Albemarle County Planning Commission
June 24, 2008

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, June 24, 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, Bill Edgerton, Linda Porterfield, Eric Strucko and Calvin Morris, Chairman. Absent was Jon Cannon, Vice-Chairman. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was present.

Other officials present were David Benish, Chief of Planning; Bill Fritz, Chief of Current Development; Ron Higgins, Manager of Zoning Enforcement; Gerald Gatobu, Senior Planner; Joan McDowell, Principal Planner; Philip Custer, Engineer; Joe DeNunzio, VDOT representative; Amelia McCulley, Director of Current Development & Zoning/Zoning Administrator; Elaine Echols, Principal Planner and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

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

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:

Approval of Minutes: May 20, 2008 and May 27, 2008

SUB-2008-00099 Cutright, Pat (2-Lot)
The request is for a final plat for a two lot subdivision with a waiver for Section 14.404. The property is described as TM 88, Parcel 6A1, contains approximately 9.62 acres and is zoned Rural Areas, RA. The site is located at the intersection of Monacan Trail Road (Rt. 29) and Red Hill School Road (Rt. 760) near Red Hill in the Samuel Miller Magisterial District. The Comprehensive Plan designates this property as Rural Area 3. (Lisa Glass)

Mr. Morris asked if any Commissioner would like to pull the item from the consent agenda for discussion.

Ms. Joseph asked if the Cutright proposal was the same proposal the Commission looked at and could not approve, but the Board of Supervisors could. They were going to take one of the lots and dedicate it to Fire and Rescue.

Mr. Fritz replied they were going to turn it into a non-development lot.

Ms. Joseph asked if that was the area shown as residue on the plan, and Mr. Fritz replied that was correct.

Ms. Porterfield said she could not vote on the approval of the minutes of May 27, 2008 because she was not present.

Motion: Mr. Strucko moved and Ms. Joseph seconded for approval of the consent agenda.

The motion passed by a vote of 5:0:1. (Ms. Porterfield abstained.) (Mr. Cannon was absent.)

Regular Items:

SDP-2008-00070 Vintage Virginia Apples Cidery-Waiver

The request is for a site plan approval, with a waiver in accordance with Section 32.3.10, for construction of a cidery and tasting room, with two new buildings, approximately 4,000 sf total. The property described as Tax Map 87, Parcel 9, contains approximately 78.586 acres and is zoned RA, Rural Areas. The property is located on the west side of Monacan Trail Road (US 29), approximately 0.75 miles south of the intersection of US 29 and Taylor's Gap Road (Rt 710), in the Samuel Miller Magisterial District. The Comprehensive Plan designates this property as Rural Area 3. (Lisa Glass)

Bill Fritz presented a Power-Point presentation and summarized the staff report.

- The request is to build some additional buildings on the property that will total 4,000 square feet. There is already a special use permit on the property for farm sales. The applicant is proposing a farm cidery, which staff is treating as a farm winery. They will be making cider with the apples. The property currently has an apple orchard. The proposal is for a tasting room as part of the cidery, which requires a site plan to be submitted.
- The property has an existing entrance off of Route 29. The applicant's plan proposes a gravel parking area. Staff has determined that there is adequate area for drainage, surface for parking and other features. This requires a site plan or site-plan waiver.
- The purpose of the site plan is to ensure that potential adverse impacts on adjacent properties are going to be mitigated. The nearest residence is 500' from the property and the impacts are not that great. The Site Plan Review Committee reviewed the plan and determined that there was adequate detail to support the site-plan waiver. Staff is supporting the site-plan waiver because the plan has adequate information and supports agricultural uses in the rural area. Staff recommends approval with the conditions listed in the staff report.

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

Charlotte Shelton, representative for the property owner, said that it was a family farm operation. They started planting apples 12 to 15 years ago, and this has grown into a small business. They have about 250 varieties of apples, which include many old Virginia varieties. In addition to the cidery, they have a nursery. They offer apple trees for sale and classes on making cider, grafting and growing trees. She requested the Planning Commission to approve the request.

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

Motion: Mr. Strucko moved and Mr. Loach seconded, for approval of SDP-2008-00070, Vintage Virginia Apples Cidery-Waiver as recommended by staff.

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

Mr. Morris stated that SDP-2007-00070, Vintage Virginia Apples Cidery-Waiver was approved and will not go to the Board of Supervisors.

Mr. Fritz pointed out staff received information late this afternoon that an item at the end of the agenda, SP-2008-00013, Matthews Property-Verizon Wireless Tier III, is requesting deferral. He asked if the Planning Commission wanted to take up that item at this time.

SP-2008-00013 Matthews Property-Verizon Wireless-Tier III PWSF

PROPOSED: Co-location of antennas on an existing Dominion Power tower
ZONING CATEGORY/GENERAL USAGE: RA, Rural Areas-; EC Entrance Corridor overlay
SECTION: 10.2.2 (48) Special Use Permit, which allows for Tier III personal wireless facilities in the RA Zoning District
COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas uses in Rural Area 4
LOCATION: Tax Map 100, Parcel 30B: in the North Garden area about 600 feet from the intersection of Old Lynchburg Road [State Route 631] and Red Hill Road [State Route 708].

MAGISTERIAL DISTRICT: Samuel Miller
RELATED APPLICATION: None
(Gerald Gatobu)

Mr. Morris said that the applicant was requesting deferral of the request. He opened the public hearing and invited public comment. There being none, the public hearing was closed and the matter before the Planning Commission.

Motion: Ms. Porterfield moved and Ms. Joseph seconded, for approval of the applicant's request for indefinite deferral of SP-2008-00013, Matthews Property-Verizon Wireless – Tier III PWSF.

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

Mr. Morris noted that SP-2008-00013, Matthews Property-Verizon Wireless Tier III PWSF was indefinitely deferred.

SDP-2008-00052 Sieg Maintenance Building
The request is for preliminary site plan approval for a three-story long-term acute-care hospital with a building area of 29,373 square feet on 8.52 acres zoned (C1) Commercial, (LI) Light Industry, and (EC) Entrance Corridor with off-site parking at the Sieg maintenance building. The properties, described as Tax Map Parcels 59-23C1, 59-23B and 59-23B1, are located in the Samuel Miller Magisterial District on Ivy Road [State Route 250] about 2,000 feet from the intersection of Ivy Road [State Route 250] and Broomley Road [State Route 677]. The Comprehensive Plan designates this property as Rural Area in Rural Area 1. CONCURRENT WITH SDP2008-053

AND

SDP-2008-00053 UVA Long Term Acute Care Hospital – Preliminary
The request is for preliminary site plan approval for a three story long term acute care hospital with a building area of 29,373 square feet on 8.52 acres zoned (C1) Commercial, (LI) Light Industry, and (EC) Entrance Corridor with off site parking at the Sieg maintenance building. The properties, described as Tax Map Parcels 59-23C1, 59-23B and 59-23B1, are located in the Samuel Miller Magisterial District on Ivy Road [State Route 250] about 2,000 feet from the intersection of Ivy Road [State Route 250] and Broomley Road [State Route 677]. The Comprehensive Plan designates this property as Rural Area in Rural Area 1. CONCURRENT WITH SDP2008-0052 (Gerald Gatobu)

