Albemarle County Planning Commission
May 6, 2008

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

Members attending were Jon Cannon, Vice-Chairman; Bill Edgerton, Eric Strucko, Thomas Loach, Linda Porterfield and Calvin Morris, Chairman. Commissioners absent was Marcia Joseph. Julia Monteith, AICP, non-voting representative for the University of Virginia was present.

Other officials present were Wayne Cilimberg, Planning Director; Megan Yaniglos, Planner; Bill Fritz, Chief of Current Development; Amy Pflaum, Engineer 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.

Committee Reports:

Mr. Morris invited committee reports.

- Ms. Porterfield noted that if anyone was interested in the Historic Preservation Committee the application is on line.

There being no further committee reports, the meeting moved on to the next item.

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.

Consent Agenda:

SDP-2006-00128 Pavillions (Phase II) - Final
The request was for final site plan approval for a 56 unit residential townhouse development on 9.73 acres. The property, described as Tax Map 78, Parcel 12, is zoned R-6, Residential and is located in the Rivanna Magisterial District on Richmond Road [Route # 250E] approximately 0.25 miles west of its intersection with State Farm Blvd, immediately behind the Aunt Sarah's and Eckerd on 250E. The Comprehensive Plan designates this property as Neighborhood Density in Neighborhood 3. (Summer Frederick)

Mr. Morris asked if any Commissioner wanted to pull the one item from the consent agenda.

Motion: Mr. Strucko moved, Mr. Cannon seconded for approval of the consent agenda.

The motion passed by a vote of 6:0. (Ms. Joseph was absent.)

Rural Fire Protection Water Supply Presentation (James Baber)

In summary, James Baber, Assistant Chief of the Prevention Division with County of Albemarle Department of Fire Rescue, for informational purposes made a power-point presentation on the rural fire protection water supply. They have been working for several months to develop solutions to some problems and challenges that they have seen with fire suppression in the rural areas. He presented their proposed solutions, their implications and proposed implementation (see below) in enforcing the existing laws and ordinances. The Planning Commission asked questions and provided comments and suggestions. No formal action was taken. (See Attachment A – Power-point presentation)

James Baber, Assistant Chief of the Prevention Division with County of Albemarle Department of Fire Rescue, made a power-point presentation on the rural fire protection water supply. (Attachment A – Power-point presentation)

The purpose of the presentation is to bring this information to the Commission as an informational item. They have been working for several months to develop solutions to some problems and challenges that they have seen with fire suppression in the rural areas. They are going to be enforcing already existing laws and ordinances. So they are not asking for an additional ordinance or an additional level of authority or anything of that nature. It is just to inform them of what is going on.

The presentation was developed for developers and contractors. They invited them in to share in a part of this. They had relatively a low turn out. There was one developer that was present. In looking at rural fire protection they tried to identify what are the key issues. They identified several being:

- Risk to citizens and fire fighters (Loss of life and/or property)
- Response times
- Access difficulty
- Availability of water supply
- Fire growth/spread

He explained what Albemarle County has done already, as follows.

- Codes and ordinances
- Training and public education
- Planning (in reviewing plans at the Department of Fire/Rescue level)
- Staffing

In the Codes and ordinances that already exist there is a section where fire apparatus access roads shall extend to within 150' of all portions of a facility of a building. That is one of the things the Fire Department looks at when they look at submitted plans. Under fire protection there is another section where in areas where public water is not reasonably available, which would be in the rural areas, the Department of Fire/Rescue may require such alternative provisions as deemed reasonably necessary to provide adequate fire protection. They are asking that the developer become more involved in those rural areas when they develop a building or subdivision plan to take a more active role in those suppression measures.

