Albemarle County Planning Commission
August 19, 2008

The Albemarle County Planning Commission held a meeting and public hearing on Tuesday, August 19, 2008, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

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

Other officials present were Phil Custer, Engineer; Amy Pflaum, Senior Engineer; Glenn Brooks, County Engineer; Elaine Echols, Principal Planner; Ron Higgins, Chief of Zoning; Claudette Grant, Senior Planner; Francis MacCall, Senior Planner; Gerald Gatobu, Senior Planner; Wayne Cilimberg, Director of Planning; and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

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

Other Matters Not Listed on the Agenda from the Public:

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

Review of Board of Supervisors Meeting – August 13, 2008

Mr. Cilimberg reviewed the actions taken by the Board of Supervisors on August 13, 2008.

Consent Agenda:

Approval of minutes
October 9, 2007, July 26, 2007, July 17, 2007 and July 8, 2008

Motion: Mr. Cannon moved and Mr. Strucko seconded to approve the consent agenda.

The motion passed by a vote of 5:0. (Ms. Porterfield and Mr. Loach abstained.)

Mr. Morris noted that the consent agenda items were approved.

Deferred Item:

SP-2007-00001 Four Seasons Learning Center (Sign # 10 & 28)

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, at the corner of Four Seasons Dr and Lakeview Dr.
TAX MAP/PARCEL: 61 X1, Parcel 5
MAGISTERIAL DISTRICT: Rio
(Elaine Echols)
DEFERRED FROM THE JUNE 24, 2008 PLANNING COMMISSION MEETING

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

- The special use permit proposal for Four Seasons Learning Center is to increase the number of children from 40 to 64. The request was deferred from the June 24, 2008 Planning Commission meeting. At the last meeting the applicant provided a traffic study and agreed to defer this public hearing at the Planning Commission's recommendation so that staff could look at the submitted traffic study. Staff was also asked to verify that parking was sufficient.
- Since the Planning Commission public hearing the traffic study has been analyzed. There were a lot of questions about the traffic study because there seemed to be a lot of very different numbers. The applicant provided a study based on vehicles per hour at the peak hour and staff had analyzed it based on vehicles per day. Staff has reviewed the information provided by the applicant. The applicant confirmed there was a total of six staff members at the facility, which meant that parking could be provided both on and off the street and their parking was adequate.
- Staff did a recalculation of the maximum number of students if they used the non-grandfathered standards from Social Services. It was previously listed in the staff report as 51. The applicant asked staff to double that number. Staff now thinks that the correct number is 58, although, as noted in the staff report, they have not gotten verification of that number. Staff did additional research into typical stand-alone facilities for daycare in the development areas.
- The County Engineer analyzed the traffic data and concluded that the current peak hour trips are 84. The proposed peak hour trips would be 123, which represents a 46 percent increase in the number of peak hour trips. Previously staff said that was only a 12 percent increase, but used different kinds of numbers. Therefore, staff concludes that there is a pretty significant increase in the number of vehicle trips that would occur as a result of the increased enrollment.
- The outstanding issues that existed last time remain. The expected traffic is still an issue. The driveway into the daycare center is very close to the intersection and there are a lot of sight distance concerns for safety. Staff feels that the scale of the facility is fine like it is now, but an increase in children is going to make the facility out of character and out-of-scale with the rest of the neighborhood. Staff

continues to hear the on-street parking concerns of the residents in the neighborhood. She referred the Commission to the table in the staff report that provides guidance regarding the intensity of the use with other day-care facilities.

- Staff sympathizes strongly with parents who need affordable, reliable child care and believes that Four Seasons Learning Center provides these things now. However, staff continues to believe that the traffic associated with 24 additional students along with the traffic patterns and volumes already existing on Lakeview Drive will be in excess of an acceptable limit. Staff thinks that both the traffic and proposed intensity of the use will change the character of this part of the Four Seasons PUD. For these reasons, staff believes the current restriction of 40 students is an acceptable limit for the facility and recommends denial of the request.
- If the Commission, however, wishes to recommend approval of the request, staff recommends that this special use permit be approved for an office OR nursery school and day care center with the conditions listed in the staff report. There have been a series of conditions that have continually been added to over the years. Staff has reworded those particular conditions that were hard to understand to make them clearer. The only condition that is different has to do with the site plan, which asks for an as-built plan. Also, there was a small evergreen tree on the Four Seasons frontage that is creating some sight distance problems that staff wants the applicant to move.
- Since the last meeting staff has received emails from the following families: Anderson, Bowie, Higgins, Zak, Sprinkle, Harris and Terry. Staff has copies of the emails to share with the Commission.

