Albemarle County Planning Commission
January 22, 2008

The Albemarle County Planning Commission held a meeting, work session and a public hearing on Tuesday, January 22, 2008, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Marcia Joseph, Thomas Loach, Jon Cannon, Vice Chairman; Linda Porterfield, Eric Strucko and Calvin Morris, Chairman. Bill Edgerton was absent. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was absent.

Other officials present were Bill Fritz, Chief of Community Development; Megan Yaniglos, Planner; Jack Kelsey, Transportation Engineer, Wayne Cilimberg, Director of Planning; Rebecca Ragsdale, Senior Planner and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

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

Review of Board of Supervisors Meeting – January 16, 2008.

Mr. Cilimberg summarized the actions taken by the Board of Supervisors on January 16, 2008.

Other Matters Not Listed on the Agenda from the Public:

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

Items Requesting Deferral:

SUB-2007-000257 PJ Land Trust
The request is for preliminary subdivision plat approval to create 3 lots on 165.144 acres; associated with this request are requests for waivers to allow access to these lots via multiple private streets, including a waiver of the standards that would otherwise be required of these streets, and a waiver to allow this subdivision to gain access from more than one street. The property, described as Tax Map 43 - Parcel 18D is located in the Samuel Miller Magisterial District on an existing private street Catlin Road approximately 0.8 miles southeast of the intersection with Owensville Road [Route 676]. The Comprehensive Plan designates this parcel as Rural Areas in Rural Area 1. (Megan Yaniglos) ***APPLICANT REQUESTS DEFERRAL TO MARCH 11, 2008.***

Mr. Morris said that this is an item which has been requested by the applicant to be deferred to March 11, 2008.

Motion: Ms. Joseph moved, Mr. Loach seconded to approve the applicant's request for deferral of SUB-2007-000257, PJ Land Trust to March 11, 2008.

The motion passed by a vote of 6:0. (Mr. Edgerton was absent.)

Regular Items:

SUB-2007-00120 Pounding Branch II
The request is for preliminary subdivision plat approval to create 15 lots (14 development lots and one (1) preservation lot) as a Rural Preservation Development on 245.29 acres. The property, described as Tax Map 72 - Parcel 54 (portion) and Parcel 32A (portion), is located in the Samuel Miller Magisterial District on Dick Woods Road [Route 637] and Pounding Creek Road [Route 689] approximately .53 miles east of

the intersection with Miller School Road [Route 635]. The Comprehensive Plan designates this property as Rural Areas in Rural Area 3. (Megan Yaniglos)

AND

SUB-2007-00135 Pounding Branch III

The request is for preliminary subdivision plat approval to create 20 lots [18 development lots and two (2) preservation lots] as a Rural Preservation Development on 299.1 acres. The property, described as Tax Map 72 - Parcel 52 and Parcel 36B, is located in the Samuel Miller Magisterial District on Dick Woods Road [Route 637] approximately .07 miles [422 feet] northeast of the intersection with Pounding Creek Road [Route 689]. The Comprehensive Plan designates Parcel 52 and Parcel 36B as Rural Areas in Rural Area 3. (Megan Yaniglos)

Ms. Yaniglos presented a power-point presentation and summarized the staff report. (See Staff Report)

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

Ms. Joseph asked who the program authority would be.

Mr. Fritz replied it was the county engineer.

Ms. Joseph noted that in the staff report there is a paragraph in each of them that references the fact that the by-right subdivision that was shown could not be approved by the program authority now. She asked what has changed since October and now.

Mr. Fritz replied that there was a much more refined interpretation of the ordinance about when a mitigation plan may or may not be approved. It discusses when there are reasonable alternatives. The simple crossing of a stream so that a house could be built on the other side of the stream use to be considered allowing reasonable use of the land. The program authority (county engineer) has now determined that there are two building sites with one on the side of the stream and the other on the far side of the stream that they would have reasonable use of the land without crossing the stream, and therefore the mitigation plan does not have to be granted.

Ms. Joseph said that the statement is that the by-right plan that was shown for both of these could not be approved today.

Mr. Fritz replied that under the current interpretation that is correct. The program authority would not be able to state to us that the conventional plan was a realistic division that could occur without waivers, modifications or some other action occurring. At the time the original project was brought to the Commission in October that was not the interpretation that was made. At that time staff was of the opinion that the conventional layout was reasonable and the number of lots was no greater and that the conventional layout would work. There has been a modification in how the ordinance has been applied. Staff is trying to provide the Commission with both of those bits of information. On the day the Commission heard this back in October if the layout had been as currently proposed staff would probably have been recommending approval. Staff would assume there would have been an approval because it is staff's opinion that the applicant has addressed the concerns that the Commission had. There has been a change since then. They have addressed the Commission's concerns, but if this were a fresh case all things being equal staff would be recommending denial because there are more lots than could otherwise be achieved through conventional development. In other words, this one is coming to them not completely clean.

Ms. Joseph asked staff to clarify the by-right development that they have shown is not, but staff does not know that they could not come up with another by-right development that could give as many lots.

Mr. Fritz said that it was fair to say that they probably could not come up with the same number of lots. But, in all fairness there has been no alternative that has been proposed and staff cannot confirm that it is not completely impossible.

Ms. Joseph asked when the applicant found out about this new interpretation.

Mr. Yaniglos replied that it was made at the end of October. Since then Pounding Branch IV was brought to the Commission on December 18 under the new interpretation, which was denied because of that.

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

Justin Shimp, representative for the applicant, echoed what county staff said that he did. He followed the specific outline of the subdivision ordinance, brought in the plan and received the Commission's feedback and recommendations in their denial letter and addressed those mainly by shrinking the lots significantly to reduce the impact on the critical slopes. That letter did not address the by-right plan. At the site review meeting or the first meeting there was no comment about a by-right plan. Therefore, he was surprised to see that a few weeks ago. He actually experienced this change in policy back in June. It was before the October 2 meeting when he had a different project where the program authority had informed that he could not disturb the stream buffers. With that in place there was still no comment or no action taken at the October 2 meeting based on the by-right plan. Essentially, he had taken the Commission's feedback and come back with a plan that addresses that. He asked that the Commission take action and approve the plan based on that.

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

Action on SUB-2007-00120, Pounding Branch Phase II and Waiver:

Motion: Mr. Cannon moved, Ms. Joseph seconded, for approval of SUB-2007-00120, Pounding Branch Phase II to include the waiver to accommodate an additional entrance from the preservation lot #15 onto the existing public street with staff's conditions as recommended in the staff report.

1. The plat shall be subject to the requirements of Section 14-303 [Contents of final plat], as identified on the "Final Subdivision Checklist" which is available from the Department of Planning and Community Development;
2. Prior to final plat submittal, address all minimum requirements from Design Manual Section 905, Final Subdivision Plat.
3. Road name approval by E-911 review for all proposed roads.
4. VDOT approval for all public roads and entrances, including road and drainage plans including drainage calculations and improvements to the intersections / connections to Dick Woods Road (Rte. 637). Subdivision plans need to be designed in accordance with VDOT's current Subdivision Street Requirements and the Road Design Manual. All commercial entrances and street connections must meet the minimum requirements as described in the Minimum Standards of Entrances to State Highways.
5. Development for Lot 15 shall be limited to the building site location shown on the plan.
6. Health Department approval for drainfields.
7. Public Recreational Facilities Authority acceptance of easement for preservation lot.

The motion passed by a vote of 5:1. (Mr. Strucko voted nay.) (Mr. Cannon, Ms. Joseph, Ms. Porterfield, Mr. Morris and Mr. Loach voted aye.) (Mr. Edgerton was absent.)

Mr. Morris stated that SUB-2007-00120, Pounding Branch Phase II and associated waivers was approved.

Discussion on Action on SUB-2007-00135, Pounding Branch Phase III and Waiver:

Ms. Yaniglos pointed out that for this phase it appears that the applicant could redesign the lots so that a Section 14-404 waiver would not be required.

Mr. Cannon asked if staff was saying that the waiver may not be necessary for Pounding Branch Phase III, and Ms. Yaniglos replied that was correct if they can redesign.

Mr. Cannon asked if they could redesign and meet the other conditions, and Ms. Yaniglos replied that it appears that they could.

Mr. Morris noted that the waiver was still before the Commission and has to be acted upon, and Ms. Yaniglos replied that was correct.

Ms. Joseph suggested that the Commission separate the two actions.

Action on SUB-2007-00135, Pounding Branch Phase III:

Motion: Ms. Joseph moved, Ms. Porterfield seconded, to approve SUB-2007-00135, Pounding Branch Phase III with the conditions recommended by staff.

