Albemarle County Planning Commission
June 5, 2007

The Albemarle County Planning Commission held a meeting, work session and a public hearing on Tuesday, June 5, 2007, at 4:00 p.m., at the County Office Building Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Jon Cannon, Calvin Morris, Vice-Chairman; Marcia Joseph, Chairman; Bill Edgerton; Duane Zobrist and Pete Craddock. Absent was Eric Strucko. Mr. Craddock arrived at 4:14 p.m. Mr. Zobrist arrived at 5:05 p.m. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was absent.

Other officials present were Rebecca Ragsdale, Senior Planner; David Benish, Chief of Planning and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

Ms. Joseph called the meeting to order at 4:10 p.m. and established a quorum.

Work Session:

Pantops Master Plan - Work Session for discussion, and potential Commission action on staff recommendations responding to public and Commission comments from the draft Pantops Master Plan public hearing held April 3, 2007. (Rebecca Ragsdale)

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

- The Guidelines include item 6, which was new information that came out of the initial work sessions.
- Staff followed up with Ms. Wheeler regarding her property. It resulted in leaving a notation in the plan acknowledging that they have considered this removal, but ultimately not changing the land use designation. It would be treated as an applicant driven process in terms of changing the development areas boundaries. They had looked at it from the beginning of the Pantops Plan as a way of addressing the public comment they heard about additional open space to be preserved and preservation of this property. Based on its rural character and location as sort of a peninsula jutting up in the development area for Pantops had recommended that the property be removed. It is a 77 acre property that is zoned Rural Areas, but designated for Neighborhood Density in the Land Use Plan. That has resulted in a revision on the map with an explanation in the text that it is still a development area removal that staff supports, but it is just how it would be processed and when. It would not be processed with the Pantops Master Plan under this scenario. The legend says possible future removal to acknowledge that staff basically supports that. Staff sent Ms. Wheeler a copy of the staff report.
- Staff met with representatives of both Peter Jefferson Place and Martha Jefferson Hospital. They discussed the hospital's master plan and the long term expectations for the property. That has resulted in some map changes before the Commission as well. Primarily in the area around the Pantops Farm House and the Worrell Offices that area was shown with Urban Mixed Use and then Commercial Mixed Use. Essentially staff changed that area to Employment Mixed Use after further discussion. Both sides were comfortable that really fits better with the intent of both the office park and staff's intentions regarding it. There is a new road classification, which is described as possible optional roadway network beyond 2025. This was also applied to the road behind Westminster Canterbury. Staff is not quite sure it will be feasible or necessary, but want to consider those interconnections in the long term. There were some additional areas around the hospital from Urban Mixed Use to Institutional.
- The update regarding the Gazebo Plaza, Glenorchy and Hansen's Mountain corner of Pantops is that Gazebo Plaza Site Plan is approved by the County. They have met all of those requirements of the final site plan. They are working with VDOT who has to grant them the entrance permits and other approvals. But, the plan that was approved would not involve any construction of a relocation of Hansen Mountain Road. The County is still receiving the plans that VDOT does and

reviewing them to make sure that everything matches up with what was approved. But, it would involve closing the cross-over. In the plans she has seen there would be way to use the cross-over, but just as a limited access for emergency vehicles. The entrance to Gazebo Plaza would be off of Hansen Mountain Road. That is what is consistent with the 1980 plan that governs it. They will have the potential long term connections over into Glenorchy shown on the map. Staff has acknowledged in the plan that these would be disruptive to the neighborhood and they will work with the neighborhoods when and if VDOT and the County relocate Hansen Mountain Road for traffic calming public input.

- Regarding the Eastern Connector, staff did not make any changes to the map. Since its own separate somewhat parallel study staff has been updating the text as it moves along to acknowledge it and be reflective of that.
- Staff gave the Commission some updated implementation tables that Mr. Benish has been working on regarding updating the cost estimates and what projects are highlighted as priorities. That is reflective of some of the Southern Environmental Law Center comments and the need to do some more work and acknowledge the Rivanna River Corridor and also the Community Facilities' comments that they have heard. Chapter 8 was updated, which also includes the new tables.
- The tables try to take the recommendations of the plan and set a program for them. They establish a short term, which is the first five years of the plan, a mid-term, the second five years of the plan and then a long term would be remaining ten years of this proposed 20-year plan. These are general cost factored type estimates. They are not hard consultant estimates unless it actually is a consultant study that they may have the cost for. It is a unit cost type of concept. The table can be adjusted, but are reflective of what the public had said was of interest to them. Based on that concept staff set an implementation in place. In the last column staff tried to recognize whether the recommendation was in a priority area, which is consistent with the map on page 31 of the staff report.

Ms. Joseph opened the work session for public comment.

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. He reminded the Commission that the Master Plan and the Comprehensive Plan both make repeated references to the Neighborhood Model. What they are talking about here is the real possibility that the oldest residential neighborhood model in Pantops will be compromised, if not destroyed, if this developer is allowed to proceed as planned. This new road through Glenorcky, whether it takes part of his property or all of it, is to benefit a private developer. They are not going to bend to the will of this developer easily. They have not been consulted. They learned about the possibility in an article in the Daily Progress last fall. He then initiated communication with people at VDOT. Only after he opened those communications did VDOT offer to meet. He found out that the Culpeper Office had meet with Ashcroft already without consultation with the people in Glenorchy. No one has explained how this move of Hansen Mountain Road would have a positive effective on the traffic on Route 250. That is how VDOT justifies this.

Randy Saltzmon, resident of Key West, urged the Commission to think of the green infrastructure in addition to recreation. There is also transportation. There are two major areas that he would like to address. First, the green way that is to run along the Rivanna River all the way down from Key West will increase bicycles commutating into the City. Around the world bicycling is regrouping and becoming a transportation model that has decreased congestion and pollution in many parts of the world. Currently along Route 20 there are about 40 cars every 10 minutes coming down that road. If they could decrease that they would decrease the problems that will begin to arise if the Meadow Creek Parkway is ever built. By having alternative traffic it will decrease the traffic. Secondly, the Peter Jefferson and Martha Jefferson Hospital area will cause an increase in traffic. The hospital is in the process of moving and has 1,500 employees. Most of those employees live right around the hospital on the City side. Once the hospital moves they have to get to work. How will they get to work? They are going to drive and crowd the Free Bridge off of Route 250. As part of the plan if they add the infrastructure of a foot bridge from

the State Farm Boulevard area to Riverside Park in the City, they have decreased the need for those people to get in their cars and drive across the Free Bridge. Therefore, it would solve problems in the future. In addition, the Route 250 residential neighborhood right there at that location would have another access into town to go to the downtown mall without having to drive. Due to the incline issue they need to pursue obtaining an exemption from the Americans for Disability Act. The first step is to get a foot bridge on that part of the river so people can go from the City to the County without taking a car. He asked that the foot bridge also be for bicycles.

Steve Taylor, resident of Key West, said that he had attended a lot of the master plan meetings. The one thing that has come out from a resident's point of view, there are many areas that are already head locked by approved developments. The one small victory they felt that they had achieved was getting that piece of land taken out. He understands all of the caveats attached to it with the bits of shading, but it just seems to be profoundly disappointing that the one little victory that they achieved as a group of residents is back in. He wanted to express his disappointment that has happened.

John Clem, resident of Key West, pointed out that there was one more land use change on the map from last time. There seems to be a park added in along the road on the river. He asked if there has been any public input on what that park would be used for. He felt that it was a good idea that park land was added.

Ms. Ragsdale replied that the park area along Free Bridge Lane was advertised for the public hearing and was something that they brought forward in the draft based on their discussions with Park and Rec. Most of the green area shown as the park is in the flood plain. Staff visited the site with Parks and Rec and they mentioned that a dog park was needed.

Mr. Benish noted that no final decision has been made. But, it looked like it would be a larger and better area for a dog park than the current one. Parks saw an opportunity to utilize it as part of the green way along that road way, which is part of Rivanna Park right now. It would enhance some of the existing facilities.

Mr. Clem said that he had another question about affordable housing. He was a social worker with the Arc of the Piedmont. They are going to see a profound need for housing in the next 5 to 6 years for this population. The Homestead decision by the U.S. Supreme Court of 1999 is requiring all business institutions to place people in the community if they are not in need of institutional care. Central Virginia Training Center in Lynchburg is now looking at a population going down from 500 to 300. They have hundreds of people on the waiting list for services. They are going to be looking for about 100 homes or apartments in the Charlottesville area in the next couple of years for low income individuals. Hopefully there will be some affordable housing made available in the Pantops area to help with this situation.

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

Mr. Edgerton said that he was concerned about two issues regarding the Wheeler property. First, taking the property out of the development area could lead to exasperating the bigger problem they are fighting all the time in not getting as much development in the development area as they want. One of the things that has been frustrating in some of the developments submitted within the last year in this growth area is that they have not been able to achieve the density of the existing Comprehensive Plan. If the land is taken out at a later date there is no question that will indirectly put pressure on the rural areas for more development with the assumption that a certain amount of growth is coming this way. If they can't accommodate it in the development area, the growth is going to go in the rural area. He was struggling with that. The neighborhood would love to have the Wheeler property remain rural forever, but it is an area for whatever reason was designated back in the 70's as a target for development. The Board's proposed swapping of property in the development area seems to have been upsetting to Ms. Wheeler. Leaving it in there one-half way is a concern. He felt that the Commission needs to make a decision, which staff has reminded us this is the Commission's decision to make. It is not fair to the community to flip flop back and forth because of someone's personal concerns.

