Albemarle County Planning Commission
June 6, 2006

The Albemarle County Planning Commission met on Tuesday, June 6, 2006 and held a meeting and a public hearing at 6:00 p.m., at the County Office Building, Room 241, Second Floor, 401 McIntire Road, Charlottesville, Virginia. Members attending were Eric Strucko, Bill Edgerton, Jo Higgins, Jon Cannon, Marcia Joseph, Chairman and Calvin Morris, Vice-Chairman. Absent was Pete Craddock. Julia Monteith, Senior Land Use Planner for the University of Virginia, representative for David J. Neuman, FAIA, Architect for University of Virginia, was absent.

Other officials present were Elaine Echols, Principal Planner; Bill Fritz, Development Review Manager; Keith Lancaster, Senior Planner; Claudette Grant, Senior Planner; Judy Wiegand, Senior Planner; David Pennock, Principal Planner and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

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

Other Matters Not Listed on the Agenda from the Public:

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

Consent Agenda:

a. **SDP 2006-038 Korean Community Church – Critical Slopes Waiver Request**: Request for waiver of Sec. 4.2 building site requirements in order to construct portions of parking and drive aisles, as well as associated grading on critical slopes. The property, described as Tax Map 59, Parcel 23G, is located in the Samuel Miller Magisterial District 350 feet from Ivy Road (Route #250) approximately 0.28 miles from its intersection with Broomley Road (Route #677). The Comprehensive Plan designates this property as Rural Areas in Rural Area 1. (David Pennock)

b. **SUB 2006-104 West End at Western Ridge Open Space Appropriateness Determination:** Request for approval of open space for a 16 lot subdivision in accordance with Section 4.7 of the Zoning Ordinance. The property is zoned R4, Residential. The property, described as Tax Map 56E, Section 1, Parcel A is located in the White Hall Magisterial District off of Lake Tree Lane [SR #1251] in the Western Ridge development which is located off of Three Notch'd Road [Route #240] approximately 1.5 miles east of its intersection with Crozet Avenue [SR #810]. The Crozet Master Plan of the Comprehensive Plan designates these properties as District CT3 Urban Edge. (Francis MacCall)

Ms. Joseph asked if any Commissioner wanted to pull an item from the consent agenda. She asked to pull SDP-2006-038, Korean Community Church – Critical Slopes Waiver Request so that staff could explain the discrepancy between the executive summary and the body of the staff report.

Mr. Pennock stated that SDP-2006-038, Korean Community Church was a request for a waiver to allow critical slopes disturbance associated with the construction of the church. The original staff report that went out included an incorrect executive summary with an incorrect background. The correct background site is that the site is located in the Samuel Miller Magisterial District about 250' off of Ivy Road just west of the city. There is an existing Volvo Dealership in front of the site. Just west of this property is the Korean Community Church and Christian Aid Mission. There has been no activity on this parcel previously. The proposal is for the construction of a new church. The applicant has submitted a request for a waiver in accordance with Section 4.2 of the zoning ordinance. The disturbance is for the construction of drive isles, a dumpster pad and associated grading for the construction of this site. Staff analyzed the requests in two parts in an engineering and planning review. From a planning perspective the identified critical slopes were not identified as aesthetic resources in the critical resources plan. In the

engineering review staff had no major concerns with the development assuming that it proceeded as currently shown on the site plan. Therefore, staff recommended approval of the request.

Ms. Joseph noted that the critical slopes were in the parking area, travel ways and dumpster pad. The critical slopes in the travel ways are things that they have no control over. But, they do have control over the critical slopes in the dumpster pad and the parking area.

Mr. Pennock agreed that was basically true because the travel ways are the only logical means of access to and from the site, which can be exempted from the critical slopes modification. As Ms. Joseph said the parking, the dumpster pad and some of the associated grading are the main concerns that they would have from an ordinance standpoint.

Ms. Joseph asked why the circulation went all the way around and why there was no attempt to avoid some of those critical slopes. She asked if there was any reasoning given for the circulation pattern established on this site.

Mr. Pennock noted that was not something that the applicant actually discussed with staff. This request is a revision to the original site plan. Both drafts reviewed by staff reviewed have that circulation. He suggested that it was done to keep the dumpster pad out of sight, particularly because this is located on an Entrance Corridor.

Mr. Edgerton concurred with Ms. Joseph's concerns. The parking area could be reconfigured to avoid disturbing critical slopes. The Entrance Corridor should be protected. But, to provide this sort of overkill of circulation on the site was really troublesome because there has not been any encouragement from staff to try to come up with an alternative way of solving the problem of getting around.

Mr. Pennock noted that it would have involved some reduction in scope to scale things down given the drain field location and the location of the grading associated with the construction. The critical slopes sort of ring the site.

Mr. Edgerton asked if there was access at the back of the building.

Ms. Higgins stated that the church is a bi-level building with a basement elevation. They have to get around to the back. They could get people in at the lower level and the upper level as far as avoiding an elevator and making it completely handicap accessible. Churches usually have a little flexibility because of their standing. The travel way in the back does drop down and the grades match up. But, they don't typically at this level of detail get the exact building design. It is at basement level. The travel way where it says 20 feet drops down. The dumpster pad is at grade. Therefore, she would assume that was a rear door coming out the back. With that going around the building and leaving some landscaping she did not think they would typically want to put more paving out there than they need to because of the price. That is why she did not have any problem with the request.

Mr. Cannon asked if staff typically requires in the context of waiver requests from the ordinance that there be a showing that steps have been taken by the applicant to minimize the impact of the disturbance of the steep slopes.

Mr. Pennock replied typically not. Staff analyzes the request basically at face value. They don't typically offer alternatives. Their direction was to review what they have got. At their request, staff can offer alternatives. In some situations staff will do that. Particularly in subdivisions the engineers often offer alternatives to minimize impact.

Mr. Fritz stated that in those cases where it is clear that a portion of the critical slopes are identified as an aesthetic resource or there is some engineering reason not to do it because of erosion or other issues that they would avoid those areas.

Mr. Edgerton asked if Section 4.2 says that they only need to worry about critical slopes if they have been identified.

Mr. Bill replied no, that it does not.

Mr. Edgerton noted that was where he was having trouble. They have an ordinance that says thou shall not and then they continuously ignore that.

Mr. Fritz said that staff is looking at and analyzing the request that the applicant has made. In those cases that staff can't support the applicant is advised of that ahead of time.

Mr. Edgerton stated that from staff's position the only time they are really concerned about it is when it has been identified.

Mr. Fritz noted that all they would be doing at that point is advising the applicant that they are not going to be able to support that portion of the modification.

Ms. Higgins noted that was not the case here because they did not have a stream or critical slope along a stream.

Mr. Fritz stated that critical slopes are in and of themselves a resource, but they are not identified in the Open Space Plan or other documents.

Ms. Joseph asked if the applicant was present.

Mr. Pennock replied that the applicant was not present.

