approval of the CIP which projects it wants to attribute that money to. It gives the Board of Supervisors greater flexibility in terms of how to spend that money. So if they find that the immediate need is schools, they could spent it all on schools. If they find that the immediate need is transportation, then they could spend it all on transportation. Or, they could split it up any way they wanted to. Leaving that to the Board's discretion makes sense to staff. It could also go the other way. It just depends.

Mr. Strucko agreed that the Board should have that flexibility. He would like to see in the future if they were going to that X number of dollars per dwelling unit as a cash proffer, he would like to see that X number of dollars itemized for the various services that this particular development would impact. Through a fiscal impact analysis in this particular area of the County they know that a development of this nature they have X number of dollars impact on fire/rescue, the schools are at current capacity or have access capacity and can handle, the parks and recreations needs, etc. He knows that is coming down the road and that is the intent of the Fiscal Impact Advisory Committee to do that. To assure the public that the County is looking at the devising a cash amount per unit that will be justified by line itemizing what each dollar increment is for each service.

Mr. Morris asked what the Commission's preference was as far as action for this particular item.

Mr. Strucko asked if they were going to discuss the waivers.

Ms. Echols said that if the Commission wanted to review any of the waivers specifically that staff would be glad to talk to them about them. Because of the lateness of the hour and staff has vetted these waiver requests many, many times and gotten down to this particular list they are comfortable with the waivers they are recommending. But, staff is very glad to talk to the Commission about them. In terms of the public/private street request that is in here, what staff was proposing was that they were punting the decision to the site plan or subdivision phase where the Planning Commission would then make that decision. It would be a last resort. There would not have to be a rezoning that would have to take place in order for them to get a private street. Staff feels certain that they have Culpeper's buy in on this and that they are going to be successful at this. It could be that the way the Commission dealt with this is in the rezoning say public or private, but the private street has to come back for approval through the Planning Commission. If the Commission felt certain that this was the way that they wanted to go, then it would be a very quick and easy action through the Commission. But, the private street approval is the Planning Commission's decision.

Ms. Joseph said that she would like to see whatever proffers are proposed for the private roads. Or, for Mr. Kamptner and our other attorneys to look at the language to be a be able to tell the Commission that this looks like it could work in terms of the easement itself and the maintenance. The real concern is the maintenance. She could understand the easement. She would like to see how the affordable housing proffer is crafted. What Ms. Echols is saying is if it comes back they have been through all this. She asked that the request come back to the Commission one more time as a public hearing and just have this as a work session. She was just not ready to vote on it right now. She hears what everyone is saying, but she would like to see the words written down in proffer statements.

Mr. Zobrist felt that the Commission should move the request along and put the reliance on our staff. He felt that staff has done a great job. He has complete confidence that they are probably in agreement with each other. He has great confidence in Mr. Kamptner's ability to review any documents that are prepared to implement our concerns. He would be willing to make a motion for approval if the Commission was ready for it. They might want to have some more discussion, but he was ready to move the request forward.

Mr. Cannon felt that they have the outlines of the approvable packet here. He did not know whether they were sufficiently clear and able to vote on. He was not sure what form the vote would take. Would the vote take the form of rejection for following reasons, which if corrected before the Board of Supervisors would result in explicit recommendation of approval or what? He was not sure what their options are.

Mr. Kamptner said that if the Commission is generally comfortable or in support of the project, but there are some issues that need to be tied up, the Commission can recommend approval on the condition that issues a) through g) be resolved as per your discussions tonight.

Mr. Morris asked if the last paragraph on page 23 give us good guidance for what they want to say.

Mr. Kamptner asked if it was the paragraph that begins with "the applicant."

Mr. Morris replied yes.

Mr. Zobrist asked if that could be the motion.

Mr. Kamptner replied yes, but that the one thing that is of concern is that the Board meeting is scheduled for April 11.

Ms. Echols noted that the applicant was willing to defer so that there is sufficient time.

Mr. Kamptner said that would require that everything be wrapped up within the next week or so.

Ms. Echols noted that the applicant was willing to move that on.

Mr. Edgerton asked if staff feels they have gotten enough input and can incorporate that into the discussions.

Ms. Echols replied yes.

Mr. Edgerton asked the applicant if they feel that they will be able to work with staff to address the issues that staff had already addressed and the ones that were brought up this evening.

Mr. Franco replied yes.

Action on ZMA-01-08:

Motion: Mr. Zobrist moved, Mr. Strucko seconded, to approve ZMA-01-08, Rivanna Village at Glenmore, contingent upon all of the items listed in the staff report dated March 13, 2007 and all of the issues that have been discussed tonight, which issues should all be resolved prior to the Board of Supervisors public hearing.

