Albemarle County Planning Commission
April 24, 2007

The Albemarle County Planning Commission held a meeting and public hearing on Tuesday, April 24, 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, Duane Zobrist, Calvin Morris, Vice-Chairman and Marcia Joseph, Chairman. Eric Strucko and Pete Craddock were 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; Pat Lawrence, Planner; David E. Pennock, Principal Planner; Allan Schuck, County Engineer; Rebecca Ragsdale, Senior Planner; John Shepherd, Chief of Current Development and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

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

Other Matters Not Listed on the Agenda from the Public:

Ms. Joseph invited comment from the public on other matters not listed on the agenda. Neil Williamson has to leave early and wants to speak to an item that is on the agenda. The Commission has given him permission to do so.

Mr. Williamson, Executive Director of the Free Enterprise Forum, thanked the Commission for allowing him to speak on the CPA with regard to the growth management policy update. He distributed the March 2, 2005 Board of Supervisors minutes noting the following. (Attachment A – March 2, 2005 Board of Supervisors Minutes)

- The Board discussed the priorities in the Rural Areas at some length on March 2, 2005. He thought that discussion would prove helpful in the Commission's working to make all of the chapters agree with regard to the priorities of uses within the Rural Area. They contacted the Farm Bureau earlier this week. The Farm Bureau had seen the newspaper article, but had not been contacted with regard to this particular CPA. The Free Enterprise Forum, the Farm Bureau, members of the Chamber of Commerce, Tom Olivia and the Piedmont Environmental Council all served on a Rural Areas Focus Group that worked for about 2 years on the Rural Areas Plan. They are all in favor of maintaining those priorities as they were approved in the Comp Plan. Since the Commission is working to make everything congruent he just wanted to make sure that the Commission has the language that was used at the Board of Supervisors.

There being no further matters not listed on the agenda from the public, the meeting moved on to the next item.

Regular Items:

SUB-2007-00062, Avon Court – Preliminary: Waiver Requests
Request for preliminary plat to create ten (10) lots on 6.78 acres. The property is zoned LI (Light Industrial). The parcel described as Tax Map 77 Parcel 8B is located in the Scottsville Magisterial District on the westerly side of Avon Court Road (Route 742) approximately 1,000 feet from its intersection with Avon Street Extended. The Comprehensive Plan designates this property as Residential in Urban Areas 4. (Pat Lawrence)

Mr. Lawrence summarized the staff report.

- The applicant requests approval of a preliminary plat to create ten parcels out of 6.78 acres in a Light Industrial zoned district. It is partially within the Entrance Corridor. Avon Court is a 14' wide semi-paved roadway approximately 600' from the Avon Extension (Route 742). The applicant had originally requested waivers for critical slopes, sidewalks

and planting strips. Staff found that it was not necessary that they request those waivers because they did not pertain. Critical slopes were not germane. Sidewalks and planting strips were not part of this phase.

- The issues tonight are the waiver requests to Chapter 14, Section 14-409(B) Street Interconnection Waiver and Chapter 14, Section 14-410(H) Street Improvements Curb and Gutter. Staff recommends denial of both waiver requests.

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

Mr. Edgerton asked for clarification on staff's comment that the critical slopes are being disturbed, but the decision was made that they were not an issue. He asked if the ordinance allows that kind of discretion.

Mr. Lawrence replied that decision was a decision made by staff based upon 2 things. First, it was minimal disturbance of those critical slopes and they were man-made.

Mr. Edgerton pointed out that in the past the Commission has granted waivers when they are minimal and when they are man-made. But, he was not sure if the ordinance actually allowed that judgment to be made. His read of the ordinance says that any disturbance has to be signed off by the Commission. He asked if that was not correct.

Mr. Shepherd replied that the policy in the development area allowed that decision to be made by staff

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

Scott Collins said that he was the engineer for the applicant, Avon Holdings. Tonight the Commission has before them a plan for 10 light industrial lots with the extension of Avon Court for about 500 linear feet. With that development they are looking for 2 waivers on what Mr. Lawrence previously mentioned in the staff report. One was the interconnectivity to parcels to the north and south of the parcel 77-7. Also, it was a request for a waiver on the curb and gutter. The plan shows the outline of their property. They propose to extend Avon Court Extended 500' to allow 10 light industrial lots. They are improving the access to parcel 77-9. Over 90 percent of Parcel 77-7 is in floodplain. At the maximum width it is less than 50' of development area that is outside of the floodplain, which is the reason they are requesting the waiver tonight. In addition, the current condition of Avon Court is road side ditch. They are looking to extend that down into their development to keep with the characteristics of it and since it is light industrial as well. Other than that he was here to answer any questions.