Ms. Joseph agreed.

Mr. Cannon said that he needed to understand the chronology. It is a reason the parcel was put into the growth area to begin with. It was thought that it was an appropriate parcel to be part of the inventory in the growth area and an appropriate place to have growth go. Then there was a proposal to take the parcel out in this planning cycle based primarily on Ms. Wheeler's intentions with respect to the land, which he was prepared to go along with. Now there has been a reversal of that because some change in her preferences or expectations with respect to the land. The Commission needs to make a call here based on the merits for the planning process. There are significant considerations that Ms. Wheeler has in respect to the future of the property, but the Commission needs to make its own independent decision.

Mr. Benish noted that various issues were identified by the community such as scenic mountain views and open space. There was also an issue of impact to the roadway and Route 20 in that particular area given the character of Route 20. This was along with the understanding that there was a property owner that did not have an interest in this property. Those two pieces of information looked like a win/win.

Mr. Cannon said that if on the merits it looks like the parcel should be taken out, then he was happy to take it out. But, he felt that they need to get to the merits. Previously, he was not getting to the merits and was just happy to be accommodating. But, it has gotten more complex with the most recent reversal.

Mr. Morris agreed. Mr. Taylor really summed it up very well. There are a number of persons who were at those planning sessions at State Farm and so on and it was really their understanding that this was the understanding of the property owner at the time. So the parcel was taken out, but now it is back in. It needs to be one way or the other and not a hatched mark. It is either in or it is out.

Mr. Craddock felt that the parcel should stay in. If the property owner wants to take it out, then she needs to do a separate action such as a comprehensive map amendment.

Mr. Edgerton favored leaving the Wheeler property in and taking out this special consideration. Ms. Wheeler needs to figure out what she wants to do with the property.

Ms. Ragsdale reiterated that the Commission's choice is to take the hatching and leave it yellow, neighborhood density. Since they have the priority areas and the relationship to the neighborhood center in the plan already, if it comes in development for a rezoning it is obviously not enough priority area for the rezoning. That will be acknowledged in the plan. Staff is clear on that now.

Regarding Peter Jefferson Place the dashed red lines are preserving some of the interconnectivity, but it was respecting the approved master plan for Martha Jefferson Hospital. The Planning Commission questioned why they would not want to show the other roads as a dashed line for the future needs. Therefore, a request was made to show the grids and the dashed lines the same way it is shown near the museum.

Motion: Mr. Morris moved, Mr. Cannon seconded, that staff's recommendations on the Pantops Master Plan be moved forward to the Board of Supervisors with the adjustments as discussed and agreed upon, as follows:

- Take out Hansen's Mountain Connector Road.
- Leave the Wheeler property in the proposed development area without caveats.
- Look for more sidewalks and a multi-model access at the eastern part of the County into the City.
- The implementation study will be placed back in.

Mr. Edgerton noted that it should include anything else the Commission had discussed.

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

Ms. Joseph stated that the Pantops Master Plan recommendations will be forwarded to the Board of Supervisors.

In summary, a work session on Pantops Master Plan was held by the Planning Commission for discussion and potential Commission action on staff recommendations responding to public and Commission comments from the draft Pantops Master Plan public hearing held on April 3, 2007. Staff presented a power point presentation and summarized the changes made to the Master Plan. Public comment was taken. The Commission reviewed and discussed the public's comments and proposed changes and took action.

The meeting adjourned at 5:41 p.m. for a dinner break.

The meeting reconvened at 6:05 p.m.

The Albemarle County Planning Commission held a meeting and public hearing on Tuesday, June 5, 2007 at 6:00 p.m., at the County Office Building Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia. Members attending were Jon Cannon, Calvin Morris, Vice-Chairman; Marcia Joseph, Chairman; Bill Edgerton; Duane Zobrist and Pete Craddock. Absent was Eric Strucko. 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; Megan Yaniglos, Planner; Gerald Gatobu, Planner; Amelia McCulley, Zoning Administrator/Chief of Zoning and Current Development; John Shepherd, Chief of Current Development; Allan Schuck, Senior Engineer; Sean Dougherty, Senior Planner; Scott Clark, Senior Planner and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

Ms. Joseph called the meeting to order at 6:05 p.m. and established a quorum.

Committee Reports:

Ms. Joseph invited comments on committee reports.

Mr. Morris reported that the 250 Interchange Committee met yesterday and in May. They will be briefing the Charlottesville Planning Commission and the City Council. Hopefully, they will have it narrowed down to 2 to 4 possibilities and then go on to start doing more detailed planning on that. They are moving right along.

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.

Consent Agenda

Approval of Planning Commission Minutes – February 6, 2007, March 6, 2007, April 3, 2007, April 20/21, 2007 and May 1, 2007

Ms. Joseph asked if anyone would like to pull an item from the consent agenda.

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

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

Ms. Joseph noted that the consent agenda was approved.

Regular Items:

SDP2007-00034 Old Lynchburg Road- Tier 2 Tower
Proposal for a Tier II facility to attach three (3) flush mounted panel antennas to an existing Virginia Power transmission power tower. The proposed facility consists of attaching the antennas at the 105 foot level on an existing 112.2 foot tall tower and placing equipment cabinets, painted brown, in the existing ROW near the base of the existing tower. The lease area for the proposed facility is located on property described as Tax Map 76- Parcel 46C, which is approximately 24.078 acres and is zoned R-15, Residential. The site is located south of US Route 64 on the east side of Sunset Avenue Ext. [Route 781] in the Scottsville Magisterial District. The Comprehensive Plan designates this property as Urban Density in Urban Area 5. (Megan Yaniglos)

Ms. Yaniglos summarized the staff report. (See Staff Report)

- An ARB application was received. The ARB determined that the proposed modification did not constitute a substantial change in design. Therefore, no further review was required.
- Based upon the design of the present facility and that the antenna will be placed on an existing tower, staff is able to recommend approval.

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

Larry Bickens, with Sites Unlimited, said that he represented Alltel on this request. Ms. Yaniglos explained the request very well. If there are any questions, he would be happy to answer them.

Mr. Morris asked if the electrical wires would interfere with the antennas.

Mr. Bickens replied no, that was where Virginia Power was approved to be. They have to be below the static wire and above the transmission wires.

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

Motion: Mr. Morris moved, Mr. Craddock seconded, for approval of SDP-2007-00034, Old Lynchburg Road – Tier 2 Tower as proposed.

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

Ms. Joseph stated that SDP-2007-00034, Old Lynchburg Road – Tier 2 Tower was approved.

Mr. Shepherd asked the Commission if they would consider allowing staff in the future to present an item on the consent agenda such as this one for a co-location or a proposal to put antennas on an existing power pole. Then the request would only be pulled off the consent agenda if there were special concerns about it. This seems like this is the kind of request that could appropriately be there.

It was the consensus of the Planning Commission to agree with Mr. Shepherd's proposal to allow staff to present an item for a co-location or a proposal to put antennas on an existing power pole on the consent agenda with the following caveat.

- If it is located in the Entrance Corridor that the ARB has previously reviewed the proposal and was comfortable with the proposal.

SUB-2007-00132 Access to Lamb's Road from Lot 4 Roslyn Heights – Waiver
This proposal is for a waiver to Subdivision Ordinance Section 14-404, "Lot location to allow access from lot onto street or shared driveway". The request is for a waiver of the requirement that all lots in the Roslyn Heights Subdivision shall enter onto Roslyn Heights Road. The property, described as Tax Map 61, Parcel 2C, contains 6.478 acres zoned RA (Rural Areas). This site is located in the Jack Jouett Magisterial District off Hydraulic Road [State Route 743] at the end of Roslyn Heights Road. The parcel also has frontage on Lambs Road [State Route 657]. The Comprehensive Plan designates this property as Rural Areas in Rural Area #1. (Gerald Gatobu)

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

- There was a misunderstanding in terms of the 14-404 waivers. Staff looked at it in terms of opening one and closing another entrance. In this case the applicant requests to keep both entrances, which is an unusual circumstance. Therefore, that is a clarification that he wanted to make. Both entrances can be approved by the Planning Commission by a 14-404a and 14-404c waiver. If the Commission finds that it is appropriate, depending on the terms and conditions, they can approve both entrances. It is at the Planning Commission's discretion.
- The engineer, Allan Schuck, is present and can answer any questions.
- The applicant has adequate site distance on Lamb's Road. There is a note on the plat that says all lots shall enter onto Roslyn Heights Drive. The applicants met with VDOT and were told that VDOT cannot approve the entrance until that condition was addressed by the County. So that is the reason the applicant is present before the Commission. To address that the applicant has to receive a 14-404 waiver.
- When the preliminary plat was approved in 1988/89 there was a condition that the property needs to use Roslyn Heights as agreed by the Planning Commission. The history of the site is in the packet. There are mitigation factors such a concrete pipe that was to be put in place so that they could cross the stream and go up towards the building site. That is all within the scope of this project as well.
- The applicant proposes a new entrance off of Lamb's Road. They want to keep both entrances.
- Staff has received several telephone calls and letters from adjacent neighbors. Their main concern is having people cut through from Lamb's Road to the other side. If there is only one entrance off of Lamb's Road, the adjacent owners did not have a problem. They wanted only one or the other of the entrances to be allowed. They opposed the connecting road through the parcel itself.
- Engineering recommended that the applicant use one entrance off Roslyn Heights Road.