1 The plat shall be subject to the requirements of Section 14-303 [Contents of final plat], as identified on the "Final Subdivision Checklist" which is available from the Department of Planning and Community Development;
2. Prior to final plat submittal, address all minimum requirements from Design Manual Section 905, Final Subdivision Plat.
3. Road name approval by E-911 review for all proposed roads.
4. VDOT approval for all public roads and entrances, including road and drainage plans including drainage calculations and improvements to the intersections / connections to Rte. 637. Subdivision plans need to be designed in accordance with VDOT's current Subdivision Street Requirements and the Road Design Manual. All commercial entrances and street connections must meet the minimum requirements as described in the Minimum Standards of Entrances to State Highways.
5. Health Department approval for drain fields.
6. Public Recreational Facilities Authority acceptance of easement for preservation lot.
7. VDOT approval of site distance and entrance onto Dick Woods Road for Lot 21.

The motion for approval passed by a vote of 5:1. (Mr. Strucko voted nay.) (Mr. Edgerton was absen*t.)*

Motion on Waiver for Section 14-404 for SUB-2007-00135, Pounding Branch Phase III:

Ms. Yaniglos noted that staff's recommendation was for denial because they wanted the applicant to move the property line so that they could put in the building site without crossing the critical slopes.

Motion: Ms. Joseph, Mr. Cannon seconded, to deny the 14-404 waiver request for SUB-2007-135, Pounding Branch Phase III preliminary plat because of the discussion with the planner concerning moving the property line to allow them to have the building site without crossing critical slopes or the stream.

Ms. Yaniglos pointed out that one of the conditions recommended for the rural preservation was VDOT approval for the sight distance and entrance for lot 21 if they granted the 14-404 wavier. That condition would no longer be valid due to the Commission's denial of the 14-404 waiver, which was condition 7.

Mr. Fritz noted that if the Commission denied the motion for the 14-404 waiver, then they need to go back and amend their prior action on the subdivision to drop condition 7.

Mr. Kamptner said that there needs to be a substitute condition that would require that the rural preservation lot be reconfigured.

Mr. Fritz said that he did not think that they would need to do that. If the waiver is denied, it would automatically have to be reconfigured in some way.

Mr. Kamptner suggested that the Commission proceed with the waiver and then they could go back and reconsider its action on the plan.

The motion passed by a vote of 6:0. (Mr. Edgerton was absent.)

Mr. Fritz noted that the impact of the Commission's denial of the waiver makes condition 7 of the approved subdivision need to be amended.

Ms. Joseph asked if it would affect the whole subdivision if they have to change the property lines.

Mr. Fritz said that if the changes were substantial staff would have to bring the final back to the Commission.

Mr. Kamptner noted that this was just a preliminary plat. Therefore, there is some latitude for the applicant to make some adjustments. First, they need a motion to reconsider the action on the plat.

Motion to Reconsider SUB-2007-00135 Pounding Branch III:

Motion: Ms. Joseph moved, Ms. Porterfield seconded, to reconsider SUB-2007-00135, Pounding Branch Phase III.

The motion passed by a vote of 6:0. (Mr. Edgerton was absent.)

Mr. Morris asked for a motion to consider the plat itself.

Action on Reconsideration of SUB-2007-00135, Pounding Branch Phase III:

Motion: Ms. Joseph moved, Ms. Cannon seconded, to approve SUB-2007-00135, Pounding Branch Phase III with the conditions 1 through 6 as noted in the staff report.

1. The plat shall be subject to the requirements of Section 14-303 [Contents of final plat], as identified on the "Final Subdivision Checklist" which is available from the Department of Planning and Community Development;
2. Prior to final plat submittal, address all minimum requirements from Design Manual Section 905, Final Subdivision Plat.
3. Road name approval by E-911 review for all proposed roads.
4. VDOT approval for all public roads and entrances, including road and drainage plans including drainage calculations and improvements to the intersections / connections to Rte. 637. Subdivision plans need to be designed in accordance with VDOT's current Subdivision Street Requirements and the Road Design Manual. All commercial entrances and street connections must meet the minimum requirements as described in the Minimum Standards of Entrances to State Highways.
5. Health Department approval for drain fields.
6. Public Recreational Facilities Authority acceptance of easement for preservation lot.

The motion passed by a vote of 5:1. (Mr. Strucko voted nay.) (Mr. Edgerton was absent.)

Mr. Morris stated that SUB-2007-00135, Pounding Branch Phase III was approved.

Public Hearing Items:

ZMA-2007-00011 Patterson Subdivision (Sign # 43 & 61)
PROPOSAL: Rezone 3.52 acres from R1 - Residential (1 unit/acre)
to R6 - Residential (6 units/acre) to allow for up to 15 dwelling units.
PROFFERS: Yes
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Community of Crozet; CT-3 Urban Edge: single family residential (net 3.5-6.5 units/acre) supporting uses such as religious institutions and schools and other small-scale non-residential uses
ENTRANCE CORRIDOR: No
LOCATION: Between Lanetown Road and Lanetown Way approximately 400 yards from the intersection of Mint Springs Road, Lanetown Road, and Railroad Avenue.
TAX MAP/PARCEL: Tax Map 55, Parcel 63 MAGISTERIAL DISTRICT: White Hall

Rebecca Ragsdale)
REFERRED BACK TO THE PLANNING COMMISSION BY THE BOARD OF SUPERVISORS ON DECEMBER 12, 2007.

Mr. Ragsdale presented a PowerPoint presentation and summarized that staff report. (See Staff Report)

The request was before the Planning Commission as a public hearing where they recommended denial in October. It went on to the Board of Supervisors with the applicant's making revisions to the plan and proffers to address the outstanding items that led to that recommendation for denial. At the Board meeting it was referred back to the Commission on December 12, 2007. The request is before the Commission this evening.

- The applicant is proposing 12 single-family units which would be allowed as single-family attached units. It has been revised from 14 to 12 units since the Commission last saw the proposal.
- Previously the applicant proposed a public park component within the project. Currently there is no green recommendation or park recommendation proposed for the property proposed for rezoning.
- At the October meeting the Planning Commission recommended denial. That recommendation was based on cash proffers that did not meet the Board's policy on proffers to mitigate impacts associated with developments. It was unclear as to what the intent of one of the affordable housing proffers was. The applicant was also proposing affordable accessory units which would add to the density of the project, which are no longer proposed.
- There was the open space dedication, as mentioned earlier. Staff noted that the concept plan in this case is not a proffered plan. The applicant has made commitments to limiting the number and types of units to those four attached units on the property.
- Also, in the discussion the Commission noted that the proposed layout was not sympathetic to the adjoining neighborhood. There were concerns with the density in this location in the Crozet Development area. There were some comments on the submittal materials and the information on the concept plan. There were some concerns regarding the infrastructure capacity in that area.
- The revised concept plan was submitted and reviewed by staff in advance of that December board meeting. It shows the revised lot layout of 12 lots with the stormwater management biofilters located adjacent to Lanetown road. Lanetown Way comes in off of Lanetown Road through Gray Rock. The applicant has now provided for an urban street section with sidewalks and curb and gutter on both sides that meet the Subdivision Ordinance requirements. They also have provided for an interconnection to the adjoining property. The street will now end in a cul-de-sac and there is no longer a park component to the project. Based on the number of units provided, which are conventional single-family lots under the R-6 zoning, there are no recreational requirements. This is not a proffered plan, but the applicant has done some more analysis in terms of stormwater management and provided additional information. Staff did not recommend the proffered concept plan in this case given the characteristics of the site.
- The revised proffers now address the County's guidelines for affordable housing and the cash proffer based on unit types. The affordable housing proffer provides for the minimum 15 percent of the total number of units proposed as affordable. The applicant has provided the option of either providing two units as affordable or providing one unit and cash in lieu of the unit for the other fraction. The math works out that 15 percent is 1.8 units.
- In summary, the rezoning is now consistent with the guidelines for density in the Crozet Master Plan that it not exceed a net density for this property of 4.5 dwelling units per acre. The applicant has provided for cash impacts to public facilities as mentioned through cash proffers. The applicant has provided affordable housing.
- As far as unfavorable factors staff noted that the applicant's concept plan was not being proffered.
- Related to the Crozet Master Plan recommendations, it was also raised as a concern from the adjoining neighborhood association of Gray Rock, who has supplied input on this rezoning, that there is a Master Plan recommendation for CT-3 areas that the average lot size not exceed 10,000 square feet. In this case the applicant is just under that in the ranges indicated in the staff

report. But, as noted in the report staff's preference is that the stormwater areas be located outside of the lots. So that is attributed to the average lot size in this proposal.

- Staff believes that the applicant has addressed all of the items that related to the recommendation for denial. Should the Commission recommend approval, staff would recommend approval with the attached proffers in the packet.