Motion: Ms. Higgins moved, Mr. Morris seconded, to approve the consent agenda items a. and b., after their discussion on item a.

The motion passed by a vote of 6:0. (Commissioner Craddock was absent.)

Ms. Joseph stated that the consent agenda has been approved.

Item Requesting Deferral:

ZMA 2005-007 Haden Place (Signs #12,13)
PROPOSAL: Rezone 6.69 acres from R-2 Residential (2 units/acre) to NMD Neighborhood Model District - residential (3 - 34 units/acre) mixed with commercial, service and industrial uses for 20 single family homes and 14 townhomes
PROFFERS: Yes
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Community of Crozet; CT-3 Urban Edge: single family residential (net 3.5-6.5 units/acre) supporting uses such as religious institutions and schools and other small-scale non-residential uses
ENTRANCE CORRIDOR: No
LOCATION: Between Haden (Rt. 1209) & Killdeer Lanes (Rt. 1215), south of Jarman's Gap Road
TAX MAP/PARCEL: TM 55, Parcel 69 & TM 56, Parcel 9
MAGISTERIAL DISTRICT: White Hall
STAFF: Rebecca Ragsdale
APPLICANT REQUESTS DEFERRAL TO THE JUNE 27, 2006 PLANNING COMMISSION MEETING.

Ms. Joseph noted that the applicant has requested deferral to the June 27 Planning Commission meeting. She opened the public hearing and asked if there was anyone present to speak to this application.

Patti Saul, resident of Killdeer Lane, stated that their house was the last house next to Old Trail. They have a 4,000 square foot home directly in front of the wooded area for Hayden Place. They have lived here for 30 years and are now being surrounded by development. The drawings indicate that the pond would be directly in front of their home at the end of the driveway. Currently it is completely wooded.

They would like to respectfully request that some of the shrubbery and trees be left standing so that they don't have a drainage pond directly in front of their house. That would help them a great deal.

Ms. Higgins asked if anyone working on this development had contacted her or discussed this issue with her.

Ms. Saul noted that she had talked with Ms. Ragsdale, but had not had any contact with the developer.

Ms. Joseph asked if there was anyone else present to speak on this request. There be no further public comment, the public hearing was closed and the matter before the Commission.

Motion: Ms. Higgins moved, Mr. Strucko seconded, to accept the applicant's request for deferral of ZMA-2005-007, Haden Place, to June 27, 2006, and that staff should provide the speaker's contact information to the applicant so that possibly this potential complex issue could be addressed independently before it comes back before the Commission on June 27.

The motion passed by a vote of 6:0. (Commissioner Craddock was absent.)

Ms. Joseph stated that ZMA-2005-007, Haden Place, was deferred to June 27, 2006.

***Regular Item**:*

SUB 2006-109 Dunlora Gates – Preliminary Subdivision Plat: Request for approval of five waiver requests and the appropriateness of proposed Open Space. The applicant is proposing to create a 14 lot by-right subdivision on 7.85 acres, with open space. The property, described as Tax Map 62 Parcel 10 is located in the Rio Magisterial District on Townbrook Crossing approximately 0.071miles from the intersection of Shepherds Ridge Road and Townbrook Crossing. The Comprehensive Plan designates this property as Neighborhood Density in Urban Area 2. (Keith Lancaster)

Mr. Lancaster summarized the staff report.

- This vacant property is in the development area adjacent to the Dunlora Subdivision. The applicant proposes to create a 14 lot by-right subdivision on 7.85 acres with open space located next to Dunlora Subdivision. The applicant has requested five waiver requests and the appropriateness of the proposed Open Space.

- The first waiver request is for the coordination of public streets. There are two existing roads that come in on either side with a spike strip that was approved when River Crest was approved. There is a legal matter between the County and the developer of Belvedere, Station Land Trust at this time. It has not been settled. The final plat approval of this would settle it and would allow connection into it. It basically landlocked this parcel. The right-of-way was never connected through to the property line on either side, which created the spike strip. The applicant is proposing one point of entry. Staff is recommending the coordination of the streets. Staff suggests in the staff report that Tumbler Crossing West also be a point of entry into this parcel. Staff found no potential impacts on the environmental resources by making this connection. There are no stream buffers or critical slopes in this area. The topography is relatively flat. Staff did not see how it would further the goals of the Neighborhood Model and recommends denial.

- The next waiver request is for curb and gutter. This property is located in the development area and the ordinance requires that curb and gutter be provided. The applicant is maintaining a rural cross section. Dunlora, the development subdivision, has ditches. The engineering review recommends that the curb and gutter would help contain the road drainage and direct the flow to the storm water basin. After analyzing this section of street and possibly another connection here with the rest of the subdivision, staff was in favor of allowing this waiver for the curb and gutter.

- The next waiver request was for sidewalks. The applicant was requesting not to provide sidewalks on the proposed street into the subdivision. The ordinance, again, requires in the

development areas sidewalks to be provided on both sides of the street. River Crest does provide concrete sidewalks on one side of the street. Staff feels that there are no engineering issues that would prevent the construction. Staff also feels that it would restrict pedestrian access through the neighborhood as well. Staff recommends denial of that waiver.

- The next request is for a waiver of the planting strip. Throughout Dunlora there is a planting strip from the curb that backs up to the sidewalk. They also provide street trees on both sides of the street along the planting strip. Staff identified no issues that would restrict the construction of that. Therefore, staff recommends denial of that waiver.

- The next waiver request is for the yellow highlighted area of critical slopes greater than 25 percent for disturbance. Upon the review of that with the engineering staff, staff feels that the applicant is protecting the most important and sensitive slopes here, which are identified in the Open Space Plan. Staff feels that with the erosion control plan they can give a favorable recommendation to this waiver request.

- There is also open space proposed of 3.2 acres, which represents roughly 41 percent of the site the applicant is putting into open space. The applicant is trying to protect the most sensitive drainage areas, slopes and wooded areas on this side of the site. It is not a requirement. They are within the by-right lot sizes. They actually do not need to provide open space in this development. They are not asking for bonus density for this site. Staff is in favor of the open space shown on the plan. The one question, which is up to the applicant, is whether they would become a part of the Dunlora Homeowner's Association and where this open space goes. At final plat they would have to start a homeowner's association for the maintenance of this area anyway.

- The actual subdivision was not appealed to the Planning Commission. The request is for the five waiver requests and the appropriateness of the open space.

  Subdivision Ordinance Waiver Requests
  1. Waiver of Section 14-409(D) –interparcel connection (recommendation, denial)

  2. Waiver of Section 14-410(I) –installation of curb and gutter (recommendation, approval)

  3. Waiver of Section 14-422(E) –installation of sidewalks (recommendation, denial)

  4. Waiver of Section 14-422(F) –installation of planting strips (recommendation, denial)

  Zoning Ordinance Waiver Requests
  5. Waiver of Section 4.2.5 –disturbance of critical slopes (recommendation, approval)

  6. Section 4.7 - Approval of Open space (recommendation, approval)

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

Mr. Edgerton asked how the project would proceed without actually redesigning the whole project if the Commission goes along with staff's recommendations.