Mr. Shepherd summarized staff's concerns with granting two entrances as follows:

- Approval of this application would set an unwanted precedent.
- The entrance is not necessary for the owners to use the property. They have a way to get to their building site now. Either entrance would allow them to get to the building site and use the property.
- The neighbors and staff have a concern that it would be possible to cut through from Roslyn Heights Road to Lamb's Road. Clearly there are ways that could be prevented, but it would be very difficult to enforce. Staff feels that it is an awkward situation and is concerned about that.
- The intent of 14-404 is to limit the number of entrances on the public highway system. This would violate that.

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

Tammy Moses, property owner, presented a power point presentation and explained their request.

- A waiver usually grants an entrance over another entrance onto a property. They understand that they are looking for something in between that. Their intent is to be part of the subdivision. They want to use the existing driveway as their primary entry and exit from the property in keeping with the subdivision's wishes to enter and exit the property from Roslyn Heights Road. They would like to create a limited access road or entrance from Lamb's Road onto lot 4 from Lamb's Road. They did have this intent when they purchased the property as stated that they would like to try to have an access entrance from Lamb's Road.
- There is a creek on the property that is facing Roslyn Heights Road and the cul-de-sac. They are adjacent to Lamb's Road. The property has a steep front grade entering and exiting the property. It is more level towards Lamb's Road.
- Since their ownership of the property in 2001 there have been several storms and a fire in the adjacent field. Had they been living there they would have been trapped on the property. The emergency crew entered from Lamb's Road in order to put out that fire. They did not enter from Roslyn Heights Road because it was inaccessible.

- Other reasons they want the limited access road is for building material delivery and construction equipment. Delivery from Lamb's Road would be less of a disturbance in an established neighborhood. They are the last people to build in their subdivision of five.
- In addition, VDOT has met with them three of four times regarding a proposed site for a road. VDOT indicated that it was within the scope of the VDOT rules and regulations that would actually be an acceptable site provided that the Commission approves that site. They understand that there is neighborhood concern and have spoken with their neighbors individually. She has a home office as a CPA.
- What they purpose is the following:
    - That the limited access entrance from Lamb's Road is gated to limit any kind of access to only owner access.
    - It would be written into the deed or any other document that the Commission deems appropriate that the entrances would never connect.
    - They would create a permanent buffer between the limited access entrance and Roslyn Heights' main entrance.
    - They propose to limit the access entrance so the road actually curves around so it would not be a straight through cut through on to the property. The traffic from her home business would be very minimal. The limited access entrance could be used during inclement weather.

Ms. Joseph invited other public comment.

Daniel Krasnegor, an adjoining property owner, said that staff had already expressed a lot of the concerns they have. There are a few extra points he would like to bring up. He lived at 25 Roslyn Heights with his wife, which was right next door to the property in question. They moved here two months ago from northern Virginia. They decided on this neighborhood because of its nature of being very quiet and peaceful. It also has easy proximity to the city and all of the amenities. His wife is a singer/song writer and records from home and she also has a chronic illness that requires her to be in a peaceful stress free environment. Their concerns are if a waiver is allowed at this point and there are two entrances there is not anything that is going to prevent a future owner coming in and making a change so that the roads eventually connect. They also have a concern as far as there being a business there with the possibility that if there is a through road that at some point that it could increase traffic. Ultimately, they have no objection to their being a waiver, but they do have concerns about extra traffic coming in from Roslyn Heights Road. They prefer only one entrance from Lamb's Road and no through road. If it was a limited entrance, he did not know how it could be enforced. He submitted a copy of his letter.

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

Ms. Joseph invited Mr. Shepherd to talk about home occupations if the applicant has people come to the site.

Mr. Shepherd said that a home occupation would be limited to seven trips per week as a home occupation, class A, which would be a business conducted within the main dwelling limited to that number of people and no employees outside of the family.

Ms. Joseph noted that this would be the first time that the Commission would allow two entrances. The ordinance is very clear about how many entrances would be allowed form a site. When the subdivision was approved it required the entrance off of Roslyn Heights Road. Therefore, she could not support the request. There has already been a lot of environmental degradation. The stream has already been disturbed to put in the existing entrance. She asked Mr. Schuck if this entrance drains into the reservoir.

Mr. Schuck replied that this property does drain into the reservoir.

Mr. Edgerton said that he was not able to support this request. Staff gave a complete staff report and convincing arguments why they do no want to approve the request due to the precedence.

Ms. Joseph asked Mr. Schuck what the slope is on the driveway coming in to the site.

Mr. Schuck replied that they do exceed the 10 percent mountainous terrain. So they would be above the rolling terrain standard of VDOT. There are no restrictions on the grades, but they do exceed 10 percent.

Mr. Zobrist asked what the standard was on the waiver.

Mr. Kamptner replied that the standards that apply are on page 3 of the staff report beginning with (i).

Mr. Zobrist said that it appears that the standards are not met. Therefore, the Commission could not make the finding even if they wanted to.

Motion: Mr. Morris moved, Mr. Cannon seconded, for denial of SUB-2007-0132, Access to Lamb's Road from Lot 4 Roslyn Heights - Waiver, as proposed based on the reasons stated in the staff report regarding Section 14.404(B).

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

Ms. Joseph stated that SUB-2007-00132, Access to Lamb's Road from Lot 4 Roslyn Heights – Waiver was denied. The applicant has ten (10) days from the date of the decision to appeal the decision to the Board of Supervisors.

Public Hearing Items

SP-2007-00010 Cutright – Development Right (Sign # 111 & 112)
PROPOSED: Special Use Permit to acquire two additional development rights
ZONING CATEGORY/GENERAL USAGE: RA -- Rural Areas: agricultural, forestal, and fishery uses; residential density (0.5 unit/acre)
SECTION: 10.2.2 (28) Divisions of land as provided in section 10.5.2.1.
and Section 10.5.2.1 Where permitted by Special Use Permit
COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (.5 unit/ acre); Entrance Corridor - Overlay to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access; Flood Hazard - Overlay to provide safety and protection from flooding
ENTRANCE CORRIDOR: Yes
LOCATION: 3544 Red Hill School Road; southeast corner of Red Hill School Road (RT. 760) and Monacan Trail Road (RT 29) - North Garden
TAX MAP/PARCEL: 88-6A1
MAGISTERIAL DISTRICT: Samuel Miller
STAFF: Joan McDowell

Mr. Benish summarized the staff report.

- The request is to create 2 additional lots, which requires a special use permit because all of the development rights have been distinguished on the parent parcel. Under the provisions of the Rural Areas zoning district additional lots can be granted under a special use permit process. There are criteria specifically established in the ordinance that defines the perimeters for reviewing that.
- As a quick update from the information that was provided in the staff report, staff found out right before the meeting that there may be some additional information regarding one aspect of the applicant's proposal. The applicant is proposing to subdivide two lots. One of those lots was intended to be dedicated to the North Garden Fire Department. The existing staff report has information from the Department of Fire/Rescue indicating that they do not support that request. Staff recently found that the North Garden Fire Department actually does support that and would have some information that they feel would be useful. They are prepared to present that to the Commission tonight, but the applicant, provided that she can maintain the same Board meeting date on July 11, is willing to defer the item to allow for better presentation and hopefully coordination of comments from both the North Garden Fire Department and the County's Department of Fire/Rescue. There is an option to defer to get the information coordinated.

- If the Commission feels that information is not as important in their overall decision they can certainly move forward with it. But, keep in mind that the staff reviewed this proposal based on the information provided by our Department of Fire/Rescue and not from the North Garden Fire Department.

Ms. Joseph asked that staff work this out prior to the next meeting. If they have conflicting views, they need to get them together.

Mr. Benish asked Ms. Cutright if she would agree to defer to June 19, which would allow them to potentially maintain the Board July 11 date.

Ms. Cutright formally requested a deferral until June 19 so staff could assimilate the information better.

Ms. Joseph opened the public hearing and invited public comment.

George Stevens, of the North Garden Fire Department, said that they would work out the issues with Ms. Cutright.

Katherine Russell noted that she would speak at the next meeting.

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

Motion: Mr. Morris moved, Mr. Craddock seconded, for approval of the applicant's request for deferral of SP-2007-00010, Cutright – Development Right to June 19.

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

Ms. Joseph stated that SP-2007-10, Cutright was deferred to June 19, 2007.