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

Mr. Loach said that in the staff report on page four staff correctly identifies this area as a hamlet and on page five she correctly identifies it as an edge designation. However, when he looks at the Crozet Master Plan under the land use and places under the edge treatment the edge is actually a CT-1 and CT-2 in the Master Plan. On the summary list it says very restrictive development area of open space preserved/reserved with very low residential. Then in residential building types it says CT-2 only. It looks like they have an edge hamlet, but she applied the general CT-3 residential numbers to it.

Ms. Ragsdale said that the Crozet Master Plan place type and built infrastructure map shows the property as CT-3. This hamlet is shown as the primary designation for that property and it goes all the way to the edge of the development area.

Mr. Loach assumed that is why it is called the edge. He felt that what should apply to this on the edge is what was intended in the Crozet Master Plan, which is the edge classification; and, therefore the residential building types there.

Ms. Ragsdale said that in the tables within the Crozet Master Plan land use and place types it does indicate that the edge of the hamlet is CT-1 and CT-2. Looking carefully at the maps there is a sliver of that green running along that road, which is the ultimate edge of the property. In this case within the hamlet area is called the general area. The Master Plan organizes each of the colors and then either calls it a center, edge or a general area based on the place type whether it is a hamlet or a neighborhood. So in this case Mr. Loach is right that this yellow area or CT-3 is called the general land use designation. Then there is the sliver that is the edge within the transect.

Mr. Loach asked to back it up with what is the textural context of the Crozet Master Plan, which says that most of the periphery of the Crozet development area is recommended for the lowest density of development consistent with the Rural Area designation in the Comprehensive Plan. That is how the Master Plan says that we should treat these edge areas. But, that is his interpretation.

Mr. Cilimberg noted what they actually have involved with this property are two of the three designations within the hamlet. The yellow is general and covers a large part of the site. The edge was along Lanetown Road. Also, to the east of that is a center designation. So in this area they have center, general and edge. So depending on which parts of the property they are looking at they have a different designation in the plan.

Mr. Cannon asked if there is a way in which the edge designation for the fringe along the property is reflected in the proposal or the way they have responded to the proposal.

Mr. Cilimberg said that it was the biofilters area.

Ms. Ragsdale replied yes, that previously it was the park component to respond to that edge. The existing plan now shows the biofilters area.

Mr. Cannon asked if the biofilter would be an appropriate use for a very restrictive edge CT-1 or CT-2.

Ms. Ragsdale replied that it does provide green space adjacent to the rural area edge.

Mr. Cilimberg recalled that they had a similar situation with Blue Ridge Co-Housing where they had a couple of different designations within their property. Part of their property was CT-3 and edge adjacent to the rural area. That was another case where they dealt with a couple of different designations within the

one property. There were issues and concerns about how the development was treating those different areas. He recalled that the Commission and ultimately the Board recommended that they provide an internalized development in the area that was CT-3 and preserved

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

Cliff Fox, representative for the Pattersons, said that they came before the Planning Commission and had a lot of environmental components integrated into the first plan. But, when they did not meet the cash proffer policy he felt like the door was closed. There were comments like the prior development plan was not sensitive to the neighborhood. In response to come of those concerns, they have tried to stretch the lots to their largest size. Gray Rock North is concerned about the impact of smaller housing around them. They created the interconnection to the adjacent parcel. They addressed the concerns for stormwater management. They have looked at ways to try to find an alternative access because the Gray Rock North folks have been very concerned about the additional traffic coming into the site. He had one alternative plan that is not in front of the Commission right now, which would essentially create two driveways off of Lanetown Way and the main access off of Landtown Road. VDOT has looked at that preliminarily. It has not been reviewed by the county. They are trying to be sympathetic with the adjacent owners. One of the problems with that alternative access is that it would require a site easement. They have not been able to create a site easement across the three properties to the west with the adjacent neighbors to date. There has been a lot of confusion about the interpretation of what this property is in the master plan. This is the second meeting that he had been where there has been confusion about it. He felt that it is CT-3 in a hamlet as the staff has currently interpreted it.

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

Ms. Joseph asked if there was any reason why they don't want to proffer the plan.

Mr. Fox replied that they have not engineered it. If he proffered the plan, it means that he has to abide by every lot line. If it is in general accord, he would be happy to proffer the biofilter areas, the general alignment of the road and the interconnection. They have already proffered the number of lots. As staff said up to four attached units, but they would be happy with two or one duplex and ten single-family detached units. He felt that would be more sympathetic to Gray Rock North because they are concerned with how the house pricing in this area would affect their values.

Ms. Porterfield said that there is no information on how to handle the parking. She asked are there going to be garages for all of the units.

Mr. Fox replied that the plan is that there would be garages. The lots are generally 72' wide. The fire flow test on the hydrants has been done. There is plenty of pressure and fire flow with residual 20 PSI. The hydrants are in the system to allow for a reduction of side setbacks to 10'. That is the existing setback in Gray Rock North. Therefore, they could provide one or two car garages. They would not want to proffer that. The general guideline for garages is that they need to be 25 percent behind the actual façade so that they diminish that aesthetic.

Ms. Porterfield said that if they end up with a single car garage where would they park the remaining automobiles. She asked if this would be on-street parking or would he create parking areas on each of the lots.

Mr. Fox replied that they would park the cars just like they do in Gray Rock North in the driveway or on the street. The street is a 28' section right now, which allows on-street parking.

Mr. Morris invited public comment.

Mike Bend, resident of Gray Rock North and a member of the Homeowner's Association, asked to answer the last question. All but one of the 26 homes in Gray Rock North is two-car garages. As a Homeowner's Association they prohibit on-street parking because they don't have any sidewalks or gutters. There is an exception for temporary visits and things like that. There are many members of their community present

that are concerned about how the Patterson property is developed. They submitted a letter at the previous meeting that addressed three concerns. Two of the three issues are still germane. Specifically, they don't feel that the density of the proposal is quite right for this property. They are concerned with the traffic, drainage and stormwater management potentially going into the Gray Rock ponds. They are not sure where the stormwater will go. All of the lots in Gray Rock are over 12,000 square feet in size. He concurred personally with the Crozet Master Plan for CT-3 hamlet, but that does call for a 10,000 square feet lot average. Also, within the designation in the general section of a hamlet definition it says that 50 percent of the land and area is dedicated to open space either preserved or reserved. He did not know how that was judged as far as what is open and what is considered developed. But, the biofilters should be counted one way or the other towards lot size or open space. In short, they think that R-6 is still too dense and does not comply with the Crozet Master Plan in this transitional area on the edge of Crozet. They think that R-4 might be more appropriate. On Lanetown Way they have no sidewalks. This may become part of a greater access and greenway through the Albemarle County Parks and Rec up to Mint Springs. He felt that there would only be more people walking on this stretch of road that does not have sidewalks. With that potential interconnection spur there the development as proposed will have at least 12 more single family homes. They would like to see the applicant continue to work the plans towards access from Lanetown Road. Regarding drainage and run off, he noted that they are concerned that they own the ponds, but don't understand environmental impacts as a new homeowner's association of how they are going to deal with maintaining them. So they would like to make sure that there is no additional run off going into those ponds. If the lot density were decreased, the entrance was readdressed from Lanetown Road and they could be assured that there was no additional water; most of the residents of Gray Rock North would probably not be as weary about this plan as they are now.

Cynthia Arnold, resident of Lanetown Road for 24 years, said that it would be a big mistake to make another entrance off Lanetown Road. It is a very dangerous road. There are ten car trips considered per day for each home. Therefore, there would be a lot of car trips added to that little road. She suggested that adding a yellow line to the road like was done on Half Mile Branch might help some.

Rob Patterson, resident of Gray Rock North and former member of the association, said that there has been some talk by the developer that the real value that they are placing on this is the value of home. Although that may be one of the variables they are looking at, what they are really talking about is the safety of their children. There are 28 children at home under the age of ten. They have no sidewalks in Gray Rock North. Lanetown Road is a very small street. He encouraged each Commissioner to drive out to Crozet and see what kind of road they are talking about. Lanetown Way is a subdivision street, which is occupied by several children. It is already hard for them to control the speed of the cars that come into the development. He asked that they consider what impacts the proposed plan would have on the traffic into their subdivision. It would be a great increase in traffic, particularly with an entrance going into the proposed plan from Lanetown Way.

Ernie Morris, a neighbor, said that in his dealings with Gray Rock one of the things he found out was that developers did not consider the neighbors too much when they designed the stormwater runoff. They would run ditches right to the property line and let the water continue to flow onto someone else's land. He did not know how it would be done here, but they also have ditches going out to the end of the property line discontinuing. It looks like the stormwater needs to be addressed before the issue can be approved.

