Albemarle County Planning Commission
October 30, 2007

The Albemarle County Planning Commission held a work session, meeting and a public hearing on Tuesday, October 30, 2007, at 4:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Calvin Morris, Vice-Chairman; Marcia Joseph, Chairman; Duane Zobrist, Bill Edgerton; Jon Cannon; Bill Edgerton and Pete Craddock. Bill Edgerton arrived at 4:10 p.m. Absent were Eric Strucko and Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia.

Other officials present were Rebecca Ragsdale, Senior Planner; David Benish, Chief of Planning; Wayne Cilimberg, Director of Planning; Amelia McCulley, Director of Current Development & Zoning; Bill Fritz, Chief of Current Development and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

Ms. Joseph called the meeting to order at 4:04 p.m. and established a quorum.

Work Session:

Crozet Downtown Zoning
A review and discussion of the Crozet Downtown Zoning project, with a focused discussion on a recommendation for a single Downtown Crozet Zoning District and the zoning regulations to be established for that district, including building setbacks, building height, land uses, the requirement for mixed use, parking requirements, sidewalks, landscaping, buffer/screening requirements. (Rebecca Ragsdale)

In summary, the Planning Commission held the third work session on Crozet Downtown Zoning. The primary purpose of the work session was to focus on the actual zoning regulations. The slide show presented by staff reviewed the following zoning requirements: building and parking setbacks, building height, parking, land uses, the requirement for mixed use, sidewalks, landscaping and buffer/screening requirements. The Commission discussed the zoning requirements, made comments and provided feedback and answered the questions posed by staff. Public comment was taken. No formal action was taken. An additional work session will be scheduled in the future to discuss implementation and a possible comprehensive zoning map amendment initiated by the County

The Planning Commission made the following comments:

- The proposal for shared parking through use of trading agreements should be modified. The goal is to make shared parking easier to achieve; however, if an owner loses parking spaces as a result of a change in an agreement, both the owner and the County need to be protected. It was agreed, however, that the viability of the businesses and mixed use over time will rely heavily on the adequacy of parking. Since the proposed regulations require fewer spaces than under current ordinances, the Commission asked staff to address any potential problems due to the lack of parking for the downtown area.

- The Planning Commission suggested that the minimum number of parking spaces for 2-bedroom residential uses should be 2.0 instead of 2.5 and that staff should look at the minimum number of spaces for other uses to see if they can be further reduced.
- Regarding the land uses, the main goal is to allow flexibility to achieve the mixed use. The proposed regulations from the consultant would require that each building have a mixture of uses. Members of the public were concerned that requiring all buildings to have mixed use would be too onerous. Planning Commissioners were concerned that commercial and residential uses might not be achieved in the downtown without some requirements.

The Planning Commission asked staff to pursue other exemptions or incentives for mixed use, such as the tiered approach as suggested by staff. The Planning Commission was receptive to looking at the tier approach and other possibilities to encourage mixed use and allow additional flexibility for businesses in Downtown. The recommended 1,000 sq ft maximum average for residential units needs some work and substantiation that this is the appropriate size. Staff was requested to work on this issue and provide additional information to the Commission.

- The buffer regulations for parking areas need to be reviewed to ensure the safety of the public, so that cars are screened but parking areas still visible.
- It was questioned whether the proposed 1' setback, which was measured from the back of the curb, would present problems particularly if there were road improvements.
- It was questioned if ARB feedback has been solicited. - Staff has met with the design planner, but not the ARB. This would be something that would allow closer setback and would require adaption to ARB guidelines. As suggested by staff, the Commission will set the vision for the area before taking it to the ARB.
- Several Commissioners had problems with allowing buildings of more than 2 to 3 stories, primarily due to concerns about loss of views. It was acknowledged that some economic considerations in establishing business districts were related to the number of stories allowed. Staff noted that while some community members voiced concerns about loss of views, that the majority of the community had accepted the recommendation of a 2 story minimum and 4 story maximum, with the opportunity for special use permits for up to 6 stories or 1 story. It was the consensus of the Commission that 2 to 4 stories would be acceptable since it has been part of the community's feeling and within the guidelines of the Crozet Master Plan.

The following public comment was taken:

- Cliff Fox voiced concerns about the mixed use requirement. They should try to relax the restrictions in a constructive way so that this is a viable thing that can occur over time. There is a need to allow flexibility and not more restrictions.
- Sandy Wilcox, President of the Downtown Crozet Association (DCA), addressed the following concerns of his group:
    - The Downtown Association is not in support of the proposed mixed use requirements and the average residential unit size.
    - Incentives need to be provided to encourage mixed use.
    - There were concerns with the parking regulations as proposed. If have grandfathered uses that don't have allocated parking and impose a new restriction for new businesses to submit a written parking easement it will present problems. Other alternatives need to be found such as the adjoining church could pave their parking lot and rent out spaces to adjacent businesses. There are potential problems with trading and sharing parking that need to be addressed.
- Mr. Marshall asked that the restrictions and message not be too complicated for the downtown area, with the result being that developers and builders would not understand the rules. He encouraged the Commission to move forward and not spend too much time imagining every potential future situation. The Commission has the ability to make additional changes in the future if it is found to be necessary.