SP2007-00014 The Rocks Sub Lot 1 Amendment (Sign # 107 & 108)
PROPOSED: Amend special use permit for Rural Preservation Development with more than 20 development lots to change condition of approval regarding location of development lots in relation to Ivy Creek. Proposed change would prevent development between Ivy Creek and Dick Woods Road.
ZONING CATEGORY/GENERAL USAGE: RA Rural Areas: agricultural, forestal, and fishery uses; residential density (0.5 unit/acre); EC Entrance Corridor: Overlay to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access; FH Flood Hazard - Overlay to provide safety and protection from flooding
SECTION: 10.2.2.28, Divisions of land as provided in section 10.5.2.1
COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (.5 unit/ acre)
ENTRANCE CORRIDOR: Yes
LOCATION: Dick Woods Road (Route 637), approximately 500 feet west of intersection with on-ramp to Route 64 East.
TAX MAP/PARCEL: Tax Map 74 Parcel 18D
MAGISTERIAL DISTRICT: Samuel Miller
STAFF: Scott Clark

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

- This is a request for an amendment of a special use permit for a Rural Preservation Development in the Rural Areas zoning district with more than 20 lots. The property is located at the intersection of Dick Woods Road near the intersection of I-64. The parcel in question is 74-18D.
- In 2004, the Board of Supervisors approved an amendment to the permit that allowed this large RPD and the stream crossing across the floodplain to access it. Several aspects of the RPD were amended. The one in question relevant here is that some unused development rights were allocated to lot 1, the 106 acre parcel. During that review the applicant and staff discussed the

possibility of locating lots such as these along Ivy Creek and connecting directly onto Dick Woods Road rather than the internal road system of the Rural Preservation Development.

- There are several reasons this design standard according to the zoning ordinance is not an appropriate design. Development lots in an RPD should be contiguous to all the other development lots. Those lots would have been separate and have external access. He pointed out the area of Ivy Creek in question on the application plan. To avoid having lots in that area a condition was written that said all dwellings and development lots within the boundaries of lot 1 shall be located east of the floodplain of Ivy Creek.
- Unfortunately, this application plan is not oriented correctly and should be flipped. Ivy Creek is not flowing east through the majority of the corner of the property. So east of the floodplain is not an effective way of phrasing the condition. The effect of that in interpreting that condition would mean that any new development within that large lot would have to occur literally east of that floodplain area shown in light blue. Staff's research indicates that there was not any intention to do that during the review of the special use permit. That area was not intended to be specifically the location of any new development. What they were trying to avoid was having separate lots accessing directly onto Dick Wood's Road. The direction east was an error.
- Staff is recommending approval of this amendment request with a replacement condition 5. The new condition would say that "No dwellings or development lots within the boundaries of Lot 1 shall be located in the floodplain of Ivy Creek or between Ivy Creek and Dick Woods Road." That would clarify the intention of the original review. Staff believes that is consistent with some of the other conditions of that approval. Condition 4 and 6 require that any new lots that are created in lot 1 would need to meet all of the design standards for Rural Preservation Developments, including mentioning the scale and pattern of the existing lots in the RPD and to be contiguous to them.

Ms. Joseph noted that it seems that they match in scale and proximity. One of the comments was that they are all supposed to use the internal road. That is a consideration here, too. She asked if that was implied within the approvals.

Mr. Clark agreed and that the other conditions that already exist with this permit amendment would require that. Practically speaking, assuming condition 5 is changed as recommended and the lots can't go between the creek and the road, the only way they could access from Dick Wood's Road directly would be to come back for another special use permit for another floodplain crossing.

Ms. Joseph said that they could also put in a small cul-de-sac to serve three lots from an internal road. Is there anything written in the conditions that would stop them from doing that?

Mr. Clark replied no, he did not think so.

Mr. Edgerton questioned if they should be trying to tie down the final location of the houses on lot 1. He felt that the applicant needs to identify what they want to do first.

Mr. Clark said that this request is to fix an error. Staff's recommendation is not intended to tie down the final location of where those houses may go. All this does for the moment is to clarify what the possibilities are. The applicants will have to come back with a revised application plan and eventually subdivision plats to show exactly where they are to locate the lots and how they are going to access them. It would be a mistake to get too far into that at this stage because there is so much detail that would have to be done at a much finer resolution than this map could show of exactly where the critical slopes are and where the practicalities are about access. That is expected to come at a later stage. All they want to do now is clarify the language so that everybody knows and agrees on what is possible. The applicant would be expected to come back at least twice thereafter to establish where the lots would go.

Mr. Edgerton asked if the applicant would come back to the Commission or staff.

Mr. Kamptner replied that the applicant would have to come back to staff.

Mr. Edgerton said that he was not comfortable with that. Before he could sign off on this he wanted to see what it is they are proposing to do.

Mr. Craddock supported Mr. Edgerton because he had previously brought up the issue that these development rights would just kind of sit out there and if they are not using them why can't they dissolve away. They were told that the development rights had to be assigned somewhere. So he would like to see what is proposed before they move further.

Mr. Cannon asked if the Commission denies this request is the developer able to put the lots in places that they know they don't want them without further review by the Commission. He asked procedurally what their further involvement would be.

Mr. Kamptner said that this was a special use permit condition. The condition was established by the Board of Supervisors for administrative review of the application plan. He assumed that that plan was reviewed by the Planning Commission. So ultimately it is the Board of Supervisors that has to decide whether or not it wants the review to come back to the Planning Commission. The other thing to remember is that Rural Preservation Developments are ministerial in nature. The review is already limited by State law. The County is trying to stay within its grandfathered cluster ordinance.

Ms. Joseph asked if normally they see where the lots are located. They don't look at a big parcel and say go ahead and do whatever they want. They expect to see where those lots are.

Mr. Kamptner replied yes, that the Rural Preservation Developments that are today ministerial in nature do come to the Planning Commission for a ministerial review to confirm that they meet the requirements of the Zoning Ordinance.

Ms. Joseph asked if the preservation track was currently under easement.

Mr. Clark replied that the preservation track is roughly a 300 acre parcel and is under a preservation easement. The lot in question is not. It is effectively a very large development lot.

Mr. Shepherd pointed out that it was possible that the Commission might see this again depending on the configuration of the access to the new lots. If they are creating lots and extending the private roads, then that part of the subdivision would come back to the Commission. The Commission could also look at a standard of that road. But, he wanted to also back up and emphasize that since a new application plan would be required before they are establishing the access, location or size of the lot or dwellings it is hard to make any judgment about any of that absent a full plan.

Ms. Joseph asked where the area is that staff thinks is east of the floodplain.

Mr. Clark pointed out that the entire area as being floodplain. To his knowledge it was not discussed that area was preferred for future development.

Ms. Joseph recalled that the concept was that they did not want any stream crossings. They wanted to make sure that there were no driveways going across the streams. That is where the east of the stream came in.

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

Chris Halstead, representative for the applicant, said that what has been left out here is that the entire reason this proceeding is taking place is that the Zoning Department issued a letter stating that the area to the left is not subject to development. In looking into it they spoke with Yadira Amarante who was the staff member who handled this project. Ms. Amarante said that it was clear to her and everybody that what she was trying to do was prohibit development between Ivy Creek and Dick Woods Road for reasons that have already been stated. It would be bad development. That is it. There is no plat in front of the Commission. They know that any development is subject to the review of staff first. If staff feels that they can't pass on it, then they come to the Commission. Of course, they would conform to any of those requirements. When the owner received this letter he said that 17 acres of his land has just been down zoned. That is why they are here. His understanding is that there was no question among all staff. It is clear that the cardinal directions were used inappropriately because the floodplain actually runs east

at that point. If they are trying to describe something that is occurring along the banks of a river one cannot say the direction of the river, but one has to say one side or the other. Knowing I-64 to be an east/west road it is not unusual that she would have made that mistake. The plat had been turned that it looked like east was actually south. That is it. They are subject to the rules of the road and are happy to conform to that. But, he did not want with a stroke of a pen by zoning staff to reduce his rights to develop. In the future he is subject to the rules. There is no plan before them. No plan has been advertised. This is not a planning session. It is simply the effect of condition 5 on the parcel and they submit that the language was incorrect the first time. Otherwise, he accepts the wisdom of staff in this.

Ms. Joseph opened the public hearing and invited public comment.

Roger Byrne, a member of the Board of Directors of the Rocks Owner Association (ROA), said that he was appearing on behalf of the ROA to express its views towards the application of David and Connie Abdul who are owners of lot 1, The Rocks, for a change in special use permit 2003-79. The effect of that change would alter the permissible placing of three lots that the Abduls may create within the boundaries of their lot 1. The members of the ROA do not dispute the right of the Abduls to create the three lots within their property. Indeed under the terms of the declaration for lot 1, tax map 75, lot 18D, when the Abduls subdivide lot 1 to create the 3 additional lots those lots will become subject to the terms and conditions of the declaration that contains the covenants and restrictions for the other 39 lots in The Rocks. With that event those lots will have to obtain approval of building and site plans from the Architectural Review Board of the ROA prior to the commencement of any construction. Thus, the ROA stands together with the County in making sure that any development is consistent with the original intent of the County when The Rocks was approved. The County first considered the proposed Rocks development in 1991. The original development request required a special use permit due to the number of lots as well as the proposed activity within the floodplain. It was at this time that the first concerns were expressed regarding impacts on Ivy Creek, as well as the effect on the natural landscape vistas from I-64 and other public roads. The County considered 8 factors in approving the subdivision plan.