AND

CCP-2008-00001 Long Term Acute Care Hospital (LTACH) - Review for compliance with the Albemarle County Comprehensive Plan
This is a proposal by University of Virginia Rector & Visitors to construct a 50-bed hospital, for acute care patients on a 3.5 acre parcel (TMP59-23B1). Shared parking with the adjacent Northridge medical building (TMP 59-23B) would accommodate LTACH visitors; staff parking for LTACH and Northridge would be relocated to the parcel to the east of Northridge (TMP 59-23C1, 23F, and 23D - Sieg warehouse). The subject properties are located on the north side of Route 250 West, approximately 1,500 feet east of Bromley Road. The LTACH property is zoned Light Industrial, the Northridge medical office is zoned Commercial, and the Sieg warehouse property is zoned Light Industrial. All properties have a Rural Areas land use designation in the Comprehensive Plan (Joan McDowell)

Mr. Strucko recused himself and stepped down from the discussion on the following proposals: SDP-2008-52 Sieg Maintenance Building, SDP-2008-53 UVA Long Term Acute Care Hospital (LTACH), and CCP-2008-1 LTACH Review for Compliance with Comp Plan. He is employed as the Chief Financial Officer at the UVA Health Services Foundation (HSF), an applicant of these proposals. Personally he had been involved with the team of UVA, the UVA Medical Center, and HSF officials preparing the proposals. He declared that he was disqualifying himself from the transaction and that the statement he read be recorded in public record for a period of five years.

Mr. Fritz noted that the agenda has three items listed as follows: Sieg Maintenance Building, the UVA Long-Term Acute-Care Hospital (LTACH) and a compliance with the Comprehensive Plan analysis. The two site plans referred to as LTACH and Sieg Maintenance are really tied together. The descriptions are identical. There is a critical slopes waiver that is associated with them. Staff will give that presentation first to provide an overview of what is happening on this particular property. Mr. Gatobu will be doing that. Following that Ms. McDowell will give a presentation on the compliance with the Comprehensive Plan analysis. Ultimately, the Commission will need to take three separate actions. The first will be on the compliance with the Comprehensive Plan because this is a public use. Then action will need to be taken on the two waivers.

Mr. Gatobu presented a Power-Point presentation and explained the staff report for SDP-2008-00052 Sieg Maintenance Building and SDP-2008-00053 UVA Long-Term Acute-Care Hospital – Preliminary.

- The review is for a site development plan. The applicant requests a critical slopes waiver from Section 4.2.5.b. The request was heard by the ARB on May 19, 2008. The long-term acute-care hospital will be on tax map 59, parcel 23B1. Part of parcel 23B will be impacted by the long -term acute-care hospital. The long-term acute-care hospital cannot exist on its own. That is why there are so many items coming together at once for review.
- The long-term acute-care hospital will be on parcel 23B1. There will be shared parking between 23B, 23D, 23F and 23C1. Several parcels will become one parcel so that they can have parking to make it possible to have the hospital on this parcel. The proposal is for a 50-room, 87,627 square foot long-term acute-care hospital. Parking will be shared with Northridge and Sieg. There is a zoning determination for tax map 59 parcel 23B1 dated October 8, 2007 made by the zoning administrator in consultation with the Albemarle County Attorney's Office for the proposed long-term acute-care hospital.
- The subject property is zoned LI, Light Industry and is located on the Route 250 Entrance Corridor. This property falls within Area C of the three-party agreement entered between the University of Virginia, Albemarle County and the City of Charlottesville. The letter of determination is attachment D of the staff report.
- Approval of this application requires Planning Commission approval of the modification of Section 4.2 in order to allow a disturbance of critical slopes. It must be noted that some of the critical slopes on the Northridge site were actually man-made when they were doing the parking lot for the Northridge building. So the biggest concern is actually the critical slopes that are right next to the warehouse that were considered natural and not man-made. He explained that there would be a concrete utility pad and a retaining wall that will be right in the critical slopes area.
- The Northridge property, which is 5.03 acres, is on tax map 59, parcel 23B. The critical slopes are 0.8 or 16 percent of the site. The critical slopes being disturbed are 0.32 or 41 percent of the critical slopes. For tax map 59, parcel 23B1, the total site is 3.5 acres and the critical slopes are 0.63 or 18 percent of the site. The critical slopes being disturbed occupy 0.3 or 48 percent of the site. The Planning Commission may modify or waive any requirement of Section 4.2 in a particular case upon findings. The strict application of Section 4.2 would make it difficult to construct the long-term acute-care hospital at this location. It could be argued that the public would be missing out on an acute-care facility due to strict application of Section 4.2. The property has a warehouse building in the rear. Therefore, requirements of Section 4.2 do not effectively prohibit or unreasonably restrict the use of this property. The waiver, however, will not be detrimental to the public health, safety or welfare or to the orderly development of the adjacent properties or be contrary to sound engineering practices. It can be reasonably said that construction of the acute-care hospital would serve a public purpose of greater import than would be served by strict application of Section 4.2.
- Staff recommends approval of the critical slopes waiver. Should the Planning Commission choose to approve the critical slopes waiver, staff recommends a discussion of inter-parcel connection. The inter-parcel connection is required for Comprehensive Plan compliance, which Ms. McDowell will be presenting next and can be required by Section 32.7.2.5 of the Albemarle County Code by the Planning Commission or the agent. An attached email in the staff report explains the investor's position and limitations to achieving the required inter-parcel connection. This will be a subject of discussion. Joel DuNunzio is here from VDOT for questions.

Mr. Morris invited questions.

Ms. Joseph asked if the warehouse would stay.

Mr. Gatobu replied that was a subject of discussion about the entry point and inter-parcel connections. He suggested that Mr. Hurt could answer that question better.

Mr. Fritz suggested that the items be rolled into one with staff making the presentation on the compliance with the Comprehensive Plan first.

Mr. Morris agreed and asked for the next presentation.

Ms. McDowell presented a Power-Point presentation and summarized the staff report. This is an application for determining whether the LTACH building and its shared parking with two other parcels is in compliance with the Comprehensive Plan.

- There are connections between these parcels. There are discussions in effect right now for a fire and rescue station behind the proposed LTACH building in the area of the warehouse. There is a shared driveway that serves the Sieg complex of buildings, and it connects to the Moser Radiation. There is an application in to expand the radiation facility.

Mr. Edgerton asked about the proposed fire station since it was not mentioned in the staff report.

Ms. McDowell noted that they have not applied yet, but there are discussions ongoing with the County to have a fire station in this area. The request for a fire station will come back to the Commission with another Comp Plan compliance review. The fire/rescue station would be using the driveway as well. A Korean Church was approved last year in this area.

Mr. Edgerton pointed out that the Commission granted a waiver on the parking for the church. He asked that when the applicant gives his presentation he explain how the fire/rescue station may or may not fit into this proposal.

Ms. McDowell continued the presentation noting the favorable factors to this proposal, as follows:

1. The proposed hospital is consistent with the existing zoning district.
2. The proposed hospital would fulfill community need for a long-term acute-care facility.

The unfavorable factors to this proposal are as follows:

1. The type, scale and intensity of the use is not consistent with Comprehensive Plan policies and goals for Rural Areas.
2. Traffic and separate entrances/exits would create multiple friction points on Route 250 and could create a need to widen Route 250.

