Albemarle County Planning Commission
February 19, 2008

The Albemarle County Planning Commission held a meeting and public hearing on Tuesday, February 19, 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, Bill Edgerton and Calvin Morris, Chairman. Julia Monteith, AICP, non-voting representative for the University of Virginia was present.

Other officials present were Bill Fritz, Chief of Current Development; Megan Yaniglos, Planner; Wayne Cilimberg, Director of Planning; Joan McDowell, Principal Planner; Claudette Grant, Senior Planner; Tamara Ambler, Natural Resource Manager; 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.

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.

Review of Board of Supervisors Meeting – February 13, 2008.

Mr. Cilimberg summarized the actions taken by the Board of Supervisors on February 13, 2008.

Deferred Items:

SUB-2007-00392 Bellair # 1
The request is for preliminary plat approval to create 2 lots on 2.428 acres. The property is zoned R-1 Residential. The property, described as Tax Map 76C-02 Parcel 1 is located in the Samuel Miller Magisterial District on Deer Path Road [Route 809] approximately 750 feet from the intersection with Old Farm Road [Route 846]. The Comprehensive Plan designates this property as Neighborhood Density in Urban Area 6. (Megan Yaniglos) ***DEFERRED FROM JANUARY 29 PC MEETING.***

Mr. Morris noted that the first item was deferred from the Commission's January 29 meeting.

Ms. Yaniglos summarized the primary points of the staff report. (See Staff Report)

- This is a request for preliminary subdivision plat approval to create 2 lots on 2.428 acres in the development area. The parcel is located adjacent to the Bellair Subdivision and was called up to the Planning Commission by an adjacent property owner. The plat has been reviewed by the Site Review Committee and has been found to meet all of the requirements of Section 14-206.a of the Subdivision Ordinance. Therefore, staff recommends approval of this subdivision plat.

Tamara Ambler, Natural Resource Manager, was present to answer any questions.

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

Ms. Joseph invited Ms. Ambler to come forward and answer some questions. She asked if there were any buffer areas required on the stream which was off site.

Ms. Ambler replied that a buffer was not required on that particular stream. That stream is not considered a perennial stream because of the fact that it does not show up on the USGS Map as a solid blue line. In the development areas only the perennial streams would require a buffer.

Ms. Porterfield asked if they were talking about the water at the front of the lot.

Ms. Ambler replied yes it was the stream that runs in the front.

Ms. Porterfield noted that the stream had water in it today.

Ms. Ambler replied that in the terms of the definition of perennial that is utilized it is just whether or not it shows up on a USGS Map as a blue line stream. It is certainly understandable that there may be a perennial stream where there is not a blue line on the USGS stream.

Ms. Joseph asked how often those maps are updated.

Ms. Ambler replied that honestly she did not know how often the USGS Maps are updated. This application was submitted prior to February 5 when the ordinance changed. In the future staff will be able to work with the applicant and actually do field determinations.

Mr. Edgerton asked if the recent rework of the ordinance by the Board does not apply to this at all.

Ms. Ambler replied no because of the fact that this particular submittal was submitted prior to February 5, 2008. When the Water Protection Ordinance was amended it was specified that applications submitted on or before February 5, 2008 would be under the previous interpretation.

Ms. Porterfield asked how staff would handle driveways and things like that. She noted that the driveway extended to both sides with culverts under it. She asked if they require this water to be able to flow.

Ms. Ambler replied yes, that basically they would need to comply with any other applicable Federal, State and Water Quality regulations. The Corps of Engineers and DEQ have taken jurisdiction. They have reviewed this and are requiring properly installed culverts.

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

Mike Harding, resident of 9 Canterbury Road and the owner of the proposed lot for the subdivision, noted that staff has indicated that the proposed subdivision meets all the County requirements and has recommended a by-right approval. He offered to answer any questions.

There being no questions for the applicant, Mr. Morris invited other public comment.

The following persons spoke in opposition to the request.

Jeffrey Garrison, resident of 16 Old Farm Road in Bellair Subdivision, said that he was also a member of the Bellair Homeowners Association Board of Directors. He read a letter from Bellair Homeowner Association's President, Elizabeth Wood, dated February 18, 2008. The letter said that Bellair Neighborhood has been concerned about the proposed Deer Path development, a portion of which is under review by the Planning Commission this evening. Environmental issues have been identified by members of the neighborhood and the request has been placed before the Commission. The Bellair Board believes that it is critical that the Commission rigorously enforce all relevant planning and environmental standards and regulations in its review of the above noted subdivision request and any subsequent requests that might come before the Commission. The Bellair Board does not wish to see their beautiful neighborhood marked by development that is inconsistent with its existing character nor leave any unexamined issues of possible environmental impact that might negatively affect their neighborhood and the broader community. The letter is signed by Elizabeth B. Wood. As a member of the Board he asked to echo Ms. Wood's comments. He had some concerns about the development of this parcel as well as some additional parcels. He would like to see some focus be taken on some of the impacts environmentally that have been brought up through some of the research that has been done by some of the members of the neighborhood.

Bill McKenzie, owner of property at 36 Old Farm Road, spoke against the request. He noted that this request is the first step in creating as many as six lots to build as many as six homes. Tonight the Commission will hear comments about water quality, critical slopes, perennial and intermittent creeks and dangerous driveways. All of these points have great merit when considering whether it is either safe or advisable to allow this planned subdivision to continue unmodified or without further study. He asked that the Planning Commission listen carefully to tonight's presentation to hear the inconsistencies before determining whether the plans as presented are in accordance with Albemarle County zoning regulations, in conformance with health and safety codes and are consistent with the goals and objectives of the County with respect to growth and development. Despite these inconsistencies the applicant's paperwork is in order and reflects the considerable time and energy that the development community places on such efforts. As everyone in this room is aware, however, the incremental acquisition of rights will often lead to results that were neither foreseen nor desired at the outset of the process. He asked the Commission to take the time to stand back and look at this entire project as a whole, since this is only a small part, and seriously consider whether its approval will be consistent with the aesthetics of the surrounding neighborhood.

Joel Loving, resident of 17 Deer Path Road, submitted packets of information to the Planning Commission and reviewed its content. He hoped that the various points, concerns and unanswered questions about this proposals brought to them this evening will be viewed by each Commissioner from a wide perspective. It is a concern for Albemarle County as a whole regarding development within Albemarle County and not just something that has perplexed just their particular community. The method in which this proposal has been presented to the County officials is troubling. The various pieces of information these officials have received from the developers for which decisions have been based appears to be piece-mill and incomplete. They feel that mistakes may have been made that would merit another thorough look by the County health department as well as the Department of Community Development in particular about the streams. He reviewed the packet of information to explain their concerns.

Marie Moje, resident of 39 Old Farm Road, spoke in opposition of the request and continued the review of Mr. Loving's submitted information.

Betty Loving, resident of 17 Deer Path Road, spoke in opposition of the request and continued the review of Mr. Loving's submitted information.

Katherine Almay noted that her mother was Rita Chisholm who lived at 42 Old Farm Road who was out of town and had asked that her to come and speak in opposition to the request. She noted that her family had a home at this location for 50 years. She continued the review of Mr. Loving's submitted information.