- Preservation of agricultural and forestal lands and activities.
- Water supply protection.
- The conservation of natural scenic historic resources.
- Development lots shall not encroach into prime, important or any unique agricultural or forestal soils.
- Development lots shall not encroach into areas of critical slopes or floodplain and shall be situated as far as possible from public drinking water supplies, tributaries and public drinking water supply impoundments.
- Development lots shall be situated and arranged to preserve historic and scenic resources.

Mr. Byrne noted that the ROA understands Mr. Abdul has no current plans to subdivide his property and create the three lots. It is therefore troubling that this change is being requested at this time. Although Mr. Abdul has indicated a desire to potentially site the lots on a knoll overlooking the community, which is visible from Dick Woods Road and within the view shed of a number of existing lots within the subdivision, he has not explored the technical feasibility of those lots given the restrictions imposed on the subdivision regarding effects on landscape, vistas, critical slopes and the water quality of Ivy Creek. Indeed, a review of the file indicates that neither engineering nor planning for natural resources have been looked at for these potential sites. It is difficult for us as a community to gage the effects of the proposed change without more concrete ideas of the specific placement of the lots and how access to those lots will be obtained.

He continued that a visual review of the land involved and the potential access contemplated involves the crossing of a tributary to Ivy Creek and significantly steep incline to get up to the knoll. An existing drainage easement stands in that same path. It is unclear whether accommodating the drainage easement and an accessed driveway to that area is even feasible given the constraint on critical slopes and the likely erosion and effects on Ivy Creek. The plans for the community as represented to all of the current owners did not contemplate development in that area. Representations were made to a number of residents that any development in lot 1 would be off of Rocks Farm Drive. In fact, the building lot on lot 1 left of Rocks Farm Drive on the opposite side from the farm house is being occupied full time as a residence. It is in that area that the home owners expected the lots to be located.

For all of these reasons The Rocks Owner's Association respectfully requests that action on this request be deferred until such time as Mr. Abdul has decided where he wants to locate the three lots. It is unclear why action needs to be taken now. With such plans in hand it will then be possible to ascertain whether the proposed lots are feasible and can meet the terms under which the original subdivision layout was approved. At that time the conditions can be clarified if necessary. They stand ready to meet with him to discuss any such plans in hopes that the interest of all members of the community can be addressed. They appreciate the Commission's consideration of these comments and request that they be included in the records of the Planning Commission.

Ms. Joseph noted that the three minute time limit was extended because Mr. Byrne represented a group of home owners and they were not all going to speak.

Mr. Byrne asked that all members of the community stand noting that they had met ahead of time.

Dr. Lucia S. Scentus, President of the ROA, supported Mr. Byrne's comments. In addition, on February 14, 2007 Albemarle County through their ACE Program purchased a conservation easement for Rock Mill Farm, which is located just to the left of this area between Rosemont and The Rocks. It was an effort to preserve the rural character of the community. It seems contradictory if they were to allow this area to be developed with future development.

Darrell Gress, the newest property owner in The Rocks, said that he bought lot 15 adjacent to the proposed knoll that they were talking about. He did so in part after looking at the letter from Mr. Shepherd that said that development would be east of the floodplain of the creek and the tributaries. He encouraged the County not to reverse that view and preserve the farm that had just been put in preservation next to The Rocks.

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

Ms. Joseph suggested that the area be hatched so that they know which area they are talking about instead of looking at directions east, west or south. When the Commission reviewed this she just wanted it to be on the other side of the floodplain that is almost parallel to the road.

Mr. Clark replied that he could not provide hatching, but pointed out the area to the east where new houses could go. Any areas east of the floodplain area are technically available to be developed subject to the other conditions.

Mr. Zobrist noted that he thought they were talking about the area east of lot 1, which had development rights.

Mr. Clark pointed out that lot one was located on both sides of the entrance.

Mr. Cannon said that precludes the area west of the floodplain. Staff indicates that area was not to be precluded. He asked if this was correcting an error or changing a subjective determination.

Ms. Joseph said that the other problem is that the Commission did not make the final decision on this. The Board of Supervisors made the final decision. They don't know what the Board was thinking.

Mr. Zobrist felt that the Commission is being asked to give an advisory opinion. It appears to be premature or the issue is not ripe.

Mr. Edgerton noted that the County and the applicant want a resolution or a clarification of what has been represented to us as an honest mistake of reading the points of the compass. He thinks the neighbors; Commission and the Board deserve a lot more information before they make a decision about where these lots should go. The applicant could have offered to request a deferral until he was able to give us that information. But, he did not make that offer. He would take that to mean that he is not interested in asking for a deferral. But, perhaps there is a way to solve both problems. He thinks the Commission is

empowered to grant an amendment to the special use permit as recommended by staff and at the same timer require that any future development come before the Commission and not be handled administrative. That solves both problems. That will allow for the public and the Commission to have some input in what really works or does not work.

Mr. Cannon asked Mr. Kamptner if the Commission could do that.

Mr. Kamptner said that they were recommending the amendment of condition 5 as recommended by staff and also recommending that condition 3 be amended to allow Planning Commission review of the application plan. He noted that it was in a ministerial capacity, but did not need to be in the condition.

Mr. Craddock agreed that it sounded appropriate.

Mr. Edgerton moved, Mr. Morris seconded, for approval of SP-2006-00014, The Rocks Subdivision Lot 1 Amendment, with the conditions recommended by staff, as amended, as follows:

1. Except as otherwise provided herein development of The Rocks shall be in accord with the "Special Use Permit Plan…" prepared by Thomas B. Lincoln Land Surveyor, Inc. dated April 2, 2004. For purposes of these conditions the plan shall heretofore be referred to as "The Application Plan;"
2. Except for minor boundary adjustments, (as determined by the Agent), the boundaries of Tax Map 74, Parcels 18C, 18C1, 18C2 and 18C3 may be modified only as shown on "The Application Plan;"
3. Within the boundaries of Revised Lot 1, there shall be allowed a total of four (4) dwelling units or four (4) lots. Before a building permit is issued for a second dwelling unit, or before a subdivision plat is approved creating a new lot(s) within the boundaries of Lot 1, a new application plan shall be reviewed and approved by the Planning Commission ~~administratively by the County~~ authorizing the dwelling units or lots. **Any future development shall come before the Planning Commission and not be handled administratively.** For purposes of these conditions the term "subdivision" shall also mean family divisions;
4. All subdivisions within the boundaries of Revised Lot 1 shall meet the design standards and special provisions set forth in Section 10.3.3 of the Zoning Ordinance. This includes the requirement that it be demonstrated that the additional lots combined with the other approved lots do not exceed the actual number of lots that could have been achieved by conventional development of the total property;
5. No dwellings or development lots within the boundaries of Lot 1 shall be located in the floodplain of Ivy Creek or between Ivy Creek and Dick Woods Road.
6. All future development lots subdivided from Lot 1 shall be no larger than 3.26 acres in area, shall be located in a manner consistent with, and be integrated into the overall design of the other development lots in The Rocks;
7. A minimum of ten (10) trees per acre shall be provided on the development lots, including those permitted by condition three (3), in accordance with Section 32.7.9.5 of the Zoning Ordinance for the purpose of providing screening from Interstate 64 and Route 637. Trees shall be installed within two (2) planting seasons of the date of issuance of a certificate of occupancy for the dwelling on the lots;
8. Clearing of land shall be limited to the minimum amount necessary for the construction of access roads, dwellings, and septic fields;
9. Building siding and trim shall be of colors and materials that blend with the surrounding natural environment as determined by the Director of Planning. Highly reflective colors or surfaces, or light colored roofs, as determined by the Director of Planning, are prohibited;
10. Concrete driveways visible from off-site shall be darkened to blend with the surrounding natural environment as determined by the Director of Planning;
11. The bridge shall not be constructed until the approvals in conditions twelve (12) through fifteen (15) have been obtained;
12. Department of Engineering issuance of an erosion and sediment control permit;
13. Department of Engineering approval of bridge design;
14. Department of Engineering approval of hydro geologic and hydraulic calculations to ensure compliance with Section 30.3. of the Zoning Ordinance;

15. Department of Engineering approval of private road plans and drainage calculations. Private roads shall be designed to Virginia Department of Transportation mountainous terrain standards. This condition is only applicable to the private roads constructed to access and provide frontage to all the lots in the Rocks development except the Rural Preservation Tract and revised Tax Map 74, Parcels 18C, 18C1, 18C2 and 18C3 as shown on "The Application Plan;"
16. The extension of Newcomb Mountain Lane as a private road is subject to Planning Commission approval. The Planning Commission shall establish the standard of the private road extension at the time of review;
17. The existing road, shown entering from Rocks Farm Drive, parallel to Interstate 64 and meandering through the Preservation Tract shall not be improved or widened except for agricultural and/or forestry purposes. The need for such improvements shall be reviewed by the Public Recreational Facilities Authority. If the Public Recreational Facilities Authority deems that the improvements are warranted, construction shall not commence until a road plan and an erosion and sediment control plan has been reviewed and approved by the County Engineer;
18. Prior to the approval of any plat modifying the boundaries of the Rural Preservation Tract, the rural preservation easement shall be amended to allow the modification; amendment to the easement is subject to the review and approval of the County and the Albemarle County Public Recreational Facilities Authority. Approval of this special use permit in no way implies or guarantees approval of a modified easement by the County or the Albemarle County Public Recreational Facilities Authority;
19. Prior to the approval of any plat providing access to Newcomb Mountain Lane an amended road maintenance agreement shall be reviewed and approved by the County Attorney. This agreement shall be recorded with the plat; and
20. Provide evidence to the County that the Rosemont Homeowner's Association consents to the Newcomb Mountain Lane extension to serve as access to Tax Map 74, Parcels 18C, 18C1, 18C2 and 18C3.

