Albemarle County Planning Commission
July 10, 2007

The Albemarle County Planning Commission held a meeting, work session and a public hearing on Tuesday, July 10, 2007, at 4:00 p.m., at the County Office Building, Lane 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. Strucko arrived at 6:00 p.m. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was absent.

Other officials present were Judith Wiegand, Senior Planner; Elaine Echols, Principal Planner; David Benish, Chief of Planning and Greg Kamptner, Deputy County Attorney. Present from VDOT was John Giometti.

Call to Order and Establish Quorum:

Ms. Joseph called the meeting to order at 4:08 p.m. and established a quorum.

Work Session:

Places 29 – Transportation

At this work session, VDOT will update the Commission on the US 29N Corridor Transportation Study—the transportation component of the Places29 Master Plan. The presentation will cover what alternatives were reviewed, how they were evaluated, and the preferred alternative selected, including information on how the modeling was done. The presentation will also review how the transportation network and the projects are proposed in the network. (Judy Wiegand)

Ms. Joseph explained the meeting procedure. She noted that the Commission had invited Michael McGowan of the North Charlottesville Business Council, to address the Commission.

Mike McGowan, of North Charlottesville Business Council, provided a brief report on what they have done as follows:

- About 2 months ago they visited about the planning process and the meetings they were setting up with the planners on things. They have had their first meeting and wanted to give a brief report on that and then move to this. They had their first meeting with Judy Wiegand, representatives from VDOT and the County. A good dialogue began between the property owners around the intersections of Hydraulic and Rio and the planners. There were a lot of things that there was not agreement on and a lot of points of discussion that remain unresolved. They primarily focused around how complete the plan was, whether or not the plan could be implemented and the issues involved in constructing things. There were probably more questions raised than answered in the process. They have subsequent meetings coming up to get into it again on a more detailed level. But, they have some grave concerns about the fact that there were plans moving through the process to be approved that really would not be completed and be set to whether or not they could be build them until after they were approved. That is the sort of back and forth they had with folks. These are preliminary plans that they are approving, but they have tremendous impacts and may not be achievable. That is the debate. They have meetings that they are setting up in September to continue that discussion. They appreciate being part of the process in doing that.
- About six months they asked some UVA students working with Bill Sherman to do a research project on pedestrian crossings on 29. They were looking for something that is complimentary to the Places29 process, but that was more immediate, simpler, faster and could have an immediate impact on something that is critical, which is getting people across that street safely. Bill Sherman worked with 10 students in a research seminar. They looked at solutions that could be done in months and with thousands of dollars rather than years and millions of dollars in terms of improving the both the visual and safety environment for pedestrians. He passed out some

pamphlets. There is also a disk, which he will try to get that to the Commission with the presentation on it.

- One suggestion made by the students was to put the pedestrian crossings in between the existing lights. The first location that they used was at Dominion and 29. It was in between the mall's entrance and the entrance at Toys R' Us. There is no traffic light there now. They are saying leave the two traffic lights that operate at those two intersections and put a pedestrian crossing in between them, time the lights to go with the other lights so not to disturb the traffic, but yet give people the chance to cross the street with a light that just stops the traffic for pedestrians. To further enhance that some landscaping and pedestrian scale environment is put in. They can do that with paving, paint and trees and a pedestrian crossing. They could do something more elaborate over time at other intersections. But, there is an opportunity to start doing things like this on 29 in the students' opinions. They had other concepts of moving the sidewalk further away from the highway and using the water retention ponds as beginnings of parks. They have both floodplain and water retention on both sides of the street in front of Toys R' Us. Those potential park sites could be used to start building a pedestrian environment where people can come from the residential areas both up Dominion Drive and over here by the JABA, Senior Center and the motels. They would be able to walk to the mall and the neighborhoods and get across the street.
- In a different concept they looked at the same type of a thing where they might cross between Albemarle Square, the new Albemarle Place and Seminole Square. Again, it is the same type of a mid-block solution where they are not going to interfere with the traffic trying to turn at the lights, but they have enough spacing to allow the cueing of the traffic for the existing lights and to move pedestrians across. In this instance they also added the notion of putting a bus stop in the middle. But, even to put a bus stop at either side of a pedestrian crossing would help people. Right now people are riding up to the mall and trying to get across the street to go up Berkmar Drive to a job and it is scary for folks to have to do that.
- Another proposal was made at the mall. In the current Places29 plan there is an elevated crossing proposed down the road at the Berkmar and 29 point. Their suggestion was that could be done down the road, but an immediately they could do something at grade on the north side of the street and still allow traffic to turn southbound off of Berkmar. They could put that in now and as funds became available do something that is more elaborate that might go with a future development.
- The students came up with three ways to get people across 29 that is in a scale of things affordable, realistic and the types of things that the North Charlottesville Business Council would like to start seeing happen on Route 29 so that they could start doing things now that make sense and that fit into long term plans. It would be great for the community to start having things like that happen on 29.
- He thanked Bill Sherman and the students for their suggestions. They were all on vacation and could not be present tonight.

Ms. Joseph thanked Mr. McGowan for coming and showing the Commission this information. It helps them pull all of this information together.

Ms. Wiegand noted that all of their designs have been taken under advisement and forwarded it to VDOT for consideration and to be considered as part of the process. They need to check the designs to make sure that they work and will fit with the long term as Mr. McGowan suggested. The main portion of the presentation is primarily to update and familiarize the Commission with the transportation part of Places29. Some of the specific items and some of the issues that the public has raised about this staff will bring it to the Commission when they bring Chapter 5 on July 31. But, tonight they wanted everybody to sit back and see how this all works. John Geometi, of VDOT, has offered to give the presentation for us.

John Geometi, representative of VDOT, presented a power point presentation and explained the transportation component of the Places29 Master Plan. The presentation covered what alternatives were reviewed, how they were evaluated, and the preferred alternative selected, including information on how the modeling was done. The presentation also reviewed the transportation network and the projects that are proposed in the network.

Mr. Edgerton noted that all of the parallel and service roads seem to be pushed over to the west side. There is a lot of commercial activity that can benefit from having two fronts on that side. There is not as much resistance to that as opposed as going through existing neighborhoods. There are two issues. One, are we out of respect for the existing neighborhoods compromising our ability to truly deal with the traffic problems on the east side. This is an issue that has not been discussed much, but historically there has been a concern about moving more traffic over to the west side of 29 because they do get into the watershed and will have impacts onto our primary drinking water supply.

Mr. Geometi replied that he wanted to focus on how critical all of the individual elements become because of those constraints that they have. If they look at the southern part of the corridor they don't have a lot of opportunities to get a continuous parallel road on the west side. So they are focused on building Hillsdale, which is the parallel road opportunity there. Once they get to the northern part of the corridor it flip flops. Berkmar becomes the primary opportunity. How it ties into the individual components is why the Rio grade separation becomes so critical. Parallel roads are needed on both sides if they can get across 29 freely to get to the parallel road on the other side. There is no reason why Berkmar on the west can't be the parallel road that serves the properties on the west and the east provided that they can get across. That is why they have suggested crossings at Ashwood, Timberwood and Airport areas. That is so the Hollymead and Forest Lakes communities can get back across and use that local road on the west side. As far as the watershed concern, Berkmar is actually downstream from the water supply. All of it is located to the east of the current dam. He felt they are in pretty good shape there and well protected.

Ms. Joseph hoped that VDOT would consider allowing utilities in the roadway and plantings in the median as he had shown in the presentation.

Mr. Geometi replied that there were some limitations. On several recent projects they have been working with DEQ on several alternatives for treating storm water.

Mr. Giometri said that this is within the context of what is projected for 2025.

Mr. Zobrist said that it looks like they need 2 million people to be able to support that. He asked if they use any kind of population growth projections.

Mr. Benish said that the model is based on traffic projections for the planning period, which is at 20 years. It is based on the VEC population projections. They typically inflate those by 10 percent. The traffic model covers the whole urbanized area beyond the Places29 area, but that population is projected through that model. That is actually done with the Metropolitan Planning Organization doing the regional transportation plan. The 29 Corridor is an area where there is expected to be growth. That is where most of our utilities, facilities and infrastructure are there and the dynamics of the traffic which generates some of that commercial growth. They project continued growth. It is within the context of what is projected for the County over that 20 year period.

Mr. Zobrist asked what the number is.

Mr. Benish replied that staff can provide those numbers for the Commission. The other thing from the perspective of when the improvements are coming through part of what they are going to be doing with the implementation plan is suggesting priority areas for development, which help guide that growth in particular locations that would give some priority setting for where improvements are going to be needed. They hope to guide development so they can match up the infrastructure with those areas.

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

John Crosby, resident of Key West Subdivision, complimented the staff for a great presentation and reemphasized the importance of access management. It is critical. The sooner it is initiated the better off they will be. The maps were very explicit regarding that. The other item is that it would be interesting to see some pedestrian contours from the transit stops in the two major activity centers, one near Rio Road and the other further north by Proffit in 3 to 5 minute contours to see how far one could get by foot or walking distance from those centers.

There being no further public comment, Ms. Joseph thanked Mr. Geometi and staff for a great presentation.

In summary, a work session on Places 29 - Transportation was held by the Planning Commission.

- Mike McGowan, of North Charlottesville Business Council, provided a brief report on what they have done so far, including some work done by Professor Bill Sherman and UVA students about immediate pedestrian crossings on 29.

- John Giometti, VDOT staff, presented a power point presentation and explained the transportation component of the Places29 Master Plan. The presentation covered what alternatives were reviewed, how they were evaluated, and the preferred alternative selected, including information on how the modeling was done. The presentation also reviewed the transportation network and the projects that are proposed in the network.