Mr. Morris invited questions for staff. He asked if based upon the request by the applicant that there will be no change in the footprint of the existing building and the parking is sufficient.

Ms. Echols replied that is correct.

Mr. Cannon asked if there was enough parking if they include on-street parking and that the parking is not all on site.

Ms. Echols replied yes, that is correct.

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

John Simpson, attorney for the applicant, said that all his client really wants is a fair shake and to have the decision made based on the facts.

- The traffic impacts seem to be greatest concern that has been expressed by the Planning Department. The facts that support the Planning Department's opinions and conclusions about the traffic impact have been horribly distorted not just today, but the last time they were here as well. He spent a great deal of time last time trying to go over the numbers to apply some sort of thought process to connect them to the reality. He felt that it was plain that it was absurd and that

the County staff has admitted that the analysis last time on the traffic study was wrong.

- On the April 22 report they cited the ITE Manual as supporting 200 trips generated by the facility with the current enrollment of 40 children. They assigned five trips per child per day, which would be four trips per child. That would be 160 trips. They were adding another 40 trips. There was no allowance for car pooling and that all of the children are brought in separate vehicles. That means that of these 40 children that ten of them are taken everyday for an appointment and brought back to the school. He felt that they know that was grossly wrong and that it skewed every conclusion that said that the traffic impact was significant here.
- Today they have a similar issue with the review of the traffic report. In the report staff takes the 51 peak hour trips and more than doubles it to get 104 peak hour trips. The report said 51 peak hour trips. The person who did the report is here and can answer questions. There was no basis to double the 51 peak hour trips, which reflected a total of the 26 cars going out and 25 coming in. Applying the 104 to the INS and OUTS for a daycare with 64 students would mean that 52 cars delivering children would have come in and gone out within an hour. That means that virtually the entire school would have been driven in separate cars and all arrived within one hour. He felt that it was unreasonable and another example of trying to manipulate the facts to obtain a desired result. They want a fair shake here based upon the facts. From that they get these figures of 26 percent of opposing traffic on Four Seasons Drive during the peak hours, which is five times the traffic that the small cul-de-sac would otherwise experience. The facts were completely distorted and the conclusions are fatally flawed. The traffic impact has been completely distorted and way out of proportion to what is reality. The reality is that this is the second time.
- Last time the Charlottesville Day School was mentioned. They were told that was a different piece of property with different conditions. He agreed that was true, but that Charlottesville Day School has its access off of Four Seasons Drive. Looking back at the record for that special use permit application they went from 85 students to 250 all accessing off Four Seasons Drive. There was no mention of any impact or concern with the increase of traffic on Four Seasons Drive. That is the very same road that they are talking about in this case. So it is a big problem with 24 students, but no problem for the 165 students. He was not a traffic engineer and could not calculate the number of peak hour trips for the Charlottesville Day School, but he would guess that it would be over 100 compared to their 17, which is such a big problem here.
- There is the issue of the non-applicable standards as if this was a brand new daycare applying for a permit. Last time around, again, the Planning Department had it wrong as 51. If they had applied those non-applicable standards it would have been 58. There is a letter in the packet from Social Services that says that the actual number of children that they would license this facility for is 79. There was a lot of talk last time about whether there should be a compromise. He felt that given the parking and the site that asking for 64 children is a significant meaningful compromise. If they look at the configuration this is right on the corner and the other houses on Four Seasons Drive do not experience the cars

driving back and forth to get to this facility. The cars enter and exit right at the corner of Lake View Drive. He suggested that their traffic engineer, Ms. Raina Rosado could answer any questions about the report.

Mr. Morris invited questions for the applicant.

Mr. Loach asked if he had numbers and percentages for siblings and car pooling.

Mr. Simpson pointed out that the owners were present. His understanding was that since they started operating this facility the groups of siblings in the school usually are three or more. He pointed out that Mr. Sliwinski has some data to provide concerning the need for daycare in the county.

Mr. Cannon asked for their basis for the dispute regarding the number of the 46 percent increase in peak hour trips on Lakeview Drive. He asked if the 104 trips would include the additional students.