The motion passed by a vote of 5:1. (Ms. Joseph voted nay.) (Mr. Craddock abstained.)

Ms. Echols asked for action on the waivers. She asked for clarity on the public/private road waiver and any other ones that the Commission wants to discuss. She encouraged the Commission to look through the list of waivers.

Ms. Joseph pointed out that on the very last page it says that the zoning administrator has been asked to approve a waiver of the requirement to screen the rear of the residences from the right-of-way when double frontage lots are created. Planning staff does not recommend a blanket waiver for to this requirement. She asked staff what that means.

Ms. Echols replied that up above the administrative approval of waivers and modifications the applicant asked us to note those so that it is clear in the future what actions have taken place for future planners who would see site plans and subdivision plats. In the screening section the applicant asked for a waiver to the double frontage requirements so that they would not have to screen potentially the backs of houses. Staff does not feel comfortable with a blanket waiver to that. That is an administrative waiver. So it is something that could happen later on a case by case basis. Because they don't know exactly what is going where staff is not comfortable with that one.

Mr. Zobrist asked if they were comfortable with where they want screening.

Mr. Echols replied yes, that they were comfortable on the screening.

Mr. Morris asked if they were fairly clear about the public/private roads.

Ms. Echols said that she was not clear on it.

Mr. Cannon said that his sense is that they would be prepared to grant the waiver for private streets, but only on those streets that are not the two streets that Mr. Edgerton identified as being public roads, and on the private streets that would be authorized by the waiver they would want the conditions of an easement granting public access and whatever maintenance provisions would be deemed to be adequate in staff's view to assure their maintenance.

Mr. Zobrist said all of that is a default in the event they can't get public streets through VDOT. The preference is public streets through VDOT.

Action on <u>Private</u> Street Waiver:

Motion: Mr. Cannon moved, Mr. Strucko seconded, to deny the waiver as to the street for Steamer Way and Entrance Corridor from Route 250 and to grant the waiver as to the other streets with the following conditions:

1. That easements be granted to assure public right-of-way;
2. Provisions for maintenance be made as part of the Code of Development or in reference to another existing portion of the Code that would be enforceable; and
3. The private streets are permitted only if staff is unable to obtain VDOT approval of the street cross-sections shown on the plans submitted with this application within a reasonable period that allows for the project to proceed in a timely manner.

The motion passed by a vote of 6:0. (Mr. Craddock abstained.)

Discussion:
Mr. Franco asked for some clarity if they were talking about the entrance road to the intersection of Stream Way as it continues on. What they discussed earlier was that if they are not able to get public roads with utilities on those street that the Commission describes in and through there that they will build in flexibility in the plan to deal with this spatial enclosure aspect, which is going to push the buildings back and affect the plan.

Mr. Zobrist noted that the only place that they have to plan for public roads period is the entry way off of Glenmore Way and the entry way off of Route 250 down to where they intersect. If they can't get a public road within the time frame approved by VDOT, then the Commission is recommending granting the waiver subject to the conditions that have been set forth. Then they won't have to build the public road.

Mr. Franco said that was not what he heard.

Mr. Zobrist reiterated that these two roads will be public roads. Then the other roads if they can't work this out with VDOT and staff within a reasonable time that the applicant and staff can agree upon, then those can be made private roads subject to the other conditions.

Mr. Franco said that he was trying to put them on notice that he heard what they were saying and he was hoping that they understand that if the applicant can't have utilities in the road here and he has to because he has to have VDOT roads. The utilities would then have to go in the front yards of where those townhouses are, but some of their spatial enclosure goals that are represented with this plan may have to change to accommodate that as well.

Mr. Cannon, Mr. Edgerton and Mr. Zobrist agreed with that.

Mr. Edgerton asked if they can't put the utilities in the right-of-way on a public road is there anything that would prevent them from putting them some where else like through a parking lot. They have a linear parking lot running all the way behind that. Could they run the utilities down?

Mr. Franco replied that they certainly could try to do that. He was happy to explore that, but some of the enclosure might be lost along the street. Virginia Power in discussions has said that they don't want the utilities in people's back yard, but want to be between the street and the house. Potentially, it could force those buildings back or the street trees to be lost in and through there.

Mr. Morris suggested that the applicant work with the VDOT staff in Culpeper.

Ms. Echols asked to make one note. Staff misunderstood one of the waiver requests relative to the sidewalk on the private street in Block C. What staff thought that they saw was something that was inconsistent and that they needed to ask for a waiver for the sidewalk on one side of the road. In fact what they were doing was showing an off-road path on one side of the road. So when staff recommended denial of that waiver they did not have full information. Staff would recommend approval with substitution of the path that is shown on the plan for the sidewalk.