Although the proposed hospital is not in conformity with the Rural Areas land use designation and is not consistent with many Comprehensive Plan polices which guide Rural Areas development, the existing zoning and the uses permitted in those zoning districts allow for development that is equally inconsistent with the Comprehensive Plan and could have as much or more impact than the proposed use. The traffic generated by this use and the separate entrances and exits, combined with the traffic of the existing uses, could create multiple friction points along this portion of Route 250 and should be mitigated so as not to create pressure for the widening of Route 250 West which would be inconsistent with the Comprehensive Plan. The review by the Route 250 West Task Force came up with the point that they should not have any need to widen 250 at this point.

Staff finds that the existing zoning allows for development that is inconsistent with the Comprehensive Plan; however, as this proposal for the acute-care hospital is allowable under that zoning and would be

no more intensive than other development that could take place in this area, staff can recommend acceptance of CCP 2008-01 subject to the following condition:
1. Inter-parcel vehicular connections between TMP 59-23B1 (LTACH), TMP 59-23B (Northridge) and TMP 59-23D, TMP 59-23F, and TMP 59-23C1 (Sieg).

The Planning Commission discussed the inter-parcel connections and expressed concerns about the location of the parking, the critical slopes, the amount of grading and the fire and rescue station location.

Ms. McDowell pointed out that the proposed fire and rescue station would be small with only one engine. There is existing parking in that area. The traffic lights would be able to be controlled on Route 250 for safety reasons.

Mr. Benish noted that there was not a final decision as to whether the fire and rescue station would be located at that site. It is under consideration. There is an existing temporary station location on Route 250 West near the Emergency Operation Center. It is essentially the same type of facility with one engine that would be manned. It would be within the existing warehouse building.

Mr. Loach asked if staff looked at the parking load as far as number of employees and what is required by North Ridge with the expansion of Moser. He asked if staff was satisfied that there would be adequate parking.

Ms. McCulley noted that she had looked at that. The applicant provided a parking study. There will be a couple of days of surveys before the final site plan gets signed. From what she had reviewed, she was satisfied at this point.

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

Thomas Harkins, Chief of Environmental Care at the UVA hospital, briefly went over what a long-term acute-care hospital is and what it is not. It is not Hospice or a nursing home, but a specialty hospital. It is for patients who will be in the hospital for at least 25 days. It is for a particular profile of patient. Very often it is a pre-transplant patient, post-transplant patient or a patient with long-term ventilation needs. While it is an acute-care hospital, it does not have a lot of things a hospital would normally have. It does not have an emergency room or operating rooms. It has patient rooms and the support space needed for patients. It does not have an entrance for ambulances coming in on an emergency basis, but rather to transport patients in and out of the hospital. All patients come into the hospital in beds with the need for long-term care. To be a long-term acute-care patient, one would need to be in the hospital for a minimum of 25 days or longer. There are no current plans for expansion in the future of the 50-bed facility. The profile does not include emergency vehicles bringing patients in with sirens at a high rate of speed. The entrance on the side road is for ambulances to drop off and pick up patients. The visitors and staff would come through the entrance on the North Ridge side of the building.

Mr. Morris invited the representative from VDOT, Joel DeNunzio, to come forward and address road conditions.

Joel DeNunzio, representative of VDOT, said they reviewed a traffic warrant analysis for the signal at the Northridge entrance. They have some concerns about the warrant analysis. The first analysis received recommended a full-blown analysis on the warrant study. A warrant study is supposed to be done on a 12-hour traffic volume. The one received was done for a four-hour count and projected volumes. The initial study recommended a full 12-hour count. There is a growth factor of 5.5 percent used for the traffic on Route 250, which VDOT questioned regarding the projected numbers for the build-out date here. In 2006, they counted 14,000 vehicles a day on Route 250. The analysis received based the traffic on 17,000 vehicles, which were observed during a two-day period during a 12-hour period in November 2006. The recommendation was an inter-parcel connection to combine all three entrances into the middle entrance so they could make sure that the warrant analysis was met to allow a signal here. They cannot allow a signal without a warrant analysis being met. It looks like possibly with a connection of the Sieg property to the Northridge development, the warrant analysis could be met. But they want to see

real numbers and make sure those actual numbers meet the analysis. His concern was that they would be in a position where they have three entrances with most of the traffic at the North Ridge entrance but don't consolidate enough traffic at North Ridge to get a signal there resulting in three conflict points on Route 250 with no controlled access. They want to make sure that they can get the traffic to the Northridge entrance and warrant a signal. The traffic study was done during the peak hours in the morning and evening for four hours with the remaining hours projected. He talked with the traffic engineering section, and they are fully in support of a 12 hour count being done by the applicant.

Mr. Loach noted that getting in and out of there is problematic at almost any time during the day. He was concerned about having three entrances including unsignalized exiting left turns from the one emergency entrance.

Mr. DeNunzio said that the entrances on each side actually only meet the requirements for a partial-access entrance onto 250, which means that under those regulations they would only be permitted a right-in and right-out driveway there. What they have now is three full-access intersections on 250. Minimum requirement for right-in and right-out is 330', 660' for full access and 1,340' for signal spacing.

Mr. Loach questioned the traffic counts and whether the growth already approved in Crozet was taken into consideration.

Ms. Porterfield asked if Mr. DeNunzio's recommendation is what staff had to start out with that all these parcels interconnect and that the exit be out of Northridge.

Mr. DeNunzio replied yes.

Ms. Porterfield said that is the one exit/entrance that currently meets all the VDOT standards.

Mr. DeNunzio said that the exit/entrance meets the standards, but does not meet warrant analysis for a signal. He noted that the Sieg property probably meets the current standards.

Mr. Morris asked that the Commission first focus on the Comprehensive Plan. He invited public comment.

Madison Spencer, adjacent property owner abutting to the north, said that his property abuts the Sieg property and part of Northridge. He expressed several concerns: that additional landscaping was needed due to a gap in the tree line; the lighting spill over needed to be addressed particularly at North Ridge; the pond that spills into the Ivy Creek water shed and the sewer connection; and the gravity-fed system would require eliminating all of the trees next to their property. He asked for consideration of what extra steps could be taken in providing landscaping that would enhance the Entrance Corridor as well as his property and in addressing these other matters.

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

Mr. Benish noted that the first step is that staff has recommended finding this proposal in compliance with the Comprehensive Plan. Staff's recommendation would be to modify the condition to only require an interparcel vehicular connection between the Sieg and Northridge properties. Currently an interparcel vehicular connection is also recommended between the LTACH and Northridge properties. That is the conditional recommendation staff has before the Planning Commission. The next step if the proposal is found to be in compliance with the plan is to consider the waiver request.

Mr. Edgerton noted that the applicant had promised to upgrade all of the lighting to the current lighting standards. He asked if that should be included.

Mr. Kamptner noted that would more appropriately be tied to the site plans.

Mr. Edgerton reiterated staff's recommendation would be that the interconnection would be just for the one Sieg and North Ridge connection to leave the separate entrance.

Ms. Porterfield voiced concern with building a hospital having an ambulance entrance because of the access problems. If they don't meet the warrants there would be no stoplight. She did not see a facility like this without a stoplight. She supported the interconnectivity.

Ms. Joseph expressed concern over the amount of grading required.