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

Ms. Joseph stated that SP-2007-00014, The Rocks Subdivision Lot 1 Amendment was approved and will go before the Board of Supervisors on July 11, 2007 with a recommendation for approval. The Planning Commission will be able to see this when it comes back as a subdivision. The plat will not be administratively approved, but will come before the Planning Commission for review.

The Planning Commission took a ten minute break at 7:24 p.m.

The meeting reconvened at 7:34 p.m.

ZMA2006-00015 Livengood (Glenmore Section S5) (Sign # 26 & 30)
PROPOSAL: Rezone 32.24 acres from RA - Rural Area zoning district which allows agricultural, forestal, and fishery uses; residential density (0.5 unit/acre)
to PRD - Planned Residential District - residential (3 - 34 units/acre) with limited commercial uses to allow for 45 dwelling units. This proposal is an expansion of the Glenmore PRD and does not include commercial uses.
PROFFERS: Yes
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Neighborhood Density Residential - residential (3-6 units/acre) and supporting uses such as religious institutions and schools and other small-scale non-residential uses.
ENTRANCE CORRIDOR: No
LOCATION: 2000 feet south of the intersection of Route 250 East and Hacktown Road, North of Pendowner Lane (in Glenmore), and east of Carroll Creek
TAX MAP/PARCEL: Tax Map 80, Parcel 48 and Tax Map 94, Parcel 1
MAGISTERIAL DISTRICT: Scottsville
STAFF: Sean Dougherty

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

- This is a request to rezone 32.24 acres which is outside of the Glenmore PRD to be included in the Glenmore PRD to develop up to 45 lots in single family residential with pedestrian connection to other parts of Glenmore and a pedestrian connection to Rivanna Village and a centralized green as a center piece of the community as a proposed expansion.
- The Commission has had two work sessions on this request. Essentially this is going to be an extension of Glenmore. The area proposed for development is mainly flat. It slopes off towards an intermittent stream. Currently it is being used as a pasture. At the last work session the applicant came in with 4 different proposals. In keeping with closest to would be what is called the 51 lot concept. He described the proposal. There is an area reserved for a potential future second gate, which allows for this proposal not to foreclose on any potential future gates. Storm water and the critical slopes are mentioned in the staff report. (See Staff Report.)
- Staff recommends approval so long as the applicant increases the per unit proffer to reflect the Board's expectation for residential development; the open space figures are added to the plans; engineering concerns addressed regarding storm water and sewer locations and typical street sections are addressed.

Ms. Joseph asked if there were any questions for staff. She asked if the typical street section would look like the existing streets and if there were no sidewalks in this development.

Mr. Dougherty replied that there were some pedestrian paths that go along some of the larger arterial type roads and also a bridal trail that goes around the majority of the neighborhood including along the Rivanna River. The bridal trail is mainly dirt. There are no sidewalks in the existing community. In terms of the connection to Rivanna Village from this proposal staff does not know what the applicant has proposed other than he has proposed a connection.

Ms. Joseph said on page 16 of the proffers it talks about contributing $1,000 per unit as the building units come in. It talks about allocating that money to the schools or Stone Robinson School. She asked if that is still being done.

Mr. Dougherty replied that the proposal is for the existing proffers that still govern a number of houses that are not yet built which will go the schools. He was not sure if the money goes to Stone Robinson School specifically. The proposal is to maintain the proffers that are in place for additional lots that are yet to be developed. They propose to have one set of proffers that accounts for those houses that need to be built under that standard and also to have proffers that can move forward with this property and the rest of Glenmore to be built to the standard that has changed quite a bit since that time.

Ms. Joseph noted that she was curious on page 17, proffer 7C where it talks about the applicant contributing $70,000 to an escrow fund to be established for master planning, road design and construction in the Village of Rivanna. She asked if that was just the little village part or will it cover something else.

Mr. Cilimberg noted that it has already been contributed and will be used for the Rivanna Master Plan.

Mr. Dougherty noted that it was for the whole village of Rivanna and not Rivanna Village.

Mr. Zobrist said that in proffer 6 the reversion of land by 2010 seems like it awfully short. That is the green space around the outside where the riding trails are going to be. If the County does not ask for it by 2010 then it reverts back to Glenmore Associates and the proffer goes away.

Mr. Dougherty said that they could look at extending that. What staff is hoping will happen is that a deed for an additional contribution of much more land than this anticipated will be worked out. There was some detail about that in the staff report, but essentially what has been determined is that in order to cross several streams and tributaries to the Rivanna River along the border of Glenmore and the river the extent to which that land and the trail was proffered with this proffer the extent to which it can move back from the river the disturbances for creating that trail will be less and the crossing may be reduced. To run the trail close to the river will require a lot more engineering and structures to be in place. Then if it is moved back they would need that dedication to be larger. Right now they don't have a proffer for that dedication. But, staff including Parks and Rec and legal has been working with the applicant to try to

secure a deed that addresses their concerns for bringing basically what would be public close to fairways and things like that. Also, they want to wrap up some of the other details with the deed in terms of signage and those sorts of things. Staff is currently working on that and does not have anything to report tonight. Certainly if they maintain the existing proffer, which would not be the preference of Parks and Rec, they certainly could ask the applicant to extend the date. They hope something better will be received to replace this. It would have to happen between now and the Board hearing.

Mr. Zobrist asked if the proffers are currently inaccurate including this one.

Mr. Dougherty replied yes, but he would not put this in the same category as the cash proffer being inadequate. But, certainly in terms of what they are proffering versus what the Board has indicated was more acceptable for residential development the figure is inadequate. Because they have already accepted this 100' greenway since the beginning of Glenmore it is hard to call it inadequate at this point. It is less desirable than the 15 acre dedication.

Mr. Zobrist asked what would happen if staff does not work something else out.

Mr. Dougherty replied that they would go with the existing proffer and based on what was said they would extend that date.

Mr. Zobrist noted that 3 years was a very short time.

Mr. Dougherty agreed. He suggested that the applicant might be able to give an update on the deed. It has taken a while for the County to get their comments out. The applicant has indicated that they are willing so long as they are asking for it to give a larger dedication.

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

Michael Barnes, of KG Associates, presented a power point presentation and explained the Livengood request.

- Due some technical issues the Glen Oaks and Leake proposals fell a couple of months behind schedule. He expected those requests to come back in August. At the Board meeting next month it will be their 7th meeting. They have worked hard with the staff, the Commission and the citizens on the proposal.
- Back in early September they met with the citizens and came to the Commission in October. The two principle questions were what is a suitable use and what should the density be. The second question was where the access should be. It was pretty clear that the access through Glenmore and maintaining the look and feel of Glenmore with its streets was acceptable. From the next work session the idea came out about the potential of developing a second gate at some point in the future. That was not something that they wanted to see in the plan. They worked on the plans for the next set of meetings. They explained to the citizens what the County was looking for and some of the policies of the County in determining what is the density and what form is appropriate.
- One of the factors that came out of this was that a third of the site was an open space in either floodplain or stream valleys. When they started using single family lots and trying different configurations the net density was not a significant increase and the product types that were changing, especially viewed from the Glenmore residents' side, they voiced a strong preference for the types of lots that are in section S, which is immediately adjacent to this development. They were also looking for fewer lots for reasons of traffic and increased security with the idea of using the natural boundaries as a way to create that edge. Their design tries to balance those varying demands.
- Out of that meeting came the concerns about traffic and how could the roads in Glenmore handle what was being proposed. A traffic study was done jointly with Glenmore citizens. They have a citizen's committee that manages their roads. They were participants on this committee. They hired an outside consultant. The level of service is A for most of the intersections. Even with the new development they would still enjoy the highest levels of service. As far as the physical design to the road they are adequate for the standards set forth for this development to handle

the traffic. What they have come back with is a plan for 43 lots that allows for secondary access to Rivanna Village at some point in the future The lots shown in white they don't control. But, it allows for that potential. There is a pocket park. The bridal trail will be continued up and around this development. They are willing to provide a paved sidewalk. Currently there is pedestrian network that goes along the edge of the lake and comes out to the dam right next to the road. They are willing to continue that along the new road and end at the new cul-de-sac proposed.

- Regarding the proffers, the County has requested the greenway trail. The County also requested an additional 15 acres. They are working with the County on that issue. He was not worried about the sunset date.
- As the cash proffer policy unfolds with the Board those items are up in the air. They want to get the Commission's recommendation on the land use in the proposed plan and move forward to that to the Board and resolve the matters of the fiscal impact proffer as well as the greenway trail proffer.

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

Mr. Edgerton asked for clarification on the path around the lake.

Mr. Barnes replied that the path currently does not follow the roads, but follows around the lake and ties back in to the road network. They are willing to extend that up along the road and down to the cul-de-sac.