Raina Rosado replied that the 104 trips include the additional students. In the executive summary there was a statement that the daycare generates 104 trips. The analysis is done on the worse peak hour case scenario. The worse case hour is 52 trips with the requested number of students and not the 104 trips. In the traffic report there was a sheet that included a piece of the ITE Manual, which gives the distribution of cars entering and exiting. That is how they distribute the traffic. It is not to say that 52 cars are all coming all from one point. When they do an official traffic study it would show the patterns. They would count the cars and see if 40 percent of the traffic was coming from the northbound or 60 percent is coming from the southbound. Therefore, that is how they analysis the numbers as a whole. So these ITE numbers are just one part of the whole. Therefore, 52 is the number and not 104.

Mr. Cannon asked how many trips in her calculation are attributed to the school at the present level.

Ms. Rosado replied it would be 34 trips.

Mr. Cannon asked what the percentage of increase of 52 over 34 was.

Mr. Strucko pointed out that it was a 53 percent increase.

Ms. Rosado noted that the problem is that there are all these numbers floating out there that have not been applied appropriately. She noted that they can't just look at the ITE Manual. They have done a study and collected data from similar sets and come up with this model, which is how this was generated. Then it has to be applied to the specific situation with realistic numbers. What they did was question whether a traffic study was warranted. They said no based on the 527 VDOT guidelines that a traffic study is not warranted based on these numbers. If they really wanted to see what effect the traffic had to this intersection and if it was detrimental then they should have done a count,

apply the numbers and distribute them. But, they did not do that. Her understanding was that a full traffic study was not requested by Albemarle County.

Mr. Strucko said that they know that there will be a 60 percent increase in the number of students if the request prevails. It will have a traffic impact. They know the destination is at that intersection regardless of the origin.

Ms. Rosado said that it will have a traffic impact. What has not been done here is they have not analyzed the intersection, but just saying they are going from 30 trips to 50 trips.

Mr. Strucko noted that they would be going from 40 students to 64, which would have a traffic impact at that intersection.

Ms. Rosado noted that they analyze the traffic on a scale of capacity. What she was saying was that they don't know what the capacity of the intersection is right now. When she had done studies it has to be done for build and no build. The no build situation, which takes into consideration the growth rates, is still bad even without the introduction of these vehicles. This information has not been provided to them. These numbers are good information, but it is better when it is accurate.

Mr. Edgerton noted that he was confused about the 52 to 64 since the first gentleman said 51. Staff has said the 104 was for two vehicle trips with one in and one out. He asked if her number of 52 reflects bringing in 64 children with 26 trips.

Ms. Rosado replied yes. She noted that they were talking about the worse case scenario. She noted that they only had one-half the story. The a.m. and p.m. numbers were exactly the same of 51 and 52. That is why they were getting both the numbers of 51 and 52.

Mr. Simpson pointed out that he thought that Ms. Rosado misunderstood the question.

Mr. Edgerton asked how they would get 64 children into the facility with only 51 or 52 trips.

Mr. Simpson replied that they would not because this is looking at the peak hour or the worse hour. He noted they misheard that it is within one hour. The reality is that the children are not dropped off in a one hour period, but over a three or four hour period. It is not that all of the children are coming in these 26 cars, but it is the worse case scenario for an hour.

Mr. Edgerton said that their study only looked at peak hours.

Ms. Rosado replied that the standard basis for a traffic study is to look at the peak hour.

Mr. Edgerton noted that if children are going to be dropped off at other times during the day that is going to have an impact on the neighborhood, which probably needs to be addressed.

Ms. Rosado noted what she was saying is that they don't have that information and staff has not provided that information either. The numbers in front of them do not reflect that.

Mr. Strucko asked what information was provided in her traffic study.

Ms. Rosado replied that what she understood to provide was whether a traffic study was warranted under 527 VDOT guidelines. Based on VDOT 527 guidelines one does not generate 100 trips per hour. Otherwise if they did do the 100 trips, then they would be doing the traffic study. But, they don't need that.

Mr. Cannon said that her focus in that determination is the impact of the adequacy of that intersection or that section or road to carry the traffic. It is not focused on secondary impacts on people living on that road.

Ms. Rosado agreed that it did not. If met the VDOT 527 guidelines, then they would have sat down with VDOT and a scoping would have been had that most likely they would have counted at Four Seasons Drive and Lake View and gone all the way up to Rio Road. But, it did not strike that.

Mr. Cannon said that there is significance from a capacity standpoint. But, there is another kind of significance that they are wrestling with here. He felt she had been helpful in showing what relevance or lack of relevance that her numbers might have to that significance.

Ms. Joseph invited Glenn Brooks to discuss if he did the analysis for the staff report. She asked if there is anything that he wants to add to this discussion.