Ms. Porterfield asked whether the hospital built for this use, could in 10 to 20 years be converted to a small hospital serving the west side, particularly with the emergency access coming out onto a road such as this.

Mr. Harkins replied that the building is not big enough. It is specifically for a long-term acute-care patient hospital.

Mr. Loach said that he could live with the entrance there. He was less comfortable about the warrants and the lights. He asked if they could make it dependent upon them doing a 12- hour study and getting adequate information for the warrants so they can make sure to get a light there. He asked how that would work.

Mr. Benish replied that the Commission could condition the approval on meeting the warrants. Since they don't have that information, it would make it difficult to act on the next item.

Mr. Kamptner noted that safe and convenient access is a site-plan issue. This situation is a little bit different because they are dealing with a state agency. A recommendation from another state agency, VDOT, as to what is required for what would essentially be off-site improvements could be discussed at the site plan stage. Although neither the Commission nor the agent need to make the ultimate finding as to whether or not the safe and convenient access is being provided, part of that is a VDOT requirement. They are also limited by State law as to what they could require off-site as far as improvements are concerned. The fact that they were dealing with a State agency moves them one step further beyond what their authority is as far as off-site improvements are.

Mr. Morris noted that he was troubled somewhat by allowing the Comp Plan to be amended for this further intrusion.

Mr. Benish noted that they were not amending the Comp Plan.

Mr. Kamptner noted that the finding the Commission makes is only that this proposed public facility is substantially in accord with the Comprehensive Plan. Obviously there is some wiggle room built into the standard that that applies.

Action on CCP-2008-00001 Long Term Acute Care Hospital (LTACH) - Review for compliance with the Albemarle County Comprehensive Plan:

Motion: Ms. Joseph moved and Mr. Edgerton seconded, regarding CCP-2008-00001, Long Term Acute Care Hospital (LTACH) that the proposed public facility is substantially in accord with the Albemarle County Comprehensive Plan with the amended condition as recommended by staff, to provide one inter-parcel vehicular connection between the Northridge and Sieg properties. The condition was amended to remove a requirement for an inter-parcel connection between the LTACH site and Northridge.

The motion passed by a vote of 4:1. (Mr. Morris voted nay.) (Mr. Cannon was absent.) (Mr. Strucko did not participate in this matter.)

Ms. Porterfield voted aye because the Planning Commission has been assured this facility will not be anything but what was purported at the hearing and that it will fit better with the Comprehensive Plan than having a full-scale hospital in that area.

Mr. Morris stated that CCP-2008-00001, Long Term Acute Care Hospital (LTACH) – review for compliance with the Albemarle County Comprehensive Plan, was approved.

Ms. McCulley asked for a few minutes so staff could work on the language of the site plan conditions.

The Planning Commission took a break at 7:32 p.m.

The meeting reconvened at 7:40 p.m.

Mr. Morris said that the next two items SDP-2008-00052 Sieg Maintenance Building and SDP-2008-00053 UVA Long Term Acute Care Hospital – Preliminary will be combined. Prior to that Mr. Fritz has drafted some of the conditions for the Planning Commission to consider.

Mr. Fritz said that staff was recommending approval with no conditions. But, based on the Planning Commission's conversations he proposed 3 conditions, as follows.

1. All existing lighting on the North Ridge site shall be modified to meet the current requirements of Section 4.17.
2. Provision of interparcel connection to allow vehicle access between tax map/parcels 59-23B and 59-23C1, which is consistent with the previous action taken on the compliance with the Comprehensive Plan.
3. Applicant shall submit a traffic study to address signal warrants for a signal prior to approval of final site plan.

Ms. Joseph questioned if the interparcel connection should go all the way over to the Moser Building.

Mr. Fritz replied that is already shown on the site plan. Therefore, there is no reason to condition that.

Mr. Edgerton noted that there were two points made in the public comment that need addressing. One concern was about the sewage and whether it was gravity fed. If what was represented is true, that would be a real tragedy to have to cut all of the trees down to provide for the gravity feed. He suggested adding a condition that would give some protection to the property owners to the north regarding losing whatever buffer they have now. Hopefully, the landscaping can be improved. The landscaping plan shows trees being added in the front, but nothing being added on that side.

Mr. Kamptner pointed out that there are screening requirements given that these are Light Industry and C-1 properties abutting rural areas or residential parcels.

Mr. Fritz said that the screening requirements automatically kick in.

Mr. Edgerton said that there is nothing shown along the north on the site plan.

Mr. Fritz said that the Commission could add a condition, but typically they don't include as conditions of approval compliance with Section 32.7.9 because applicants have to do that anyway.

Mr. Kamptner said that is part of the landscape plan, which comes in with the final site plan.

Ms. McCulley said they could say during review of the landscape plan staff will pay attention to screening requirements. Staff tries not to restate ordinance requirements in conditions. In this case, they don't want it to be lost because it is a critical screening place. If the sewer line has to go there, it would truly disturb some existing evergreens.

Mr. Edgerton asked to add that condition.

Mr. Fritz reiterated the condition as the provision of screening between Northridge and the adjacent RA properties if disturbance for installation of sewer line occurs.

Mr. Edgerton asked to remind them that the required buffer needs to be there regardless of the sewer issue. He would like to avoid restating the ordinance, but at the same time there is nothing suggested in the proposed drawings that they are planning to do any work on the north side. The applicant did say that they were trying to work with the neighbors. He would like to condition it as part of the approval.

Ms. Joseph noted they have shown some evergreens.

Mr. Edgerton said that those are existing evergreens along the back.

Mr. Fritz added to the statement "and establishment of screening buffer if adequate buffer does not currently exist."

Mr. Edgerton agreed.

Mr. Gatobu noted that evergreens do exist. Mr. Spencer lives on one of the properties that will adjoin the hospital. He noted that Mr. Hurt and Mr. Spencer talked, and they came to an agreement about the lighting and buffer.

Mr. Edgerton said that he would like to protect whoever lives there in the future as well. He asked if staff has any idea of how steep the grade connection between the Sieg building and the Northridge building is going to be. It is not shown on the plan.

Philip Custer, Engineer, replied that nothing has officially been submitted to staff. They were copied on a rough schematic that showed the drive at 14 percent. The maximum allowed in the zoning ordinance is 10 percent. He had talked with Ms. McCulley, Zoning Administrator, and to get this in they would allow a steeper grade back through and between Northridge and Sieg. It would require a much steeper slope for the second connection to Kirtley. The plan for Northridge and Sieg was at 14 percent.

Mr. Edgerton asked if he was ready to recommend that is okay even though the requirement is 10 percent.

Mr. Custer replied that staff has not seen an official submittal. But staff would work with the applicant because there are a lot of issues in that area. There is an air conditioning unit and existing utilities that they will need to work around. Staff would be comfortable if it was steeper than 10 percent, but they would want to get it as flat as possible obviously.

Mr. Edgerton asked that the interconnection condition say "to meet the standards." He did not want to make an exception because it is so important.

Ms. Porterfield agreed because they have to consider that people could be walking. In the winter, icy conditions could be a hazard.

Mr. Edgerton said that the applicant needs to come up with a solution that meets the current standards of no more than ten percent slope.