Staff will follow up on how to approach the next steps. There will be a separate work session on the implementation and further discussion on the rezoning. Topics for the next work session include: Follow-up on the parking trading agreements, requirement for mixed use and average residential unit size and a discussion on implementation of zoning changes, including a possible comprehensive zoning map amendment initiated by the County.

The Planning Commission took a break at 5:27 p.m.

The meeting reconvened at 6:02 p.m.

The Albemarle County Planning Commission held a work session, meeting and a public hearing on Tuesday, October 30, 2007, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

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

Other officials present were David E. Pennock, Senior Planner; Wayne Cilimberg, Director of Planning; Greg Kamptner, Deputy County Attorney; Claudette Grant, Senior Planner; John Shepherd, Chief of Current Development; Rebecca Ragsdale, Senior Planner and Elaine Echols, Principal Planner.

Call to Order and Establish Quorum:

Ms. Joseph called the meeting to order at 6:02 p.m.

Other Matters Not Listed on the Agenda from the Public:

John Marston, a resident of Free Union, asked to speak briefly about water. He suggested that a new relationship should be encouraged for the County and Planning Commission with the Service Authority. With the change in times the County needs to become more involved with water issues. In August, the DEQ issued a draft permit to Rivanna. On September 27 of this year Rivanna submitted 6 pages of objections to the draft permit. It is unlikely that the permit will be issued in 2007. The Water Supply Plan approved in 2006 has changed from the plan presented to the public. Rivanna has taken the position that they can't build the Ragged Mountain Reservoir at the same time they construct the pipeline from the South Fork to the Ragged Mountain Reservoir. He urged the County to push forward to have this work for the pipeline from the South Fork to the Ragged Mountain Reservoir to be done as soon as possible and not be put off until 2021. With the new development being approved he felt that this pipeline needs to be done sooner than the anticipated 14 years to improve the water situation in the County.

Consent Agenda:

APPROVAL OF MINUTES: June 19, 2007and September 11, 2007

Ms. Joseph asked if any Commissioner wanted to pull an item off of the consent agenda.

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

The motion passed by a vote of 7:0.

Regular Items:

SUB-2007-00293 Ross and Kimberly Cottrill – Preliminary
Request for preliminary plat approval to create three (3) lots on approximately 75 acres zoned Rural Areas using the Rural Preservation Development option. As part of the Rural Preservation Development, the applicant also requests a waiver of Section 14-404 of the Subdivision Ordinance in order to access the preservation tract via an access separate from the access to the two development lots. The property, described as Tax Map 95, Parcel 5, is located in the Scottsville Magisterial District on Moriah Way [Rte #1053] approximately 0.3 miles from its intersection with Black Cat Road [Route #616]. The Comprehensive Plan designates this property as Rural Areas in Rural Area 2. (David Pennock)

Mr. Pennock presented a power point presentation and summarized the staff report. (See Staff Report)

- This is a preliminary plat request for Ross and Kimberly Cottrill. It is a 3 lot subdivision utilizing the rural preservation development option. As part of that the applicant is also requesting a waiver in order to have the 2 development lots use 1 driveway and the preservation tract continue

to use an existing driveway. The applicant would be able to cluster 2 of those lots and keep the remainder of the site as a preservation tract.

- The applicant, as part of this application, has to demonstrate that a by right plan would have been feasible in this location. The by right plan is part of the packet. Even without development rights, they could still do 2 large 21 acre pieces with the residue of about 33.6 acres and it would require the extension of Moriah Way about another 300'. As shown on the proposal by doing that as a RPD they would be able to cluster 2 of the lots in an area nearer to the existing smaller lots that are out there. They would be able to keep more of the area of critical slopes, intermittent streams and some of the other prime agricultural soils identified on our maps as part of a preservation tract. Staff's analysis concluded that the rural preservation development in this location was a better option than a by right plan.
- There is a waiver request in order that the 2 development lots will be able to use an access easement further down the Moriah Way from the existing paved driveway, which serves the dwelling on what is proposed to be the preservation tract. This would be a waiver request of Subdivision Ordinance Section 4.0.4. Staff concluded that there were no alternative standards recommended by the Engineering Department, but that the disturbance related to construction using the by right plan, which would include the extension of Moriah Way that additional 300' and possibly an additional driveway spur from that existing paved drive. Any way that one could look at it the result in disturbance of critical slopes and the additional land disturbance necessary to construct that road assuming the approval of the rural preservation development option staff is also recommending approval of the waiver to allow the 2 separate entrances.
- Staff recommends approval of both items with the conditions as listed in the staff report.

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

Mr. Craddock asked if staff has heard from any neighbors.

Mr. Pennock replied no.

Mr. Craddock asked if all of the development rights would be used with none left over.

Mr. Pennock replied that there are no development rights on the property to start with. Based on the acreage this would effectively be the only 3 lots they could get under today's ordinance.