Ms. Joseph asked if that meant that staff was recommending approval of all of the waiver requests.

Ms. Echols replied that was correct.

Action on <u>All</u> Other Waivers <u>and Modifications</u>:

Motion: Ms. Joseph moved, Mr. Zobrist seconded, to grant all other requested waivers and modifications, subject to the conditions as recommended by staff with these additions/exceptions.

1. **Waiver to sidewalk requirement in Block C** – The owner may substitute an asphalt path as shown on General Development Plan rather than provide sidewalk on the southern side of the private street.

The motion passed by a vote of 6:0. (Mr. Craddock abstained.)

Mr. Morris stated that ZMA-2001-08, Rivanna Village at Glenmore, would go before the Board of Supervisors at a date to be determined.

Ms. Joseph noted that it is a good plan and that the applicant has worked very hard on this. She felt that it was very sensitive to the environment. The applicant has tried to be as sensitive to the neighbors and

Planning Commission as they could. She appreciates that. One of the reasons she voted no is that she really wanted to see the affordable housing proffers before it went to the Board. Those proffers get tweaked and changed and she just wanted an opportunity to look at them. It was not no to the plan. It was that she wanted the opportunity to look at those. She appreciates all of the work that they have done on it.

The Planning Commission took a five minute break at 9:30 p.m.

The meeting reconvened at 9:37p.m.

Mr. Zobrist left the meeting at 9:37 p.m.

Mr. Craddock returned to the meeting at 9:37 p.m.

CPA 2005-009, Southern Urban Area B Study amendment and CPA 2005-005, Granger Tract CPA: The proposed amendments would modify the Land Use Plan and Transportation elements of the Comprehensive Plan. Revisions to Neighborhood Five and Neighborhood Six include: updated housing and population information, revised land use designations/recommendations, new and revised recommendations for road and transportation improvements, including a new Fontaine Avenue-Sunset Avenue connector road and Stadium Road connector road and alternative alignment options for the Southern Parkway consistent with the recommendations of the Southern Urban Area B Study. The proposed land use amendments would change the land use designation for Tax Map 76, Parcel 24 (Granger tract, approx. 70 acres) from Neighborhood Density Residential (3-6 dwelling units per acre) to Office Service which would allow a mixed-use office oriented development. Recommendations regarding the mix of uses and intensification of development are also proposed for the area that includes Tax Map 76, Parcels 17B, 17B1-B8 and 17W and 17BX (Fontaine Research Park). Amendments to the Transportation element of the Comprehensive Plan include incorporating recommendations for new road improvements including a new Fontaine Avenue-Sunset Avenue connector road (generally located on parcels noted above), and Stadium Road connector road (generally located on Tax Map 76, Parcels 4, 5, and 8). (David Benish)

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

- Based on some phone calls he had recently he prepared a long presentation. There is some public interested in this based on the recent public notification. The public has not participated in the prior work sessions. Therefore, he would provide some background so that they understand where they are in the process.
- The County has been in the process of amending its Comprehensive Plan to incorporate the recommendations of the Planning and Coordination Council's Southern Urban Area B Study. About the time that they began that work they had an applicant's request for a Comprehensive Plan Land Use Amendment on the 69 acre piece of land referred to as the Granger Tract. The requested change was to change the land use designation in our current Comp Plan from Neighborhood Density Residential to Office Use. What is in the Area B Study was an Urban Density Residential recommendation. They had 3 different recommendations on that site. One is in the current Comp Plan, another in the proposed Area B Study and the other is the applicant's request.
- The study area is generally bounded in the County by Fontaine Avenue and Sunset Avenue and the Redfields Development. It goes on into the City into the Fry's Spring/Jefferson Park Avenue area. The Planning Coordination Council Area B Study recommended a framework plan. The framework plan recommendation focused primarily on transportation improvements. Although they did make some land use recommendations that encouraged a more mixed use and more urban higher density of development. By and large their work to date has focused in on incorporating the transportation recommendations and has paid particular attention to 2 land use changes. One is for the Granger Tract, which was a request by the applicant. The other site is the Fontaine Research Park and recognizing the potential expansion interest on that site. But, those are really the only two substantive land use recommendations or changes that they are recommending.
- The infrastructure and transportation recommendations focus in on the construction of the Fontaine/Sunset connector road. It discusses the extension of Stadium Road from Fontaine

Avenue and also a connection within the City of Maymont Lane. It also recommended a new connector north of I-64 from Fifth Street to Avon Street. That is already incorporated in our Comprehensive Plan. It also encourages building the Southern Parkway, an extension of that to Fifth Street. That is also already in our Comp Plan. It will add a new east/west connector south of I-64 between Sunset Avenue and Old Lynchburg Road. That is a project that staff is not recommending including in the Comp Plan.