Ms. McCulley said that staff needs to know more about what would be involved in doing that. Staff typically has requests for modifications for some small increments of increase above the ten percent slope. Staff looks at a couple of different factors like the use and length. They want to be sure that they got the interparcel connection and did not think that for a short segment a couple of percentage points difference was enough to make a big deal about.

Ms. Porterfield asked if staff takes into consideration that people would be walking in that area in the winter.

Mr. Fritz said that they are also providing pedestrian access between the buildings on the front. There is a sidewalk connection between the buildings in the front.

Ms. Porterfield asked if it would bring a pedestrian out of the parking lot and up to the building, and Mr. Fritz replied yes.

Ms. McCulley said that the primary users of this ramp are the employees. The staff parking would be on the Sieg property. The only visitors or patients that would use that parking would be those in an overflow situation and can't find parking on Northridge. It is a much more controlled kind of access than just the general public.

Ms. Porterfield asked that staff look at that issue.

Mr. Edgerton appreciated staff working with the applicant on the critical slopes on the interconnectivity. But if it is so important, he wanted staff to make sure that the interconnectivity works as well as it can. Therefore, he wanted that condition in the motion.

Mr. Morris said that the Commission would take one action on the next two items. He opened the public hearing and invited public comment. There being none, the public hearing was closed and the matter brought back before the Planning Commission.

Mr. Edgerton recommended the motion include the condition that the interconnection meet the current standard and be no more than ten percent slope.

Motion: Mr. Edgerton moved and Ms. Porterfield seconded, for approval of SDP-2008-00052, Sieg Maintenance Building and SDP-2008-00053, UVA Long Term Acute Care, with the conditions recommended in the staff report, as amended:

1. Provision of screening between Northridge and adjacent Rural Areas property if disturbance for installation of sewer line occurs and establishment of screening buffer if adequate buffer does not currently exist.
2. Applicant shall submit a traffic study to address signal warrants for a signal prior to approval of final site plan.
3. All existing lighting on Northridge site shall be modified to meet the current requirements of Section 4.17
4. Provision of interparcel connection to allow vehicle access between Tax Map Parcels 59-23B and 59-23C1. The access shall not exceed 10% slope.

The motion for approval passed by a vote of 5:0. (Mr. Cannon was absent.) (Mr. Strucko did not participate in the matters.)

Mr. Morris stated that SDP-2008-00052, Sieg Maintenance Building and SDP-2008-00053, UVA Long Term Acute Care were approved and would not go before the Board of Supervisors.

Mr. Strucko returned to the meeting at 7:54 p.m.

Public Hearing Items:

SP-2007-00001 Four Seasons Learning Center
PROPOSED: Amend special use permit to increase maximum number of children in daycare from 40 to 64. No residential units proposed.
ZONING CATEGORY/GENERAL USAGE: PUD Planned Unit Development which allows residential (3 - 34 units per acre), mixed with commercial and industrial uses

SECTION: 20.3.2.1, which allows for child care facilities
COMPREHENSIVE PLAN LAND USE/DENSITY: Urban Density Residential (6-34 units/acre) in Neighborhood 1.
ENTRANCE CORRIDOR: No
LOCATION: 254 Lakeview Drive
TAX MAP/PARCEL: 61 X1, Parcel 5
MAGISTERIAL DISTRICT: Rio
(Elaine Echols)

Ms. Echols presented a Power-Point presentation and summarized the staff report.

The proposal is for a special use permit for Four Seasons Learning Center to increase the number of children from 40 to 64. Staff noted the following concerns:

- There are issues that relate to the traffic increase estimated with the additional students.
- There are concerns with the driveway into the daycare center being very close to the intersection and sight distance concerns.
- There are concerns that the scale of increase will change the character of Lakeview Drive and their on-street parking concerns.

Staff received a copy of a new traffic study during the break, which staff has not had a chance to review. Copies of the new traffic study will be distributed by the applicant to the Planning Commission.

There is a need for childcare facilities in Albemarle County, especially childcare facilities in close proximity to residential units. Also, the addition of 24 students at this particular location and associated parking can be accommodated on the site or adjacent to the site on the street.

Staff has found several factors unfavorable to the request, which leads to a recommendation of denial for this particular application.

- Staff feels that the number of additional students is going to have a negative impact on the neighborhood due to the increase in vehicles and opportunities for conflict because the entrance is so close to the intersection.
- The enlarged daycare enrollment will create a use that is out of scale with this part of the Four Seasons development. The residences on Lakeview Drive are of a different scale and character than what is across the street. People who turn on Lakeview Drive to drop their children off by going in and out of the parking lot are having traffic conflicts with the people that are entering and exiting the neighborhood.

Staff recommends denial of this request. But staff feels that there are pros and cons to this particular development as pointed out in the staff report. If the Planning Commission wishes to recommend approval, staff recommends the conditions listed in the staff report, which basically are the same conditions that were approved with the last special use permit several years back. Staff would suggest some modifications to the conditions.

Mr. Loach asked if the request for additional students would increase the parking needs for the additional staff or students.

Ms. Echols replied that the traffic information included in the staff report is based on the number of vehicle trips which takes into account the parents of students and facility employees. It is the number of vehicle trips on Lakeview Drive. She noted that the additional staff and parking are included.

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

John Simpson, attorney for the applicant, said that they were concerned with a certain arbitrary and disparate treatment that he would like to bring to their attention.

- The staff appears to have three main objections to the increase in children that they are requesting. Traffic is the main concern. Parking is the second issue. The third concern seems to

be the intensity-of-use issue. With respect to parking, there are currently 40 children who attend the daycare. The report uses a figure of 200 trips per day based upon this enrollment. The report says that if there are an additional 24 children allowed, as requested, that will result in an additional 120 trips. That would be a total of 320 trips to drop off and pick up these 64 children every day. He questioned if anybody had tried to apply the math. He would submit that the numbers this traffic objection was based upon really do not make any sense.