- The Commission reviewed, discussed, and asked questions about the transportation components of the Places29 Master Plan. Public comment was received. No formal action was taken.

- The next work session will be held on July 17 regarding Chapters 1 through 4 of the Places29 Draft Master Plan.

The meeting adjourned at 5:27 p.m. for a dinner break.

The meeting reconvened at 6:03 p.m.

The Albemarle County Planning Commission held a meeting and public hearing on Tuesday, July 10, 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; Eric Strucko; Duane Zobrist and Pete Craddock. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was absent.

Other officials present were David Benish, Chief of Planning; Joan McDowell, Principal Planner; Elaine Echols, Principal Planner; Amy Arnold, Planner; Rebecca Ragsdale, Senior Planner and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

Ms. Joseph called the meeting to order at 6:03 p.m. and established a quorum.

Committee Reports:

Ms. Joseph invited comments on committee reports.

- Mr. Morris reported that the CHART Committee will be starting to revisit the UNJAM Program starting tomorrow night. Hopefully that will be completely off the ground and signed by the summer of 2009. Regarding the Meadow Creek Parkway Interchange Committee, the City Council narrowed down the Committee's recommended interchange options to 2. So that is right on track time wise."

- Mr. Craddock reported that the initial meeting of the Village of Rivanna Master Plan. Ms. Ragsdale, Mr. Cilimberg and Ms. Echols did a great job. There is another meeting scheduled in a couple of weeks.

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 – June 6, 2006, August 1, 2006, August 3, 2006, October 10, 2006, December 13, 2006, March 13, 2007, March 27, 2007, May 8, 2007, May 15, 2007, May 22, 2007

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

The motion passed by a vote of 7:0.

Ms. Joseph said that the consent agenda was approved.

Regular Items:

SP-2007-017 Luxor Commercial Vet Expansion (Sign #8)
PROPOSED: Extension of time allowed to establish Special Use Permit
ZONING CATEGORY/GENERAL USAGE: PD-MC Planned Development Mixed Commercial - large-scale commercial uses; and residential by special use permit (15 units/ acre)
SECTION: Section 25A.2.2 of the Zoning Ordinance which allows for veterinary offices and hospitals within PDMC zoning
COMPREHENSIVE PLAN LAND USE/DENSITY: Urban Density Residential - residential (6.01-34 units/acre) and supporting uses such as religious institutions, schools, commercial, office and service uses in Pantops (Neighborhood 3) of the Development Area.
ENTRANCE CORRIDOR: Yes
LOCATION: The 1.377 acre property is located on the north side of Route 250 (Richmond Road) and east of Rolkin Road, between Montessori School and Aunt Sarah's Restaurant.
TAX MAP/PARCEL: Tax Map 78, Parcel 55D
MAGISTERIAL DISTRICT: Rivanna (Rebecca Ragsdale)

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

- This is a request for an extension of a special use permit that was approved in October, 2005 that went along with the Luxor Commercial rezoning that was also approved in October, 2005. This is for the vet use that is proposed or one of those commercial buildings at Luxor. The rezoning was for a total of 80,000 square feet of mixed commercial and then a stand alone bank of about 15,000 square feet. The property is located on Route 250 East in Pantops. It was rezoned to Planned District Mixed Commercial. A co-applicant has been involved with the Luxor Commercial Project.
- Staff noted that on the approved application the vet use was approved for this building and requires a special use permit in the CO, Commercial Office District, which was part of the mixed commercial that was approved. It is the building near Route 250. The properties around it are owned by someone else other than the vet applicant.
- Based on the site plan approval process and difficulties with easements and utilities the process took longer than expected. Special use permits are approved for two years based on the ordinance. In this case the applicant did not request any special condition to allow a longer period of time. This application plan also shows two trees, which were shown for preservation in the plan, one of which has come down. One of the trees was blown over in a storm. But, there are provisions in the proffers and the site plan process to address replanting and to work with the ARB to replace that evergreen tree.
- The applicant is in the preliminary site plan approval process. They have just submitted revisions in they are towards the end of the process. As the applicant mentioned they have been working through the issues and initially requested 18 months additional time for the special use permit. Staff put that in the staff report as a recommended condition of approval. But, since the ordinance specifies two years staff is recommending that the sixth condition is not needed. So

what the Commission has before them is the same conditions that were approved with the original special use permit that staff is recommending approval of again except that they are noting there are no longer two trees. There is one tree.

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

Mr. Morris asked why the applicant needs an extension because in driving by it does not appear the applicant has done anything for almost two years.

Ms. Ragsdale suggested that the applicant address that issue specifically in terms of some of the bumps in the road with the preliminary site plan.

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

Denise La Cour, President of Denico Development representing the owner of the property, Nigel Bray, said that as staff said this property was a part of a much larger commercial project that was done in 2005. That was the Luxor Commercial Project. Dr. Bray is a local veterinary who purchased this property several years ago with the intent of ultimately building a veterinary practice on that piece of property. He was approached in 2004 by the adjoining landowner about the possibility of going into a joint application for a rezoning. He agreed to do so because it would make a better plan for everybody involved. They had hoped to break ground this summer. The problem with a site plan joint application is that authorization from both parties is required to go forward. While Mr. Bray has been anxious to move forward the co-applicant has not due to a quasi-restructuring of their company. It put a hold on a lot of their projects while they analyzed them. The co-applicant or DDR has now authorized the site plan to move forward. A representative from DDR is present to verify that.

Ms. Joseph asked if there were any questions for the applicant. There being none, public comment was invited.

There being none, the public hearing was closed and the matter before the Planning Commission.

Ms. Joseph noted that one of the two trees to be bonded as per condition 3 has died. She questioned if the one tree to be bonded was worth saving because it was covered with ivy. The question arose whether the Commission should ask the ARB to do something to augment against the tree lost.

Mr. Craddock asked the applicant to address the tree issue.

Ms. La Cour replied that the two trees were part of the Board of Supervisors condition for approval during the rezoning. They actually had to have a certified arborist provide a report. The certified arborist had some questions about whether they should be saving those trees. Due to the fact that it was a condition and staff said that they would have to go back through the entire process again to amend that one condition they elected not to do that since they wanted to move forward. The ARB has asked repeatedly that they get rid of those trees. They repeatedly told the ARB that they could not get rid of the trees because it was a condition of the rezoning. That tree blew down, which emphasizes what the certified arborist said that the pine trees were in bad condition. They would like to get that condition removed and would be happy to work with the ARB. The ARB has already provided alternate plans in case the trees did die.

Ms. Joseph suggested that the condition be removed.

Mr. Kamptner noted that the condition in the special use permit is simply requiring that the applicant show the tree on the plan. It is the proffer that went with the rezoning that required that the trees be preserved. So the Commission will not be able to delete the requirement in this proceeding anyway.

Motion: Mr. Morris moved, Mr. Edgerton seconded, for approval of SP-2007-017, Luxor Commercial Vet Expansion, with the conditions recommended by staff, as follows:

1. A separate entrance and exit shall be provided for the clinic in accordance with Section 5.1.11d.

2. No outdoor exercise area shall be permitted.
3. A note shall be added to the plan to identify the one tree that shall be bonded.
4. The veterinary clinic shall be identified as located in building 4.
5. Architectural Review Board issuance of a Certificate of Appropriateness.

The motion passed by a vote of 7:0.

Ms. Joseph stated that SP-2007-017, Luxor Commercial Vet Expansion will go before the Board of Supervisors on August 1, 2007 with a recommendation for approval. The Commission could not get rid of the condition because it was part of the rezoning.

SP-2007-018 Blue Ridge Equine Clinic Expansion (Sign #12)
PROPOSED: Amend special use permit for equine veterinary clinic to allow addition of examination area, four horse stalls on southeast side of existing barn, and three horse stalls on west side of existing barn.
ZONING CATEGORY/GENERAL USAGE: PUD Planned Unit Development - residential (3 - 34 units per acre), mixed with commercial and industrial uses
SECTION: 20.4.2.1, Uses permitted by special use permit in section 22.0, commercial, C-1; and 22.2.2.5, Veterinary office and hospital (reference 5.1.11)
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: No
LOCATION: Mockernut Lane at the intersection with Buck Mountain Road (Route 665).
TAX MAP/PARCEL: Tax Map 30 Parcel 110
MAGISTERIAL DISTRICT: White Hall (Scott Clark)

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

- This is an amendment request for a special use permit for an equine veterinary clinic. This veterinary clinic was first approved in 1997. The permit was amended in 2000. When it was approved originally the clinic was managed under the terms of a letter written by the applicant, which included keeping the operation within the footprint of the two existing buildings on the site. Since that time there has been one amendment that added an additional isolation barn separate from those facilities. Other than that the existing operation is limited to the two existing building with the main practice building and the barn.
- The applicant request an amendment to the plan to make some changes to those buildings to better accommodate their patients. The key parts of the amendments include: Addition of examination area, four horse stalls on southeast side of existing barn, and three horse stalls on west side of existing barn.
- **Factors Favorable:**

1. This use supports equine uses and horse farms in the Rural Areas
    - The proposed amendment would not create significant new impacts or increase the scale of the use.

- **Factors Unfavorable:**

  Staff has not identified any factors unfavorable to this application.
- **Recommendation**: Staff recommends approval of this Special Use Permit, with conditions.

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

Mr. Morris asked staff to explain if the Commission needs to address Section 5.1.11.