Mr. Lancaster agreed that there would have to be some redesign to the site.

Mr. Fritz pointed out that if the Commission took an action to follow staff's recommendations, staff would administratively pursue the final plat with the road connected through. When the proposal moved forward there would be no further notifications and staff would review the plat. Or, the Commission could approve the modification with a condition that the final plat comes back to the Commission. If the Commission requires that the final plat come back for approval staff would do a notification before bringing the request back to the Commission.

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

Wayne Maintain said that he was the engineer representing the applicant. First he would like to address the street extension, which is 14-409(d). It is his understanding that the existing two streets, which turn north and west, were recorded in April, 2002 with a strip between the right-of-way and the applicant's property. Subsequently, they got an ordinance 14-409(d), which requires an interparcel connection. He questioned if that ordinance was passed prior to this recordation on April, 2002.

Mr. Kamptner replied no, that ordinance was adopted in April, 2005.

Mr. Maintain noted that it appears that they are working with two different ordinances if it was recorded after that April, 2002 date.

Mr. Kamptner noted that his client's property is the one that is proposed to be subdivided, which was the one that is subject to the current Subdivision Ordinance. The fact that the spike strips that were left on the Dunlora Plat Phase 3B did not extend to the property line and left the Brown's property without any public access was a violation of the Subdivision Ordinance. That is the subject of the pending lawsuit.

Mr. Maintain asked if that would not have any effect on something recorded after that date.

Mr. Kamptner replied no. The requirement to extend at least piece of Townbrook Crossing was required under the old ordinance as well.

Mr. Maintain asked to address some other items on this particular issue.

- In the roadway design virtually they end up with two dead end streets, which is what they have now. They have been functioning for several years with no apparent difficulties. It does not seem logical to hook up the two streets because it would serve no purpose whatsoever. To limit traffic on roads of this nature is not a bad condition. Some people enjoy living in tranquility of dead end streets, which they have provided. This waiver, if granted, will not be detrimental to the public health, safety, welfare or orderly development of the area.

- The next item is the installation of sidewalks. They would be agreeable to place sidewalks on one side of the street only. That would be conforming to all of the other sections of Dunlora that he has seen. The applicant has no problem with the planting strips.

- The applicant is in agreement with staff regarding the open space and critical slopes.

Ms. Joseph asked if there were any questions.

Ms. Higgins asked for several clarifications. The applicant basically was requesting a withdrawal of the waiver request f. for the installation of the planting strips. Since the applicant was agreeing to it they were requesting withdrawal of the request and the Commission does not have to take action on it. Therefore, that one will not be considered.

Mr. Maintain agreed that they have no problem with the installation of the planting strips.

Ms. Higgins asked if he saw any effect on what could potentially happen to the actual lot. Would it mean the reduction of one lot or a shift in the redesign to make the connection?

Mr. Maintain replied that it would require the reduction of one lot.

There being no further questions, Ms. Joseph invited comment from other members of the public.

Dianne Gagliano, resident of Rivercrest in Dunlora, said that Rivercrest was the portion of Dunlora that would have the greatest impact from the proposed subdivision.

- On behalf of the concerned citizens of Rivercrest she appreciated the opportunity to address some key points and issues regarding access to the proposed subdivision. As was stated in the executive summary and shown on Attachment A, which is the preliminary site map, the applicant has requested a waiver to access the proposed subdivision using only one of the two Townbrook Crossings. They would appreciate the Commission's consideration to require the use of both of the Townbrook Crossings, both north and west as a dual access circle road into the subdivision for the following reasons: As identified in the earlier subdivision plans the two Townbrook Crossings Roads were intended to eventually be connected into a circle drive. It should be noted that obviously this is the reason why they have two Townbrook Crossings.
- The existing Townbrook Crossings are only 18' wide, which allows just enough room for two-way traffic going through at a very low speed. It should also be noted that both guests as well as service vehicles frequently park on the road way itself. Fortunately the development on both sides of the streets has sidewalks. That certainly enhances pedestrian use and safety.
- A dual access circle would greatly enhance the traffic flow and reduce excess traffic as well as needless congestion if only one road was used for access. Without a circle access most of the construction traffic, which is a real concern, will have to back up the entire length of the Townbrook Crossing north in order to reach an intersection large enough to turn around, thus resulting in probable damage to the access road's mailboxes, driveways and to the edge of the road.
- A circle drive would also allow a safe traffic flow for school buses to access that area. Opening the end of Townbrook to the west would eliminate the unsightliness of having the back of a house lot facing the end of an existing cul-de-sac. If in fact only one access is approved, then Townbrook west would then have to be definitely renamed. It would certainly be an inconvenience to the current residents living on that street.
- In summary, by requiring a dual access circle to the proposed subdivision many of the Neighborhood Model goals could be met as well as the concerns of their residents could be addressed. Those goals would include such things as emphasis on the creation of a cohesive neighborhood, interconnected network of streets with an existing development, neighborhood friendly streets and paths and, the elimination of the backs of house lots facing a cul-de-sac as well as the elimination of two cul-de-sacs.
- They respectfully request that the Planning Commission deny the applicant's waiver request for interparcel connection.

Charles Dagley, resident of Rivercrest in Dunlora, said that on behalf of the concerned residents of Rivercrest he appreciates this opportunity to share their concerns. They specifically want to address the applicant's request for a waiver of the subdivision sidewalks. The residents of Rivercrest have an existing network of sidewalks that are adjacent to Shepherd's Ridge Road and both of the Townbrook Crossings. These sidewalks are frequently used by our neighborhood residents and other residents of Dunlora. They request that at least one concrete sidewalk on the inner circle side of the subdivision be connected to the two existing Townbrook Crossing sidewalks. This would extend and interconnect with the existing sidewalk network of Rivercrest. In keeping with the Neighborhood Model policies to promote pedestrian friendly neighborhoods they respectfully request the applicant's sidewalk waiver be denied.

Chuck Gagliano questioned if a sidewalk on one side of the street would be adequate.

Bill Hopkins, a resident of Dunlora who lived in the Rivercrest area, presented a written statement to the Commission. (See Attachment – Letter from Bill Hopkins and two plats) "In the applicant's proposal, they have offered that "the applicant is willing to provide emergency ingress and egress between Shepherds Ridge Road and State Route 651 (Free State Road)." The residents of Riercrest and Dunlora expect no benefit from making this connection between Dunlora and Free State Road. Emergency ingress and egress is planned from Shepherds Ridge Road onto Rio Road by a strip already designated in the county's planning just east of Shepherds Ridge Circle. As a matter of fact, a portion of this emergency ingress/egress is already paved. Furthermore, there is a planned connection from the Belvedere subdivision to the rear portion of Dunlora by a live traffic connection at Loring Run just west of Pike Place and Breckenridge Court. We respectfully request that the Planning Commission not accept Mr. and Mrs. James Wells offer to connect Shepherds Ridge Road to Free State Road."