- Staff concludes that there will be a traffic increase as noted on the screen from 51 to 63 percent of all of the traffic on Lakeview Drive. The figures that they are using for the 40 and the additional 32 children would mean five trips per child every day. That is assuming that every one of these 40 or 64 children is being driven individually in a separate car every day. That would mean that they have no siblings going to the school, no one walking, no carpools or anybody absent. They know that all of that is not true. They have eight siblings that attend the school, someone that walks their child to school and children that are occasionally absent. If they took 40 children, which is the current number attending, there would be 80 trips counting the 40 drop offs and 40 pick ups. That would leave them a little short of the 200 that staff is basing the traffic objection on. So they would have to add on another 80 trips. So every parent of every child in the school comes in and picks up their child for a doctor's appointment, etc. and brings them back. That brings the number up to 160, which is 40 trips short of the 200 that the county staff is basing their objection to traffic on. That means that there is some other reason why the parents of the children would go and pick them up on that day. On its face, the numbers that staff is basing their objections on they would submit are absurd. That is the main objection that the staff has to the increase from 40 to 64 children.
- They have provided a traffic study. The engineering manual that staff appeared to rely upon in their determination that there would be 200 trips for 40 students and 320 trips for 64 students is the same source that is cited by their engineer. Their engineer was more specific in terms of the source. In the report, it notes that it is a daycare center of 565 trips. It finds that there would be 34 morning trips and 34 evening trips for the 40 students. There would be 51 trips for the a.m. and 51 trips for the p.m. students. He felt that was more in accord with common sense in that they are not going to have every one of the children driven separately and individually in a car. Often there are a number of siblings that attend the same daycare.
- They have a traffic study showing the 64 trips for the 40 students versus the staff's 200 per day. For the requested amount of 64 children, they have 102 trips from their traffic assessment and 320 trips by the county staff. That is a huge different. One is less than two trips per child per day and the other is 5 trips per child per day. Since that is the basis of staff's primary objection, they would submit that it is basically pretty arbitrary.
- He noted that his client had a parking assessment done, which was provided to County staff. What the parking assessment showed was an actual count of the vehicles as they entered the property, dropped off children and picked up children throughout the day. That is in attachment two to the parking assessment. Every time a child was dropped off it was counted as two trips. But, the total of visits was consistent with the number from their traffic assessment of a total of 80 per day. The first page of attachment two notes that the drop-offs and pick-ups are spread out during the day. It is not a situation where 40 parents and children descend upon the property within a half an hour or an hour period of time. It is spread out over almost four hours. The most drop offs or pick ups that occur during any 15-minute period are six. Therefore, they have a rate of one pick-up or drop-off every 2.5 minutes. Clearly staff is way off with respect to their traffic analysis.
- The other objections that are raised have to do with some sort of conflict or danger. Other than just saying it, there is no objective basis for that concern. There have been no accidents in this area throughout the entire operation of this daycare center.
- VDOT has approved the sight lines for the entrance that was installed on the property. It is a 25 miles per hour speed limit. There is no rush of cars bringing the children and dropping them off. As the actual assessment showed, pick-ups and drop-offs were a gradual spread-out process.
- The parking issue is addressed in the parking assessment. VDOT has said that the spaces on the street are available. The parking study shows that there is more than adequate parking available.
- The last objective deals with a more intensive use. This brings up an issue that they have some concern with in terms of disparate or discriminatory treatment toward the daycare center. A year

ago the Charlottesville Day School was approved for an increase in its enrollment from 85 to 250 students. For purposes of orientation, the Charlottesville Day School is in the old ACAC facility, which is almost adjacent to this particular property. There are many townhouses, apartments and residences that abut the Charlottesville Day School property. Here they are asking for an increase from 40 to 64 students, which is a relatively small number. Last year the Charlottesville Day School added 165 students, which was a three-fold increase.

- He asked to go through the staff report for the day school just to compare. With respect to the character of the district, by increasing the intensity of daycare use at this location by 24 students and the associated traffic would likely affect the character of the area. For the Charlottesville Day School, staff stated that the area has been a school since the early 1980s beginning as a daycare facility and the proposed number of students would only continue this use. Under the public health, safety and general welfare issues, staff mentioned traffic as the big concern for the current application. For the day school, staff indicated that the applicant indicates that some of the students and teachers were dropped off with their siblings, and therefore they were not looking at 250 vehicles. They would submit that there is no reason to deny the application because the staff report is arbitrary and is biased against his clients. Parking is not an issue and neither is the increase that involves the traffic.

Mr. Strucko asked if his clients agree with the conditions as outlined on pages six and seven of the staff report if the Planning Commission approves the application.

Mr. Simpson agreed that there are already conditions on the existing site plan that address the use of the property for the daycare. They are not asking to add onto the building, change any of the structures or make any improvements to the property. The report indicates that the current building is sufficient to more than satisfy State requirements in terms of the number of children that they would like to be able to handle.

Ms. Joseph asked if they agree with the staff report where it talks about the Virginia Department of Social Services and that certain regulations have changed so that if they came in currently with the existing square footage they would only be allowed 51 students.

Mr. Simpson agreed if they were dealing with a different situation such as this school had not existed before, but that is not what they are dealing with.

Ms. Joseph asked if they were dealing with the square footage is this a correct statement in the staff report.

Mr. Simpson replied that his understanding of the law was that it would apply if it was a brand new school, but that does not apply to them. It was irrelevant because they were not dealing with that situation.

Ms. Porterfield asked if the 40 students were the same people all day or do they have 40 students at any one time.

Mr. Simpson replied that it was the same 40 students, which was the maximum number of children.

Ms. Porterfield asked where the staff members park.

Krzysztof Sliwinski replied that the employees park off the site on property that touches the daycare and there are two parking spaces in the site.

Mr. Morris invited other public comment

Jan Sprinkle, a former staff member and owner/resident of 271 Lakeview Drive for 21 years, spoke for herself and her husband, Jim Sprinkle. As neighbors they definitely agree with the staff report. They think that the increase that has been requested by the Learning Center does not meet three of the findings in the ordinance. First, it is a substantial detriment to adjacent property. It has always had some

detrimental effect such as noise, parking, traffic and the fact that it is not maintained as a residence. It does not have quite the curb appeal that those who live there like if the special use permit is approved and their enrollment is permitted to double from the 32 children that were permitted for the last 33 years up to 64 children. If the daycare goes up to 64 children, then that is double. That is a substantial detriment to the entire Four Seasons neighborhood, particularly to the Lakeview Drive houses. The traffic on their cul-de-sac would increase dramatically. They are not anti-growth or anti-commercial. This is a Planned Unit Development - PUD that they chose to live in. There is plenty of commercial property in use there. But, they love their neighborhood and want to retain the residential look and feel of Lakeview Drive so that the property value of their homes won't be damaged to accommodate this one single business.

Ms. Sprinkle further noted that she asked Community Development for statistics on how many other daycare centers have been approved in similar residential situations. The answer came out to be two. There is one for eight children on Dominion Drive and another for 44 children on Reservoir Road. That is discounting churches and commercial sites and things like that. Those are the only two that were close to similar. Secondly, the character of the district will be changed. Staff covered that well in the staff report. It is just simply that the traffic is out of scale with their residential cul-de-sac. Third, the additional enrollment is not in harmony with public safety. This is a dangerous intersection and the congestion caused by the daycare right at the intersection of Four Seasons Drive and Lakeview Drive really gets complicated when there are people coming and going. Many people don't pull into the daycare, but stop on the street or drive down to the cul-de-sac to turn around or pull into somebody else's driveway to back up and turn around. They think that the request is not in harmony with public safety. If the Planning Commission decides to approve the request, they ask that they stick with the conditions and require a site plan.

Mr. Morris invited other public comment.

Martha Wood, resident of 264 Lakeview Drive, made a presentation. She expressed three concerns about the increase in the numbers and asked that the Planning Commission deny the petition. She was concerned about the amount of traffic generated by additional children being dropped off and picked up at this location. It is on a corner of a residential area and a busy street used by many as a cut-through. Lakeview Drive is a cul-de-sac and the traffic at the Learning Center is already a cause for concern among many who have observed clients using the street to turn around before leaving. They believe that the request would generate additional traffic with the study presented by the attorney notwithstanding. Secondly, there are nine parking spaces on the property. She understands that the study says that there are four on the street, but she could only find three. It was her understanding that regulations for a facility serving pre-school children require that there is one teacher for every four children or one adult. Sixty-four children would call for 16 adults. This does not include other staff at the center. There are, therefore, insufficient parking places just for the staff. If they would all park on the property there would still not be enough spaces for all of them if there were indeed 64 children and they met the 4:1 ratio. They already have problems with parking on the street in front of other properties. One neighbor has posted a sign asking that her mail box not be blocked. This is a motorized mail delivery route. On occasion parents have been seen parking on the street and taking children across the street and up the drive way. The enclosed play area is small and often full of children. There does not appear to be sufficient space for additional children to play outside. For these reasons, she asked that they deny the petition to increase the number of children allowed at the Learning Center.