Ms. Joseph asked if there were any questions for Mr. Collins.

Mr. Cannon asked if the connection to the adjacent parcel potentially serve any other areas than what he characterized as the floodplain areas of Moore's Creek.

Mr. Collins replied no. Basically this parcel is surrounded on three sides by Moore's creek. Beyond that the adjacent properties are all residential subdivisions to the south, west and north. It is surrounded by all residential that is built out right now. So there would be no consideration for crossing Moore's Creek for another interparcel interconnection to anything across the creek.

Mr. Cannon said that he was not suggested that they should, but if they crossed Moore's Creek they would have an interconnection to those adjacent developments.

Mr. Collins replied that was correct.

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 come forward and address the Commission on the curb and gutter. She noted that Mr. Schuck had said that it was important to have the curb and gutter in this area. She asked if he could elaborate any more than what he has in his comments.

Allan Schuck, engineer who reviewed the plan, said that the County Code requires curb and gutter in the development area. He presented a power point presentation of a quick tour of the property from Avon Street all the way back showing what the conditions are today. VDOT has already approved the existing commercial entrance. The cross section is approximately 18' in the front commercial development. The proposed subdivision will start in the fork of the intersection. The current cross section of the ditch shows that it is approximately 14' wide. He noted that there were some existing drainage problems with the existing cross section. There are steep slopes for the driveways as well. This is one of the reasons that staff asked for curb and gutter. The drainage could be controlled with the inlets as opposed to having it run across the road and potentially having the problem in the winter. Regarding the extension of the interparcel connection, the applicant shows an existing dirt road along the edge of the existing subdivision. As shown on the neighboring parcels it is mostly floodplain that exists today.

Mr. Zobrist said that he was not quite sure where the interconnectivity that he was looking for is. He asked if it was into that parcel in the floodplain.

Mr. Schuck replied no, the reason why he was showing the pictures is that from an engineering review standpoint no there is no outstanding engineering issues that would prevent an interparcel to be made. He just highlighted these 3 potential areas as potential interconnection points. He was not suggesting that one is better than the other.

Mr. Zobrist said that he was having a hard time understanding. They are talking about interconnectivity to the adjoining parcels that are all floodplain.

Mr. Schuck replied that is correct. That is another waiver that they had asked for.

Mr. Morris asked how the curb and gutter will affect this particular site in relationship to the floodplain and Moore's Creek. He would imagine that it would tend to flood and asked if that will help

Mr. Schuck replied that as they could see with the existing conditions the run off is free to go and overflows the existing ditch now. So it is hard to control where it is going to go. Obviously, it runs down the ditch and runs off the existing conditions. The main purpose of the curb and gutter is that it could control that. They can control the flow rate and where they want the run off to go. If they want to run it for LID purposes or if they want to run it into a direct storm water management facility they were more capable of doing that. Also, the Code requires in the development areas for the curb and gutter. Even with the proposed heavy traffic it would contain the vehicles and help prevent the drainage from going astray with ruts in the road and not maintaining the ditches, etc.

Ms. Joseph asked Mr. Shepherd what kinds of things can be done in the floodplain. She asked if athletic fields were allowed.

John Shepherd replied that the floodplain would be very limited. Athletic fields would be allowed. The floodplain is very protected and very limited. Nothing can be stored there. No petroleum products can be stored there. That means that parking can't be in the floodplain.

Ms. Joseph noted that there could be no parking or structures in the floodplain.

Mr. Shepherd agreed that no structures would be allowed for human habitation.

Ms. Joseph noted that there could be a storage structure, but it could not have any kind of gasoline or petroleum products stored there. Therefore, lawn mowers could not be stored there.

Mr. Shepherd agreed that it was very controlled on what can be in the floodplain.

Mr. Schuck noted that almost assuredly to do any construction in the floodplain would require a special use permit for fill in the floodplain. The floodplain limits are extremely wide in this location.

Mr. Shepherd noted that this parcel was landlocked. There is no access to it. So that was part of the analysis in recommending the interconnectivity.

Mr. Cannon said that by providing the connection in this point do they invite development on the floodplain or further activity in the floodplain, which otherwise would not occur.

Mr. Shepherd replied that he did not believe so. All of the regulations that control the floodplain remain in effect.

Mr. Cannon asked if there is a purpose to be served by the connection here to the floodplain if it is so limited in use.

Mr. Shepherd replied that the purpose in this requirement is in some ways driven the most by the fact that it is landlocked now.

Mr. Zobrist noted that it would remain landlocked.

Ms. Joseph asked if there is an access to it right now.

Mr. Schuck replied that there is not an easement there over that dirt road. The proposed right-of-way stops at the end of the pavement as shown. So there is no proposed easement or access to this parcel as shown on the preliminary plat.