Patty Perks said that her main concern is a lack of commitment to the environment and its protection. The homeowners put in a lot of volunteer time, labor and money managing the trails that currently exist and how to rescue the ponds from what is going on. It is an active process and needs active input. If they weigh the net effect of this development as it is proposed on the environment, she was not convinced that it won't be more negative than positive.

There being no further public comment, Mr. Morris invited the applicant back for a rebuttal.

Mr. Fox said that the master plan in regards to the lot size says that in a hamlet that the average lot size would be 10,000 square feet. The average lot size in Gray Rock is over 12,000 square feet. The average lot size in this development is around 8,800 square feet. They are closer to the respected

proposed average lot size than Gray Rock. From a land use efficiency point of view and looking at the two developments together they are about on target. In the staff report he believed that it says that the biofilter designated areas are in excess of what would be required to manage the stormwater. So he thought that they have addressed that issue. They have to take the county and VDOT's guidance on the roads. He did not know how else to address that.

Mr. Morris closed the public hearing to bring the matter before the Commission for discussion and action.

Mr. Loach pointed out that his reading of the Crozet Master Plan is very clear. The Master Plan says that on the periphery it should be treated with the lowest density. It should be treated almost similar to the rural designation. He asked if the benefit of this development overrides the risk of the extra vehicle trips on Lanetown Road. Lanetown Road is a very narrow road, which empties into Three Mile Branch Road that is a worse road. There is an edge treatment that is applicable that is CT-1 and CT-2. He did not think they could compare this with Gray Rock North, which was approved prior to the adoption of the master plan. That is one of the reasons why Gray Rock North does not have sidewalks. Now sidewalks are required in Crozet. He could not support the rezoning due to the concerns he just expressed and that the proposal does not meet the master plan.

Mr. Strucko agreed with Mr. Loach. He has driven an ambulance down that road at night and it is a tough road.

Ms. Joseph said that it is CT-3, which allows certain things. But, she felt that the applicant is pushing the size of these lots. The lots need to be 10,000 square feet. The biofilters may be able to expand a little more on Lanetown Road so that they continue with a large area that is green space before getting to the back yards of some of the lots. She felt that the applicant was close, but not quite where he needs to be. She felt that for any rezoning that there needs to be a clear message that sidewalks will go in when the road goes into. She would hate to see this neighborhood developed and then have the road come in and then the sidewalks come in later. The public needs to know that the sidewalks are going to be there. Also, the lots need to be larger.

Ms. Porterfield agreed with Ms. Joseph that the lots should be 10,000 square feet. That will also help with the density issues that were brought up previously.

Mr. Cannon agreed. There is intended to be some development here. It is a fair interpretation of the plan to say it should not be as intense. He felt that Ms. Joseph's statement seemed fair.

Ms. Joseph invited Mr. Fox to address the Commission.

Mr. Fox said that if the minimum lot size is 10,000 square feet, they will reduce the density to meet that requirement.

Ms. Joseph said that she was hearing some concern about the character of Lanetown Road. She asked if he could beef up the biofilters.

Mr. Fox said that they will expand the biofilter and in context will probably lose one or two lots to get to the 10,000 square foot average. So they will rearticulate the biofilters along Lanetown Road so that it reasonably resembles the green CT-1 or CT-2 as identified in the Crozet Master Plan.

Mr. Strucko asked if the number of lots would go from 12 to ten.

Mr. Fox replied it would be whatever they can get on there and maintain the lot size. The biofilters will stretch the entire length of Lanetown Road.

Mr. Morris voiced concern about the conflict of the interpretation of the Crozet Master Plan and that the Commission could possibly end up taking an action that might be contrary to what the developers of the Crozet Master Plan worked so hard to come up with. That was his primary concern on this.

Mr. Loach pointed out that what he read from the master plan is what should be done. The master plan shows what should be considered to be built on the property, which would be his criteria.

Ms. Joseph suggested that the biofilter be made deep enough so that there is some sort of buffer between Lanetown Road and where this development begins. But, it is real hard to ignore the yellow on there that allows for a certain density. That is what she was having trouble with. This whole area has been designated a hamlet. The yellow area allows a certain density and there is the pink color next to it, which is a center.

Mr. Loach said that it is pink, but they would not call Gray Rock North a center. There are a lot of colors that are conceptual. It is very clear that it is an edge and should be treated as an edge.

Mr. Cannon noted that it was an interpretation problem. He asked Mr. Loach if under his interpretation of the plan is there really no development that could take place on this parcel except what is already there or a replacement for that.

Mr. Loach replied no, that he believed under the by right with the density bonus it would be more than the one house that is there now.

Mr. Strucko noted that it was 3.5 acres.

Mr. Cannon said basically the plan is the current zoning and the plan did not anticipate anything other than the zoning that existed at the time that the plan was adopted.

Mr. Loach replied yes, that his view was that the 3.52 acres would allow five dwellings. He would not argue with that. But, he would like to see the road be maintained as a rural road the way it is now.

Mr. Cannon reiterated that his interpretation is that the existing zoning itself is not really consistent with what the master plan contemplated.

Mr. Loach said that there is a difference in the way it is described in the colors.

Mr. Cannon asked if they have a protocol for interpreting the master plan. He asked if the master plan text trumps the colors or is it up to the Commission to figure that out.

Mr. Strucko said that the maps have always been conceptual. It is the text.

Mr. Kamptner said that he wanted to look at the master plan itself to see if it gives any guidance. The maps that are associated with the Comprehensive Plans and master plans are generally as Mr. Strucko said conceptual in nature.

Ms. Porterfield invited the applicant to address the Commission.

Mr. Fox said that he had been before the Commission and worked on many properties in the Crozet growth area. He attended a lot of DISC meetings in the creation of the Neighborhood Model. He participated in the Crozet Master Plan from beginning to end. In prior rezoning applications the Commission and Board looked at the color and interpret the utility of the land in relationship to that color. There are two colors on the Patterson property. There is the slivered edge along Lanetown Road and the yellow CT-3 within the context of the hamlet.

Ms. Porterfield asked if the request could be deferred to the next meeting so the Commission could look at the applicant's revised plan with less density as discussed.

Ms. Joseph said that the applicant has to request a deferral.

Mr. Morris said that it could be put in as part of the motion.

Mr. Kamptner said that the Commission might have more time with the rezoning because this has gone on to the Board and at the applicant's request it was referred back. It puts the Commission's work in the Board's one year review period as opposed to the usual 90 day period.

Mr. Morris reiterated Mr. Kamptner's response to the question that it could be the applicant requesting the deferral or if someone makes a motion to include the reduction from 12 to ten lots and pushes back additional space for biofilters.

Mr. Strucko noted that they could move for denial.

Mr. Kamptner agreed that the Commission had all of those options.

Mr. Cilimberg noted that the applicant does not have to request a deferral if the Commission wants to see what they would do with their plan. The Commission could actually act to defer as long as they were not running up against the 12 months. That would mean that the applicant would have to come back with a revised plan. That is another option.

Ms. Joseph noted that in the past the Commission has given a list to the applicant to change before going to the Board. But, many times those items have not changed. Therefore, she would be interested in deferring this item.

Ms. Porterfield agreed that the Commission should look at the new plan.

Mr. Loach felt that the best way to handle this situation was by a motion for denial.

Motion: Mr. Loach moved, Mr. Strucko seconded, to deny ZMA-2007-00011, Patterson Subdivision based on the following reasons:

- The proposed density was not appropriate, based on the Crozet Master Plan's recommendations for the edge areas of the Crozet Development Area.
- Concern about adding additional traffic to Lanetown Road and Lanetown Way.

The motion for denial passed by a vote of 4:2. (Mr. Loach, Mr. Strucko, Mr. Morris and Mr. Cannon voted aye.) (Ms. Joseph and Ms. Porterfield voted nay.) (Mr. Edgerton was absent.).

Some Commissioners believed the applicant should have the opportunity to defer to address the items of concern to the Commission. In discussion, some agreed that the proposal should meet the 10,000 square foot average lot size recommendation of the Crozet Master Plan CT3 hamlet land use designation, thereby reducing the overall density of the project, that the biofilter/greenspace area adjacent to Lanetown Way should be increased, and that new streets to serve the proposed development should include sidewalks.

Mr. Morris stated that ZMA-2007-00011 Patterson Subdivision was recommended for denial. The request will go before the Board of Supervisors on March 19, 2008.

The Planning Commission took a ten minute break at 7:58 p.m.

The meeting reconvened at 8:10 p.m.

ZMA-2007-00016 Watkins Route 250 Rezoning (Sign # 95)
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)
DEFERRED FROM THE DECEMBER 11 PLANNING COMMISSION MEETING.