Sherry Zack, resident of 263 Lake View Drive, agreed with the other two speakers. The area is very residential. Adding more traffic and students to the daycare would change everything. When the ACAC daycare was approved, that also increased everything. She questioned why they need the increase. It is just not fair for the residents that live in the neighborhood. It is dangerous in the morning and other pick-up times particularly at the intersection.

Mary Hackett, Treasurer of the Four Season's Homeowner Association and a member of the board, reaffirmed that they have heard numerous comments or concern from residents in that area. She asked to reinforce staff's comments about parents and how they drive when picking up and dropping off children. She lived on Monterey Drive, which was on the corner. At one time there were two small in-

home daycare centers on Monterey Drive. There is now one. For the last 20 years, she had seen parents come down and whip around this corner because they were running late for work and needed to drop their children off. She felt it would be a serious concern if they raised the number of children to 64. Because of the growth on both sides of the street along Four Seasons Drive where Lakeview Drive comes out and because of the curb, it differs substantially from the ACAC situation, which is a straightaway along Four Seasons. Also, ACAC has an enormous parking lot that parents can pull into, drop off their children and turn around without interfering in any way with the neighborhood. The secondary concern about the traffic relates to the area going in on Dominion Drive down from the shopping center. She felt that is going to increase the traffic as people come along Four Seasons Drive from there eventually to get out to Rio Road. These parents will try to come out against a flow of traffic that is going both ways. She stressed and reinforced what staff had to say about the traffic issues and how serious they are.

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

Mr. Edgerton asked for a response from staff about the suggested disparity between the calculations and the increase in traffic

Ms. Echols replied that when she reviewed the ITE Manual, there were three different methods that could be used to calculate the traffic generation impacts. There was one based on the number of students that incorporated in its numbers the number of employees as well. There was another way to do it based on the number of employees. The third way was based on the square footage of the facility, which did not seem appropriate in this case. In her estimation and calculations, she used information from what she recalled from taking her own children to daycare, which has not changed substantially over the years, and put all three together. The applicant was not increasing the square footage and there was additional capacity in the building according to Social Services. She chose the ITE one because there were three different numbers. She has not had a chance to look at what the applicant provided to see if something was different about the way the trips were calculated. With 64 students, she felt that there were four vehicle trips a day. Each time someone went one direction it was a single trip. By multiplying 64 times 4 it gives 256 vehicle trips per day. There is probably a factor in there for siblings. If they make that 80 percent it comes up to 205 vehicle trips per day. But, 80 percent may or may not be the right number. Then they need to add the number of staff members, who make two trips per day. That really did not accommodate any additional staff members who might be part-time or who might come and relieve somebody else. But she was not sure if their numbers are wildly off. She asked for time to look at what the applicant submitted and compare it with their engineers to see if there is something there that they have missed. If staff has done it incorrectly, she would want the Commission to have the correct information before making a decision.

Mr. Strucko asked if it was fair to say that staff's numbers are probably the most intensive-use scenario.

Ms. Echols replied that she did not think so.

Mr. Strucko said that according to the staff report on site parking, they need to provide one space per ten children plus one space per employee.

Ms. Echols agreed.

Mr. Strucko said that would bring the parking requirement up to 13. He asked what it is now with 40 children.

Ms. Echols replied that five employees are there right now. She spent a lot of time talking with Social Services about this because their regulations require some interpretation. She asked them to give what the staff requirements would be. They could not do it because it depends on the make-up of the children. There is a different staffing requirement for infants than for preschoolers and for toddlers. Social Services said that the daycare has a sufficient number of staff. It looks like they might even have more, which

would be telling them that they had a good number of staff members to take care of the children. It is not substantially more. The numbers given staff may or may not have been correct according to the applicant. The bottom line is that the applicant has told staff that they will need six people with this additional number of students. That is in keeping with the kinds of things Social Services said. So she did not have any qualms with the number of teachers or employees that they said that they need.

Mr. Strucko asked if the existing site has nine parking spaces.

Ms. Echols replied that was correct on site, but referred specific questions to Ron Higgins of zoning.

Mr. Strucko said that basically that meets the requirement. If they were to park staff plus this requirement of one space per ten children on average, can they accommodate that on site today with 40 students?

Ms. Echols replied not with the number of employees they have. So they have to use some of the on-street parking. Zoning has said that is okay. There is no issue about that particular item. She noted that Ron Higgins of zoning was present if there were any questions.

Mr. Strucko asked what the parking requirement was for 40 students and what will it be with the additional students proposed here.

Ms. Echols said that the parking requirement for 40 students depends on how many employees they have. They don't set the number of employees. If they had four employees, then they could meet their parking requirements on site. But, if they have six employees with the additional students they have to have off-site parking.

Mr. Strucko asked if this is a public road and on-street parking is permissible.

Ms. Echols replied that it is a public road. The zoning administrator could allow on-street parking on Lakeview Drive, but not on Four Seasons Drive.

Ms. Porterfield questioned if they don't have enough parking on site, would the zoning administrator allow on-street parking on Lakeview Drive even though they have heard a lot of people say it was a bad deal.

Ron Higgins, Chief of Zoning, noted that it was not a matter of what he said but a matter of what the Code says. The Code allows you to count parking on the street.
Their parking study did a study of all parking on Lakeview Drive, which was not part of the mix. One is only allowed to count those spaces that immediately abut your property. He went out and measured 18' strips and 20' strips to try to see if he could fit the parking spaces. The applicant showed five, but he could only get four parking spaces. So they have four on-street spaces abutting their property plus nine on site, for a total of 13 spaces. That means if they only have six staff, they meet the parking requirements. If more than six, then they have a problem. Their study was based on four staff with 40 students and 64 students. But, he was told in the process that they were going to have six staff with the increase.

Ms. Porterfield questioned how one staff would be sufficient for an increase of 24 students.

Ms. Sliwinski pointed out the declaration says one staff per ten children and five for the staff. They have four plus one extra on Lakeview Drive for the 24 children. So there would be two parking spaces for the 20 children and the rest for the employees if they need it. Therefore, it is more parking spaces than they need.

Ms. Porterfield was troubled knowing that they have five current staff for 40 children, which is essentially one per every eight. Now they are going to add 24 children and only need one more staff person.

Ms. Sliwinski said that they need two staff persons. They need seven spaces for the employees and six spaces for the 60 children. The total is 13 spaces. They have one extra, which makes it 14 parking spaces. Therefore, they have one extra parking space as needed.

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

Mr. Kamptner pointed out that a question was raised about the Charlottesville Day School approval. He asked if staff has any comment on the analysis that went into that particular application and how it differs from this application.

Ms. Echols said that ACAC is a very large facility that has a lot of parking related to it. Also, the traffic does not go down Lakeview Drive. The entrances and exits are a totally different arrangement. It is a different school. It is definitely in the same center. At that time there were some residents who were very concerned about it, particularly with the noise of the buses and such. There were also some fencing problems. But by and large, it was a different animal because it was at a different location.