John Putalik said that he serves as a chair person for the Impact Committee of the Rivercrest Association, which represents 71 units that are part of the Dunlora Community Association. If it is the intent of the applicants to seek incorporation into the Dunlora Association they would like at this time to request a temporary delay prior to any modification of the preliminary subdivision plan by the Planning Commission. Such a delay would allow an opportunity for the Dunlora Board of Directors and the residents to review the preliminary site plan and the executive summary. They need the opportunity to reflect on the ramifications of this subdivision such as strict compliance with the rules and regulations of the Dunlora Community Association, including architecture and landscape covenants and restrictions, a study of the functional limitations of the amenities full capacity and tennis court usage. This needs to be weighed anytime they add on from the outside. Other concerns include road layout and traffic flow. They are also concerned with the school bus and truck access situation if there is only one access. They are also concerned with the environmental impact and the utility service plans. The current subdivision plan was only made public over the last few weeks. Therefore, they hope to be allowed additional time for the Board of Directors and residents to review these documents and render their opinions prior to final Commission approval. That is if the applicant wishes to request incorporation into the Dunlora Community Association.

Jim Batten, resident of Townbrook Crossing, said that he was the first resident to live on that street. Therefore, he had an opportunity to watch what happened to his property during the construction phase. As mentioned before, the road is 18' wide and construction vehicles cannot pass each other on this road. It is necessary for construction vehicles to pull up Shepherd's Ridge Road and back down to Townbrook Crossing. Therefore, he was in favor of opening both entrances to the road. He suggested that the road be made one-way during the construction phase. He supported the applicant's offer to put in at least a sidewalk on one side of the street. He suggested that the applicant consider putting in the same type of sidewalk that they already have and to join those together so that the appearance would be the same.

Pat Earl, one of the neighbors who live on the Townbrook side that may become a dead end street, felt that it would be nice to open up the street. But, she could not argue with her neighbors in what they have presented tonight about the havoc that it would create in the neighborhood. Even though it is to her detriment, she recommended that the Commission not grant that waiver to make it just one entry into that area. .

Floyd C. Brown said that his grandmother was Susie Brown who owns an adjacent property. He understands the concerns that have been expressed. His concern is if this is done they are put into the limbo of a sale of a property that they have been trying to get rid of for many years. If they grant the requests it would affect and hold up their sale because everybody wants to live in peace.

Caleb Stowe said that a couple of years ago he was asked by the Brown family and others to help them with a difficult problem because they had a piece of ground that had been passed on to them by Susie Brown 40 years ago. The first thing they discovered was that the County had improperly allowed the recording of a plat 4 years ago which essentially disallowed this family from developing its property. After a good while and talking to the County Attorney it became very clear that a terrible mistake had been made. The mistake was made not only in the planning, but also in the recording. Therefore, they did not know what to do. They went to the County Attorney and the result was litigation by the County. The litigation involved the Belvedere Land Trust and others in that neighborhood who had title to the spike strip. Needless to say the Brown family is very frustrated about settling the estate. They are currently working on a negotiated settlement that has to do with the plan before the Commission. It has to do with the best approach that they could make to the development of this land without losing too much of the value. They think that a fair proposal is before the Commission. The biggest problem with getting this resolved is the two parts of the interconnection of the street. This morning he flew over the property and viewed the connections. There is no reason not to allow this as presented. It is in the interest of the County since the lawsuit is still pending and he was sure they would like to get this settled.

Barbara Johnson agreed with many of the things that have been said. She felt that some planning needs to be taken into account for the development of this area. There seems to be a lot of problems with this proposal.

Philip P. Brown, Sr. said that he was born on this land and still lives on the property. Hauser and Stoner put the spike strip there when they developed the property. He questioned why the County did not see that spike strip, which blocked him from getting into his land. He voiced frustration and concern over not being able to settle his mother's estate. It was creating a problem for his family. He noted that it had caused a huge burden and he wanted to get the situation resolved. He asked that the Commission find it in their heart to help resolve this by granting the request.

Bernice Cowen, a member of the Brown family, asked why they cannot sell the land or get rid of it. She voiced her frustration on not being able to develop their property.

Susan Howe, resident of River Crest in Townbrook north, said that this was the most affected by the access into the Brown property. The point that the Rivercrest Community is trying to make is that they are trying to make it incorporate the Brown property development more readily into the existing community. It is not that they are denying development of the property. They are trying to make it more consistent with the Neighborhood Model and the existing neighborhood and to make the traffic flow better. They want to keep the character of the existing neighborhoods around it.

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

Mr. Kamptner noted that the Commission could act on the waivers and then they could approve the preliminary plats with conditions and one of those conditions can be fashioned so that if one of those accesses is withdrawn, then the developer of this parcel needs to reserve for dedication of the right-of-way up to the property line.

Ms. Joseph asked if that would be one of the conditions, and Mr. Kamptner replied that it would be.

Motion: Mr. Morris moved, Mr. Strucko seconded, to deny the applicant's request for the waiver of Section 14-409(D) interparcel connection for SUB-2006-109, Dunlora Gates – Preliminary Subdivision Plat.

Mr. Kamptner asked if he should assume that the reasons for that are for the reasons stated in the staff report on page 2, and Mr. Morris replied that is correct.

Ms. Higgins asked to make a statement, too, that the Brown's hopefully can understand that the value of the parcels and hopefully there are some adjustments that can be made to retain the same number of lots and that from a personal perspective she would say that it is better that this arrangement living on a dead end road 18' wide that making these parcels more attractive and part of the neighborhood will be a benefit to the value of that property. That has been proven. They are doing this to make it part of the neighborhood, which will probably lend itself to Dunlora's discussion of becoming a part of the Dunlora Homeowner's Association. She felt that again would lend to value to the Brown's development of their property. She felt that it was worth making that comment.

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

Motion: Ms. Higgins moved, Mr. Morris seconded, to approve the applicant's request for the waiver of Section 14-410(I) installation of curb and gutter for Dunlora Gates – Preliminary Subdivision Plat.

The motion passed by a vote of 6:0. (Commissioner Craddock was absent.)

Motion: Ms. Higgins moved, Mr. Strucko seconded, to approve the applicant's request for the waiver of Section 14-422(E) installation of sidewalks for SUB-2006-109, Dunlora Gates – Preliminary Subdivision Plat for a one sided sidewalk.

Mr. Fritz recommended the following language, “That sidewalks shall be provided on the inner circle side of the proposed road to connect to existing sidewalks in Dunlora.”

Ms. Higgins agreed with Mr. Fritz’s suggestion, but that it should also say that it provides for a one sided sidewalk for the stub out section of the road also.

Mr. Fritz agreed that would clarify it.

Ms. Higgins made a friendly amendment to adjust the language of the condition as discussed, which was seconded by Mr. Strucko.

The motion passed by a vote of 6:0. (Commissioner Craddock was absent.)