Previously homes that have been built in the rural areas have been kind of on their own. A developer will go in and build and then it is up to the fire department to react to that. When they see new developments going in and they know that there is a pond in the area they try to work after the home has been built to install drive hydrants and things like that. They are going to begin to enforce a little more stringently the current regulations in regards to adequate access to properties for emergency vehicles and adequate water supply being made available. Some of the solutions that they identified were:

- Access
- Driveway length and grade
- Ensure tree limbs or other obstructions are addressed

- Water Supply
- Dry hydrants with adequate water supply
- Cisterns or storage tanks

Some of the questions regarding implication include the following:

- What is the cost?
- Projected costs of draft site ($1,000 to $3,000)
- Projected costs of cistern ($2,000 to $8,000)
- How do we manage it?
- Impacts of costs to overall development
- Options for funding
- Maintenance/Logistics

Regarding implementation, he offered the following:

- Beginning March 1, 2008 all site plans submitted for final approval are expected to address access and water supply needs. (Note: This has not been started. This date will move out some because staff wanted to make this presentation to the Planning Commission and then to the Board of Supervisors.) Staff will make those comments as they receive those site plans so that the developers will have those comments in front of them and will have the opportunity to discuss those options with them.
- Keep in mine, there are options and waivers available
    - For example (construction type, residential sprinklers)
- The Department of Fire Rescue is available for guidance and direction should questions arise.

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

Mr. Edgerton noted that he said that March 1 date is not applicable. He asked what date it would be implemented.

Mr. Baber replied that he had not been able to solidify a date for the Board presentation. The implementation date would be set at some point after that. It would probably be a July 1 date or beyond so that it does not appear that they are all of a sudden enforcing new regulations. Any plan that is submitted before that date is going to be allowed to go on through.

Mr. Morris asked if they at least make comment on all development plans.

Mr. Baber said that currently it is set up so that on any new commercial construction he would see a copy of the plans. He would see any residential development with three or more homes included in it. He would not review the plans if a private homeowner with one tract of land that wants to build one house.

Mr. Loach noted Mr. Baber said they were not going back retroactively to look at any areas to enforce this. He asked if that would come under pre-planning in some of the areas to go back and see if there are any problems so that they can get emergency trucks through some of the roads.

Mr. Baber replied that they would address those issues through a different mechanism. What they were talking about here was that as they review plans for new construction this is going to be the way that they look at those plans. It is hard once a development is already built and a certificate of occupancy is issued to then enforce regulations.

Mr. Loach noted that the Commission had discussed the zero lot line, which was part of a proposed change in the ordinances. He had a question about that because of some studies done by the National Institute of Standards that showed that there was a high potential for the spread of fire when the houses were close together. So that may be coming back to them. He asked Mr. Kamptner if there is a way with new residents who are looking in the rural area to make them aware that they may have problems with water supply in their area; and, they will have a higher ISOL rating and therefore their insurance costs are going to be higher.

Mr. Kamptner replied from a public relations standpoint the county either through Fire/Rescue or through other appropriate departments can provide information in the form of brochures or something on the county's website.

Mr. Loach asked if there is nothing when someone is at the real estate level when the land is under contract in the rural area that they are informed. He felt that would be full disclosure of what the facts are on what someone is buying.

Mr. Kamptner replied that he did not think there was anything that enables the county to require that this kind of disclosure be made. Whatever disclosure requirements there are would be governed by state law. The county can provide information to the realtors so that they have that information. The real estate agents would be able to inform their clients about that information.

Mr. Morris noted that one item that always comes up with new development in the rural area is the

requirement for interconnection. Very often people don't want that. But, the county is constantly asking them to at least provide emergency access between developments. When this actually goes into effect will that item come before them to sign off on that the proposed emergency access meets their standards?

Mr. Baber replied yes, that emergency access is one of those provisions already in the Code that they would look at while they review those plans.

Mr. Strucko asked if his expectations for the installation of cisterns and dry hydrants would be that the developer of these rural developments would assume the costs of installation.

Mr. Baber replied that they would look at that on a case by case basis. There are several options available. The Department of Forestry, if they were looking at installing dry hydrants, would provide funding for that. He has not done enough of the research to see if there are other grants available. There may be other funds available. But, in the end either the contractor or the home owner would include that cost in the cost of construction.

Mr. Strucko asked how many gallons a cistern holds.