Mr. Clark replied that Section 5.1.11 was the supplementary regulations for veterinary practices. The supplementary regulations were designed to address sound proofing and other concerns for basically barking dogs in more urban areas. The applicants have had to address that twice before as they came through for these permits. They were dealing with horses in the rural areas and the noise situation is quite different. They are not immediately adjacent dwellings in the way it would be in the urban area. This is a commercial district. Since this situation and source of noise is very different from a small animal clinic staff felt that a waiver of that section was appropriate.

Mr. Morris asked how close the nearest neighbor was from the property.

Mr. Clark replied that it was about 200' to 300' from Hickory Ridge.

Mr. Cannon noted that the clinic was at the top of the road that he lived on, which he goes by it all the time and had never heard any noise in his experience. He asked if there was expected to be additional usage of the facility or traffic associated with this increase.

Mr. Clark replied that in his discussions with the applicant and the reading of the application it seemed that they were trying to better accommodate the activities already being carried out. The applicant wants to have better shelter for the horses so they could be examined indoors.

Mr. Cannon asked if there was a projection of two vehicles with horse trailers per day. He asked if that was a limitation or an expectation.

Mr. Clark replied that was just an estimate to explain the level of use.

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

Reynolds Cowles, with his partner Paul Stephens, were present to represent the application.

Ms. Joseph noted that the report said that they don't dispose of the waste on site. She asked where it is taken.

Mr. Cowles replied that it hauled by a trailer down to Murray Farms that goes into the compost pile. Therefore, it is completely recycled.

Ms. Joseph asked if he had talked to the neighborhood association again.

Mr. Cowles replied that they had a meeting with the neighborhood association three weeks ago. There was good participation with some good discussion. There were some questions, but everybody left with an understanding of what they were trying to do. There was good support of those that were there.

There being no further questions, Ms. Joseph invited public comment. There being none, the public hearing was closed and the matter before the Commission.

Action on Special Use Permit:

Motion: Mr. Edgerton moved, Mr. Strucko seconded, for approval of SP-2007-018, Blue Ridge Equine Clinic, with the condition recommended by staff, as follows:

1. The clinic shall be for equine care only and shall be operated in accordance with the letter dated July 23, 1997 (attached to the staff report as Attachment D). However, the clinic's improvements and the scale and location of the improvements shall be developed in general accord with the conceptual plan entitled "Conceptual Plan for SP 2007-00018," dated June 26, 2007, and initialed "SMC."

The motion passed by a vote of 7:0.

Action on Waiver of Section 5.11.1 of the Zoning Ordinance:

Motion: Mr. Morris moved, Mr. Edgerton seconded, for approval of the waiver request of Section 5.1.11 of the Zoning Ordinance for noise abatement for SP-2007-018, Blue Ridge Equine Clinic.

The motion passed by a vote of 7:0.

Ms. Joseph stated that SP-2007-018, Blue Ridge Equine Clinic and the waiver request were approved and will go before the Board of Supervisors on September 5, 2007 with a recommendation for approval.

SP-2007-019 St. George Church Addition – Minor Amendment (Sign # 13)
PROJECT: SP 2007-19 St. George's Church Addition
PROPOSED: Addition to existing church building
ZONING CATEGORY/GENERAL USAGE: RA -- Rural Areas: agricultural, forestal, and fishery uses; residential density (0.5 unit/acre)
SECTION: 10.2.2.35 Church building and adjunct cemetery
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: 7240 Scottsville Road; Scottsville Road and Route 626
TAX MAP/PARCEL: Tax Map 130, Parcels 2A, 2A1
MAGISTERIAL DISTRICT: Scottsville (Amy Arnold)

Ms. Arnold summarized the staff report.

- St. George's Church has requested a 26' x 46' (1,196 square foot) addition to the main church building to serve as a fellowship hall. The addition is proposed telescoping from the notched gable portion of the front (northeast elevation) of the church building towards the parking lot. In the past, the main sanctuary seating consisted of folding chairs allowing them to be moved for other church events and gatherings to take place in the main sanctuary. Last year the church installed more permanent seating in the main sanctuary and now with a less flexible sanctuary space, the congregation is proposing to use the fellowship hall for social gatherings, baptisms, confirmations, marriages, funerals, and Sunday school.
- The Design Planner indicated the following:
  - The proposed scale and location of the addition are compatible with the existing building. The existing building is visible from Route 20, Entrance Corridor and the addition will be visible. However, if the materials and the colors of the addition match those of the existing building no negative impacts on the Entrance Corridor is expected.
- St. George's Church is currently legally non-conforming. Previous records for the church include sign permits in 1979 and 1988, as well as an approved variance allowing for amended setbacks, increased total number, and increased square footage for signs along Route 20.

- Staff has identified the following factors favorable to this application:

1. The addition will help sustain the continuing presence of a community church, enhancing the quality of life of its rural congregation.
2. The church addition addresses the needs of rural residents.
3. No impacts on adjacent property resulting from the proposed addition.

- Staff has not identified any factors unfavorable to this application.

- Because the proposed addition helps sustain the continuing presence of a community church it is not expected to impact adjacent property. Staff recommends approval of this Special Use Permit with the conditions listed in the staff report.

Ms. Joseph asked if there were questions for Ms. Arnold.

Mr. Edgerton asked if there was a reason staff did not include a condition mandating that the church use consistent colors and materials on the addition.

Ms. Arnold replied that was in the realm of the ARB.

Mr. Edgerton asked if the ARB would be reviewing this request, and Ms. Arnold replied yes.

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

Albert McGibney, Parish Council Chair of St. Georges Church, represented the application.

Ms. Joseph noted that in the staff report regarding the Health Department it said that the applicant needs to stay away 10' and termite the area.

Mr. McGibney noted that he met with the Health Department Inspector on site and he approved what they intend to do.

Ms. Arnold pointed out that there was an email to that effect attached to the staff report.

Mr. Zobrist questioned why he did not see a condition that a certificate of appropriateness is granted by the ARB for approval of the colors and materials.

Ms. Arnold replied that was part of the site plan review and was a requirement for their site plan approval.

Mr. Kamptner noted that the certificate of appropriateness is required by ordinance. Therefore, it does not need to be included as a condition.

Ms. Joseph pointed out that in the staff report it indicated that it is a proposed historic district. It actually has happened. It is officially an historic district with 83,000 acres, which is the biggest historic district east of the Mississippi.

Mr. Cannon asked if that would affect their disposition, and Ms. Joseph replied no because this one is not quite in it because the building is too new.

Motion: Mr. Zobrist moved, Mr. Craddock seconded, for approval of SP-2007-018, St. George's Church Addition, with the conditions recommended by staff, as follows:

1. Special Use Permit 2007-19 shall be developed in general accord with the concept application plan, provided by the applicant and dated July 31, 2006 (Attachment C.) However, the Zoning Administrator may approve revisions to the concept application plan to allow compliance with the Zoning Ordinance.
2. The addition shall be limited to 1,196 square feet.
3. The area of assembly shall be limited to a maximum 65 seat sanctuary; occasional church gatherings beyond the normal capacity of the sanctuary shall be permitted.
4. There shall be no day care center or private school on site without approval of a separate special use permit.
5. Construction of the 1,196 square foot addition shall commence within 5 years or this special use permit shall expire.

The motion passed by a vote of 7:0.

Ms. Joseph stated that SP-2007-019, St. George's Church Addition was approved and will go before the Board of Supervisors on September 5, 2007 with a recommendation for approval.

SP-2007-031 NGIC Expansion (Sign #113)
PROPOSED: 120 unit three-story apartment building at a gross density of 8.0 units per acre on an approximately 15-acre site.
ZONING CATEGORY/GENERAL USAGE: Existing Zoning is RA Rural Areas Zoning District, which allows agricultural, forestal, and fishery uses; residential density (0.5 unit/acre), ZMA 07-003 proposes to rezone to CO Commercial Office - offices, supporting commercial and service uses; and residential use by special use permit (15 units/ acre).
SECTION: 18.23.2.2(9) uses permitted in Residential R-15 Zoning District.

EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Industrial Service -- warehousing, light industry, heavy industry, research, office uses, regional scale research, limited production and marketing activities, supporting commercial, lodging and conference facilities, and residential (6.01-34 units/acre) in the Community of Piney Mountain in the Development Area.
ENTRANCE CORRIDOR: Yes
LOCATION: east of Route 29 North, at the end of Boulders Road, adjacent north of the NGIC facility
TAX MAP/PARCEL: Portion of Tax Map 33 Parcels 1D & 1F
MAGISTERIAL DISTRICT: Rivanna (Rebecca Ragsdale)

AND

SP-2007-032 NGIC Expansion (Sign # 113)
PROPOSED: Allow for research & development uses within proposed CO Zoning District Office Buildings, 178,800 square feet of office space in two 4-story buildings of 89,400 square feet each.
ZONING CATEGORY/GENERAL USAGE: Existing Zoning is RA Rural Areas Zoning District, which allows agricultural, forestal, and fishery uses; residential density (0.5 unit/acre), ZMA 07-003 proposes to rezone to CO Commercial Office - offices, supporting commercial and service uses; and residential use by special use permit (15 units/ acre).
SECTION: 18.23.2.2(12) Research and development activities including experimental testing and 18.23.2.2(13) labs.
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Industrial Service -- warehousing, light industry, heavy industry, research, office uses, regional scale research, limited production and marketing activities, supporting commercial, lodging and conference facilities, and residential (6.01-34 units/acre) in the Community of Piney Mountain in the Development Area.
ENTRANCE CORRIDOR: Yes
LOCATION: east of Route 29 North, at the end of Boulders Road, adjacent north of the NGIC facility
TAX MAP/PARCEL: Portion of Tax Map 33 Parcels 1D & 1F
MAGISTERIAL DISTRICT: Rivanna (Rebecca Ragsdale)