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

Roger Ray, representative for Mr. Cottrill, said that his firm prepared the plan for this subdivision. Back in 2003 the Cottrills developed 5 lots along the front of their property and built a VDOT public subdivision street into the property. Later they built their home site on the rear parcel. They still have the right to develop this property into 3 parcels by each one being greater than 21 acres, which would require an extension to the existing public road. It would probably require fairly lengthy driveways to the building site. The applicant lives on this property and he wants to keep the largest portion he can on his home lot and still be able to utilize his property rights. They have asked to do the rural preservation approval, which would allow him the maximum development and create the least amount of environmental impact with the shared driveway that would go to the 2 new lots. Of course, his driveway already exists. It is a nice paved driveway. The by right division would require extension of the present road and to get to the building sites on the larger lots would require extensive driveways that would not be environmental friendly. They are asking to have the rural preservation approved and the County will get an easement on 70 acres of land that otherwise they would not get.

Ms. Joseph said that this proposal was good in having this large preservation tract. What was bothering her was the way the property winds around the two smaller lots. She questioned why these other 2 lots could not be burdened with that preservation easement and have the pond and everything.

Mr. Ray noted that the Cottrills wants to maintain that pond since they use it for their personal use. They want to maintain the pond. He believed that the 125' strip, which was called a preservation easement in

the deed, was in favor of the adjacent neighbor. They felt that it fit better with the preservation tract than being in one of the development lots. They discussed with this with all of the staff before they did this. Staff agreed that it would fit better in the preservation tract rather than putting it into development by right. Whoever develops the small lots might interfere more with the preservation easement than Mr. Cottrill.

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

Motion: Mr. Strucko moved, Mr. Zobrist seconded, for approval of SUB-2007-00293, Ross and Kimberly Cottrill – Preliminary Subdivision Plat and the waiver from Section 14-404 of the Albemarle County Code with the conditions recommended in the staff report.

1. VDOT approval required for all public roads and entrances.
2. Health Department approval required for drainfields on the development lots.
3. Public Recreational Facilities Authority acceptance of easement for preservation lot is required.

The motion for approval passed by a vote of 7:0.

Ms. Joseph stated that SUB-2007-00293, Ross and Kimberly Cottrill – Preliminary was approved.

Public Hearing Items:

ZMA-2006-00016 Glenmore Leake (Sign # 31, 32, 44, 69) - *Back on the schedule due to advertising error*
PROPOSAL: Rezone 110.94 acres from RA - Rural Area zoning district which allows agricultural, forestal, and fishery uses; residential density (0.5 unit/acre) to PRD - Planned Residential District - residential (3 - 34 units/acre) with limited commercial uses to allow for 110 dwelling units. This proposal is an expansion of the Glenmore PRD and does not include commercial uses. Proposed density is approx. 1 unit/acre.
PROFFERS: Yes
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Neighborhood Density Residential - residential (3-6 units/acre) and supporting uses such as religious institutions and schools and other small-scale non-residential uses.
ENTRANCE CORRIDOR: No
LOCATION: 1.25 miles south of the intersection of Route 250 East and Hacktown Road, North of the Rivanna River, west of Carroll Creek, and east of the Development Area boundary.
TAX MAP/PARCEL: Tax Map 93 Parcels A1-1 and A5-1, Tax Map 94 Parcel 74 and portions of Tax Map 94 Parcels 15, 16, 16A
MAGISTERIAL DISTRICT: Scottsville
(Elaine Echols)

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

- Staff regrets having to come back to the Commission for another public hearing on ZMA-2006-16 due to an advertising error. There were several things that happened that caused this. One was that the parcel of land was subdivided and had a new tax parcel number from the time that it was originally submitted to the time that it came up for public hearing. One of the parcel numbers was missing from the application. The third number was missing in the legal ad. Staff is here to correct that error and bring back the Leake rezoning that the Commission heard in August. The development would be an addition to the Glenmore PRD. The Glenmore Plan in the Livengood parcel was approved by the Board of Supervisors earlier this month.

The recommendation from August 27 was:

- The applicant shall meet the Board's cash proffer and affordable housing expectations for 110 residential units.
- The plan shall be amended to show a complete pedestrian connection along Farringdon, Carroll Creek Road and Piper Way. A minimum greenway area dedication is needed.

- Staff asked the Planning Commission if the following recommendation was also intended from that meeting since the Livengood and Leake discussions seemed to be mixed at that meeting. It was very clear that in the Livengood proposal the Commission wanted the path to be on the side of the road with the lots instead of on the side of the road with the park after a recommendation from staff. From the minutes of the meeting, she felt that the Commission wanted the same thing to happen for the Leake parcel; however, that recommendation wasn't captured in the official action. The plan itself on page 28 shows the road with a path on the rural area side. So the path is being shown on the Glen Oaks side on the plan instead of on the development area side. Staff asked the Commission if the intent was for the path to be on the side of the road with the majority of lots in the Leake project also.