Mr. Cannon asked if there is not a way to get to this property unless this road is put through.

Mr. Schuck replied that is correct.

Mr. Zobrist said that the applicant has the capability of giving us the ability to get over the floodplain if they require it.

Mr. Schuck replied that at this particular time parcel 77-7 is landlocked.

Mr. Zobrist asked who owns the right-of-way that they are looking for, the applicant.

Mr. Schuck replied that was correct for the right-of-way that they would be looking for. The VDOT right-of-way goes back to where the black line goes over the red line. So from that period forward there is not access to 77-7.

Mr. Zobrist said that in order to make that land possibly useable for a permissive use in the floodplain they have to have some access from somewhere and it does not exist right now. That is the reason for the denial.

Mr. Schuck replied that is correct. Also, staff recognizes the fact that every parcel needs to have access.

Ms. Joseph noted that the recommendation for denial was based on what they had looked at last week. They looked at potential problems if there is no curb and gutter. She did not necessarily think that a road has to be built to the adjacent parcel, but there needs to be some sort of easement to the adjacent parcel.

Mr. Zobrist concurred.

Action on Waiver of Section 14-410(H) – Curb and Gutter:

Motion: Mr. Zobrist moved, Mr. Morris seconded, for denial of the waiver of Section 14-410(H) – Curb and Gutter and Section 14-409(B) for inner connection of streets within a subdivision, for the reasons stated by staff in the staff report.

The motion for denial passed by a vote of 5:0. (Mr. Strucko and Mr. Craddock were absent.)

Ms. Joseph stated that the requests for the inner connection of streets within a subdivision and curb and gutter waiver have been denied. The decision can be appealed to the Board of Supervisors within ten days.

Mr. Collins pointed out that they would agree to provide an easement if that was acceptable to the Commission.

SUB-2006-00417, Bundoran Farm – Final Plat

Request for approval of a final plat to allow the creation of 92 lots. The property, described as Tax Map 86, Parcels 13, 13A, 16C1, 22, 22A, 23, 23A, 23B, 23C, 24C, 24D, 25, 26 and Tax Map 87, Parcels 1B, 2, 3 contains approximately 2,301 acres zoned RA, (Rural Areas). The proposed development is located west of Route 29 and is located on the northeast and southwest side of Plank Road (Route 692) and the north and south side of Edge Valley Road (Route 696). This site is located in the Samuel Miller Magisterial District. The Comprehensive Plan designates this property as Rural Areas in Rural Area 3. (David Pennock)

Mr. Pennock summarized the staff report.

- This is a request for final plat approval for Bundoran Farm. This is a large development of 2,300 acres south of town off of Route 29. The item was before the Planning Commission for the preliminary subdivision approval last August. The approval was granted as well as approval for waivers in order to allow private streets and some disturbance of critical slopes. One of the conditions of approval was that the final plat returns to the Planning Commission for review, which is why they are here today.

- Three weeks ago they had a work session with the Planning Commission in order to discuss the proposed conservation easement over the property. The modified format is a declaration of covenants basically in order to restrict development on the majority of the property as the applicant had always intended, which is going to be half and half farm belt and green belt.

- The number of proposed lots listed on the staff report summary and in the report itself says 92 lots. It is actually 93 lots. There is no change from the preliminary subdivision approval. The key number that has always remained the same is the 108 potential home sites that the applicant is proposing. That includes some properties that will have multiple home sites. There are certain cases where there are existing houses out there that will remain in addition to potential new houses that might be built for not exactly a tenant farmer but a dependency lot on the same property in order to allow someone else to live on the same property. So the number 108 seems to be the key number there that has stayed consistent throughout.

- Attachment B is the declaration of preservation covenant. Since the work session the applicant has provided additional language in that, which has been reviewed by Greg Kamptner for the County Attorney's Office as well as by staff. With a few changes they are happy with it and feel that it meets the intent of what was proposed during the preliminary subdivision review.

- Based on one question, there is one proposed change on the handwritten numbering page 10, which is page 3 of the covenant. At the end of Item 3a it talks about special events to promote and celebrate farming and agriculture and one of the suggested uses is farmer's market. Technically farmer's market is not allowable in the rural areas district under the current ordinance. But, the intent was really for farm sales, which is allowable by special permit. The applicant is willing to go with that changed language there to farm sales.