AND

ZMA-2007-003 NGIC Expansion (Sign #113)
PROPOSAL: Rezone approx. 15 acres from RA Rural Areas Zoning District, which allows agricultural, forestal, and fishery uses; residential density (0.5 unit/acre), to CO Commercial Office - offices, supporting commercial and service uses; and residential use by special use permit (15 units/ acre) to allow for up to 178,800 square feet of office space in two 4-story buildings of 89,400 square feet each. This proposal also includes two concurrent special use permits SP 07-031 to allow a 3-story 120 unit apartment building and SP 07-32 to allow research and development uses in the proposed office buildings.
PROFFERS: No
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Industrial Service -- warehousing, light industry, heavy industry, research, office uses, regional scale research, limited production and marketing activities, supporting commercial, lodging and conference facilities, and residential (6.01-34 units/acre) in the Community of Piney Mountain in the Development Area.
ENTRANCE CORRIDOR: Yes
LOCATION: east of Route 29 North, at the end of Boulders Road, adjacent north of the NGIC facility
TAX MAP/PARCEL: Portion of Tax Map 33 Parcels 1D & 1F
MAGISTERIAL DISTRICT: Rivanna (Rebecca Ragsdale)

Ms. Joseph disclosed that Cal Morris and she had met with Mr. Wood on Monday and drove around the site.

Mr. Cannon disclosed that he had met with Mr. Wood on Tuesday on the site.

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

- This is a rezoning for NGIC Expansion, which is property Mr. Wood owns that would provide leasable space to NGIC or any of its support contractors. It is approximately 15 acres zoned RA and entirely in the Development Area. The proposal is to rezone to Commercial Office with 2 special use permits to allow residential and any future research and development lab type uses. The proposal is for 178,800 total square feet in 2 office buildings and then 1 apartment building. It is located in the Places29 North area of Piney Mountain and is designated Industrial Service in the Comprehensive Plan.

- When the request first came in it was a proposal to rezone for industrial. But, in order to allow the residential component staff had to discuss with the applicant what zoning district would fit. So some of the initial notices did say that it was a rezoning for industrial.
- Staff found the mix of land uses appropriate based on both the Industrial Service designation in the Land Use Plan and compared it to proposed future uses in Places29 and staff did not have any issues with the proposed office use. Staff felt that it would serve as a transition between the Industrial NGIC area allowing office uses and some residential and then transitioning to the residential area where it resumed PRD, Planned Residential District. Then also contemplated for future urban density with the drafted Places29 Master Plan.
- There is overflow parking shown for the current NGIC facility. Staff reviewed the application plan and based the staff report on it. Two additional attachments were included in the staff report, which were Attachment F, the proffer statement and Attachment G, the revised application plan. It does show a layout that has parking located adjacent to Boulder's Road and the two office buildings and the apartment building clustered together. This is different from what would be expected in the Neighborhood Model Design and Layout. But, in this case the applicant is expecting NGIC as a potential leased tenant and then government contractors that will need to meet the higher standards. Setbacks are referred to as stand off distances.
- In terms of recreation and open space there are two different hatchings on the application plan with one to show the open space and the other is an approximate one-half an acre that is adjacent to the residential building. Staff felt this was appropriate in terms of the layout proposed.
- Staff has identified the following factors favorable to this rezoning and special use permits requested:
  1. The rezoning and special use permits are consistent with the Land Use Plan.
  2. The applicant has provided for the extension of Boulders Road, a desired loop road to Route 29 as shown in the Places 29 draft master plan.
  3. The project will be supportive of the NGIC Expansion.
- Staff has identified factors unfavorable to this request:
  1. VDOT has requested a traffic impact analysis and staff is still awaiting comments from VDOT on whether that will still be required. The applicant would like to address traffic impacts through proffers.
  2. Boulders Road, as proposed on the application plan, does not include a typical section that accommodates pedestrians. A proposed typical section should be provided that indicates features such as sidewalk, bike lanes, etc along with design standards for the Development Areas. The applicant has indicated this will be provided.
  3. The applicant has not yet provided proffers that address the following:
     - The Board of Supervisors' cash proffer policy per residential unit;
     - Affordable Housing policy;
     - Proffer the application plan;
     - Proffers to address specific transportation improvements and their timing, based on requests from VDOT and the County.
- However, the applicant has indicated they intend to provide proffers and an application plan to address these outstanding issues listed.
- The County Attorney and some of the reviewing agencies, such as VDOT and the Director of Housing have had a chance to review the proffers, but revisions are still needed in order to be acceptable to the County. Staff's recommendation is that if the applicant was available to address all of the outstanding issues with the application plan and proffers to address the impacts of the rezoning and they were in a form acceptable then staff could support the project.
- Again, the land use designation the Comprehensive Plan was supportive of and staff thought the residential uses were appropriate. If the rezoning was approved staff has conditions of approval recommended that limit the maximum number of apartments. The plans had specified 120 and then in the revisions the applicant submitted the plan said 130. Therefore, staff needs to settle that number with applicant on what the ultimate approval is for in terms of the number of units.

Also, for the other special use permit for the research and development lab activities carry with it some common conditions that staff uses when approving those uses.

- The proffers that were submitted that were included in the packet did address some of the issues that were raised in the staff report with regard to affordable housing and the County's Cash Proffer Policy. The applicant has indicated a willingness to provide and proffer or note on the application plan the Route 29 improvements as they have been discussing with VDOT. There was a note that they would require an additional traffic impact analysis. But, VDOT said if the applicant provides the dual left turn lanes with this project, then that would satisfy their requirements.

- The application plan being proffered was the other proffer provided by the applicant. In their current form based on the initial review from reviewers they have not provided official comments to the applicant because they are still working on getting language to them that is consistent with other proffers so that they are not vague. There needs to be some additional language to specify timing of improvements and triggers. The tenants of the residential building, the initial lease holders may not use the residential units as conventional market rate apartments, but as more barracks. So the proffers were trying to contemplate that and provide for cash proffers when the units were on the market as market rate apartments.

- The affordable housing proffer, as discussed with the Housing Director, was to provide 15 percent of the residential units as affordable or the applicant providing cash in lieu of. The amount provided by applicant is not what the board has discussed. The applicant submitted $16,500. The Board has discussed a figure of $19,200. So that is the status of the proffers.

- A revised application plan was received to address the comments regarding the number of units. The conditions of approval need to address the maximum number of units with the special use permit. The number of 130 units is not consistent with what they had reviewed in terms of 120 units on the plans previously. The applicant has provided a cross section of Boulder's Road, which does provide for pedestrian and bike facilities. As it came in initially there were not bike lanes or sidewalks proposed. The current section of Boulder's Road does not have those, but staff is anticipating those improvements to be put in place with future development and extensions of Boulder's Road.

- Regarding the dedication of the remainder of Boulder's Road the applicant has added a note. Since the applicant does own the adjoining property staff suggested that they provide the right-of-way dedication with this plan so that it was assured that it would be in place for the future extension of the rest of Boulder's Road.

- Staff displayed a copy of the anti-terrorist standards and stand off distances to show where the parking can and cannot be located and the distances from buildings to parking lots, which staff found it difficult to see how that would be reconciled with the Neighborhood Model principles in terms of relegated parking. The public copy available to the public indicates that it is 148' from the buildings to the perimeter and 82' to parking distances.

- Staff raised the issue in the report regarding sewer capacity at the waster water treatment plant. Representatives from the Albemarle County Service Authority and Rivanna Water and Sewer Authority are available if there are any questions.

- This item is scheduled for the August 1 Board of Supervisors meeting. As staff mentioned the proffers and the application plan are not in a form that staff could recommend approval, but the applicant has indicated a willingness to address those issues. Staff is still working with VDOT to provide the applicant direction in terms of the necessary proffer language for Route 29 improvements. But, there is no longer the outstanding issue over whether or not the applicant will need to provide additional traffic information. That has been resolved.

- Staff has received some questions in advance concerning the ARB. There are some existing trees off site that provide screening now and the ARB indicated that since this site is so far away from the Entrance Corridor that future approvals or site plans could address any issue of whether screening or landscaping would need to be provided.

- No copies of lease agreements have been received or information received regarding future tenants for the NGIC buildings. Staff heard from NGIC staff, which noted that they did not have any objections to this rezoning. Other than that staff has received no other adjoining property information or comments to share.

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

Mr. Strucko asked if staff was operating under the assumption that residents of the multi family units would be families affiliated with NGIC.

Ms. Ragsdale replied that is the assumption at this point, but that is the third phase. The applicant has indicated that the first office building and then the second would be the first phases and then the residential component would be the last phase of it.

Mr. Strucko asked if the residential component would be for employees.

Mr. Ragsdale replied that it could potentially be for the contractors or the Army. Staff does not know for sure who will occupy it or at what point. But, it could also be market rate apartments that anyone could rent. There are no restrictions at this point.

Mr. Morris said that this is going to be a military installation. What they have are quarters here. There are two bedrooms in one area with an adjoining bath. They are called temporary quarters. Those are for individuals who will be there generally without their families for a specified period of time. They will rotate. When they saw what happened after 9/11, those people who are coming in from all over the country were living off the economy in motels and so on. Now they are going to have their own bachelor/officers/enlisted quarters. He questioned whether this includes eating facilities. He felt that it should.