- The study also makes recommendations regarding transit service in the area in completing the sidewalk system and bike way system. Many of those recommendations are also identified in our various planning documents. A reference to this study in the Comp Plan will allow this document to be used as a reference tool in looking at those recommendations.
- They touched on the Granger proposal, which is on about 70 acres of land just north of I-64 west of Sunset Avenue and northeast of the railroad tracks. It is a project that is designated in our Comp Plan for Neighborhood Density Residential and the proposal is for Office Service. It does propose a mix of uses. The mixes are of neighborhood scale commercial and the potential for residential. The traffic modeling work that the applicant has done and the range of square footage of the site generally falls within the perimeters noted there of 540,000 square feet and 20,000 square feet of supporting commercial and 440 residential.
- One of the important components of the Area B Study recommendation was the Inclusion of the mix of uses that provided for the Neighborhood Services. That was one way to address traffic impacts by allowing for convenience services within the residential areas that exist and are emerging in that area. Staff has discussed this item a number of times with PACCT. The primary issue has been the traffic impacts of the change in land use designation. Since traffic was an important component to this proposal in looking at a change that differed from the Area B Study PACC particularly wanted them to pay attention to not blowing the transportation system out of the water by allowing for too much use inconsistent with the network that was proposed. They were also concerned about other infrastructure issues and how they treat the environment of this site since it is an important site with some significant resources on it.
- The findings for the Granger proposal, which was the specific applicant's request for non-residential, was that proposal as modeled would add between 3,800 and 5,300 trips to the system as studied in the Area B Study. Again, it was modeled at a certain level of development, which was the mid- to mid-high range that is proposed in the applicant's request for the Comp Plan Amendment. An important issue is that Fontaine Avenue is a roadway that is pretty close to capacity in terms of the traffic volumes on it. There is limited potential to upgrade that road based on City interest and also based on just physical limitations as it moves through the City neighborhoods. So that is an important issue in balancing traffic generated from new land uses.

How the Comprehensive Plan Amendment that was submitted to the Commission has addressed these major recommendations -

- Staff is recommending that the Fontaine/Sunset Connector road be include as a recommendation within the Comp Plan.
- The extension of Stadium Road is a situation where County staff may have overstepped a little bit in not getting good clarity on what was actually the intension of the recommendations in the Area B Study. So staff will need to go back and discuss this a little bit more with the University and the City. Stadium Road is in one aspect seen as a very important opportunity to address that problem on Fontaine Avenue because of the limitations on Fontaine for a significant improvement. At this point in time the recommendations that staff have put forward in the Comp Plan are not necessarily what the University has agreed to. One of the purposes of the PACC process and the Area B Study is that they all come together with a mutual recommendation and they move forward with that mutual recommendation. So he does not want to put something forward that is not consistent with that recommendation coming out of PACC. So they need to get a little more clarity on that and get some better direction from PACC. There are very clear specific recommendations about constructing the Stadium Road Connector. If the Commission is going to act tonight he would ask that they not act on that particular item. They may very well not be ready to act tonight anyway. But, if they are he would recommend that they not act on that particular item until staff gets more clarity on that.
- The Avon/Fifth Street Connector is already one that is in our Comp Plan and they are reviewing it as part of another rezoning request. The Commission recently had a work session on it.

- The Southern Parkway is already a recommendation of the County's Comp Plan. The Area B Study did note as sort of an alternative alignment or a neighborhood system that might link to that Southern Parkway. Staff has suggested that they simply reference that as a possible alternative to consider as they do further planning for the Southern Parkway.
- The connection south of I-64 between Sunset and Old Lynchburg road staff is not recommending at this time.
- Staff distributed the actual draft language proposed for review. It is the specific language that implements those findings or recommendations that he just went over. He asked if the Commission had any questions since his overview covered the substance of all of those recommendations. He noted that when staff went in and updated the profiles for Neighborhoods V and VI there were some corrections that they included. Some corrections were typos and others included updated information. One in Neighborhood VI there was a specific statement. There is a reference in not widening Route 250 west past the bypass towards Ivy. That was simply a housekeeping item. That is a recommendation that is already in the transportation section of the plan. It never got amended in the profiles. Therefore, that is not something new. That has been a long standing recommendation. He asked Ms. Monteith if his comments had reflected the issues that came up.

Ms. Monteith replied yes, that in general that in the previous draft of the Southern Area B Report the Stadium Road Extension was talked about as a possibility and nothing beyond that was ever consulted with the University. They will need to have some consultation before there is any forward movement on that.