- Another change is to the condition 8 of the staff report. It should include the dedication of monitoring well easements on the property. That was at the request of the initial Tier III Groundwater Review by David Swales, the Groundwater Manager for the county. In a conversation today, Mr. Swales said that he was not actually requesting those

easements. He has gone to the applicant and they have offered to provide samples if there are any chemical contaminants or things like that. Mr. Swale does not feel that he needs a permanent easement. There is no need to actually drill a test well on the property in the future. Therefore, he has asked that condition be removed, which the applicant has agreed to do. Condition 8 will be struck from the list of recommended conditions.

- Staff recommends approval of the final subdivision plat with the deletion of condition 8.

Mr. Zobrist noted that on handwritten page 12 it has Bath County as opposed to Albemarle County, which needs to be corrected.

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

David Hamilton, project manager for Bundoran Farm, said that he was representing the applicant. He felt that staff has given a pretty comprehensive description of what they have been doing with staff and the County Attorney over the last few weeks in addresses these questions. He simply wants to note a couple of additional items that they have identified in their meeting immediately after the Planning Commission. They met with David Kamptner and David Pennock. In addition to the total number of home sites that Mr. Pennock mentioned they clarified the uses allowed in green belt areas. They have tried to make those refer directly to the language in the RA zoning as far as what is allowed and disallowed uses. They all need to be on the same page. They further limited the size of individual home sites, which was an implied concern to an individual home site being limited to 2 acres. Mr. Edgerton also asked at the last meeting for a specific prohibition on clear cutting. In consultation with Mr. Kamptner and with their forester, Mr. Goodall, they have provided language which he believed was consistent with precedence with the County in conservation easement language. The declaration the Commission is reviewing tonight represents their attempt to fully incorporate all of those comments from Community Development and the County Attorney. The development team and he are here to answer any questions. They are certainly willing to make the change from Bath County and to address David's issue for the change on page 3 as well.

Ms. Joseph invited public comment. There being none, the public hearing was closed and the matter before the Commission. She asked Mr. Kamptner how it would work for this to be reviewed every 10 years.

Mr. Kamptner replied that if an amendment is proposed they will submit something to the County. He would expect that would come into the Department of Community Development. The question is who in the County represents the County. He thought at this point that authorization would begin with the Board of Supervisors. The Board can delegate that authority by resolution, which was what they had done with a number of other types of tasks that normally goes to the Board of Supervisors.

Mr. Morris said that he was very pleased that everything that was addressed in their meeting with these folks have been addressed and very well.

Mr. Cannon agreed. He felt that they were looking for an appropriate level of involvement on the part of the County and there were now provisions naming the County as the third party beneficiary in a position to enforce the terms and conditions of the document and also requiring the County's approval for any amendment to the instruments. So that satisfies him that they have all of the control that they might want to exercise in the future.

Mr. Zobrist felt that the applicant has met all of their concerns from their meeting three weeks ago.

Mr. Edgerton said that he appreciates the extra language against clear cutting.

Motion: Mr. Cannon moved, Mr. Edgerton seconded, for approval of SUB-2006-00417, Bundoran Farm Farm – Final Plat with the conditions as set forward by staff in the staff report, as amended, with the deletion of condition 8 and the amendment to the language in the declaration of preservation covenant on page 3, changing farmer's market to farm sales.

Ms. Joseph said that she cannot support this request.

The motion passed by a vote of 4:1. (Ms. Joseph voted nay.) (Mr. Strucko and Mr. Craddock were absent.)

Ms. Joseph stated that SUB-2006-01417, Bundoran Farm Final Plat was approved.

SDP-2007-00031, Korean Community Church – Critical Slope Waiver Request:
Request for waiver of Section 4.2 building site requirements in order to construct a two-story church with 6,090 square feet footprint – portions of parking and drive aisles, as well as associated grading on critical slopes. The parcel, described as Tax Map 59, Parcel 23G, contains approximately 3.851 acres and is located 350 feet from Ivy Road (Route #250) approximately 0.28 miles form its intersection with Broomley Road (Route #677). The Comprehensive Plan designates this property as Rural Areas in Rural Area 1. (David Pennock)

Mr. Pennock summarized the staff report.