Ms. Joseph asked if those buses were to take children on field trips or buses that were actually picking up children and bringing them to the facility.

Ms. Echols replied that she thought both.

Mr. Strucko noted that the complaint was that the buses sat idling. He asked staff if the recommendation for denial was based on the impact of the use which would be a detriment to adjacent properties.

Ms. Echols replied yes. But, she did not mind taking an opportunity to have a look at what they provided in terms of the traffic study to see if there is anything that is substantial that needs to be reviewed before the Commission takes an action. It would require a deferral.

Mr. Edgerton suggested that they ask the applicant if they would consider a deferral.

Ms. Joseph pointed out that she did not like receiving information at the meeting that staff has not had an opportunity to review. She counts on staff's review. The traffic study may be great and they may have paid a fair amount of money for it, but it was worthless to her when it comes in at this point in time. She felt it was extremely generous of staff to offer to take a look at this. But it would require a deferral.

Ms. Echols noted that it was a 2007 request and the time allowance was well over. Therefore, the applicant would have to request the deferral.

Mr. Loach asked if the intensity staff was referring to for denial is one of traffic and not usage of the school. Staff had said that Social Services had said putting 64 students in the physical building and grounds is not a problem.

Ms. Echols replied the Learning Center is grandfathered. She asked Social Services at length for the answers to those questions. They sent a section out of their new regulations that has a one student per 35 square feet requirement. She asked Social Services how that relates to an existing building. After consultation, the representative came back and said that would be the requirement if they were building a brand new building today. If the building exists, then the one student for 25 square feet is the standard that they would use.

Mr. Loach asked if Social Services regulates daycare centers.

Ms. Echols replied yes.

Mr. Loach asked if the inspection for the 64 students has already passed based on the grandfather clause, and Ms. Echols replied yes.

Mr. Morris asked if the applicant would like to ask for a deferral so that staff can analysis the traffic data.

Mr. Simpson replied that they would prefer to move forward. He pointed out that the traffic assessment was not requested by County staff. They asked for the parking assessment. They had no idea that these figures of 200 trips per day for the children were going to be coming up. There is a huge disparity between the 34 that their engineer cited using the very same source that County staff indicated they used. It is a big problem. They would ask that the Commission just use common sense in terms of what the actual impact will be. The County did have the parking assessment which did contain one day of actual review and a survey of the trips to the site on an actual day rather than an engineering study based upon some sort of assumption. So they do know that the County when they came up with the 200 or 320 figure had the actual figures showing that it was 80. They are concerned that staff is looking for every reason to possibly stop the increase in use that they are asking for. It is clear that it really does not have to do with the objective facts, but with people who don't want to see this in their neighborhood. They have not liked it. There is a long history in this case with the neighbors trying to shut this use down. If they review the letter from Ms. Sprinkle, which was part of the file, it is clear that she wants this shut down. That is what is going on here. He asked that the Planning Commission base their decision upon actual objective facts rather than complaints about dangers and those sorts of things.

Ms. Porterfield said that if the applicant wants the Commission to base it on fact, they need to defer and allow staff to analyze the traffic study. At this point the Commission cannot take the traffic study into consideration because staff has not had time to look at it. It is to the applicant's benefit to defer and let staff take a look at the parking study and come back and let the Commission know how this impacts the request. Personally she understands exactly what was said about the number of trips because she takes children to daycare and there is a trip there, get back in the car and leave and then come back again and leave. So she would be in and out of the neighborhood four times. She would like to see them defer because they were not giving staff an opportunity to be able to understand their data.

Mr. Simpson asked for a moment to talk to his clients.

Mr. Morris agreed.

Mr. Strucko agreed with everything Ms. Porterfield said.

Mr. Loach agreed, but also realized the need for daycare in the Albemarle community is increasing. He wondered if the applicant might want to consider a compromise.

Mr. Simpson asked that the Planning Commission proceed.

Ms. Joseph noted that the Planning Commission was being asked for something special. It is a special use permit. Her expectation when someone is asking for something special is that the community gains something in return. She did not hear that the community is gaining something in return in this. She heard that it is disrupting a neighborhood. It is a big neighborhood. ACAC is a whole different animal. It has a separate entrance and a very large parking area. It is an enormous structure. She felt that it was totally different. She felt that the additional children in the proposal would be a detriment to this neighborhood. Therefore, she could not support the request.

Mr. Strucko agreed generally, but felt that the community was gaining something, which is the capacity for additional daycare. However, he felt that there was a detriment to adjacent parcels here. This might not be the correct location for this kind of use. He was going over the minutes of the 2002 Planning Commission meeting. He thought there was concern at that point with looking at the number of students at 40. He felt that maybe 40 students is where they are in terms of what this particular parcel can handle and this particular neighborhood can support. So he would not be in favor of increasing the number of students to 64 on those grounds.

Mr. Loach suggested going back to the applicant and asking if there is any room to rethink and compromise on the number of students. There is a need for daycare. But he also sees the problem with some of the on-street parking and the trips. He asked if there was some room for compromise here.

Ms. Monteith said she would also advocate for some kind of a compromise.

Mr. Edgerton said he was troubled by the disparity between the applicant's representations about traffic impact and the staff's representations. Staff was very honest in responding to his questions. He could not support going ahead with the request based on that. If the applicant were willing to let staff analyze the traffic study that is different, and he would like to think that the Commission could consider that. But, he was hearing loud and clear that the applicant is not going to allow that. Therefore, he could not support the request.

Mr. Simpson noted that the expressions have caused his clients to want to at least consider deferring it. It would give them an opportunity to look at the traffic assessment, a chance to look at some compromise and to discuss some alternatives to bring back.

Motion: Mr. Strucko moved and Mr. Loach seconded, for approval of the applicant's request for deferral of SP-2007-00001, Four Seasons Learning Center, to the earliest available date after staff analysis of the traffic study submitted by the applicant at the meeting.

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

Mr. Morris stated that SP-2007-00001, Four Seasons Learning Center was deferred to the earliest date available based upon the analysis by staff.

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.

- Planning Commissioners agreed to email their vacation dates.
- The Planning Commission requested that staff schedule the next few public meetings concerning the Village of Rivanna so the Commission could attend. The Planning Commission would like to attend the meetings in an effort to help defuse the situation by listening to resident concerns and thereby understanding more about what is going on. Staff should acknowledge that there is a variety of views among the Commissioners. Staff should come up with a format hopefully so everybody in attendance can be physically on the same level sitting around the table to talk about the issues. One suggestion made noted that the fire station in the Village of Rivanna has a huge meeting room.

THERE WILL NO BE PLANNING COMMISSION MEETING ON TUESDAY, JULY 1, 2008. THE NEXT PLANNING COMMISSION MEETING WILL BE ON TUESDAY, JULY 8, 2008.

Adjournment

With no further items, the meeting adjourned at 8:52 p.m. to the Tuesday, July 8, 2008 meeting at 6:00 p.m. at the County Office Building, Second Floor, Auditorium, 401 McIntire Road, Charlottesville, Virginia.

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V. Wayne Cilimberg, Secretary

(Recorded and transcribed by Sharon C. Taylor, Clerk to Planning Commission & Planning Boards)