Favorable Factors:
- The proposal is in the development areas.
- Roads proposed in the Leake development would complete a vehicular loop in Glenmore.
- There is an extensive series of paths through the open space. The greenway area dedication has been included, which is in the proffer packet.

Unfavorable Factors:
- The proffers do not fully address impacts.
- The plans fails to complete the pedestrian facility associated the vehicular loop.
- The path is on the rural areas side of Carroll Creek Road rather than on the development area side.

Ms. Echols said that the applicant has declined to change the plan to date to provide a pedestrian connection between the existing Glenmore section and the area to be rezoned. Because a discussion on the location of the path on Carroll Creek Road was just discussed with the applicant today, staff does not know if the applicant intends to make that change. In any case, staff recommends approval if the applicant provides the public improvements/facilities or cash proffers to address the full impacts of the rezoning as the Commission said at the last meeting. Also, the applicant needs to complete the pedestrian facility associated with the vehicular loop and move the path shown on the rural areas side of Carroll Creek Road to the development side where there are more lots. Ms. Echols said that these are essentially the same things that the Commission said was important at the last public hearing. Since no changes have been made, the Commission is still in the same spot as before. Therefore, staff leaves it in the Commission's hands in terms of making a decision.

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

Mr. Cannon said that when the Commission approved the request last time they set the same conditions as listed.

Ms. Echols replied that is correct. The conditions set are the unfavorable factors listed in the staff report.

Ms. Joseph asked when the request goes to the Board of Supervisors.

Ms. Echols replied that it goes on November 14.

Ms. Joseph said that there were no changes to be made between now and when it goes to the Board.

Ms. Echols replied that there were changes to the proffers, but there were no changes to the plan. But, the proffers were just changed in some ways to make it clear what they were proffering and certainly to provide the greenway information.

Ms. Joseph said that they were not changed to reflect what the Planning Commission had said that they could approve this plan if they were changed.

Ms. Echols replied that was correct.

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

Don Franco, representative for Glenmore Associates, said that he had not planned on speaking tonight, but wanted to respond to the last question. It was not clear that at the last meeting that moving the path to the opposite side of the street was what the Commission was looking for. On this one particular plan he did not think that there were any other plan changes that were requested. He said that Glenmore Associates dealt with the proffer aspects, which they are going to address that with the Board. The greenway dedication was added to the proffers. He did think that there were any plan changes that needed to be addressed at this point in time. He said that Glenmore Associates feels that it makes more sense to have the pedestrian connection on the rural side of the road. There will be fewer driveway cuts in that area. They found out about this being an issue earlier today. Again, their position would be to put it in a place where there are fewer driveway cuts. The story he goes back to is in Hollymead on Powell Creek Drive where several years ago a little girl was riding her bike on the sidewalk there with no hands and went across a driveway cut on a path and flipped over the front of her bike and lost all of her front teeth. He would rather not encourage that to happen. He would rather put the path where there would not be these kinds of obstacles. If it becomes an issue, they will move it to that side. But, he would prefer to move forward to the Board with the same conditions from the last meeting.

Ms. Joseph invited other public comment.

Paul Accad, of 2025 Pipers Way, a resident of Glenmore for 12 years, asked to talk about the pedestrian connection to compliment the vehicular loop. He thanked the Commission for what they did on August 21. Recommendation 2 says that the plan should be amended to show a complete pedestrian connection along Farringdon, Carroll Creek Road and Piper Way. He would hope when this concludes they included that in the conditions of approval. The paths are very important, as he noted on August 21, because where the 110 units on the Leake property are going to be added to there is no path between that area and the country club. That is where the majority of the foot and bike traffic would go. It is almost complete, but there is a small piece missing. That is why this recommendation 2 was included. His two children are on the swim club at Glenmore and practice from 10 to 11 a.m. He has observed somewhere between 40 and 50 children biking from their homes to the country club area. He would like for the children that move into the Leake section to be able to take their bikes on a path to the country club. He would like the folks from present day Glenmore to be able to take a path to enjoy what is being provided in there. There are basketball courts etc. This is going to make it a lot easier to get to. There was some talk by someone about instead of building a path that they give the money to the Glenmore Homeowner's Association and let them worry about it. He felt that was a terrible idea for Glenmore. He felt that staff has the training and experience to decide what path should or should not go because staff does not have a horse in the race. Finally, he felt that the Glenmore Association can assess the Glenmore Homeowners to build whatever they want. This money that is being provided by the applicant in his view should be spent either to help these people who are moving in or to help the people who live right around them to provide a spoon full of sugar to help the medicine go down. He asked the Commission to repeat what they did on August 21 in regards to the path and demand that the pedestrian loop is completed as the vehicular loop is being completed. He asked that to be kept as a part of the rezoning.

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

Mr. Craddock said that in August, he made the motion for the rezoning with a recommendation for the pedestrian path and loop. But, he said he was the only one that voted against this whole proposal because of the density.

Mr. Craddock made a proposal for approval of the rezoning request.