AND

SP-2007-00060 Watkins 250 Outdoor Storage (Sign # 95)
PROPOSAL: Request to allow outdoor storage of nursery stock and plant materials associated with a landscape contracting business in the Entrance Corridor.
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
SECTION: Section 30.6.3.2.B Outdoor storage, display and/or sales serving or associated with permitted uses, any portion of which would be visible from an EC street
ZONING: Proposed rezoning 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)
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)

Mr. Morris noted that the Commission would hear both items at one time, but take separate actions.

Mr. Ragsdale presented a power point presentation and summarized that staff report. (See staff report)

- The applicant is requesting to rezone three acres for a landscape contracting business. Along with the rezoning is a request for a waiver of the buffer/screening requirements and a site plan waiver request.
- This item has been before the Commission twice. First, it was before the Commission for a work session in October and then a public hearing on the rezoning was held in December. At that time they did not have the special use permit application before them properly advertised for a public hearing to be held on that. This is a public hearing on both items this evening and a requested action on all of the waivers. Then this item would go on to the Board for March 12.
- This is a proposal for a landscape contracting business located in the Crozet development area. The property is located on the edge of the development area and the rural areas designated CT-3 in the Master Plan, but within a Neighborhood. It is zoned R-1, Residential. In order for the landscaping business to be permitted the applicant is requesting to rezone to Highway Commercial with proffers to restrict the uses other than the landscaping business. It is located along the Entrance Corridor. Since the applicant stores plants and mulch and related items outside along the Entrance Corridor as proposed it would require a special use permit within the Entrance Corridor.
- She presented photographs of the existing business. The applicant has conducted the business in a location in the rural areas on Route 20 South towards Scottsville. But, this is not a use that is allowed in the rural areas zoning district. So the applicant is seeking a site that is properly zoned.
- At the October work session there was a mixed opinion as to whether the use was appropriate for the site. But, the majority of the Commission agreed that the applicant should continue the review process and refine their concept to address buffering along Route 250 and against adjoining properties, to restrict allowable land uses and to provide more information regarding traffic impacts and public concerns.
- There was some confusion at the public hearing in December as to whether the applicant wanted to defer or not. So staff did not have the opportunity to provide a full staff report. There was a discussion at that meeting where the applicant asked the Commission to defer the item so that

the outstanding items that led staff to not recommending approval could be addressed. The letters and emails were all forwarded to the Commission in advance with some provided at the meeting. The applicant requested that the new Commissioners get copies of those. So that is what the Commission received in advance of the meeting, which was the packet of the particular letters. At that meeting staff noted that the special use permit application for outdoor storage had just been filed and it was necessary for the Architectural Review Board to review that and provide comments and recommendations. For advertising, the waiver had not been submitted for the buffer and the screening requirements of the Zoning Ordinance. They needed documentation from the adjacent property owner to demonstrate that the off-site landscaping shown on the Clover Lawn property could be achieved. Then there were some application revisions and notes needed on the plan. The proffers had not been received in time for the review for that December public hearing.

- Staff reviewed the concept plan and explained the proposal. Staff feels that it was an appropriate use for that parcel on the edge given the landscaping and the green characteristics of it. In the staff report were some important goals related to downtown Crozet with that being the primary center and focus for the county efforts. As mentioned in the report, staff felt that this was a more land intensive use that would not be considered as a primary use in an urbanized town center because of its land intensiveness and its single story use.
- The applicant has provided some of the notes and comments on the revised concept plan that were received prior, including additional landscaping, which has been reviewed by the Architectural Review Board. There are recommended conditions related to the special use permit. The ARB noted that it was an appropriate transitional use between the development area and the rural areas. The entrance improvements required by VDOT can be achieved within the VDOT right-of-way. The waiver has been requested to allow supplemental planting along the woodland edge. The outdoor storage areas are defined. The applicant intends for an area to be used as overnight parking for vehicles related to the business and the employee parking would be in the rear. The existing house would remain and be used for office. The applicant would like to rent the remainder of the house not used for the business as a dwelling. Those are the revisions to the application plan.
- The applicant has proffered the concept application plan. The proffers, as submitted, would allow by right uses and home and business services, such as grounds care cleaning, exterminating, landscaping and other repair and maintenance services as the use that is necessary for the landscaping business. The other uses are those that are required to be part of every zoning district. The applicant also included two special use permit uses. The applicant asked staff for guidance in terms of special use permit uses. This was not discussed specifically in the Commission's public hearing in December. She recalled answering the question that in order for these uses to actually be achieved on the property the applicant would have to come back through the rezoning process to revise the application plan that would be proffered and go through the special use permit process at the same time to allow the R-15 uses. The Zoning Ordinance references R-15 as the zoning district regulations, but through the special use permit process the Crozet Master Plan recommendations would determine the density on the property in the future at some point if it was considered for another use through those two processes.
- There was a question regarding some of the information that was provided in the staff report that outlined the applicant's current operation to give a sense of the traffic flow on the site, which indicated hours of operation and number of employees. These items have not been proffered in any way or conditioned as part of the rezoning. This application plan demonstrates the maximum development achievable for this use on the property. In order for the applicant to expand the business beyond what is shown here they would have to figure out a way to get more parking spaces on the site and that sort of thing. So the site itself and the application plan lend itself to limiting the use in some respects.
- Staff recommends approval of the rezoning with the minor corrections to the proffers and the application plan. Staff also recommends approval subject to the notes and conditions of the application plan and the ARB's special use permit approval for landscaping. The site plan waiver, which the applicant requested, is not recommended because of the level of the site improvements that are needed including the entrance upgrades, parking improvements, the driveway and all of the significant landscaping that requires ARB review, the assurance of the off-site easements and

providing for the storm water facilities on the site. So staff cannot recommend approval of that waiver.

- Staff noted the items that are needed for correction to the proffers. There are some minor changes that include changing some of the wording to meet the County Attorney's requirements and signatures. Also noted was that the special use permit that would be approved needs to be listed as a permitted use under the special use permit uses that would allow the outdoor storage as shown on the plan in the Entrance Corridor. In order to allow any rental of the house the applicant could provide this section of the ordinance, which limits dwellings in the supplemental regulations that allows rental of the house to an employee, night watchman or somebody associated with the business itself. The application plan has two notes related to the vehicle parking and clarifying outdoor storage area so it is clear what is intended with the application plan that would be proffered.
- Staff reviewed the Architectural Review Board conditions that referenced the concept plan. There is one condition that has been deleted regarding lighting that zoning requested, which would be a condition of the ARB's approval of the preliminary site plan for the project. These conditions of approval are related to landscaping and parking of vehicles that are intended to address impacts to the Entrance Corridor of Route 250.
- Another issue raised in the report by the applicant is whether or not it would be a mandatory condition of the applicant having to connect water and sewer with this rezoning. There is the County Policy that all properties in the development area should be served by water and sewer. While there may be ordinance requirements that regulate it this is something that can be reviewed and addressed during the rezoning process. The applicant's primary concern was the expense and having the ability with the site plan process or later on when he had better information to demonstrate that the existing well and septic, which currently serves the existing house on the property, would be adequate for the use. The applicant has not provided staff some calculations in terms of projected water demands, but has not demonstrated the greater public need or justification for not connecting to public water and sewer. Staff has not been able to determine the adequacy of the well and septic for the proposed use. Staff recommends connection to public water and sewer.
- This is related to the uses regarding something that came up at the last meeting. There is a provision under the special use permit uses for Highway Commercial that indicates that uses that use more than 400 gallons of water per day per acre would be required to have special use permit approval not to have to connect to public water. Under the current proffers it is not a use that is actually allowed based on what the applicant has proposed with the proffers. If the applicant exceeds 400 gallons per day per acre, which would be determined during the site plan process, the connection would essentially be mandatory without an additional proffer or anything that specifies connection. That would be under the ordinance requirements. Staff noted that the applicant had provided information today regarding the water uses, which was estimated based on his current operation and some research that he did. The applicant does not have the need for watering in the late fall, winter or early spring. Primarily the water consumption is during the months of April through October. The projections are given based on how much water is needed for the plants. The water and sewer lines are located and serve the adjoining property of Clover Lawn.

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

Mr. Strucko asked where they were on the proffer restrictions on the use of the parcel. He asked if that was Attachment F of the staff report.

Ms. Ragsdale replied yes, that it was the proffer statement that staff has received and reviewed to date.

Mr. Strucko said if this rezoning was granted as it was presented, the land is restricted for a home business use such as ground care, cleaning, extermination, landscaping, etc. He asked if it was not just for the landscaping business, but for other potential future uses.

Ms. Ragsdale replied yes, that it leaves all of those uses available if the applicant comes back and revises the application plan as it would be needed for those uses.

Mr. Cannon asked if some of the uses were mandatory as part of the zoning.

Ms. Ragsdale referred the question to Mr. Kamptner.

