Albemarle County Planning Commission
August 14, 2007

The Albemarle County Planning Commission held a meeting, work session and public hearing on Tuesday, August 14, 2007, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Jon Cannon, Eric Strucko; Duane Zobrist and Pete Craddock. Absent were Marcia Joseph, Chairman; Calvin Morris, Vice-Chairman and Bill Edgerton. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was absent.

Other officials present were Wayne Cilimberg, Planning Director; David E. Pennock, Principal Planner; John Shepherd, Chief of Current Development; Tamara Ambler, Natural Resources Manager; Allan Schuck, Senior Engineer; Judith Wiegand, Senior Planner; Rebecca Ragsdale, Senior Planner; Amy Arnold, Planner; Amelia McCulley, Director of Current Development & Zoning/Zoning Administrator and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

Mr. Cilimberg called the meeting to order at 6:00 p.m. and established a quorum.

Election of Temporary Chairman for August 14, 2007 Meeting:

Mr. Cilimberg asked for nominations for temporary Chairman.

Mr. Zobrist nominated Eric Strucko to serve as temporary Chairman.

Mr. Craddock seconded the motion, which passed by a vote of 3:1 (Mr. Strucko voted nay.)

Other Matters Not Listed on the Agenda from the Public:

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

Review of Board of Supervisors Meeting – August 8, 2007

Mr. Cilimberg summarized the actions taken by the Board of Supervisors on August 8, 2007.

Consent Agenda:

Approval of Planning Commission Minutes: June 26, 2007, July 10, 2007, June 12, 2007 and May 29, 2007

Mr. Strucko asked if any Commissioner would like to pull an item from the consent agenda.

Motion: Mr. Zobrist moved, Mr. Craddock seconded, to approve the consent agenda.

The motion passed by a vote of 4:0. (Mr. Morris, Mr. Edgerton and Ms. Joseph were absent.)

AFD2007-00002 Hardware Agricultural-Forestal District Renewals

Notice is hereby given, pursuant to Title 15.2 Chapter 43, Section 15.2-4307 of the Agricultural and Forestal Districts Act of the Code of Virginia, 1950, as amended, that:

1. An application for Agricultural and Forestal District (known hereafter as Review of the Hardware Agricultural/Forestal District) has been filed with the Albemarle County Board of Supervisors and the application has been referred to the Albemarle County Planning Commission pursuant to Title 15.2, Chapter 43, Agricultural and Forestal Districts Act of the Code of Virginia, 1950, as amended;

2. The application for Review of the Hardware Agricultural/Forestal District; together with descriptive maps, is available for public inspection in the office of the Clerk of the Board of Albemarle County, Fourth Floor, Albemarle County Office Building, 401 McIntire Road, Charlottesville, Virginia;
3. Where applicable, any political subdivision whose territory encompasses or is part of the Hardware Agricultural/Forestal District may propose a modification. Such proposed modification must be filed in the Albemarle County Department of Community Development within 30 days of the date that this notice is first published, (no later than 5:00 p.m., June 6, 2007)
4. Any owner of additional qualifying land may join the application for Review of the Hardware Agricultural/Forestal District within thirty days from the date this notice is first published (no later than 5:00 p.m., June 6, 2007) or, with the consent of the Albemarle County Board of Supervisors, at any time before the public hearing the Albemarle County Board of Supervisors must hold on the application;
5. Any owner who joined in the application for Review of the Hardware Agricultural/Forestal District may withdraw his land, in whole or in part, by written notice filed with the Albemarle County Board of Supervisors, at any time before the Albemarle County Board of Supervisors acts pursuant to Section 15.2-4309 of the Code of Virginia, 1950, as amended;
6. Additional qualifying lands may be added to an already created district upon separate application pursuant to Title 15.2, Chapter 43 of the Code of Virginia, 1950, as amended at any time following such creation;
7. The application for Review of the Hardware Agricultural/Forestal District and proposed modifications will be submitted to the Albemarle County Agricultural and Forestal Advisory Committee.
8. Upon receipt of the report of the Advisory Committee, a public hearing will be held by the Albemarle County Planning Commission on the application for Review of the Hardware Agricultural/Forestal District; and any proposed modifications. (Amy Arnold)

AND

AFD2007-00003 Nortonsville Agricultural/Forestal District Renewals

NOTICE OF AN APPLICATION FOR REVIEW OF THE NORTONSVILLE LOCAL AGRICULTURAL/ FORESTAL DISTRICT

Notice is hereby given, pursuant to Title 15.2 Chapter 43, Section 15.2-4307 of the Agricultural and Forestal Districts Act of the Code of Virginia, 1950, as amended, that:

1. An application for Agricultural and Forestal District (known hereafter as Review of the Nortonsville Local Agricultural/Forestal District) has been filed with the Albemarle County Board of Supervisors and the application has been referred to the Albemarle County Planning Commission pursuant to Title 15.2, Chapter 43, Agricultural and Forestal Districts Act of the Code of Virginia, 1950, as amended;
2. The application for Review of the Nortonsville Local Agricultural/Forestal District; together with descriptive maps, is available for public inspection in the office of the Clerk of the Board of Albemarle County, Fourth Floor, Albemarle County Office Building, 401 McIntire Road, Charlottesville, Virginia;
3. Where applicable, any political subdivision whose territory encompasses or is part of the Nortonsville Local Agricultural/Forestal District may propose a modification. Such proposed modification must be filed in the Albemarle County Department of Community Development within 30 days of the date that this notice is first published, (no later than 5:00 p.m., June 6, 2007)
4. Any owner of additional qualifying land may join the application for Review of the Nortonsville Local Agricultural/Forestal District within thirty days from the date this notice is first published (no later than 5:00 p.m., June 6, 2007) or, with the consent of the Albemarle County Board of Supervisors, at any time before the public hearing the Albemarle County Board of Supervisors must hold on the application;
5. Any owner who joined in the application for Review of the Nortonsville Local Agricultural/Forestal District may withdraw his land, in whole or in part, by written notice filed with the Albemarle County Board of Supervisors, at any time before the Albemarle County Board of Supervisors acts pursuant to Section 15.2-4309 of the Code of Virginia, 1950, as amended;
6. Additional qualifying lands may be added to an already created district upon separate application pursuant to Title 15.2, Chapter 43 of the Code of Virginia, 1950, as amended at any time following such creation;

7. The application for Review of the Nortonsville Local Agricultural/Forestal District and proposed modifications will be submitted to the Albemarle County Agricultural and Forestal Advisory Committee.
8. Upon receipt of the report of the Advisory Committee, a public hearing will be held by the Albemarle County Planning Commission on the application for Review of the Nortonsville Local Agricultural/Forestal District; and any proposed modifications. (Amy Arnold)

Mr. Cilimberg summarized the staff report for both requests.

- In each case there has been a recommendation for approval from the Agricultural and Forestal Advisory Committee in renewing both the Nortonsville and Hardware Agricultural-Forestal Districts.
- The Nortonsville Agricultural District is currently on an 8 year review cycle and the recommendation is that it goes to a 10 year review.
- With the Hardware Agricultural District there were certain parcels that will be withdrawn which is an opportunity property owners have at the time of renewal as well as the addition of 2 parcels. So those were included in the recommendations from staff and the Agricultural and Forestal Advisory Committee.

Mr. Strucko opened the public hearing and invited public comment.

Ms. Arnold arrived at the meeting and noted that she thought this item was seventh on the agenda.

Mr. Cilimberg noted that in fairness to staff there was a change in the final agenda and some of staff thought that their item was going to be later. They tried to get the quick items done first.

There being no public comment, Mr. Strucko closed the public hearing to bring the matter before the Planning Commission.

Motion: Mr. Zobrist moved, Mr. Cannon seconded, to approve AFD-2007-0002, Hardware Agricultural Forestal District Renewal and AFD-2007-00003, Nortonsville Agricultural Forestal District Renewal with the following conditions recommended by staff.

1. The following shall be withdrawn from the Hardware Agricultural and Forestal District:
   - Tax Map 87, Parcel 3 and Tax Map 86, Parcels 24C and 24D (469.797 acres)
   - Tax Map 88, Parcels 41A, 42A, 5A, 5, and 4 (653.947 acres)
   - Tax Map 73, Parcels 45, 46, and 48 (5.167 acres)
   - Tax Map 73, Parcel 39B (7.068 acres)

2. The following shall be added to the Hardware Agricultural and Forestal District:
   - Tax Map 86, Parcel 16E (13.581 acres)
   - Tax Map 88, Parcel 2A (21 acres)

3. The renewal cycle for the Nortonsville Agricultural and Forestal District shall be revised from an 8-year to a 10-year interval.

The motion passed by a vote of 4:0. (Mr. Morris, Mr. Edgerton and Ms. Joseph were absent.)

Mr. Strucko stated that AFD-2007-0002, Hardware Agricultural Forestal District Renewal and AFD-2007-00003, Nortonsville Agricultural Forestal District Renewal will go before the Board of Supervisors on September 12 with a recommendation for approval.

SP2007-00023 Kia Auto Dealership (Sign # 55)

PROPOSED: Expansion of the Kia Auto Dealership, including outdoor display and sale of automobiles in the Entrance Corridor

ZONING CATEGORY/GENERAL USAGE: HC - Highway Commercial - commercial and service uses and residential use by Special Use Permit (15 units/acre); EC Entrance Corridor Overlay District - overlay to

protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access.
SECTION: 30.6.3.2 (b) which allows for outdoor storage, display and/or sales serving or associated with permitted uses, any portion of which would be visible from an EC street
COMPREHENSIVE PLAN LAND USE/DENSITY: Regional Service in Urban Area 3 - regional-scale retail, wholesale, business and/or employment centers, and residential (6.01-34 units/acre).
ENTRANCE CORRIDOR: Yes
LOCATION: Just north of the existing Kia Auto Dealership at 1390 Richmond Rd (Rt 250 East), and south of Olympia Dr (under construction)
TAX MAP/PARCEL: Tax map 78, Parcel 9
MAGISTERIAL DISTRICT: Rivanna (Margaret Maliszewski)

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

- This is a proposal to establish outdoor display and storage of vehicles in the Route 250 East Entrance Corridor. The display area is proposed on a portion of parcel 9 on tax map 78 in the Pantops area. That parcel is located to the north of the existing Kia Auto Dealership. Kia is one of the many auto dealers that exist on Route 250 East. In that way this proposed use is compatible with the adjacent and near by uses.
- The site plan shows that the proposed parking area is to the north of the established Kia Dealership. The display parking is at the north and along the west sides of the proposed development area. A special use permit is required for this use specifically because it is proposed in the Entrance Corridor. The intent for the requirement of the special use permit is to review to visual impacts of the outdoors sales and display activity on the Entrance Corridor.
- The ARB has reviewed the proposal and had no objections. They did have recommended conditions. Those conditions are related to landscaping, lighting and the general method of display. All of those recommended conditions are standard conditions for this type of application.
- Staff's recommendation is for approval with the conditions as listed in the staff report.

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

Tucker Hurt, representative for applicant, said that they one thing he would add to the staff report is that there is a pretty significant grade change between the current Kia site and the proposed display. There is a significant wall. For a large portion of the site it would not be visible from Route 250.

Mr. Strucko invited public comment. There being none, he closed the public hearing to bring the issue before the Commission.

Mr. Cannon said that since staff finds no factors unfavorable nor has anyone brought unfavorable factors to the floor he was inclined to support the request.

Motion: Mr. Cannon moved, Mr. Craddock seconded, to approve SP-2007-00023, Kia Auto Dealership with the following conditions recommended by staff.

1. Vehicles shall not be elevated anywhere on site.
2. The improvements proposed under SP-2007-23 shall be developed in general accord with the site plan entitled "Kia Auto Dealership Major Site Plan Amendment" prepared by Dominion Development Resources, LLC, with revisions dated 6-22-07. Vehicles shall be displayed only in spaces labeled as "display parking" on this plan.
3. Display parking shall be only in designated striped parking spaces as identified on this plan.
4. Final site plan approval is subject to ARB approval of the landscape plan (which shall be submitted with the site plan). Landscaping shown on the plan may be required to be in excess of the minimum requirements of ARB guidelines or the Zoning Ordinance to compensate for the negative visual impact of the proposed use, particularly regarding perimeter trees at the new display area.
5. Final site plan approval is subject to ARB approval of the lighting plan (which shall be submitted with the site plan). Maximum light levels on site shall not exceed 30 footcandles.

The motion passed by a vote of 4:0. (Mr. Morris, Mr. Edgerton and Ms. Joseph were absent.)

Mr. Strucko stated that SP-2007-00023, Kia Auto Dealership will go before the Board of Supervisors on September 5 with a recommendation for approval.

Regular Items:

SDP2007-00065 Lewis and Clark Exploratory Center
Request for preliminary site plan approval for construction of a 15,000 square foot historical center on approximately 12 acres within existing Darden Towe Park. The property, described as Tax Map 62, Parcel 23, is zoned RA, Rural Areas, R-1, Residential, and EC, Entrance Corridor and is located in the Rivanna Magisterial District on the west side of Stony Point Road [Rte. 20], 0.5 miles north of its intersection with Richmond Road [Rte. 250]. The Comprehensive Plan designates this property as Parks and Greenway in Urban Area 3. (David Pennock)

AND

Public Hearing Items:

SP-2007-00022 Lewis and Clark Exploratory Center – Access Road (Sign # 49, 50, 54)
PROPOSED: Fill in the floodplain for an access road to the proposed Lewis and Clark Exploratory Center
ZONING CATEGORY/GENERAL USAGE: R-1 Residential (1 unit/acre)
SECTION: Section 30.3.06.1 of the Zoning Ordinance which allows for fill in the floodplain
COMPREHENSIVE PLAN LAND USE/DENSITY: Parks and Greenways within Pantops (Urban Neighborhood 3)
ENTRANCE CORRIDOR: Yes
LOCATION: Within the northern portion of Darden Towe Memorial Park, adjacent to the Rivanna River.
TAX MAP/PARCEL: Tax Map 62, Parcel 23
MAGISTERIAL DISTRICT: Rivanna (Tamara Ambler)

AND

SP-2007-00024 Lewis and Clark Exploratory Center Extension (Sign # 49, 50, 54)
PROPOSED: Extension of Special Use permit 2004-04 to allow the establishment of the Lewis and Clark Exploratory Center of Virginia
ZONING CATEGORY/GENERAL USAGE: RA, Rural Areas, R-1, Residential and EC, Entrance Corridor, and Flood Hazard Overlay
SECTION: 10.2.2.49 and 13.2.2.13, which allow for a historical center, and modification to Section 5.1.42
COMPREHENSIVE PLAN LAND USE/DENSITY: Parks and Greenways, and Neighborhood Density Residential (3 - 6 d.u. per acre) in Neighborhood Three
ENTRANCE CORRIDOR: Yes
LOCATION: Northern end of Darden Towe Park, on the west side of Stony Point Road (Route 20 North), approximately one-half mile north of the intersection with the Richmond Road (Route 250 East)
TAX MAP/PARCEL: Tax Map 62, Parcel 23
MAGISTERIAL DISTRICT: Rivanna (Tamara Ambler)

Mr. Strucko noted that the three items for Lewis and Clark Exploratory Center would be heard together.

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

- This first special use permit request, SP-2007-00024 is for a time extension of a previously approved special use permit. The original special use permit, SP-2004-04 was approved to allow the establishment of the Lewis and Clark Exploratory Center within the northern portion of Darden Towe Park. The historic center will consist of a 15,000 square foot structure, including an amphitheatre, outdoor interpretative trails, a timber fort, a look out tower and 83 parking spaces.
- SP-2004-04 was approved on January 4, 2006. This special use permit is set to expire in January, 2008. The applicant has requested that it be extended by an additional 12 months. The applicant is actively moving forward with this project as can be seen by the other items on the

agenda. The applicant has submitted a request for fill in the floodplain for the access road and also a preliminary site plan for the project. The reason the applicant has requested an extension is simply to ensure that there is adequate timing for the necessary plan revisions, plan approval and for the commencement of actual construction.

- The original approval had 9 conditions that addressed the site layout and design, the number of events that could be held, noise issues and floodplain protection. Those conditions are listed in the staff report. All of these conditions are still applicable.
- Staff found no factors unfavorable to this request. Therefore, staff recommends approval with the original 9 conditions of approval plus an additional condition stating that the special use permit SP-2007-24 shall be valid 12 months from the date of its approval.

Mr. Strucko asked if there were any questions for staff. There being none, he opened the public hearing and invited the applicant to address the Commission.

Donald Sours, volunteer member of the Board of Directors, offered to answer any questions.

There being no questions for Mr. Sours, Mr. Strucko asked for public comment. There being none, the public hearing was closed and the matter before the Commission.

Action on SP-2007-00024:

Motion: Mr. Zobrist moved to approve SP-2007-00024, Lewis and Clark Exploratory Center Extension with the conditions as recommended in the staff report.

Mr. Kamptner said that the power point slide said that the applicant wanted to extend the special use permit an additional 12 months, which would take it to January 4, 2009.

Ms. Ambler agreed that the proposed condition does not do that.

Mr. Kamptner noted that this condition would expire about 3 months short of that.

Ms. Ambler apologized and noted that she would need to restate that as to extend the original special use permit application to expire January 4, 2009.

Amended Motion: Mr. Zobrist moved, Mr. Cannon seconded to approve SP-2007-00024, Lewis and Clark Exploratory Center Extension with the conditions recommended in the staff report, as amended, to show that the extension shall be 12 months from the date of expiration of the original approval and shall expire on January 4, 2009.

1. The site shall be developed in general accord with all sheets of the plan entitled "Lewis & Clark Exploratory Center," revised October 18, 2005 and prepared by Nelson, Byrd, Woltz. Setbacks indicated in the table on sheets L3.1 and L3.2 do not set increased minimum setbacks;
2. The top of the Lookout Tower, measured in elevation above mean sea level, shall not exceed [AMSL + 35]. The approved height shall at no time be taller than the tallest tree within twenty-five (25) feet of the Lookout Tower, and shall include any base, foundation or grading that raises the tower above the pre-existing natural ground elevation;
3. A maximum of twelve (12) special events, in accordance with Section 5.1.42.i, are authorized per calendar year;
4. A maximum of four (4) festivals, in accordance with Section 5.1.42.j, are authorized per calendar year;
5. A lighting plan and a landscaping plan shall be submitted, reviewed, and approved by the Architectural Review Board prior to final site plan development plan approval;
6. In accordance with Section 32.7.9.9, a twenty (20) percent tree canopy shall be required for the site based on the disturbed area for the historical center building, parking, and access road;
7. Prior to any grading or construction activity, the limits of the one hundred (100)-year flood plain and stream buffers, where adjacent to constructed proposed improvements including the amphitheater, timber fort, lookout tower, entrance road and retaining wall, shall be flagged at ten (10)-foot intervals by a land surveyor to prevent encroachment land disturbing activity, storage of

construction equipment or materials, and actual construction of improvements during construction;

8. Outdoor amplified noise is not allowed on site;
9. As stipulated in the lease agreement between the applicant and the City and County, the proposed improvements are to be reviewed by the City and County prior to construction to make sure there are alternative uses available for the improvements should the venture fail, and
10. Special Use Permit 2007-024 shall be valid 12 months from the date of the original approval and shall be expire on January 4, 2009.

The motion passed by a vote of 4:0. (Mr. Morris, Mr. Edgerton and Ms. Joseph were absent.)

Mr. Strucko stated that SP-2007-00024, Lewis and Clark Exploratory Center Extension will go before the Board of Supervisors on September 5 with a recommendation for approval.

Ms. Ambler presented a power point presentation and summarized the staff report on SP-2007-00022.

- This next special use permit request, SP-2007-00022 is to allow the placement of fill in the floodplain to construct an access road to the previously approved Lewis and Clark Exploratory Center.
- The focus in on the northern part of Darden Towe Park. The hashed area shows the extent of the flood plain. The existing internal gravel access road would be extended.

Mr. Cannon asked if any of this activity was in wetlands, and Ms. Ambler replied no that it was in the floodplain, but not the wetlands.

Ms. Ambler continued review of the staff report:

- The access road will serve the Exploratory Center. The alignment of the proposed access road is in accord with the approved plan that was with the original special use permit allowing the use. It is an extension of the existing internal road within the floodplain that circled the part to the east and along the Rivanna River. The new road will extend through the floodplain and then back towards the new center. The total length of the new access road is about 1,300' with 580' of which will require some amount of fill in the floodplain. The remainder of the road will either not be in the floodplain or be able to be constructed at grade or in cut.
- The 2000 FEMA Flood Study Maps include this area in the detailed study and base flood elevations have been determined. The County Engineer has determined that the placement of the fill for the road will not raise the flood plain elevation. The floodplain is very wide at this location and the fill is very small in comparison. While the fill will not raise the floodplain elevation it will alter the cross section a tiny bit. The road is going to be in what is currently clipped grass. It will not go into the buffering part of the property. The lower area is where the fill would be needed in the floodplain. Nothing is being proposed in the floodway.
- There were no unfavorable factors. There were a couple of conditions that are recommended by the County Engineer. Because the FEMA Study is based upon the cross section of the floodplain in the detailed study and because the project will change the cross section staff does recommend that it be approved with condition #1, which is a typical condition that they obtain a map revision or a letter of amendment as required by the Federal Emergency Management Agency and County Engineer. It is a standard requirement. Two additional conditions are recommended by the County Engineer. The fill slope shall be protected against possible scar row during a 100 year storm and must not exceed that shown on the application plan. The third condition is that federal and state permits be required if necessary.

Mr. Strucko asked if there were any questions for staff.

Mr. Cannon asked if staff's conclusion is that the fill in the floodplain will not significantly raise the floodplain elevations.

Ms. Ambler replied that was correct. There is currently an established level of floodplain elevation. Around that area it ranges between elevation 344' and 347'. During a 100 year storm the placement of

this encroachment in the floodway won't cause the elevation to flood anything else that wasn't flooded before.

Mr. Cannon said that the significance of that is it would not be expected to exacerbate flooding conditions in the floodplain or adjacent areas.

Ms. Ambler replied that was correct.

Mr. Strucko opened the public hearing and invited the applicant to address the Commission.

Kay Slaughter, a member of the Board of Directors, reminded the Planning Commission that this alternative of going through the floodplain came at the suggestion of staff and the Planning Commission. Originally Parks and Rec had not wanted to come in that way, but then they agreed to do that so that there would be an internal road rather than another connection from Route 20. She wanted to put that in the mix for their historical recollection.

There being no questions for Ms. Slaughter, Mr. Strucko invited public comment. There being none, the public hearing was closed to bring the matter before the Planning Commission.

Action on SP-2007-00022 Lewis and Clark Exploratory Center – Access Road:

Motion: Mr. Craddock moved, Mr. Cannon seconded to approve SP-2007-00022, Lewis and Clark Exploratory Center – Access Road with the conditions recommended in the staff report.

1. The applicant must obtain a map revision, letter of revision, or letter of amendment as required from the Federal Emergency Management Agency (FEMA) and copy the County Engineer on all correspondence.
2. The fill slope must be protected against possible scour during the 100-year storm, and must not exceed that shown in the application plan.
3. Army Corps of Engineers, Virginia Department of Environmental Quality, and other necessary state and federal agency approvals must be obtained prior to issuance of grading permits.

The motion passed by a vote of 4:0. (Mr. Morris, Mr. Edgerton and Ms. Joseph were absent.)

Mr. Strucko stated that SP-2007-00022, Lewis and Clark Exploratory Center – Access Road will go before the Board of Supervisors on September 5 with a recommendation for approval.

SDP-2007-000065 Lewis and Clark Exploratory Center

Mr. Pennock gave a power point presentation and summarized the staff report on SDP-2007-000065, Lewis and Clark Exploratory Center.

This is the preliminary site plan approval and two related waivers that go along with that approval. At the request of a Planning Commission member this item has been called up for review by the Planning Commission. There are two waivers necessary to approve the plan as submitted.

Ms. Ambler presented the general site layout and explained the way it is going to function. From Route 20 the main access is through Elk Drive along the southern end of the site. At the T intersection there is an existing parking area in the area to the right and a paved road. Then there is a gravel drive, as discussed by Ms. Ambler, requiring the fill in the floodplain which loops around to the left to soccer fields. The proposed access extends from that point on into a parking area serving the Exploratory Center.

- The current proposal is to build the project in phases. Phase 1 would be a smaller building within the general footprint of the Lewis and Clark Exploratory Center and a small parking area associated with that. Phase 3 would be the completion of the entire building and all the parking.

- The waivers associated with this project have to do with the paving of the travel ways and parking areas and the provision of curb and gutter along the travel ways and the existing gravel drive that

serves this site. There are basically two items associated with this. The parking area is all going to have curb and gutter and hard surfaced ultimately as part of the Phase 3. The only exceptions to that are some small areas where the curbing was removed in order to accommodate storm water management. There are bio-filters, etc. proposed. Those curbs were approved with the approval of staff as an administrative waiver.

- The travel ways accessing the parking are proposed to be built with asphalt, but not curb and gutter. This portion of the road that comes in from the existing soccer field is also proposed to be asphalted, but not built with curb and gutter. Leading into that portion, the existing gravel drive will remain gravel into the future. Although it is only two waivers it is actually in various pieces. One waiver is to not pave the section of the gravel road as it exists and then temporarily not pave the parking and travel areas built with phase 1 and phase 2. The other waiver is for curb and gutter. Ultimately, they would not like to provide curb and gutter along the existing gravel drive or this segment of the road.

- Based on engineering review of the existing conditions and the requirements of the ordinance staff is not able to recommend approval of the waivers.

Mr. Strucko asked if there were any questions for staff.

Mr. Cannon noted that the staff report indicates that the applicant is contending that the use of gravel would achieve best practices in storm water management. He asked if that is a contention that staff has assessed and has a view about.

Mr. Pennock replied that Mr. Schuck could probably speak more fully to that. The basis of that argument in the letter that staff received was that the gravel surface would allow for a slower runoff rate and that there would be some absorption as if the gravel acted as a pervious surface rather than asphalt, which would be impervious. All of the water would run right off. However, the engineering standards used by the county don't consider gravel to be a pervious surface for that type of purpose any more.

Mr. Cannon asked if that was because the base was compacted under the gravel.

Allan Schuck, Senior Engineer, noted that the existing gravel surface was heavily traveled. So engineering from a pervious of impervious area does not consider gravel travel ways any different than asphalt surface basically because over time as the vehicles go over it they will compact the soil and they will not get absorption of the drainage into there. So engineering does not consider them any different.

Mr. Cannon asked if in his view on the curb and gutter issue does the lack of curb and gutter not provide a benefit for the management or absorption of run off.

Mr. Schuck replied that curb and gutter in the development areas is part of the standard they go by. With the curb and gutter as opposed to this they get better direction of the flow of the run off. With curb and gutter it can be directed better than with a gravel surface. With the gravel surface there would be a potential for surface flow run off with sheet flow. They would get that with the gravel surface as shown.

Mr. Zobrist said that he did not see any erosion here. He asked if there was erosion from the existing road. Mr. Pennock replied no, based on their site visits.

Mr. Zobrist asked how long the road has been there.

Mr. Pennock replied that the site plan for Rivanna Park was done in 1986. He did not know that this road has existed since then.

Mr. Zobrist said that they have been able to get by with no erosion problems. The flood waters obviously have managed it in the last 20 years without doing any bad things. He asked if there was any benefit to maintaining a more rural feel inside the park without curb and gutter. He felt that there might be some benefit in figuring out a way to meet all of the objectives.

Mr. Pennock said that this park is right on the city/county border within the development area. So it falls in a different set of standards there. But, no the aesthetics were not part of the analysis that staff performed on this.

Mr. Strucko asked if the intended use would increase traffic on this road than is currently on it now, and Mr. Pennock replied yes.

Mr. Strucko asked if erosion could potentially become an issue if that were the case that the use intensified.

Mr. Schuck replied that it could become an issue. Currently it is very well maintained. There are no existing erosion problems from the site visit. In the future it could be if people are running off creating ruts possibly on the side of the road. That is always a possibility where channels are created. That could be a potential possibility in the future.

Mr. Craddock asked if the proposal is to pave it from all the way from the intersection to the Exploratory Center at some point.

Mr. Schuck said that they want to keep the gravel section in gravel for the whole time.

Mr. Pennock noted that based on the plan as submitted they would pave from this portion where the existing soccer parking is and from that point up to the new Exploratory Center, including the parking ultimately, would be paved as part of phase 3. But, the portion back to Elks Drive to the existing T intersection would remain as is forever. There would be curb and gutter within the parking areas provided with the Exploratory Center, but not on the travel ways to get there.

Mr. Craddock pointed out that over the years they have used this back road to go up to concession stand and park for softball games. A lot of cars will pull off on the side there and go down to the river. He liked the idea of that remaining. Lewis and Clark is kind of rustic. He did not associate curb and gutter with Lewis and Clark. He was glad that this portion of road was going to stay gravel.

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

Don Sours pointed out the newly constructed parking area at the top of the photograph that was placed there by the county. That parking area is gravel and seems to be adequate. When fund raising comes into place they will pave this area. But, for now they plan in the first phase to construct the infrastructure as shown on the site plan. That would not include a building. In the first phase they would like to have a gravel road so they won't tear it up with the construction traffic. In the second phase they are planning a 2,500 square foot building. Then the final phase would be completion of the 15,000 square foot building. Therefore, that is their proposal in which they are requesting these waivers.

Mr. Cannon asked if they have done a study of run off patterns that would be expected from the new portion of the road that would have to be built to access the site.

Mr. Sours replied that they have obtained an engineering consulting firm, DDR. They are in the process of preparing the site plan. So he could not answer that question.

Mr. Cannon asked if that means that they don't have the information at this point to know exactly how run off from that new section of road would behave in the absence of curb and gutter.

Mr. Sours replied that is his opinion. As a professional engineer he knows that the engineering recommendation that it be asphalt and curb and gutter would better control the run off. The first part of the road seen in the floodplain is fairly level and then it goes up a fairly steep grade. There would be more run off associated with that. Their consultant has advised that they were not aware of these recommendations from the staff. He asked if it would be best to defer this until they have the opportunity to work with the staff and see what can be accommodated.
Mr. Strucko said that it was within their rights to request a deferral.

Mr. Cannon noted that it would be helpful to have the additional information just discussed so that there would be some ability to work through this in a sensible way.

Mr. Sours said on the basis of the discussion he requested to defer action on the request.

There being no questions for the applicant, Mr. Strucko invited public comment. There being none, the public hearing was closed to bring the matter before the Planning Commission.

Action on SDP-2007-000065 Lewis and Clark Exploratory Center:

Motion: Mr. Cannon moved, Mr. Craddock seconded to accept the applicant's deferral request for SDP-2007-00065, Lewis and Clark Exploratory Center until such time that the applicant has had an opportunity to develop information and have further discussions with staff.

The motion passed by a vote of 4:0. (Mr. Morris, Mr. Edgerton and Ms. Joseph were absent.)

Mr. Strucko stated that SDP-2007-00065, Lewis and Clark Exploratory Center was deferred indefinitely.

ZMA2006-00019 Willow Glen (Sign # 27, 29)
PROPOSAL: Amend Comprehensive Plan from Industrial Service which allows 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) uses to Urban Density Residential which allows residential (6.01-34 units/acre) and supporting uses such as religious institutions, schools, commercial, office and service uses. Rezone 23.681 acres from Rural Areas which allows agricultural, forestal, and fishery uses; residential density (0.5 unit/acre) to Planned Residential District which allows residential (3 - 34 units/acre) with limited commercial uses for a maximum of 234 units
PROFFERS: Yes
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Industrial Service which allows for (see uses above) in the Hollymead Community.
ENTRANCE CORRIDOR: No
LOCATION: property is east of Dickerson Road (Rt. 606) across from Charlottesville-Albemarle Airport and approximately 1500 feet south of intersection with Airport Road (Rt. 649) in Hollymead Community.
TAX MAP/PARCEL: Tax Map 32, Parcels 49F, 49G, 49I, 49J, 49K
MAGISTERIAL DISTRICT: Rio. (Judy Wiegand)

AND

CPA2006-00003 Willow Glen (Sign # 27, 29)
PROPOSAL: Amend Comprehensive Plan from Industrial Service which allows 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) uses to Urban Density Residential which allows residential (6.01-34 units/acre) and supporting uses such as religious institutions, schools, commercial, office and service uses. Rezone 23.681 acres from Rural Areas which allows agricultural, forestal, and fishery uses; residential density (0.5 unit/acre) to Planned Residential District which allows residential (3 - 34 units/acre) with limited commercial uses for a maximum of 234 units
PROFFERS: Yes
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Industrial Service which allows for (see uses above) in the Hollymead Community.
ENTRANCE CORRIDOR: No
LOCATION: property is east of Dickerson Road (Rt. 606) across from Charlottesville-Albemarle Airport and approximately 1500 feet south of intersection with Airport Road (Rt. 649) in Hollymead Community.
TAX MAP/PARCEL: Tax Map 32, Parcels 49F, 49G, 49I, 49J, 49K
MAGISTERIAL DISTRICT: Rio (Judy Wiegand)

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

- The request is for a zoning map amendment, comprehensive plan amendment and the request for a critical slopes waiver. The primary focus tonight would be on the zoning map amendment,

including a brief discussion of the critical slopes waiver since the comprehensive plan amendment will be considered as part of the Places29 comprehensive plan amendment process.

- The purpose of this zoning map amendment is to address a legitimate need for affordable housing in the county, including both affordable and moderately priced units. The location of this project is off Dickerson Road. There are five parcels in Willow Glen.

- The applicant proposes in this area to construct 234 residences, 22 single family detached, 12 duplex units, 106 town homes and 94 condominiums. They also proposed to include a community center, a central green, tot lots, trails and other open space. They are proposing a connection from this development to the Hollymead Town Center via the Town Center Drive. They are requesting this rezoning from the current rural area zoning to a planned residential district.

- Staff reviewed the application plan and proffers proposed by the applicant. The applicant is proffering to construct 35 units, which is 50 percent of affordable housing in Willow Glen. This meets the Board's policy of the 15 percent affordable housing. The applicant is proffering moderately priced housing to construct a total of 24 units or slightly over 10 percent of housing for families earning up to 120 percent of the Area Median Household Income in this area. This project is contingent upon the county's acceptance of the Housing Loan Fund. The Housing Director has asked staff to point out that there is not county policy right now on moderately priced housing.

- The Housing Loan Fund that is proposed as a part of this is something that the applicant is proffering where they would like to use a portion of the cash proffer that they are offering to establish a Housing Loan Fund that would be used to assist the buyers of those moderately priced units. The fund would be structured to be self replenishing and once Willow Glen was complete and all of the initial units had at least been sold this could be used for housing in other parts of the county.

- Comparison of Cash Proffers – Requested by Board - The per unit amount for a single family home is $17,500. The amount for a townhouse/condominium would be $11,900 per unit. Accepting the affordable units, the 35 that are not included in these calculations, the total that the Board would request from Willow Glen for the other units would be $2,491,300. Willow Glen is proffering the $17,500 for the 22 single family units and $11,900 for all of the townhouse and condominium units. For the 24 moderately priced units they are proffering one-half of the amount that is request for a total of $2,348,500.

- Comparison – The applicant has also suggested as part of their proffers a Housing Loan Fund, which works out to $1,300,000. They are also proffering another $300,000 of this total amount that would go towards transit. Then the remaining $748,500 would go towards capital improvements.

- The 24 moderately priced units are contingent upon the county accepting the Housing Loan Fund. If the Housing Loan Fund is not accepted the applicant will drop the 24 moderately priced units. They would put in the full amount of the proffers so that they would be proffering the amount that the Board has actually requested, which is the $2,491,300. The difference is $142,800.

- Factors Favorable to the Rezoning:

    - It locates residential uses near work places and retail areas.
    - It provides the 15 percent of affordable housing.
    - It will provide 10 percent moderately priced housing if the county accepts the Housing Loan Fund.
    - It also provides 4 tiers of housing. There are 2 market rate tiers beyond the affordable and the moderately priced so that there is an attempt on the part of the applicant to not come in

with housing at one general price range and a number of affordable units tucked in. There is a real attempt to create a range here.
  - It includes a mix of unit types along with the clubhouse and other amenities
  - The applicant has proffered the connection to Town Center Drive and shows a future connection to the north and south of the development as well.
  - The proposal is consistent with the other residential uses to the east and the south of the south.

- Factors Unfavorable: After discussing the unfavorable factors listed in the staff report with the applicant since the report was written staff has basically reduced staff's difficulty with this project to the following 4 items:

  1. There are some issues with regarding the slopes adjacent to the other properties and some storm water management related concerns. Along the edge of the property between it and Deerwood are some very difficult slopes. Staff is not completely certain that the storm water will drain to the pond yet. They still need to work with the applicant and the county engineer has asked for some more information about that. There are some steep slopes in the front along the highway. Staff is concerned about those as well as some very steep sloping back yards behind the single family detached homes.

  2. Road C (the U shaped road in the middle) is also of concern because there is a lot of front loading parking and driveways on that street. There is parking in front of the homes. If the Commission is comfortable with this staff has a recommendation for a different road section that can be given to the applicant, which is acceptable to VDOT. The Commission did previously address the issue of relegated parking and found the general layout acceptable. Staff's concern here is a bit more specific. Cars parked in the driveways may block sidewalks and the frequency of the driveways may make it difficult to provide proper storm water facilities in the street. Potentially the cars parked on the parking pad may over hang the driveway. The fix that staff is looking at with VDOT is the section of the road which would narrow the width of the road so that a little more footage could be given in this area to provide for a longer parking space and to keep the cars out of the sidewalk. Staff feels that this issue can be solved.

  3. The cash proffers do not meet the Board's policy that the funds are to be used for capital improvements. Staff recommends that Willow Glen pay the full amount. They would be asked to pay the $2,491,000 and that it goes towards capital improvements. The county needs this money for capital items. Putting 55 percent of these funds into a Housing Loan Fund is not consistent with the Board's policy. While the Loan Fund may be a very good thing for the county staff recommends that amounts in that fund should be addition to the cash proffer amounts.

  4. There needs to be finalization of some of the proffer details. Staff is working with the applicant on the details. So far there are some word changes that are presenting a problem. There are some issues about the index that is going to be used about the timing of the construction of the connection to Town Center Drive.

- Staff believes that all of these issues can be worked out, but it is going to take a little bit longer. Staff's recommendation, as stated in the staff report, is that without resolution of the outstanding issues staff cannot recommend approval. However, should the Planning Commission wish to recommend approval of the proposal to the Board staff suggests that the recommendation include the resolution of the previous four items as noted on the slide.

Mr. Strucko asked if there were any questions for staff.

Mr. Zobrist asked if the indexing dealt with increasing the amount of proffers by the time they get them.

Ms. Wiegand replied that it starts after the proffers are adopted. There is an index that every year they look at the value of the proffers and can increase them. The applicant proposed that they use the

Consumer Price Index. The Board has requested that they use the Marshall and Swift Building Code Index. That is the change requested by staff. There has been some difficulty in that they could not get much information about it. It is not as well known as the CPI.

Mr. Cilimberg noted that Marshall Swift is used in the building industry. It is actually a number of different indexes, which can be regional in nature. It is one of the two, as he understands, that are allowed under State law. The CPI index is the other.

Mr. Kamptner said that the information they have received concerning Marshall and Swift is that the indexes are established by region and also by building type throughout the country. Why was that index chosen over the CPI. The two answers are that is the one that the Board decided to go with. The reason was because in looking at other localities that are asking that indexes be included in the proffers Marshall and Swift seems to be the prevailing index that other localities are requesting.

Mr. Strucko asked if the Board has officially adopted it.

Mr. Cilimberg replied that the direction as part of their work on the policy was that staff should be using that index for inflation factors. It came up as a direction of the Board's last work session. Staff has gotten it included in some projects that have gone on to the Board after the Commission has seen them. So the Commission has not dealt directly with that issue.

Mr. Zobrist noted that now the Commission has some idea about what the indexing factor is. That also limits their discretion a little bit. They need to know what the policy is. He thanked staff for the explanation.

Mr. Craddock asked about the Service Authority agreement about the sewer provision. He requested that the representatives from the Service Authority be asked to come forward and address their questions.

Ms. Wiegand pointed out that staff had an email in October, 2006 that did indicate an issue. Then recently another email was received that said there was insufficient capacity in the Airport Connector to take care of Willow Glen. She felt it was a good question to ask.

Mr. Strucko invited the representatives from the Service Authority to address the Planning Commission.

Mr. Cilimberg noted that the Service Authority has been scrutinizing pretty closely recently the availability of adequate utilities to serve projects. It has come up with Biscuit Run and Hollymead Town Center. Some of it probably relates back to when the issues arose after Albemarle Place had gone through all of the approvals and some of what they and the Rivanna Authority were facing related to the inceptor that would handle that project. With Hollymead Town Center the same issue has arisen basically because both projects are fed through the same interceptor going through this area.

Gary Fern, Director of the Service Authority, said that Mr. Cilimberg covered it very well. Both the Hollymead Town Center and the Willow Glen project discharge into the Airport Trunk Sewer. In doing recent studies of it they are finding that the capacity is in question. They are looking at the limitations on the sewer capacity and are entering into agreements with both. They have had discussions with the applicant and HM Acquisitions for Hollymead Town Center similar to what they have with Old Trail and Biscuit Run.

Mr. Craddock said that this is potentially going to the Board of Supervisors in October. He asked if it would be worked out by then who is paying for what.

Mr. Fern replied yes that it should be worked out by October. The Service Authority's Board will be addressing this issue Thursday. Then they will be waiting to hear from the applicant on revisions that they like to see in the agreement, if any.

Mr. Strucko noted that this request will be going to the Board on September 5 for a work session.

Mr. Craddock asked if they would have something fairly concrete by September 5, and Mr. Fern replied that they hope to.

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

Valerie Long, representative for the applicant Sugar Ray II LLC, presented a power point presentation and explained the proposal.

- Others present tonight include George Ray, one of the principals of Sugar Ray II LLC; Marilyn Young; and land planners, landscape architects and engineers from the firm of Terra Concepts. They were last before the Commission in early February. Willow Glen intends to be a housing community with a mixture of uses designed to provide housing for a wide variety of families and income types and create a real diverse community. As staff indicated, they will provide the 15 percent of affordable units as well as 10 percent of moderately priced units. They are working very hard to keep all of the price points for all of the units, including the market rate units, as low as possible so that they can provide a lot of options and variety for all types of households in the community. It is a big challenge with the changes to the proffer policy that has taken place since they were here in February. It has dramatically increased the proffer price. They have continued with their original plan to provide the mixture of units and to keep the price points down.
- There were four issues raised in the staff report. One was the grade of the slopes that are around the back side. There was a concern that there was not enough room for the slopes to be graded appropriately without the slopes being too steep. At the time the plan was submitted the engineers had not prepared a full blown grading exhibit so they did not include all of the detail that would normally be included at the site plan stage. It is obviously a little premature to do that. They have since had the engineers go back and look at things more carefully. They were confident initially that it was a workable viable preliminary concept plan. They have gone back since the staff report was received and learned that there are some questions about it and have asked the engineers to do some more detailed analysis. They have done that and said that they are confident that the storm water management plan would work and that there is room to regrade those slopes. If there are any questions of needing easements from the Deerwood Association Community they are very optimistic they can receive such easement. The applicant has granted Deerwood easements for some of their grading easement. They think everything can be accommodated on site. If there are any concerns whether they can or not they know they can work with the Deerwood residents if necessary. That issue can be addressed more thoroughly at the site plan stage and easily be resolved.
- With regards to the driveways along Road C the townhouses are the largest in the community, being 24'. Each townhouse has a 2-car garage. There may have been some confusion in the way the driveway pads were measured. There was an indication that the driveway pads were 18' long, while the average car was stated to be 19' long. The scale used to measure them was confusing. The driveway pads are much longer than that. There will be more than enough room to accommodate even large vehicles. The driveway pads are 21' long.
- There is sufficient room to provide cars and pedestrians to use the sidewalks without any problem. Should at the time of site plan application process there are problems they certainly know they will have to address that issue to the satisfaction of the site review committee. But, based on this information they feel very confident that they can resolve the issues with staff. They are also confident that the issue that VDOT raised with regard to drainage inlets for the road will be figured out to work the drainage facilities as well. That was the second issue raised by staff.
- The third issue was with regard to the cash proffers. They have option A and B with the cash proffers. Option A is their preferred alternative. It includes the 1.3 million dollars that would be allocated towards the proposed Housing Loan Fund, $300,000 would go towards County transit fund and the rest would go to the Capital Improvement Fund. The exception of the amount that they were proposing to proffer for the 24 moderately priced units the figures that they have in the proffers are equivalent what they would e if they would proffer straight cash to the CIP. The expected amount that they proffer for the single-family detached units is $17,500. They have proffered that amount for each unit. They have just allocated it in 3 different funds, the Housing Loan Fund, the Transit Fund and the CIP. Staff has done a good job on the chart on page 16.

The chart indicates that for each unit the total proffer is equivalent to what the County expects. The same can be said for the market rate townhouse units, which are those that are not either affordable or moderately priced. They are proffering the full $11,900 for each of those units. It is just allocated over 3 different categories.

- The exception is in regards to the moderately priced units. Those units would be affordable to families making up to 120 percent of the Area Median Family Income. Because of the challenges involved with providing units at that rate combined with the dramatic increase in proffer expectations that have taken place since they began the project they propose to pay 50 percent of the standard amount for the moderately priced units, which equates to $5,950 for those 24 units. That is where the difference is. If the County Board of Supervisors and Planning Commission decide that despite what they think are very strong merits of the Housing Loan Fun and decide to do things the simple easy way by having them proffer the standard amount of cash that they are willing to do that reluctantly. They feel very strongly and compassionately about the Housing Loan Fund. They would not be able to proffer to provide any of the moderately priced units. Instead of 24 moderately priced units at $5,950 plus $5,950 in cash they would have no moderately priced units and $11,900 instead. That would bring it exactly in line with the $2,491,300. They have tried to come up with innovative solutions to address not only the affordable housing problem in our community, but also the moderately priced housing.

Ms. Long distributed copies of a letter from Stu Armstrong from Piedmont Housing Alliance. (Attachment: Letter dated August 13 to Albemarle County Board of Supervisors and Planning Commissioners from Stu Armstrong, Executive Director Piedmont Housing Alliance.) They have had many meetings with Ron White, Director of Housing, in crafting the language of the loan fund. They are willing to be flexible in regards to who administers it, but have spelled out the basis tenants of the framework in the proffers. They think it is workable. It can not only provide a wonderful benefit to the Willow Glen community, but because of its self replenishing nature it can provide a tremendous benefit to the entire community. It will help jump start this project and the make the moderately priced homes workable for these residents. The challenge with the work force buyers is that they make just a little too much money to qualify for some of the standard housing assistance programs, but they still have a lot of housing assistance needs. This fund would attempt to fill that gap. It would also help supplement some of the gaps that exist for the affordable housing purchasers. Despite the fact that the County provides about $16,500 or somewhere in that range or housing assistance, it is their understanding that those families still require another $16,000 or $17,000 in housing assistance in order to be able to qualify for affordable units. These funds could be used to support those families as well. They would welcome support for this proposal.

The final issue is the proffer wordsmithing. They are comfortable with the comments received back from the County Attorney's Office. There are a few minor issues that they can work on, but nothing she has not worked through on other projects. Therefore, she was confident that they could address those issues as well. There are a few other issues raised in the staff report, but she felt that most had been resolved. Regarding the issue of not providing bike paths along Dickerson Road she pointed out that the terrain is very challenging in that area because of the steep topography. Therefore, it will not work to put in bike paths, particularly because they don't own all of the land along Dickerson Road. There is one parcel they have been unable to obtain an easement on.

Mr. Strucko asked if there were any questions for Ms. Long.

Mr. Cannon questioned the applicant's treatment of proffers for the moderately priced units. He asked if the Housing Fund would be using part of the proffer to finance people who would be purchasing houses in their development.

Ms. Long replied that is correct for those who would not otherwise be able to afford one of the moderately priced units. She understands that the County funds are only permitted to be used for those making 80 percent of the Area Median Income. The moderate priced units are geared to those making between 80 and 120 percent of the Area Median Family Income. Thus, they would not qualify for the County's funds. There may be other state and federal funds available, but she did not know. Her understanding from Ron

White and Piedmont Housing Alliance is that is where the gap is. The folks in the middle get caught in the gap.

Mr. Strucko invited other public comment. There being none, the public hearing was closed and the matter before the Planning Commission. He invited Mr. Ray to address the Commission.

George Ray, representative for Sugar Ray II LLC, said that when they first started this project they brainstormed affordable housing in Albemarle County before coming up with the Housing Fund concept. He explained the concept. They are proposing several programs to help that segment of the population or the work force community. They think they can help people buy houses by building and financing, but still be providing the 15 percent of affordable housing.

Mr. Strucko invited Ron White, Director of Housing, to come forward and address the affordable housing issue.

Ron White, Director of Housing, said that this is a unique proposal and it addresses some of things discussed by the Board when they brought up the idea about giving credit for moderately priced units. It was clear in the work session that it was the consensus of the group to stick to the 15 percent affordable housing and encourage additional moderately priced units.

Mr. Strucko asked who will be the administrator of the money.

Mr. White replied that it will probably be managed similarly as they do the County fund. It will not be done in house, but they will enter into an agreement with another organization or foundation.

Action on CPA-2006-00003 Willow Glen:

Motion: Mr. Zobrist moved, Mr. Craddock seconded, to accept staff's recommendation that the land use change from industrial to residential be made as part of Places29.

The motion passed by a vote of 4:0. (Mr. Edgerton, Mr. Morris and Ms. Joseph were absent.)

Mr. Strucko stated that CPA-2006-00003, Willow Glen will go before the Board of Supervisors on September 5, 2007 for a work session and October 10, 2007 for a public hearing.

Action on ZMA-2006-00019 Willow Glen:

Motion: Mr. Zobrist moved, Mr. Craddock seconded for approval of ZMA-2006-00019, Willow Glen subject to the following conditions:

1. The applicant shall work with staff on the regrading of the slopes so as to be sufficient to give a critical slope waiver.
2. The front loading of residential units is approved subject to the driveways complying with the distance that was shown in the applicant's presentation tonight so that there will be no hang over of cars onto the sidewalks.
3. There will be no on street parking except the onstreet parking shown on the curved part by the tot lots.
4. The cash proffers shall be finalized to meet the Board's policy.
5. The proffer details shall be finalized in accordance with counsel for the County and staff.

Mr. Cannon assumed that by saying the cash proffers meet the Board's policy that is alternative 2 as offered by the applicant.

Mr. Zobrist replied that was correct.

The motion passed by a vote of 4:0.

Ms. Long questioned Mr. Zobrist's motion with regard to the limitation regarding onstreet parking. There are some other places throughout the plan where there is onstreet parking. She asked if his limitation intended to be in regards to Road C only, which was the horseshoe-shaped road.

Mr. Zobrist replied it was meant on all of the public roads.

Ms. Long noted that there were other public roads there as well. She pointed out that they would do it the way the plan shows. She understands that he did not want any onstreet parking where the driveways are.

Mr. Zobrist said that he did not want the plan to change.

Ms. Long pointed out that there were a few other places where there is some onstreet parking. But, he was saying on Road C he did not want it anywhere other than at the top of the curve.

Mr. Zobrist asked if there was on street parking in the cut-through. If so, that was not shown to the Commission.

Ms. Long said that coming in the main entrance, there is some onstreet parking on either side of the T where the main entrance connects.

Mr. Zobrist said that his motion was intended to eliminate that.

Mr. Cilimberg noted that staff's recommendation would be not to. But, it was the Commission's choice. Where the applicant can get onstreet parking, staff would want to have that because it removes the need for more parking that would be pull in and front loaded.

Mr. Zobrist said that when people start cutting through, if there was onstreet parking, that there would one lane rather than two.

Ms. Wiegand noted that there were two lanes with parking lanes on each side.

Mr. Cilimberg pointed out that it was designed to a public road standard. VDOT has a standard for onstreet parking with two through lanes. That is a concept of the Neighborhood Model that they are partially providing for in the project.

Mr. Zobrist said driving through some of the projects that have been approved with onstreet parking it is practically one lane.

Mr. Cilimberg replied that the project that he was referring to, Old Trail, staff wanted to do something different, but the applicant went with the minimum design for that particular road type in that particular condition.

Mr. Zobrist said that Old Trail was just one of the projects he was referring to. When people start cutting through there will be a bottle neck at the right turn.

Mr. Craddock noted that, if Town Center Drive was ever built, the public would use that street.

Mr. Strucko questioned whether the language of the motion was clear.

Mr. Kamptner pointed out that the Commission could reconsider the motion.

Mr. Cannon understood the motion to indicate that there would be no onstreet parking except where contemplated by this plan. That is, he wanted to commit the applicant to this plan He questioned if the plan was subject to interpretation.

Mr. Zobrist said that his concept was it was only showing the onstreet parking on the U and not along the T.

Ms. Wiegand apologized if they were misled because onstreet parking is also shown in the area around the T.

Mr. Zobrist said that it was his fault that he missed it and not staff's. He suggested that the Commission discuss whether to reconsider the motion. He was operating under the assumption that there was no onstreet parking there.

Mr. Craddock replied that when he seconded the motion he basically thought that they were approving the plan. He said that there were about 16 spots of onstreet parking with 8 on the left and 8 on the right.

Mr. Cilimberg said that was what staff was assuming from the motion, that they were endorsing the plan.

Mr. Zobrist said that he completely missed those parking spaces.

Mr. Strucko asked if the Commission wanted to reconsider that motion.

Motion: Mr. Zobrist made a motion that the Planning Commission reconsiders the onstreet parking on the portion of the T which extends to the right that will probably be the most used or just to move it to one side.

The motion failed for the lack of a second

Motion on Critical Slopes Waiver Request:

Motion: Mr. Zobrist moved, Mr. Craddock seconded, to accept staff's recommendation for approval of the critical slopes waiver request for ZMA-2006-00019, Willow Glen.

Mr. Cannon asked if they want to condition that on the site plan coming back or are they comfortable with it.

Mr. Zobrist replied that staff will tell the Commission when the site plan is in so that it can come back at that time if the Commission so desires.

The motion passed by a vote of 4:0. (Mr. Edgerton, Mr. Morris and Ms. Joseph were absent.)

Mr. Strucko stated that ZMA-2006-00019, Willow Glen will go before the Board of Supervisors on October 10, 2007 with a recommendation for approval. A work session will be held on September 5, 2007 by the Board of Supervisors.

The Planning Commission took a break at 8:32 p.m.

The meeting reconvened at 8:42 p.m.

Work Session:

ZMA-2007-00005 Avon Park II
PROPOSAL: Rezone 5.17 acres from R-1 Residential (1 unit/acre) to R-6 Residential (6 units/acre) The proposal is to allow development of 31 townhouse and single family units.
PROFFERS: No
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Neighborhood Density Residential - residential (3-6 units/acre) and supporting uses such as religious institutions and schools and other small-scale non-residential uses.
ENTRANCE CORRIDOR: Yes
LOCATION: Avon Street Extended, approx. 1,000 feet north of the intersection of Avon Street Ext. and Route 20, south of existing Avon Court
TAX MAP/PARCEL: Tax Map 90, Parcel 31
MAGISTERIAL DISTRICT: Scottsville (Rebecca Ragsdale)

Ms. Ragsdale presented a power point presentation and summarized the proposal.

- This is a work session to review the proposal. The project is still under review and the public hearing is scheduled for October 16. Staff requests comments from the Commission on some of the issues staff has been discussing with the applicant mainly relating to the proposed design and layout and private street request.

- The request is to rezone from R-1 to R-6 with a proffered application plan. The project is located beside the Avon Park project that is under construction. The 31 units proposed include 1 single-family residence that would be preserved on the site with a mix of housing types on about a 5 acre property. It would be 6 dwelling units per acre. It is designated Neighborhood Density. Therefore, that is within the Comprehensive Plan guidelines.

- Staff provided an introduction or overview of the project and explained where it is within the context of some of the other projects in the neighborhood. In the staff report the primary concerns raised is regarding what is happening in the area. Hathaway Street would be extended as a public street and meet the Neighborhood Model street sections that staff desires. Stratford Way would serve the proposed units within the project and is proposed as a private street. It does not propose the planting strip that staff desires. The planting would be provided on the individual lots. It ends in a hammer head with access to the existing house that would be preserved and to the new unit would come around. There is pedestrian access proposed to the green space/open space amenity area within the project, which will also have a storm water management pond.

- There would be the need for grinder pumps. Staff typically defers to the Service Authority on that. The Service Authority has said that they are okay with them. Grinder pumps were approved in Avon Park I. Staff generally has concerns regarding easements and maintenance. The applicant has submitted a plan showing how they have worked out those easements for the grinder pumps.

- Draft proffers have been submitted and reviewed by staff, which commits them to the application plan. The applicant is meeting the affordable housing goals by providing 15 percent as the number of units as affordable and then a cash equivalent because 4 ½ if how it works out for this project. The cash proffers are slightly less than what the Board has considered in their Cash Proffer Policy. The applicant was seeking initially credit for Neighborhood Model Design and the Board has said they would not be entertaining any additional credits to the Cash Proffer Policy for that.

- The main purpose of this discussion was to talk about staff's concern regarding the lots and how the access is provided to them; how the open space amenity area relates to the residential units; and then comments regarding the private street requests. In general staff is supportive of that if the section is revised to accommodate the street trees. Staff's concern is that this would function as an alley and not as a street that pedestrians would be comfortable walking on. This project has front loaded garages within the development and parking is relegated in that manner.

- Questions raised in the staff report include the design and layout issues. Is the design and layout appropriate given some of the background? Does the Commission support Strafford Way as a private street? Then any other issues that are in need of resolution should be addressed.

Mr. Strucko invited the applicant to address the Commission.

Frank Pohl, with Weatherhill Development, asked to comment on the site constraints.

- One is the access from the north on Hathaway Street. They are tied into that access point being that is a public road. It was intended for this continuation. All of the contours show there it is pretty far down and they have to get up into this site. One of the constraints they have for a public road is the maximum slope to enter the site, which limits the elevation of the site. Therefore, it limits the serviceability of sewer to the site. Residential development townhouses have to be served by gravity sewer. The individual detached houses can be served by grinder

pump. They are basically at the limits where the townhouses stop and the single family detached start at the elevation where sewer will service the site. That is one reason why they have the layout that way.

- The topography goes down approximately 15 percent down to the front yard. They also face some road constraints for the slope requirements. The maximum public street requirements are 10 percent, and they are 15 percent. They are trying to meet a reasonable grade without having to demolish the existing residence down below.
- With regards to the comment about putting a sidewalk on Avon Street, they can definitely look at that. He noted that there was no sidewalk provided on Avon Park Phase 1 and there are no other sidewalks along Avon Street on this side. But, they will be happy to address that issue.
- The reason they did not provide street trees is that they went ahead on this project and laid out all of the utilities, including water, sewer, electric and all the cable utilities. In a private street they need to have all the utilities and easements. They need to have a 10' easement around the entire water meter. To accommodate they have had to move the sidewalk forward and the meter is back in order that they can get the street trees in behind the sidewalk. If they put in a green space area it will be covered by the easement. That is a site challenge that they have. If the Commission feels strongly that this is not appropriate they can continue to look at this. But, they feel this is something that is driving that condition.
- There was a comment about extending Hathaway Street to the property line. They have extended Hathaway Street as far as they can without grading off of the site. The plan to provide the Hathaway Street connection to the next property. If this street is continued through and ultimately connects through to potentially Biscuit Run then the developer that does that connection would obviously provide that connection. They do provide right-of-way all the way to the property line.
- Regarding Entrance Corridor issues, they are going to demolish the existing structures. They hope that will make this more pleasing to driving through the area by not having structures right on Avon Street. The tot lot substitution is something that staff can administratively approve. They have received comments from staff that a tot lot in the open space area is not something that is desirable considering the location of the Entrance Corridor. They are proposing a covered area with a more passive type of recreation. There is a tot lot in Avon Park I that they envision being part of. They envision possibly being part of the same Homeowner's Association. So they don't see the need for a tot lot in that area.
- Additional landscaping will be provided along the Entrance Corridor to buffer the passive recreation. They plan to close off the road. There is a comment from staff and their neighbors about who will be using this area and how long can they use it. They can chain off the front. They would like to maintain the existing gravel driveway for maintenance purposes, but secure its access. The existing landscaping is quite extensive on this project. They do not plan to clear any more than necessary.
- They met with the neighbors. One of their concerns was privacy and potential trespassers on property. It is a highly wooded area and children like to play in the woods. There was an idea to provide some type of fence, possibly a 6' fence. But, he did not know if that was the right solution. They will work through those issues to address their concern.
- They will provide a water extension on Hathaway Street that will stub out beyond the street so that any water can be extended to future development and to their property if they so desire or need it. Regarding amenity usage after dark they are looking at restrictions by the homeowner's association to limiting the times of day that this area can be used or it cannot be used after dark. Also, it would limit access from Avon Street so that only residents can use this.

Mr. Strucko asked if there were any questions for the applicant.

Mr. Zobrist questioned how they plan to integrate the existing home with the planned development.

Mr. Pohl replied that the front porch on the house does not exactly line up; however they see it fitting in nicely with what they propose. They plan to remodel the house, but not hide it.

Andrew Boserman, Architect with Weatherhill Development, said that home is actually surrounded by the single family component of the development. The home was built in 2000. Essentially the new houses will be similar.

Mr. Zobrist noted that they were going to have some other members of the Commission to satisfy when they come back that are much more sensitive to those issues than others might be. That is the reason he was asking the question. They were going to want to see that integrated in some way into the development to where it looks like somebody thought about it.

Mr. Pohl noted that a minor revision was done in part to address some concerns with the affordable housing and how it was attached to a townhouse. It helps the situation that was brought up in regards to how this lot is laid out. He explained the proposed townhouse layout.

Mr. Strucko invited public comment.

Gary Brooks, adjacent property owner, said that he represented the entire Brooks family. He asked to expand and reinforce their concerns, which had been mentioned. They want a privacy fence because they already have a driveway very close to that property that they have problem with vehicular and foot traffic cross over. They are looking for something there to prevent that and try to keep their environment as close to what it is right now as possible. Their water shed in this area is very delicate. They only get 1 gallon per minute out of their best well. They are looking at a development coming from Biscuit Run. They fear along with droughts coming more frequently that they are likely to see their wells dry up. They have requested to be able to tap onto the water line. Weatherhill has been working with them on this. They are looking at the idea of a small park. They would not have a problem with a utility road or a private road coming through there, but they would discourage any connecting road that would go into that park. They fear what might take place in the park after dark.

Rob Sprawls, resident of 1940 Avon Street for 22 years, said that his property was totally surrounded by this development. The proposed development would be on the south side of his property. He was a participant in the hearings that were conducted in 2003 with Avon Park 1. He did not have any illusions because this area has been designated as a development area and this project will probably go through. His main concerns with the way Avon Park 1 has proceeded. During that first phase when that property was bought and developed they were told that they would receive a privacy fence with trees planted. The privacy fence has not been built and the trees have not been planted. There is a storm water run off retention pond that is on the north side of his property. That was done and it intermittently has some water or no water. It is mainly a mosquito trap. Their problem with it is that there was a dam built to retain the water there. The dam was seeded with grass. There was an ugly orange erosion control fence put on his north property line and also on the ridge of that dam. There has nothing been ever done with that fence since then other than it is falling down. The grass was planted about two years ago, but has never been cut. He has not gotten a fence or any trees. There has been no communication with the developer in terms of any concerns that he might have. He was being totally enclosed by this project with a lot of pavement and a lot of storm drains taking water off of his area that he pumps out of with his well. He certainly has a concern in that regard. The houses on the north west corner of his property are perhaps 20' from the property line. On the new site plan it appears that a house going in 10' from the property line on the south side in this new Avon Park II. He urged the Planning Commission to consider carefully what their actual recommendation is since the recommendations for Avon Park I did not appear to provide for his concerns. Nothing has been done since. They are indicating that the existing vegetation will be preserved. There is a line of evergreen trees that are right on his property line. He would certainly hope that the evergreen trees would remain. He hoped that the road would be chained off from Avon Street. It is a paved driveway with stone pillars that could easily be sealed off. That would certainly be of a benefit to his family. The staff report mentioned reducing the speed limit on Avon Street to 35 to 45 miles per hours. He would highly endorse that. There is a severe curve at his north property line. Therefore, there is no visibility coming down off the hill to his driveway or any other driveways below that. He did not understand their analysis that there would be 8 students that would live in this 30 unit development. He felt that there would be a lot more than 8. The traffic issue has not been addressed. The elimination of the second driveway would help.

There being no further public comment, Mr. Strucko brought the matter before the Commission. He noted that they would go through staff's questions that started on page 8 of the staff report.

- Is the design and layout appropriate given some of the background? Does the Commission support Strafford Way as a private street? Then are there any other issues that are in need of resolution should be addressed.

Staff is concerned about how the layout of the private street is going to function in terms of vehicles and pedestrians through this area. It does not meet the Neighborhood Model design standards as far as the planting strip and the sidewalk in place.

Mark Keeler, of Terra Concepts, addressed the private road issue. They have tried to lay out all of the utilities at the rezoning stage. They have created setbacks for the lots such that they had the same amount of distance away from the travel way as one would have if they began at the back of the curb allowed for a 6' grassed parkway and then a 5' sidewalk and at a minimum an additional 18' for a car to park outside so it would not obstruct the sidewalk as was discussed on an earlier project this evening. When they got to the point when they had to overlay the easements that would be required for every single utility they realized that combining the water and the sewer in the street, which is the default method in designing these utilities, could be used. He noted that one half of one easement can overlap that of the other. So instead of two 20' wide easements they would end up with a 30' wide easement within which both water and sewer may reside. Whenever possible it is advantageous for all parties to have those associated utilities located underneath the pavement. There is a variety of reasons for that. They get cut less and there is no plantings allowed in those easements. Of course, they would not want to plant in pavement. The road is 25' wide from the back of the curb. But, a 30' easement for water and sewer needs to overlay that and be centered. Part of the water and sewer easement overlays that 6' grass strips that they would typically envision that would occur on these roadways. They overcome that situation in projects like Willow Glen because they have links of roads and traffic volumes that warrants a little wider than a 24' wide road. Some of those roads in Willow Glen had on street parking. They were inherently wider. Here these roads are very short, dead ends with no anticipation of future extension. Therefore, they flipped the 6' grass parkway that would otherwise be sandwiched between the sidewalk and the roadway so that it actually became a component of a front yard so that that the grass or landscape area was now contiguous and move the paving for the sidewalk up behind the curb. They feel that the trees will have a better opportunity to survive if they are not sandwiched between asphalt on a roadway and a sidewalk on another side. Furthermore, they feel that the sidewalks will probably crack less. They strive to design all of their projects to the standard protocol. They have an extenuating circumstance and have a proposal that they wanted to put forward the Commission. They think that in this very small and limited context that it was worthy of their consideration.

Mr. Zobrist said that they have some real challenges ahead to get this to work in order to get some consensus among the Commission. He felt that it was a difficult site and the Commission needs to rely on the designer.

Mr. Strucko noted that the next question was about Stafford Way as a private street. There are some qualifying statements in the staff report that says since this street is not expected to interconnect to an adjoining properties staff could accept a notion that this could remain a private street.

Ms. Ragsdale asked for comments on the street section proposed.

Mr. Zobrist said that he was probably okay with it, but wanted to maybe sandwich another work session in before the public hearing due to the absent members. It makes sense what Mr. Keller said because of the low traffic volume. .

Ms. Ragsdale said that based on the discussion staff and the applicant know what to work on and bring back for discussion and what areas for them to pay attention to.

Mr. Cannon assumed that there was a reason why they wanted the trees between the sidewalk and the street. He encouraged the applicant to pay attention to the concerns of the neighbors resulting from Avon Park I. It would benefit the developer and neighbor to work the issues out.

Mr. Strucko echoed that the neighbor's concerns should be addressed, particularly the privacy fence along the Brooks property and the availability to tap into the public water line. He questioned if the trees would be planted on private property.

Mr. Craddock and Mr. Zobrist agreed.

In summary, the Planning Commission held a work session to discuss ZMA-2007-0005, Avon Park II. Ms. Ragsdale presented a power point presentation to review the proposed layout, the private street request and any other issue the Commission thought would be important to resolve before a public hearing. Public comment was taken. The applicant's representatives presented a concept for revising the proposed layout of the development, explained the proposal and answered questions.

The Commission reviewed and discussed the proposal and answered questions posed by staff and made comments and suggestions. No formal action was taken. The Commission made the following comments and suggestions:

- The Commission indicated the applicant's changes to the lot layout, specifically to the lots located adjacent to the existing house within the development and the provision of more direct access for pedestrians from Stratford Way to the open space area was an improvement. The Commission recommended the applicant continue looking at the layout in this area of the development to provide more direct driveway access to the lots.
- Further consideration of the proposed street design for Stratford Way was needed. The Commission desired more information as to demonstrate why the applicant's variation should be approved and more information as to why trees normally are placed between the sidewalk and the street.
- The applicant was encouraged to address the neighbor concerns, both those resulting from the first phase of Avon Park regarding installation of a privacy fence and comments made from other neighbors regarding this proposed second phase, including a request for fencing, public road interconnection, and extension of water.

Old Business

Mr. Strucko asked if there was any old business.

- Mr. Zobrist pointed out that there was one thing that did not get on last week's list on the proposed ZTA amendment regarding critical slopes. Mr. Gloeckner came up with the idea that the 25 percent critical slope regulation just came out of the air over where septic areas could be built. That was why it was in there. The Commission wanted to see some engineering justification on what that critical slope really ought to be. He discussed that issue with Supervisor Wyant and he would like us to have staff look into that and come back with some engineering ideas. That seems to be the thing that has the rural land owners upset.
- Mr. Cilimberg noted that staff is going back to look at the 25 percent and its history. He noted that Mr. Graham went to the Board meeting last Wednesday and mentioned to them the fact that the Commission had deferred the Rural Area Resource Protection amendments and wanted some more time. The Board was okay with that as long as it is a reasonable amount of time. The Board was okay with not having the September 19 hearing and waiting a month. With that the Commission's interest in having staff come back with some substantive information, at best staff would not be able to give that to the Commission until the night of next week's meeting or maybe a day or 2 in advance. Mr. Kamptner has noted that the rescheduling of the work session to a date in September would work better for staff to be able to get the information together and get it to the Commission in advance with having the public also having a chance to see it. The question is whether the Commission would want to wait a little longer and not try to have a work session next week.
- The Planning Commission agreed with staff's suggestion to postpone next week's work session to allow time for staff to get the information together in advance of the meeting. Staff will reschedule the meeting for September. The Commission asked for engineering information on the critical slopes and some very clear indications for administrative waivers.

- The packets for next week will be delivered on Thursday.

- The work session scheduled for next week at 4:00 p.m. on Airport Limited Partnership has been cancelled. Therefore, the meeting will begin at 6:00 p.m.

There being no further items, the meeting proceeded.

New Business

Mr. Strucko asked if there was any new business. There being none, the meeting proceeded.

Adjournment

With no further items, the meeting adjourned at 9:53 p.m. to the Tuesday, August 21, 2007 meeting at 6:00 p.m., at the Lane Auditorium, County Office Building, Second Floor, Auditorium, 401 McIntire Road, Charlottesville, Virginia.

V. Wayne Cilimberg, Secretary

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