Mr. Strucko noted that the circumstance has changed. He said he could not support the request because of the proposed density and the fact that the County doesn't have rural preservation policies in place. Even if those policies were in place, he could not support the proposal because there are 34 units that are proposed to be exempted from cash proffers. Therefore, he was going to vote no.

Ms. Joseph noted that she was very disappointed that nothing has been changed according to the Commission's prior recommendation. Therefore, she could not support the request. She felt that the applicant needs to address all of the 110 units within the proffers. She felt that it was important to have the walkway on the side of the street where most of the people are going to be living. The other side is a rural area. It is also important not to place the burden of building that walkway on the people of Glenmore. That is something that staff has recommended and is something that needs to happen there.

Mr. Cannon asked what the normal process is by which an applicant's proposal goes to the Board when approval is recommended based on conditions.

Ms. Echols said that if the applicant responds positively to the Commission's recommendations for changes, then staff covers that in an executive summary out of the staff report and says what has been met or has not been met. If the conditions have all been met, then staff generally recommends approval. If the conditions have not been met, then staff indicates that information in the executive summary. Staff would say that the Planning Commission recommended "this" and the applicant did "that", and therefore staff cannot recommend approval. Usually if changes have not been made by the time the project goes to the Board, then it becomes a Board issue. The applicant has declined to do the things that the Commission has asked them to do at this point.

Mr. Kamptner elaborated that what he has gathered in meetings is that the applicant intends to explain to the Board why they should be entitled to essentially a credit under the cash proffer policy for the lands that are already under the PRD zoning. That is why they have not made the change. They are going to make that presentation to the Board.

Mr. Zobrist seconded Mr. Craddock's recommendation for approval.

Mr. Kamptner asked if that recommendation includes all 3 of the bullet points. Mr. Craddock said that he was not concerned about which side of the road the path would be on, but he had heard other Commissioners state that they desire to carry through on this previous recommendation.

Mr. Morris and Mr. Zobrist supported that the path be moved to the lot side.

Mr. Craddock amended the motion that the path be moved to the lot side.

Mr. Zobrist amended the second.

MOTION: Mr. Craddock moved, Mr. Zobrist seconded for approval of ZMA-2006-00016, Glenmore Leake, for 110 dwelling units subject to the following conditions being met before Board action:

- The applicant shall meet the Board's cash proffer and affordable housing expectations for 110 residential units.
- The plan shall be amended to show a complete pedestrian connection along Farringdon, Carroll Creek Road and Piper Way.
- The applicant shall coordinate asphalt pathway locations so that they are placed on the same side of the street as a majority of the residences;

The motion failed by a vote of 5:2. (Mr. Morris and Mr. Zobrist voted aye.) (Mr. Craddock, Mr. Strucko, Mr. Cannon, Ms. Joseph and Mr. Edgerton voted nay.)

Ms. Joseph said that ZMA-2006-00016, Glenmore Leake would go to the Board of Supervisors on November 14, 2007 with a recommendation for denial based on the applicant's failure to address the conditions recommended at the August 21, 2007 meeting.

ZMA-2007-00014 Liberty Hall Amendment (Sign # 36, 39)

PROPOSAL: Rezone 8.01 acres from NMD Neighborhood Model District - residential (3 - 34 units/acre) mixed with commercial, service and industrial uses) to NMD Neighborhood Model District - residential (3 -

34 units/acre) mixed with commercial, service and industrial uses to amend the proffers to allow for for-lease affordable housing for approved units. No additional dwelling units are proposed.
PROFFERS: Yes
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Crozet Master Plan designates the property CT3 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, and CT4 Urban General: residential (net 4.5 units/acre single family, net 12 units/acre townhouses/apartments, net 18 units/acre mixed use) with supporting uses such as religious institutions and schools and mixed uses including retail/office
ENTRANCE CORRIDOR: Yes
LOCATION: Tax Map 56, Parcels 97A, 97A1, and 97 (only a .833 acre southwest portion of the property as shown on the General Development Plan) along Radford Lane near its intersection with Rockfish Gap Turnpike (Rt. 250 W)
MAGISTERIAL DISTRICT: White Hall
(Rebecca Ragsdale)

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

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

Ms. Long, representative for the applicant Weatherhill Development, said that staff summed up all of the issues very well. It was essentially a technical amendment to the proffers to provide additional flexibility for the affordable housing to be for rent units in addition to for sale units and also to expand the types of units that could be provided as affordable units.

Ms. Joseph asked that they expand the affordable housing proffer so that it includes the option to offer cash in the event that the County prefers cash to a housing unit at the time of site plan approval because a potential buyer has not been found.

Ms. Long replied in the affirmative.

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

The Planning Commission discussed the request and took the following action.

Action on ZMA-2007-00014:

Motion: Mr. Strucko moved, Mr. Morris seconded, for approval of ZMA-2007-00014, Liberty Hall Amendment, as amended, to include the additional proffer language offered by Ms. Long.

The motion passed by a vote of 7:0.

Ms. Joseph stated that ZMA-2007-00014, Liberty Hall Amendment will go before the Board of Supervisors with a recommendation for approval on December 12, 2007.