Mr. Fritz asked for some clarification on that. He asked if she was talking about the stub out heading down and to which point. He asked if it would be to the top of the cul-de-sac.

Ms. Higgins clarified that it would be to the start of the cul-de-sac.

Motion: Mr. Higgins moved, Mr. Morris seconded, to deny the applicant’s request for the waiver of Section 14-422(F) installation of planting strips for SUB-2006-109, Dunlora Gates – Preliminary Subdivision Plat. Ms. Higgins pointed out that the applicant had agreed to withdraw this request.

The motion passed by a vote of 6:0. (Commissioner Craddock was absent.)

Mr. Kamptner asked if that would be for the reasons stated in the staff report on page 6.

Ms. Joseph stated that was correct.

Motion: Ms. Higgins moved, Mr. Morris seconded, to approve the applicant’s request for the waiver of Section 4.2.5 critical slopes for SUB-2006-109, Dunlora Gates – Preliminary Subdivision Plat.

Ms. Higgins noted that her only statement on the discussion is that with the open space dedication that hopefully the Commission will approve in the next section that there are a lot of critical slopes that have been approved and that the slopes that were already disturbed are not of a sensitive nature of the other part of the property.

The motion passed by a vote of 6:0. (Commissioner Craddock was absent.)

Motion: Ms. Higgins moved, Mr. Strucko seconded, to approve the applicant’s request for the waiver of Section 4.7 open space per the staff’s recommendation as shown on attachment A for SUB-2006-109, Dunlora Gates – Preliminary Subdivision Plat.

Ms. Joseph pointed out that she appreciated the fact that these were not attached to lots because it really does help to protect that sensitive area.

The motion passed by a vote of 6:0. (Commissioner Craddock was absent.)

Ms. Joseph asked to say one thing about the spike strips. She felt that it was a mistake that has been made. She did not think that it was anything that anyone did intentionally to cause anybody any problems. It is unfortunate that it happened, but she was really glad that the County is trying to work in taking this issue to court to try to resolve it. But, honestly there is nothing that anybody did to try to make it more difficult than it normally is.

Ms. Higgins pointed out that it has happened at other locations.

Ms. Joseph asked if the Commission has to approve the preliminary plat.

Mr. Kamptner stated that the direction to staff will be to take action on the preliminary plat and if Townbrook Crossing West right-of-way is not dedicated to extend the right-of-way to the tax map and parcel number 62-10 boundary line, which is the Brown property, the applicant shall only be required to reserve for dedication the right-of-way extending from the new extension of Townbrook Crossing North to align with Townbrook Crossing West.

Mr. Fritz acknowledged that is what staff will do.

Public Hearing Items:

ZMA 2005-014 Poplar Glen Phase II (Signs #81, 83):
PROPOSAL: Rezone approx. 3.636 acres from R-1 Residential zoning district which allows (1 unit/acre) to PRD Planned Residential District zoning district which allows residential 3-34 units per acre with limited commercial uses. Approximately 28 townhouse units proposed.
PROFFERS: Yes.
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Neighborhood Density Residential - residential (3-6 units/acre) and supporting uses such as religious institutions and schools and other small-scale non-residential uses and Urban Density Residential - residential (6.01-34 units/acre) and supporting uses such as religious institutions, schools, commercial, office and service uses in Neighborhood 6.
ENTRANCE CORRIDOR: No.
LOCATION: The south side Ivy Road (Route 250), approx. 1/4 mile from intersection of 29/250 Bypass and Route 250 West.
TAX MAP/PARCEL: 60H/A2.
MAGISTERIAL DISTRICT: Jack Jouett.
STAFF: Claudette Grant

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

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

Vito Cetta, representative for Weather hill Homes, stated that the Commission has seen this project before and was fairly familiar with it. He asked to review some of the issues through a power point presentation. He pointed out the uses on the adjacent properties noting that the site is very much an urban project. The project is at the end of Still Free Lane. The site is very close in and is very walkable. As you pull in you would see the fronts of units. They have tried to minimize the impact of garages and cars. There are 28 units total. There will be three-story townhouses. The units will be stepping up the hill through a brick courtyard. There are three and four story units. He presented slides of what the units would look like. Still Free Lane is a private road, but is maintained by the state. There are no sidewalks here. They use a lane behind there to get access to the commercial. Poplar Glen I is currently under construction. It is well designed project and will be a nice addition to the community. Valerie Long will present the other issues.

Valeria Long, attorney for the applicant Weather hill Homes, stated that she was present to talk about technical issues. She wanted to talk a little on the density, which was an issue raised in the staff report. They feel that the amount of density proposed for this project for this property is an appropriate fit. The overall density of the entire property is about 7.5 dwelling units per acre. The Comprehensive Plan designation for this property is essential in two parts. It is a combination of urban density and the neighborhood density under the Comprehensive Plan. Even when you evaluate both halves of the property independently they are in the range. If you combine them together and add up all the units again, it is 7.7 dwelling units per acre, which is within the range whether looking at the neighborhood density or the urban density. So they feel that is an appropriate density for this property. The terrain is obviously very challenging. As seen in the staff report the engineering staff's diagram shows the areas of the

critical slopes. There are some critical slopes there. Some of the critical slopes are very steep in the back part of the property. They are staying out of the steepest parts of the slopes. They obviously request approval from the Commission of the critical slopes waiver. They think that they have struck a very appropriate balance between the numbers of units to maximize the units to the extent appropriate for the terrain that is very challenging here. In addition, the amount of density still provides more than adequate room for open space. They provided 1.5 acres of open space, which on a 3.6 acre parcel equates to 41 percent of open space. That compares very favorably to the ordinance minimum of 25 percent. Also it makes room for the underground storage facility interconnections to the adjacent parcels both pedestrian and vehicular for a nice road network and all of those issues. They think that on the density issue that they have hit the right balance. They would be willing to answer the Commission's questions about that. She also wanted to point out the new pedestrian path that Ms. Grant mentioned. They do have an exhibit showing that. It is in the location that staff has asked it to be located rather than going around the back of the building. She felt that they have addressed that issue. As for the drainage she felt that they have heard from Mr. Mac who is an off site property owner at the work session, they have been working very closely with him over the last few months leading up to the work session. Since then they have worked on an agreement with him that has been signed since the work session. So they have addressed all of those issues with that property owner. In addition to that issue and in addition to extenuating and managing all of the on site storm water Weather hill Homes has also proffered to manage an additional 4 acres of off site storm water. So they are essentially doubling the amount of storm water that they are required to maintain under the ordinance. Weather hill is voluntarily doing that. It recognizes that this is an existing significant drainage problem. It is going to step up to the plate on its own to fix this problem for both the U Heights property and Mathews property. So they are pleased to do that and able to do that. Again, that is part of a balancing of the issues with the density, terrain and the off site drainage issues. So they are pleased to be able to speak to that. On the affordable housing issue, as the staff report noted in lieu of providing actual units of affordable housing Weather hill is proffering a cash proffer of $1,650 per units being built. So for 28 units proposed $1.650 for each unit. That is significantly higher than has ever been proffered for any other project in the area. Weather hill has been a leader for the affordable housing issue in our community. This is a very generous proffer. As the staff report says, the Housing Director supports this proposal. The reason for the cash in lieu of the actual units is that this property, again, is a very tight site. The density is about as high as it can get without encroaching on the critical slopes. For this type of a product, a high end townhouse unit Mr. Cetta has come up with a lot of creative ways in some of their other projects to tuck in affordable units at the end of condominium buildings and things like that. He has been very creative. At this time they are finding that it is not the best fit for affordable units. So that is why in lieu of that they are providing the generous proffers. The $1,650 is the amount that the Housing Office tells us is what is needed to provide down payment assistance for the qualified families who can acquire these units. That is a very precise number. It is a very important component of affordable housing. In the staff report there was a fiscal impact analysis that was attached to the report. They have been trying to reach the staff that did that, but understands that he is on vacation. It indicated that there was a net negative impact to the County due to this project because of its residential units. It appears to us that was not quite accurate based on the assumptions that would generate in the form of real estate taxes for this property. They felt that $39,000 looked a little bit low. They went back and did the math. That assumes if they understand how they got that number correctly that these units would be selling for about $190,000. In fact they are selling in the first phase of Poplar Glen at about $450,000 and upper 6's. So if you even assume $500,000 per unit by their calculations there would be a new positive impact of about $24,600. They obviously will look forward with talking with Mr. Allshouse when he is available. But, they just wanted to raise that. Hopefully, that won't be an issue for their consideration. She just wanted to point that out. Finally, the two phases of Poplar Glen will be managed as a single community. They will both be part of the same Homeowner's Association. That owner's association will manage the private road network that is proposed as part of this. Obviously, they will be happy to address any questions the Commission might have. There are a number of people here tonight to represent the request.