Jamie Howard, representative for his parents who live at 43 Old Farm Road, spoke in opposition of the request and continued review of Mr. Loving's submitted information.

Sharon Donavan, resident of 19 Deer Path in Bellair, spoke in opposition of the request. She felt that the idea of trying to push the limits of this subdivision to six lots was a real surprise given the limits of the property. Due to the inaccurate information she felt that it was incumbent upon this board to revisit this information to make sure it was not reviewed in a piece mill fashion.

Mr. Morris invited the applicant to come forward for rebuttal.

Mr. Harding said that tonight they were present to discuss the subdivision of one lot into two lots. It is not a discussion of five or six lots, but only two lots. The stream is clearly delineated on the US Army Corps of Engineers as an intermittent stream. The stream has been reviewed in every manner for several months and it is still termed an intermittent stream. As it related to the Health Department the Director of the Health Department has been asked to visit this situation time and time again by the neighbors that spoke tonight and has determined that it is an intermittent stream and the health certificate has been issued by a high level of competency. Approval has been given by the US Army Corps and DEQ. The second manner spoken to tonight is how this subdivision is not in keeping with the current aesthetics of

the surrounding community. He pointed out on a map that each of the two lots is larger than the average of all of lots in Liberty Hills. In keeping with Bellair it was the idea of the original subdivision that the perimeter lots be smaller in scope. After this lot is subdivided into two each of these lots will be larger than 35 percent of every lot in Bellair. So the question of aesthetics should not be called into without proper analysis of the existing lots throughout the community.

Mr. Edgerton said confused that Lane Bonner, who was listed as the applicant, did not give a presentation. He was also confused by the plat showing the boundary line adjustments for the six separate parcels. He asked what his two lots would play in this subdivision and why should they not be looking at this as a six lot division versus a two lot division.

Mr. Harding replied that they had applied this evening for one lot.

Mr. Edgerton questioned why the request was coming in only showing bits and pieces of the six lot subdivision. He asked why they can't look at it as a whole piece.

Lane Bonner replied that Mr. Harding wanted to go forward with the subdivision before he wanted to, which is why it is on the agenda first. He wanted to wait a lot longer but because of the new ordinances he had to rush. They are not doing six lots. Mr. Harding is doing two lots and he was subdividing one lot into 2 lots, which was a total of five lots. Therefore the plat he had was old, outdated and untrue.

Mr. Edgerton asked that he explain the impact of the whole subdivision.

Mr. Bonner explained the proposed subdivision with a sketch on the document camera noting that staff has the new subdivision on record. Mr. Harding has two lots and there is going to be a big lot in the middle that was going to be reserved. The 2.1 acre lot is going to be subdivided into two lots, which is what he was doing.

Mr. Edgerton asked if the big lot in the middle label #3 was the one with the critical slopes violation on it, and Mr. Bonner replied yes.

Mr. Edgerton asked why he did not make the presentation if he was the applicant.

Mr. Bonner replied that Mr. Harding is the owner who is developing the property and wanted to make the presentation tonight.

Mr. Morris closed the public hearing to bring the matter before the Planning Commission.

Ms. Joseph invited Ms. Ambler to come forward and address a question about DEQ and the Army Corps of Engineers.

Ms. Ambler noted that she walked the site with Nora Islay, from the Army Corps of Engineers and Eric Mallard, from the Virginia Department of Environmental Quality.

Ms. Joseph pointed out that the Health Department is not the county but the state and the Commission cannot tell them what to do. The Health Department can determine whether it an appropriate site, which is not for the Commission to decide.

Ms. Ambler noted that the representatives in walking the site were trying to get the cumulative effects of what the impacts were. Nora Islay, with the Corps of Engineers was mainly concerned about that given that might affect the permitting process that the Corps would go through in terms of what the cumulative impacts would be. Basically what she was saying was that depending upon what parcels were related to a project it might require a formal delineation of all water resources on a parcel. Ms. Islay provided some written documentation of what her recommendations would be for that. It was not just a discussion about perennial or intermittent, but whether or not there was adequate area outside of wetlands, streams and what not to undertake the development. So Ms. Islay responded directly to the applicant on that and also about the two culverts that needed to be reinstalled correctly or removed.

Ms. Joseph asked if she was concerned about the placement of the septic field.

Ms. Ambler replied that she was more concerned about the presence of water resources on the parcels and were there wetlands and streams there and the relationship between several applications and whether or not they were to be considered one project cumulatively or if in fact were separate projects.

Ms. Joseph asked if she had any concerns about the siting of the septic field or was she just concerned that there was a lot of water out there and a lot could be disturbed as a result of development.

Ms. Ambler replied that to her knowledge Ms. Islay was not specifically looking at the septic field location, but at overall impacts to water resources and whether the proposed development could be reasonably situated there.

Ms. Joseph asked if she had any contact with the health department.

Ms. Ambler replied that she did not know. She pointed out that Ms. Islay's intermediate concern was about crossings and potential impacts to jurisdictional waters which would include wetlands.

Mr. Cannon asked if anything that she was addressing relevant to the evaluation that staff undertakes for purposes of this subdivision.

Ms. Ambler replied that the only involvement that she would have had was looking at whether or not the stream was intermittent or perennial. It has caused a lot of confusion.

Mr. Cannon asked if she had a view on that.

Ms .Ambler replied that without doing a specific evaluation it could not be determined to be perennial. Unfortunately, even if it were determined to be perennial it would not have any bearing by the County's Code on the design because of the fact that a field determination would not make it perennial under our definition.

Mr. Cannon asked if our regulations really tie us to the USGS maps however inaccurate they may be, and Ms. Ambler agreed.

Ms. Joseph asked if with the new regulations that were just passed changes that,

Ms. Ambler replied that is correct. If this project came in today staff could require that a field determination be made and then in that case it could be determined perennial the 100' buffer could apply.

Mr. Strucko asked what the Army Corps of Engineers' conclusions were.

Ms. Ambler replied that she did not feel comfortable summarizing for her, but she outlined a long memo about when she had talked with her supervisors back in the Norfolk District, Michael Swine. Ms. Islay indicated that for some of the area some of the parcels she thought that a full delineation of all water resources needed to be done and for some other parcels it did not need to be done. That was really what she was looking at. Then the two culverts were installed incorrectly and needed to either be removed or reinstalled correctly. The Commission has a copy of the correspondence. '

Mr. Morris asked if the County has that correspondence since the Commission did not.

Ms. Yaniglos replied yes and noted that it had been forwarded on to the Health Department.

Mr. Fritz pointed out that it was forwarded to the Health Department via email.

Mr. Edgerton asked why that information was not part of the staff report.

Mr. Fritz replied that staff did not include that information as part of the staff report simply because the stream is not subject to the current provisions of the ordinance.

Ms. Porterfield asked why aren't these other streams that are on this property shown at least on the maps for the subdivision. There is more than the one stream running along the road.

Ms. Yaniglos replied that they do show the intermittent stream that is closest to Deer Path as well as the creek that comes out of the pond in the rear of the property.