Mr. Kamptner said that the electric, gas, oil and the public uses; buildings in the next paragraph and the storm water management facilities and personal wireless facilities are uses that they would expect someone not to proffer away in the most restricted conditions. Subsection 35 essentially is allowing utilities to go across the property. There are 36 public uses for other than utilities, which they expect.

Mr. Cilimberg noted that in other words 35, 36, 44 and 45 are fairly common among all zoning districts.

Mr. Kamptner agreed.

Mr. Cannon said that the focus was really Section 24.2.1.17.

Mr. Cilimberg said that he was gathering from what he heard that there has been question of whether that particular provision could be restricted to only landscaping. All of the other possibilities would be taken out. He deferred to Mr. Kamptner because he had never seen them break down a particular category of use and pull out subcategories before. That is a question that has been asked as to whether this could be proffered to only landscaping without the rest of 17.

Mr. Kamptner replied that it could be. There is no reason why it could not be.

Mr. Cannon said that the applicant might want to speak to this. But, that was his understanding of how they were intending to proceed. He did not know how narrow it had to be for grounds care or landscaping, but not exterminators or other repair maintenance services without limitations.

Mr. Strucko asked if the proposal before them was not to hook up to public water and sewer.

Ms. Ragsdale replied that the applicant would like to keep that option open should they be able to demonstrate that the existing well and septic is adequate for the water needs for the business.

Mr. Strucko said that issue was dependent strictly on the landscaping use of this parcel.

Ms. Ragsdale said that is expected to be the majority of the water consumption. Then the house would have a small office for the business and also as indicated the potential of allowing the dwelling to be limited to those restrictions in the ordinance for dwellings in commercial districts.

Mr. Loach said it had been said that they could proffer down to the single use. He asked if that means that when they sell the property they can only sell it for that single use, or can somebody come back because it is now Highway Commercial and ask for a different use for the property.

Mr. Kamptner replied that the proffers will run with the land. If the property is sold, assuming it is reduced to just landscaping, the restriction will continue. The new owner can always come in and ask the Board of Supervisors to rezone the property either to a different zoning designation or by amending the proffers to make them more restrictive or to relax them in some way. But, it would have to come back to the Board of Supervisors to make that change coming up through the Planning Commission.

Mr. Loach asked if it would be a similar process as is happening now.

Mr. Kamptner replied that was correct.

Mr. Morris opened the public comment and invited the applicant to address the Commission.

Will Rieley, landscape architect, said that he had been working with Mr. Watson on this project. He thanked the Commission for their thoughtful review of this application. For the benefit of the new

Commissioners, he gave a brief overview of the project in a power-point presentation to review the existing conditions of the site.

- He noted that the edge of the proposed screening is where the Cedar trees are. There is already a good screen getting started. Mr. Watkins met with Mr. and Mrs. Waff to look at this recently. He thought that they were all in agreement that a mixed planting of Cedars, Hollies and shrubs along there is most advantageous to everybody. Regarding the front, the proposal means allowing about a 5 percent slope that will be useful for Mr. Watkins' purposes. Planting so close to the guardrail requires a permit from VDOT. The application is in and they have not voiced any concerns. They probably won't have that information until it goes to the Board.

- The ARB asked a question, which was not a requirement, if Mr. Watkins would consider painting the building a different color. Mr. Watkins pointed out that his existing facility is grayish brown and he would be happy to paint that so it would further recede into the background.

- During the public hearing several persons expressed concerns that any rezoning along Route 250 would set a precedent that could affect upcoming rezonings in the area. In his eight years of sitting on the Commission he could not recall a single example of a rezoning even remotely like this one making them feel boxed in on a subsequent request. As everyone knows every project has its own set of concerns. This rezoning is so unique that it really is hard to see that as a realistic danger. Several members of the Scenic 250 Committee and the Waffs have expressed misgivings about the inclusion of R-15 with a special use permit. This is an issue that really does not have much effect on Mr. Watkins one way or the other because the amendment of the proffered development plan and a special use permit would necessitate essentially the same process as a rezoning. He urged the Commission to consider this from the perspective of simply good planning. Staff may have opinions on it. But, he did not think that it matters to Mr. Watkins.

- Several of the Commissioners have heard him hold forth on the point that rezonings run with the land and whether they admire or loathe the applicant should not have anything to do with the decision. He still felt that was right. But, sometimes there are ancillary decisions where the applicant's role in the community should be taken into account and is relevant. Such is the case of forcing a hook up with water and sewer. This is a huge expense. Those lines shown are underneath the paving in the middle of Clover Lawn for the sewer lines. It should not be required unless they feel it is necessary and not just because it is policy. There is a determination that is made in the zoning ordinance that is a bench mark for that. They urge the Commission to look at that as a reasonable guideline. In his view in light of the fact that virtually all of the Highway Commercial uses have been proffered away and Scott Watkins is only before the Commission because he is desperately trying to keep his business in Albemarle County he hopes that they will be open minded on this issue. Mr. Watkins has some facts and figures that he can share with the Commission about the water.

Scott Watkins, applicant, said that he would like to talk about the water. From November to April they use zero water outdoors for their business. They have virtually no plant material on the site. That plant material does not require watering. It is usually covered up. But, during the peak months of June, July and August they may water plants once to three times per week maximum. It is not an everyday thing. So their water usage, based on his current estimations, would be under the 400 gallons per day if this were looked at on a weekly basis. He would like the opportunity to investigate this a little further. He has not spent the money to test the well on this property yet because he did not know if they were going forward with this rezoning or not. Once he knows then he would be willing to test the well. As far as the sewer hook up, he thought they would be using the sewer system far less than it has been used in its current residential use. So he does not see the benefit of hooking up to sewer. He would be more amendable to hooking up to water eventually if needed than sewer. He thought that they would be able to stay within the water requirements that the County has. He met with the Waffs on site and they have walked the property together. He thought that they feel fairly well satisfied with the screening. The portion of the property where most of the activities will take place cannot be seen easily from their property. They have agreed to add to the existing screening. There is a power light on the back side of the property that goes on at night. They would be willing to either cut it off or provide a shield. He did not

think they would need to use it unless they determine that they are having security problems. He thought that would be the main thing that was objectionable to them along with the R-15 issue. He pointed out that Ms. Ragsdale has been to his shop and he thought that she could attest to the scale and footprint. Again, they have been on well and septic at that site for 18 years. They do not have a decal lane at their current property. They have had no traffic problems or any accidents there. They have demonstrated a history of wise use of their facility. A comment that he wanted to pass on from the Chair of the Architectural Review Board was that she could not think of a better use of the site from what they have proposed.

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

Mr. Strucko asked how much it costs to hook up water and sewer.

Mr. Watkins replied that was two separate figures from the County. It is over $10,000 for just the water. As Mr. Rieley pointed out the sewer would be an enormous expense because the lines are buried in the asphalt in the middle of the Clover Lawn parking lot. That cost would be just to connect to the public line and not for the lines to the house.

Mr. Morris invited public comment.

Joe Waff said that he lived in the rural area adjacent to Mr. Watkins property. He liked Mr. Watkins a lot and felt that he had a very nice business. This use is probably more appropriate than a lot of other uses that could go there. So he has no problem with that. There are two concerns. One is the matter of the decal lane, which was suggested as a possibility at one time. He would certainly like to see that struck. The decal lane would actually cut across their property on Route 250. They have tried to maintain that as a nice natural area consistent with the Scenic Highway. He counts some five decel lanes within less than a mile in that area. It is certainly not appropriate for a scenic highway to put in another decal lane. He would not like to see the decal since it is not necessary. He was sure that Mr. Watkins does not want it. The thought of the 15 residential units per acre, which would be 45 on this three acre piece of property, was rather overwhelming particularly because it is right on the edge. Obviously, he would like to see that proffered out. Otherwise, they have no complaints.

There being no further public comment, Mr. Morris closed the public hearing to bring the matter back before the Commission.

Mr. Loach noted that the community has been against any additional commercial development on Route 250. It basically fought the Blue Ridge development that is going into such projects as Clover Lawn, etc. The communities were always against these. Historically, there was also one other proposal for rezoning from Rural Areas to Highway Commercial from the Moose Lodge. That was turned down for the very reasons they have talked about. They were afraid of additional commercial development on 250. He said that he had a question for Mr. Kamptner. He was more worried that organizations like the Moose Lodge could come back and reapply for a rezoning based on the fact that this one was approved. There are a number of areas from western Albemarle all the way down to the lumber yard where there are pockets of Rural Areas that exist. The fear was always if that property went to Highway Commercial that it would be this huge contiguous piece of Highway Commercial that would bring a lot more development. His decision would be based in part on the protection that the community would still have as far as protecting Route 250 from further rezoning.