Mr. Strucko noted that his concern when he saw the word children that potentially school aged children could be moving in to these facilities for a period of time definitely having an impact on local schools. He asked if there are fire/rescue services being provided by County for this facility.

Ms. Ragsdale said that this request is being reviewed as a typical 120 unit apartment building for the purposes of assessing for impacts. There is the potential that initially it will serve as temporary quarters for as a governmental installation. That is the reason they were trying to provide for that if and when in the proffers. At this point staff does not know for sure the terms or the length of time for the leases. Staff was trying to anticipate if the leases terminate with the governmental entities and then the property owner takes it over and wants to lease or rent it as a conventional apartment building that they would make sure that the impacts were provided for in the proffers.

Mr. Strucko felt it was a big issue what the impact was on the local community of this particular rezoning and development. What is the impact on the schools, public safety, water/sewer, library services, park services and other public sector services that are provided to the community or not. He hoped to hear more about that during the public hearing. The affordable housing seems to be addressed adequately

Ms. Ragsdale said that staff assessed it for community facilities impacts and did not identify any specific improvements that the applicant should make proffers towards in terms of mitigating impacts. Staff did recommend that the applicant provide for the cash proffer amount for CIP projects. But, there were none identified at this point to be considered besides the transportation and the waste water/sewer capacity issue for this rezoning. Staff provided the school's information and the explanation as far as anticipated impacts to facilities. There was not anything substantially different or anything that staff identified the need for in their assessment in terms of a specific project or an improvement.

Mr. Strucko said that in the staff report $12,400 was used per unit, which was adjusted for the 15 percent affordability. So it was about 1.3 million. He asked if part of the $12,400 was for school services. He questioned that if this facility is not going to impact public schools.

Ms. Ragsdale replied that staff was assuming that it could in the analysis and was not saying that they should not provide a cash proffer amount. It is intended to off set for schools as well.

Mr. Strucko asked is what he read a suggestion that as soon as this multi-family unit goes on market that is when the proffer conditions would kick in.

Ms. Joseph said that is what the Commission has to decide.

Ms. Ragsdale said that is something staff is supportive of. Then the applicant provided a proffer that responded to that. Staff is still working with Housing, Zoning and the County Attorney to figure out how to structure a proffer that could have a trigger in it like that and whether that would work.

Mr. Edgerton asked if there would be no impacts until it goes public.

Ms. Joseph noted that Mr. Morris had said that housing was housing.

Mr. Morris noted that it was housing, but it was not family housing

Mr. Strucko asked if it would have an immediate impact. He said that it would have an impact on certain things, but not on others. If it does open to the market the school services component will kick in. But, fire rescue and other types of services would happen immediately.

Mr. Edgerton noted that they are being asked to rezone this property for a specific use, but if that use ceases to exist they will be giving new rights to this piece of property. They are being asked to ignore the Comp Plan because of the specific request that is being made. But there is not way for the Commission to ensure that deal will go through. So once it is rezoned the applicant can come back and do anything that he wants with it if it is allowed under that zoning. He asked if there is a way to make the rezoning contingent on the suggested use.

Mr. Kamptner replied that the applicant can proffer that use to be limited.

Mr. Edgerton asked if there would be a way that the zoning would expire.

Mr. Kamptner replied that the zoning would remain, but it would be restricted to that use. If the government walked away there would be no permitted use unless the proffer was amended through the rezoning process.

Mr. Edgerton asked why they are we in a hurry to move this ahead without a lot more resolution of the proffers.

Ms. Ragsdale replied that staff is processing it based on if the proffers are resolved or provided for before the board meeting.

Mr. Edgerton said that the Commission is being asked to make a recommendation without complete proffer information. The Commission does not allow other applicants to come in with this limited information. So why should they do so in this circumstance.

Ms. Ragsdale replied that it was an option that the applicant could come before the Commission. The applicant would like to remain on schedule. But, there are a lot of outstanding issues.

Ms. Echols noted that staff is not asking the Commission to act until they are ready.

Mr. Cannon asked if the cash proffer been made in the amount which meets the Board's current policies.

Ms. Ragsdale provided a summary of the cash proffers. There are four cash proffers, which are included in the packet as Attachment F. Staff reviewed this information and feels that this language is not acceptable. The proffers need some more work.

Mr. Cannon asked if the proffer language "as determined" means the amount of whatever the going proffer rate was at that time that the use changed as determined by the County or is there some negotiation.

Ms. Ragsdale said that is working with the applicant on the proffer language.

Mr. Kamptner said that they need more specific language.

Mr. Cannon noted that staff mentioned affordable housing and a different cash out value of affordable housing discrepancy of 16.5 versus 19.5. Is that still an outstanding issue?

Ms. Ragsdale replied that is still an issue.

Mr. Cannon asked if the Route 29 transportation issue is resolved.

Ms. Ragsdale replied that the proffer language needs to be more specific in terms of when the additional turn lanes are required by VDOT and what exactly is required. Additional comments from VDOT were received this afternoon. VDOT would like the additional lanes on Route 29 constructed with this project. They would like to see those improvements coordinated with other 29 improvement projects that may be needed associated with Briarwood. But, VDOT was comfortable if the applicant provided for those with proffers with the application plan. They need the specific language that is acceptable and agreeable to everyone.

Mr. Cannon said that the current proffer language, at least as a tier, is if it is determined that additional turn lanes on Route 29 are necessary the owner shall proffer such improvements. He asked if staff was saying that VDOT has determined that additional turn lanes on Route 29 will be necessary.

Ms. Ragsdale said that the additional turn lanes will be needed.

Mr. Cannon said that the proffers will need to be amended to include that.

Ms. Ragsdale replied that all of the proffers would need amending in one form or the other. The ones before the Commission would not be technically or legally acceptable as was mentioned.

Mr. Cannon said that the final issue is the Boulder's Road cross section. The driveway dedication does not appear in the proffers.

Ms. Ragsdale replied that would be something staff would expect to see in the proffers if the applicant offered that.

Mr. Cannon said that would be now as with the rezoning and not contingent on any further action.

Ms. Ragsdale replied yes, staff suggests that it be provided for the development of this site.

Mr. Cannon said that there was an issue about the Boulder's Road cross section.

Ms. Ragsdale said that was something that staff was looking for in the application plan that they expect to see a revision on from the applicant. Staff showed the Commission earlier the cross section the applicant has proposed that included the bike lane and the pedestrian facility.

Mr. Cannon asked if the applicant has submitted a cross section that would meet staff's expectation.

Ms. Ragsdale replied that was on the revised application plan staff received along with the proffers.

Ms. Joseph asked if that information came in on Monday, July 2.

Ms. Ragsdale replied that the information came in on July 2.

Ms. Joseph noted that staff did not have any time to analyze that before the Commission received the report. What staff has done is an analysis since July 2 to this point in time. The Commission is getting staff's verbal analysis and it is not anything that has been written that the public has been privy to at this point.

Ms. Ragsdale replied that staff did include the proffers and the application plan that the applicant submitted on July 2 and it has been available for the public. Staff provided what they could in the packet and what they can offer to this point.

Ms. Joseph noted that the other outstanding issue is the Service Authority in that their comments had not been received. Regarding VDOT she asked if turn lanes are the only thing that VDOT is concerned about or are there other items that they needed.

Ms. Ragsdale replied that the turn lanes were the main thing and then providing for any changes to the signalization. That was the main thing that VDOT was asking for. The dual left turn lane will be necessary with the additional traffic and should be constructed with this site development and adjustments to the signals should be made at the intersection. Then there was the request that this project coordinate with the project on the western side, which is Briarwood. So that if any improvements are made on Route 29 that they happen at the same time and minimize disruption. There needs to be that kind of coordination. There were no other VDOT requests.

Ms. Echols noted that the second one staff needs to be working more with VDOT on to find out exactly what it is that they are talking about with specificity. Staff is not sure if VDOT is asking for a proffer or just putting people on notice.

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

Wendell Wood, applicant, addressed the Commission.

- This project was started in 1980. At the time they talked about infrastructure they actually built the sewer plan and paid for it with enough capacity to serve these properties. There is a contract that is still in place today. He was confident that they have sewer capacity. There are several members of the Service Authority present tonight that can verify that. The sewage plant was actually built in anticipation of this project. In 1998 they were anticipating the NGIC coming and at that time they were required to do a traffic study for the impact not only to the current NGIC but for the entire property. That report came back at the County's request to be built to a standard that would serve the full build out of this property. That required a road that is presently built for 48,000 cars a day. That road is in place. That road will be extended. They are proffering to extend that road in accordance with a Places29 Plan all the way around to the General Electric intersection. That is part of the proffer. When they talk about infrastructure – they built the sewer plan and the road requested with 110' right-of-way dedicated to the state. This is a continuation of a project that has been ongoing for 15 years. So they are requesting an extension of that facility.
- The proffers are what were requested. If there is a mistake in the figure of $16,500 that is what was given to us at the time to put in the proffer. Now it looks like it is $19,500. The residential facility is for people coming to the NGIC not as family, but for 5 to 90 days. This is not a family facility. It is not open to the public. It is a totally controlled environment. The lease will be with one tenant who will manage it. He will only build the structure and it will have no impact. The proffer says that if NGIC some day in the future closes, then obviously they would open it as a public facility. It may never happen. If it happens, then at that time they would pay the going proffer rate at that time. If the wording is wrong on the proffers, they would be willing to work with the County Attorney to accept the proffers and their form.
- The anti-terrorist and setback federal regulations have been submitted. The building will be built to a new standard with greater setbacks as required by the government.