ZMA-2007-00004 Oakleigh Farm (Sign # 62)
PROPOSAL: Rezone 8.82 acres from R-6 zoning district which allows residential uses and 6 units/acre to NMD - Neighborhood Model zoning district which allows residential mixed with commercial, service and industrial uses and 3 - 34 units/acre. Proposed number of units is 109 for a density of 12.3 units/acre.
PROFFERS: Yes
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Urban Density Residential - residential 6.01-34 units/acre) and supporting uses such as religious institutions, schools, commercial, office and service uses. Neighborhood 1
ENTRANCE CORRIDOR: Yes
LOCATION: 547 Rio Road West (Route 631) directly across the street from Woodburn Road (Route 659)
TAX MAP/PARCEL: TM: 45/P: 26A
MAGISTERIAL DISTRICT: Rio

(Claudette Grant)

Ms. Grant presented a power point presentation and summarized the staff report. (See staff report.)

- This rezoning request is for a property that is located at 547 Rio Road West also known as Route 631. It is directly across the street from Woodburn Road. The purpose of the hearing is to request to rezone 8.82 acres from R-6, Residential to Neighborhood Model District to provide for 109 dwelling units and up to 28,800 square feet of commercial space.

- The Commission held a work session for this project in June of this year. The details of the work session are included in the staff report.

A work session with the Planning Commission was held on June 19, 2007 in order to introduce the Commission to the project, provide an opportunity for public comment and discuss the following issues:

- The appropriateness of the applicant's proposed commercial uses
- The necessity of a buffer to screen the proposal from adjacent properties
- The need to bond trees that are proposed to be retained
- The need to investigate a pedestrian connection to Berkeley subdivision
- The proposed form and massing along Rio Road and the way that form relates to existing structures along Rio.

Since the work session, the applicant decided to provide revisions to the code of development and increase the residential units from 101 to 109. The applicant has agreed to limit the square footage of retail space to 14,400 square feet as requested by the Planning Commission and provide the balance of non-residential space for office use, bringing the total non-residential square footage in this development to 28,000 square feet. The entrance to the site has been reconfigured as requested by the Planning Commission, so that it lines up with Woodburn Rd. During the work session, the slip ramp was discussed as an emergency entrance. The applicant has provided the slip ramp for emergency situations only and the County Engineer is satisfied with this solution. The Commission asked the applicant to discuss the addition of a screening buffer with the adjacent Heritage Hall property owner(s). The revised plan shows an amenity area adjacent to the Heritage Hall property. The applicant has not indicated or provided information regarding a discussion with Heritage Hall about this issue. The Commission also agreed that the applicant should attempt to provide a pedestrian connection to Berkeley by meeting with residents of Berkeley. The applicant has not indicated or provided information regarding a meeting with the residents of Berkeley regarding this issue.

The property is divided into 2 blocks. The 2 buildings fronting on Rio Road will have commercial space on the first level with residential, which is Building A and B. The residential units will be located above. Block 2 will have a variety of residential uses in a park like open space.

WAIVERS

Staff does not have the necessary information regarding the parking calculations in order to determine a recommendation for the parking waiver request. Therefore, the parking waiver request cannot be recommended for approval until the parking calculations are corrected in the Code of Development.

Staff has identified the following factors, which are favorable to this rezoning request:

1. The proposal meets most of the principles of the Neighborhood Model.
2. The applicant is proposing to preserve 39 of the existing mature trees.

The following lists substantive and technical issues, some of which regard the proffers that are still outstanding and unfavorable to this rezoning request:

1. Impacts on public facilities are not appropriately offset through proffers meeting the County's cash proffer policy or the provision of public improvements.

Staff has met with the applicant this week to discuss the staff report. The applicant has agreed to resolve the majority of the outstanding issues. Staff went down the list to inform the Commission of the status of each of the issues. The first issue is still outstanding and staff is in need of guidance from the Planning Commission on.

2. Timing of payment for affordable units needs to be better addressed.

This issue needs to be better addressed. The applicant is in agreement to work on this language in their proffers.

3. The provision of a buffer along the common property line with Heritage Hall needs to be addressed.

This is an issue that the Commission had asked for during the work session. It is still an outstanding issue. Staff will get into more detail about that later in the meeting.

4. The pedestrian connection to Berkeley needs to be addressed.

This issue needs to be addressed. The applicant has indicated that they have had discussions with the residents in Berkley who would be affected by this. Those residents say that they do not wish to have a pedestrian connection to this project.

5. The limitation of square footage for retail vs. office use needs to be clearly stated in the Code of Development and be consistent with the plan and proffer.

This is referred to in various ways within the Code of Development, plan and proffer. Staff is asking that the language be consistent so that it is clearly stated on what the intent of the Planning Commission was during the work session.

6. An easement or agreement allowing the interconnection of adjacent property needs to be provided.

The applicant has indicated a willingness to do this.

7. The proffers need technical revisions.

The proffers do need some technical revisions, which the applicant has agreed to work with staff on.