- This is a proposed relocation of the Korean Community Church from the adjacent property where it is currently located next to the Christian Aid Mission to this site. It is located on Route 250 west of town just behind the existing Volvo dealership.
- The proposed church is 2 stories approximately. This item was before the Planning Commission last June for a waiver in order to disturb critical slopes for the installation of the parking areas as well as for parts of the building and the grading associated with that. Since that time there have been some changes. They had to reorient the building and parking locations in order to accommodate the drain fields. It caused some shifting to both the parking areas and the buildings, which flip flopped. The overall disturbed area of critical slopes has gone up a little bit. Staff's recommendation will stay the same given the items in the critical resources and open space plan and the engineering review. Staff is willing to still recommend approval of the amendment to the critical slopes waiver, which was approved last year.
- The second item is that now that the final site plan has been submitted the applicant is requesting a waiver from the requirement for curb and gutter on the access serving the site. There is an existing access easement down the eastern property line of that site to get to the rear portion. That access also serves the Kirtley property, which is east of this property. There is a warehouse in the back that gets access from an easement. The applicant is willing to provide curb and gutter in the parking areas and the drive isles on the site itself, but has asked for a waiver of the provision to require curb and gutter on the rest of the access that staff considers a private street serving the property. That waiver is typically an administrative review. Staff's analysis of that, the engineering review particularly, found that it was a fairly steep of property that was about 11 percent existing slope and the ditches at the present time are earth and ditches on both sides of the road, which shows some signs of erosion. Staff was unable to administratively approve that request and the item has been appealed to the Planning Commission for review. Again, the main items that staff looks at in their review have to do with the existing conditions of the road, the proposed improvements and whether or not the alternative standard would adequately serve the run off from the site. About a third of this site would run off onto the roadway. As mentioned, there are currently signs of erosion. Given the potential of making that problem worse as well as the goals in the Neighborhood Model speaking to orderly development and control of run off, staff is unable to recommend approval of this waiver request.

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

Mr. Zobrist asked if staff is recommending approval of the critical slopes, but not for the curb and gutter waiver.

Mr. Pennock replied that is correct.

Ms. Joseph asked if the Commission has any condition on the critical slopes waiver request that they granted the first time.

Mr. Pennock replied no.

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

Johnny Drumheller said that he worked for Dominion Development Resources who did the site plan. He was basically here to answer any questions. To be quite honest he thought that this item was on the consent agenda just for this. He never received the full report.

Mr. Pennock noted that previously the critical slopes waiver was on the consent item when that was the item going since it was an amendment to a previous approval. But, the administrative waiver not being granted is what triggered the additional review.

Ms. Joseph apologized that the applicant did not know about this review.

Mr. Morris noted that he was concerned about that. He asked if the applicant would like to request a deferral so that he could prepare for it.

Mr. Drumheller replied yes that he would like to request a deferral.

Ms. Joseph asked if they have a date to defer to.

Mr. Morris asked how long the applicant would like to have.

Mr. Drumheller replied that next week would be fine.

Mr. Zobrist asked if there was an advertising problem.

Mr. Kamptner said no, that it was not an advertising problem, because it was not a public hearing item. It just needs to be on the agenda.

Ms. Joseph noted that the Commission would not expect another staff report at this time, but would just keep the current staff report. The deferral will provide an opportunity for the applicant to talk with staff about what is going on.

Mr. Drumheller requested a deferral to next Tuesday, May 1.

Motion: Mr. Morris moved, Mr. Zobrist seconded, to approve the applicant's request for deferral of SDP-2007-00031, Korean Community Church – Critical Slopes and Curb and Gutter waiver requests to next Tuesday, May 1, 2007.

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

Ms. Joseph stated that SDP-2007-00031, Korean Community Church waiver requests were deferred to Tuesday, May 1, 2007. This will give staff time to get with the applicant to explain what has happened.

Public Hearing Item:

CPA 2005-00002, Growth Management Policy Update

Amend the Land Use Plan component of the Albemarle County Comprehensive Plan by revising the Growth Management and Public Facilities sections to be consistent with the more-recently adopted Rural Areas component of the Comprehensive Plan. Amendment would change policy identifying agriculture and forestry as priority uses in the Rural Areas to a policy identifying multiple important aspects of the Rural Areas to be protected. A copy of the full text of the proposed plan amendment is on file in the office of the clerk of the Board of Supervisors, and in the Department of Community Development, County Office Building, 401 McIntire Road, Charlottesville, Virginia. (Scott Clark)

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

- The Planning Commission had a work session on this item on April 10, 2007. This is the public hearing to receive public comment on this proposal. The current Growth Management section of the Land Use Plan was originally adopted in 1996 and refers to 6 elements of the Rural Areas. It defines the 6 elements of the Rural Areas being agricultural and forestry resources, water supply resources, natural resources, scenic resources, historical and cultural resources and limited services delivery as the defining elements of the Rural Areas and notes that the protection of agricultural and forestry is the highest priority. That is what is in the current Comprehensive Plan.

- On March 2, 2005, the Board of Supervisors adopted a new Rural Areas section of the Comprehensive Plan, which included guiding principles establishing policies regarding the features or elements that make up the Rural Areas. The new policy refers to 8 features that are recognized as important in defining the principles that make up the Rural Areas. Those listed are agriculture, forestry resources, land preservation, land conservation, water supply resources, natural resources, scenic resources and historical, archaeological and cultural resources. In many ways it reflects the same principles and only defines them more specifically.