Mr. Edgerton asked if that would be part of the lots or road.

Mr. Barnes replied that it would be part of the road. There are on some of the principal roads separated from the trail on the other side of the ditch line there is a paved asphalt walking trail. They are willing to extend that in this development also.

Mr. Edgerton asked if the proposal was only on one side.

Mr. Barnes replied yes, that was a typical scenario that is found out there. Providing the asphalt path would be in keeping with the other places.

Ms. Joseph asked what the stub out from Livengood would connect to.

Mr. Barnes replied that in part the Commission had asked for that connection coming out of Livengood. Out of the Rivanna Village aspect of it they provided several interconnections and agreed to them. The one being referred to in Rivanna Village was left open.

Ms. Joseph noted that she thought it was going to be some sort of logical connection to this.

Mr. Barnes said that the way this thing works either one would go north from the cul-de-sac and hook in or extend the road out into the series of parcels. There are several options. The interesting thing about having the policy for interconnections is that they can bring it up next to the property line with the direction that it ultimately ends up going to whoever ends up controlling the parcels in the area shaped like a polygon.

Ms. Joseph said that the geometry between the Rivanna Village and the end of this road just does not look like it is going to work to make a connection through there.

Mr. Barnes said that they have roughly looked at that.

Don Franco, representative for KG Associates, said what they envision happening is that road could turn and tie in and then the rest of the growth area parcels could develop in a fashion that could be double loaded and essentially tie into an extension of their internal road going straight. They have made a provision for that whole end to be open to make the tie in. Worse case scenario if they were looking for off site parcels to make this connection in the future they could take the funny shaped parcel between their property and the road that is single loaded by the park it is hard to get through that and leave any development ability for that last tract of land. So he did not envision some one would come in and rezone

that to get one lot in order to build a connecting road. So that is one of the reasons they have left that available, but he would not count on that being the direction that makes the connection. They think that it is a logical place to in the other direction towards Glenmore Way and Ashton Road as the logical end. But, they are going to have to wait to see how that other section develops.

Ms. Joseph opened the public hearing and invited public comment.

Mike Stoner, resident of 3636 Victoria Lane in Glenmore, said that he recently moved into the area. When he learned that this was going to be a construction road he was shocked and disappointed. The existing roads meet a high level of service. He asked that the Commission substitute the word "safety" for "service". Ferndown Road has no sidewalks. There are many elementary school children who walk up to Ferndown to catch the bus. The children ride their bicycles on the road. He was deeply concerned about the level of safety that will occur when the construction is going on if Ferndown is the only entry point into a 43 house development. Alternatives are always available. But, it is the cost of the alternative that is at question. He asked the Commission to look at the costs of a tragic incident. He asked why the emergency entrance could not be opened up at least for the construction period.

Trevor Joscelyne presented a power point presentation concerning the safety with Darby Road. The road has the ability to handle the traffic, but not the pedestrian safety. That was the issue he wanted to address. After studying the situation with the proposal for this area he suggested that the developer be asked to proffer a sidewalk for Darby Road as a contingency on approving the Livengood application. All the residents on the road, excluding one, have agreed that a sidewalk would be acceptable. In terms of giving up their property the areas on each side of the road is owned by the developer for 15'. There is an easement whereby the developer will have to modify the grading of certain properties in order to allow the drainage to take place, which will mean the sidewalk could cause some properties to have to regrade their front lawns to allow the drainage to take place. That depends upon the detailed design of the sidewalk as it gets implemented.

Dick Levine, resident of Darby Road, spoke in support of the sidewalk. The existing sidewalk only serves about a half of the residents to get to the park. The other half have to use the 20' wide road to get to the park. With cars traveling on the road at 40 miles per hour it creates an unsafe situation. There has been a traffic study in Glenmore that indicates that cars tend to go 10 miles over the speed limit. That creates a very serious safety issue. He urged the Commission to consider that a sidewalk be installed on Darby Road as a result of the increased traffic from the proposed developments.

Thomas Grismall, Glenmore resident, agreed with the previous two speakers. The cut through drivers who live in other sections of Glenmore poses a distinct risk to the lives and limbs of Glenmore residents especially the young children playing in the park. He has had to jump off the road into the culvert to keep from being hit by a car. It is expected that the 45 homes to be built in Livengood if the proposal is approved that these homes could easily be expected to add to the traffic density on Darby Road. It was originally explained when he purchased his home in 2003 that east Darby Road would be closed at Piper Way upon the completion of construction now under way. The County has now decided that it will not be closed. This life endangering hazard to pedestrians on Darby Road has not been solved over the past year as it was explained earlier. New homes in the Livengood section as proposed will only make matters worse. The problem they now face with Darby Road, which will be aggravated by additional construction in Glenmore, has been caused by poor planning. As a former Director of the Glenmore Community Association and the Chairman of the Committee that wrote the initial Glenmore 5-year strategic plan he urged the Planning Commission to at least table this Livengood proposal and not allow it to be considered further until the Darby Road situation has been properly corrected. He suggested that perhaps a proffer from the developer to install sidewalks on Darby, which would not detract from the rural setting, might be appropriate. Further since the developer planned and built Darby Road it is his distinct opinion that the developer be the sole source of funding to correct this planning mistake. During his 20 year as a naval officer he learned the 6 P Concept, Prior Proper Planning Prevents Poor Performance. He questioned how the roads would be tied together. He asked that they work together to enhance the quality of life in Albemarle County.

Margaret Stickly, resident of Darby Road, voiced concern about Darby Road not being able to handle the increased traffic and the safety of the public. She opposed putting more traffic on Darby Road.

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

Mr. Cannon said that a sidewalk along Darby Road would be a good proffer if that is a creditable proffer. The larger issue is whether they can send this along without a list of proffers that the Commission can say meets the current requirements of the Board of Supervisors.

Mr. Craddock said that was one of the questions that he had. This proposal has been in the process even longer than Biscuit Run. It is up to the Board whether they will hold to what they have discussed or do they want to modify it.

Ms. Joseph noted that it felt more comfortable with the Biscuit Run because they were giving so many other things that were hard to put in that list. Proffering a 400 acre park it is hard to quantify it in a list.

Mr. Craddock agreed.

Ms. Joseph said that there nothing to that extent. Therefore, she was having trouble with that aspect, also, of why this should not be. It certainly will be placing a burden on the community even though it has been in the process for a while.

Mr. Morris asked staff if during the meetings with the applicant if the question of Darby Road and the sidewalk ever discussed prior to tonight.

Mr. Dougherty noted that the traffic study said that they are looking at issues about the vehicular capacity. The applicants were going to work with the home owners to address the concerns of safety. In meeting with the residents some ideas were expressed, but the applicant has not responded to those ideas. Staff received the traffic study from the applicant about 6 to 8 weeks ago, but it was not done in a manner that the county engineer had wanted to see. So revisions were requested. When the revisions were submitted it was still not what the county engineer wanted to see. Staff finally received the information needed after the county engineer performed the work himself. The problem is that focus has been on the vehicular traffic so much that the discussion on the pedestrian issues was not as center stage as they could have been. The focus had been on vehicular and not pedestrian. Staff's discussion with the applicant has not been too extensive with the pedestrian issues. The traffic study says that there are some ideas that could be done, but they have not had any formal proposal of any of those things from the applicant in terms of pedestrian safety and traffic calming.

Mr. Edgerton asked if all of the roads are private, and Mr. Dougherty replied that is correct.

Mr. Edgerton asked if the roads were built to the standard rural cross section.

Mr. Cilimberg noted that the roads were designed to meet the mountainous terrain standards. It was more in the vertical curvature. That was the standard that was accepted at the time that Glenmore was originally approved.

Mr. Edgerton asked for some reassurance from staff on the proffers because he was not at the meeting when the Board discussed the per unit amounts. In the staff report it says, "It was also the consensus of the Board that with the exception of affordable housing all new rezonings will pay the equivalent of their full impact as determined by the cash proffer calculations applied to the accepted per unit rates." If that was their directive he did not think there was any discussion. But, again he was not at that meeting.

Mr. Cilimberg said that the question was asked of the Board if they intend for new development to pay for its impact and the Board said yes. The Board further said that there would be credits against that impact that they would allow for in different elements. They were using a number that was somewhat different than that recommended by the Fiscal Impact Committee because of the percentage of the total cost that they assumed was already available as revenue for capital projects through the general property taxes.

Mr. Craddock noted that this proffer has not been itemized because the applicant has not provided anything.

Mr. Edgerton said that the parks and trails might have some value.

Mr. Cilimberg said that the parks and trails were internal. So they are generally considered to be a benefit to the project rather than the general public. They are design features. While no number has been put on design features it is something the Commission felt last week with Biscuit Run was worth some consideration.

Mr. Dougherty said that they were talking about the park that is in the central open space in the project and not the larger 15 acre dedication.

Ms. Joseph noted that the 15 acres has to do with the greenway.

Mr. Cannon noted that would be available to the public.

Mr. Dougherty agreed if it went through.

