**Albemarle County Planning Commission**
**April 3, 2007**

The Albemarle County Planning Commission held a meeting and public hearing on Tuesday, April 3, 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, Pete Craddock, Calvin Morris, Vice-Chairman and Marcia Joseph, Chairman. Duane Zobrist was absent. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was absent.

Other officials present were Wayne Cilimberg, Planning Director; David Benish, Chief of Planning; David E. Pennock, Principal Planner; Amelia McCulley, Zoning Administrator/Chief of Zoning and Current Development; Allan Shuck, County Engineer; Jack Kelsey, County Transportation Planner; Pat Lawrence, Planner; Summer Frederick, Planner; Sean Dougherty, Senior Planner; Rebecca Ragsdale, Senior Planner and Greg Kamptner, Deputy County Attorney.

**Call to Order and Establish Quorum**:

Ms. Joseph called the meeting order at 6:06 p.m. and established a quorum.

**Committee Reports**:

Ms. Joseph invited comments on committee reports.

- Mr. Morris said that regarding the Eastern Connector, the committee received information from the consultants that indicated that once they started looking at what is the reality in the Pantops area they need to jump the meeting up at least one to two months and start looking at the realities of what is going on in and around Charlottesville as well as Pantops. Although they were thinking of minor adjustments to two lane roads going from east to west and west to east, they might want to look at some major changes. That is just a heads up. The committee will be meeting on April 10.

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

**Other Matters Not Listed on the Agenda from the Public**:

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

**Regular Items**:

**SUB-2007-037, Westhall Phase V (Lots 93-125) - Private Street Waiver Request:**
This proposal is for preliminary plat approval allowing thirty-three (33) lots [#93 - #125] within the Westhall Phase V Subdivision. The property, described as Tax Map 56H - Parcel A, contains 8.956 acres zoned Planned Residential Development (PRD). This site is located in the Whitehall Magisterial District along both sides of proposed Treemont Road and along the east side of Park Road, State Route 1204. The Comprehensive Plan designates this property as being in the Crozet Community. (Pat Lawrence)

Mr. Lawrence summarized the staff report.

The development proposal is for 33 single-family dwellings on 8.956 acres, which is zoned Planned Residential Development in accord with ZMA-2006-01 with proffers. The property is adjacent to recently developed residential properties and rural land that has not been developed yet. The applicant requests several relieves and waivers.

The Planning Commission will need to act on several waiver requests. Staff recommendations are as follows:

1. Waiver of Section 4.2.5 –disturbance of critical slopes:

Generally staff finds that this request is consistent with the criteria of Section 4.2.5(A) for granting a waiver and is therefore able to recommend approval to the Commission of a waiver of Section 4.2.3. of the Zoning Ordinance

2. Waiver of Section 14-233(A)(3) – private street in development areas:
   Staff finds that a private street in this segment of the project will contribute to the general welfare by providing access to a section of the subdivision that was approved on the application plan for ZMA 2006-002 as an affordable housing element. This design would not be possible with a public street in this area. Staff recommends approval with the following conditions:
   a. The private streets have curb and gutter and related improvements for drainage control.
   b. The minimum width from curb face to curb face is twenty feet (20').
   c. The proposed access easement is wide enough to construct and maintain the street and drainage control items.
3. Waiver of Section 14-234(D) – standards for private streets specified in Section 14-412(A) (2) (b):
   Staff finds the design of the private street inadequate and cannot support approval of this request.
4. Waiver of Section 14-409(D) – inter-parcel connection:
   No potential impacts on environmental resources have been identified. Approval of the waiver would not forward the goals of the Neighborhood Model in staff's opinion. Therefore, staff recommends to the Planning Commission the denial of the request to not complete Adele and Westhall Drives to the property lines based upon the findings provided herein.

In summary the following requests are being made:

1. Chapter 18, Section 4.2.5 Critical Slopes Waiver ~ Approval
2. Chapter 14, Section 14 – 234 Private Street Waiver ~ Approval
3. Chapter 14, Section 14 – 234(D) Private Street Design Standards ~ Denial
4. Chapter 14, Section 14 – 409(B) Street Extension ~ Denial

Mr. Cannon asked what is on the adjacent parcels to which these streets would connect?

Mr. Lawrence replied that to the west is West Hall Development, which is single-family dwellings and a mobile home. To the east is rural land, which is not developed at this time.

Mr. Cannon asked if the land to the east was in the rural areas.

Mr. Lawrence replied that immediately to the east is the Eastern Connector adjacent to the property. On the other side of that is undeveloped rural area, but it is in the growth area.

Mr. Edgerton noted that the drawing shows the interconnectivity as originally envisioned as does the engineer drawing. He asked if this is a verbal request that the applicant has made because the drawings show the pavement.

Mr. Lawrence noted that the drawings in the staff report are actually the proposal from ZMA-2006-01. These are not the development drawings.

Ms. Joseph asked if there were any other questions for staff. There being none, the public hearing was opened and the applicant invited to address the Commission.

Eljo Lopez, representative for Westhall Phase V, said that the staff report was very thorough, but left some room for clarification. However, there were a few points that he would like to raise to their attention.

- The first item is the denial of the private street design standard. The rationale behind the private street is to keep the six affordable housing units affordable. They provide those at 80 percent AMI. During the rezoning process the Commission was very pleased with the ZMA plan, which was shown on the screen. In order to meet the 80 percent AMI they were asking for the relief of the private street specifically providing curb and gutter. The structures that are associated with that are cost prohibited. They estimate those at about $6,000 additional per lot. So that would be six lots out there with $36,000 additional cost for that one area. He just wanted to clarify that is the reason for that request.

- The second item is the waiver of the subdivision ordinance in regard to the street extension. Specifically, the two streets are the extension of Westhall Drive to the south and to the north Adele Street towards the Eastern Avenue Connector. The Eastern Avenue Connector is currently the proposed connector from Route 240/250. Preliminary engineering has not been done at this time. At the north of the drawing there is a stream adjacent to their property. The current topography in the proposed Eastern Avenue Connector would require a bridge to cross that. Their street would intersect that bridge essentially where the bridge starts and then where they would connect to it. Their thought was that they would stub out the street, gravel the road and then provide that when the engineering had been done. When the Eastern Avenue Connector was ready to be built they would come back at a later time to provide the extension of the pavement, the curb and gutter so that they could tie in better with that design. The same goes for Westhall Drive as well. There is no engineering to set that elevation and set the tie. As the topography is rolling on the back side of that property line they thought it best to tackle that at a later date.

Ms. Joseph asked if there were any questions for the applicant.

Mr. Cannon asked the applicant if he would propose to structure the later tie-in through a commitment that would be binding and enforceable.

Mr. Lopez replied that they could certainly bond that work to be done at a later date. Or they would be happy to work with the engineering department to provide at such time that they would like to dictate an elevation to be set so that the tie in could be made and that there would be little disruption to the neighborhood when the Eastern Avenue is built. That way the road would not have to be torn up and potentially redesigned so that specifically at Adele Street that they expect there to be a bridge that there is no coordination problems that would occur later on.

Ms. Joseph said that they don't want to put the curbing in the parking area because they are saying that to deal with their storm water management that they would have to put structures in there and the curbing would cost $36,000.

Mr. Lopez replied that between the curb, the gutter pan and the sidewalks in that area, as well as the structures associated with the storm water structures in order to take care of the drainage when there is curb and gutter would from the plan that they see before them and redesigned to have curb and gutter that difference in cost would be approximately $36,000.

Ms. Joseph asked if that includes sidewalks.

Mr. Lopez replied that it would be more than is shown on the original rezoning.

Ms. Joseph asked if the $36,000 includes the sidewalks.

Mr. Lopez replied yes.

Ms. Joseph asked if he had looked at any other means of doing this such as doing curb cuts and using some LID.

Mr. Lopez replied that the intent of the private street waiver is to have relief from the curb and gutter.

Ms. Joseph noted that the expense is also the drainage structures themselves, which can be expensive. She asked if he had looked at other methods of storm water other than just removing it. When they remove this where is the water going.

Mr. Lopez replied that the water will be handled on site within the building envelope of each of lot. There will be bio-filters added to each of those lots to take care of the storm water management. They feel that they would be able to take care of them and work with the engineering staff to handle all of the water on site.

There being no further questions for the applicant, Ms. Joseph invited other public comment. There being none, the public hearing was closed and the matter before the Commission. She invited Allan Schuck to address the engineering concerns.

Ms. McCulley announced that Allan Schuck was now their Senior Civil Engineer and has taken Glenn Brooks job in supervising the Current Development Engineers. They are pleased with his promotion.

Allan Schuck said that conceptually the applicant has shown storm water management in two areas along the northern property line against the stream and the existing pond. Conceptually that is fine for the preliminary plat submitted. As submitted though where they are proposing the private street there is no storm water management for that area. One of the reasons curb and gutter was requested was that they could tie it into this system being proposed and run it into the existing structures that basically were approved with the rezoning. That is the main reason the curb and gutter is being requested. Another reason why they proposed storm water management facilities on the individual lot is that is a private maintenance issue for each individual lot owner. Right now the water would run off the street into the grass and onto the lot. If they propose individual measures on each individual lot it will be up to each individual lot owner to maintain those facilities where now they are going to have a "regional facility" as part of the subdivision.

Ms. Joseph said that if it is on each individual lot it might mean an additional expense for the affordable housing units to have to maintain that.

Mr. Schuck replied that he did not know because he had not seen a plan that shows them.

Ms. Joseph noted that they have not shown rain gardens or bio-swales or any of that business to handle the water.

Mr. Schuck replied no, that the two storm water facilities that they have seen are the two that are shown on the plan. They have not seen anything for where the private street is proposed.

Mr. Craddock asked how much it would cost to put a bio-filer on each of those lots.

Mr. Schuck replied that they had a general price per square foot, which he did not have memorized. It was based on a surface area that drains to it. It has a certain amount of plants that are required and a certain amount of under drain that allows the pollutants to be taken out of the water from the run off. It has some under drain that it has to tie into.

Mr. Craddock asked if it would be as much as $6,000 per lot, and Mr. Schuck replied that he did not know.

Mr. Morris asked the applicant if they had the answer to that question.

Mr. Lopez replied that what is shown on the plan is the latest draft engineering. It basically shows a series of three to four drop inlets and structures that would tie into the initial storm water management plan that is designed for the entire site. It is minimal structures and minimal drop inlets. As proposed there is one drop inlet on each side of the street at the entrance to pick up water that would flow towards Tremont Street. There would be four drop inlets to cover sheet flow from the lots and also the parking area. It ties into these storm water pipes that are proposed for the rest of the development. It would use the existing storm water pond by the park as to where that water would drain to. The cost of that would certainly be less than to add curb and gutter to the rest of that parking area. The cost of that approximately would be $5,000 to $6,000 total or about $1,000 per lot. They would have to make a resubmission of this plan for staff to review.

Mr. Cannon said that the applicant has explained the reluctance to do the street extensions by reference to the uncertainty surrounding the Eastern Connector and expressed a willingness to do the work later when the specifics about the Eastern Connector are know and therefore the articulations can be made. He asked Mr. Lawrence if he had any reaction to that. Does staff have any sense of when the Eastern

Connector is going to be mature enough to allow those connections to be made and whether it is appropriate to wait for that or not.

Mr. Lawrence replied that his impression is that the streets need to be built as stated. If they set the grade as set forth and it is contingent to the connector these streets should be built such that the grades can be set.

Mr. Cannon noted that the connector would be designed around that or consistent with that.

Mr. Schuck said that it has been consistent with the county policy that when they have the chance to get connections made they get them extended to the existing property lines as they are now. It is easier to have something final then you can design to that at final stage. Staff talked to VDOT about that. The proposed Eastern Connector and Main Street is still far out there as far as final design goes. From county staff perspective it is easier to tie into something that is known and built, which gives them the perimeters to design and build the road.

Mr. Edgerton said that there is a very legitimate argument that has been presented by staff that the rezoning was granted on promises of the interconnectivity and on the curb and gutter. The applicant is now asking to be relieved of that responsibility. They have granted the rezoning based on these promises. To change their minds about how important that is now is going in the wrong direction. He agreed with staff's recommendation. He recommended that they consider a motion to be consistent. He asked if the other Commissioners share h is concerns about this.

Ms. Joseph asked if he agreed with the critical slopes request.

Mr. Edgerton said that he had no problem with staff's recommendation on all four requests. But, he did want the private street to be built to the standards that had been promised and he wants the street extensions committed to as they were in August.

The other Commissioners agreed with Mr. Edgerton.