Ms. Porterfield noted that stream is the feed to the big four-acre lake. The stream is flowing toward the west coming under 29, into the pond, to the intermittent stream and then on down into the four-acre lake.

Ms. Yaniglos noted that stream is being shown on the plan that comes from the 29 Bypass. It is shown on the plan labeled as the creek.

Mr. Fritz pointed out that the plat shows the same water features shown on the county's information, which is what applicants are permitted to use in filing their applications.

Mr. Edgerton questioned if the Health Department was aware of the streams omitted on the property in their review, and Ms. Yaniglos replied that the Health Department received all the additional information from the DEQ which did not show the streams on the plat.

Ms. Ambler noted that at Mark Graham's direction she sent an email to Mr. Craun at the Health Department. In that email she indicated that neighbors had brought up information where there might be additional water resources that were not part of their original review and asked them if they felt that merited revisiting this issue. In an email reply back Mr. Craun said that he did not feel that it needed to be looked at again.

Mr. Edgerton asked if they were allowed to require that there be a field verification of what is being shown here.

Mr. Kamptner replied that at this stage the soil evaluations and the Health Department approvals are required at the time of final site plan approval. The soil evaluations have to be submitted with the final subdivision plats. The applicant is actually a little bit ahead of schedule. The letter from the Health Department has a lot of conditions attached to their approval. Since they are at this stage of the process with the information they are getting he would like to think that they could ask the Health Department to give this another look just to be certain that all of the streams were considered in their evaluation of the location of the drainfields. Their approval is really not required until the final subdivision plat stage.

Mr. Edgerton felt that the Health Department studying this at the final does not help the Commission tonight if they grant a preliminary plat. Without complete information it is a little hard for the Commission to respond to some of the concerns that have been raised, which probably have some real validity. He suggested that the Commission bring the final back for review.

Mr. Kamptner replied that the condition that was attached to staff's recommendation was that the application complies with all requirements of the Water, Subdivision and Zoning Ordinances. The Commission may want to highlight the particular sections that apply here. This is one of the two or three key issues with this application to be certain that it is looked at. The Planning Commission can call the final plat back.

Mr. Edgerton asked if they could require that this be reviewed in the whole. From a planning perspective it would make a lot of sense to look at it as a whole.

Mr. Kamptner said that it would make sense from a planning perspective. Specific to the plat he was not aware of any particular provisions in the Subdivision Ordinance that really allows us to look beyond the boundaries as the applicant defines them in this case. The application before the Commission needs to be considered and evaluate whether it meets all of the requirements. Each one will have to meet all of

the minimum standards.

Mr. Morris reiterated that the Commission could require it to come back for final plat approval with a strong recommendation that the Health Department really look at this again.

Mr. Kamptner replied that was correct.

Ms. Joseph asked to see documentation from the Health Department that they have received all the information from DEQ.

Mr. Kamptner said that there was no reason the Commission could not ask for that.

Mr. Edgerton noted that he would like to see that they have all of the septic sites. He questioned what is being shown is accurate because of the blatant disregard of the ordinance in the impact of the critical slopes to put in a driveway to an existing house. He would ask for some field verification that in fact there are not any additional critical slopes that will be impacted. He asked that to be an additional condition for the final plat. In addition he would like to see the soil studies, a delineation of the primary and secondary drainfields and to ask the applicant to show the collective project. He would like to see all of the water features be shown.

Mr. Strucko asked to see the spring house and stream that moves out of the back of the pond because he thought those were pertinent to the drainfield on one of these parcels.

Mr. Morris said that if this was approved that as a condition he would like to see as much information from DEQ and the Corps of Engineers that they can possibly get. He would like to get as much information that they can share with the public as possible.

Mr. Edgerton asked where they are in the 90 day review period.

Mr. Fritz replied that the Commission needs to take action tonight.

Mr. Edgerton said that the Commission can either deny or approve the request with conditions, but a decision has to be made tonight unless the applicant requests deferral.

Mr. Strucko asked on what basic the Commission could deny the request.

Mr. Edgerton said that he was not convinced that they have the necessary information to make a determination at this point.

Mr. Kamptner said that the absence of information if they are talking about the drain fields and whether or not the location of the drain fields complies with the approval by the Health Department and whether it complies with State regulations as to the location is a matter for final site plan submittal and approval. So it would not be the basis to disapprove a preliminary site plan. It could certainly be a basis for the additional conditions that Mr. Fritz spoke to in requiring that it come back to the Commission.

Ms. Joseph moved for approval of SUB-2007-392 with the additional conditions of approval as requested by the Planning Commission.

Mr. Fritz reiterated the conditions as previously stated:

- Condition 2 was final plat shall not be approved until written approval has been received from the Health Director. This finding of the Health Director shall take into consideration all water features located on the properties identified by the Natural Resource Manager.

- The next condition was the final plat shall be reviewed by the Planning Commission.

- The new fourth condition based on what the Commission said was Field run topography, location

of primary and secondary drainfields, critical slopes, spring houses, streams and other water features shall be shown on the final plat.

Ms. Joseph said that they also wanted to see the soils report. She questioned if that was in the conditions, too.

Mr. Fritz replied that staff has the soils report.

Ms. Joseph noted that all the pertinent information needs to be submitted and questioned whether that needs to be a condition.

Mr. Fritz noted that staff has the soils report and can bring it to the Commission.

Ms. Joseph said that they need something from DEQ and the Corps of Engineers.

Mr. Fritz replied that he was trying to think of how to write how to obligate a State and Federal agency to a condition of the County. He was not sure how to write that condition.

Mr. Cannon suggested that if the Resource Manager is the person who reports to the Commission they might stipulate that she seek information from various sources and obtain it if possible. But, they can't mandate that information be supplied by agencies not within the County system.

Mr. Edgerton said that the Commission could mandate that our staff verify what is being submitted. The Commission could ask staff to provide field verification. He wanted some comfort from staff that they have been out and verified that all features have been identified and are on the plat that they are being asked to approve.

Mr. Fritz noted that Ms. Ambler is present and hears what they are saying and can take their guidance. In terms of the actual language of the condition he added, "take into consideration all water features located on the property as identified by the Natural Resource Manager who shall coordinate with DEQ and the US Army Corps of Engineers in making a determination.

Mr. Cannon suggested adding one other item as identified in Mr. Edgerton's suggestion to verify.

Mr. Edgerton said that the Commission could ask staff to field verify what is being submitted before them so they don't have to sit there and wonder if they have forgotten to put a stream in.

Mr. Fritz said that the last sentence could be, "The Natural Resource Manager shall field verify the location of all water features."

Ms. Porterfield asked if this would also show the primary and secondary drainfields.

Mr. Fritz replied that was in the fourth condition.

Motion: Ms. Joseph moved and Mr. Cannon seconded to approve SUB-2007-00392, Bellair #1 with the conditions recommended by staff, as modified.