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

Ms. Joseph said that it did not change anything with public water and sewer. She did not know if in the light of what they know now in what is going on with the Service Authority and whether that should be amended at this point in time.

Mr. Benish said that it might be a good idea even if it is only a general reference to ensure that utility infrastructure is at adequate capacity and available for the proposed use. In other sections of the Comp Plan it is actually addressed in our utility section. But, it is probably something worth mentioning here. His understanding is that the Authority has not completed their assessment of their Rivanna Service Authority's infrastructure. That will be forthcoming very soon. They have not completed the entire study,

Ms. Joseph noted that this just references small internal system upgrades. They don't know if that is true anymore or not.

Mr. Benish said that they do know that the Moore's Creek interceptor line is a pretty old line. Therefore, he would not be surprised if there were some infrastructure improvements necessary. He was not sure what the capacity issues are. But, at least age and infiltration are issues in that line.

Ms. Joseph complimented Mr. Benish for his fine work on the staff report since it was very easy to follow.

Mr. Benish noted that Neighborhood Service is capitalized. From the previous work session they may recall that implies a more Village or smaller scale than a larger Commercial Service Grocery scale, but clearly a very small scale.

There being no further questions for staff, Mr. Morris opened the public hearing and invited applicant comment. There being none, he invited general public comment.

Bruce Claw, resident of Redfields, pointed out that they had just recently found out that this has an impact on their community. They did not understand based on previous public notices that there was a proposed change to the intensity of use of Sunset Avenue Extended and repurposing it as a connector rather than a local road. There are a few people present tonight, but many people are unaware of it. Those that are aware have schedule conflicts and will not be appearing this evening. The road is already fairly heavily used. Recent developments at the Woodlands, Eagle's Landing and Jefferson Ridge have created a moderately hazardous traffic situation along the existing road near the stop sign near the stop sign at Old

Lynchburg Road. In a safety sense the road is already at capacity. Therefore, he discouraged the Commission from acting until they have taken a closer look at the traffic from both from the capacity level and the safety of the road. With respect to the Granger tract generally he was a bit curious why this was being acted upon now rather than being incorporated into the Comp Plan revision, which would be expected in 1 to 2 years in any case. He encouraged the Commission to provide an opportunity for interested parties in Redfields and the local neighborhoods to become aware and to make their own individual comments.

Cathy Cassidy, resident of Redfields, said that she just became aware of this. She added that the road is definitely unsafe right now. Exiting Redfields there is a hill to the left where one cannot see approaching traffic. There is a very high volume of traffic, particularly with the addition of Eagle's Landing and Jefferson Ridge. Those are generally students that drive too fast while talking on cell phones. It is very unsafe. It is much safer to enter Redfields at night when one can see headlights coming up over that ridge. The kind of additional traffic they are proposing putting on the road with this, which would feed from Biscuit Run and Route 20, would make this a more dangerous traffic situation. With the proposal the Fontaine Avenue/Fontaine Connector could even take traffic all the way from Route 20 in Scottsville. It is a huge volume of traffic on a very under sized road. It would not be wise to entertain this kind of connector until that road can definitely be funded to be widened and upgraded to be graded down so that the site lines are better. Second, she did not see why there was any benefit to the County to put in more office space on the Granger Tract as opposed to more mixed use space. It does not make any sense to drag people to offices there versus housing them there. The housing makes more sense in that location and to provide the services for communities like Redfields, Mosby Mountain, Biscuit Run, Woodlands, Eagle's Run and Jefferson Place. They have no real places to buy anything or get a bottle of milk. It would be great to have that type of services there.

Sandy Lambert, resident of Redfields, said that he was actually coming here trying to figure out how he could like what is being proposed. He thought that the County has spent a lot of time and effort planning transportation needs. He did not want to be a detriment to that. The issues were now coming out. If it were a high density use they would have a number of people living towards the University who possibly might not come by Redfields if they were employed towards the University. If it goes to an office use then they now have destinations generating the number of trips that Mr. Benish mentioned earlier. So they just need to understand what that really means. Right now it means that everybody is going this way past their subdivision in the morning and coming back this way at night. With Biscuit Run and offices on this site there is going to be traffic towards their subdivision both in the morning and at night. There are some road improvements needed. The bigger concern is that there is not enough money. So quite frequently they don't get everything that they should get. The report says that basically Granger should not be developed without the road improvements being made. The improvements from Granger towards Fifth Street might never occur. It has taken the County 30 years to build the Meadowbrook Parkway. He questioned how long it would take to build the Southern Parkway. This road is probably peanuts to those major roads.