Mr. Baber replied that cisterns come in different sizes. The cistern thought process is not necessarily to provide enough water to entirely extinguish the fire, but to start being able to make headway or make suppression so that they can get tankards and other resources there. Currently with no water supply readily available there is a significant delay in the time it takes once they get on scene to start putting water on fire. Every minute that a fire goes unchecked once it is in the open flame stage, it doubles in size every minute. So the sooner they can start to put water on the fire the better. So those cisterns, even if they only hold 3,000 or 4,000 gallons, can help make headway while they have other resources on the way.

Mr. Strucko said that the tactic for fighting a structure fire in the rural areas is a water relay. The responding fire station brings a tankard truck with them that holds anywhere from 2,000 to 3,000 gallons. That in and of itself may not be enough and may require the water relay. If they are looking at protecting citizens or discouraging development in rural areas they need to be concerned about providing fire services. They need to understand that the cost is for a cistern, dry hydrant and potentially for apparatus to truck water in to those remote areas.

Mr. Loach questioned if in an area where they are going to do a rural subdivision construction and there is a pond or a lake available can they require as part of the approval process that they install either a dry hydrant or a cistern as part of the process.

Mr. Kamptner replied that under Section 14-418 of the Subdivision Ordinance if Fire/Rescue makes that determination for a particular subdivision they can do that. They might have the authority to make a blanket requirement, but they would have to look at that. They are enabled under the state law because it does serve a public purpose. He thought that leaving it to the decision of the Fire/Rescue on a case by case basis may be the more economical way because they may determine in certain cases that it is just not necessary. Or, there may be alternatives that would serve the same purpose.

Mr. Morris thanked Mr. Baber for his informative presentation.

Regular Items:

SDP-2008-00013 Dunlora Gates

The request was for preliminary site plan approval to create 18 lots with open space on 7.9 acres. Associated with this request are requests for modifications for critical slopes, curb and gutter, sidewalks, and the approval of dedicated open space. The property is zoned R-4, Residential, described as Tax Map 62 Parcel 10 and is located in the Rio Magisterial District on Townbrook Crossing approximately 0.071 miles from the intersection of Shepherds Ridge Road and Townbrook Crossing. The Comprehensive Plan designates this property as Neighborhood Density in Urban Area 2. (Megan Yaniglos)

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

This proposal came before the Planning Commission on March 25, 2008. At this meeting the proposal was deferred so that the applicant could work with engineering staff to revise the proposed stormwater management facility in order to reduce the amount of critical slopes disturbed, and to reduce the impact to the stream buffer. The applicant has revised the plan based upon engineering's recommendations.

The applicant is requesting the approval of modifications for curb and gutter, sidewalks and the disturbance of critical slopes as well as the approval of proposed open space that is required for the approval of preliminary site plan to create 18 lots on 7.9 acres adjacent to the Dunlora Subdivision.

In June 2006 the Planning Commission took action on five waiver requests and the appropriateness of proposed open space for a 14 lot subdivision on this parcel. The Commission took action for the request for waivers for the installation of curb and gutter (6:0 approval), installation of sidewalks (for a one-sided sidewalk) (6:0 approval), interparcel connection (6:0 denial), installation of planting strips (6:0 denial) the disturbance of critical slopes (6:0 approval), and approved the open space (6:0 approval). The preliminary plat was then approved in July 2006. The applicant did not submit final plans for the subdivision within one year of preliminary approval, and therefore the approval of the preliminary plat was deemed null, along with any of the approved waivers.

The waivers being requested with the current proposed site plan are similar to the waivers granted by the Commission in the review of the previous subdivision. Also, the current request is similar to the ones previously approved, no change to the ordinance has occurred and staff has considered the prior action to grant the waivers as a favorable factor in approving the waivers in this case.