**Action on Critical Slope Waiver and Private Street Waiver**:

**Motion**: Mr. Edgerton moved, Mr. Morris seconded, to approve the critical slopes waiver of Section 4.2.3 and the private street waiver of Section 14-233(A)(3) for SUB-2007-037, Westhall Phase V (Lots 93- 125) as recommended by staff.

Ms. Joseph noted that the critical slope intrusion was minimal.

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

Ms. Joseph noted that the waiver was approved for the disturbance of critical slopes and for private streets.

**Action on Critical Slope Waiver and Private Street Waiver**:

**Motion**: Mr. Edgerton moved, Mr. Morris seconded, for denial of the waiver of Section 14-234(D) – the design standards for private streets and the waiver of Section 14-409(D) – the public street extension, for the reasons stated by staff in the staff report.

Ms. Joseph felt what Mr. Edgerton had said was important because when the Commission looked at putting the affordable housing in the little pod they assumed that because it was a smaller area and the applicant was clustering them that the Commission was giving something up as a result and expected that because of the clustering the affordability would be there. Therefore, she agreed.

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

Ms. Joseph stated that the requests for the private street and street extension have been denied. The decision can be appealed to the Board of Supervisors within ten days.

**Regular Item**:

**SUB-2007-059, Meadows Estates - Vacating Coopers Lane (AKA Terrior Road) – Final:**
In accordance with Section 14-212.2D of the Subdivision Ordinance, the applicant is requesting approval to vacate a previously recorded public street right-of-way. Concurrent with this vacation is a request for authorization by the Planning Commission to allow creation of a private street in the Rural Areas, in accordance with Section 14-232A(3). The property, described as public street right-of-way and known as Cooper Lane, is approximately 5.26 acres. Meadows Estates subdivision is zoned Rural Areas (RA). This site is located in the Scottsville Magisterial District on the southeast side of Carters Mountain Road [State Route #627]. The Comprehensive Plan designates this property as Rural Areas in Rural Area 4. (Summer Frederick)

Ms. Frederick summarized the staff report.

- This is a private street authorization request by Vineyard Estates, LLC and GLM Holdings, LLC. This is regards to 8 lots on tax map 103, parcels 3, 3A, 3B, 3C, 3D, 3E, 3F and 3G. The request is for an approval to convert a dedicated public right-of-way to a private street. Cooper Lane was approved as a public street during the review of the Meadow Estates Subdivision in 2004. The road has not been accepted into the state system. The applicant and current owners are currently maintaining the road. The applicant indicates that further maintenance will be the responsibility of a home owner's association by covenants which were recorded with the subdivision. Staff is not recommending approval because in terms of the ordinance there is not a demonstrated need for a private street in this location.

Ms. Joseph asked if there were any questions for Ms. Frederick.

Mr. Morris asked if this street currently meets all of the standards for a public street.

Mr. Frederick replied that it is currently not a finished public street. The county still holds bonds for it. So it is not completed. But, the plans for it were accepted as a public street.

There being no further questions, Ms. Joseph opened the public hearing and invited the applicant to address the Commission.

Kirk Hughes, representative for Vineyard Estates for the subdivision, said that they were correct that the road has been built to the standards. The bonds are in place for any deficiencies that may occur after it has been built until it has been taken into the state system. The points or issues have been corrected for what has been inspected. Before a road can be taken into a system there have to be occupancies on that road. There are no occupancies on this road and the applicant has put off putting on the final coat of pavement and the final touches on the E&S until such time. In the mean time they wanted a greater density of landscaping that would not be allowed by the Department of Highways and Transportation. That included putting up a wall in the front and approximately a million dollars worth of plantings and growing materials along the right-of-way. A great deal of this landscaping would infringe within the right-of-way. So this is one of the reasons they want to turn this into a private street. The plat has been drafted in such a way that it will show all of the lands that have now been dedicated that could be deeded back to the adjoining owner. It is a little over 5 acres of this property that would go back into tax map and parcels, which would be a greater impact on taxes. Right now it is deeded to the county so there is no tax base. The road meets all of the standards whether it is private or public

Ms. Joseph asked if there were any questions for Mr. Hughes. There being none, she invited other public comment. There being no public comment, the public hearing was closed and the matter before the Planning Commission. She questioned the comment about the need for occupancies on the road in order to accept the road.

Ms. Frederick noted that in order for the state to accept the road into their system there needs to be three occupancies on the road. There are no occupancies on the road. That is also a reason why the applicant has not finished the road.

Mr. Morris noted that all of the work has been done to make the road public, which was what preferred.

Mr. Edgerton said that was what the ordinance calls for. His recollection is that this request was pushed through as a by right development on land that was in an agricultural/forestall district and he saw no benefits to reduce the standards of this road. There were no benefits to the community to make exceptions on this road.

Mr. Strucko agreed.

Mr. Craddock asked if this road is adequate for all of these additional development rights later on down the road. There are 5 more that can be added to this road.

Ms. Frederick replied that is correct if it is a public road. If the road goes private there will be additional restrictions if those development rights are utilized down the road.

Mr. Craddock asked if the property goes all the way over to the road behind it.

Ms. Frederick replied no, that the road cul-de-sacs at the end. One of the lots is at the end of that road. Then there is an abutting lot behind that between it and the road.

Ms. Joseph said that there is some challenging topography. What was interesting is that if the road is changed from public to private the property line then goes to the middle of the road. She wondered if that would increase any development potential because there would be more acreage.

Ms. Frederick said that the total acreage within the existing right-of-way is 5.267 acres, which would be spread out over 8 lots. Therefore, a minimal amount of acreage would be going back into the lots.

**Motion**: Mr. Edgerton moved, Mr. Morris seconded, for denial of SUB-2007-059, Meadows Estates – Private Street Authorization Request for waivers of Section 14-232(a) and 14-234(c) to allow private streets in the rural areas, for the reasons stated in the staff report.

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

Ms. Joseph stated that SUB-2007-059, Meadows Estates Private Street Authorization Request has been denied. The decision can be appealed to the Board of Supervisors within ten days.

**Deferred Items**:

**ZMA 2005-00015, Hollymead Town Center Area A-1 (Signs #15, 51, 53, 73):**
PROPOSAL: Rezone 31 acres from RA - Rural Areas (agricultural, forestal, and fishery uses; residential density (0.5 unit/acre)) to PDMC - Planned District Mixed Commercial (large-scale commercial uses; and residential by special use permit (15 units/ acre)) to allow for 278,000 square feet of office retail.
PROFFERS: Yes.
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Town Center -- Compact, higher density area containing a mixture of businesses, services, public facilities, residential areas and public spaces, attracting activities of all kinds. (6.01-34 dwelling units per acre).
ENTRANCE CORRIDOR: Yes.
LOCATION: Tax Map 32, parcels 42A, 42C, a portion of Tax Map 32, parcel 44, a portion of Tax Map 32, parcel 45, and Tax Map 46, parcel 5, located to the south of the southern entrance to the Hollymead Town Center (Town Center Drive) and north of Powell Creek along Route 29 North.
MAGISTERIAL DISTRICT: Rio. The Comprehensive Plan's Town Center designation is accompanied with the "Conceptual Master Plan & Design Guidelines for the Hollymead Town Center".

**AND**

**SP 2005-00027, Hollymead Town Center Area A - Drive Up Window for Bank (Signs #15, 51, 53, 73):**
PROPOSED: Drive-up banking facility with three lanes.
ZONING CATEGORY/GENERAL USAGE: A rezoning application has been submitted to rezone these parcels from RA - Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre) to PD-MC Planned Development Mixed Commercial (large-scale commercial uses; and residential by special use permit 15 units/ acre). SECTION: Section 25A.2.2 of the Zoning Ordinance which allows for drive-in windows serving or associated with permitted uses within PDMC.
COMPREHENSIVE PLAN LAND USE/DENSITY: Town Center -- Compact, higher density area containing a mixture of businesses, services, public facilities, residential areas and public spaces, attracting activities of all kinds. (6.01-34 dwelling units per acre).
ENTRANCE CORRIDOR: Yes.
LOCATION: Inside the Hollymead Town Center, along Town Center Drive (Southern entrance to Hollymead Town Center) approximately 300 feet from Route 29 North.
TAX MAP\PARCEL: A portion of Tax Map 32, Parcel 42A (exact location on file in the Department of Community Development) and a portion of Tax Map 32, Parcel 42C (exact location on file in the Department of Community Development) equaling .5 acres.
MAGISTERIAL DISTRICT: Rio
STAFF: Sean Dougherty
***DEFERRED FROM THE MARCH 6, 2007 PLANNING COMMISSION MEETING.***

Mr. Dougherty summarized the staff report and gave a power point presentation to introduce the site and provide the following update:

- The staff report mentioned an update from the Albemarle County Service Authority to reconfirm the validity of their initial memo and that capacity exists for this development. Capacity does exist for this development. Staff received an email to that effect.

- The proffers are generally in good order. With that, staff recommends approval if the applicant can accommodate a widening of Median Street south of Town Center Drive and with the following recommended changes completed prior to the June 13, 2007 Board public hearing.

- Proffer 7, erosion control, the County Engineer recommended that no more than 15 acres be disturbed at any time. The applicant has chosen not to incorporate that language into his proffers. However, it should be noted that the applicant has committed to several measures for improved storm water management in excess of local and state regulations. That is something for Jack Kelsey to explain to the Commission a little better.

- The other thing would be minor corrections and street sections submitted on 3-20-07. The applicant has worked to get a resubmission back into staff. Everything on that resubmission was fine except for a few minor details. He talked with the applicant who said that he working to make sure that everything is as the County Engineer would like in terms of showing these sections. It includes items as simple as a curb being shown as curb and not a curb and gutter pan.

- Then finally, staff recommends that the Commission approve a modification to reduce setbacks along Meeting Street from 30' to 10'.

- Staff's recommendation for the drive-up window for the bank is that staff identifies no issues with this. Staff recommends approval with the following conditions:

1. Drive-through windows will be limited to three (3); including any to be used for an ATM.
2. Architectural Review Board issuance of a Certificate of Appropriateness.
3. Applicant is responsible for installation and maintenance of control devices such as signage, and pavement markings as indicated on the application plan.

Ms. Joseph asked if there were any questions for staff.

Mr. Edgerton thanked Mr. Dougherty for the great staff report and the graphics that were very helpful. On page 3 in the paragraph regarding the specifics of the proposal staff mentions the reduction from 97,000

to 88,500 square feet for the large retail store. He was trying to remember when the rezoning was granted for the Hollymead Town Center, which included this land as well, the original comprehensive plan amendment that had been approved a number of years earlier had included one larger big box that the applicant at that time said was critical for the success of this project. There were a number of Commissioners at the granting of the rezoning who was concerned about the size of that. Obviously since the comprehensive plan amendment allowed that they really had no grounds to argue that point now. Certainly the Target that has been built in Area B exceeds by a great deal the prescribed amount as in the Comp Plan. His recollection was that nothing larger than 75,000 square feet could be built.

Mr. Dougherty replied that there were three different designations there. One is regional service, which this is included in. There is neighborhood service to serve residential development. The size of the big boxes was not limited in the regional service area. It is in those other areas little bit further away from Route 29. This was anticipated. In Area A-2 that is where there is specific limitations placed on the retail.

Mr. Edgerton asked if this was consistent with the CPA that was originally approved.

Mr. Dougherty replied that it was. For reference the Target is 112,000 square feet whereas this is 88,500 square feet. But, he has not come across anything to indicate that it is not okay.

Mr. Morris asked for clarification on one thing regarding what they were requesting of the applicant as far as Meeting Street and the widening of it. Last time this was before us what we were talking about was a street with a median with one lane going each way with on street parking as well as a bike lane. Then there was the curb and gutter and so forth. This was so somewhere down the line if they wanted to widen this street they could remove the on street parking and bike lanes so they could have two lanes going both ways. Has that been changed or is that still what they are looking at.

Mr. Dougherty replied that he thought what he was saying was true for Area A-2, which is after the intersection of Town Center Drive and it widens. But, south of Town Center Drive this had been envisioned as basically one lane in each direction prior to recommendations coming out of Places29. Also, through the review of the rezoning it did not appear as though this section of road would be completely appropriate to have on street parking partly because the parking was internal to this development and it was also internal to the development across Meeting Street. So what they have proposed is just one lane in each direction with a median. Staff is saying what would solve this is one lane in each direction with an allowance for a bike lane that would be in place after a lane of on street parking would potentially be converted to a travel lane. But, what he thought was happening right now is there has been some rejection of the notion that Meeting Street should be a complete four-lane section the whole way through from Berkmar. Staff does not have the exact solution in place. But, the applicant has said that he was willing to work with staff through figuring out exactly what is going to be the best solution. Essentially what VDOT has said is that as long as they show a travel way in each direction and a median and bike lane that does not get erased by a future travel lane and a lane of parking, they can work with that and that would make VDOT comfortable.