Mr. Brooks, County Engineer, said that he had been blind sighted. He met with the applicant, the traffic engineer, Ms. Echols and the attorney. They talked about traffic for ten minutes and he thought it was over. This is a surprise. He believed that it was not that relevant because they get the same percentages whether they use one-half the numbers or double the numbers. They doubled the number because he understood it as a trip end. A trip end is a generation from a point and you pass it once coming in and coming out, which is how it got to 104.

Mr. Morris invited public comment.

Jan Sprinkle, resident of Lakeview Drive for 21 years, spoke for herself and husband, Jim. They both agree with the conclusions of the staff report. This requested increase in enrollment will have a big increase on their cul-de-sac street, which has 19 houses. Therefore, they are asking the Commission to deny any increase in enrollment. With the 40 children they have already seen detrimental effects with the increased traffic,

noise, traffic at that intersection and parking issues. The parking issues on the street are bad. The proposal is out of scale for their little neighborhood. The intersection is already dangerous due to visibility problems when leaving Lake View Drive. That is why VDOT has restricted the parking. No one parks on Four Seasons Drive adjacent to the day care center. There are children at school bus stops on both sides of Four Seasons Drive at that intersection. She requested that the Commission not consider approval at all. If they consider approving the request, she asked that they require all employees to park in the lot on the site and use the parking spaces on the street for drop off and pick up.

Steve Harris, resident of 251 Lakeview Drive across the street from the Four Seasons Learning Center, expressed his formal opposition to the proposal to increase the capacity of the daycare center. He also serves on the Board of Directors for the Four Seasons Patio Homes Association. He has listened to many concerns by residents on Lakeview Drive and the Four Seasons community expressing the same concerns he has. His concerns are an increased level in the traffic already on a dead-end road. There is a frequent blocking of the mailboxes, a battle for on-street parking and increased noise. The increase in the enrollment would only add to these existing problems and add to their frustration. It is a dangerous intersection and is an accident about to happen.

Linda Terry, resident of 262 Lakeview Drive, spoke in opposition due to the issue of the increased traffic and noise. It has lowered the value of their homes. The traffic has increased going down to the end of the cul-de-sac. There has been an increase in the parking issues. The employees do not use the parking lot on site. They block their mailboxes. She works at home and has to get her mail. It would make the situation worse with an increased enrollment.

Refel Lumbar, a member of the community and son of the owners, said that Four Seasons Learning Center provides a high quality low cost environment for children. Affordable daycare is needed by many members of the community. For every parent here there are many others that have been denied daycare. He asked that all persons, including many parents of children in the daycare center, stand in support of the request. (Note: There were 20+ persons that stood in support of the request.)

Martha Wood, resident of 264 Lake View Drive, asked the Commission to deny the special use permit request. She noted that the request has nothing to do with the quality of the daycare or the need in the county, but the impact of the increased enrollment on the residential nature of Lakeview Drive. She supported the emails sent by her neighbors and asked again that they deny the special use permit.

Gary Hawthorne, resident of 142 Four Seasons Drive, introduced his daughter, Isabelle that attends Four Seasons Learning Center. He noted that they walk to school everyday. He works at home and most of his days are carbon neutral because he does not go anywhere except on foot or bicycle. He supported the concept of day care for his daughter that also provided a very high level of academics. By increasing the enrollment the school would not have to raise the cost for the existing students. He

lives across the street from Charlottesville Day School and that generates what he would call a lot of traffic. As more families move into the area there is need for additional daycare with the possibility of more walkers. He supported approval of the request.

Nancy Bowie introduced her daughter Rebecca who attends Four Seasons Learning Center. She supported Four Seasons Learning Center and asked that the request be approved. She suggested that if they want to talk about traffic problems that they go down to ACAC or Charlottesville Day School where she almost got hit. She has never had a problem coming out of Four Seasons Learning Center. She felt that the people who work there should be able to park on the street. She asked that they allow them to increase their enrollment. She suggested that the children be allowed to get out of the car on site and not on the street. If they raise the prices by not allowing an increase in enrollment they are going to price them out of daycare. They rent a house in the county because they can't afford to buy one. She asked that they not continue to price people out of the area by not allowing them to have affordable housing and/or affordable daycare. She asked that they please allow the increased enrollment at the school.