1. The final plat shall be subject to all applicable requirements of the Zoning, Water Protection, and Subdivision ordinances.
2. The final plat shall not be approved until written approval has been received from the Health Director. The findings of the Health Director shall take into consideration all water features located on the property as identified by the Natural Resource Manager who shall coordinate with the DEQ and the US Army Corps of Engineers.
3. The Natural Resource Manager shall field verify the location of all water features on the property.
4. The final Plat shall be reviewed by the Planning Commission.
5. Field run topography, location of primary and secondary drainfields, critical slopes,

spring houses, streams and other water features shall be shown on the final plat.

The motion passed by a vote of 7:0.

The Planning Commission took a break at 7:11 p.m.

The meeting reconvened at 7:20 p.m.

Public Hearing Items:

SP-2007-00027 Emmanuel Episcopal Church Amendment (Sign # 4)
PROPOSED: site re-organization including expanded parking, future office/education building, columbarium, memorial garden
ZONING CATEGORY/GENERAL USAGE: RA -- Rural Areas: agricultural, forestal, and fishery uses; residential density (0.5 unit/acre)
SECTION: 10.2.2(35)
COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (.5 unit/ acre)
ENTRANCE CORRIDOR: Yes_ x___No____
LOCATION: 7599 Rockfish Gap Turnpike (Rt. 250), Greenwood
TAX MAP/PARCEL: Tax Map 70, Parcels 12, 13, 13A
MAGISTERIAL DISTRICT: White Hall
(Joan McDowell)

Ms. McDowell provided a Power-point presentation and summarized the staff report. (See Staff Report)

- The application proposes to expand the parking and to reorganize the parking. They now have about 100 parking spaces, which are very loose. That is very typical for rural area churches. They plan to reorganize and place in 133 parking spaces. The staff report indicates 132 parking spaces, but that was changed to 133. The zoning administrator has agreed to that number. They would like to build a future fellowship building with offices and other uses. The existing education bldg would be brought into compliance with the special use permit since it was not mentioned with the last application.
- Staff recommends approval with the conditions listed in the staff report. There is a critical slopes waiver that goes with this application as well.

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

Ms. Joseph asked staff to talk about the lighting condition #10. She asked if reasonably limiting the amount of adverse outdoor lighting pollution means that it will be more or less stringent than the existing ordinance.

Ms. McDowell replied that the existing ordinance shall apply and this is extra. The applicant has to comply with the existing ordinance anyway. Mr. Cilimberg can address the origin of this condition.

Mr. Cilimberg noted that its origin has been with several churches and some other larger rural area special use permits that went to the Board. There was a concern not only with cutoff fixtures, but also about light pollution and the potential for light dispersion into other areas beyond just the site. The Board had asked for a condition that would deal with potential spillover and in general light pollution beyond just what they might be covering with the specifics of the lighting ordinance itself. This was the language that the County Attorney actually ultimately came up with that they have used at the board level on several churches previously.

Ms. Joseph noted that there were a lot of lights being proposed. She wanted to make sure that all of the lights were full cut off.

Mr. Cilimberg noted that they actually have a site plan as well that will be proceeding and it will be subject to the ordinance provisions for all of those lights.

Ms. McDowell noted that the site plan was hold at this time.

Mr. Edgerton asked what the current violation on the building to the east that makes it nonconforming.

Ms. McDowell replied that it is not in violation. They just wanted to bring the entire church master plan and all the buildings and uses in to compliance. They are using that as an education building now. The zoning department has not cited them for noncompliance. Staff just saw in their research that building was part of the other 1999 special use permit.

Mr. Edgerton noted that it was shown as a separate parcel on the map as tax map 70, parcel 12. He asked if that was part of the church property.

Ms. McDowell replied that it was part of the church property.

Mr. Cilimberg replied that it was also included in the legal description for this special use permit.

Mr. Edgerton said that staff mentions under factors unfavorable some mature trees will be removed in order to accommodate the parking area. He asked which trees will be removed.

Ms. McDowell said that the master plan would not show that. But, there are some trees that the parking would necessitate removing. She inherited this project from Amy Arnold. The project started last summer. Staff has worked closely with the applicant because there were additional trees because of the parking location at the time that would be removed and they have worked with staff to reduce that number as much as possible.

Ms. Joseph suggested that reword condition 7 – if don't do work then they will be in compliance.

Ms. Joseph noted that on page 13 it shows the little X's where the trees will be removed.

Ms. McDowell suggested that the applicant might be able to address that issue a little better.

Ms. Joseph suggested that condition 7 needs to be restructured in order to bring this into compliance. Condition 7 says that this special use permit shall be deemed abandoned if the work is not done. That condition should be reworded so that if they don't do this work that at least they are in compliance with the existing building that is not currently.

Mr. Edgerton said that on page 6 of the staff report at the top of the page it is talking about the left turn lane that the engineers are recommending. It says however if the applicant does not want to construct the safety improvements a warrant analysis should be performed using projected traffic at build out to establish the minimum requirements. These issues will be reviewed with the site plan. Therefore, the condition of approval of SP-1999-48 pertaining to VDOT approval of the entrance has been removed. He asked why they would remove that if it was a concern.

Ms. McDowell noted that she had a long discussion with both VDOT and the county engineer. It was determined that those are the kinds of things they would address at the final site plan. Staff had the condition in there sort of specifying what she just said in the report and the county engineer asked that she remove it. They would work together to address the entrance condition.

Mr. Cilimberg said that there was no additional special use permit, but there was a site plan that was under review. That would be a requirement in the site plan review. So the condition does not establish anything more than the site plan requirements.

Mr. Edgerton said that he was struggling with the fact that the engineer has called this out as something they are concerned about. So why wouldn't they make this part of the special use permit. He agreed with staff's initial reaction that it ought to be listed as a condition just to make sure that it does not get overlooked.

Mr. Cilimberg noted that he did not think that this one was going to get overlooked because the requirements are under site plan review.

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

John Savage, the immediate past Senior Warden of Emmanuel Episcopal Church, said that also present were Charlie Mitchell, prior Senior Warden and Dick Hodgson who just finished a term on the vestry. They are requesting the Commission's consideration and approval for the site plan for their church. Emmanuel Episcopal Church is a noteworthy architectural structure. It is listed on both the national and state registrar of historic places. The members of the church have this in the back of their mind in any project that they put forward. A few years ago a survey was sent to their congregation and the provision of safe and adequate parking was by far the most immediate request. At present time even with two services they have cars parked on the lawns, under the Oak trees and on both sides of this historic entrance drive. The congregation envisions a time when their present parish hall built in 1917 and expanded in 1958 will become limited. A future parish hall is anticipated, but may not be built for several years. Nevertheless, they felt it was important to locate a site for this future building as they finalize improvements to their parking and accessibility issues. In the fall of 2006 they selected the Charlottesville Landscape and Site Design Firm of LPDA and have been working closely with one of their associates, Mark Liebieg. They gave several directives to the firm. First, was to provide parking not only for their present congregation, but for anticipated ten year growth. Second, was to remove the unsafe Sunday parking from the entrance driveway. Third, was to integrate the reconfigured parking within the historic landscape while respecting the signature land mark trees that surround the property. One of those trees is almost 300 years old. Finally, was to provide the location for a future parish hall. The congregation has been unanimous in its acceptance of LPDA's design to date. As Mr. Liebieg has worked with the County's Architectural Review Board he has been able to get new parking outside of the areas covered by the tree canopy. The plans before the Commission have been reviewed by the Commonwealth of Virginia's Department of Historic Resources. In a letter dated December 17, 2007 they concurred that, "the plan appears to be sensitive to the historic setting of the church and preserves the view of the church from Route 250. By locating the parking behind the church and taking advantage of the lower topography to the south and east the visibility of the majority of cars will be limited as much as possible thereby preserving the integrity of the church's setting and historic vista from Route 250 as the proposed project would have not detrimental impact on the historic character of the church."