Mr. Edgerton said in the staff report it said that the agreement has not been signed. He asked if that had been signed.

Ms. Long stated yes, that was correct in it has been signed. They have worked out all of the issues with the adjacent landowners.

Mr. Morris said that for a residential area paying for itself is about $500,000.

Mr. Strucko agreed that it was in that area.

Mr. Morris pointed out that what they heard is absolutely correct. It is a break even.

Ms. Joseph asked if there was any other member of the public present that would like to speak on this item. There being none, the public hearing was closed and the matter before the Commission. She asked to take exception to something that was said in the staff report under the affordable housing aspect. It talks about the fact that staff is recommending that they approve the cash proffers because it is cost prohibitive to put affordable housing in this development. If they started thinking about that they would think that street trees are cost prohibited. Or that maybe architectural design is cost prohibitive and sidewalks are cost prohibitive and recreation areas and green ways. She felt that affordable housing should not be looked at as something that is cost prohibited in any of the items that come before us. She did not support this as a reason for a favorable response to this project. However, there are many other reasons that affordable housing in the way that they have handled this can be considered favorable. She felt that the fact that $1,650 for each affordable unit that you would have placed on this is very generous. She felt that their reasoning was sound to use that as the basis that is the basis that Albemarle County has used for down payments. She also thought that the Board of Supervisors has made a determination to accept cash proffers and, therefore, the Commission should consider them. She felt that the scale of the development has something to do with her reasoning also that there are 24 units. However, she was getting a little worried that people are going to start doing these things in phases now to may be avoid providing affordable housing in each of the phases. They have also heard that disposal of these affordable places all over the County is very difficult to enforce. So she understood for that reason, too that there would only be four here. She also liked the fact that they have not offered any sort of sunset date for the cash proffer and that it is clean and pure and coming to us. It is designed for affordable housing. She felt that is really important and that it is specific for the affordable housing. She felt that this is related and that they are going above and beyond dealing with some off site drainage issues. Because of that she felt that they were offering the community something. Therefore, the Commission should be considering whatever sort of favorably decisions they can make for this project. There is one change she would ask the applicant to consider making to the proffers, which is the cash proffer for the affordable housing is $1,650 comes when you have completed 7 units. So this will come in some sort of proportion so they will be guaranteed that they will get this money and not just as the units come in. But, she divided 4 into 28, which are 7 affordable housing units. So as the 7 units come in the cash rolls in to provide affordable housing.

Mr. Morris stated that he was impressed with the entire proposal.

Mr. Edgerton said that he concurred with just about everything that Ms. Joseph said. The Board has made it very clear that they are willing to be flexible about accepting cash instead of actual units. He felt that long term they are going to have to figure out a way to integrate affordability into each project. It worries him a little bit that it could not be integrated into the plan. There is a substantial impact on critical slopes, but as it was pointed out during the work session because of the challenging topography on this site they are proposing to do far less than what the Comprehensive Plan would recommend. That is a give and take. He thought it was worth addressing the critical slopes. Engineering has shown us that they can.

Mr. Strucko added his voice to the concern about affordable housing. He read through this and agreed with Ms. Joseph that he was not looking at this as a 28 unit proposal, but he was looking at phase one as well, and the concentration of these high end town homes. Certainly in phase 2 he thought that the provisions of some units in the affordable range feasible. But, like she said there were circumstances that brought his intensity of concern down. That was the proffer and the other issues regarding the project.

Ms. Higgins agreed with most of those things, too. There is one other aspect that she looked at the overall development as that this particular development due to its private road scenario that there is a continuing burden whether it under a single or now joined homeowner's association that reality is land

use and affordable housing has a certain social economic impact for a family that might be helped through the system and assisted with the payment. But, she did not think they should put them into every development. She disagreed with Mr. Edgerton's perceptive of always integrating affordable in to every particular development is that an affordable housing scenario integrated here might have a burden of a monthly homeowner's fee. It could make it so someone with 80 percent of median income could not achieve what they were calling affordable right now, $185,000 or $195,000. She thought that the reality of that is that you have to worry about not just doing it as a house is built, but what is the long term problem of that. She thought there were places where houses in this market and this kind of urban density that it would not necessarily work in the long term. So she felt that the cash proffer gives some of the locations discretion, but that it takes both of the components. It takes both affordable homes as well as down payments to get them into them. This is the perfect place to mix that.

Mr. Edgerton pointed out that the Neighborhood Model was on his side that they need levels of affordability in all projects. Therefore, the County's opinion right now is on his side. He felt that they need to support that.

Ms. Monteith said that it would be unfortunate that if any time you think about urban versus more rural sites and that any time that you are going to have an urban site it is probably going to be denser and the land values are going to be higher. That if they started to make a practice of not providing affording affordable housing in the urban sites because the numbers are higher she felt that was a mistake.

Ms. Higgins noted that she meant in addition to all of those other factors when you weigh all of those in the different neighborhoods. She felt that there was affordable housing adjacent to this. University is a significant affordable unit. She felt that they have to look at the composite of the whole neighborhood.

Motion: Mr. Morris moved, Mr. Edgerton seconded, to recommend approval of ZMA-2005-00014, Poplar Glenn – Phase 2 and the proffers with the expectations recommended by staff.