Mary Hackett said she had just completed four years on the Board of Directors of Four Seasons. She said that the children are a delight. This is the first time she has heard anything about the economy and scale of the daycare center being shut down if they were not allowed to increase the enrollment by 40 percent. It is a good daycare center and they take care of the children. But, it is the increase in size that is the problem. She pointed out that ACAC's parking lot alone is longer than Lakeview Drive and shared with no residents. The neighbors have said over and over again that Chris and Barbara are good people and they don't have problem with their daycare. Following the last meeting one of their employees verbally assaulted an elderly widow who lives across the street. Also, their attorney has accused some of the neighbors of shutting the daycare center down. That is also untrue. When they have this kind of attitude coming out of the situation it is not going to make it any easier for the neighbors to live with it. Currently there are six employees, and she believes that they project ten. This will increase the need for parking in the neighborhood. She suggested that hard numbers be provided regarding the number of siblings and students that are carpooling. She just wanted to raise some of these issues.

Shannon Laurencin said that her son has attended the school for 2 ½ years. During that time she has never had a problem with parking for drop off or pick up. Two of the employees park in the lot in the morning and afternoon. If the employees are required to park in the lot it would require them to drop their children off in the circle, which would cause more problems. She pointed out that there is a traffic problem at the ACAC intersection. There have been multiple times that they have had overflow parking on Four Seasons Drive.

Lauren Root, Assistant Director and pre-kindergarten teacher, said she had been working at the school for four years. There is a real need for daycare in the community. There is not enough quality daycare in the community. Regarding traffic, she had not seen a build up of traffic or a problem with the parking. She has seen neighbors

deliberately park their two cars in front of the center taking up their parking spaces. Several employees have been asked by neighbors to move their cars off the street. It is unfair. The street belongs to everybody. She spoke in favor of the request and asked for its approval. There are several siblings that attend the school and one teacher that lives in Four Seasons. She invited everyone to visit the school.

Megan Antonany said that her daughter goes to the daycare center. She understands what the neighbors are saying and the issues with traffic. However, she has never gone to the center and had a problem with the traffic or parking. The issue comes down to affordable daycare in Albemarle County. They are not trying to battle with the neighborhood, but just want to keep the prices down and allow our children to have an excellent education in the center. She supported the request for the increase in enrollment.

Nicole Milson spoke in support of the request. It is not about the noise or traffic. These parents need affordable daycare and a place for their children to get comfort love and support. That is what Ms. Barbara and Mr. Chris do. They support the parents and love the kids. She asked that the request be approved.

Rebecca Cruise, a teacher in the City, said that as a single mom it was very important to be able to afford daycare on a single salary, particularly in a place that was clean, safe and wonderful. She understands that there are some resident issues, but that never once since January has she ever had to wait for a parking space inside the development. When she drops her child off at 7:30 a.m. the parking on the street is already taken by other residents. She has never had an issue with parking when she picks up her child. The teachers do park on the street at times, but before the residents get home the teachers are usually gone. She would prefer that the daycare center stay small with small classrooms, but she understands that people have to make money. The children are not all taken outside at the same time. She supported the request and asked that it be approved. It is a nice clean environment.

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

Mr. Cannon asked as a follow up to the traffic engineer he would assume that it is still based on the numbers as he heard them at 52 trips projected at the new level. That is a 53 percent increase as noted by Mr. Strucko. He asked if that in their view that was one fair measure of the significance of the impact.

Ms. Echols replied that is it difficult to measure impacts. What staff was trying to do is to see what would be different with the additional students. That is one measure of the impact. It is one of the things the Commission considers. She felt what they have heard tonight is that there are a lot of numbers. The numbers can be used in a lot of different ways. She felt Mr. Brooks was right that when one looks at the increase it really does not change because it is just different numbers and how they are comparing it. When they look at special use permits they are looking at more than just what the physical improvements can support. They are looking at whether the use is appropriate

in the location it is proposed. That is a determination that the Planning Commission and the Board of Supervisors have to make based on what their impressions are of the impacts. The traffic impact and the scale impact are the things that concerns staff the most. To answer the question it is one of the ways to measure the impacts. It is one of the things they have to look at.

Mr. Cannon asked if scale impact was something different.

Ms. Echols replied that it was a matter of how much was going on at a particular place that is part of the scale issue. The traffic plays into it. They also look at what else that particular use is producing. The neighbors think that there are impacts other than traffic that are important that relate to the scale. Staff has given the Commission some measures for scale, which are only for comparison. This is a tough decision to make, which is why staff does not make it.

Mr. Loach asked what would be the increase in the number of employees and would it be possible to handle the entire employee parking on the site as requested by the neighbors.

Ms. Echols replied that they would be going from four to six employees. It is not possible to handle all of the required parking on site. Some of the parking will need to be provided on the street in order to meet the parking requirements in the zoning ordinance.