Mr. Dougherty continued that the other thing to keep in mind is that when staff looked at Area A-2 there was a suggestion of a Lockwood Connector, which would have taken some of the traffic volume out of this section of road around the Town Center. With that being rejected this potential future widening of the road to have a lane in each direction and a parking lane that is converted to another lane in each direction for a total of four lanes would solve the problem. What is happening also is that they are having recommendations coming out of Places29 and people on the Planning Commission and Board of Supervisors kind of adjusting that information and trying to figure out what is appropriate. Right now they can say that four lanes may be needed in the future, but there may be some other design of these road perhaps three lanes with two in each direction with a turn lane. At this point staff does not know. If the applicant can commit to the section that they have north of Town Center Drive essentially through the core for this hearing, which he says that he can, staff can work through that between now and the Board of Supervisors and get commitments to exactly what the appropriate thing would be in case the Board rejects the idea that Meeting Street should be a four-lane. That is not what has come out of the traffic modeling and the consultant's work. Staff does not know exactly what that road is going to look like. But, at this point they have a commitment from the applicant that will allow us to get the right solution. But,

they don't have from the consultants, VDOT, the Commission and Board to exactly what the nature of Meeting Street is going to end up being.

Ms. Joseph said that the proffer does say that they have committed to two north bound and two south bound travel lanes with one north bound and one south bound bicycle lane initially. One lane in each direction will be utilized as on street parking. That is what they have been looking for.

Mr. Dougherty noted that the plan does not reflect that. All indications say that they can work this out. The answer is forthcoming, but that gives us the assurance that they can work this out.

Mr. Craddock asked if the upper north corner near the traffic circle is a true public place

Mr. Dougherty replied that it would not be public property. If the County accepted it they would have to go out there and leaf blow it and weed it. The Parks and Recreation folks do not have the time to really do that. The policy right now is that they are not incorporating small area spaces like that as true public space. It would be a public area for this shopping center that would be maintained. In the sense of public it would be open to the public, but technical not belong to the public. The county does not have a mechanism to accept it as a space that the county maintains at this point.

Mr. Craddock noted that it would still be controlled by the property owner. He asked if down on the right in and right out on 29 when this was approved was there suppose to be an extra lane the whole length of the property. From looking at it he did not think that it went from one end of the property to the other.

Mr. Dougherty replied yes, that was proffer 1A. There was a commitment in 1A to do that. That roadway ends up near Powell Creek and there would need to be some tapering.

Mr. Cannon asked is this the site that has the erosion problems.

Mr. Dougherty replied yes, that that it is the area where some erosion problems have happened. He was not sure who was responsible. Certainly there has been some erosion from this. Most of the erosion from this goes down to the sediment basin and down to Powell Creek if it goes any where. He did not think anyone had made a determination of exactly which sedimentation comes from which parts of it and where it goes. Other sedimentation goes from the sediment basin at the corner of Timberwood Boulevard and Route 29 to other areas. Certainly there has been a problem maintaining ground cover on this property. The majority of it does flow into that very large storm water management facility. It is along Route 29 and adjacent to Powell Creek as it crosses under Route 29.

Mr. Cannon asked what it is about the enhanced erosion and sediment control plan that needs strengthening.

Mr. Dougherty replied that the only thing that the applicant has not accepted is in terms of proffer 7. The applicant has not accepted the minimum disturbance area of 15 acres. All he could say is that the amount of space that is disturbed over time is relative to the amount of impact of any torrential down pour or any sort of storm that comes through. The extent to which that can be limited that would limit the impact he would have to defer to Jack Kelsey to really answer any more of that.

Ms. Joseph said that the entire acreage is 31 acres. So that would be one half of the site.

Mr. Dougherty agreed.

Ms. Joseph asked if there were any other questions. She asked if there was a solar collector in one of the renderings.

Mr. Dougherty replied that it looks like it, but he had not asked the architect who actually drew those. He was not sure if the applicant was committed to such a thing.

Ms. Joseph asked staff to reiterate that he has spoken to the Service Authority and they said that they have adequate capacity for this particular proposal.

Mr. Dougherty replied that he has an email that he could send around that indicates that.

Mr. Joseph asked staff to make sure that the Board gets a copy of that information. There being no further questions for staff, she opened the public hearing and invited the applicant to address the Commission.

J. P. Williamson, representative for the applicant HM Acquisition, LLC, said that he had a couple of points of clarification.

- As it relates to the Meeting Street they have proffered exactly the plan that is requested and required. What they have committed to do is to figure out the cross section with the median and the exact curb with staff and VDOT. From the time that they were before the Commission at the work session with A-2 and they resolved the Lockwood Connector. At that time they committed to then address that transportation in this plan, which is what they have done. They have not had time to figure out the exact the cross section, which is primarily the median width to come up and have it reflected on the plan. It is their intention and commitment to have that resolved prior to the June 13 date.

- As it relates to the question about the Route 29 improvements, what was actually proffered was an additional continuous three-lane for 1,000 feet from each side of the traffic lane, which is installed. In addition to that there is a deceleration lane. So the lane they were referring to is the acceleration lane as it comes off of the property. They have built that to the proper specifications and to the VDOT traffic study. So those improvements are in. The only improvement that will need to be done and designed is the actual right in and right out. A portion of that road will come under state dedication. The rest of it is a private access. That will need to be done, which again is something that they have proffered to complete.

- As it relates to the question on erosion and sediment control there has been some issues on the site historically. Some of it has to do with the culvert that was underneath Route 29 that exists towards the Target site. Then at one point there was a land movement along that section of the embankment that caused some disruption to Route 29 traffic. That is at Hollymead Town Center and not this site. The regional storm facility for this site is that large pond and all of their overland drainage first goes into that pond. So it would have to breach the containment of that pond to ever make it into any of the streams untreated.

- As it relates to the question of a big box, in that original comp plan amendment there was an amendment that actually said that there would be one larger big box and one smaller big box. In that comp plan amendment on this piece of property it was actually written in as plus or minus 85,000 square feet. That is one of the reasons that they have held to that goal because there are other users that may have been available on the site that they have not come before the Commission and asked for what was agreed upon in 2001. They have been extremely pragmatic in trying to convey a plan that was envisioned when it was approved as a comp plan amendment.

- The only other item that seemed to be a point of contention is not a point of contention. It relates to the over land disturbance to limit it to 15 percent. What they would like to try work through with staff in that proffer is to come up with a percentage of the overall sediment erosion control plan so that they limit their disturbance to X percentage of the site. He did not want to commit to 15 acres if the right answer was 16 acres or 17.5. But, they would continue to have that discussion with the county as it relates to a restriction on the limits of disturbance of a given parcel. He felt that was some where in the neighborhood of 75 percent because they were always going to try to achieve at least 15 to 25 percent open space. As in other applications, it does not make a lot of sense to have the limits of disturbance encroach into an area that they otherwise want to preserve as a stream buffer or open space. So they would make sure that was a proffer that was acceptable to the Board as it relates to moving forward with the final development of this site.

Ms. Joseph asked if there were any questions for the applicant.

Mr. Craddock asked what they were going to do with the house.

Mr. Williamson replied that the house was being removed. The solicited both Habitat of Humanity and other non-profits and they are attempting to reuse and recycle the components of the house that can be used. But, the house is being removed.

Ms. Joseph invited public comment.

Morgan Butler, attorney with the Southern Environmental Law Center, said that this plan no doubt has some positive characteristics. They are pleased to see in the proffers an increased commitment to green building and transit. They commend the applicant for incorporating these features into the plan. However, they feel that this rezoning is not appropriate at this time for the following reasons:

They question the immediate need for yet another regional shopping center in this area, especially when over 1.5 million square feet of new retail space has recently been approved for the 29 North Corridor. Notably, as part of the Places29 Master Plan consultants are currently working on estimates of the amount of new retail, if any, that the county can absorb over the coming decades. As they set forth in the report released last spring there are serious consequences to approving more retail space than the county can absorb. They urge the County to wait to see what comes out of the master plan process before approving new retail space in an already saturated corridor.

Waiting for the completion of the master plan would also help clarify this project's place in the evolving transportation picture for 29 North. The Comprehensive Plan Amendment approved for the town center several years ago suggested certain transportation improvements to address impacts within and on the periphery of this site. However, the Places29 drafts released to date show a number of costly improvements throughout the corridor that are necessary to address the cumulative traffic impacts from Hollymead and other new developments. Clearly they need new development projects on 29 north to help off set these costs. They should therefore wait to approve any large project along this corridor until the Places29 Study specifies the needed improvements in the role of proffers and paying for them. Further, waiting for the Places29 Study would give County planners an opportunity to react to the removal of the Lockwood Connector from the larger western parallel road network and to devise the most appropriate solution. If they move forward with this rezoning now they are essentially forcing upon them the Meeting Street widening as a solution.

In sum, they think there are numerous reasons why this rezoning is not appropriate at this time and they urge the Commission not to recommend it to the Board. However, if the Commission is inclined to approve it they would first recommend that steps be taken to infer that the Hollymead Town Center ultimately achieved an appropriate balance between commercial and residential uses. Specifically, they recommend that the two remaining pieces of this site, Area A-1 and A-2 be reunified into a single rezoning plan so that the development of any further retail space can be more easily made contingent upon the construction of the residential units that are proposed in the A-2 plan.

Ms. Joseph invited other public comment. There being none, the public hearing was closed and the matter before the Commission.

Mr. Dougherty added that the concerns about this section and the A-2 section in providing the right balance and that sort of things if both of these come in together they are going to have a much better balance. The idea would be that with the June 13 Board date that potentially Area A-1, which they were looking at tonight, could go before the Board with Area A-2 once it has been through the Commission. If those could be wrapped up into one final decision by the Board that would in essence be for 1,248 units or whatever the eventual number ends up being for A-2, versus the amount of retail square footage here. Staff has not done the analysis. But, they would not want to see A-1 get approved and A-2 somehow languish. They would want the two to somehow come together. The applicant is prepared and wants to work towards getting both of these to the Board by June 13. It may be a little ambitious for A-2, but that is their logic right now in terms of assuring that both of these are wrapped up and that A-2 does not come back with a completely different proposal that would not be what they are expecting now.

Mr. Cannon asked if they should act on A-1 and A-2 together.

Mr. Dougherty replied that in order to get this one out of the way in terms of staff review time it probably would be helpful for the Commission to act on it now. But, the Commission could act on them both together as well. There are a couple of issues that staff said they were going to take care of before the Board. Personally, he would rather that there is some conclusion on this so that full time can be spent on A-2, which is really a big project.

Mr. Morris said that staff's recommendations were well thought out and were good.

Mr. Craddock concurred.

Ms. Joseph said that she looks at all of the retail space out there and thinks that it is something that they don't want to encourage. But, there are so many other things that have been offered in proffers that they don't normally see come so readily, such as LEED Certification and money allocated to transit. The staff report was very well written, but it was also pleasing to see all of this and that there were no contentious items.

Mr. Edgerton agreed with a lot of what Ms. Joseph said. But, he shared Mr. Butler's concern over building retail in our community and the long term implications of that. He was not sure what role they can and can't play in that. Years ago a comprehensive plan amendment was amended to include what they are looking at right now. This applicant to his credit has done just about everything they asked him to do from the work sessions. He thought that they were very fortunate to have that kind of cooperation. He agreed with staff's recommendation. He did not know how to solve the overbuilding of the retail issue, but he was not sure the Commission has the authority to solve once something like this has gone into the Comp Plan. It is consistent with the Comp Plan, which is supposed to be their guide. As far as the Places29 he was pretty sure that what is being proposed is consistent with the parallel network at least on the west side of 29. He did not see anything that is in conflict with the Places29 master plan. Therefore, he was not as concerned about that. With that in mind he was able to support staff's recommendation.

Mr. Strucko said that he was in general agreement with Mr. Edgerton. The market plays a tremendous role in the commercial and residential space. He liked a lot of what he was seeing in this proposal in its entirety. It would encourage potentially an employment center, commerce centers as well as residential centers all within the same general area. This is a population center in our area with Forest Lakes, Hollymead along with other areas. He hoped that the commercial presence that eventually gets developed here will be a support of those residents. He was not terribly concerned about supporting regional retail with folks coming from other communities. They don't represent them. They represent the residents of Albemarle County. He agreed that this applicant has done a lot of what policy, the ordinance and staff directed them to do. He was very satisfied with that.