Mr. Edgerton asked to make a friendly amendment to include Ms. Joseph's suggestion about the implementation of the affordable housing proffer. He asked for some clarification from the applicant if that would be acceptable to reword the proffers so that the cash contribution would be given in increments of 4 with the construction of every seventh house.

Ms. Grant stated that the applicant has agreed to revise the proffers.

Mr. Kamptner asked to clarify the motion to accommodate Mr. Morris' reference to the two staff recommendations.

Mr. Morris accepted the friendly amendment regarding recommendation 3, which was seconded by Mr. Edgerton.

1. The final application plan will reflect a pedestrian path in the location discussed during the Planning Commission work session and shown on a revised plan tonight.
2. Legal approval of the proffers.
3. Revise the affordable housing proffer to state that the cash proffer kicks in at the beginning of construction of the seventh unit.

The motion passed by a vote of 6:0. (Commissioner Craddock was absent.)

Motion: Ms. Higgins moved, Mr. Morris seconded, to approve the critical slope waivers for ZMA-2005-00014, Poplar Glenn – Phase 2.

Ms. Higgins asked to make the statement that, again, these particular critical slopes are not in proximity to a stream bed or a highly sensitive area related to a stream or an aesthetic feature. Also, with the amount of open space which encompasses the majority of the critical slopes that it offsets the concerns with disturbing the critical slopes under the plan that is before the Commission.

The motion passed by a vote of 6:0. (Commissioner Craddock was absent.)

Ms. Joseph stated that the critical slope waiver for ZMA-2005-00014, Poplar Glenn – Phase 2 was approved. This item will be before the Board of Supervisors on July 5 with a recommendation for approval.

The Planning Commission took a ten minute break at 8:05 p.m. The meeting reconvened at 8:15 p.m.

ZMA 2006-004 Albemarle County Service Authority – Crozet Property (Sign #72)
PROPOSAL: Request to amend a proffer to extend the sunset date from 2006 to 2016, for use of a contractor's equipment storage yard and warehouse facilities at the site.
PROFFERS: Yes
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Crozet Master Plan Hamlet CT4 - mixed residential and commercial uses (net 4.5 units per acre for single family detached and attached units and duplexes; net 12 units per acre for townhouses and apartments; net 18 units per acre for mixed use).
ENTRANCE CORRIDOR: Yes
LOCATION: 4675 Three Notch'd Road
TAX MAP/PARCEL: TM 57 Parcel 29B
MAGISTERIAL DISTRICT: White Hall
STAFF: Judy Wiegand

Ms. Wiegand summarized the staff report. This zoning map amendment is to extend the sunset date in the proffer. As it states in the staff report it is set to expire in 2006 later this year. The applicant desires to extend it for ten more years to 2016. This is basically a very simple straight forward request for a change in date. There has been no site plan submitted with it. Staff received an email this morning from a neighbor the Ergenbrights. They do not oppose the extension of the sunset date and are comfortable with that. But, they raised three concerns or three issues:

1. Screening – They expressed concerns about the Entrance Corridor. They asked for some more screening on the property. There is some screening there now. On a site visit she checked all of that out. There appeared to be enough screening that it meets the current requirements. They also asked for screening on 240 on the other side of the street to screen the retention basin. It is shown as the little blue dot on the plan. But, that is really not related to what is before the Commission tonight.
2. Entrances on to Route 240 – There are three entrances on to Route 240. On the site visit she found that there was not an extensive amount of traffic. She did not have any troubling pulling in and out of the site in a car. In the email the Ergenbrights did mention that some trucks back into the site to the loading dock, which would be the third entrance that is on the extreme right of the property as shown on the plan. VDOT has not recommended or required any changes. They really don't have any mechanisms with this to do that because there is no site plan being part of the plan.
3. Noise Issue – They expressed a concern about the noise. She spoke with the applicant and he indicated that there is very little noise generated by either the current use or the tenant, Paul's Lawnmower Service. This use has been here since the mid 1960's. The area is zoned Light Industrial, which is the area where they envision having land uses that might have some amount of noise involved. She did not feel that was an issue that the Commission needed to be worried about because she was not sure there was noise now. But, staff would be happy to be directed by the Commission on that.

Ms. Joseph pointed out that there is a noise ordinance which would be enforced if there were any problems here.

Ms. Wiegand said that she had received no complaints from the public about this. This was the only phone call or email that came in.

Ms. Joseph asked if anyone had any questions for Ms. Wiegand. There being none, she opened the public hearing and asked if the applicant would like to speak on this.

Gary Fern, Director of the Albemarle County Service Authority, introduced himself as Bill Brent's replacement. For the last 25 years he has been in consulting engineering and is a professional engineer and has sat through numerous Planning Commission meetings.

Mr. Morris asked what he thought about the three entrances. He asked if all three entrances were needed.

Mr. Fern said that he had been to the site twice, which was not in regards to this application. In looking at it he would note that one of the entrances was solely dedicated to the Rivanna Water and Sewer Authority in order to get their trucks back to the loading dock for chemical and other equipment. So that entrance is necessary. The middle entrance is for the lawnmower service. The far entrance is used very sporadically by our own trucks in order to get to equipment that they might store from time to time in that third area. What they don't want to do is to be driving through the space that Paul's Lawnmower is renting. So they sometimes take that third route. But, he would certainly look at that a little closer.

Mr. Edgerton noted that the Commission is always asking people to limit the number of entrances.

Ms. Higgins noted that the activity when there is peak traffic she has never seen any tractor trailers. There is a new fence up and it is gated. So it is not like people are driving in and out of that one without somebody going in and opening that gate. So that entrance to the far right is not used very often. There is good site distance. There is not a lot of activity on the far entrance. It is the center entrance that is used most and she has never seen anyone sitting and waiting to pull out. She drives through that area to Crozet possibly two times a day.

There being no further questions, Ms. Joseph invited public comment. There being none, she closed the public hearing to bring the matter before the Commission.

Motion: Mr. Morris moved, Mr. Cannon seconded, to recommend approval of ZMA-2006-04, Albemarle County Service Authority – Crozet property to extend the sunset date from 2006 to 2016, for use of a contractor's equipment storage yard and warehouse facilities at the site.

The motion passed by a vote of 6:0. (Commissioner Craddock was absent.)

Ms. Joseph stated that ZMA-2006-04, Albemarle County Service Authority – Crozet would go before the Board of Supervisors on July 5, 2006 with a recommendation for approval.