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

Mr. Loach said that the parking on the side towards 250 and how that might affect the visual view of the church seems to have been addressed more than adequately. He agreed with Ms. Joseph that the lighting not overtake the site. He was fully supportive of the proposal before the Commission.

Ms. McDowell asked to add a correction to condition 7. Condition 7 refers to the commencement of the beginning of this special use permit on March 9. It should be changed to March 19, 2013.

Ms. Joseph suggested that the condition be worded so that if the church does not start the construction and this special use permit becomes void that the other little piece comes into compliance. There was the little piece that Ms. McDowell said would also come into compliance as a result of this special use permit. She wanted to make sure that it comes into compliance even if they don't start the construction. She asked how that could work.

Mr. Kamptner said that is one of the issues that they iron out between now and the Board date. He understands the issue and will talk with the zoning administrator to see if they have ever kind of bifurcated a special use permit from the portions of the use that require construction to which this condition really addresses and those that don't.

Ms. Joseph noted that would be good.

Mr. Cilimberg noted that his understanding was she really wants to make sure that the existing activities on each of the tax map parcels that are subject to the special use permit would not be made nonconforming essentially by them not starting the new building and the columbarium.

Mr. Loach asked if the turn lane is supposed to be addressed later in the process.

Mr. Cilimberg noted that the turn lane will be addresses as part of the site plan. The condition that was struck through only referred to entrance width and entrance radius. So it would not be a good condition if there was the need also for turn lanes. Virginia Department of Transportation approval is required for the site plan. A condition that would basically say Virginia Department of Transportation approval of the entrance improvements could be fair.

Mr. Loach said that he did not think they could make the determination because they are planning for a future expansion. So they actually don't know how much they are expanding for except for the 135 parking spaces. He questioned how they would take that into consideration.

Mr. Cilimberg noted that they would base it on what they see in the site plan. The activity or traffic generated by the site plan would be how they judge that. That is where the warrants analysis comes in.

Mr. Edgerton said that the plan was developed with the intent of providing the additional parking that would be needed at the time of the building of the new building.

Mr. Loach said that in terms of traffic he was worried about it on that stretch of Route 250 later as the church expands. He questioned at what point they would take that into consideration.

Mark Liebieg pointed out that he prepared the plans for this project. That is the only provision that he was concerned about. Generally the largest use of the church facility is on Sunday morning. That is an off peak hour in church generation. So quite frankly he did not think that they should have to add a left turn lane for off peak generation. He was not a transportation engineer and had not run numbers, but it seemed a little unwarranted to do that. No other church or facility along that stretch of Route 250 has that condition. In his preliminary discussions VDOT said that they would not require a left turn lane. VDOT would require a right turn only with a taper. It was the county engineer that suggested that they look at a left turn lane. As he understands the county does not take precedence here because it is a state road and it would be VDOT. He understands that the county will require VDOT to make that determination.

Mr. Loach said that he worried about the evening activities when Route 250 is fairly dark down that stretch.

Ms. Joseph asked that the conditions will change so that whatever they are using out there now they will come into compliance on.

Mr. Morris invited the architect to address the Commission.

Mr. Liebieg questioned item 10 regarding the light levels and asked how they determine what that is. He asked what standards they would follow and to what level would they be held.

Mr. Strucko said that as the maker of the motion he was pleased with following the current county ordinance.

Mr. Cilimberg said that the condition stipulates that a lighting plan reasonably limiting the amount of adverse outdoor light pollution shall be submitted to the zoning administrator for approval as a condition of site plan approval. So it becomes part of the site plan approval process that the zoning administrator would have to approve that. Therefore, the applicant would need to work with the zoning administrator as part of that.

Mr. Cannon noted that his question was if they have to meet the lighting ordinance in any event what additional increment of lighting precaution is being expected and is that going to be reasonable.

Mr. Liebieg agreed.

Mr. Cilimberg said that it was a good question. He noted that the Board has asked that this be included on all of the special use permits in the rural area.

Mr. Liebieg said that it would be nice to know what standard.

Mr. Morris said that working with zoning would be the key.

Mr. Kamptner said that he did not have any specific standards. But, probably the one thing that the Board may have been looking for was that the lighting ordinance applies to outdoor lighting luminaries that submit 3,000 or more lumens. So anything less than that is not subject to those regulations. The Board may be looking at regulating all outdoor lighting including those that are below that standard. The other would be the footcandles at the property line, which the ordinance is ½ footcandle. In an earlier draft of this condition it was set at .3 footcandles. He was not sure how low their equipment allows measurements. But, he would assume that it is in tenths of footcandles.

Ms. Joseph pointed out that there are also shields that can be put on the lights so that there is nothing that goes behind them.

Mr. Cilimberg said that it was particularly about exposed lighting at any level.

Motion: Mr. Strucko moved and Mr. Loach seconded to approve SP-2007-00027, Emmanuel Episcopal Church Amendment with the conditions recommended in the staff report, as amended in condition 7.

1. There shall be no day care center or private school on site without a separate special use permit.
2. Approval from the Health Department for the septic system and well shall be required prior to approval of an issuance of a building permit.
3. Future burials in the cemetery shall be limited to areas outside the 100-year flood plain.
4. Expansion of the mausoleum structure shall require amendment to this special use permit. (Tombs inside may be added~~)~~.
5. Any future expansion of the church structures and / or size of assembly area shall require amendment to this special use permit.
6. Special Use Permit SP2007-27 Emmanuel Episcopal Church shall be developed in general accord with the concept application plan, provided by the applicant and received December 21, 2007 (Attachment A.) However, the Zoning Administrator may approve revisions to the concept application plan to allow compliance with the Zoning Ordinance.
7. Construction of the new building or the columbarium, as identified on the concept site plan (Attachment A) shall commence on or before March 19, 2013, or the portion of this special use permit authorizing the new building and the columbarium shall be deemed abandoned and the authority granted hereunder related to the new building and the columbarium shall be thereupon terminate.
8. Tree protection measures shall be required on the erosion & sediment control plan in accordance with the Virginia Erosion and Sediment Control Handbook and the tree protection measures shall be installed prior to any land disturbing activity.
9. The parking lot shall be paved using prime and double seal surface or, at the option of the permittee, another surface material approved by the County Engineer deemed equivalent or better than a prime and double seal surface in regard to strength, durability, sustainability and long-term maintenance.
10. All outdoor lighting shall be arranged or shielded to reflect light away from the abutting properties. A lighting plan reasonably limiting the amount of adverse outdoor light

pollution shall be submitted to the Zoning Administrator for approval as a condition of site plan approval.