- The emphasis with the adoption of the Rural Areas section was to give implied importance to all of the resources, but not identify any one resource as more important than the other. So that is the major difference between the current Growth Management Policy adopted in 1996 and the current Rural Areas Policy. This amendment is to bring the Growth Management Policy consistent with what was adopted in the Rural Areas Section of the Comp Plan in 2005. The amended language is found in the staff report as Attachment B. Attachment C is another reference in the Growth Management Policy, which is in the Community Facilities Plan. The new attachment in the packet is what staff considers as the clean up of the Rural Areas Policy to ensure that there is consistency in the language across all of these amendments. This is the revised goal for the Growth Management Policy. There are some changes in the text that modify the language. The Community Facilities Plan references the new Growth Management Policy as would be adopted here.

There being no questions for staff, Ms. Joseph opened the public hearing and invited public comment.

Joseph Jones, a resident of western Albemarle County and current President of the County Farm Bureau, was present. Mr. Benish mentioned eight resources that they have in the County. The Board agreed that agriculture and forestry should have a primary emphasis in the Rural Areas when they adopted the Rural Areas Comprehensive Plan. That was pointed out by Neil Williamson earlier this evening under other matters not listed on the agenda. (See Minutes above) He asked staff to make sure that primary emphasis be carried through in the language in the Growth Management Policy Update. Otherwise, he did not have any objections to what is being proposed here.

Mr. Morris asked if he agreed with number 1 and 2 as far as giving it the proper place that he feels that it belongs.

Mr. Jones replied that the language said that by agricultural and forestry being the primary uses the other uses are enhanced or facilitated. If they keep agriculture and forestry as the primary uses, then it will benefit all of the others.

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

Mr. Edgerton said that he had tried to quickly read Mr. Williamson's handout. Although there were several supervisors that were anxious about changing the priority away from it, his read of it was that they did not reach a consensus as Mr. Jones has represented. He did not think that was an accurate read of

what occurred from the Board's minutes. There was a lot of discussion at the Board level about the complimentary features of all of these items. Staff has done a remarkable job of coming up with language that captures the importance of all of these elements in the Rural Areas. He was quite comfortable with what he sees.

Mr. Morris concurred with Mr. Edgerton.

Mr. Zobrist noted that he had received several phone calls today. If they look back at the language of the guiding principles of the Rural Areas Section of the Comprehensive Plan from the Board, he did not find anything inconsistent with to the other parts of their plan that fall along with the March 2, 2005 discussion. It is very clear in those minutes that they are to protect Albemarle County's agricultural land as a resource based on its agriculture industries and relation to its benefits that can move towards the County's forestry. It goes down all of the resources. There is a strong commitment in the County. Supervisor Wyant is very much in accordance with the Rural Areas Section from 2005. He accepted his assurances that he interpreted this change in the other sections as being consistent with this.

Ms. Joseph felt that everybody's fear is that if they start eroding the role of agriculture in the Comp Plan then they will start changing the Zoning Ordinance to erode that role. She did not think that was what this was doing.

Mr. Zobrist felt that it was to the contrary. He liked the language that Mr. Benish has drafted that says in the guiding principles of the Rural Areas Plan residential development is inconsistent with the protection of those defining principles and it should be prevented where possible. That is a much stronger word than saying that it is a secondary use. They had a retreat this past weekend with the Commission in looking at growth in the Rural Areas and they are committed to the idea that anything that they can do to slow down growth in the Rural Areas that they are going to do it. The Commission thinks that is what the Board of Supervisors has given us the mandate to do. They are looking for ways they can keep our County beautiful and rural outside the development areas. They think that they starting to see some success in seeing the development areas growing and the rural areas slowing down a little bit, or at least they hope so. They are hoping that these types of policies will keep it down and, of course, consistent with by right development.

Mr. Cannon said that depends very much in keeping agricultural and forestry activities healthy and robust.

Motion: Mr. Morris moved, Mr. Cannon seconded, that CPA-2005-00002, Growth Management Policy Update be forwarded to the Board of Supervisors with the recommendation for adoption.

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

Ms. Joseph stated that CPA-2005-0002, Growth Management Policy would go to the Board of Supervisors with a favorable recommendation.

Mr. Benish noted that this item has not been scheduled for the Board's agenda yet, but will be set up now that the Commission has taken action.

The Planning Commission took a break at 6:59 p.m. and the meeting reconvened at 7:07 p.m.