Ricky Patterson, a UVA worker at McCormick Observatory, raised the issue of the impact of the development once they put in these new roads in this area what. The County has been their best friend in terms of enforcing the lighting ordinance. Since this is a 3 party agreement area he just wanted to raise the concerns that are not always listened to by the University concerning the lighting impact. The Fontaine Research Park is probably the worse inhabitant in that area. If things go forward he encouraged everyone to continue to strictly enforce the lighting ordinance that the County has so graciously put into action.

Frank Cox, representative for the New Era Properties, said that they have the primary interest in the Granger application. He asked to bring a couple of things to light counter to a couple of things that the speakers have said. The Area B Study has been going on for several decades. There have been basic iterations of it. But, this particular one has been in the mill for the last 3 years. The Comprehensive Plan Amendment that they submitted for the Granger Property was submitted some 20 months ago. They believe that the language that has been brought forth for the Office Service Mixed Use is appropriate. He thought that in light of the fact that the owner contrary to one of the slides that said that the owner has not consented or agreed to a residential component. Their documents provided in the past certainly have represented that this is truly going to be a mixed use project. The Area B Study is complex and there are

a lot of institutional issues that are involved, as well as political ones. The one issue that he thinks is fairly clear is that the staff's recommendation for the change in the land use designation for Granger. Given the fact that the applicant has certain contractual matters to deal with along with the fact that the Comprehensive Plan Amendment really only gives them the footing from which to depart with a number of other studies, not the least are some fairly complex studies related to finalizing the appropriate design for the Fontaine/Sunset Connector they would certainly encourage the Commission to act tonight at least on the designation for the Granger property.

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

Mr. Craddock asked Mr. Benish if he had gotten any response from the City about opening the Sunset Avenue Bridge.

Mr. Benish replied that was not likely to happen. In the Study City staff recognizes that one day when they have a more integrated system there may be a value some day to come back and reopen and make connections because those connections may actually improve the conditions on the other side where the connections are not made. But, at this point in time that is probably a ways down the road. The City is not interested in opening the Sunset Avenue Bridge even with the construction of this roadway and certainly not without the construction.

Mr. Craddock asked about the interconnectivity to Stribling. They had talked about the changes of a road was probably null, but what about a bicycle path.

Mr. Benish replied that he had heard interest from residents in that area for pedestrian connections. He did not perceive the pedestrian and bicycle connections as problematic, but a vehicular connection would be similar to Sunset. There is a real concern about Stribling being connected to the Fontaine/Sunset Connnector Road at this time.

Mr. Benish noted that there were two typos that should be changed as followed.

1. On page 13 in the third to the last hyphen, consider transit, bicycle and pedestrian recommendations should actually not be in there. It is in the next hyphen added to the old existing language. Therefore, it is just redundant.
2. The last hyphen on that page should say to provide transit service to Fontaine Avenue Corridor, including the Fontaine Research Park.

Mr. Cannon asked if staff has a response to several comments made about the Sunset Avenue Connector and the prospect that would bring additional traffic on a road that may be at or near capacity now and presenting dangerous conditions. Will the connector change the conditions on that road such that crowding or those dangers will be alleviated.

Mr. Benish replied that that the existing condition of that roadway is probably not going to be adequate for a significant increase. When they evaluate the transportation system for significant increase in development that road is really under designed right now. It is probably going to need some level of upgrading. Staff tried to reflect that both in neighborhoods profiles, but if they are still on page 13 the reference about midway up is to construct Fontaine/Sunset Avenue connector road as recommended in the Southern Urban Area B Study, specifically Alternative IV, and improve the existing alignment of Sunset Avenue from the new connector road to Fifth Street. It is really intended that really completes what would be that new road system to bring that road up to a standard that would carry the traffic on it. Under its existing condition, they project out through by right development out to 2025 there will be additional traffic on that roadway regardless of whether the connector road is made or not. As development occurs on that undeveloped land it certainly could increase it. But, the connection to other roadways also allows for the traffic to distribute better. So the 2025 projected increases are actually balanced and improved a little bit with that interconnection.

Mr. Cannon said that in the recommendations for the Granger tract staff states that any rezoning or development of the site should be timed with the construction of recommended planned improvements to the road network, which provide an adequate level of service to support development in this area. He

assumed that the intent of that is to say that any development of this site consistent with the amended Comprehensive Plan should they adopt or recommend the amendments. Any development of the site would be contingent upon the availability of the immediate prospect of that additional capacity.

Mr. Kamptner noted that would have to be tied to the rezoning.

Mr. Cannon asked to make sure that intent is clear in the way they framed the Comprehensive Plan Amendment.

Mr. Benish said that if it is not clear to other people, then it is not clear enough.