The motion passed by a vote of 7:0.

Mr. Morris said that the request will go before the Board of Supervisors on March 19, 2008 with a recommendation for approval.

ZMA-2006-00014 Professional Office Building at Hydraulic & Georgetown Rds. (Signs # 58 & 65)
PROPOSAL: Rezone 1.051 acres from C-1 Commercial zoning district which allows retail sales and service uses; and residential use by special use permit (15 units/ acre) to NMD Neighborhood Model District zoning district which allows residential (3 - 34 units/acre) mixed with commercial, service and industrial uses. Approx. 20,000 sq. ft. building.
PROFFERS: Yes
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (.5 unit/acre)
ENTRANCE CORRIDOR: Yes
LOCATION: Southwest corner of Georgetown/Hydraulic Roads intersection.
TAX MAP/PARCEL: 60F/3
MAGISTERIAL DISTRICT: Jack Jouett
(Claudette Grant)

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

Since the work session the applicant has completed the following in reference to the issues that were discussed at the work session:

- They have provided street trees and sidewalks in front of the building.
- They have provided setbacks that vary from 9.6' and 13.5' at the building corners to a little over 21' at the center of the building.
- They have provided parking in the rear of the building and under the building.
- They have delineated a portion of the rear of the site as preservation area.
- They have provided a parking modification request, which was approved by zoning staff, which describes the square footage of the proposed building and its use.
- They have provided parking for the adjacent property not in the forested area, but incorporated within the on site parking

The applicant has requested several waivers.
- Parking modification – It is an administrative request recommended for approval by zoning.

The Planning Commission and Board of Supervisors will need to act on the following waivers:
- The applicant has requested several waivers. The first is approval of a parking modification, which is an administrative request recommended for approval by Zoning. The Planning Commission and the Board of Supervisors will need to act on the following waivers: Modification to the requirement that the Planned District designation be allowed only in the Development Areas, setback waiver, critical slopes waiver, and waiver of Section 20A.8 of the Zoning Ordinance (Mixture of dwelling types/mixture of uses). Modification to the requirement that the Planned District designation be allowed only in the Development Areas, setback waiver, critical slopes waiver, and waiver of Section 20A.8 of the Zoning Ordinance (Mixture of dwelling types/mixture of uses).
- Section 20.a.9.b does stated that for areas shown in the land use requirement of the Comprehensive Plan as Neighborhood Density Residential, Urban Density Residential, Neighborhood Service and Community Service the area devoted to amenities shall be at least 20 percent of the gross acreage of the site. Staff has noticed with the most recent Code of Development that the applicant has included some off site amenities as a portion of the percentage for amenities, which cannot be done. So staff recommends that a waiver be included

to Section 20.a.9.b for amenities since it appears that the applicant will not be able to provide the 20 percent requirement.

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

- The proposal meets most principles of the Neighborhood Model.
- The applicant is proposing a preservation area at the rear of the property as a protection measure for the South Fork Rivanna Reservoir watershed. This area, however, is not delineated on the plan.
- Proposed parking will be located under the building and to the rear of the building.
- The proposed use of the site is less intensive than what it is currently zoned for.

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

- Property is outside of the Development Area.
- Lack of committed delineation for conservation and preservation areas on the plan.
- The proffers and Code of Development need technical revisions.

RECOMMENDATION

Provided that the areas of conservation and preservation are delineated on the plan and technical provisions to the Code of Development and proffers are completed prior to the Board of Supervisors' meeting, staff recommends approval of ZMA 2006-000014 Professional Office Building at Georgetown and Hydraulic Roads, inclusive of revised proffers, code of development and general development plan. Staff also recommends approval of the four waivers which are a waiver to Section 8.4, the rear setback waiver, critical slopes waiver, and waiver of Section 20A.8 relating to a mixture of uses and housing types including the additional waiver described this evening.

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

Ms. Joseph pointed out that this is not just an office building that they are proposing here. In the Code of Development it says that they can also do retail and are listing all of the C-1 uses. Several uses were deleted such as the service station. But, it is not just offices that they are limited to according to their Code of Development.

Ms. Grant replied that was correct.

Ms. Joseph said that they are assuming that parking regulations will limit intensive retail uses.

Ms. Grant replied that was correct.

Mr. Edgerton said that he was concerned with the original plan at the work session in trying to figure out how to get street trees consistent with what they propose with the Neighborhood Model with the sidewalk being separated from the vehicular lanes. It does not appear that this plan responds to that request. They have just widened the sidewalk all the way along the street. He asked if there is no way for them to do that. He asked it that was pursued.

Ms. Grant said that the issues as recalled from the work session had to do with the utility easement. They pursued and had lots of conversations with Rivanna Water and Sewer. This was the best they could provide.

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

William Keith Woodard said that he owned property at 1747 Earlysville Road, which was just across the road from the Ivy Creek Nature Area. He and his partners are requesting that the small parcel of land at the corner of Georgetown and Hydraulic Roads be rezoned from Rural Areas Commercial to

Neighborhood Model for office use. They feel that this use is more desireable than the convenience store and gas pumps of which the property is currently zoned. They have been working with the Commission, staff, the ARB, VDOT and all of the utilities in order to develop a project that meets the particular challenges of this specific property. They have accomplished a lot. They are keeping over one-half of the land as preservation, conservation and amenity areas. The parking is to the rear and beneath the building. The streetscape will be very attractive and pedestrian friendly. The facility will be both environmentally and energy efficient and LEED Certified. The building should be quite an enhancement at this intersection. They worked with the Rivanna folks and attempted to put trees along the street not too far back from the curb. VDOT had no problem with that, but the Rivanna folks require a certain distance of the trees from their pipe or 12" main. That 12' main starts 8' from the curve at one end of the property and goes outside of their easement several feet to the point that they are giving them additional easement. So they could not line the trees up. So the trees are lined up just off the expanded pavement in front of the building. At one of the last meetings there was mention by one of the Planning Commissioners being proud that they were able to get a widened sidewalks in there due to the fact that it is next door to Albemarle High School and the fact that it helped in that fashion.

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

Mr. Edgerton said that the area that is shown as being preserved to the west he was having a little trouble because it appears that with all of the grading that is required to build those retaining walls that it might be hard to preserve some of those trees. He asked if they have a clear delineation of where the grading impacts will stop. He asked how much of that would be preserved.

Mr. Woodard replied that they want to keep as many of those trees behind the building that they can. But, once they clean up all of the trash and debris accumulated over the years they will build this readi-rock type of retaining wall from the inside. He did not plan on taking down any trees on the other side of that or certainly no more than they have to. He felt that they can build the site from the inside.

Mr. Edgerton pointed out that the Code of Development drawing or plan showed a 20' buffer, which made him a little nervous.

Mr. Woodard said that the 20' buffer was where the Albemarle County water line traverses. There are not nice trees in that area. He presented photographs of the site. They will actually be planting some trees along the retaining wall subject to what the county and utility folks will allow. There is a water line on the front of the property. Those folks strayed outside of their easement as the other folks did. They were as much as 4' outside of their easement.