Work Session:

Blue Ridge Cohousing ZMA Pre-Application Work Session

PROPOSAL: Conceptual development proposal submitted for discussion with the Planning Commission prior to a rezoning application to rezone 6.16 acres from RA Rural Areas, which allows for agricultural, forestal, and fishery uses; residential density (0.5 unit/acre), likely to PRD Planned Residential District, which allows for residential (3 – 34 units/acre) with limited commercial uses. The applicant proposes up to 32 dwelling units, including duplexes and townhomes.
PROFFERS: No

EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Crozet Master Plan, Urban Edge (CT3) - supports center with predominately residential uses, especially single-family detached (net 3.5-4.5 units per acre) (net 6.5 units per acre if accessory apartments are added for 50% of the residential stock) and Development Area Preserve (CT1) - development area open space preserve or reserve with very low residential density (net 1 unit per 20 acres) in the Community of Crozet in the Development Area.
LOCATION: Community of Crozet, 1317 Parkview Drive, approx. 500 feet north of the intersection of Parkview Drive and Three Notched Road (Route 240).
TAX MAP/PARCEL: Tax Map 56, Parcel 67A
MAGISTERIAL DISTRICT: White Hall
STAFF: Rebecca Ragsdale

Ms. Joseph apologized to staff for asking so many questions because she thought this was an actual rezoning application. This is a pre-application review. But, she did appreciate staff's answers. It would be helpful for the applicant to a copy of those answers.

Mr. Ragsdale summarized the staff report.

This is a preliminary review and the first look at it to talk about the consistency of the cohousing proposal with County policies, mainly the Crozet Master Plan. They need to begin to identify those issues and areas of concerns or expectations that they would have for an actual rezoning submittal. This will provide an opportunity for the applicants for the cohousing proposal to introduce themselves and provide some background information. Staff has notified the adjoining property owners so that they can be part of the discussion if it moves for a rezoning. That being said, she presented an overview power point presentation. Then the applicant will address the cohousing concept. Staff has some discussion questions to cover tonight.

The proposed site is 6.1 acres, but there may be some discrepancies between the parcel boundaries in our tax map that will need to be addressed with an updated survey. It is located in Crozet off of Three Notched Road in Crozet. The parcel is located entirely in the development area. The development area boundaries for Crozet follow Parrot Branch, which is also the northern property line. The property would be access via what is a private road, Park View Drive indicated as a 50' right-of-way existing back. There are also some other private drives going back. There is another stream along the southern boundary. It is in an area surrounded by Rural Areas zoning.
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Staff asked for the Commission's direction on the following discussion questions:

- Are the residential Density and housing type, as conceptually proposed, appropriate based on Crozet Master Plan recommendations?

Staff noted that the 32 proposed units is slightly more than the 29 units indicated in the report, which is what would be the guidelines for density in the Crozet Master Plan.

- Any comments regarding the design and layout of the proposal as it relates to the Neighborhood Model.

Ms. Joseph invited the applicant to address the Commission.

Peter La Zore, of Blue Ridge Cohousing, LLC distributed an introductory book about Cohousing to the Commission. He pointed out that there was a strong homeowner's association that was managed by the residents. He presented a power point presentation. He noted that they were not taking any profit from this project. Other persons present include future neighbors and officers from Community Housing Partners, who are their partners for developing, as follows: David Jones, project manager; Carland Arnold, architect, Jim Pritchett, VPO of Development; Michael Gay, civil engineer; John Capictor, CEO and Founder.

The following persons spoke in favor of the rezoning request.

Nancy Jackall spoke on behalf of the Blue Ridge Cohousing Group. As a single parent this would provide an opportunity to own her own home. They plan to preserve the old home, the old tree, the outbuildings

and the perimeter of the property. She supported the request. They look forward to producing a community on this piece of land.

Trina Blair, an adjacent property owner to the propose Cohousing site, voiced concerns about the development of this site. They enjoy the privacy and beauty of their home. They have several concerns about the development of this site. What is currently a beautiful entrance to the property will be widened and become a state maintained road eliminating beautiful old trees. There will be a lot of construction and an increase in traffic. What will be the environmental impact if this property is developed? They have a beautiful creek that runs along the back of the property and will it be affected in any way. Regarding growth, Crozet Elementary School is already overcrowded and children have been redistricted to Brownsville Elementary. How do they know that the growth will stop here?

Danius Blair spoke in opposition to the request. He had concerns about the potential damage to the creek and the water supply. The increased traffic will be a problem. He questioned who would monitor the traffic to ensure that the traffic was not increased by the cohousing. He did not object to the cohousing concept, but felt this was not the right place for it to exist. He supported keeping the property rural in nature even though it was in the development area.

Beverley Hereford noted concerns about the private road and the increased traffic. There is already a problem with traffic getting out onto the road. She was concerned with the private road and questioned if a traffic signal would be necessary with the addition of these houses.