Mr. Strucko asked if the daycare center has three parking spots on the street.

Ms. Echols replied that the parking was only on Lakeview Drive across the frontage of their property. It is not on Four Seasons Drive. That is a decision that the zoning administrator makes about whether or not they will count parking on the street as part of the requirement. The Zoning Division has said that they will. That is why they can provide the required number of parking spaces.

Ms. Porterfield asked the applicant how many employees there are right now and where they park.

Mr. Sliwinski replied that the number of employees will be seven all of the time in the daycare with 64 students. This is the highest number if they get to 64 students.

Ms. Porterfield said that if the number is increased to 64, where would the employees park.

Mr. Sliwinski replied that four employees would park on the street and three in the parking lot. That leaves six parking spaces for the students or parents.

Mr. Edgerton pointed out that the surveyor's drawing done by Arthur Edwards in 2000 shows nine parking spaces on site. He asked if that was an inaccurate drawing.

Ms. Echols asked Ron Higgins, the Zoning representative, to address that issue because he has been on site and has measured everything.

Ron Higgins said that all nine parking spaces were available on the site.

Mr. Edgerton said that it was conceivable to have enough spaces to park all employees on site. The only issue that he heard about that was that would require somebody to stand out there to receive the children as opposed to parking on site.

Ms. Joseph noted that condition one references a drawing by David Blankenbaker. She asked if that was in the packet.

Ms. Echols replied no, that it was not in the packet. It was a drawing that the applicant showed staff that was a part of the zoning when it was brought to the Board of Zoning Appeals. Essentially it is more accurate. Page 12 is the approved site plan, but not the one referenced in the conditions.

Ms. Joseph noted that one of the conditions was referencing a drawing they don't have.

Ms. Echols replied that was correct. Essentially it was what they were seeing here, but a survey has been done with more accurate dimensions on it.

Ms. Joseph said when they do Neighborhood Model District rezoning they look at the roads, capacity and the different uses. They want to have businesses like this in neighborhoods at a certain scales. This neighborhood was done in the '70's or early 80's. At that time it was very progressive because there were a lot of different uses in Four Seasons. There is some commercial on Hydraulic. This particular daycare was approved in the '80's and has been around for a long time. She felt that they were now more careful about where they are placing these things. They want to make sure that the roads and intersections can handle it. It is interesting that there were several references to the existing traffic problems at ACAC. So she was not sure how this would not be exacerbating another problem. It is another entity, but it is right around the corner. There is never going to be any guarantee that if they make more spaces available that the cost will stay down. She felt these parents are concerned about that, which she totally understands. She felt that this site is too small to support that many more children. Therefore, she could not support the request. She understands the emotions on both sides. It was great to hear that this is a facility that people really love and the teachers are dedicated. But, it is also important that they have established neighborhoods, which need to be protected also.

Mr. Strucko agreed with Ms. Joseph. Back in 2002 this daycare center increased enrollment 25 percent to the current 40. Given the circumstance with what they have seen happen with the neighbors he felt they were at capacity at this particular site. He agreed with staff's opinion that a 60 percent increase from their current enrollment of 40 students to 64 is an increase out of scale for this particular neighborhood and street. There are tensions already between the facility and neighborhood, which he felt would get worse if this increase were to happen. He supported the Neighborhood Model

concept. They do want to have some commercial activity in with residential. He was encouraged that some of the families do walk to the daycare center. But, there is a limit to the capacity. Affordability of daycare is a real issue. At its capacity for accommodating 40 students it seems to be the limit. He hoped they can find a way to make the economics work and the children can continue to reap the benefit of a great daycare. But, it is not right for the increase in this particular situation.

Mr. Morris said that he visited the site and the actual daycare center has a lot of unused capacity simply because they want to stay within the regulations. The site could easily accommodate additional people. That is not addressing the traffic problem. The site can facilitate 64 students.

Mr. Edgerton said that the additional request will increase the traffic on Four Seasons Drive. It seems that it can technically be accommodated on that road by engineering. The two big issues are the off-site parking and the traffic. This does in a primitive way in what is being asked for support the Neighborhood Model. He would like to encourage this type of mixed use activity. There are lots of ways that these issues can be resolved by design. It could be by collecting students at different locations and bringing them over in a shuttle. Another way is if there are nine existing parking spaces, as pointed out by Mr. Higgins, and a maximum of seven employees. It seems silly that they don't all park on site. He heard that the pattern is that you park on street and walk your child to the daycare center. When he sent his children to preschool there was a staff member waiting to receive the child when he drove up. That might be a design solution that perhaps that might minimize the Lakeview Drive parking situation. He would welcome a way to make this work if the parking issue could be solved. They are providing a good service. The facility can accommodate that, which is reinforced by Social Services.
He was really on the fence leaning towards supporting the application if the applicant were willing to condition it to accommodate all needed parking for staff on site.