Mr. Cannon felt strongly that the remaining issue about the surface disturbance needs to be resolved appropriately to protect from further adverse effects of sedimentation on this site. This is a big site and needs to be handled properly. He felt that it was in the capacity of the developer to do that and hoped that would be done.

Ms. Joseph noted that the Commission agrees with what the staff report says in terms of there are a couple of items that really need to be worked out. That has to do with what is exposed while they are building. She did not think there was anything else.

Mr. Dougherty noted that the Commission needs to take action on whether they support the modification to reduce the setback from 30' to 10' on Meeting Street.

Mr. Kamptner noted that the setback reduction was a separate item. Even though the Comprehensive Plan has planned this area for a particular use, in making a zoning decision one of the ten or so factors that the Commission can consider are the present and future needs of the community, in particular land uses. This issue came up at the Board level at North Pointe regarding the amount of retail that is out there, but it is only one among ten factors to consider.

**Action on ZMA-2005-015**:

**Motion**: Mr. Morris moved, Mr. Craddock seconded, to approve ZMA-2005-015, Hollymead Town Center Area A-1, with all of the recommendations in the staff report dated April 3, 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.

1. The applicant will accommodate a widening of Meeting Street south of Town Center Drive and amend the proffer language related to a maximum area to be disturbed at any time as part of Proffer 4; erosion and sediment control and other necessary minor proffer revisions prior to the Board of Supervisors public hearing.

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

Ms. Joseph stated that ZMA-2005-015, Hollymead Town Center Area A-1, would go to the Board of Supervisors with a favorable recommendation.

**Action on Setback Modification**:

**Motion**: Mr. Morris moved, Mr. Craddock seconded, to approve the modification to reduce the setbacks along Meeting Street from 30' to 10'.

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

**Action on SP-2005-00027**:

**Motion**: Mr. Edgerton moved, Mr. Morris seconded, to approve SP-2005-027, Hollymead Town Center Area A – Drive Up Window for Bank with the conditions as outlined in the staff report.

1. Drive-through windows will be limited to three (3); including any to be used for an ATM.
2. Architectural Review Board issuance of a Certificate of Appropriateness.
3. Applicant is responsible for installation and maintenance of control devices such as signage, and pavement markings as indicated on the application plan.

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

Ms. Joseph stated that SP-2005-027, Hollymead Town Center – Area A – Drive Up Window for Bank, would go before the Board of Supervisors on June 13, 2007 with a recommendation for approval.

**The Planning Commission took a ten minute break at 7:28 p.m.**

**The meeting reconvened at 7:42 p.m.**

**Public Hearings**:

**SP-2006-043, Field School (Sign #35, 36, 39)**
PROPOSED: Middle School for boys of approximately 70 students max. to be located in the existing community building at Claudius Crozet Park.
ZONING CATEGORY/GENERAL USAGE: RA -- Rural Areas: agricultural, forestal, and fishery uses; residential density (0.5 unit/acre)
SECTION: 18.10.2.2.5 Private Schools
COMPREHENSIVE PLAN LAND USE/DENSITY: Designated CT 1 Development Area Preserve for Parks and Greenways in the Crozet Master Plan.
ENTRANCE CORRIDOR: No
LOCATION: 22 acre parcel at Claudius Crozet Park, north side of Park St, 1500 Feet east of High Street
TAX MAP/PARCEL: 56A2-01-72 and 72A
MAGISTERIAL DISTRICT: White Hall
STAFF: Rebecca Ragsdale

Ms. Ragsdale summarized the staff report.

- This is a special use permit request for a private middle school for boys. It is requested to be located in an existing community building in Claudius Crozet Park. The park is owned by Claudius Crozet Park and is managed primarily by the Park Board. The applicant is the Field School. The County has a relationship with the Park Board and a partnership with the Park. It is not an entirely public entity and there are folks here representing the Park both from County Parks and Recreation, the Park Board and the applicant so that they can try to clear up any confusion that may have come up around that and expand a little more about the relationship that the County has with Crozet Park.

- It is a request for up to 70 students starting out with just fifth and sixth grade and then expanding. She displayed an aerial of the park. The park properties were outlined in the yellow central to the residential areas adjacent to Crozet Park where Parkside Village is and the established Hilltop neighborhoods. To access the park from Crozet Avenue coming down Tabor and Park Road is the main access point in the park. The property is zoned Rural Areas. It is a doughnut of Rural Area surrounded by residential zoning.

- The Master Plan designations for the park recognizes that it is primarily a park use designated as open space and then CT-1 and 2 and then the green infrastructure map emphasizes the park is a major focal point and greenway with trails leading to it.

- The red outlines area is the primary area that Field School will occupy. The Field School is proposing to use the existing community building and not make any major modifications, given the temporary nature of it. It will be something that can be tucked away if the building is used for something else on the weekends and that sort of thing. The layout shows the pool, parking layout and the pavilions. She pointed out the sketch provided by the applicant to show primarily where their activity for the private school during the day would be located and where bus parking would be provided. Also, it shows that there is adequate turn around for a bus to be used.

- The hours of operation will generally be school hours with after school care until 6:00 p.m. There are conditions that address the Field School use of the facilities based on Parks and Recreation comments allowing the recreational fields to be used. She showed a photograph of the community building.

- In summary, staff has received some public comments both favorable and unfavorable. The Commission has seen some of the emails and concern expressed by residents of deterring public use of the park and taking away a public facility. Then some of the factors favorable includes that it is an additional educational opportunity in the community within walking distance of the residential areas.

- In the review of the special use permit, staff focused primarily on the intensity of the use proposed and not necessarily on some of the broader policy questions as to the public/private use of the park that have come up in public comments. Based on the small scale use of the park staff did not have any concerns with any of the impacts to be addressed. Staff did recommend approval in the staff report with conditions limiting the number of students, the hours of operation and limiting the use on the park grounds. One condition to note is some outstanding water line dedications with the Service Authority. It also recognizing in the conditions that this use is unique because it is not entirely a public park. A unique partnership with the County is that there is a restrictive covenant agreement that the County Board of Supervisors approved that does not actually allow this school use. So there is another step with the County and the Park Board to allow this private school use in the park. So staff is recognizing that in the conditions of approval.

- As noted earlier, there are representatives here from County Parks and Recreation and the Park Board as well that may be more appropriate to answer some of the questions

that the Commission might have in terms of specific usage and of the Park Building and who has primary control of what, whether it be Parks and Recreation or the Crozet Park Board entity.

Ms. Joseph asked if there were any questions for staff.

Mr. Morris asked if the school would be available for public use every evening after 6:00 p.m. as well as on the weekend. He asked if the school folks were going to have to vacate virtually everything.

Ms. Ragsdale replied yes, the school would be limited to the hours of operation as the school functions that are listed on the special use permit. Then generally it would be available for public use or any other sort of meetings in the evenings and weekends.

Mr. Strucko asked if access was restricted from the soccer field, the two ball fields, the pool and the playground. He asked if the school was going to use those facilities at any point under this proposal.

Ms. Ragsdale replied that the school would use some of the fields for recess. The school will not be restricted from using the park grounds at all.

Mr. Strucko said that even during the day when the school is in operation these residents may compete with the students of the school for use of these facilities.

Ms. Ragsdale noted that there are two playgrounds and there are multiple playing fields. Given the size of the school there is room enough for everyone.

Mr. Strucko asked if there would be 70 students potentially.

Ms. Ragsdale noted that staff left that to Parks and Recreation to advise us on whether or not there would be over use of the park or whether the park grounds and community recreational needs could be met with the school at maximum capacity. Based on the information that they have the park is not over used now during the week days and the school year. The community building is somewhat under utilized and the park is looking for other uses.

Ms. Joseph noted that Tim Hughes was present from Parks.

Mr. Strucko said that he just wanted to get his facts straight first. He asked if the SOCCER Organization have an agreement with County Parks and Recreation to use that field for the adult soccer field located behind this building. The Peach League Little League uses the ball fields, T-ball fields and the two standard ball fields. If there was an event held during the day would they potentially compete with the school for use of these facilities.

Ms. Ragsdale said that basically they were saying that all of those uses would take precedence over and that they would have priority access to the areas. She was not certain of the detailed scheduling with the different organizations that use the playing fields and which fields they are using. But, she understands his comments about potential conflicts in the future if they have the school there and they are playing and somebody else shows up to use a particular field. They are trying to avoid those types of conflicts as much as possible. The school has been working with the Park Board and Parks and Recreation to anticipate that sort of thing and the Field School going in with clear understandings of what would be available and what would not.

Mr. Strucko asked if there would be no improvements to any of the physical space as a result to this agreement and no improvements to the parking, pavement or the cinder block building itself.

Ms. Ragsdale noted that the Building Official has said that the building is adequate and can be used as a school.

Mr. Cannon asked staff if there is a restricted covenant applicable to the park.

Ms. Ragsdale said that the restricted covenant expressly allows recreational and entertainment uses that was approved by the County.

Mr. Cannon asked if the covenant is between the County and the owner of the park.

Ms. Ragsdale replied yes. The County Attorney's Office was very involved in that. A copy of the covenant was not included in the packet.

Mr. Cannon said that he was trying to get an idea of what it involved. He asked if the County does not own the land.

Mr. Kamptner replied that Claudius Crozet Park Incorporated owns the land. As part of the County's contribution of about $200,000 in 1997, the Park and the County entered into an agreement, which was recorded as a restricted covenant that was designed to make sure that the park lands were used for primarily recreational uses, but also entertainment uses.

Mr. Cannon said that for return for the money that the County contributed to the maintenance of the park the owners of the park agreed to restrict its use to certain uses. He asked if that was correct.

Mr. Kamptner replied that was correct.

Mr. Cannon said that those uses did not include schools. He asked if it specifically excluded a school use.

Mr. Kamptner replied no. The document states that the park is to be used "only for park and recreational purposes, which may include any lawful activity such as festivals, carnivals, concerts, celebrations and other community related entertainment uses that have historically been allowed at the park and shall be open for public use unless the County and Crozet Park jointly agree otherwise."

Mr. Strucko asked if that agreement was part of a financial arrangement between the County and the Park in terms of maintenance and other things.

Mr. Kamptner replied that Tim Hughes was nodding his head yes.

Ms. Joseph invited Tim Hughes to come forward and respond to the questions.

Tim Hughes, Athletic Supervisor for Albemarle County Parks and Recreation, replied that the covenant was brokered by our Director, Pat Mullaney, back in the 90's. The purpose of the covenant was when Crozet Park started to build a new pool they were financially short and came to the County and asked for help to build the swimming pool. In exchange for that the County saw an opportunity that if they could get a restrictive covenant put in the deed and they would allow us to develop the open space into badly needed athletic fields for that area. The County currently maintains all of the athletic fields.

Mr. Strucko asked if the County built the T-ball field in the lower baseball field.

Mr. Hughes replied that the County developed all of the athletic fields.

Mr. Strucko asked if the County maintains pavilions 1 and 2.

Mr. Hughes replied that the County does not. The County maintains all of the athletic fields, which includes the soccer field. They do not maintain the pool or spend any money on the pool.

Mr. Strucko asked if there was a fee for use of the pool. He asked if there was a financial arrangement between the Field School and Crozet Park pending this.

Ms. Ragsdale replied that there is.

Mr. Craddock noted that years ago the Indians used Crozet Park for a weekend festival. He asked if they still do that. Would any groups like that be restricted to using the park if the school is there? With the school's 50 or 60 children along with the parking mean that they can't have a festival going on during the day.

Mr. Hughes replied that the Crozet Park Board could answer that better because they actually take care of those arrangements when they have other activities other than the athletic activities. But, historically those events have been on weekends. So it should not be a conflict with any other public or recreation use.

Mr. Craddock asked if the school would operate on a similar school year schedule like Albemarle County's Schools and will not be operated during the summer.

Ms. Ragsdale replied that was correct.

Mr. Strucko asked what hours of operation are proposed.

Ms. Ragsdale replied that it was 7:30 a.m. to 6:00 p.m. to include both before school staff and the after school program.

Mr. Strucko asked what time the Peach League Little League practice starts.

Mr. Hughes replied that practice generally begins at 5:30 p.m.

Mr. Strucko noted that there would be a ½ hour overlap with the traffic going in for practice with the school operation.