Rosemary Gould, resident of 1251 Chatten Ridge Road near Penn Park, said that the staff report describes the community as being inwardly focused. Their intent is not to be closed to the wider community. She spoke in support of the request. They want to have the parking lot located so it is safe to walk within the community

Steve Melton, an adjacent property owner for 20 years, said that this is a special area. He was in opposition to this use being located in this unique area. There is a mixed use in this area currently. Park View Drive has an easement on it. They have been maintaining the road for years and have a lot of concerns about this proposal. They care about what happens in their back yard.

The Planning Commission answered the questions posed by staff in the following summary.

In summary, the Planning Commission held a pre-application work session on the Blue Ridge Cohousing ZMA to provide guidance to staff and the applicant on several issues that relate to the applicant's request to rezone the property. The Commission received input from the applicant, staff and the public. The Commission discussed the questions posed by staff and provided the following comments.

1. Are the residential Density and housing type, as conceptually proposed, appropriate based on Crozet Master Plan recommendations?

2. Any comments regarding the design and layout of the proposal as it relates to the Neighborhood Model.

- The Commission discussed residential density and housing type, considering the Crozet Master Plan recommendations for CT 3 Urban Edge designated areas and the relationship of the property to the Rural Area boundary. (The applicant indicated at the meeting that they had considered reducing their proposed number of residential units from 32 to 29 units, which would be consistent with the maximum number of units recommended by the Crozet Master Plan, provided that 50% affordable/accessory units are provided to allow a net density of 6.5 dwelling units per acre.) The Commission suggested that the density may need to be further reduced and that more single family detached units, or units designed in a manner that mimics single family detached units, would be appropriate for the property.

- The Commission's comments regarding design and layout were primarily about the relationship of the parking lot to Parkview Drive, the road that serves that area. The Commission suggested the applicant consider other design concepts for locating parking on the site.

- There were several neighbors, outside of the immediately adjoining properties but located nearby on Halycon Drive, that spoke concerning the proposal. The neighbors did not speak favorably of the project at this stage and their concerns were regarding impacts to the character of that area, improvements to Parkview Drive to support the project, impacts to Parrot Branch, and traffic concerns. The Commission recommended the applicant speak with the neighbors directly regarding their concerns.

- The Commission recognized that there is additional work needed by the applicant prior to a rezoning submittal, involving many other agencies and departments on the proposal, including the Albemarle County Service Authority, VDOT, Fire Rescue etc.

Old Business

Ms. Joseph asked if there was any old business.

- Mr. Morris thanked Mr. Cilimberg and Ms. Taylor for their assistance at the retreat on Saturday. It was a success.

- Mr. Cilimberg noted that staff would provide a summary of the Saturday discussion to the Commission.

There being no further old business, the meeting proceeded.

New Business

Ms Joseph asked if there was any new business.

- Ms. Ragsdale provided a brief update on the Current Crozet Downtown Zoning project. Staff is focusing the work through a committee of the community council there. The focus is on how they can make downtown Crozet better. Staff's goal is to get something to them in about 6 months. There are several entities in Crozet in addition to the Crozet Community Association. There is a Board appointed Crozet Community Advisory Council. Then there is also the Downtown Crozet Association, which is primarily business and property owners. In addition to the CCAC helping us there is a Project Steering Committee comprised of the working team to focus on this project as well. They are utilizing all of those existing community entities out there. The consultants that have been hired are Ken Swartz with Community Planning and Design. Milton Herd and Bruce Dotson will also be assisting with the project. The first community meeting will be held on May 10. It corresponds to the usual Community Association meeting. It is on a Thursday at the Fire House. There is a core group of County staff working on this project that will be keep the Commission updated along the way. Information on the upcoming meeting will be sent out via A-Mail.

- The following 4:00 p.m. work session are upcoming:

  - On May 22, the Pantops Master Plan work session has tentatively been scheduled at 4:00 p.m.
  - On May 22, there is also a work session during the regular meeting to go over the Places29 process to provide an introduction on how staff is going to review that with the Commission.
  - On June 5, there will be a 4:00 p.m. work session on Places29 to go over the transportation modeling and recommendations.
  - The Affordable Housing work session will be held at 4:00 p.m. on June 13 with the Board of Supervisors.
  - Staff invited the Commission to attend the Board of Supervisors day meeting next Wednesday afternoon regarding the Rural Areas Policy. Other items to be

presented include the Fiscal Impact Committee's recommendations for cash proffer and the Development Review Task Force recommendations.

There being no further old business, the meeting proceeded.

Adjournment:

With no further items, the meeting adjourned at 8:42 p.m. to the Tuesday, May 1, 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.)