Mr. Zobrist felt that the project had been designed well, but he was a little distressed that the issue of the safety of the pedestrians is only coming up now. He had not heard anything about it in the other work sessions. Frankly, he thought that the residents have a real issue with safety. He had an issue with safety in those neighborhoods. The applicant needs to get back with the residents to resolve this issue. It goes to the other two developments, too. With Biscuit Run they went to a vote and they decided that they should not have done it and they came back to the Commission with the right numbers. The Commission has a right to have an adoption by the applicant of the philosophy of the Board even if not the exact numbers. At least the Commission could send it to the Board with a commitment by the developer to do what the Board has publicly stated that they want to do. He requested that the applicant be invited to address the issues.

Mr. Franco said that they would be happy to follow the philosophy of the Board as outlined. He did not think that the internal park would count towards anything. The question is what kind of credit they get for the 15 acres of greenway that is being asked above and beyond. That is a number that the Board has to put out there which they can negotiate into that. All it would really take is a negotiation of what the proffer amount is from that issue to what the credit is going to be. They are happy to follow that number, but they want adequate credit for the 15 extra acres that is being requested at the lower end.

Mr. Zobrist said that he was okay with that. The staff report says that they are not willing to proffer any more money. The Commission knew what the number was for the Biscuit Run proffer, but then they talked about the credits. He was okay with that philosophy that if they knew what the numbers were then they could talk about the credits. He asked if the 15 acres was the only item they needed credit for.

Mr. Franco said that the other questions were about some of the other items discussed as to how the proffer number was developed. It was based on an average price for the unit and these will be above that. He asked if there was more room for negotiation or discussion on that. Again, this is very gray. The policy is evolving for us. They would be happy to start there. If they were going to be paying more in taxes on these units and should they be getting back more credit. The discussion Mr. Edgerton had was that when it went to the Board the discussion was whether they were going to use 6 or 8 percent for the amount of credits one gets back for personal property taxes that went towards these things. They ended up going against the committee's recommendation of 8 percent and went with the lower credit producing the higher number. There are still things being discussed that are not iron clad at this point. Since Darby Road is external to this rezoning at this point and the residents are claiming it is an existing problem, then is that something that should get credit. Therefore, they are asking to allow the request go forward to the Board and allow them to resolve it.

Mr. Zobrist said that the issue of credits is irrelevant. He would have a hard time recommending the Board to approve this with the safety issue hanging out there and not being resolved. He asked that the applicant work the proffers out with staff.

Mr. Edgerton disagreed that the things are very gray. There are going to be some details to be worked out in the coming months. But, it is fairly apparent that the Board meant for this to be applicable immediately. He did not think the Board was gray about that at all in their statement. The Commission is bound to follow that direction. He suggested that the applicant come up with some numbers on the credits and then the Commission could comment on it. Ultimately, the Board can make that decision. But, that does not change the big number.

Mr. Franco noted the grayness was the amount of credits given. They have been working with the citizens with respect to the traffic study. When this was first brought to them by Mr. Joscelyne the issue was cut through traffic. It was the volume and speed of traffic. A traffic study has been done with different numbers and speeds quoted. The overall study in Glenmore was done on the spine roads, which was mainly Piper Road. There was a speed study that the Police Department did. That is where the major speed issues were. Mr. Joscelyne did his own study on the internal roads to Darby. The speed that he had was right around 30 miles per hour, which was 5 miles per hour over the speed limits. The focus on their discussions with the citizens over the last 6 months has been how to calm the traffic and direct it in different directions back onto the spine roads. They reviewed that with the Glenmore Community Association. They have talked about proffering money for traffic calming in that neighborhood. So far they have chosen to go a different route. Their route was to educate their residents first. If it is a cut through issue they say that it is better to first educate, deal with enforcement issues and then reengineer the roads in that area. They have been in discussion with them for months as part of the traffic study and everything else. So this is not a new topic.

Mr. Zobrist said that this was the first time that he had heard the pedestrian issue. When a group of citizens ask for a sidewalk in a rural character community he felt that there was a serious problem. He asked how many residents lived on the road.

Mr. Franco replied that there were 73 houses in that neighborhood. He said that he would be happy to explore this issue with the Commission. They have been talking about some of the other solutions that exist. He asked to correct one thing that has been said. This has always been designed as an interconnection between this neighborhood and this area. It has never been designed, submitted or approved as a cul-de-sac neighborhood. One of the things that exist right now is the horse trail. They are going to take it around Livengood and continue the path. There is a common area path they have looked at to put a path behind the houses to provide access to the park area. There are some issues with the design the residents are looking at. They continue to explore other possibilities with them. But, so far they have not been able to come to any conclusion with that group.

Mr. Zobrist suggested that the Commission defer the request until they worked out those issues. He had a problem with the effect on the neighbors. They need to get an agreement with the community association on how to handle these issues.

Mr. Franco said that the association has not asked for this path.

Ms. Joseph said that the public hearing was closed and the matter before the Commission.

Mr. Morris said that the applicant did a wonderful job of what he brought before the Commission, but there were safety issues that need to be addressed. The proffers have to meet the standards set by the Board and be worked out before the meeting.

Mr. Cannon noted that he could not support sending the request forward to the Board with a blank check on the proffers. They did not do that with Biscuit Run. Then there was a constructive session where they came back with specifics that the Commission could respond to and bring forward a recommendation to the Board that in the long run will help the community as well as the developer. He would like to see that happen here. He could not support it without a specific list that he could at least look at and make his best judgment on whether it is adequate or not against what he understands to be the Board's policy.

Mr. Craddock asked to see an itemized listing of credits, etc. to offset the cost of the development based on the Board's recommendations. He liked their approach about educating the residents on the speed

limits because they are the ones using the roads mostly. If they are not driving 25 miles per hour on Darby Road, that is a neighborhood problem. He felt that everybody ought to be driving 25 miles per hour on those roads. He questioned whether 110 percent in traffic volume was significant or not. He asked that the issue of a sidewalk on Darby Road ought to be looked at and whether it would be a credit. Getting the request before the Board on July 11 was a little tight.

Mr. Edgerton said that he was not comfortable moving this on to the Board with no commitment from the applicant on the proffers. With the additional traffic from this project and the two upcoming they need to resolve the sidewalk and pedestrian safety issues. He was not prepared to recommend approval this evening with all of the outstanding issues.

Ms. Joseph pointed out if this was to connect to Rivanna Village that there was going to be a lot of traffic going through there. She asked the applicant if they wanted to request a deferral due to the lack of support.

Mr. Franco asked for a deferral, but wanted some clarification on a couple of things so they can be clear when they come back. In response to the three things that he had heard:

1. He was happy to abide by the Board's proffer policy given the appropriate credits for the improvements being requested. They will deal with that aspect. He heard the request for an itemized list with respect to that.
2. He would come back better prepared to discuss the traffic situation. They will meet again with the residents and find out how to address their concerns.
3. He needed some clearer guidance on what road section the Commission was going to be looking for. What he heard is that the proffer does not have anything to do with the road section. The off site concern does not have anything to do with the road section. So he would ask for some clear guidance tonight so that they can make sure their plan reflects what their expectation will be for the road section. What has been submitted and reviewed by staff and had their support coming into this tonight was a rural section road. They are happy to provide a path on one side of the road connecting to the existing network of paths that go around the lake and then tie into the bigger part of the community. If they are looking for an urban section of road, he needs to hear that.

Mr. Edgerton said that he was looking for an urban section of road.

Ms. Joseph said that she was not so sure. She asked that the roads be able to deal with storm water in LID fashion instead of through pipes. She suggested that they come up with something that they could use such as bio swales or something to get rid of the water or some other mechanism other than piping that was not expensive to put in the pathway. She supported some kind of asphalt pathway or hard surface. She felt that it should be on both sides. If this is suppose to connect with Rivanna Village there will be a lot of traffic. She was torn by the sidewalk issue, but felt they could do sidewalks and also do some LID stuff.

Mr. Zobrist said that he was convinced that the roads are adequate to carry the traffic, but it was the safety issue. In terms of the section he suggested that he talk with the residents and the community association on how to deal with the traffic and safety issues. It would be helpful to know what the residents in that area would like to have.

Mr. Franco asked if he was willing to live with majority or consensus.

Mr. Zobrist felt that if the Glenmore Association came in with a strong recommendation to retain it the way it was that he would take strong notice of that.

Mr. Cannon agreed that it sounds like a process solution that could yield results. He was not committed to concrete sidewalks and traditional curb and gutter. He preferred asphalt. He felt that they could approximate the community's preferences through discussion, which would be helpful to the Commission to know the results of that.

Mr. Franco said that based on their comments he requested deferral.

Mr. Kamptner noted that it would be an indefinite deferral and would be readvertised.

Motion: Mr. Zobrist moved, Mr. Craddock seconded, for approval of the applicant's request for indefinite deferral of ZMA-2006-00015, Livengood (Glenmore Section S5) to June 19.

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

Ms. Joseph stated that ZMA-2006-00015, Livengood (Glenmore Section S5) was indefinitely deferred.

Old Business

Ms. Joseph asked if there was any old business.

At a request to discuss the new City Planning Commission's policy regarding meeting with applicants, it was decided that the Chair would work with staff to schedule this discussion at a future meeting.

There being no further items, 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 8:58 p.m. to the Tuesday, June 12, 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.)