Mr. Kamptner pointed out that he felt that a case could be made that because this parcel is adjoining the Rural Area plan area that the potential uses allowed by special use permit, even though they have to go through a legislative process through the Commission and the Board, may have impacts that they don't support. Therefore, they should ask the applicant to take away that reserved right to develop by special use permit those R-15 special use permit uses. From the applicant's perspective they probably see that those uses, even though they are preserved in conjunction with this rezoning, can only take place after they get approval of the special use permit through the Planning Commission and Board process.

Mr. Loach noted that he had some questions and potential problems with renting out part of the building.

Mr. Kamptner said that Ms. Ragsdale had addressed the rental of the building previously. He pointed out that zoning determined that the landscaping business would be entitled to have an on-site employee in the residence.

Ms. Ragsdale said that zoning allowed for the provision of dwellings where they could have one employee. There was also the question if they rented the house before the zoning change that they were allowed under the legal nonconforming provisions to have the continued rental of the house anyway.

Mr. Loach agreed with the Waffs about the R-15 since that is a reasonable expectation from them for what they are accepting. He had no problem with the sewer and water. As the applicant has said it lends itself to the business he is providing. He has no problem with that unless it can be shown that it is excessive or if there were problems in the past with the well that supplies the water.

Mr. Kamptner noted that under the County's site plan regulations the determination as to whether or not the developer has to connect to public water and sewer is made by the Director of Community Development. The ordinance lays out the standards that the Director has to determine whether or not the services are reasonably available in working with the Service Authority. What Mark Graham will look at is the cost of providing the connection exclusive of the connection fees themselves and whether or not that cost is greater than the costs of creating a well or establishing a septic field. He was not sure how that was applied where there is already a well and a drain field in place.

Mr. Cilimberg pointed out that they have had from time to time some urban area locations that have qualified for well and septic for existing facilities where there has been a change in use. It is typically in the intensification where water and sewer would become necessary or if water and sewer were immediately available to the property and the cost was not that great.

Mr. Strucko said that if the applicant was attempting to retain the ability to sell this property for a future use, then he would say they were not exempt from water and sewer. If they want to be exempt from water and sewer, they would have to narrow down what that potential future use is. He felt that it was a trade off.

Ms. Joseph asked staff if they got anything in writing from the Health Department about how many people that this septic site can serve. Are there expectations that if it can't serve the house and the employees then they get to expand the septic field.

Ms. Ragsdale replied no.

Ms. Joseph said that they don't know how many people that this septic field can actually serve at this point in time. If they find out that it can't support the house and the employees are they allowed to expand the septic.

Mr. Cilimberg noted that was when that judgment kicks in regarding whether or not they are required to hook to public sewer.

Ms. Joseph said that would be at the discretion of the Director of Community Development.

Mr. Kamptner replied yes, which was whether the existing drain field will support a certain number of people. He would assume that usually the drain fields are sized to serve a certain number of bedrooms. The standard is a three, four or five bedroom house. There must be a formula that the Health Department uses to determine the number of people who might be in a 3-bedroom house.

Ms. Joseph said that the Health Department has a formula at a commercial site for employees. So the site itself limits one to the number of employees that they can have. In this case they have the house and the number of employees.

Ms. Porterfield said that she was opposed to any commercial property that has water right there to not

being required to hook up to the water. Since 2002, the county has been through two really bad summers, which was really hard on these types of businesses. She could not support the application unless they do connect to the public water. As far as hooking to public sewer, she would like to see them hook to that also. She questioned whether they would have the capacity in the septic field to handle a commercial business. She felt that was a key point. She was also concerned if he would ever sell the property, even to another landscaping business, that there may be a business that is much more location intensive. If somebody like that came in, then water/sewer could become very critical and the business would not be connected.

Mr. Cannon said that they have been working with the proposal for some time. He felt that the proposal is in a good place. He was more and more convinced, as proposed, this is a good use and perhaps one of the best uses for this particular piece of property. It is important that the proffers limit that use. He was in agreement that the R-15 opportunity for special use should be taken out. Even though that requires another process it is important to make a statement about what they expect the property to be used for. The renting is appropriate in the way it has been articulated. It does not offend him at all as part of the use that is applied to this property. He did not have a view about the water. There should be some objective standard that is applied and if Mr. Watkins can meet that standard he ought to be entitled to proceed as using the water resources and septic on site. If not, then he should have to hook up. He did not think they had the information to make that determination now. That is a determination that he would not want to make himself.

Mr. Kamptner noted that determination really is left to the Director of Community Development. It is made at the site plan stage. Even if Mr. Graham determines in this case that water and sewer is not required, the use changes and a new site plan is required that analysis will take place again as part of the review of that site plan.

Ms. Joseph said that the use cannot change unless a rezoning occurs.

Mr. Kamptner noted that assuming that the rezoning takes place and someone else comes in with a change in use that it triggers the need for a site plan for the new use. That would also trigger a new analysis as to whether or not connection to public water and sewer is required.

Ms. Porterfield noted that he was speaking to another use coming in and not another landscape business.

Mr. Kamptner said that it was hard to say. If they are more intensive or putting things in different places that triggers the need for a new site plan, which triggers the new analysis of the water and sewer.

Mr. Cilimberg said that if a more intensive landscape business would purchase the property, they would more than likely need to come through a rezoning process to allow them to develop beyond what is there now. That in turn would kick in the site plan amendment, which will then kick in a re-evaluation of the water and sewer requirement.

Ms. Porterfield felt that the applicant should at least have to hook up to public water.

Mr. Morris agreed with Mr. Cannon. He supported Mr. Waff's suggestion about the deletion of the deceleration lane.

Mr. Cilimberg asked to clarify the circumstance regarding water and sewer hook up in the ordinance. If there was an expectation that the applicant is going to hook to public sewer and/or water they would need to proffer that. Otherwise, it is left to a test of a site plan.

Mr. Kamptner agreed.

Mr. Cilimberg noted that if the Commission feels that they should hook to either public utility, they need to establish that as an expectation for them to proffer before it gets to the Board. They would have to decide that one way or the other. That is the only way it can be required to happen.

Ms. Joseph questioned whether they can expand the septic system.

Mr. Cannon said that these issues can be dealt with in the site plan process. The applicant has requested a site plan waiver. He supported staff's recommendation that these issues should be handled through the site plan process.

Mr. Strucko said that the case was made that this was an unusual circumstance in that this is a style of business that is actually fitting of this particular parcel given its particular limitations and location. Over the course of the public hearings and work session that case was getting made in a stronger and stronger fashion to the point that they are here. The point where they are now is how they guarantee that this particular parcel is limited to this particular use. His concern is the proffer in that regard. He was still looking at the language in the proffer statement. He would be more comfortable if it just said "landscaping" and left the rest of the language out. The other uses listed could potentially change the use on this particular parcel that could require infrastructure such as connection to utilities. He heard the concerns about hooking up to public water and sewer. He was warming to the notion that the landscaping use can be intense, but was not sure that the $10,000 expense would be worth it for a use like this. They are going to an extreme to accommodate this use. Therefore, he felt that the applicant should meet them one half way. He would like to see the proffer statement more restrictive explicitly stating landscaping only. With respect to the water hook up he was not convinced. But, he was okay with not hooking up to public sewer if the use was restricted to this landscape use. He agreed with the restrictions on R-15 being proffered away. If this was not done, then there would be future uses that would certainly require hook up to public utilities.

Ms. Joseph asked if they exceed the water usage the applicant does not have the ability to get a special use permit because they proffered that out.

Mr. Kamptner said that is a good point. The way it is proffered that is correct. They would not be allowed to exceed 400 gallons per acre per day. They would have to come in and amend their proffers or hook up to public water and sewer.

Ms. Joseph said that the ordinance is limiting their usage.

Mr. Kamptner agreed without some other type of approval.

Ms. Joseph said that one of the details about what Mr. Watkins does is that he does not grow this stuff here. The plants come in and he just waters them. Because of the nature of his business in that this stuff comes and goes the water use is going to be hard to calculate.

Mr. Morris noted that the Commission would like the applicant to address at least these two issues: the R-15 issue and whether he would be willing to proffer that away as well as the use restriction narrowing that down.