8. The Code of Development needs technical revisions.

The Code of Development does need some technical revisions.

9. ARB comments need to be addressed.

Some of the ARB comments need to be addressed as well.

The outstanding issue regarding the cash proffer policy is really an issue that needs to be fully discussed at the Board level. During the work session the Commission asked the applicant to discussion the addition of a continuous screening buffer with Heritage Hall. This issue does remain unresolved as mentioned earlier. Staff is okay with or without a buffer. Adding a buffer on the Oakleigh property in this location would require changes to the proposed layout of the site. The applicant is open to ideas.

The applicant has been amenable to changes suggested by staff. If the Commission wishes to recommend approval of this proposal to the Board, staff recommends that this recommendation be based on resolution of the nine (9) outstanding issues listed previously before the Board acts on this rezoning.

The last issue for consideration by the Commission is a private street waiver. Staff has reviewed this and feels that this request meets the requirements of Section 14.2.3.3 of the Zoning Ordinance. Staff recommends approval of the private streets in this rezoning request.

Ms. Joseph invited questions for staff.

Mr. Morris asked on factors unfavorable #3 is it the applicant's responsibility or Heritage Hall to ensure that the buffer is established.

Ms. Grant said that the Commission's request at the work session was for the applicant to talk with the folks at Heritage Hall about providing a buffer. In the case of the work session it seemed that the Commission wanted the applicant to provide some form of a buffer.

Mr. Edgerton asked if the applicant has had a conversation with Heritage Hall.

Ms. Grant replied that she believed that they may have tried to have a discussion with the Heritage Hall folks.

Mr. Edgerton asked how the slimp ramp would be controlled so it would only be used for emergency use. There was a lot of discussion and some concerns expressed about that at the previous work session, but did not see any follow up on it.

Ms. Grant replied that her understanding was that it would pretty much be blocked off. At the time of the work session engineering asked for the slimp ramp to be removed. At that point the applicant agreed to make it just for emergency access. Engineering, VDOT and Fire & Rescue were okay with what is being proposed.

Mr. Edgerton said certainly that may be at a more extensive level of detail than is typically requested at rezoning, but it was enough of an issue that it needs to be addressed at the rezoning level at least with some form of condition.

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

Valerie Long, representative for the applicant, Oakleigh Albemarle, LLC. Others present include: George Ray, principle with Oakleigh Albemarle. LLC as well as three members of Terra Concepts who are handling the project. Also present is David Roseen, with Van Yahres Tree Company – the arborist who will prepare the tree preservation plan. In a power point presentation she walked the Commission through the major components of the project. She pointed out the few minor changes that have been to the plan since the work session. Since that time they have appeared before the Architectural Review Board for an advisory review. It incorporated their suggestions and comments into the plan. The most significant one that the ARB requested was that they remove some of the parking in one area, which they have done, on the ends of the row of parking and supplemented it with additional landscaping. They also have made some technical revisions to the Code or are prepared to do so that was based on their recommendations. That was a significant issue for them. She understood from the Design Planner that the ARB is happy with this change. They have also made a minor change in the alignment of the entrance road into the project so that it aligns with Woodburn Road, which was not the case when they were here at the work session. They worked with VDOT on that and her understanding was that they have vetted that change. Those are essentially the 2 changes to the plan. She presented a picture of the conceptual architecture for the 2 commercial buildings, which was reviewed and approved by the ARB. She asked for favorable consideration from the Commission.

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

Mr. Morris said that a lot of good work has been done and they are moving in the right direction.

The Planning Commission discussed the request and took the following action.

Motion: Mr. Craddock moved, Mr. Zobrist seconded, for denial of ZMA-2007-00004, Oakleigh Farm, as recommended by staff for the reasons stated in the staff report as unfavorable conditions.

Discussion:

Staff noted to the Commission that the applicant had agreed to address the following items that had been identified in the staff report:

1. Timing of payment for affordable units.
2. Provision of an easement to the adjoining property.
3. Making the proffers and Code of Development consistent with regards to limitations on the amount of retail square footage that would be available in the development (14,400 square feet)
4. Correcting wording problems in the proffers.
5. Correcting the Code of Development as requested by staff.

The Commission agreed that the applicant had appropriately addressed the issues related to pedestrian access to Berkeley by contacting the adjoining owners.

Regarding the recommendation for denial, Mr. Cilimberg asked if it was based on the unfavorable factors identified by staff that had not been committed to by the applicant. There were some things that the applicant said at tonight's meeting that they would address. In addition, he asked if the Commission's recommendation was also based on the lack of a provision of affordable units physically located in the project.

Mr. Zobrist asked that Mr. Strucko's concern be added about the fact that there is no policy in place for protecting the rural areas as opposed to the development areas. He does not want to overload the development areas until there is a current policy to protect the rural areas.

Mr. Strucko agreed, but questioned if that was part of the motion or the sediment of the other Commissioners.

Mr. Cannon noted that he felt the same way, but it was not part of his vote on this.