Ms. Ragsdale said that the school may have, as they describe, students there that are getting picked up and staff. But, condition 6 says specifically that the athletic fields are not available for the school's use after 4:00 p.m.

Mr. Strucko said that currently the parking there is difficult with the use of the athletic fields. In fact, the open space close to Park Street doubles as a parking lot.

Ms. Joseph asked if there were any other questions for Mr. Hughes.

Mr. Edgerton said that regarding Mr. Strucko's earlier question it has been represented that there is not any concern from the Parks and Recreation about competing for use of athletic facilities. He asked if that is correct. He asked if they feel threatened by having 70 children there. He was a little confused by the representation because staff's drawing with the red box around it was pretty clear, but that is really not what is being asked for. They are intending to use all of those athletic fields during the day. He asked if Parks and Recreation have programs during the school year that would have to be compromised because the school would have the first option for the use of those fields.

Mr. Hughes noted that the County does not have any organized activity programs that would conflict between the hours of 8:00 a.m. and 4:00 p.m.

Mr. Edgerton asked if occasionally the children of the neighborhood go out there and have a pick up game.

Mr. Hughes said that he was sure that there are probably pre-school aged children that use the playgrounds and the fields some during the day.

Mr. Edgerton asked if they know how much use that involves.

Mr. Hughes replied that while maintaining the fields their maintenance crews have said that occasionally they have seen a mom and 3 or 4 children on the playground and the T-ball field. Therefore, it appears that is a minimum use.

Mr. Edgerton asked if the playgrounds would be used by the school.

Ms. Ragsdale replied that the school would have access to the two playgrounds. But, these are middle school boys.

Mr. Strucko asked if they anticipate an increase in the maintenance budget for maintaining these fields with potentially 70 middle school aged boys using the facilities.

Mr. Hughes replied that if they were just using them in a manner consistent with a regular P.E. class they would not anticipate a huge jump in their maintenance budget.

There being no further questions for Mr. Hughes, Ms. Joseph opened the public hearing and invited the applicant to address the Commission.

Dr. Todd Burnett said that he was opening Field School, which was a boy's middle school inspired by the model of Village School for girls.

- There will be 16 students each in grades 5 through 8 starting in 2007 with grades 5 and 6 and adding grade 7 and 8 the following 2 years. The Village School has been very successful in providing something that our public schools can't as a single sex middle school education providing all of the benefits associated with learning that focuses on girls. His efforts for Field School have been inspired by the many parents that he has met in this area over the years that have encouraged him to start this school for boys. Their mission is to develop well rounded boys of character and accomplishment. He thanked all of the Board members, parents and supporters who came out tonight to support the Field School request. With the County's approval, they plan to establish the school next year at Claudius Crozet Park in their community building.

- He thanked Bryan Campbell and Kelly Strickland, particularly of the Park Board, and the entire Park Board for their support. The park is a private community organization opened under the public under the approval of the Crozet Park Board. He went to the Park Board back in the fall and told them what he was interested in doing. The Park Board liked what he was proposing, particularly since he embraced the idea of their students helping out by volunteering in the park at the Arts and Craft Festival in the spring and fall. The students would also assist in maintaining the appearance and up keep of the park. In addition to those benefits they will also provide annual rental income to the park. They intend to make two minor improvements to the building. One is to put a wood floor in to improve the appearance inside and possibly cut down on some of the noise. They also want to put in 6 to 8 skylights to bring natural light into the middle of the building.

- They are making this petition with certain efforts to minimize impact there. It is going to be a small school. They will start with a maximum of 32 students. It will probably be more like 20 students next year. They will slowly building, but get no larger than 70 students. If they are in Crozet for 5 years and they grow at the same rate that the Village School did they will have an average of 42 students over the 5 year period. They will only be operational during the school day and during the school year when the community building is literally unused. According to Bryan Campbell, who manages the park operation for the Board, he could not remember a single rental of the building during this time period over the past 5 years. Field space will be generally available to the public, which is one of the recommendations in the staff report and not available to the school after 4:00 p.m. weekdays or at all on the weekends. They are doing what they can to minimize traffic. Most of the students will be coming from Charlottesville and will ride the daily shuttle bus that they are going to drive in and out everyday. He runs a camp in town called Field Camp, which is run at Camp Albemarle. He takes a daily shuttle out from the A.L.C. Copies Building to Camp Albemarle in Free Union. Three-quarters of the children, which he has 50 to 55 everyday in the summer, take that shuttle. They will probably have about the same number who will take the shuttle out to Crozet

every day. Assuming that three-quarters of the children ride the shuttle every day that leaves an average of about 22 additional parent car trips each day with 11 in the morning and 11 in the afternoon per school day over the 5 year period. He understands from the staff report that there are 1,600 average daily trips there on Park Street. Therefore, he would add 20 on average to 1,600, which he did not think was very much.

- As part of their agreement with the Park Board they will build classrooms that can be broken down whenever any community group needs the building on the weekends or in the evenings. They will get in the habit of breaking down their classes and putting them in the corner whenever someone wants to use the building. They embrace the opportunity to do that. As part of his camp they have a lot of things that they do as active hands on learning. Therefore, that actually appeals to him as an educator. It will be a temporary home. The Park Board and Field School have reached an agreement for their first year, which will be re-evaluated on either side each year. He hopes to be there for 3 to 5 years before moving on to another space.

- They plan to be good neighbors. The school will teach values everyday to include respect, honesty, compassion, duty and fairness. They will do that in a variety of ways. They plan to give responsibilities to the students and then follow up with them. That will be done through their work program. He intends to impress upon the students the importance of being a good neighbor. When he learned about this he set up a meeting at the Crozet Fire House. He attended a meeting at the Crozet Community Association. He put flyers in all of the homes in the area. He set up meetings to alleviate the concerns of neighbors and community members. He had one person show up at his meeting. He has been able to develop an excellent relationship with Camp Albemarle through his summer camp, Field Camp. He knows that they appreciate their use and their excellent stewardship of that facility each summer. He fully intends to develop the same relationship with all of the people of the Crozet community and with all of their neighbors through service, good behavior and attention to their concerns. He hoped that they would be welcomed in the same spirit of friendliness, trust and social ability by their neighbors.

- They are asking for a special use permit to allow for education in a space that is meant for park and recreational purposes. It has been very difficult to find a site for the school because he thought given their population that they needed immediate access to outdoor recess space. He felt that it was difficult to separate those ends, recreation and education. In fact, he would bet that there is a substantial amount of education going on in the park right now through the Little League and Soccer Programs. If they are doing their job well they are educating those young people about values such as preparedness, timeliness, hard work, team work, determination and sportsmanship. All of those things are being taught in a recreational context.

- In sum, they have the support of the Park Board. They are providing a variety of benefits to the community and are making every effort to minimize impact there. They are using the space in the building, which has been dormant for the past 5 years during the time that they are proposing to use it. It is proposed only for current non-use hours that will minimally affect the opportunities for other groups to use the buildings. He hoped that the Commission would grant them the opportunity to start the school in this location next year.

Ms. Joseph asked if there were any questions for the applicant.

Mr. Edgerton asked what the intended use would be for the pavilions.

Mr. Burnett replied that he did not have any intention to use them. It would be nice to be able to go outside on a rainy day and use those places. He could see using the basket ball court the most and any of the field space. He appreciated the concern about taking care of the field as well. That is very important. The children need recess time. They will not touch the jungle gyms. The students are too old

for that. Basically, he saw children throwing a football around or a playground ball on the ground. They will have a 20 minute recess in the morning, a 10 minute recess after lunch and then the sports hours will go from 2:45 to 3:45 p.m. The after care will be a situation where children will drift away. The shuttle bus will leave, but there will not be a lot of children left that will create a large impact.

Mr. Strucko asked what the school's parking requirements would be during operation.

Mr. Burnett replied that the capacity would be about 8 cars during the day for the teachers plus the bus. Otherwise, he envisioned parents dropping off the children and leaving. Most of the children will be taking the shuttle bus. He has noted about 60 to 100 cars at the park in the evening. They might add a few cars to that, but not many.

Ms. Joseph invited public comment.

Emil Groth, resident of Crozet, said that the Commissioner's questions are relevant and important to approving this. He was retired and moved to the Parkside Village home, which is directly across from the park area for recreational use. He has young children and likes to go to the park. The Charlottesville Field School might be a good school and might be a good idea, but not here. He has nothing against the school. The problem is that it is not a good recreational or park use. The park is intended for the recreation use. There is an existing deed that places restricted covenant on the land in perpetuity. That means forever and not to be necessarily written off. If the covenant restrictions can be negated like that, then other portions of the County are questionable. Even our homeowner's association has a property that was deeded over to the park with a restricted covenant. Therefore, that also may be in question. In the report there was a traffic study that was done, which indicates certain numbers. But, that traffic study was done 5 years ago in 2005. Parkside Village was not there. West Hall, which is a new development, will definitely increase the use of those roads. There is only one road that comes in from Tabor Street. There is just that one exit through Tabor Street. In terms of the water and sewer lines needing to be dedicated, he was not sure what that involves. But, if it needs to come into compliance and it needs to be worked on, then who is going to pay for that. Is the county going to pay for that again? The County has contributed a lot of money to the park already and maintains the park essentially. Or is it going to be the Park Board? That is something to think about. The use of the Park building for the school is not a recreational use. The suggestion that they will be able to break down class room walls to make the building available for other activities he has a bit of a problem dealing with that suggestion. There is a possibility for using the building for senior citizens, games, exercise and play gym for pre-school. These are more in line with what the Park is suppose to be used for. If the Park grounds are used there is some discouragement to use the park by the young children. If the green way opens up they are looking at running and bicycling with hopefully more people using the park for recreational use. The question is would the Planning Commission allow a private boy school in the County park. If not, why. It would reduce the accessibility for recreational use. He asked that the Commission consider all of the things mentioned. He asked that the Commission not approve this because this is the only recreational area in the Crozet area that is available to his neighborhood.

Kelly Strickland, a member of the Board of Directors of Claudius Crozet Park, said that he was present to speak as a resident of Crozet and as a neighbor. He respects Mr. Groth's comments. They have had a lot of conversations and discussions among the park board along the same lines.

- He asked to give a brief history of Crozet Park. The Crozet began in 1960. It was originally part of the Rosengrant's property. They still have members of the Rosengrant's family on the Board of Directors. When the pool, which was built in 1965, got very old in 1995 and needed to be replaced they raised around $200,000 in Crozet to replace it. They did not have enough money and the county came in and helped them out to pay for the remainder of that. In exchange that is when the covenant came to be in keeping the park in perpetuity.

- The Park Board is represented by members from the local schools, the churches, White Hall Puritans, the Community Association, the Crozet Lion's Club, the volunteer Fire Department, Crozet Women's Club, the Crozet Advisory Council, Rescue Squad and Albemarle County Parks and Recreation. The activities hosted in the park include Peach

Tree Baseball League, SOCCA, the Crozet Gators Swim Team, etc. They have 22 acres of open space in the park, including a fishing pond.

- Events they host are twice a year their annual fund raiser is the Crozet Arts and Crafts Festival. It is on May 11 and 12 this year. The Firemen's Fourth of July carnival has always been hosted in Crozet Park. This year the Crozet Fire Department is not actually doing a carnival. They are in the progress of making plans to have a big party in the park that the firemen will host. They are trying to get the fireworks to stay there with it as well. That is in the planning stage. The City Parks and Recreation hosts a summer camp for 2 weeks every summer. They use the community building for the summer camp. They rent the building and the entire park to groups and organizations among other things. They have lots of projects on their schedule that they would love to get to. Next week they are going to start on renovations to the Arts and Crafts Festival grounds. They have a new director for the festival. The last 2 falls they have been rained out, which hurts the revenue for the Park Board. That is a big project of about $35,000. They want to improve the basketball courts and turn them back into basketball courts. Right now it is functioning as a parking lot, which is literally never used.

- The community building is their big gray elephant in the middle of the park. They have spent money on the building and have been looking for a good use for the last 5 years. They have been trying to find a year round use to include the winter months when there is no one in there. They are existed about the opportunity to use the building at least temporarily as a school while they keep exploring ideas for other uses of that building that would be consistent.

- A recent project came before the Commission last year in the Lewis and Clark Observatory Center in Darden Towe Park. That is a similar example. The difference is that this proposal does not have a site plan, a new building and everything associated with it. This is just using an existing building, which needs to be used in a park. They are very concerned that the use of that building does not cause any detriment to any of the existing uses in the park. They are confident that the conditions recommended will provide for that.