Mr. Edgerton asked Mr. Wood if they would consider proffering that this rezoning could only be used for this proposed project.

Mr. Wood asked that he explain what he meant.

Mr. Edgerton said that as he understood it basically he was asking the Commission to ignore our responsibility to the Comprehensive Plan because it is not allowed under the federal government regulations here as far as the conditions of the Neighborhood Model. Once the rezoning is granted if this deal goes out the window he has now a rezoned piece of property that can be developed without any restrictions on it. He would have a by right property and he was asking for an increase in the zoning on this property. Would he be willing to proffer that if the rezoning is granted that it can only be used for this particular project?

Mr. Wood replied that the answer to the question is no. He would state what he is willing to do. He was not sure exactly what he was saying and if he was asking if this facility will be built for use by the NGIC and contractors. The housing component will be used strictly by NGIC. They will be the leasing agent. It is not open to the public. A government can be cancelled anytime they want, but he thought that it was a 5 year lease. But, if ten years from now NGIC moves out of this community was he asking if he would have 2 buildings that they may have occupied and a 120 unit apartment complex they have occupied and he was asking if he would tear them down, then that answer is no.

Mr. Edgerton replied that was not what he was asking. This proposed project for very legitimate reasons cannot comply with the Comprehensive Plan. Once he has permission for 120 residential units and X square feet of office space there is nothing that they can do to control that if this deal goes out the window. The applicant could come in later for another use. Staff indicated that they had to review the project based on what the rezoning would allow and not his specific client. He was concerned that they were being asked to bend their directives from the Comp Plan to work with this specific project for this specific client. But, he was not willing to assure the Commission that if this does not work out that he would be willing to come back and talk to the Commission about how to adjust it.

Mr. Wood noted that he did not say that he was not willing.

Mr. Edgerton asked Mr. Kamptner what was the language that he had used.

Mr. Kamptner said that the proffer would limit the use to a specific use. If that use ended the applicant would have to come through the process again to amend the proffer to open it up for all of the Commercial Office uses.

Mr. Morris said that they were asking Mr. Wood to proffer that if they go through the rezoning and approve it that he will build the 3 buildings in accordance with this plan. If in the future the government backs out and they go somewhere else then it is up for grabs. But, if they approve this, then those 3 buildings must be built for the purposes as they have in front of them right now. He asked if he was hearing it correctly.

Mr. Edgerton replied not quite.

Mr. Cannon said that Mr. Edgerton was absolutely right. This is generally consistent with the Comprehensive Plan, but there are design features that they would not otherwise accept because of the building as is and because of the government requirements that go with it. So the Commission would be changing what would otherwise be requirements of their Comprehensive Plan and the Neighborhood Model to accommodate this for a particular purpose. What he hears Mr. Wood saying is that he is not willing to risk having his investment in the construction of these buildings at risk at the whelm of the government if it decides to pull out and they decide that they don't want to accommodate a particular future plan. If this is going to work there has to be something in between there, but he was not quite sure what it is that would accommodate both of those interests.

Mr. Zobrist asked if nine years form now he received notice that NGIC would not renew their lease would he have to go in and remodel to make the buildings marketable.

Mr. Wood replied that it would be just the opposite. It is built to a much higher standard than other office buildings.

Mr. Zobrist asked what would be required if the use changed in the future. He questioned if the applicant would have to come in and ask to change the proffer and pay for the impacts and provide more trees? He questioned if that would be the conditions that they would want to impose at that time when the use changed.

Ms. Joseph asked if Mr. Wood had anything else to add.

Mr. Wood said that he did not see a problem with the proffers. It is just how the County staff wants the proffers written, which he was unaware of. If it a technical term that staff wants it to be rewritten to, then they would be willing to do that. He believed that they have proffered everything that was requested. If they have not, then he would like to know what that is. They met with staff in a special meeting on the proffers and he believed that they provided the information requested. If it is not clear, they will do that.

Ms. Joseph invited public comment.

Chris Lee, resident of Albemarle County in the Rio District, said that he comes before the Commission tonight as the Chair of the Charlottesville Chamber of Commerce. The Chamber endorses any and all efforts to support the National Ground Intelligence Center and its operation and expansion. As this proposal before the Commission tonight is consistent with the Comprehensive Plan and provides for transportation improvements in the Places29 Corridor, the Chamber of Commerce supports this plan to improve the National Intelligence Center's presence here in Albemarle County.

Cynthia Adams, resident of Pritchett Lane, said that she lived right behind North Pointe and the NGIC development. As she hears yet another development being proposed, she acknowledged that NGIC probably needs a support system, but it looks like a hotel. As she looks at the Route 29 improvements she did not know that adding lanes to make left turns is what she would consider a Route 29 improvement. Mr. Wood referenced something like 45,000 cars were planned. She would ask that VDOT or somebody look at the amount of traffic that she has to step into every time she wants to move at that Airport Road intersection. She went to a North Pointe hearing and a VDOT transportation study was recommended at that time. She did not believe it ever happened. At that time they were projecting that North Pointe would double the traffic. She believed that the for the build out of Hollymead, NGIC, and the University of Virginia everybody are looking at left hand turn lanes into the development. She did not feel that was meeting the needs of people that live in the area that have to go through these intersections everyday. Therefore, she asked that they consider a real Route 29 improvement.

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

Ms. Joseph asked Mr. Fern and Mr. Gorman to come forward and address the Commission. She asked for clarification about the Camelot Treatment Plan. At one point in time that treatment plant was limited to Camelot and GE. She asked if that was correct. At the time the Camelot Treatment Plant was approved she did not know if this was even contemplated.

Pete Gorman, a Service Authority representative, said he was not sure when the east side of Route 29 was included in the jurisdictional area. At the time the plant was constructed that side except for a very small portion right around the Badger Powhatan and International Auto Parts was in the jurisdictional area. But, right off the top of his head he did not know the inclusion date.

Ms. Joseph asked if the Service Authority has looked at the capacity. She asked if the sewage from the existing NGIC going into the Camelot Plant.

Mr. Fern, Director of Service Authority, replied yes, that the existing and proposed sewage from NGIC would be going into Camelot. Mr. Wood is correct in that he did expand the plant up to 365,000 gallons per day. Currently the average daily flow that they have approved from Rivanna ranges any where from 110,000 to 130,000 gallons per day. There is capacity as far as design capacity. What may be in question is permitted capacity. It is slightly different. All that may require is just Rivanna going to the DEQ and asking for an upgrade. Based on the information received to date in the flows and time frames proposed they are comfortable.

Ms. Joseph said that the Commission was looking at a rezoning request and 2 special use permit requests. One special use permit is for a 120 or 130 unit building. The other special use permit is to allow research and development uses within a proposed CO zoning district.

Mr. Cannon asked Mr. Kamptner if it would be possible to invite the applicant to submit a proffer and would such a proffer be permissible if it was along the following lines. That the structures would be built in the way that they are set forth here in accordance with the government standards. In the event that the property ceased to be utilized by the government under lease with Mr. Wood and the property was made available for public use that there would be an undertaking to make adjustments in the layout of the property to the extent feasible to better accord with the County's Comprehensive Plan. The point here is feasible. It is not realistic to ask Mr. Wood to tear down these buildings and start over again. But, is there a concept of feasible review and adjustment to the extent feasible that could play a role here in the event of a transition or is that too vague.

Mr. Kamptner replied that it was possible, but felt that it was going to be very difficult in its implementation when the time comes. Staff needs a bit of time to analyze that and to identify what would need to be done in order to make it more consistent with the Comprehensive Plan.

Mr. Cannon asked if that was a possible provision that is out of the question,

Mr. Kamptner replied no. The Commission can invited the applicant to make that if that is found to be necessary to find that this application could be consistent with the Comprehensive Plan to the extent that it can be under the circumstances..

Mr. Morris noted that a good example of at least the two office buildings would be when NGIC departed from downtown Charlottesville and moved to its current site. That old building is alive, well and functioning very well. The big question is how would to turn temporary quarters into apartments because they are not going to be wired for kitchens.

Mr. Wood noted that each two bedroom unit would have a kitchen.

Mr. Morris said that he stands to be corrected and that is perfect.

Mr. Edgerton pointed out that it could be converted into a hotel easily. It would be two nice apartment buildings and a hotel. The site plan they are looking at they would have seen 20 years ago has a layout out for two office buildings next to a hotel with a parking lot wrapped around.

Ms. Joseph noted that the Commission received an email from Amelia McCulley that said that she had been looking at the hotel aspect. Staff was having a hard with it in trying to figure out what kind of an animal this was.

Mr. Cannon asked staff if this rezoning on the terms that it is being requested they would not be approving this building as a hotel.

Ms. Ragsdale replied no, that once the applicant indicated that it would be built as conventional apartments that really helped staff solve the use question.

Mr. Cannon said that they were not enabling some future use of this building to be a hotel.

Ms. Ragsdale said that it would require another special use permit for a hotel in the CO District.

Mr. Cannon any Mr. Wood if his suggestion have any interest.

Mr. Zobrist said that they have an applicant saying that he will pay anything they want, but just tell him what it is and the Commission cannot tell him what it is. He had heard Mr. Wood say that he would pay whatever it is if this ever goes to public use and he would write the check for it. He asked Mr. Wood if that was what he said.

Mr. Wood said that he did not want to be treated any differently than whatever the policy is at that date.