Mr. Cannon noted that it was clear to him, but he just wanted to make sure it was clear.

Mr. Benish said that by reference to the other road improvements in the area that the primary road improvements that they see are the connector road, the upgrade of Fontaine/Sunset and dealing with the issue of capacity on Fontaine Avenue, which right now functions between a level of Service E and F or will at certain points in time in the future.

Mr. Kamptner asked if that could be written into the Comprehensive Plan -- specifying the roads that are part of the network that are the triggers, and also the level of service that they are seeking. If a zoning decision is ever based upon the adequacy of the road network they will want the Comprehensive Plan to be as specific and objective as possible.

Mr. Benish replied yes, that he thought that they could probably do that more specifically in those land use recommendation areas as opposed to embedded in all of the other sections. His one concern is that as they are observing with the Biscuit Run study that there may be other improvements that are necessary beyond what they might be able to identify. Once they look in more depth at a traffic model at a rezoning scale there may be other things that could cause impediments. But, as long as they are comfortable identifying at the minimum what those expectations are.

Mr. Cannon noted that they don't have the benefit of a provision like this in the Comprehensive Plan for Biscuit Run. That would at least give them some bench mark from which to work.

Mr. Morris asked if there were other questions or concerns.

Ms. Joseph noted that there was something in here on page 12 on water quality impacts. Staff says that it should be an important consideration and then that measures should be put in place to not only minimize stream impacts, but also improve the current condition. She asked staff if they could take that and then make the leap to thinking that would require someone to use infiltration or LID or something that would be a little bit better.

Mr. Benish replied yes, that he thought that they could. Actually one of the things that they were trying to address was stream bank erosion and restoration of the stream banks. That is part of what they were trying to get at and maybe they should be more direct about that. He felt that language allows us to use other innovative approaches.

Mr. Edgerton said that staff had done a great job. He thought that staff had captured all of the comments that had been made in previous work sessions.

Mr. Benish noted that what he had heard that the Commission would want in addition, whether they act tonight and direct staff to make those changes before the Board, or come back to then would be to provide greater specificity for those trigger roads and capacities within both Fontaine Research Park and the Granger proposal. There would be a specific reference to water and sewer utility with the same sort of infrastructure measure for capacity. He asked if there were any other changes.

Ms. Monteith said that staff needs to amending the language around Stadium Road Extended and/or consulting with the University. She added that some of the Commissioners may not be aware that there has been a discussion with the City about a new fire house being placed along such a road. That would

remove the need for the planned fire house that is currently proposed close to Ivy and Route 250. In that discussion the general connection would be that if there were a road to go there that it would connect with Ray C. Hunt Drive, which is the road that currently goes into Fontaine Park. She just wanted to preference that has been the discussion that has been out there.

Mr. Benish said that to summarize that would be to delete those references at this point of time and then they will engage with the PACC group again and inform the Board of the direction on that.

Mr. Strucko said that those details become very important. If there is going to be a Fontaine/Sunset Connector, where would it connect to Fontaine. Would it be through the research park or around the research park? They talked about this point in their last session about the various options shown on Attachment D. All but one goes through the research park. He assumed that the research park has to be on board with this concept.

Ms. Monteith said that the agreed upon alignment was 4, which is the one that generally aligns with what is Stribling now. Therefore, it goes outside of the research park and not through it.

Mr. Strucko replied that was correct because that was not Ray C. Hunt Drive.

Ms. Monteith said that is correct. The University has discussed the idea of a connection, which they always proposed as a transit pedestrian bike connection and not as a vehicular connection. The connection was to go from Stadium Road to Ray C. Hunt Drive.

Mr. Strucko asked if that was in existence now.

Ms. Monteith replied that it was a pedestrian bike path now, but it does not accommodate the UTS Transit Service, which is the University's Bus Service.

Mr. Strucko noted that the Sunset/Fontaine connector is pretty vital. His concern is how it will happen. If it is not going to go through Ray C. Hunt Drive then it will connect with Fontaine several feet several feet down the road from Ray C. Hunt Drive. He was not sure what kind of traffic impact that would have.

Mr. Edgerton said that Mr. Strucko was worried about two connections to Fontaine Road so close together and then the additional congestion that would occur. There was some discussion about trying to channel it through the edge of Fontaine Office Park and then bring it out on the same entrance. That would really jam things up in the Fontaine Park a little more.

Mr. Strucko felt that Fontaine Research Park currently housing over 2,000 employees. That is a conservative estimate. There is only one way in and one way out, which is Ray C. Hunt Drive. There is no connection to the Fontaine Research Park to the back end.