Brian Campbell, a member of the Park Board, said that he was also a member of the Pool Committee. He has 3 daughters and lives about a quarter of a mile away from the park. In fact, his daughter used the park building for her birthday party this year. If the school was here they would still be able to use it. One of his primary functions with the Park Board is the rental facility. The rental facility is virtually unused. It has been one of things that they have been looking for something to bring some activity to the park. When the summer is here it is flowing with activity. When the off season comes it just dies. They are looking for something to do. In 2006 they had 7 rentals. As Mr. Strickland said for the past few years they have been trying to find something else that they can do in this building. They have talked with the YMCA who is doing a study right now to see if it would be feasible to bring in a remote facility there. The County has told us that they will not be ready to help us out there until 2012 when it is in their plans. The bottom line is that this is a win/win situation. They have a facility that is not used. As the Park Board they are not going to sacrifice any uses just to force this through. This school is a great plan. This facility is not utilized at all. The building closes down from December to May. They turn off the water, heat and lock the doors because of the lack of use. The fields don't get used during the winter time. This is going to be something on a temporary basis that is actually going to bring people. If there is a use on a week day evening the building will be cleared and it will be available for use. That will be true for any weekend use. The Park Board has to approve any use of the facilities. He asked that the Commission approve the request.

Kelly Hunt, resident of Crozet, said that she was a mom of preschool children that uses Claudius Crozet Park. She could not think of a better use for this space. If ever there was a population of children that needed another opportunity for some kind of education it is fifth and sixth grade boys. As a resident of Albemarle County she was excited about the possibility that there was just one more place that boys can get an education. This will give parents another option for educating their young boys. She liked what

Mr. Burnett had to say. As the mother of a 6 year old boy she was pleased to think that possibility might exist for him some day.

Stephanie Saderly stated that her 11 year old son would attend Field Stone School next year. They were very excited about the school and what it offers to these young boys. Basically she wanted to reiterate what everyone else has said. She felt that Albemarle County needs a single sex day school for boys. It is affordable and it caters to their special needs. They need to be outside, active and to be moving. This building seems to provide Field School with what they need to provide the type of environment that boys will thrive in. This is a small school that will provide transportation with a bus that will bring in most of the students. There will be about 20 students to start off with. The bus will provide for less traffic on the grounds. They will be using the bus that will be coming in from Charlottesville. She asked that the Commission approve the request.

Mr. Saderly thanked Mr. Burnett for bringing this opportunity to the community for those who need it. He supported the school's mission. He asked that the Commission approve the request.

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

Mr. Edgerton asked Mr. Kamptner for assistance. There have been several representations through emails and letters that this would not be legal to change the use. Mr. Kamptner read some of the covenant language earlier. If he heard it correctly the description of all the activities that could occur in the park could be adjusted by mutual agreement by the county and the Park Board. He asked if that was correct.

Mr. Kamptner replied that the covenants would need to be amended to allow this use. The County's primary concern back in 1970 that would continue would be that the park as a whole would have a public benefit. Ultimately that will be for the Board of Supervisors to decide when they are considering both the special use permit and the declaration. As it is worded right now it would not allow the school use. It clearly does not fit within the park's recreational or entertainment uses that were envisioned when the declaration was entered into.

Mr. Edgerton said that if the Commission were inclined to recommend approval would they have to add a condition of the approval that would cover the legal need to amend the covenant.

Mr. Kamptner noted that condition 8 was added after the staff report was written. That is an additional recommended condition. Part of it is to be clear that the consideration of the special use permit needs to be independent of the agreement and the declaration.

Mr. Cannon asked what the process is if there is a separation process by which the covenant would be amended.

Mr. Kamptner replied that it is really negotiated between the County and the Park Board. It is presented to both the Park Board and to the Board of Supervisors for approval. The Board's approval would authorize the County Executive to sign the amendment on behalf of the County.

Mr. Cannon asked at whose instance those negotiations would begin.

Mr. Kamptner said that it would be the Park Board since they are the ones who are seeking the change.

Mr. Strucko said that legal issues aside he was having several thoughts about this proposal. He knows the intended use of Crozet Park in the Crozet Master Plan and given its location in the middle of the residential area not too far from the downtown Crozet area, given its history and use by local residents of Crozet, whether they be the people coming in for the Firefighter's Festival, the Arts and Crafts Festival it draws not only people from Crozet but other areas as well, but he did know that it serves as the hub of Peach Tree Little League Baseball, which is 300 children from ages 5 to 12 that go to the local elementary schools. It has been intended for use as a park and recreational facilities for this particular segment of our community. He also knows that cinder block building that is very raw and its

interior/exterior appearance does get under utilized. From personal experience he knew that a 70 student school is an intensive use. He sat on the board of the Free Union Country School, which had 70 to 80 students. From his 5 years in that capacity that active recreational space is necessary. That does offer wear and tear to these facilities if they are indeed going to use the baseball and soccer field. County funds are going to maintain these fields. This is a private school use. He was trying to piece together the virtues of maintaining this as a park for the immediate area of the community of Crozet and allowing it to continue in that capacity while permitting a use of an under utilized asset, which is this building. But, is this the right use for 70 students of this age group. That equates to 12 baseball teams. It may restrict the use of these residents to have access to these facilities during the day of the school year. Crozet is a changing community. Some of the decisions they have made on this board have instigated those changes. So whereas the use today may be one thing, it may be something very different once West Hall Phase V goes in. With all due respect to the Field School, he felt that it was quite virtuous but saw the proposal coming in and potentially conflicting with public access to this very pivotal park inside the Crozet community. It does not help him with this use when he knows that 20 to 30 students are being bused in from the City of Charlottesville. It is not being used by Crozet residents. So right now his disposition is to deny this request.

Mr. Craddock said that his church use to use that property years ago. They were in the city and came out to Crozet Park. During the school years his children had gone out there when the Indians had their POW for learning experiences. The County Fair was there for a short time period. The Crozet parade winds up at the park at the end. So he has been out there a number of times as well as for swim meets at night. He was in favor of this use. It is a good use for the property if it is something that the Park Board and county can work out. The mention that the Park Board and the Field Stone School would revisit the issue every year up to 5 years helped sway him. So at any time by mutual agreement the school could be vacated. He has no problem with the school since it appears that they will be out of there when the heaviest use occurs at the park during the summer, in the afternoons and the evenings. It would be a good security issue having people there during the winter time to keep potential vandalism down. Therefore he was in favor of the request.

Mr. Morris echoed what Mr. Craddock said, particularly that this is going to be revisited each year. Also, they had Park Board members say that after due deliberation they were in favor of it and backed it. Those are the people who have to live with it and govern it. They should know.

Mr. Cannon asked Mr. Kamptner when they grant a special use permit that is forever.

Mr. Kamptner replied that typically special use permits run with the land. The Commission has occasionally recommended that a time limitation be placed on the permit.

Mr. Cannon asked if the Commission was able to do that as a legal matter, and Mr. Kamptner replied yes.

Mr. Cannon said that his initial instincts coming in were consistent with Mr. Strucko's, but he has heard the folks who are on the Park Board speak as well as the folks who are representing the school and was sympathetic to the need to use the building and to make optimal use of the park. He was concerned, however, for the following reasons. They have seen this happen frequently that school that start expand and they tend to expand where they start because it is very difficult to find space elsewhere to develop these schools and to expand them. So he was imagining that in five years that they will be looking at a request to expand the school in place and make a more intensive use of this area for a school that may have already been in existence for five years and be flourishing. At that time it will be very difficult to say no. He would be interested in putting a time limit on this, which felt would be consistent with the representation they heard from the school and the Park Board that this is a transitional moment, a short term temporary use of the building while some permanent use is found and for the school a short term use of the building while some more permanent site is found. Maybe that allows us to have the best of several worlds here. He would be interested to entertain that if others thought it was useful.

Mr. Edgerton said that was an excellent idea. He was curious whether there was some way to condition the special use permit so that the county could participate in the determination. Since the county has contributed significant funds to the park the county does maintain the athletic field, which the school will benefit from. The county does not maintain the building, which is not an issue. But, if a year down the

road the determination by the county was that this was a negative experience he would like to figure out a way to allow the county to be sitting at the table to make that decision. He questioned whether they could condition the special use permit with that kind of review. He agreed with Mr. Cannon about putting a specific time limit on the special use permit because there is a real possibility that 3 to 5 years down the road, regardless of how the school feels now, they might find it to be more advantageous to stay where they are. They have had several schools within recent months that have come back and asked to expand. He was a little threatened by the number of 70 students because it sounds like a lot. Mr. Strucko's point is well taken that is a large group of children. He felt that 20 students sounded like it would work with the space that they are asking for that is being under utilized. He felt that the private school children have the same rights to use the park as public school students.

Mr. Strucko felt that Mr. Craddock's comment about the school being in use during the winter months when the intensity of use was low and being absent during the summer high usage period was very compelling. He agreed with Mr. Cannon's concern that once a use like this gets started for a temporary space that the need to continue to search for more permanent space dies down and they may be faced with a permanent resident here, which may not be a bad thing for a building that gets used very rarely throughout the year anyway. If the time was more restrictive and if the access to some of these public facilities was a little more restrictive he may accept it. But, he was thinking that the public utilizes this space most intensively during the very months that this school would not be there.

Mr. Edgerton asked if there is overlap with the normal school schedule. He heard Mr. Hughes comment that the school would not have access to the athletic facilities after 4:00 p.m. even though the special use permit was requesting to be there until 6:00 p.m. But, they would only be in the building to 6:00 p.m. There would be no conflict with the scheduled use. He asked if the parking would be an issue if there was an overlap period in the spring and the fall.

Mr. Strucko pointed out that starting in March through July he has to take his son to the park for baseball practice by 5:30 p.m. twice a week. The parking does overflow. The depiction in Attachment C is a little inaccurate. The parking overflows into the open space that is to the left of the main entrance. The parking in the area down past the pavilions fills up quite quickly. There are only 2 fields that are used for practices. Only 2 teams can practice at one time. The practices do spread out through the week. It is the schedule for particular teams is twice a week. So the practices start at approximately 5:30 p.m. That brings in about 24 cars. The school operation until 6:00 p.m. may overlap here. But, that will only be in the months of March, April, May and part of June. He felt that it was workable particularly if 70 students are transported by a single vehicle like a bus and the parking was restricted to 22 daily parent car trips. That is not prohibited. If 70 students were rolling in and a significant portion of them were coming in with their parents in individual vehicles he foresees a bottle neck a problem. The park gets it most intense use on the weekend from sun up to sunset. Of course, the school would not be in operation then. He was sensitive to the Park Board's concerns and the financial considerations regarding the under utilized facility. Again, his concern was access for the immediate public around this park in the designated growth area that is Crozet that was master planned and used this particular facility that receives public funds as the active recreational area within walking distance from a lot of homes. He questioned if the proposed school use could work and if there would be a proposed expansion past the requested amount of 70 students.

Ms. Joseph said that one thing they could do is limit the time. The thing that bothered her was that these children were not coming from the neighborhood. If it was a neighborhood school it would make more sense that there would not be much traffic. But, if they were busing them in that was a little bit of a concern. If they could limit the number of students to start out with for less than 70 she felt that would alleviate some of her concerns at this point. Also, they could limit the approval to a year. If they are going to renegotiate every year then they could come back at least after the first year and they could hear from the neighbors. That way they could see whether it is working. She had concerns that they were spending some county money on that for maintenance purposes. It is not what was intended. It is obvious when reading the language it says in perpetuity that they expected it to be a park. That was not the intent when the county invested the money for this to become something like this. She could support the request if they limited the students and the time. She asked staff if the county has an agreement to allow the Waldorf School to operate in one of the county schools out in Crozet.

Mr. Benish replied that it was in the old Crozet Elementary School. But they are constructing a new facility in town. He believed that they will be vacating that. It created a viable use for that building to keep it inhabited and functional.

Mr. Benish noted that if they do put a time limit it will bring the county involved in the decision making to continue the use once it reaches that expiration date. If there were any other role or involvement that they saw on the county it would be helpful to clarify that.

Mr. Edgerton said that if the county is not part of that decision making process there may be other motivations that the school and the Park Board might have interest that might not necessarily represent the county's interest. He suggested that the county be a party to that discussion. He suggested that they try it for a year and see how it goes. If the school is only interested in starting with 20 to 25 children, then let's go ahead and approve it for that. If they come back next year and want to do it for a few more and there has not been a problem, then that could be considered. There are some good things going on here, but he thought that they need to be a little careful because this is a community facility and a very important one.