Mr. Zobrist noted that the biggest problem is how to write that proffer up. Staff has not had time to work their way through it and has not had time to work with Mr. Kamptner to get the proffer written. In principle Mr. Wood is saying that he wants to build this project and is willing to take the risk that they leave somewhere along the line and he will deal with his property and at that point in time he would pay the County whatever the number is. Mr. Wood is just waiting for the Commission to tell him and he did not think they could tell him.

Mr. Strucko asked where are the on the proffers. He asked where the proffers are right now that are being offered here. They are rezoning this parcel for a use that will have an impact on the County. These people have to shop somewhere and drive out onto Route 29 to get there. That will impact the roads.

Ms. Ragsdale said that the applicant has offered to meet the affordable housing policy. As they discussed earlier whatever they advise will be appropriate in terms of the cash proffer amount for the residential unit at such time they are provide as market rate. The Route 29 requirements is as per required by VDOT. Then just indicating the commitment to the application plan are, as Mr. Zobrist said, the general principle is that Mr. Wood is agreeable to meet these impacts and they already touched on the issues they had with the wording and what was and was not provided for based on the legal language for the proffers. That is where they are. In the staff report they tried to break it down further in terms of the amounts based on the Board's cash proffer policy. Staff did send some examples of recent proffers such as Avinity and Rivanna Village.

Mr. Strucko said that this project does not have to go public in order for it to have an impact on roads, fire/rescue, water, soil, libraries and parks and recreation. It may have to go public to have an impact on schools. But, as proposed this will have an impact on the community. So he was trying to understand what are the proffers offered for a facility that will support NGIC. He sees language here that says when available to the public then this will happen. He was saying that the impact was going to happen as proposed and not when available to the public.

Ms. Joseph pointed out that normally the Commission has this type of discussion in a work session. But, unfortunately the Commission has not had the luxury of having a work session on this because the applicant wants to move forward as quickly as possible. Therefore, the Commission is trying to work all of this out now. Normally, the Commission would have had time to discuss these. He was absolutely correct that all of those items are applicable. With 120 units with 2 beds there were 240 people possibly when the building is full. They will be using the parks and roads that will create an impact on this community. This community has an awful lot of impacts on it recently. She questioned when the roads are looked at if they look at what is happening in Green County with the Super Walmart. There are all kinds of other development going on in this area. There is a large impact from everything going on along Route 29 North. When VDOT looks at it they are looking at what is needed for this site only. There is a lot of activity in that area.

Ms. Echols noted that she did not think this was being looked at as part of a vacuum. There is a tremendous amount of VDOT involvement right now in Places29 and what the ultimate road sections need to be. They are considering all of these impacts through Places29. The questions the Commission needs to answer is whether they believe that this project has public impacts and they would be recommending that the cash proffer cover it regardless of whether it is private, or if they feel that because it has such a private nature that its impacts are much less and would not need to pay the full cash proffer policy. That is with the understanding that the Board is providing a lot of direction on that one as well.

But, that would be the Commission's first question. The second issue involves the dedication of Boulder Drive and if that would be part of the proffer.

Ms. Joseph said that what they heard about Boulder Drive is that it would be built in one sentence. Then in they heard that it would be dedicated in another. What is staff asking for? But, she would love to see it built.

Ms. Ragsdale replied that there is the portion of Boulder's Road that would need to be extended beyond where it ends to serve this project, which staff was recommending to be built. Then there is the rest of the loop up to Austin Drive, which would need right-of-way dedication. So at some point in the future if there were different owners they could get the right-of-way in place and then as those properties develop it would be there for future developments to build.

Ms. Echols said that the third thing would be whether or not the Commission believes the applicant should make a commitment to the proffers that they have here. The applicant should commit that they would be doing the things they have said in that form that they have provided only for this particular leaser.

Mr. Edgerton clarified that the bottom line is that the rezoning is forever. He agreed with Mr. Strucko that there is going to be a significant community impact regardless of who moves into this property. They have 240 folks living there at 5 to 90 days at a time. They are going to have 180,000 square feet of office space. There are 3 lanes coming out of Rolkin and 2 of those lanes are heading back into town. That is going to be an impact. His reading of what has been offered by the applicant is nothing now, but if it ever goes public then he will meet whatever is coming up. That is almost insulting because there is a significant impact. He was not comfortable pushing this ahead. If the Board thinks that this is important and that they need to ignore everything that they call good planning, then that is certainly their call. He could not support something that is as unresolved as this is right now. For that reason he was not going to be able to support this project as is. He did not think this could be worked out tonight.

Ms. Echols noted that the question was whether there was a current impact or a future impact.

Mr. Cannon said that he was persuaded by what has been said. Based on their understanding of the proffer policy that is involved it is really a payment that gets made at the point of rezoning to reflect the impacts of the rezoning. Those impacts, at least some portion of them, will fall here. Therefore, it seems that those payments ought to be made at the time of the rezoning or a very good argument should be made as to why not. There needs to be some analysis of why those impacts that are to be covered by those proffers are not occurring and certainly some of those impacts will. So those are the two sticking points. Again, this is something that ought to be able to be worked out, but he did not think it had been worked out yet. He questioned if the applicant was interested in giving them a little more time to do that. But, for his support those things would have to be dealt with.

Ms. Joseph said that she could not support this because there are so many outstanding issues. The staff has done a marvelous job, particularly with the information dribbling in. Staff and the public need this information before the meeting.

Mr. Morris supported the project for a number of reasons. But, he agreed that the proffers should go right up front. That should be part of the stipulations as far as the proffers identified by staff.

Mr. Zobrist said that this needs to be treated as an apartment house and the impact fees calculated and provided. It is up to the Board to decide if they want to change the impact fees. The real issue is whether because of the nature of the use because it was going to be private and not used that somehow it changes the impact. There may be some validity to that comment. Obviously if they are not putting children into the schools it will save lot of money. But, the Commission does not have the right to waive specific directories that have been given by the Board of Supervisors.

Mr. Edgerton noted that the cost was listed on page 13 in the staff report as $1,488,000.

Ms. Joseph questioned if there is some mechanism that would hold it to this use. As Mr. Edgerton said once it is zoned it is zoned.

ACTION ON ZMA-2007-03, NGIS EXPANSION:

MOTION: Mr. Morris moved, Mr. Zobrist seconded for approval of ZMA-2007-03 with the condition that the proffers be met in accordance with current County policy.

Board Discussion:

Mr. Craddock asked if that was cash proffers.

Mr. Morris replied that the motion was for all proffers.

Mr. Strucko asked what the meaning of current planning policy was.

Mr. Morris replied that which the Board of Supervisors will determine. He believed that staff has clearly identified that as 1 million something. He questioned if that was correct.

Mr. Edgerton replied that was what was in the staff report based on 120 units.

Ms. Echols asked if he was talking about the $12,400 cash proffer plus the $19,400 for affordable units.

Mr. Morris said that affordable unit really bothers him. A lot of those people who are going to be in those units if they are in Washington, DC, New York City or here will qualify for food stamps. That is affordable housing.

Ms. Joseph noted that in other words we don't pay our military enough.

Mr. Morris replied that was correct. But, that is not Mr. Wood's or Albemarle County's fault.

Mr. Kamptner said that the affordable housing proffer is envisioned to kick in if and when the units become available for the general public.

Mr. Edgerton said that what the applicant has submitted is that all of the proffers would kick in. The language in the packet is the way it was given. Unless he misunderstood the affordable housing would not be treated differently. It would only apply when it went public.

Mr. Kamptner said that was correct.

Mr. Zobrist noted that Mr. Morris' motion states that all proffer policies in effect now will apply. The affordable housing only kicks in when the units are offered to the public.

Mr. Morris said that was absolutely correct. So that $19,400 would not apply until it became public. Right now it is 100 percent affordable housing.

Mr. Strucko said that he still needs to understand the motion. The motion is to approve the rezoning conditioned upon compliance with County proffer policy, which is the 1.4 million dollars up front regardless of whether this is for public use or not.

Mr. Morris said that is correct.

Mr. Edgerton asked if it would be appropriate to ask the applicant if he thinks that is appropriate. He could not recall voting on a motion without some cash proffers. They are going from no cash proffers to 1.4 million dollars.

Mr. Morris said that the applicant has every right to respond to it. The motion is on the floor.

Mr. Edgerton asked that they ask Mr. Wood.

Ms. Joseph asked Mr. Wood to respond to that.

Mr. Wood said that he was hesitating because he was not sure that he can respond because of financial arrangements. This will have to be determined if the party leasing it wants to pay more. Obviously, they just raised the price of the project by 1.4 million dollars that was not in the program. If they are asking him, he would assure the Commission that they are receiving very favorable terms as it is, but it is not in the cards for him because he could not get financing on the project if he agreed to do that. If the tenant is willing to pay an increase because it is our government and maybe they can do it.

Mr. Edgerton asked Mr. Wood if he would be willing to give them more time to resolve all of these issues.

Mr. Wood replied that the Commission could do what they want to, but he also was under a time restraint. That time restraint is expiring.

Ms. Joseph noted that was a round about way to ask if he would like to defer. She asked if the answer was no.

Mr. Wood said that he was at a loss actually. He was not sure because these are items that have not been addressed with other parties that have to agree to do some of these things. He would like to try to persuade the Commission that this is what he has been told for the last ten years when he comes before them with what to provide. That is to provide something where people work, eat, sleep and don't get out on the road. This is what NGIC is trying to do. They have a cafeteria. They are providing for people to live in these units. They don't have to go out at nights. It is not adding traffic to the road. The Highway Department has informed them that there is no traffic being added to the road. He has already paid to build that sewer plant for 3 million dollars. He built that road for 2 million dollars. So when they talk about infrastructure it has been done. This was anticipated. This is where we wanted this project with the "we" being the County. This is where we said that we want it. He was having a little bit of problem when they say impacts that they have not calculated. It is about $700,000 a year in taxes that are going to be paid. This is not NGIC. This is private business and $700,000 a year to be paid in taxes per year.