The Commission agreed with Mr. Cilimberg's summary.

The motion for denial passed by a vote of 7:0.

Ms. Joseph stated that ZMA-2007-0004, Oakleigh Farm will go before the Board of Supervisors with a recommendation for denial on December 12, 2007. The recommendation for denial was based on the following reasons:

1. Impacts on public facilities are not appropriately offset through proffers meeting the County's cash proffer policy or the provision of public improvements.
2. The provision of a buffer along the common property line with Heritage Hall had not been provided
3. The lack of affordable units to be physically located in the project.

The Planning Commission took a 10 minute break at 7:26 p.m.

The meeting reconvened at 7:37 p.m.

Work Sessions:

ZMA-2007-00016 Watkins 250 Rezoning
PROPOSAL: Rezone 3.0 acres from R1 - Residential (1 unit/acre)
to HC Highway Commercial which allows commercial and service uses; and residential use by special use permit (15 units/ acre) for a Landscape Contracting business
PROFFERS: No
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: Yes

LOCATION: 5168 Rockfish Gap Turnpike/Route 250 West, east of Radford Lane & adjacent to Clover Lawn
TAX MAP/PARCEL: Tax Map 56, Parcels 107C & 98D
MAGISTERIAL DISTRICT: White Hall
(Rebecca Ragsdale)

In summary, a work session on ZMA-2007-00016, Watkins 250 Rezoning was held by the Planning Commission. In a power point presentation, staff summarized and provided an overview of the applicant's proposal. The Commission reviewed and discussed the proposal, answered the questions posed by staff and made comments and suggestions. The applicant made a power point presentation and addressed the following issues: Taper vs. turn lane; Fence vs cedars; Connection to old 250 and Water and sewer hookup. Public comment was taken. No formal action was taken.

Public comment was received from the following persons:

- Anita Jacobson, an adjoining property owner, noted concerns about the large amount of commercial businesses on adjacent properties. She looks out of her guest room onto the house next door that is being requested to be rezoned for this use. She objected to more commercial property in the immediate area. Unfortunately she was only one of the other 18 home owners present to make that objection. She talked with some of the others and they also object. She asked that this property not be rezoned and be left the way it is.

- Scott Peyton, life long resident of western Albemarle and member of Scenic 250, said that he was deeply sympathetic to Mr. Watkins personal and professional needs. The county needs to step up to the plate and assist him. But, he was opposed to the proposed rezoning because of the visual and traffic impacts on Route 250.

The Planning Commission reviewed and discussed the questions posed by staff and provided the following comments.

1. **Is the proposed use appropriate at this location? What additional uses, if any, should be permitted? (Specific Use - Landscape Service – Home Business)**

The Planning Commission was split on the issue of whether the use is appropriate for a landscape service – home business on this site. Four Commissioners (Mr. Craddock, Mr. Edgerton, Mr. Morris and Mr. Cannon) recommended that that the applicant proceed with the review process and further refine their concept, particularly as it relates to buffering along Rt. 250 and adjacent to the Rural Area and residential uses in Clover Lawn. They also indicated they would want to see the allowable uses under the proposed zoning be restricted to only the use they seek. Traffic impacts were also noted as a concern by the Commission. Three Commissioners (Ms. Joseph, Mr. Zobrist and Mr. Strucko) disagreed with the concept.

2. **Should the applicant be required to connect to public water and sewer?**

The Planning Commission was very concerned about the public water and sewer issue, but could not provide an answer about connecting to public sewer until staff provides additional information. It was noted that a special use permit would be required if they use more than 400 gallons per site acre per day. This is something that needs to be taken into consideration.

The policy is if property is in the development area it should be on public water and sewer. The applicant may choose to use well water for watering landscape material. The cost of hook up fees to public utilities could be a consideration. The applicant did not know the current amount of water his business used daily. The Commission noted that additional information was needed before a decision could be made on this issue.

The Planning Commission expressed the following additional comments and concerns:

- A suggestion was made that this use should be allowed in the Rural Area.

- Concerns were expressed about the traffic impact; interconnection; number of truck deliveries on site, particularly when talking about 18 wheelers and concerns about preservation along Route 250.

- Some Commissioners felt that the buffer as shown on the master plan would be greatly improved with what has been proposed.

- As far as the nursery use it may be a good transition from rural areas to commercial area.

Old Business

Ms. Joseph asked if there was any old business.

- There will be no Planning Commission meeting next week, November 6, as it is Election Day.
- The appeal before BZA for Rio Trucking is on November 13 with Ms. Joseph arguing the case. She asked for assistance from other Commissioners.
- Staff pointed out that the Rural Area Comp Plan implementation priorities do include a look at uses in the rural area. This item will likely be delayed due to the frozen positions in Planning, but ultimately will be pursued.

There being no further old business, the meeting proceeded.

New Business

Ms Joseph asked if there was any new business. There being none, the meeting proceeded.

Adjournment

With no further items, the meeting adjourned at 9:08 p.m. to the Tuesday, November 13, 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 C. Taylor, Recording Secretary)