Mr. Edgerton said that he was trying to figure out what they would be approving as far as the clearing of that buffer. From the drawings he was seeing he did not see any more assurance than the 20' buffer. There is going to be a considerable amount of grading required in what is called the preservation area. He was concerned about that.

Mr. Woodard said that the preservation area is at the bottom of that slope. He did not anticipate getting to the bottom of that slope except on the extreme left hand end where they have a 6' retaining. It is a maximum height of 6' at that corner.

Mr. Cilimberg noted that one of the unfavorable factors included in the recommendation was that those areas of conservation and preservation are to be delineated on the plan before any action by the Board. He thought that the question for staff was somewhat the same, which is what is going to be truly preserved. What is being conserved might be replanting. Conservation is not under their previsions the same as preservation. Preservation leaves what is there. Conservation is an area that may be disturbed and replanted. They need to have that delineated on the plan before the Board's action.

Mr. Woodard noted that they had agreed to do that.

Mr. Edgerton asked if they have an actually grading plan or what will be required to be cleared. That is what he was trying to figure out.

Mr. Woodard replied that at this point no.

Ms. Joseph asked if he had received the response from Jack Kelsey. He asked about the trees to be removed boundary. One of the things that they had done on the church was to show where they thought that silt traps would have to be for erosion control. So Mr. Kelsey does say that there may have to be some disturbance in this area depending upon sort of erosion and sediment control measures they use. They may be losing some of the trees as a result of erosion and sediment control.

Mr. Edgerton asked if Mr. Cilimberg's thought was assuming that they send this on to the Board that before this goes to the Board this will be clarified.

Mr. Cilimberg said that based on staff's recommendation it will need to be clarified.

Mr. Edgerton asked if it was something that the Commission would not see.

Mr. Cilimberg replied that if they are uncomfortable with that, then that needs to be factored into the decision.

Mr. Cannon asked if this was something that just needed to be worked out at the margin.

Ms. Grant said that based on what Mr. Kelsey has mentioned in the email it looks like there will be some disturbance in there. She talked to Mr. Kelsey about it, but it is hard for staff to know how much disturbance. Mr. Kelsey seemed to feel that at the site plan stage that is when the actual details would be taken care of. She noted that he seemed fairly comfortable with that. But, it is up to the Commission to decide.

Mr. Cannon said that one of the conditions was the lack of committed delineation for conservation and preservation areas on the plan. The condition suggested for this concern would be great. The question is does staff feel comfortable that could be done with the applicant and come to a result that would be appropriate to take to the Board. He asked how much work is there in refining the delineation.

Ms. Grant felt that what he was asking was how much more detail will they have to provide to show this information.

Mr. Cannon asked how far is it from what they might reasonably expect based on the materials they now have.

Mr. Grant suggested that the question be deferred to the applicant.

Mr. Woodard displayed a drawing on the document camera and explained what parts he would be cutting.

Mr. Edgerton noted that there was a commitment on the drawing for a 20' buffer in the area colored in green that says preservation. There is a 20' buffer along the back line that could all be cleared in the worse case scenario. He thought that they need to acknowledge that.

Ms. Joseph noted that the 20' buffer was an ordinance requirement.

Mr. Edgerton noted that there is no commitment from what they are looking at tonight that this beautiful clump of mature trees will be there to protect the neighborhood property.

Ms. Joseph noted that often times on site plans they have to disturb areas to put in silt traps.

Mr. Edgerton agreed. He was struggling with the drawing's approved limits of disturbance.

Mr. Woodworth said that their intent is to only clear the amount of trees they have to and preserve as many of those beautiful trees as possible.

Mr. Edgerton said that as rendered it is one of the nicest things about the plan. But, if that is not going to really happen because of the amount of grading involved and the amount of soil erosion protection, then they need to be honest about that. He did not think that they had before them an accurate representation of what is going to be left.

Ms. Porterfield asked if they could require if the applicant takes a tree out that they put a tree back in.

Ms. Joseph replied yes.

Mr. Woodard said that they certainly can within that area.

Ms. Porterfield asked if the applicant would be willing to do that.

Mr. Woodard replied absolutely.

Ms. Porterfield said that she would guess that the replacement would be the size of the removed tree.

Mr. Woodard said that the trees that are there are very nice from 8' to 12'. There is a whole variety of trees both desirable and undesirable. They plan to keep everything to the back of this line. He said that they will be doing infill trees in areas where there are no trees.

Ms. Porterfield asked if they could put the condition that if it was not in this upper area where the applicant has already said they will be doing the plantings, that if they take out any other trees they have to replace with a specific caliper.

Mr. Woodard noted that there was a change in slopes on this plan. They have gone from 1900' to less than 1400' by responding to pushing the building back. The building is about 25' to 30' from the curve at any point along here. That is due to the utilities and the trees. They were able to push the parking underneath the building.

Ms. Porterfield asked about the signage, and Mr. Cilimberg noted that all signage would be subject to review by the Architectural Review Board.

Ms. Porterfield asked if the applicant would be willing to proffer that space in the building will not be retail.

Mr. Woodard said that he would hate to say no just across the board for retail because there may be some little shop that will want a little piece of that. They have the capability of splitting up the spaces into a little less than 2,000 square foot pieces.

Ms. Porterfield asked if he was putting in the amount of parking as would normally be required for retail.

Mr. Woodard said that he did not believe that they are. That would probably prohibit them from doing retail.

Ms. Porterfield said that she would like to see him prohibit himself from doing retail because of the parking.

Mr. Edgerton said that the rezoning request would allow any activity allowed in the current ordinance under Neighborhood Model, which includes retail and a lot of other things. If he was not interested in anything other than office why wouldn't he be willing to proffer out all of those other uses.

Mr. Woodard replied that he did not know what the market is right now.

Mr. Strucko noted that the parking requirements would be the prohibiting item.

Mr. Woodard noted that each tenant build out of a space would be reviewed.

There being no further questions for the applicant, Mr. Morris invited public comment. There being none, the public hearing was closed and the matter before the Commission.

Mr. Cilimberg noted that as shown on the camera view of their rendering they have a large area that they call preservation. Under our requirements that cannot be delineated as preservation if there is going to be disturbance in that area. So that is one of the things that has to be brought to staff so they can determine what is being truly preserved and what is being disturbed and would be replanted. He heard tonight that if there were any trees taken that there would be a desire on the Commission's part that there be replacement of that tree. That would be laid out as part of the Code of Development regarding the conservation area on the plan. It may very well be that there will end up being no preservation area on this plan. It might all be preservation just based on what they need to do in terms of building the wall or putting in erosion control measures. They don't know, but that is what the applicant needs to figure out so that it can be shown on the plan and described in the Code of Development. If the Commission is not comfortable with knowing what that is and is not here, then that may affect what they decide tonight. But, that is where staff wants to go before the Board hearing.

Mr. Edgerton asked if typically don't they have that information before being asked to make the rezoning decision.

Mr. Strucko asked what the Neighborhood Model District requires.

Mr. Kamptner replied that it all fall under the umbrella of green space and preservation and conservation areas are included.