Mr. Zobrist asked to make a clarification.

Mr. Wood said that if that was the last thing to resolve it, then take the residential component out. They are saving money for the tax payers. Take it out of the component and he would not build it.

Ms. Joseph thanked Mr. Wood.

Mr. Zobrist said Mr. Morris phrased the motion to let the decision for the proffers go to the Board of Supervisors. The Board of Supervisors has that authority and the Commission does not. The applicant will have every opportunity to talk to the Board and tell them that they don't want to pay it because it is not in the cards. But, at least he would be done here if the Commission passes the motion.

Ms. Joseph asked if there was any further discussion.

Mr. Cannon assumed that Mr. Morris' motion includes acceptance of the other proffers as they understand them in at least principle relating to affordable housing, the Boulders Road cross section, the dual left turn lanes for 29 and the right-of-way dedication.

Mr. Morris replied yes, that was correct.

Ms. Joseph asked Mr. Kamptner if it was clear to him what is happening here, and Mr. Kamptner replied yes.

Mr. Strucko said that because he could cast a vote he needs to understand what the nature of the motion is. The motion is to approve the rezoning and the plan proposed. He assumed that the residential component is still in. It is just a general statement regarding the proffers. They are basically telling the

Board of Supervisors that the Commission is recommending this rezoning and they have to work out the proffers.

Mr. Morris said based up on the formula that exists as well as those things that were identified by Mr. Cannon.

Mr. Strucko asked if the motion could be more specific. His troubling is with the general terminology the motion.

Mr. Cannon said that his understanding is that the motion is to approve the rezoning based on proffers that either has been submitted by the applicant or the Commission has discussed in principle in which they can identify.

Mr. Kamptner suggested the motion say as stated in the language recommended by staff. They can provide the applicant with examples of all four of these.

Mr. Cannon said that with the additional condition that the cash proffers of $12,400 per unit for the residential component are made at the time of the rezoning if it is permissible for the Commission to include in the motion a condition relating to a proffer that the applicant has not made. He asked Mr. Kamptner if that was acceptable.

Mr. Kamptner replied yes. That is their recommendation. There has been a discussion about breaking out the school's portion of that because the impacts of the schools may be different from the other components of the cash proffer.

Mr. Cannon said that he understood the motion to focus on the cash proffers in lieu of all of the other specific impacts as consistent with the generic nature of the Proffer Policy that the Board has adopted.

Mr. Morris said that his point is well taken in that the $12,400 is based on certain things. What he heard said was possibly taking out the education portion. That is up to the Board.

Mr. Kamptner said that it was up to the applicant as well. They are in discussion about the impacts on schools and the timing of that being different than the other impacts.

Mr. Strucko said that he understands the motion correctly the motion is for approval of the rezoning contingent upon the payment of 1.3 million dollars up front.

Mr. Cannon said that the payment would be made up front to satisfy the County's cash proffer policy.

Mr. Strucko asked if that was correct.

Mr. Morris replied yes, that was correct.

Ms. Echols asked for a clarification. She asked if that also includes the right-of-way dedication.

Mr. Morris replied yes.

Mr. Zobrist said that a list of specific proffers have been amended into the motion.

Mr. Cannon reiterated the following:

- the up front cash proffer, as just discussed;
- plus the affordable housing provisions that have been proffered by the applicant adjusted to meet the current rate of $19,500 per unit;
- the Boulders road cross section adequate to meet the requirements, which the applicant has indicated a willingness to proffer;
- the right-of-way dedication for the rest of Boulder's Road;
- the commitment to do the dual left turn lanes on 29 as now stated to be required by VDOT and
- any other proffers that the applicant has made.

Mr. Strucko asked Mr. Edgerton what his reaction was to that or if he had any comments to add.

Mr. Edgerton replied that his reaction, as he stated earlier, was that he thought that they have a responsibility to the Comp Plan and to the Board of Supervisors to advise them on planning issues. He felt that to move ahead with Mr. Morris' motion is basically saying everything is cool and as far as planning is concerned they should deal with the proffer issue. As planning was concerned he was not comfortable with what he sees. The applicant has said that he is not willing to work with us through the process to get it complete.

Mr. Wood said that he was not going to stand here and let a man made an incorrect statement

Ms. Joseph asked Mr. Wood to sit down since he was out of order.

Mr. Edgerton said that the Chair asked Mr. Wood if he would request a deferral, which under the law he has to request. The Commission cannot require that of him. He said that he would not. That is what he was referring to.

Mr. Kamptner assumed that they had reached the 90th day or close to it.

Ms. Echols replied that they were up against the 90 day limit.

Mr. Edgerton said that they have been told by staff and by the applicant that none of the concerns of relegated parking and placement of buildings can be addressed because of the federal standards for anti-terrorism. He was not sure that he was convinced of that. There is a lot of land out there. He was not sure if that there is not another configuration from a planning perspective that would achieve both. But, he has not way of knowing that. If they have to make the decision tonight he would not be able to resolve that. He would not be able to support Mr. Morris' motion because he did not think they were fulfilling their responsibility to the Board to give them advice on planning, which is what the Commission is here to do. The Board makes the ultimate decision. There is no question about that. But, their job is to give them advice and they are to be guided by the Comp Plan. There is a lot about this plan that has nothing to do with the Comp Plan. It might be the most wonderful project in the world for all sorts of social reasons, but it has nothing to do with our Comp Plan and is not consistent with what they are trying to do in trying to plan for the future of this community.

Mr. Zobrist asked the Chair to call the question.

ACTION ON ZMA-2007-03, NGIC EXPANSION:

MOTION: Mr. Morris moved, Mr. Zobrist seconded for approval of ZMA-2007-03 with the condition that all proffers be revised as discussed and summarized below:

- Provision of cash proffers per market rate residential unit in accordance with the County's cash proffer policy. The Commission noted that residential units in the proposed project will have initial impacts, regardless of the tenants, and that these impacts should be mitigated when the units are constructed and not at a later date when they may be available on the open-market;
- The affordable housing provisions that have been proffered by the applicant should be adjusted to meet the current acceptable amount for providing cash in-lieu of providing affordable units; that figure is $19,100 per unit for 15% of the total number of units;
- Provision of a typical section for Boulders Road cross adequate to meet the Neighborhoods Model street requirements,
- Provision of right-of-way dedication for the off-site portion of Boulder's Road, which extends from the northern project boundary near the intersection of Route 29 and Austin Drive;
- Proffer commitments to improvements on Route 29, satisfactory to VDOT and meeting their requirements of this rezoning, which include analysis of the intersection of Route 29 and Boulders Road, provision of dual left turn lanes on Route 29, and any signalization adjustments.

The motion was approved by a vote of (4:3). (Mr. Craddock, Mr. Zobrist, Mr. Cannon and Mr. Morris voted aye.) (Mr. Strucko, Ms. Joseph and Mr. Edgerton voted nay.)

Note: The motion is to approve the rezoning and the plan proposed conditioned upon compliance with County proffer policy, as it may be determined by the Board of Supervisors; Commissioners also noted concerns regarding the proposed layout and design of the project and its lack of conformity with the Neighborhood Model.

Ms. Joseph said that this item will go before the Board of Supervisors on August 1 with a recommendation for approval.

ACTION ON SP-2007-031:

MOTION: Mr. Zobrist moved, Mr. Morris seconded for approval of SP-2007-031, NGIC Expansion with the condition recommended by staff.

1. A maximum number of 120 apartment units shall be permitted.

The motion was approved by a vote of (4:3). (Mr. Craddock, Mr. Zobrist, Mr. Cannon and Mr. Morris voted aye.) (Mr. Strucko, Ms. Joseph and Mr. Edgerton voted nay.)

ACTION ON SP-2007-032:

MOTION: Mr. Morris moved, Mr. Zobrist seconded for approval of SP-2007-032, NGIC Expansion with the conditions recommended by staff.

1. Future research, development/laboratory tenants will be subject to approval of a certified engineer's report prior to final site plan approval or occupancy, depending on timing.
2. If any discharge of other than domestic wastes into the public sewer system is expected, the ACSA shall be so notified prior to site plan approval.

The motion was approved by a vote of (4:3). (Mr. Craddock, Mr. Zobrist, Mr. Cannon and Mr. Morris voted aye.) (Mr. Strucko, Ms. Joseph and Mr. Edgerton voted nay.)

Ms. Joseph stated that SP-2007-032, SP-2007-031 and ZMA-2007-003, NGIS Expansion will go before the Board of Supervisors on August 1, 2007 with a recommendation for approval.

Old Business

Ms. Joseph asked if there was any old business. There being no further items, the meeting proceeded.

New Business

Ms Joseph asked if there was any new business.

- A special meeting was scheduled on July 26 from 5:00 to 7:00 p.m. for the ZTA Work Session regarding the concept of zero lot lines.

- Regarding the request to have a 4:00 p.m. work session on August 21 staff should email the Commissioners.

- There is a possibility of a joint City/County Planning Commission in August to discuss transportation issues.

There being no further new business, the meeting proceeded.

Adjournment

With no further items, the meeting adjourned at 8:15 p.m. to the Tuesday, July 17, 2007 meeting at 5:00 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.)