Mr. Loach agreed with Mr. Edgerton. It is one of process improvement. If there are nine parking spaces for staff and they can accommodate staff on site, then they can remove some of the problems that existed. That would go a long way to get a positive vote. He was sure it was an excellent school and hoped there could be a compromise for a solution that could be put into place to solve the parking problem. Then he could support the proposal.

Mr. Cannon said that he understood the reason the parking lot was not used by the employees since it would exasperate people dropping off and picking up their children. He questioned if they could require all the employees to park on site without putting the students in danger.

Ms. Echols noted that the parking requirement is 13 with nine spaces on site and four spaces have been counted on the street frontage on Lakeview Drive. Those are the13 spaces they are talking about. How the applicant chooses to use those spaces is not something staff has been involved with.

Mr. Cilimberg noted that the applicant wanted to have as much space as possible on the site for the parents to drop off their children versus the parents parking on the street. It is a trade off issue.

Mr. Edgerton suggested having a different format for the drop off and pick up.

Mr. Morris noted that was a process problem and wondered if that could be addressed

Ms. Joseph pointed out that busing children into ACAC had been used as a means to solve the traffic problem. She suggested that it might be a possible solution to the neighborhood traffic problem.

Mr. Morris said that he would hate to see buses going down to the cul-de-sac and turning around. He would support vans, but not buses.

Mr. Cannon said that the burden on the neighborhood in the present configuration is significant. It would be nice if they could accommodate the daycare center and the residents in a reasonable way. Based on what they have before them he did not think they could draft a condition to address it. They could require parking of staff on site, but it does not solve the process problem. He has not heard a proposal that he could trust or rely upon.

Mr. Edgerton suggested that they ask the applicant if it could be possible. He asked if there is a reason why what he was suggesting could not be done. He asked if the drop off and pick up could be possible by having the parents make the loop and have a staff person ready to receive the child without having to park on the site.

Mr. Sliwinski replied yes, that they could do that. They could provide four parking spaces on the street and the employees park on site.

Mr. Edgerton asked if they would accept a condition that all seven staff would park on site. He asked if there was room for the parents to make a loop without having to park.

Mr. Sliwinski replied yes.

Ms. Porterfield asked if they would provide a staff person who will be at the door of the facility to receive every child so the parent will not have to get out of the car.

Mr. Sliwinski noted that is against the State license. The parent has to come in and sign the children in and out.

Ms. Echols said that in recent history she has not experienced a daycare being able to accommodate that request.

Mr. Morris said that it looks like the process could be rapidly facilitated. He heard the applicant say that they were willing to work with this, but they would have to stay within

the State regulations with the parents having to take the child into the facility. He asked Barbara Sliwinski to come forward and address this issue.

Barbara Sliwinski, applicant, asked to explain the parking situation on Lakeview Drive. They already have nine parking spaces. The parking lot around the building provides six parking spaces for the children. One parking space is required per ten children. There are three or four parking spaces on the street. They still have three parking spaces for the employees. All together they need 13 parking spaces. They have the 13 parking spaces. They need seven employees for the 64 children to meet the State regulations. They will meet the parking requirements with nine spaces on site and three on the street. That is all they need and all they are asking for. She did not think that they would have any conflicts with the neighbors if they work together. She would like to clean the towel and promise that there will not be any problems with parking.

Mr. Morris asked the community association leader to come forward and give his reaction.

Steve Harris said that his reaction was that he applauded their service. As a home owner he had strived to work with them. He could attest to his flexibility. He did not have any personal problems with Chris or Barbara. It is a broader issue. It is an overall impact to a very small residential community. He agreed with Ms. Joseph that it was not a question about the quality of daycare or capacity, but that this was the area where they live and it impacts them. The requested number they feel would not be tolerable for the neighborhood. Personally, he wanted to be friendly with Chris and Barbara, but this affects the community as a whole.

Ms. Porterfield said she could not support the proposal at the requested size increase because it was well over a 50 percent increase. She looked at the site and understands that the daycare is a small area. Therefore, she could support the request if it was a smaller increase, but 64 students are too many.