Mr. Benish noted that staff had included a recommendation in the Fontaine Research Park that called for additional accesses to the Fontaine Research Park.

Mr. Edgerton said that Alternative 4 shows it going along the edge of it.

Mr. Strucko agreed that it showed it not connecting with it. That is his point. With 2,000 employees all coming in roughly at the same time and leaving at the same time are going onto Fontaine Avenue and Ray C. Hunt Drive. The Sunset/Fontaine connector that skirts the research park connects only several hundred feet to the east of that, which would exasperate traffic on Fontaine Avenue.

Ms. Monteith noted that Mr. Benish was saying something else.

Mr. Benish said that they would have the Ray C. Hunt entrance and also the entrance to what would be the connector road. Staff has put language in referencing that issue to ensure that with the expansion of the Fontaine Research Park that additional entrances into the Fontaine Research Park will be constructed so that there is more than one way in and one way out. The Sunset Connector is really not seen as an entrance in or out. It would be another public road that would provide the opportunity for that access.

That is in staff's language.

Mr. Edgerton noted that the map on page 43 of Attachment D shows Alternative IV going to the southeast of Fontaine Park. He asked if the red portion part of Fontaine Park.

Mr. Benish replied yes, that it was. The area in red he was referring to is actually the bank that is actually past the parking lot. Alternative IV is shown at the edge of the parking lot. So it is not right next to the buildings, but next to the eastern most area of the parking lot. Then the topography drops off and the area is really going down to Stribling Avenue. Technically it is on property that the University Foundation owns, but it is not part of the built part of the University.

Mr. Strucko asked that they be careful with the depictions. He was glad to see that was explicitly stated that there should be additional connection to the research park.

Mr. Benish noted that Alternative IV was to the east of the built environment.

Mr. Strucko said that there has to be clear depiction that there is an alternative entrance point not connected to Fontaine Avenue at all into the Research Park, which would be the Sunset/Fontaine connector. Adding another employment center that connects immediately to it only 100' or so down the road from Ray C. Hunt Drive, it would just make a bad situation worse.

Motion: Ms. Joseph moved, Mr. Edgerton seconded, to approve CPA 2005-009, Southern Urban Area B Study amendment and CPA 2005-005, Granger Tract CPA as staff recommends in Attachments A, B and C of the staff report subject to the changes that the Planning Commission suggested.

1. Remove the reference to Stadium Road connection.
2. Provide more clarification on water and sewer.
3. Provide for the specific road improvements that are the minimum necessary for the timing and the capacity expectations. (Staff will work with the County Attorney's Office on the language to make sure that it does what they intend it to do.)
4. Make the two corrections as noted by staff regarding a redundant sentence and the addition of transit.

The motion passed by a vote of 6:0. (Mr. Zobrist was absent.)

Mr. Morris stated that CPA 2005-009, Southern Urban Area B Study amendment and CPA 2005-005, Granger Tract CPA, would go before the Board of Supervisors on June 13, 2007 with a recommendation for approval.

Mr. Benish pointed out that staff was not sure of the Board date due to schedule conflicts, but staff is trying to find the date that it can go. There will also be a work session earlier than the public hearing. Staff is trying to schedule that for May.

Old Business

Mr. Morris asked if there was any old business.

- Ms. Joseph said that the Commission has previously talked about having joint meetings with the City Planning Commission. After discussion with John Fink, Chair of City Planning Commission, Jim Tolbert, of Neighborhood Development Services and Wayne Cilimberg they agreed that quarterly the two Chairs would meet for lunch and just talk about the topics of what has been going on in the City and the County and then twice a year have a joint Planning Commission meeting. At that time there would be no hot button issues, but would just be topics that people are concerned. Anybody is free to meet with City Planning Commissioners for lunch or whatever on a less formal basis. They would like to encourage that.

- Agreement has been reached on the location of the Planning Commission's retreat dinner on April 20. It will be held in Crozet at Three Notched Grill.

- The location of the Saturday morning session has not been determined. Several suggestions have been made. The Commission will discuss this and decide on the location at another date. It was noted that the meeting would be open to the public.

- Mr. Kamptner distributed a memorandum summarizing the Louisa County ground water case.

- May 22 has been tentatively set as the date for the joint County/City Planning Commission meeting.

There being no further old business, the meeting proceeded.

New Business

Mr. Morris asked if there was any new business. There being none, the meeting proceeded.

Adjournment:

With no further items, the meeting adjourned at 10:34 p.m. to the Tuesday, March 20, 2007 meeting at 4:00 p.m. at the County Office Building, Second Floor, Auditorium, 401 McIntire Road, Charlottesville, Virginia.

V. Wayne Cilimberg, Secretary

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