Mr. Cilimberg noted that preservation areas per say are not a requirement. Regarding uses and parking he noted that each use that would come in to occupy space in this building would have to receive a zoning clearance. Part of that zoning clearance is based on the adequacy of parking. It is somewhat self regulating in that regard. The Commission has to decide whether they feel that any of the uses spelled out in the Code of Development are not appropriate.

Ms. Grant added that the number of spaces that they are providing is 51. So they are not going to be able to do a large retail with only 51 spaces.

Mr. Edgerton asked how tied the applicant would be to the plan they are looking at now as opposed to coming in with something entirely different. The rezoning is taking this from the specific rezoning granted 27 years ago and taking it to the Neighborhood Model. He asked if it was conceivable that once the rezoning is granted that they could come back in with a site plan that was entirely different.

Mr. Cilimberg said that it would be tied to the application plan. That is why it is important that they know the area of delineations. Things can move somewhat. The Neighborhood Model District does not actually have a set of uses prescribed. What the Neighborhood Model District does is incorporate potential uses that can be in the district and then the Code of Development spells out what uses will be actually allowed on the site. The area where parking is being provided will be set by the application plan. If they figure out a way to provide more parking within that area, then they could do that. The plan tries to specify the limits of development and the limits of the areas to be left undeveloped.

Mr. Morris invited the applicant to address the Commission.

Mr. Woodard said that in regards to the parking and the building they can proffer that the size of the structure and the impervious area of the parking and design of the site stays just as it is. They have worked for 1 ½ years to develop this. They can't change it to come back with additional structured parking or anything else because it would just ruin the project. As far as retail if it did take them proffering no retail, although he felt it was unreasonable, he was not looking to do retail in the building per say. They are looking for professional office uses.

Mr. Cilimberg noted that one of the waivers is to remove residential. So the only mixed use possibility in the Neighborhood Model District they would end up having is office with retail. In that area if a retailer that could provide support to a lot of office uses might end up being appropriate. The Neighborhood Model is about trying to provide some things that support other uses, such as a coffee shop. It is not necessarily a bad thing. The Commission has been concerned about over parking sites. In the past the Commission has tended to move in the other direction. He felt that they have somewhat limited parking based on an anticipated use that will essentially govern what they can do down the road.

Mr. Cannon said that there are still some questions here. They have been working on this for some time. This design is a great improvement over what would otherwise be there allowed by right. He drives by this corner everyday and would much prefer to see this development over a vacant lot. It seems to be a good faith effort in which the applicant has put a lot of thought. He favored approval with condition of delineation of conservation and preservation areas before presentation to the Board subject to the standard that the conservation and preservation areas be maximized to the extent feasible given this specific site plan. With some assurance from the applicant he would assume that it would pan out that there would be a minimal disturbance with the further provision that there be a replacement of any trees that are required to be removed with like kind plantings, but he did not know what the caliper is.

Mr. Kamptner noted that staff has language for that.

Mr. Cannon asked that the technical revisions that are required to the Code of Development be added.

Mr. Strucko said that if that was a motion that he would second it.

The Planning Commission took the following action on ZMA-2006-00014 and the associated waivers.

Motion on ZMA-2006-00014:

Motion: Mr. Cannon moved and Mr. Strucko seconded to approve ZMA-2006-00014, Professional Office Building at Hydraulic & Georgetown Roads with the following conditions:

1. Conservation and preservation areas shall be delineated on the general development plan before this rezoning is presented to the Board of Supervisors. The conservation and preservation areas shall be maximized to the extent feasible given this specific plan.
2. The applicant shall demonstrate that there will be a minimal disturbance in the conservation areas.
3. Any trees in the conservation areas that are required to be removed shall be replaced with like kind of plantings. (Condition to be worked on regarding the caliper of tree).
4. The applicant shall address the technical revisions required for the proffers and the Code of Development.

The motion passed by a vote of 7:0.

Mr. Morris noted that ZMA-2006-00014, Professional Office Building at Hydraulic & Georgetown Roads would go to the Board of Supervisors on March 19, 2008 with a recommendation for approval.

Motion on the Waivers:

Motion: Mr. Cannon moved, Mr. Strucko seconded for approval of five (5) waivers, which include the waiver to Section 8.4, the rear setback waiver, the critical slopes waiver, and the waiver of Section 20A.8 relating to a mixture of uses and housing types, all set forth in the staff report, as well as the waiver to Section 20A.9.b as described by staff at the meeting for ZMA-2006-00014, Professional Office Building at Hydraulic & Georgetown Roads..

The motion passed by a vote of 7:0.

Mr. Edgerton asked if they have any idea how many critical slopes would be disturbed.

Mr. Kamptner replied that it was .14 acres.

Mr. Morris noted that the 5 waivers for ZMA-2006-00014 were approved.

Old Business

Mr. Morris asked if there was any old business.

Mr. Cilimberg noted the following recommendation from the County'

- **Improve ARB/PC/Board coordination, clarify role of ARB** - Clarify the sequential review process to alleviate confusion for staff, applicants, Planning Commission and Board of Supervisors and clarify the extent of review from the PC and ARB expected by the Board, prior to BOS review.

  A joint meeting has been scheduled for Wednesday, May 21st at 1:30 pm. It will be at the COB, likely in the meeting room that has replaced the old Board of Supervisors meeting room. Staff will also e-mail the information.

There being no further old business, the meeting proceeded.

New Business

Mr. Morris asked if there was any new business.

Mr. Cilimberg noted the following:

- This year's Certified Planning Commissioner program is currently taking registrants. Funding is available in the Community Development Department's budget to cover registration for up to 2 Planning Commissioners. The program is scheduled to begin in Richmond on March 10 and 11. More information about the program will be forwarded via e-mail. If any Commissioner would like to participate, please let staff know by the end of this week.

- **2008 Zoning Map Amendment and Special Use Permit application submittal and review process**
  As a first step in another of the recommendations of the Development Review Task Force, each year staff identifies the new submittal dates for applications for special use permits and rezoning and a variety of other applications they get. Recently staff issued the dates for the applications in 2008. Associated with that staff is working on a better defined process that they hope will bring a better order to review and scheduling these projects for the Commission's public hearings. It will include more interaction between staff and the applicants. It will allow the applicants to decide that if they want to go forward with their application to public hearing and will allow them only one deferral during the life of the application after they decide to go to public hearing. There are now resubmittal dates set for resubmitting information after initial review. There are also set intra-County meetings of staff to discuss project reviews. This is all spelled out in additional documents that are going out this year with the schedule. Staff will also send this information to the Commission via e-mail.

- Mr. Morris requested that at the next retreat the Commission address the problem with insufficient staff information coming to the Commission in some staff reports. Tonight he was embarrassed specifically about the Bellair project. There were so many things that came up about the streams and so on that the Commissioners did not have answers to. There was no mention in the staff report about the various federal and state agencies who have been involved.

- There will be no meeting on March 4.

- Recycling Request: A recycle box for discarded materials will be provided at future meetings.

There being no further items, the meeting proceeded.

Adjournment

With no further items, the meeting adjourned at 8:48 p.m. to the Tuesday, February 26, 2008 meeting at 6:00 p.m. at the County Office Building, Lane Auditorium, 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)