Mr. Morris asked Mr. Kamptner if they could take an action bringing the number of students down from 64 to 50.

Mr. Kamptner replied yes, that they could approve anything that is less intensive than what was originally applied for and advertised.

Mr. Strucko said that personally he could not support an increase because it has been demonstrated that 40 students is basically the number this neighborhood had the ability to physically support and accommodate. He did not think that the burden on the neighborhood simply was the on-site and off-site parking, but the flow of traffic. The burden is the movement of cars in and out dropping students off that is potentially blocking mail boxes and causing the congestion.

Mr. Edgerton suggested a compromise. He thought he heard the applicant suggest that they would be willing to live with 50 students rather than 64 and he was convinced from the staff report that this facility can accommodate that much of an increase. With the

condition that the number of students is dropped down to 50 and that all staff is required to park on-site he would like to move approval of the request.

Mr. Morris noted that the motion on the floor was for approval with the number of students dropped to 50 and that all staff park on site.

Mr. Kamptner asked to clarify the second condition. He thought he heard the applicant say they need to provide one on-site parking space per ten children, which would mean five on-site spaces. They have nine on-site spaces, which mean that they would not be able to satisfy that condition and comply with State regulations.

Mr. Strucko said that there has to be some on-street parking for staff.

Mr. Cannon asked if they can condition an approval based on requiring all staff to park on site as opposed to on the street so that other spaces are reserved for other people.

Mr. Morris understood that the State Code requires that there be one parking spot on site for each ten children. If they move it to 50 children that would still apply.

Mr. Edgerton pointed out if zoning is allowing four spaces of the required 13 to be on Lake View Drive, then they can park all staff on site. Then staff will not be permanently taking up space on Lake View Drive all day.

Mr. Morris suggested an amendment that all staff would be parked on site leaving the required number of spaces for the children at the level that the State mandates. But, he did not know what that is.

Mr. Edgerton agreed with Mr. Morris' suggestion.

Mr. Cilimberg suggested that the Commission have the applicant speak to the number because they heard 58 and not 50.

Ms. Echols said that that the number of parking spaces that are required is not a State requirement, but a local zoning requirement.

Mr. Edgerton asked if zoning cares whether those 13 spaces are on-site or off-site.

Ms. Porterfield asked if the three parking spaces in front of the building can be delineated for Four Seasons Learning Center employees Monday through Friday.

Mr. Cilimberg replied no, because it was on a public road.

Mr. Strucko said that even 50 students is a 25 percent increase over current activity. He questioned whether Lake View Drive is at capacity now and could handle the 25 percent increase over current activity.

Mr. Morris invited the applicant to come forward and give their impression of what they are talking about as far as numbers.

Mr. Simpson asked to address one thing that has to do with the traffic impact on Lake View Drive. He would also like to have Mr. and Mrs. Sliwinski address something else. He noted that even with the addition of 64 students they are talking about 17 trips during the peak hour, which is one every three minutes. He was concerned that they are throwing out statistics about percentage increases that misleads people in terms of what the actual reality is. He said that the reality from the studies is one car every three minutes. To use their example here, one car drives in or somebody from the public starts to speak and it is not until they are done that another car drives up. That is the impact that they are talking about. The other point with respect to Lake View Drive is that this property is right at the corner. He felt that it is very misleading when they say that the neighborhood is going to be affected because the cars that go in and out of the daycare center don't go down through the neighborhood, but are right at the intersection.

Mr. Strucko said that it is obvious that Mr. Simpson is advocating for his client. He noted that the Commission has disputed facts from the other party.

Mr. Morris said that right now they have a motion on the table. He thanked Mr. Simpson for his comments.

Mr. Simpson pointed out that he was not sure about a compromise, but that the owners have suggested 56 children.

Mr. Kamptner asked to clear up the parking standard regarding the parking regulations for daycare center: It is one (1) space per ten (10) children enrolled in the major class or shift plus one (1) space per employee. If they had 50 children, they would have to have five (5) spaces. The standard also requires that a pick up and drop off area shall be provided on the site.

Mr. Cannon asked if the requirement that all staff be parked on site be inconsistent with the provision of the pick-up and drop-off area capacity on site.

Ms. Echols replied that according to the zoning person the answer is no.

Mr. Cannon suggested that they could have both. He asked if the regulations require that the pick-up and drop-off area be located on the site.

Ms. Echols noted that was what Mr. Kamptner just said.

Mr. Cannon said they would not have to make it a condition because it would be a requirement.

Ms. