Albemarle County Planning Commission
October 9, 2007

The Albemarle County Planning Commission held a meeting, work session and a public hearing on Tuesday, October 9, 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, Bill Edgerton, Calvin Morris, Vice-Chairman; Marcia Joseph, Chairman; Eric Strucko, Duane Zobrist and Pete Craddock. Mr. Zobrist arrived at 6:15 p.m. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was absent.

Other officials present were John Shepherd, Chief of Current Development; Wayne Cilimberg, Planning Director; David Pennock, Principal Planner; Rebecca Ragsdale, Senior Planner; Scott Clark, Senior Planner; Allan Schuck, Senior Engineer and Greg Kamptner, Deputy County Attorney

Call to Order and Establish Quorum:

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

Other Matters Not Listed on the Agenda from the Public:

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

Review of Board of Supervisors Meeting – October 3, 2007.

Mr. Cilimberg summarized the actions taken by the Board of Supervisors on October 3, 2007.

Regular Items:

SDP-2007-00078 NGIC Expansion- Preliminary (Sign # 9, 14, 41)
The request is for preliminary site plan approval for construction of two four-story office buildings totaling 178,800 square feet and site preparation work related to a future project on approximately 15 acres zoned CO - Commercial Office and EC - Entrance Corridor. The property, described as portions of Tax Map 33, Parcels 1D and 1F, is located in the Rivanna Magisterial District east of Seminole Trail [Route 29N] at the end of Boulders Road [Private]. The Comprehensive Plan designates this property as Industrial Service in the Community of Piney Mountain in the Development Area. (David Pennock)

Mr. Pennock summarized the staff report. (See staff report)

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

Scott Collins, representative for the applicant, said that the three main issues to address include the location of the storm water management pond, the disturbance of the 20' buffer between the rural area and rezoned area and any other issue that comes up with the Commission. In the analysis it was realized that the dam will not be functional for their entire site. Therefore, they discussed a shared storm water management pond upstream. They can't determine the best location for the facility until the master plan is done and currently propose a temporary pond built to standards. Once they determine the site and incorporate the pond they will remove the temporary pond. The storm water plan can be amended through a variance if the new storm water plan is better. It would be better to have a shared storm water management pond upstream. The second issue is the disturbance of buffer between the CO and RA zoned property. The RA property is not being used for a RA use but for the NGIC facility. They have moved away from the buffer to keep the buffer intact eliminating need for the buffer. They would like to withdraw that request because it is no longer needed. They have received a letter of intent that was provided to engineering that allows them to use an area somewhere on their property for storm water management. In turn they have limited access over some of their client's property to access for future planning if needed. That issue was worked out and provided as well. The last item was they were here to answer any questions with the site plan as it stands now.

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

Mr. Zobrist arrived at 6:15 p.m.

Ms. Joseph asked if zoning has made a determination.

Mr. Pennock replied that the only zoning determination was that it was deemed not to be in compliance after the storm water management facility was not on site.

Mr. Edgerton asked if that information had just been submitted and the staff had no opportunity for analysis of the plan, and Mr. Pennock replied that was correct.

Mr. Cannon asked if the Commission can ask staff to look at the plan and get back to them.

Mr. Kamptner replied that he was not sure where they are in the process. But, they could ask the applicant to defer to allow time for the review. The other option was that the Commission could act to disapprove the site plan because the one in front of them is not in accord with the application plan.

Mr. Pennock agreed that the one reviewed in the staff report is not in accord with the application plan.

Mr. Kamptner noted that the Planning Commission could approve the preliminary site plan with two conditions. Condition one would be that the application plan would be in general accord with the site plan seen tonight. The applicant would either obtain a finding from the zoning administrator that the revised site plan is in accord with the application plan or obtain an amendment to the rezoning application plan.

Ms. Joseph noted that approving something that no one has reviewed would put that reviewing staff in an awkward position.

Mr. Zobrist said that the only change is moving the waste water management off site rather than on site. The question is if that is in the right spot and adequate.

Mr. Pennock noted that the question is if that plan can be deemed to be in accord with the plan proffered.

Mr. Kamptner noted that the other option was that the applicant could obtain an amendment to the rezoning.

Mr. Strucko asked if the applicant would agree to defer in order for review of the proposal tonight.

Wendell Wood said that he had a brief conversation with Mr. Kamptner today and was under the impression that maybe the determination would be that that it would conform. There is a time issue on this for NGIC because they are trying to move rapidly. They have to obtain a permit because of the wetlands that will take four months. He did not want to slow the process down and asked to move as rapidly as possible.

Mr. Edgerton asked if the applicant requested a deferral.

Ms. Joseph replied no.

Mr. Strucko moved for denial of the request on the grounds that it is not in conformity with the site plan.

Mr. Morris seconded the motion.

Mr. Collins requested a deferral at this time as long as it was rescheduled in the near future.
Mr. Strucko withdrew the motion.

Mr. Cilimberg noted the request would be rescheduled based on the new submittal. The Planning Commission does not need to defer to a date specific.

Mr. Collins noted that he actually discussed with planning last week to defer a plan and they could not find a spot until November, which is too far out. He understood that a two week turn around would be hard on staff, but that time line is acceptable. But, beyond that time frame would be a problem.

Motion: Mr. Zobrist moved, Mr. Morris seconded, to accept the applicant's request for deferral of SDP-2007-00078, NGIC Expansion – Preliminary to the earliest possible date.

The motion passed by a vote of 7:0.

Ms. Joseph said that SDP-2007-00078, NGIC Expansion – Preliminary was deferred to the earliest possible date. The item will be rescheduled upon receipt of the new submittal and placed on the earliest agenda possible.

Public Hearing Items:

SP-2007-00034 First Church of the Nazarene – Church (Sign # 9, 14, 41)
PROPOSED: Church with seating for 374 persons, on a 7.32-acre portion of an 865.167-acre parcel.
ZONING CATEGORY/GENERAL USAGE: RA -- Rural Areas: agricultural, forestal, and fishery uses; residential density (0.5 unit/acre); EC Entrance Corridor - Overlay to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access
SECTION: 10.2.2.35 Church building and adjunct cemetery
COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (.5 unit/ acre)
ENTRANCE CORRIDOR: Yes
LOCATION: North side of intersection of Richmond Road (US 250) and Louisa Road (Route 22), south of Interstate 64.
TAX MAP/PARCEL: Tax Map 79 Parcel 10
MAGISTERIAL DISTRICT: Rivanna
(Scott Clark)

AND

SP-2007-00035 First Church of the Nazarene – Daycare
PROPOSED: Church with seating for 374 persons, on a 7.32-acre portion of an 865.167-acre parcel.
ZONING CATEGORY/GENERAL USAGE: RA -- Rural Areas: agricultural, forestal, and fishery uses; residential density (0.5 unit/acre); EC Entrance Corridor - Overlay to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access
SECTION: 10.2.2.35 Church building and adjunct cemetery
COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (.5 unit/ acre)
ENTRANCE CORRIDOR: Yes
LOCATION: North side of intersection of Richmond Road (US 250) and Louisa Road (Route 22), south of Interstate 64.
TAX MAP/PARCEL: Tax Map 79 Parcel 10
MAGISTERIAL DISTRICT: Rivanna
(Scott Clark)

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

- The applicant requests two special use permits on this property. One is for a church with a capacity of 374 on a seven acre portion. On the same site and in the same building is a request for an afterschool care program for 100 children. The site is located on Route 250 at its intersection with Route 22 along the Interstate 64 corridor. The church will be located south of the interstate and separate from the rest of the estate. There are some trees that will buffer the church from the interstate.

- The conceptual plan was submitted. A right turn lane is proposed for the entrance. The applicant has worked with VDOT to make sure that their entrance location does not cause any conflicts with the road design or with the power lines and other aspects of whatever else needs to go on there.
- An email was received on Monday with the question about petroleum spills on this site. There have been two locations shown on the map where in the past there have been petroleum spills. One was at Stone Robinson School in the 1970's when construction work on the site broke a fuel line and contaminated the soil. It was an on-site spill that the case was eventually closed when the spill was cleaned up. The school was able to go on public water. The second and closer site was the GOCO Oil Site. Their tanks were adjacent to the railroad. The summary report was sent today by email to the Commission regarding what has happened on these two sites from the Natural Resources Manager. This is an area where the long term contamination in the ground led to the well contamination at GOCO. They have repeated attempts to find a clean well and eventually were not able to find any more. They were able to go onto public water to avoid the health problems on that site. The case was closed. The closure of that case does not mean that any clean up was done. It simply means that at the time of closure in 2000 DEQ felt that there was no threat to existing receptors, which would be wells, basements or structures or surface water bodies. However, that closure did not imply that it was necessarily safe to add other wells near this site. Staff does not have any further information from DEQ yet to say whether or not there is a contaminant. The notes from the Service Authority extension indicate that they were not finding any kinds of contaminants off this site. But, that data is limited and is several years old.
- Staff is recommending approval of the requests with the list of conditions in the staff report. Condition #5 would require Virginia Department of Health approval of all septic systems. If the issue with the GOCO oil spill is of concern it could potentially modify that condition to indicate that the Health Department permission includes some consultation with DEQ to verify to some standard of accuracy that there is not expected to be a health threat from using the water on the proposed church site. However, were there to be a health threat in the water later they could be facing a request to add that site as yet another water service from the public water line, which would normally not fit under the County's policy for public service in the rural area. However, in the case where there is an existing use and there is a health threat it would fit their policy. Staff has no way to estimate the likelihood that there could be any contamination on this site. Staff cannot say whether there will or there won't be. But, if there was in the future that might be a concern.
- Staff recommends approval for the child care use with three conditions with the limited number and the Department of Health approval that could be added.

Ms. Joseph said that the staff report talks about an afterschool care, but there are no recommended hours of operation in the conditions of approval.

Mr. Clark said that could easily be added. The application lists the hours of operation as Monday through Friday from 1 to 6 p.m.

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

Norman McKnight, architect representing the church, said that they have been working several months with staff on all of the issues that were brought forward tonight except for the potential contamination. That was a brand new issue brought up today. They have had three engineering companies on the site and there is no apparent contamination. The site is higher than the surrounding ones that did have contamination. There is rock at roughly 6' below the surface. That does not mean that something might not be found there. The church is very concerned about that and will work to check any of the requirements out particularly with the wells. From that point of view they appreciate working with the staff and their recommendation that this to be approved. They have worked very hard to meet all of the issues given to them that were important to the County in terms of the visibility and all of the other issues. They feel that they have met them. They have worked hard and have moved the building around. There was a limited amount of soil that could be used for the septic system. The entire site was checked for engineering. Three spaces were identified and those are being used. It has taken nearly all of those spaces to accommodate the septic system. They moved the building as close to Route 22 as they could

without destroying those sites. There are no sites in the back for septic. Those sites are all on the front side. That was how this building was determined. The location is about mid-way into the site. They did section cuts through the property. The section cuts were from Route 22 and I-64. Actually the parking will not be seen because this site is approximately 20' higher than Route 22. As you drive in only the upper part of the building will be seen and not the parking itself except for the driveway into the space. The site is elevated from both of those roads. There is a large buffer between the interstate and it is heavily wooded. Chances are the building will not be visible from I-64. If anything, only a portion of the roof will be visible. Due to the high embankment the building will not be visible from Route 22 until the curve. They have worked with staff and addressed all of the issues. They don't know of any other outstanding issues.

Ms. Joseph asked if there were any questions for the applicant.

Mr. Strucko asked if they had seen staff's recommended conditions in the report, particularly the reduction in the parking to 150 places.

Mr. McKnight replied that they were in agreement to reduce the parking to 150. He agreed with all of the conditions sent to them by staff.

Mr. Edgerton asked if he agreed with the hours of operation as stated by staff, and Mr. McKnight replied that he agreed.

Ms. Joseph invited public comment.

Pat Neapolitan voiced many concerns related to the proposal. Today she spoke with Todd Pensenburger of DEQ who confirmed her fears regarding the petroleum contamination. She added that there were other flagged sites in the area. Staff should conduct routine searches to locate numbers for the Planning Commission for the DEQ labeled impacted sites. The web site is just a click away. She asked how anyone can conceivably consider placing another school next door to a mining operation. Stone Robinson School now rests on the perimeter of the quarry. The impact on and to that school is horrendous. She personally knows the situation well as she taught in the school for decades. The noise from equipment is constant. The dust floats above and beyond the property line as anyone would observe on a drive by on Route 250. The blasting occurs in the afternoon while children are in aftercare and still on site. She well remembers children crying after the blast. She asked if they are concerned for the emotional physical health of children learning and playing within the shadow of a quarry. Is it wise to create another situation whereby say children with asthma are exposed to any irritates, dust particles composed of free silica and some asbestos. To her knowledge no environmental impact study has been completed on the effects of the dust on the children and staff in the existing school. She had personally witnessed quarry workers wearing protective masks near the school. The children and staff in the school did not have access to protective equipment. Albemarle County is the only municipality that she has ever heard of that promotes locating schools on the edge of mines. She believed that the quality of life for students and staff is currently being impacted. She asked that they not add another situation with a new school whereby children are placed in a position where their rights to breathe the best air are violated. She disagreed with the proposal, but felt for the innocence in the church. She appealed to those in the church family not to expose their children to possible risks. She asked that they also respect the rural area and heed related concerns for increases in traffic with all of the connecting dangers. The church has good intentions. Sadly the environmental impacts at the site are beyond comprehension in the view of many. Someone should have filled the church in before now concerning the whole story.

John Embrey, adjacent resident at Edgehill Farm, said that unfortunately he did not get a mailed notice of the hearing. Therefore, he was playing catch up in trying to figure out what this is all about. He shared the concerns of the previous speaker over these environmental issues. These issues need to be straightened out before any approval is given. He also had two other concerns which predated these environmental ones. First is the traffic issue. This is an extremely busy intersection. He questioned the wisdom of adding a substantial development and traffic burden particularly so close to the intersection. They need to think about whether there is a possibility that all of this new traffic is going to lead to additional expense to the county later on as the intersection needs to be upgraded further. The second issue is the scale of the childcare proposal. A childcare facility of 100 children is really over reaching. It

is inappropriately large for this particular site. There were some instances cited in the staff report of comparably sized childcare facilities, but not on a continuous basis. The real issue is if the childcare is currently being served in Charlottesville. What is the point of bringing the children out at rush hour and back into town during the rush hour traffic? There will be a large number of parents dropping off and picking up these children. Adding a medium sized school to the community needs to be done in the right location with the right concern for traffic and other issues. He encouraged the Planning Commission to take these potential problems into account when they complete their deliberations.

Jeff Werner, with Piedmont Environmental Council, said that when something happens a mile from the Southwest Mountains Rural Historic District his phone rings off the hook. Also, his emails go crazy. He sees some folks in the audience from that area and possibly he can summarize some of what he has been hearing. The daycare center raises some questions. The road waives gently up and down and the line of sight is not good. He asked why VDOT was not asking for a left hand turn lane. He could not imagine that the proposed right hand turn lane would the direction that most of the people would be coming from. Many people would be coming out in the 4 to the 6 p.m. traffic witching hour. Many of the residents traveling to Fluvanna take Route 250 instead of the interstate. He asked VDOT if it was safe to have people coming in and taking that left onto Route 22/230 and coming to a stop at 5 p.m. and taking a left hand turn into that church. That is a question that needs to be answered for the safety of both those who use the facility and are in this community. He was concerned about the potential water concerns. He asked if they were going to allow the church to be built and then determine that their water is contaminated. One of the things they were concerned about was that there was a lot of property there just below I-64. It is still in the rural area and they don't want to see a strip mall type of area becoming the entrance to the Southwest Mountains. It would be wise to check the water situation before allowing the church to put a lot of money into the construction of the sanctuary and the school. But, primarily he would ask if that turn lane is safe. There is a lot of traffic on that road between 4 and 6 p.m. Everybody should be concerned about traffic safety in that area.

Jerry Lee Chiffon, resident of Cismont, said that she drives this road every day. She urged each member of the Commission and staff to get on that road during the hours of 4 to 6 p.m. when people will be picking up their children. In driving into town on that road frequently there are tractor trailers on the wrong side of the road coming around that turn. If the trucks have to stop at the rate of speed that they go on that road when someone makes a left hand turn it is going to create a dangerous situation. This road is very dangerous. She can barely get out of Route 600 onto Route 231 that goes into Route 22 many, many times at that hour. She cannot imagine 50 or 100 parents trying to get in and out of that section. The traffic is terrible on that road. They have been unable to limit the trucks on that road. It is dangerous for every citizen that drives that road. If they add to the traffic, it is going to be worse.

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

Ms. Joseph agreed with Ms. Chiffon that it was dicey around that corner. She totaled a car coming around that area because a tractor trailer was coming into her lane. It is a bad corner there.

Mr. Craddock asked if they made it a requirement for a left hand turn lane would VDOT have to agree to it. Or, would it be meaningless if they said that they have to have a left hand turn lane and VDOT says that they don't need it.

Mr. Cilimberg noted that ultimately VDOT makes the decision through their permitting process. If the Commission wants that to be a condition, staff would certainly take it to VDOT before this gets to the Board and determine with them whether that would be an allowable improvement. He did not know how that would relate to the intersection improvement that will be Route 22 and 250. That is something staff would have to investigate with VDOT.

Mr. Craddock said that from his experiences on the road he felt that at a minimum they need a left hand turn lane. He was surprised that the entrance was put on a curve. It is a pretty quick acceleration coming from Shadwell Store.

Mr. Morris said the time for pickup is really inappropriate for that section of the road. As stated, it is a very dangerous stretch of road even with a left hand turn lane, although it might help to some degree. If someone is sitting there waiting to turn left and a tractor trailer or another car comes up in back of them, they are not going to be able to stop. He felt that the school is inappropriate with that particular spot in regards to the entrance. It is a bad spot.

Ms. Joseph noted that from reading the memo from staff about the water contamination it appears that DEQ thinks that everybody in the Stone Robinson School area is on public water, which is not true. Therefore, she was confused.

Mr. Clark said that he did not think that the contamination testing went beyond the school property. He did not know exactly what they meant by local residents. By the time they wrote the memo in 1995 the school was on public water. He did not know to what degree DEQ checked any of the surrounding properties.

Mr. Zobrist suggested that they make it a condition of site plan approval that all of the septic and water be vetted first. He felt that Mr. Scott made a good plan. The last thing they want to happen is to get this built and then find out there is no water. Then under our policy the county would have to provide water for them.

Mr. Clark replied that was his concern.

Mr. Zobrist asked that it be vetted very early in the process. He would also like to ask that they consider another entrance. He was concerned about the safety. With respect to the quarry location, he felt that everybody has to make that decision themselves. If the people don't like it, they won't go to church there and they won't take their children there. That is a decision for the elders in the church as opposed to the Commission. He was concerned with the safety and water issues.

Mr. Strucko asked the applicant to come forward and address the issue.

Mr. McKnight said that the first thing that was done when the church was looking at the property was to meet with the state and the Highway Department. The church has worked with them extensively. A local engineer has chosen this location as the best place. The road will be reworked with a light and an intersection that will slow that traffic down and give time for the people to get out of the driveway. This is where the state says that this needs to be. They have checked the visibility each way on the curve. With the reworking on the road and the elevations they say that it won't be any problem. The State Highway Department has been working with the engineer on this. Before they started the site plan to develop this building they gave the location for the entrance. The Highway Department said this is where the entrance will be and now they needed to design the building to fit the entrance.

Mr. Zobrist asked how long term is that planned improvement going to take.

Mr. McKnight referred the question to the pastor.

Mr. Cilimberg noted that it was a project planned to be underway, but he did not have a date.

Mr. McKnight noted that they have already moved all the electric poles back for this project. It was done within the last two weeks.

Mr. Craddock said that a few years ago they had Shadwell Store before us. The delay was Edgehill Farm and some footage over there was why the intersection had not been built yet.

Mr. McKnight said that a good portion of this property that the church would get has been given as right-of-way for several feet. The lines have already been moved back. He was told that they will start in the spring on this work, which will be long before the church.

Bill Willis, Pastor of the Nazarene Church, said that the way they understand it the light will be in the Y. They are going to move the gasoline station back. The light will be where you currently take the left. The

traffic will come to light and one would choose to go straight on 250 or there will be a stoplight to go left on Route 22. VDOT explained that the traffic will stop there and there will be plenty of sight line to that entrance from that direction. Then coming from Gordonsville there will be 300' of turn lane. That is why the one turn lane was suggested to the church. Their hours of operation will be taken care of with the new light. Their main hours of operation would be on Sunday. There are two wells existing on the property. They have not verified that those wells are not contaminated, but that will be done in the future. That should not be an issue.

Ms. Joseph asked if anything was received from the ARB Design Planner.

Mr. Clark replied that Attachment E had the comments from Margaret Maliszewski, Design Planner.

Ms. Joseph said that Ms. Maliszewski talked about consolidating the parking rather than surrounding the building with parking. She asked if this project will go to the ARB.

Mr. Clark said that the project will go to the ARB. The expectation is that they will address the lighting and the landscaping during the site plan process. If the building location and general layout is established with the special use permit, the ARB will not change that during the site plan review. The ARB would then have to work within that general layout.

Mr. Cilimberg said that condition one was going to establish the basic perimeters for the plan.

Ms. Joseph noted that she could not support it with the parking all the way around it. That is something that they try to discourage all of the time. The scale is a little large. She could not support the daycare aspect of this with 375 with the thought of increasing to 500 is a lot to ask for this parcel. It is also a lot to ask for a rural church.

Mr. Morris supported the church, but not the daycare.

Mr. Strucko noted that the hours of operation will create a traffic situation around the church for the daycare operation.

Ms. Joseph opposed the request because of the daycare concern and the size and scale of the church.

Mr. Cannon voiced concerns that the ARB would not have the ability to work with the applicant on the parking to protect the Entrance Corridor.

Mr. Cilimberg noted that the ARB could work with the screening, but the location of the parking is established through condition one.

Mr. Cannon reiterated that there would be screening opportunities through the ARB, but not for relocation of the parking.

Mr. Clark said that they proposed 180 parking spaces. They could remove 30 parking spaces from the corner because it involves a lot of grading.

Mr. Cilimberg noted that the entire frontage was on Route 22. There is no frontage on Route 250.

Mr. Morris noted that churches receive special deliberations.

Mr. Kamptner agreed that churches are treated differently from commercial uses per the statutes. But, churches still have to comply with all safety and health regulations. The traffic needs to be addressed as well since there is a place of assembly on the site.

Mr. Cannon noted that the ARUBA Act gives churches special status in land use decisions by local government.

Mr. Craddock said that he lived the closest to the site and was familiar with the concerns expressed. He was concerned with the left hand turn lane and suggested that the church pursue the issue in due diligence. He was also concerned with the county's obligation down the road if it was approved and later it was found that the well was contaminated.

Mr. Zobrist said that he was sympathetic to churches. But, he thought that the health, safety and welfare concerns limited the daycare school in our process and should meet the standards as all of the others. He agreed that there were parking and screening issues to be worked out. He suggested that the church find another site. He was not sure that this was a good site for a big church, but acknowledged that it was hard to find a good church site in the county. There are a lot of issues that he would be worried about.

The Planning Commission discussed the following concerns:

- Address health, safety and welfare issues.
- Address the issues dealing with the intersection and the entrance to the property that might not meet proper sight distance. Staff needs to work with VDOT to make sure what they are recommending at the entrance. The Commission strongly recommends a left hand turn lane.
- The possible groundwater contamination, which might be out of their preview.
- The site plan totally ignores relegated parking as noted in the Comp Plan. Relegated parking needs to be addressed.
- The parking and adequate screening needs to be addressed including the number of parking spaces to be reduced to 150 spaces.
- Parking needs to be reduced to 150 spaces.

Mr. McKnight said that the church would like to defer the child care issue and take it off the table.

Mr. Morris said the he was inclined to move for approval of SP-2007-00034, with all of the conditions recommended in the staff report with the exception of Mr. Craddock's request to have a left hand turn lane on Route 22 to be strongly considered by the Board of Supervisors.

Mr. Strucko asked if condition 1 was subject to change.

Mr. Cilimberg said that they know that the plan is subject to change to drop 30 parking spaces. But, he did not know if the condition itself needs to change. If necessary they certainly can do that before the Board meeting. The suggestion that a left turn lane be considered by the Board really is not a condition. Either the Commission wants it to be a condition or not. If the Commission thinks that it should be considered it is kind of outside of the conditions, but staff can look at it.

Mr. Strucko asked that the minutes reflect it.

Mr. Cilimberg noted that staff would talk to VDOT before the Board meeting about that so that if, in fact, that is something that the Board wants to include, they would be able to have a condition for them.

Mr. Strucko asked if condition 1c should then read 120.

Mr. Cilimberg replied no, that it started as that and is now 150.

Mr. Cannon asked if he had in the motion a provision amending 1c to indicate relegated parking to the extent possible.

Mr. Morris replied that was correct.

Mr. Zobrist noted that condition five would be a condition of site approval.

Mr. Morris replied that was correct.

Mr. Cilimberg said that there has been a request in the past by zoning that they not restate what is already a requirement in the conditions. It is a much understood point because site plans have to be in

conformance with the special use permit. He suggested that the condition not be added although it is completely understood that it needs to be part of the process.

Ms. Joseph noted that it helps the applicant understand, too.

Mr. Cilimberg explained that staff actually writes a letter, which includes a statement that the conditions are subject to a site plan approval.

Action on SP-2007-00034 (Church):

Motion: Mr. Morris moved, Mr. Zobrist seconded, to approve SP-2007-00034, First Church of the Nazarene- Church, with the conditions recommended in the staff report, as amended.

Note: The Planning Commission requests that a left hand turn lane on Route 22 be strongly considered by the Board of Supervisors. Prior to the Board of Supervisors meeting staff needs to work with VDOT to make sure what they are recommending.

1. The church's improvements and the scale and location of the improvements shall be developed in general accord with the conceptual plan entitled "Conceptual Master Plan, Charlottesville First Church of the Nazarene", prepared by TCS Engineering Co., LLC, and dated "15AUG07.", provided that:
    a. Entrance improvements shall be approved by VDOT prior to final site plan approval, and shall include a right-turn lane at the entrance.
    b. All parking setbacks and undisturbed buffers required by Zoning Ordinance section 21.7, Minimum Yard Requirements, shall apply; and
    c. The number of parking spaces shall not exceed 150 without amendment of this special use permit. Relegated parking should be used to the greatest extent possible.
2. The area of assembly shall be limited to a maximum 374-seat sanctuary.
3. Facilities on the site shall be used for church activities and shall not be rented or used for separate commercial uses available to the public.
4. All outdoor lighting shall be arranged or shielded to reflect light away from the abutting properties.
5. Virginia Department of Health approval of well and septic systems before final site plan approval.

The motion passed by a vote of 5:2. (Ms. Joseph and Mr. Edgerton voted nay.)

Ms. Joseph stated that SP-2007-00035 First Church of the Nazarene will go before the Board of Supervisors on November 7, 2007 with a recommendation for approval.

Action on SP-2007-00035 (Daycare):

Motion: Mr. Strucko moved, Mr. Morris seconded, to accept the applicant's request for indefinite deferral for SP-2007-00035, First Church of the Nazarene- Daycare.

The motion passed by a vote of 7:0.

Ms. Joseph stated that SP-2007-00035 First Church of the Nazarene – Daycare was indefinitely deferred.

The Planning Commission took a ten minute break at 7:55 p.m.

The meeting reconvened at 8:04 p.m.

ZMA-2007-00012 Blue Ridge CoHousing (Sign # 71, 77)
PROPOSAL: Rezone 7.3 acres from RA -- Rural Areas: agricultural, forestal, and fishery uses; residential density (0.5 unit/acre) to PRD Planned Residential District - residential (3 - 34 units/acre) with

limited commercial uses to include a maximum of 26 dwelling units, a community center, and no commercial uses.
PROFFERS: Yes
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Community of Crozet; CT-3 Urban Edge: single family residential (net 3.5-6.5 units/acre) supporting uses such as religious institutions and schools and other small-scale non-residential uses
ENTRANCE CORRIDOR: No
LOCATION: Approximately 300 yards from Three Notched Road along Parkview Drive near the crossing of Parrot Branch creek.
TAX MAP/PARCEL: Tax Map 57, Parcel 67A and a portion of Tax Map 56, Parcel 67B.
MAGISTERIAL DISTRICT: White Hall
(Rebecca Ragsdale)

Ms. Ragsdale provided an overview of the project with a power point presentation. (See Staff Report.)

- This is a rezoning request that was advertised for a public hearing. There are several waiver requests associated with the rezoning. The applicant is proposing a waiver request for:
    - Private street waiver request;
    - Waivers of the curb, gutter, sidewalk and planting strip or essentially a request for a rural section;
    - Waiver of the building separation; and
    - Waiver of curb and gutter in the parking areas and travel ways, which is something to be granted by the County Engineer.

PROPOSAL: Rezone 7.3 acres from RA -- Rural Areas: agricultural, forestal, and fishery uses; residential density (0.5 unit/acre) to PRD Planned Residential District - residential (3 - 34 units/acre) with limited commercial uses to include a maximum of 26 dwelling units (single-family detached and 2 multi-family units), a community center, and no commercial uses. Single family detached and 2 multi-family

A pre-application meeting was held with the Commission in April, 2007 to discuss how it fits into the Crozet Master Plan, some design issues and received public comment from adjacent property owners. The adjacent property is zoned Rural Area and most of it to the east is designated CT-3 in the Crozet Master Plan.

The proposal plans to utilize the existing entrances into the site. Cohousing has some different aspects that they would prefer that might not be seen in conventional development such as clustering the houses together away from parking. The plan is attempting to respect the 100' stream buffers. The Planning Commission voiced concerns about the parking and how it is relegated. Therefore, the applicant is proposing extensive vegetation in the front between the parking and the roadway. There are 2 buildings proposed with 4 units each. The pedestrian access and parking is broken up. Some of the paths are intended to provide for emergency access.

The proposed road section for Park View Drive is for a private road or a rural section with an 8' trail on one side. Staff did not process the private road waiver request because there is still the issue of not having the documentation in hand regarding the applicant's ability and authorization to use Park View Drive.

There are still outstanding issues staff has discussed with the applicant that are listed in the staff report. The applicant is anxious to address these issues. Staff will provide an update on what the applicant has been doing. But, they do have the submittal from September before the Commission that has been reviewed by staff.

- Utilities and concepts reviewed in the packet for storm water management – There are some concerns with the engineering and whether this being a workable approach. Update – The applicant has indicated that they will be submitting revised plans to address the engineering concepts. But, staff has not reviewed anything yet.

- The applicant intends to provide proffers as submitted in the packet. The applicant has proffered the full Board expectation for the market rate units. For any of the affordable units they would provide 15 percent and there would be a $20,000 credit towards cash impacts awarded. Staff did not provide support for that in the report because the affordable units are not subject to the cash impacts and that is not contemplated in the Board's expectations. Improvements to Park View Drive and Route 240 that have been identified by VDOT should also be provided in the form of a proffer.

- In the application packet the applicant provided some architectural information, which staff recommended to be addressed regarding how that wording would not be approved or subject to any rezoning approvals.

The proposed density is 26 units, which is within the Crozet Master Plan Guidelines. It specifies a net density of 3.5 to 4.5 for this property. It would be 6.5 if additional affordable units are provided. This project falls at 4.5, which does not exceed the maximum. They have met some of the principles of the Neighborhood Model design and provided 19 percent affordable housing.

Some of the outstanding issues are related to the application plan and it not being in a form that can be approved. With regards to grading and the workable concepts for storm water management, there are still some outstanding questions related to whether or not fire rescue requirements had been adequately factored in the plan conceptually that would not result in new design. The storm water and proffers do not meet the Board expectations. With regards to VDOT comments, they provided additional comments as to standards for intersection upgrades they were requiring for Route 240 and Park View Drive that have been changed since the rezoning request and the need to provide sight distance verifications and easements on the plans to satisfy VDOT.

Staff is not able to recommend approval of this rezoning or to provide analysis on the waiver requests. Staff has discussed with the applicant that the hearing could be treated as a work session with a request for deferral. Based on the plan that staff reviewed, they cannot recommend approval.

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

Mr. Edgerton asked if the other owners of the private street refuse to grant the appropriate improvements would this parcel be inaccessible. Is there another way that the applicant can access the property?

Ms. Ragsdale replied that Park View Drive is the sole access. Since the staff report was sent the applicant has sent in various documents such as deeds on how Park View Drive is deeded as an access easement. Staff needs to look at that information to determine what the status is since it is the sole access. Staff wants to avoid that type of situation and have that information up front.

Mr. Edgerton noted that he lived on a road that has not been widened because a few of the owners that own to the center of the road refuse to grant an easement. That continues to be an issue. He wondered how valuable their discussion will be without a determination on that.

Ms. Ragsdale replied that the applicant feels comfortable with it, but staff has that information to review.

Mr. Strucko asked how many easement holders are on the road.

Ms. Ragsdale replied that there were more than a dozen folks that use Parkview Drive that were under different road agreements depending on their access points on the road. She was not sure if all of the owners on that road would have to sign the easement. She would seek guidance from Mr. Kamptner.

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

Collin Arnold, part Community Housing Partner, said that he represented the applicant and the owners. Regarding the road improvements, they presented the necessary documentation to the County. The deeds indicate that they have right to improve Park View Drive as part of their right to improve that roadway. He understands that has to be reviewed. It is their position that they have the necessary

documentation. From the previous work session they did take into consideration four issues that the Commission had from their previous presentation. Those were density, parking, housing types and neighborhood outreach. They have reduced the number of units from 32 to 26. The parking has been radically changed. The previous presentation indicated one single parking lot. They have relegated the parking into five areas breaking it down in scale and working it into the existing land forms and taking advantage of the existing landscape features existing along Park View Drive. Regarding the housing types, the previous application indicated it to be more consistent with the townhouse form of design. They have provided duplex units and four single family units. There is some documentation in the packet that really indicates some of the architectural character they are talking about. All the units mimic a single family resident. Regarding the community outreach, members of the Blue Ridge Cohousing have been discussing this project with concerned neighbors. This included a formal meeting at Crozet Library in July. They have been making strives to address the staff report comments received last week.

- Regarding storm water management and stream buffer protection, they met with the engineer to address the staff concerns. They have made some modifications that have been presented to the engineer. From their discussion they believe they are progressing towards a workable solution.
- With regards to the proffers they had requested a $20,000 credit against the total cash proffer for each additional affordable unit above the 15 percent required. At the moment they are proposing to add one additional affordable housing unit. This proffer would allow them to perhaps bring in some additional affordable housing units to this development if resources and opportunities present themselves.
- They will be drafting a proffer for the Park View Drive improvements.
- They will remove the architectural standards. It was not their intention to proffer that, but thought that it would be beneficial for everyone to see what their intentions are for this project.
- Lastly, they have requested typical language to help write these proffers.
- Regarding the emergency access, they met further with Fire/Rescue and received approval in concept for their site plan. They did not hear that there would be any major redesigns required. They thought that it would be beneficial to add a loop through the central portion of the project to provide greater emergency access. It would not require an impact as far as the paving. In working with fire rescue they can increase the width, but use alternative treatments for an approved grass paving system.
- They have confirmed that the sight distance is adequate at the intersection of Park View Road and Three Notched Road. They have taken a look from both the east and west. Going east the sight distance exceeds 1,000'. Going west the sight distance is above 390', which is required. If an easement is required, they would obtain it from the affected landowner. From conversations with the staff of VDOT they indicated that in concept they did not see an issue with the sight distance and that the case involving the easement generally takes place at the site plan approval stage.
- They will continue to design the project, but want to leave with an image of the development. They feel that this project meets the Neighborhood Model standards and would be a benefit to the community

Mr. Cannon asked if he is asking that this be treated as a work session.

Mr. Arnold replied that they are actually requesting an action and not a work session. They will address any of the concerns of staff and have the information back in by the 19th of the month.

Ms. Joseph asked if he realized that staff is recommending denial, and Mr. Arnold replied yes.

Ms. Joseph invited public comment.

Tom Makend said that they were not here for profit, but to build a home for themselves. He asked that the request be approved. He thanked the Commission for giving them this opportunity.

Nancy Chapel, a 15 year resident of Crozet, asked that the Commission recommend approval of the request to the Board of Supervisors. She chose to join this particular community for many reasons. This would give her the opportunity to purchase her first home in a wonderful neighborhood. Affordable housing is a serious concern in this community and they are proposing to provide 19 percent. This is a

greater amount than is currently required by the County. She is a single parent who has worked in a nonprofit organization in Crozet since 1992. She asked that the Commission consider the needs of low income workers who hope to provide housing for their families. They have made many attempts to revise their plans according to their comments. It is now a better plan.

Elizabeth Hoover, 11 year resident of Albemarle County and a member of Blue Ridge Cohousing, asked that the Commission approve the rezoning request. She was at the meeting at the library in July with the community. It was well attended. They want them to know that they are still available for their questions and concerns. One of the things that make this type of community different is that they have a system in place to hear concerns and to find solutions

Alford Hoover, 15 year resident of Albemarle County, asked that the County embrace and encourage this proposal. The applicant has been working hard to meet the requirements of the County to be a good steward of the land and a good neighbor in order to live in an environmentally sustainable community. This is a unique situation and would be a benefit to the community. He asked that the Commission approve the request.

Susan Perry said that she hated development and liked things to stay the same, but it can't. She was proud of what they are doing in keeping the land the way it is supposed to be. They are only taking down eight trees and are taking staff's comments very seriously. She asked that the Commission recommend approval of the request so the request can go to the Board next month.

Alonzo Forehand requested that the Commission approve this rezoning change. The plan is designed according to the Neighborhood Model concept and has many good features.

Jen Song Mega Smith, resident of Albemarle County for 13 years, spoke in favor of the request because of what the proposal would give back to the community and environment. This proposal is a real gift to the community in the spirit of the County and should be supported.

Jay Perry, Executive Coach and a member of Blue Ridge Cohousing, spoke in favor of the request. There has been some concern expressed by the neighbors about the amount of traffic added to the road. He took that very seriously because if he lived there it would be his concern. Some of the residents would work at home. The traffic created from the community would not be a problem. There is a lot of hard work that goes into a request like this. When he found out that they received staff's comments at the end of last week for this meeting he was angry. He was angry because they were so committed to responding to everything, but did not have adequate time to respond. He felt that it would be grossly unfair to be held up for three to four months. He requested that they approve the request with conditions or make it possible for them to move forward recognizing the time factor. They need some kind of reasonable time frame to respond.

Chris Murray, of JABA, supported the Cohousing as a concept because anything that allows the opportunity for the aging to live in the community is something that he would support. This concept supports social support systems, which includes sharing cars and all sorts of other things. It makes less support systems have to come from the government. Cohousing is affordable and provides a way for low income workers to own a home.

Ego Trim, member of Blue Ridge Cohousing, said that he lived outside of Washington. He wanted to live in this community. The traffic impact will be less in this type of community, particularly because of the number of persons working from home. The data shows that when they have 26 units that the traffic impact will be much less than what one would see with traditional townhouses. The traffic will be less. A lot of the folks will work at home and have various times to come and go. There are many cohousing communities in the Washington area. Cohousing tends to keep its value and pace with the local community. He asked that the Commission give conditional approval. He wanted to live in Albemarle County in this cohousing community and was very committed.

Steve Melton, an adjacent property owner, said that in the interest of time he would speak on behalf of all of the adjacent owners present. The meeting in July at the library was very productive. The adjacent owners were also trying to keep an open mind and acknowledged their passion for the project. But, they

were just as passionate about their privacy. He had lived there for 25 years and others have lived there longer. They have used Park View Drive as their sole access. There are a lot of concerns. They are not against the concept, but feel that this is not the right area for the cohousing development. Their main issue is about Park View Drive and all of the issues that include sight distance. The second entrance does not have adequate sight distance. He asked what type of road surface is proposed. The road improvements are a significant issue. What happens if the cohousing concept fails? It is a unique project and does not have the standard type of home. Does the Cohousing Association have a mechanism for repurchasing these houses when someone moves out? These things concern them as neighbors. They feel that the property is better suited for three houses or a mini estate, which would compliment the adjoining area. There are a lot of issues yet to be discussed. They will keep an open mind, but feel that they need to think about this a little more.

Annie Hill, long time resident of this area, said that this spot has been designated as a development area. Therefore, some type of development is going to occur. All of the issues about the easement are going to come up. Their group is willing to work out these issues. They will work with the neighbors. She asked that they give approval with conditions.

Martin Schulman said that he attended the prior work session and felt that the plan has been greatly improved. He felt that the proposal would benefit the community. The closest residential neighbor is over ½ mile away. He is the only person who will see this development from their backyard. He appreciated the revised parking and the changes to address the number and type of homes. He supported the approval of the request and felt that the applicant would address all of the outstanding issues. He supported the proposal because it would provide work force and affordable housing for the employment center in the growth area. He asked that Commission recommend approval of this request conditional upon the applicant addressing all of the outstanding concerns that have not been addressed during the past several days.

Peter Lazar, Manager of the Blue Ridge Cohousing, LLC, said that they just decided today to request approval on the request even if staff recommended denial. They strongly believe that they have come up with the solutions to all of these concerns that just need to be reviewed by staff. It would be a waste of time to come back for a full public hearing before the Commission again. They have worked very diligently during the last week to come up with the solutions.

Ms. Schulman said that there is an issue that needs to be addressed. She lives on the old farm and with the cutting of the eight trees it will destroy the gardens. It is an historical home. When this development is made there was the old clinic on the home. The clinic is now on an adjacent parcel. She felt that the beautiful view of the mountains would be destroyed. She questioned how the adjoining property would be affected if this rezoning was approved. She encouraged the Commission to preserve the historic house and the view of the mountains.

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

Mr. Strucko asked that they start with the proffers. He asked if the applicant was requesting a $20,000 credit for each affordable unit.

Ms. Ragsdale replied that the applicant did not speak whether they want to keep that in the standard proffers. But, that is what staff had.

Mr. Cilimberg said that the policy regarding cash is that any affordable units will not be subject to the dollar amounts. This would assume additional credit. He was not sure if they were still looking for that. It is written in the other standard language that they have used in other proffers, which Mr. Kamptner could speak to. It would be structured in such a way that any of the affordable units would not be subject and all market units would be subject based on the rates of $17,500, $11,900 and $12,400. Staff would recommend that to the Commission and Board of Supervisors.

Mr. Strucko said that the 26 units would have an effect on the Crozet community whether it is schools, fire/rescue, various parks, etc. He could not see giving an additional credit of $20,000 per affordable unit on top of the fact that those affordable units are exempt from the regular cash policy.

Mr. Edgerton said that the proffer language and discussion by the applicant indicated that they were only asking for the additional credit for the number of affordable units above what was required, which was one unit. Page 49 of the Code of Development has this statement.

Mr. Strucko thanked Mr. Edgerton for his explanation.

Mr. Cilimberg noted that this matter needs to be squared away here. The Board will take up this policy tomorrow. There are not credits for units in excess of the number required by the County. That is not in the policy. They simply don't charge those units in excess. If they are providing 1, 5 or 10 whatever number above what is required under the 15 percent policy, they simply don't have a cash proffer assigned to them. They don't get a credit.

Mr. Strucko said that he was confused by the $20,000 language, but supported the cash policy as written. He asked if the cash proffer includes a transportation component.

Mr. Cilimberg said that it would cover transportation projects in our CIP, but this is not a project in the CIP.

Mr. Strucko said that this was a private street with 26 units. He asked how many vehicle trips that would generate per day.

Mr. Cilimberg replied that it would be upwards of 260, but the applicant indicated that it would be less.

Mr. Strucko felt that it was still an intensity of use. He asked why they were not considering a public road there. Is that possible given the easement?

Ms. Joseph replied that she did not know because they just received the information.

Ms. Strucko noted that he had a concern about a private road serving this number of units. He felt that public road standards would certainly be more appropriate. To be able to walk to and from work that sidewalks and curb and gutter would be needed. If this community was to facilitate that type of walk ability, sidewalks on an adequate road width would be required. Therefore, he had a concern about that.

Ms. Joseph said that many of these issues if worked out now will save the applicant a lot of time later during the site plan process. The applicant will need to have these things working properly, such as the storm water management, or they will have to come back for an amendment. There are many issues that still need to be worked out. She appreciated that the applicant did not want to waste the Commission's time, but cautioned the applicant of potential problems in the future site plan process. She asked if it can be worked within the perimeters of the storm water because of the buffer.

Mr. Stucco noted concern about encroachment on the stream buffer, which will be greatly impacted by the grading.

Mr. Zobrist said that there are a lot of unresolved issues. He pointed out that pushing urban edge density is wrong.

The Commissioners agreed with staff's recommendation concerning the unfavorable points listed in the staff report.

Motion: Mr. Zobrist moved, Mr. Craddock seconded, to deny ZMA-2007-00012, Blue Ridge CoHousing as recommended by the staff and to not approve the requested waivers for the 30' building separation and the Section 12.4 curb and gutter in the parking areas and along the travel ways.

The motion passed by a vote of 7:0.

Ms. Joseph stated that ZMA-2007-00012, Blue Ridge CoHousing will go before the Board of Supervisors on November 14, 2007 with a recommendation for denial.

Old Business

Ms. Joseph asked if there was any old business.

- An email was received by several Commissioners from Frank Cox's class at UVA requesting to meet with the Commission. Since no more than two members can meet at one time without it being considered a meeting, Mr. Edgerton suggested that the class come to a meeting. The Commission suggested that the class come on October 16 and that they are taking their chance that there will be time for dialogue. If the three agenda items are done early the Commissioners agreed to stay until 10:00 p.m.
- Lee Catlin will come to next week's meeting to follow up on the Commission's discussion last week on the Rivanna Master Plan and citizen participation.
- Mr. Edgerton pointed out that he wanted to call up the Lane Bonner two-lot subdivision.
- The Crozet Station staff report will be delivered for next week.

There being no further items, the meeting proceeded.

Adjournment

With no further items, the meeting adjourned at 9:30 p.m. to the Tuesday, October 16, 2007 meeting at 6:00 p.m. at the County Office Building, Second Floor, Auditorium, 401 McIntire Road, Charlottesville, Virginia.

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V. Wayne Cilimberg, Secretary

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