Mr. Strucko noted that his concerns were speculating on the impact. If they could come back and have the explicit data on what the impact is, then they could make a more informed decision. Therefore, he agreed with Mr. Edgerton.

Ms. Joseph said that she could agree to 35 children. It would allow the school to have a good start.

Mr. Benish said that there may be a few issues to think about when the clock starts for the reviewing planner. It needs to be clear.

Mr. Kamptner suggested that it be a date certain and that it not be one year from the date of approval because that year will end during the school year.

Ms. Joseph said that they wanted them to be able to start in 2008 if everything is acceptable. That is the part that gets a little sticky.

Mr. Kamptner said that the Commission would want to look at what happens over one full school year. He suggested that they have the special use permit come back to amend that condition by June 30, 2008. That would allow time to get the new one in place before the fall semester.

Ms. Joseph said that sounded good.

Mr. Benish said that if staff has that general direction they could make a recommendation so council and staff can work on the exact language for the Board of Supervisors meeting.

Mr. Cannon said that he was comfortable with some limitation, but wanted to make sure it is consistent with what the school's expectations were for the first year.

Ms. Joseph invited Mr. Burnett to come forward to address the question.

Mr. Burnett said that 32 students would be acceptable. They will not have more than 32 students next year. He felt that it would be less and did not anticipate that will be a problem. If the Commission says that they will let him know again whether they have the facility in 2008/2009 in June or July of 2008 then he is going to start searching for something else. He cannot wait until that date to find that he does not have the facility for the following year. He realized that he was not going to be there for a full year for the Commission to have the opportunity to review a full year. He was completely comfortable with that. He knows that they will pass with flying colors. He has had the camp in Free Union for the past 8 years and they do not go past the number of children that they can fit on the bus. There is a huge temptation to grow bigger, but he did not want to grow bigger because he liked teaching in a small school. Actually the limitation to 5 years was attractive because they do want to have their own space.

Mr. Edgerton agreed that his point was well taken that if he did not find out until June that he was going to have to make other plans before that. He asked how early he would have to be making other plans.

Mr. Burnett noted that the sooner the better. He has parents in the room that are dependent on them having a school building next year. The experience of the Village School was that when they did not lock things down quickly enough they started losing students. Losing students meant losing precious funds for next year. He would think that a half way through the year would be a good time. He would love to investigate the Waldorf School's location that was wrapped up at least through the end of June and they have a 6 months extension through the winter. Their school year goes from September 4 through June 6.

Mr. Strucko said that if they were to access the impact of this park they would be able to do it just for the fall and winter period.

Ms. Joseph noted that from what he told them most of the activity happens in the spring.

Mr. Strucko agreed that from his experience in the park that it would be March through June.

Mr. Benish said that the applicant had indicated that he needed about 6 months advance notice. If they put the time limit at 2 years the applicant would probably come back and seek an extension before that second year because he will be in the same situation. So the Commission might want to reconsider that. He suggested that the applicant come back after 1 year so that he could make plans for the third year.
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Mr. Cannon noted that the number might need to be changed for that proposal.

Ms. Joseph asked the applicant to comment on the 2 year proposal at which time he could amend it to allow more students at that time.

Mr. Burnett replied that he wanted to go from 32 students this year to 48 students the second year.

Ms. Joseph noted that the applicant was asking for 48 students for 2 years.

Mr. Morris encouraged the applicant to request a deferral so these things can get hammered out right now since it was very confusing for everyone.

Mr. Kamptner said that the concept of the 2 year special use permit life would allow the applicant to file an application approximately in September of 2008. They would go through the process and get a decision from the Planning Commission and the Board by February of 2009, which would give the school enough time to find another site by September, 2009.

Mr. Strucko said that would not allow the Commission to assess the impact of the school during the spring months.

Mr. Kamptner replied that it would because they would have the entire first school year to evaluate the impacts.

Mr. Cannon felt that would be a reasonable review cycle.

Mr. Burnett agreed with the time line with a maximum of 32 students next year with 48 students the second year.

Mr. Kamptner noted the following changes should be made to staff's recommended conditions.

- The special use permit shall end on June 30, 2009.
- In condition 2, the hours of operation should be limited from Monday through Friday based on the representations that have been made and the possible conflicts.
- In condition 7, the last clause that it should be prescheduled conflicting public use, etc. should be changed to "or any other scheduled uses authorized by the Department of Parks and Recreation."

- The school year should be defined as September through June.
- There was a representation that a number of students will be coming in by shuttle, but there was nothing in the special use permit conditions that address that. Staff will work out the language of a condition with Zoning staff that says that some kind of shuttle service will be provided as represented by the applicant.

Mr. Cannon agreed to all of the suggested changes.

**Motion**: Mr. Cannon moved, Mr. Craddock seconded, to approve SP-2006-043, Field School, subject to the conditions recommended by staff, as amended.

1. Maximum enrollment shall be 48 students.
2. Hours of operation for the school shall be from 7:30 a.m. to 6:00 p.m., Monday through Friday.
3. The school is limited to existing buildings and park grounds as indicated on the concept plan (Attachment C). Any additional building or site changes for the school use will require an amendment to this Special Use Permit (SP-2006-043).
4. Prior to issuance of a Zoning Clearance for the private school use, water line dedications to the satisfaction of the Albemarle County Service Authority are required.
5. The playgrounds and the park grounds, with the exception of the Community Building, will remain open and available for public use during the hours of school operation.
6. The athletic fields at the park shall not be available for the school's use after 4 p.m. on weekdays and shall not be available on weekends.
7. The athletic fields shall not be available for school use when closed by the Department of Parks and Recreation for inclement weather, overuse, field's restoration, or when any other scheduled use is authorized by the Department of Parks and Recreation.
8. The school use may begin and continue only if the Crozet Park covenants and restrictions expressly allow the use.
9. Special Use Permit 2006-043 shall be valid until June 30, 2009.
10. Shuttle bus service for students to and from school shall be provided each school day.

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

Ms. Joseph stated that SP-2006-043, Field School was approved and would go before the Board of Supervisors on May 2.

**CPA-2004-002, Pantops Master Plan**

Public hearing on proposed amendments that would modify the Land Use Plan section of the Albemarle County Comprehensive Plan for Neighborhood 3 (Pantops) with new land use policies, guidelines, recommendations, goals & strategies for future development within the Pantops Development Area, which includes an amendment to the boundary of Neighborhood 3 (Pantops) to remove a parcel (Wheeler Property, approx. 77 acres, Tax Map 62 Parcel 31). The amendment will include a guide that identifies the purpose & major findings & recommendations resulting from the Pantops master plan study; provide strategies for implementing the proposed Pantops master plan, including strategies for transportation, parks and recreation, illustrated on the map entitled "Pantops Master Plan Green Infrastructure", redevelopment, funding improvements, & for implementing the plan; & provide guidelines for the form of development within the Pantops development area through narratives, maps, and illustrations. This amendment also will establish new comprehensive plan land use designations (Urban Mixed Use, Employment Mixed Use, Commercial Mixed Use, Institutional, Parks, and Green Space) for the Pantops development area & change existing designations throughout the Pantops development area, as shown on the map entitled " Pantops Master Plan: Framework Plan (Land Use). (Rebecca Ragsdale)

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

- Staff recommends the Commission review the draft Pantops Master Plan and hear public comment on the draft. The Commission has the option of not acting on the draft if more discussion is needed and staff has scheduled an additional work session, if needed, for April 24, 2007 meeting. The Commission may recommend the Plan to the Board of Supervisors, which has a work session tentatively scheduled on May 2, 2007 and a public hearing on Wednesday, June 13, 2007.

- The master plan does include a recommendation to remove approximately 77 acres from the development area. Staff has met with the property owner who has voiced some concern that they are not quite comfortable with that. So that is something that staff needs to continue talking to them about as to whether or not it remains the same in the recommended master plan, which is to remove it and return it to the rural area or if there is some other solution with land use designations or development area or rural area boundaries that would work.
- Staff received public comment through letters and email prior to the meeting, which were forwarded to the Commissioners. One of the concerns expressed is how closely the master plan matches what is planned for Peter Jefferson Place for Martha Jefferson Hospital. The depiction of the master plan does not reflect the variation that was approved and the hospital site plan is under review.
- Mr. Randy Saltzmon left a letter of support of the green infrastructure plan with staff for the record since he could not stay for the entire meeting. (Attachment)
- Staff needs to do some clean up to the map regarding several roads with one being to Westminster Canterbury and the other road that is behind the car dealerships to the south of 250 behind Carriage Hill.

Ms. Joseph asked if there were any questions for staff. She asked Mr. Benish about the Wheeler property proposal and if staff was suggesting that they were coming up with some sort of different sort of land use.

Mr. Benish replied that what staff understands from a recent conversation with the property owner is that there is some concern on their part about the deletion of that property from the development area. Staff had not clearly understood that was the case. They want to be very comfortable with that and want it to be a win/win situation. They want to have a follow up meeting with Ms. Wheeler to see if there is a way to work that out and then come back to the Commission with an alternative concept. The current Comprehensive Plan designation would be Neighborhood Density – Residential. There may be other ways to solve the concerns.

There being no further questions for staff, Ms. Joseph invited public comment.

Clara Belle Wheeler, a land steward for 77 acres, said that there have been several misunderstandings that need to be clarified. She had no intention of developing her property for high density. However, there has been a misunderstanding of what she had requested the designation to be. She has not made any requests to change the designation as it stands. Several months ago she received a casual telephone call and at best the conversation was misinterpreted and placed before the Board of Supervisors. However, subsequently there have been written and verbal connections made between her farm and a piece of property on 29 north. Respectfully, she requested that these misunderstandings be cleared up. She requested that her farm stay the way it was and not be changed. She asked that they separate in time any perceived use of her farm to change the destination of any other land on 29. She asked that her property be left the way it is. She would like to come back and talk with the Commission after she meets with staff.

R. G. Dimberg, resident of Glenorchy, asked that as the Commission looks at the Master Plan that they not lose sight that Glenorchy, the oldest residential neighborhood in the Pantops area, was under threat. Some maps show the absolute destruction of the neighborhood. The construction of the road shown on the map would only leave the neighborhood partially intact. The integrity of the neighborhood would be destroyed by entrance road to a privately developed shopping center on Hansen's Mountain. He asked that they keep the integrity of Glenorchy at the top of their list of priorities as they consider these plans.

Ms. Ragsdale noted that Randy Salzman had to leave the meeting, but left his comments in writing for the record, which she would pass around.

Ron Cottrell, Vice-President of the Martha Jefferson Hospital, noted that the proposed hospital to be constructed by 2012 was currently in the schematic design phase. They hope to begin construction in 2009. Proceeding this phase of planning they spent more than a year looking at a comprehensive master plan for the site. They worked diligently with many land planners and architects. They brought a plan for revision forward, which has been adopted by the County that gives a long term build out for their community hospital. In the revision they were able to create more open space in the plan and respect the

natural terrain on the site by placing the buildings in the side of the hill and having less land disturbance. They are committed to being environmental sensitive as they build. In the Comprehensive Plan long term it has suggested that they have residential infill next to the hospital. The hospital is currently in a residential neighborhood and over the year has experienced the conflicts that exist between residential neighbors and an institution like a hospital that needs to continue to grow over time to meet the health care needs of this community. Additionally there is a road network that conflicts with the application plan. Again, thinking long term they think they will run into conflict what the hospital needs are and the plan. His request tonight was to try to match the application plan with the Comprehensive Plan so they don't find themselves in a conflict or a misunderstanding long term so that they can gel these two plans together to serve the greater good of the community. He appreciates the Commission's evaluation of matching the application plan with the Comprehensive Plan.

Andrew Dracopoli, representative for Worrell Land and Development Company, noted that they had been the developer of Peter Jefferson's Place. Since the original application plan was approved in 1982, which was amended in 1996 they have been developing Peter Jefferson Place in accordance with the plan that was approved by the county then. It is a suburban office park. That was the character that everybody felt was appropriate at the time. This master plan calls for the character of Peter Jefferson Place to become more urban with more infill and the greater use of retail and residential within Peter Jefferson Place. He went to all of the public hearings that were held in 2004 and 2005 and more recently in 2006 and he did not hear anybody from the public saying that they wanted more density at Peter Jefferson Place. In fact, what they said was the opposite in that if Peter Jefferson had to be developed they were glad that it was being developed the way that it was and not the way that it was being developed on the other side of the hill. Therefore, he did not think that there was any impetus from the public or the owners of the land to put increased density at Peter Jefferson Place. They think that it is inappropriate and like the way it is. The community seems to like it the way that it is. Some parts of this plan are impractical, particular the road network through Peter Jefferson Place. It does not bear any resemblance to the topography of the site. It goes right through existing buildings. As part of the approved application plan for Peter Jefferson Plan they have an approved road network that does meet the topography and does provide connection between the buildings. They feel that should be the basis for the planning for Peter Jefferson Place. Our concern is down the road they are going to have a conflict between an approved Comprehensive Plan amendment that covers Peter Jefferson Place because it is in conflict with the approved application plan, which they have been developing for the last ten years. That conflict could cause problems down the road. They strongly urge that they revert back to the approved application plan for both the uses and road networks within Peter Jefferson Place.