Mr. Rieley said regarding the R-15 concern the applicant is happy to remove that. He did not think that makes much difference to him. If he wanted to do a more intense use, he would have to go through a rezoning. He felt that the number one use for CT-3 in the Comprehensive Plan is residential and that there should be some residential use allowed by special use permit. He asked that they set the number. But, from a planning perspective there should be with a special use permit some provision for residential use. He felt that something less than R-15 would be fine. On the issue of the uses, he thought that out of a misunderstanding that both staff's interpretation of the comments that they got the last time they were here and their interpretation was that category stays. That is what staff sent them. They edited the special use permit uses down because they thought it was at odds from what they were hearing from the Commission. If they would like to limit that further, he thought that can be reasonably done. But, saying just landscaping it leaves no potential for a resale of the property. So it has to be reasonable. If they took out cleaning and exterminators and said something like home and business services such as grounds care, landscaping and other repair and maintenance services that seems reasonable. Then it is further restricted by the proffered development plan. He felt that the combination of limiting it in that way in conjunction with the plan would be a reasonable way to do it. That would allow Mr. Watkins the flexibility

to have a landscaping business. For instance, if he had some modular retaining wall units that he wanted to put on somebody's property and store there and not be able to do that without a rezoning does seem to be reasonable. If they take out cleaning and exterminators what they are left with is essentially what Mr. Watkins will be doing. So it does limit it in that way. The applicant is open to editing the list, but there has to be some reasonable latitude. He noted that the public water supply was limited during the drought. Therefore, they agree to limiting the R-15 uses and to eliminating "cleaning and exterminators" from the list.

Mr. Cannon suggested that the wording be changed to state repair and maintenance services related to the foregoing activities.

Mr. Rieley agreed to landscaping and other related repair and maintenance services.

Ms. Porterfield suggested that they extend the landscape barrier to the west at least back to the garage because of the residential units next door. She wondered what the height was of the evergreen plants being planned along that side. They already have a 6' privacy fence, but not for the units back there. She felt that they need something over the fence like 7' or 8' of planting to screen the shed and back parking area.

Mr. Rieley said that was fine and that they would be happy to do that.

Mr. Watkins said that he was fine with that in general. There are some large existing trees. They will have to make it work with what is there.

Mr. Loach said that if they reduce the R-15 uses, then he thought they need the public water and sewer because it is housing. As long as the uses relate to the landscaping business he felt that would be acceptable. But, he did not want to give any more latitude than that.

Mr. Cannon said that the concept plan that is identified as part of the rezoning acts as a further limitation on what can be done with this site without another rezoning. That plus the limitation on the language makes him comfortable with the request. The two of them together operate effectively to limit this site.

Mr. Kamptner suggested that they go through all of the R-15 uses and decide which ones work and don't work.

Motion on ZMA-2007-00016 Watkins Route 250 Rezoning:

Motion: Mr. Cannon moved, Mr. Strucko seconded, to recommend approval of ZMA-2007-00016, Watkins Route 250 Rezoning conditioned on the applicant addressing the outstanding technical issues listed in the staff presentation with the proffers and proffered concept plan with the further additions as follows:

1. The language of the proffers describing the limitations on the development of the property, particularly Section 24.2.2.1(17) be amended to read as follows: "Home and business services such as grounds care, landscaping and other related repair and maintenance services."
2. The opportunity for R-15 special use permits be excluded as per the offer of the applicant.

The motion did not recommend mandatory connection to water and sewer and acknowledged that issue would be determined at the site plan stage.

Regarding the discussion the Commission had in previous work sessions on whether a right-turn lane would be required with the project, Mr. Cilimberg indicated that would also have to be addressed at site plan review, based on VDOT requirements.

The motion passed by a vote of 5:1. (Ms. Porterfield voted nay because there was not an expectation that the project would hook to public water.) (Mr. Edgerton was absent.)

Mr. Morris noted that ZMA-2007-00016, Watkins Route 250 Rezoning, would go before the Board of Supervisors on March 12 with a recommendation for approval.

Motion on SP-2007-00060 Watkins 250 Outdoor Storage:

Motion: Ms. Joseph moved, Mr. Strucko seconded, for approval of SP-2007-00060, Watkins 250 Outdoor Storage with the conditions as outlined by staff

1. Products shall be stored only in the areas indicated for storage on the Watkins & Company Concept Plan sheet L-2 dated November 2007 and revised 1/2/08.
2. All nursery stock shall be stored on the ground without use of racks, display stands or other similar items.
3. Any structure required for separating the mulch, topsoil and compost shall not exceed 6' in height. The design of such structure is subject to review/approval by the ARB during the site plan review.
4. The site shall be landscaped according to the following criteria and ARB approval of landscape plan to include:
   - A mixed planting of trees and shrubs, both evergreen and deciduous, shall be provided in the 30-foot planting strip along the south side of the site and along the west side of the site from the shed to the EC. The planting shall be continued westward to the retaining wall in all areas disturbed by grading.
   - A mixed planting shall be provided along the east side of the site to provide screening for the storage areas and to blend with the surroundings.
5. The parking of trucks for the business beyond the 9-space parking lot shown on the Concept Plan shall be limited as follows: A maximum of 5 trucks may be parked between the mulch/top soil storage area and the 5950 sf nursery stock storage area during the night hours.

The motion passed by a vote of 6:0. (Mr. Edgerton was absent.)

Mr. Morris noted that SP-2007-00060, Watkins 250 Outdoor Storage, would go before the Board of Supervisors on March 12 with a recommendation for approval.

Motion on Waiver Requests for Buffer Screening Requirements and Site Plan Waiver:

Mr. Rieley pointed out that the applicant would like to withdraw his request for a site plan waiver.

Motion for Withdrawal of the Site Plan Waiver:

Motion: Mr. Cannon moved, Mr. Strucko seconded, to accept the applicant's offer to withdraw the site plan waiver request and recommended the preliminary site plan be reviewed by the Planning Commission.

The motion passed by a vote of 6:0. (Mr. Edgerton was absent.)

Motion on the Waiver of Buffer/Screening Requirements:

Motion: Mr. Cannon moved, Mr. Loach seconded, for approval of the applicant's request for a waiver of the Section for the buffer and screening requirements subject to notes and conditions of the application plan and the Architectural Review Board and Special Use Permit approvals.

The motion passed by a vote of 6:0. (Mr. Edgerton was absent.)

Mr. Morris noted that the waivers were approved.

The Planning Commission took a break at 9:44 p.m.

The meeting reconvened at 9:50 p.m.

Work Sessions:

Historic Crozet Streetscape Project – Phase 2
At this work session, Staff and our consultant (KHA) updated the Commission on Phase 2 of the Crozet Streetscape project. The presentation will summarize the meetings conducted with the citizens and stakeholders, how their input was incorporated into the preferred conceptual design, and then that information translated into the preliminary design. The current preliminary design plans, cross-sections and streetscape elements will also be presented. (Jack Kelsey)

Jack Kelsey, Transportation Planner, gave a brief summary of the staff report. The specific goals are listed in the staff report. The phase 1 component of the project was recently completed with the installation of the street lights. The phase 2 component of the project will be a continuation of the same style of improvements from the CSX underpass southward down Crozet Avenue to Tabor Street. The same elements will be used in the phase 2 streetscape project. Staff met with the Architectural Review Board earlier this afternoon. The Architectural Review Board supported phase 1 of the project and liked what they are doing for phase 2. The consultant team of Kimberly Horn & Associates and Community Planning and Design was hired to help staff in the public process and also to come up with the streetscape project design. Representatives from those firms are present. The purpose of the work session is to describe how the community involvement has shaped the concept plan as developed to date and to present the concept plan and some of the details that go along with it before taking it to the Board of Supervisors.

Present from the consultant team were Brian McPeters, engineer with Kimberly Horn & Associates; Ken Schwartz, of Keeney Planning & Design; Bernard Carville, landscape architect with Kimberly Horn & Associates and Lee Wilkerson. The consultant team presented a power point presentation and explained the public process involved with the development of the concept plan.

Mr. Morris invited public comment.

Mr. Loach noted that he attended the public meeting and everybody seemed to think it was a really good plan.

Mr. Strucko said that he appreciated the design accommodations for the barbershop building.

Ms. Joseph asked that consideration be given to provide continuous bike lanes.

Mr. Morris thanked staff and the consultants for the presentation.

In summary, a work session on the Historic Crozet Streetscape Project – Phase 2 was held by the Planning Commission. In a power point presentation, the consultant team of Kimley Horn and Associates and Community Planning & Design presented the concept plan of the proposed streetscape design and described how the community involvement has shaped the concept plan. The consultants provided some of the details, addressed comments and questions and advised the Commission of the status before taking it to the Board of Supervisors. The Commission asked questions and made comments and suggestions. Public comment was taken. No formal action was taken.

Old Business

Mr. Morris asked if there was any old business. There being none, the meeting proceeded.

New Business

Mr. Morris asked if there was any new business.

- Staff indicated that the packets for next week will be delivered on Thursday.
- Ms. Joseph will be absent on February 5.

- Ms. Porterfield will be absent on March 18.

There being no further new business, the meeting proceeded.

Adjournment

With no further items, the meeting adjourned at 10:26 p.m. to the Tuesday, January 29, 2008 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, Clerk to Planning Commission & Planning Boards)