The Planning Commission will need to act on the waiver requests, and make findings on the appropriateness of the proposed open space. This staff report is organized to address each issue separately. The Commission must act on all of the items. The items to be addressed are:

Zoning Ordinance Waivers:
1. Waiver of Section 4.2.5 – disturbance of critical slopes
Staff has worked with the applicant since the last meeting to reduce the amount of critical slopes disturbed. The applicant has revised the plan and is now disturbing 40 percent less critical slopes than the previous plan. Staff recommends approval of this request.

Other Zoning Ordinance Considerations:
2. Section 4.7- Open Space

The zoning ordinance requires that all open space must be authorized by the Planning Commission. The open space proposed in the site plan is approximately 2.72 acres. It provides protection of critical slopes and conservation of existing trees and drainage area. There is a proposed stormwater management facility within the open space, which is an allowable use. The open space provides a reasonable buffer from adjacent subdivisions and will connect to the open space on the south side of the parcel. Staff recommends approval of the open space as well.

Subdivision Ordinance Waivers:
3. Waiver of Section 14-410 (I) - Installation of Curb and gutter (recommendation, approval)
4. Waiver of Section 14-422 (E) - Installation of sidewalks (recommendation, approval)

The applicant is proposing that no curb and gutter be required for the proposed public streets. The two public streets adjacent to this parcel do not contain curb and gutter. The pattern of development within the adjacent Dunlora Subdivision is rural cross sections without curb and gutter. Therefore, staff recommends approval of this modification.

Sidewalks are required on both sides of each new street within a subdivision in the development areas. The proposal will provide a concrete sidewalk on only one side of the street that will connect to the existing sidewalk on Townbrook Crossing. The adjacent areas have existing sidewalks on only one side

of the street that provides the need for pedestrian access. Staff recommends approval of this modification.

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

Jim Gates, property owner, said that staff has covered most of the issues for the waivers. They have worked closely with the Dunlora Community Association and the River Crest Board and residents that live in that section of Dunlora that abut their property. Over the last couple of years he has met with them in membership meetings of both boards and he has met and talked with the various board members to address their concerns both long term and short term during the construction process. They have come to several different agreements that will make it more palatable for the residents during the construction process. He thought that they have the support of the Dunlora community. They intend to put the lots into the Dunlora Community Association.

Mr. Morris invited public comment.

Tom Harvey, President of Dunlora Community Association, noted that there were two streets that were developed in the River Crest area of Dunlora named Townbrook Crossing. He could never figure out how people could find their way around because they don't meet. This development is finally going to bring them together as a unit. Mr. Gates has done his homework with their residents and adjusted his plans to gain acceptance of the River Crest residents, including installing sidewalks and planting screening and buffer vegetation. The Association and residents approved his plans during a public meeting last month. He has agreed to merge his development with the overall association and the new residents will be governed by their declarations. He has agreed to buy into their existing infrastructure and has already agreed to the price per unit. Those funds will assist the association in its absorption of the additional residents into their infrastructure and the maintenance of a large amount of common or open area that the association will acquire. Finally, since access to the development can only be made through Dunlora streets and the River Crest neighborhood, plans have been agreed upon to minimize the impact of construction on the neighborhood by enforcing one-way construction traffic in a circular pattern on the two narrow Townbrook Crossings. The Dunlora Board of Directors and the members of the association support the plan as currently being presented and its approval.

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

Mr. Strucko pointed out that normally speaking under different conditions he would not support these waivers. One, the open space he would like to think it was true open space for recreational activities in the designated growth area neighborhood and not contain the stormwater facility. He felt that takes away from some of the amenity that is open space. He would normally insist on the installation of curb and gutter and sidewalks on both sides of the street. This particular development proposal is part of an existing development that has rural cross section roads, which is not the preferred cross section of road inside a designated growth area neighborhood. They want to encourage safe pedestrian passage and not have walkers compete with cars. He can support the request given the unique situation that this is a small extension of an existing neighborhood that is carrying the conditions of that existing neighborhood into this extension.