Neil Williamson, with the Free Enterprise Forum, said that he was very concerned with certain aspects of this master plan. He draws citizen attention particularly to pages 57 and 58. This is first master plan that they have "priority areas" within the development areas. The development areas consist of five percent of the county. These "priority areas" are the areas focused public infrastructure funding as well as impact redevelopment outside of the "priority areas" and the level of proffers required of rezoning. His fear is that what they will end up with is fewer rezonings and more by right development, which is the opposite of what the Comprehensive Plan is suppose to do. Under the transportation section of the plan the report cites Route 250, Richmond Road functioning at a "D" level of service today. The cause of this level of service failure is VDOT and Albemarle County failure to fund transportation solutions. They all know that transportation money is tight. It is indeed today. The master plan tries to have it both ways. First it suggests that unless one lived in the "priority areas" or the development area one would not get any public infrastructure funding. It then goes on to suggest facility and service improvements throughout the neighborhood, which are necessary to provide a minimum adequate level of service to the existing population in developed areas. Folks, this is not being done today and this master plan is not going to change that. The Free Enterprise Forum proposes dropping the priorities of this section of the master plan. Failing that the Free Enterprise forum suggests that all development area property owners outside of the new "priority area" receive a post card letting them know their infrastructure needs are not a priority to Albemarle County.

J. Willow, Executive Vice-President of the Blue Ridge Homebuilders Association, echoed a bit of what Mr. Williamson just said. As their name implies they are the residential builders in the area and they also are concerned about the issue of adding "priority areas" in to the growth areas. That changes a lot of the economics. It changes a lot of the opportunities. It puts an extra hurdle on builders and developers who

want to work with the county on focusing on the growth that they are interested in the development written suggests that if a builder wants to build outside of that "priority areas," even though it is in the growth extra penalties could be accessed in terms of more proffers or other kinds of things that would require the builder to bid up to get a project approved already in the development area, but just not in the "priority area." Even if they do that according to the plan in the "priority area" in the development and the county has not done its part to add the infrastructure necessary the plans says that the developer even under clearing all of those hurdles can still be then held responsible for providing that infrastructure before their project can be approved. They think that is an enormous burden on the development community that is not part of the deal. It has gotten into the plan at this point and they urge the Commission's very careful consideration of the impact of that kind of language.

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

Ms. Joseph asked Mr. Benish to talk a little bit about the implementation chapter.

Mr. Benish said that first the theme of it was to recognize that they have limited resources and to provide for all of the improvements necessary within our development areas is going to be difficult to achieve and to try to achieve some sort of focus on whether those logical areas are to prioritize improvements as they through the operating and capital budget. This concept was encouraged with discussion with the Board of Supervisors in December, January and February. There were some discussion with the Community Development leadership and the Board of Supervisors and the Board's directive, by a majority vote was to establish "priority areas" for resource allocation within these plans and to utilize those in some form in decision making potentially in land use decisions. There was a fair amount of discussion about what Mr. Williamson did speak to, which was the concern whether this type of methodology may have undesirable effects in terms of where growth could be channel zed. But, this is the first plan that is coming forward. The Place29 plan is in the process of working through a similar plan to do that. The Pantops area is a rather small area and it may not be the best model to use for this sort of thing. It is an area that has received a significant amount of development. The area that they prioritized are generally reflective of the areas where they have already approved development where they fell like based on a major catalyst to grow at the hospital that immediately adjacent area needs a priority location to ensure that with the fund that are available they do the improvements necessary to essentially keep up with what has already been approved or the implications for what they have already approved in adjacent areas.

Mr. Strucko noted that the traffic on Route 250 definitely needs an improvement.

Mr. Benish said that what staff was expecting tonight was to find out if the Planning Commission was ready to vote. Hopefully, the Commission is not ready to vote because of the outstanding issue. Staff would like to get any particular items that the Commission wants staff to focus in on. Therefore, staff will be able to determine if they can make the April 24 work session. One thing regarding the road concepts that are long term, they are dealing with the same issue in the Places29 process. To date there is a designation that they are using for possible future roadway beyond 20 years to identify idea areas so that they don't foreclose by building a structure where one day someone might want the opportunity to do something. They have not vetted that yet and have not seen how that plays out either. But, it is one way to identify things that are real visions and long term that may give some sense for how important they are in the short term. There are potentially ways to deal with things. What is important for staff to know is if there are any issues that the Commission wants staff to focus in on for that work session. Obviously, the consistency with Martha Jefferson and the Wheeler property they need to further address with the Commission.

Mr. Morris noted that looking at tonight's comment and back in 2003 they heard loud and clear at the meeting at State Farm that number 1 was the need to keep some green space.

Mr. Strucko agreed that he had heard the concern from residents that in this area the park space and green space was very important to keep. They were looking for reassurance of the green space. The second issue is the traffic along Route 250 and what if anything the planning process could do to mitigate that. The Pantops area is unique in some aspects due to the regional commercial area off of I-64, which generates a lot of traffic.

Ms. Ragsdale reiterated the Planning Commission's concerns:

- Follow up with Ms. Wheeler;
- Peter Jefferson Place and Martha Jefferson Hospital concerns;
- Stronger language in the Community Facilities Plan;
- Review priority areas to see how they mesh with the CIP;
- Page 30 regarding environmental law;
- Like an update on Glenorchy area and the Eastern Connector;
- The Issue with the consultants regarding the addition of local connections in the Eastern Connector;
- With the Southern Environmental Law Center need more pointed language about the need for revitalization of the stream as it relates to development proposals;
- Review the 20 year plan with Mr. Dracopoli and Ms. Wheeler and discuss those issues.
- Provide stronger language regarding the public facilities, which tie into other organization's plans. Staff may come back with some issues on that, particularly on the library plan, etc. Staff will bring back some additional information on public facilities from other agencies. Staff should talk with the post office since it is something that would be useful to this area.
- The Commission noted that this item was a good candidate for a 4:00 p.m. work session due to the number of people interested in attending that can't drive after dark.

**In summary**, the Planning Commission held a public hearing on CPA-2004-002, Pantops Master Plan to review the draft Pantops Master Plan and receive public comment on the draft. The Commission prefers not to act on the request or to schedule the next work session until all of the outstanding issues have been addressed. They would prefer a 4:00 p.m. work session due to the number of people interested in attending, including some residents that can't drive after dark. The Commission discussed the following issues and noted them as being important areas to focus on in the plan.

- The long term road concept for possible future roadways beyond 20 years needs to be explored to find potential ways to deal with feasibility issues.
- The consistency of the Martha Jefferson Hospital/Peter Jefferson Place Plans with the proposed Pantops Master Plan.
- Wheeler property proposal (for removal from the development area) needs to be further addressed (the owner has requested to be left in the development area).
- Reassurance that the natural beauty and green space of the Pantops area will be maintained.
- There need to be ways to mitigate the traffic along Route 250.
- Need to preserve the Monticello view shed.
- Stronger language is needed to set expectations for rezoning applications about public facilities, such as schools in the long term plan. Add specific or more comprehensive language on fire/rescue services and community facilities and services, specifically recommendations for schools, fire station and libraries.

- Review ways to address the preservation of Glenorchy Subdivision. Staff to provide update on the situation with VDOT/Gazebo Place Shopping Center, specifically the status of planning and construction for connector road from Gazebo Place/Hanson Mtn. Road through Glenorchy to Rt. 250.

- Explore options for ways to get more connections. Show some general way to provide for some other general access. There were two potential roads to delete or put in caveats on due to significant topographic restraints located behind Westminster Canterbury and Luxor.

- Add some comment/recommendation/strategy relating to the protection and enhancement of the river (including water quality) and to support the wildlife. Some acknowledgment should be made in the process of reviewing projects for attention to be made to mitigate some of those impacts. Need to look for opportunities to improve the condition of the river.

Staff reiterated the key issues to be worked on before the next hearing:

- Follow up with Ms. Wheeler and review the 20-year scope of the plan with her;

- Address Peter Jefferson Place and Martha Jefferson Hospital concerns and review the 20-year scope of the plan with their representatives;

- Stronger language in the Community Facilities Plan;

- Review priority areas to see how they mesh with the CIP;

- Review Green Infrastructure section starting at page 30 to incorporate comments from the Southern Environmental Law Center; Consider the Southern Environmental Law Center's comments regarding the need for more pointed language about revitalizing the Rivanna River and providing greater environmental protections from development;

- Provide an update on the Glenorchy area/Gazebo Plaza and Hansen Mountain Road;

- Follow up on recent comments from the Eastern Connector study regarding the need for additional local connections to see if there are any implications to the Pantops Master Plan as proposed;

- Provide stronger language regarding the public facilities, which tie into other organization's plans. Staff may come back with some issues on that, particularly on the library plan, etc. Staff will bring back some additional information on public facilities from other agencies. Staff should talk with the post office since it is something that would be useful to this area.

Note: The April 24th work session tentatively will likely not take place, but staff will post that on the web site, A-Mail and other methods. Anyone interested in the review schedule can Ms. Ragsdale to keep up with this.

**Old Business**

Ms. Joseph asked if there was any old business.

Mr. Edgerton pointed out that he added some language to the proposed action agenda for last week that Mr. Cilimberg very appropriately softened a little bit. He welcomed the endorsement of the Commission to put that language in the action memo. He was really concerned that there has been a lot of confusion since last Tuesday night from the Biscuit Run applicant in what will happen and he wanted to make sure that what happened last week is accurate. He had been told that Biscuit Run would be coming back before the Commission, but he was not sure in what form. He was not sure exactly what the applicant is proposing.

The Planning Commission supported Mr. Edgerton's suggestion to include his language as edited by Mr. Cilimberg in the action memo.

Mr. Benish said that tomorrow the Board apparently is going to refer Biscuit Run back to the Commission for further consideration. Staff will be receiving new information very soon and the public hearing will likely be scheduled for May 22, 2007 for the Commission to reconsider the new information.

Mr. Edgerton suggested the Commission make a statement to the Board that would specifically say that they need enough time to do this review in the right way. He proposed the following language:

> In considering the scale of the Biscuit Run rezoning and the significant impact that the subsequent development will have on the community and the issues that continue to need resolution the Planning Commission would welcome the suggested deferral. But, only if the applicant is willing to agree to a limited deferral to allow the County staff the time needed to adequately review and advise the Commission on the issues of concern.
>
> A project of this scale and scope certainly requires all of the resources that the County can bring to the review and to allow the applicant to reduce the requirements only for his benefit and it not be in the community's best interest.
>
> They sincerely hope that the Board agrees that the significant potential of the Biscuit Run rezoning continues to require a full review of all applicable departments and the County staff, a full review by the Planning Commission and a full review by the Board of Supervisors.

Ms. Joseph felt that the language was too open-ended. They do not know what that means or when they will submit it. She noted that Mr. Cilimberg had noted last week that it would take at least five weeks after all of the information had been submitted.

Due to the uncertainty of what the Board's action will be tomorrow (what direction they might provide to the Commission) the Commission asked staff to pass along their comments to the Board expressing their frustrations and concern about not allowing the same situation to happen again. The Commission did not want to hold another public hearing without staff having enough time to review the applicant's submittal and time to do a proper review to produce a staff report to be distributed to the Commission in a timely manner. If the Commission does not have complete information they will be in the same situation.

Mr. Morris said that not only would he like a complete staff report and the staff comfortable with it, he would like to see that staff report at least one week ahead of time.

**The Planning Commission asked staff to express their concerns, as stated by Mr. Morris, to the Board of Supervisors as follows: The Commission wants complete information prior to the public hearing completely reviewed by staff provided to the Commission and the applicant in a timely manner.**

There being no further old business, the meeting proceeded.

**New Business**

Ms Joseph asked if there was any new business. There being none, the meeting proceeded.

**Adjournment**:

With no further items, the meeting adjourned at 10:45 p.m. to the Tuesday, April 10, 2007 meeting at 6:00 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.)