Work Session:

Georgetown/Hydraulic Road Office Pre-application Work Session
PROJECT: Development at southwest corner of Georgetown/Hydraulic Roads intersection
PROPOSAL: Rezone 1.051 acres from C-1 zoning district which allows Retail sales and service uses; and residential uses by special use permit (15 units/acre) to a commercial designation with a change in proffers. The applicant proposes to develop a two-story, 12,250 sq. ft. professional office building on the site. Request to review for general conformity with Comprehensive Plan and site development comment.
PROFFERS: No
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas – preserve and protect agricultural, forestall, open space, and natural, historic and scenic resources/density (.5 unit/acre)
ENTRANCE CORRIDOR: Yes
LOCATION: Southwest corner of Georgetown/Hydraulic Roads intersection.
TAX MAP/PARCEL: 60F/3
MAGISTERIAL DISTRICT: Jack Jouett
STAFF: Claudette Grant

Ms. Grant presented a power point presentation and summarized the staff report. She pointed out that one of the issues mentioned in the staff report was the 12" water line. At the conclusion of the power point presentation, she offered to answer any questions.

Ms. Echols pointed out that part of the problems with this site is that it is in the designated rural areas and not the development areas. That puts a lot of emphasis on the need for this work session. The property was in the rural areas and rezoned for the convenience store. The staff report has the history. The by right use right now would be the convenience store that the applicant really does not want to use it for. There are a lot of difficulties to use the property for a convenience store use. So the applicant is looking at alternative uses. There are several versions of how the property can be developed. Because of its location staff has done a review based on the development areas and not the rural areas. It is a little bit of a unique circumstance.

Keith Woodard, contract purchaser, and John Grady, representative for the seller were present.

In summary, the Planning Commission held a pre-application work session on Georgetown/Hydraulic Road Office to review the request for general conformity with the Comprehensive Plan and site plan comments. Staff provided direction and guidance on several topic areas and questions to guide discussion. The Commission reviewed and discussed the proposal with staff and the applicant and then responded to the preliminary questions posed by staff. The Commission provided the following feedback on the issues mentioned in the staff report as follows:

Is the proposed development sufficiently in keeping with the Comprehensive Plan?

Generally, the Commission felt that the proposed development is basically not in keeping with the Comprehensive Plan, but the proposed use is better than the use for which the applicant is now entitled and is okay.

Is the proposed use appropriate?

Generally, the Commission considers that the proposed use is appropriate. The proposed use is less intensive than the permitted use for a gas station/convenience store. Therefore, it is better than the use that the applicant is now entitled. Generally, the Commission has no problem with the size or proposed use.

Is the design and layout of the building and site appropriate?

Generally, the Commission liked the design and layout of the building and site in plan view a. with the relegated parking in the rear and bringing the building close to the road with the understanding that the proposal would be reviewed by the Architectural Review Board who would have some input on those things. The Commission did not have any problem with the proposed size of the building (12,000 square feet).

Where should interconnections take place?

Generally, the Commission felt that pedestrian connectivity should be made to the next door neighbor (OFM Building) and not with Georgetown Green. The buffer to the rear should be left intact.

Is the access to the site appropriate?

Generally, the Commission felt that the access to the site is appropriate acknowledging the fact that the engineering department says that the access shown on Georgetown Road can not happen because of the distance between the intersection and that entrance. The access approval needs to be coordinated with VDOT. The Commission acknowledged that there is going to be a right turn and left turn out at the entrance on Hydraulic Road.

***Old Business**:*

Ms. Joseph asked if there was any old business. There being none, the meeting moved on to the next item.

***New Business**:*

Ms. Joseph asked if there was any new business.

Mr. Edgerton distributed three items regarding the Groundwater Ordinance, which is a follow up to their discussions last week. (See Attachments) He noted that he had received a series of emails from Cindy Burton. He asked Ms. Burton to clarify the perceived inconsistencies in some of the representations that have been made by the County through press releases and descriptions of the Water Protection Ordinance and what it will and will not do. These inconsistencies appear to be very real. Currently, they have learned that there is really no way to use this in the planning phase of water assessment, etc. Conceivably with Tier III water assessment if the Glenoaks project is subsequently approved by the Board they will be required to drill a well when they get a building permit. When someone applies for a building permit and then goes to drill a well the lot has usually been sold. Therefore, the problems would already be set in stone at that point. He had discussed this with his supervisor who suggested that the Commission begin a dialogue with staff and Mr. Kamptner on how they might be able to tighten the ordinance. His supervisor gave no assurances that the Board would be receptive to this. But, he indicated that personally he would be receptive to hearing the Commission's ideas. He felt that it would be important for the other Commissioners to try to digest some of this information before they begin a discussion.

Ms. Higgins suggested that they include Mark Graham in on this discussion. She asked staff to provide some background.

Ms. Joseph noted that she had talked with Mr. Cilimberg and he said that he had talked with Mr. Graham and they were preparing some sort of presentation for the Commission this month. Mr. Cilimberg plans to put that item on an upcoming agenda. In addition, Mr. Cilimberg had talked to Paul Shoop about the water usage and different things that are going on with the Service Authority. Mr. Shoop is suppose to come and talk with the Commission about some of the treatment plants, where they are located and which ones are in disrepair, etc. Also, he will discuss what their capital improvements plans are and where they are going with things.

Mr. Cannon seconded Mr. Edgerton's suggestion in pursuing the groundwater issue. He also had a conversation with his supervisor who was also interested in having the Commission look into this matter.

Mr. Strucko stated that he had the same response from Ms. Thomas.

Ms. Joseph noted that the Commission would start off with an informational session on the ground water issue and then they would see where it would go from that point.

- The Commission will have two informational sessions in the near future on the following two items:
    - Paul Shoop of the Service Authority will talk to the Commission about water usage. Questions will be discussed such as what the water consumption is on this proposed rezoning, what is going on in some of these areas, etc.
    - Staff will hold an informational session on the Ground Water Ordinance as requested by the Commission.

- Regarding the format for staff reports, the Planning Commission asked staff to take the one page format and merge it with the executive summary. The Commission preferred having a 1 to 1.5 page synopsis with the full blown staff report attached.

- Mr. Strucko stated that the Samuel Miller Magisterial District school board representative has seen fit to put him on the long range planning committee for the schools. The first meeting was last night. They are talking about developing a capital improvement program for the schools. Of course, some of the big issues they are looking at are Biscuit Run, North Point and Old Trail and where elementary school sites are going to be located. They have a lot of Planning Commission questions. He thought it was a great opportunity to educate this group and the Superintendent of Schools that was also there about how they view things. They in turn inform us as to what they are looking at in terms of need. He felt that could help inform the proffer process. He noted that this was a great opportunity for him to share some of the Commission's concerns with another body.
    - Mr. Edgerton asked that he discuss the area requirement of schools if he had the opportunity. He suggested that there be some flexibility for them to work with the Neighborhood Model.
    - Ms. Higgins suggested that David Benish be involved in that process because of his knowledge of the Community Facilities Plan.

- Mr. Morris pointed out that on Thursday night, June 8 there will be a meeting on the Pantops Master Plan from 7:00 p.m. to 9:30 p.m. at Broadus Memorial Church.

There being no further new business, the meeting proceeded.

***Adjournment**:*

With no further items, the meeting adjourned at 9:31 p.m. to the June 12, 2006 meeting.

_____
V. Wayne Cilimberg, Secretary

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