Motion: Ms. Porterfield moved, Mr. Edgerton seconded, for approval of SDP-2008-00013, Dunlora Gates with the following waivers as recommended by staff: Section 4.2.5 – disturbance of critical slopes; Section 4.7- Open Space; Section 14-410 (I) - Installation of Curb and gutter and Section 14-422 (E) - Installation of sidewalks.

The motion passed by a vote of 6:0. (Ms. Joseph was absent.)

Mr. Morris stated that the waivers for SDP-2008-00013, Dunlora Gates, were approved. This does not require Board of Supervisors action. He commended the applicant for his effort in cooperating with the neighbors.

SDP-2008-00038 Flow Automotive
The request was for final site plan approval for the construction of a 3440 square foot car dealership addition with outdoor storage and display. The property, described as Tax Map 78, Parcel 15D and Tax Map 78, Parcel 15E is 1.95 acres and is located in the Rivanna Magisterial District on the south side of Route 250E, at 1313 Richmond Road. The property is zoned Highway Commercial (HC) and Entrance Corridor (EC). The Comprehensive Plan designates this property as Regional Service in Urban Area 3 (Pantops). (Megan Yaniglos)

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

- Proposal for a waiver to zoning ordinance section 4.2, Critical Slopes. The request is for a waiver to allow the disturbance of critical slopes in the development areas. The property is an existing developed parcel and approximately one-half of the critical slopes on the site appear to be man-made. The critical slopes requested to be disturbed are .16 acres or approximately 8.2 percent of the 1.95 acre on the site.

- As a result of addressing the run off from the site the applicant is proposing to improve storm water systems in the area, which staff has found to be currently substandard. The erosion and sediment control measures that the applicant is proposing will satisfy the purpose of Section 4.2 at least to an equivalent degree.

- The Planning Commission may grant the modification if it finds that the request has met one of the three requirements in Section 4.2.5 (b). Staff has found that the request for modification meets two of the three requirements, and therefore recommends approval.

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

Christine Lynns, with Collins Engineering, said that staff did a job of presenting the request. She would be happy to answer any questions.

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

Mr. Cannon asked if the improvements to the storm water management on site that are the basis for staff's recommendation on the critical slopes are contained in the final site plan.

Ms. Yaniglos replied yes.

Mr. Cannon asked if it would be enforceable as elements of the site plan, and Ms. Yaniglos replied yes.

Mr. Fritz noted that it would need a separate condition tied to the plan.

Motion: Mr. Cannon moved, Ms. Porterfield seconded, for approval of SDP-2008-038, Flow Automotive Final Site Plan – Critical Slopes Waiver based on the site plan submitted and the recommendations of staff.

The motion passed by a vote of 6:0. (Ms. Joseph was absent.)

Mr. Morris stated that SDP-2008-038, Flow Automotive was approved. This does not require Board of Supervisors action.

Old Business:

Mr. Morris asked if there was any old business. There being none, the meeting moved to the next item.

New Business:

Mr. Morris asked if there was any new business.

Mr. Morris noted that next week is going to be a short meeting. Then they are followed by back to back long agendas. He wondered if there is any possible way staff could address this issue.

Mr. Cilimberg explained that several public hearing items for next week had been deferred. Staff was trying to allocate among several meetings things that then ended up not coming to the Commission because they were not ready. Items get set fairly well in advance in terms of their hearing dates. Some items also are on a standard schedule in the subdivision and site review process for call up to the Commission. There are a lot of those items in the process right now. He will try to pay more attention to where they can allocate some things in the schedule. Next week they will schedule a couple of work session items and presentations.

Mr. Edgerton asked about the meeting last week at Ashcroft.

Mr. Morris reported that a meeting was held last week at the Ashcroft Subdivision. The topic was the Gazebo Plaza project. In essence, there was concern about creating the road that would go through the Glenorchy Subdivision. The representative from Glenorchy said definitely not and asked that it not be done. But, it was interesting.

There being no further new business, the meeting moved to the next item.

Adjournment:

With no further items, the meeting adjourned at 6:48 p.m. to the Tuesday, May 13, 2008 meeting at 6:00 p.m. at the County Office Building, Room 241, 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)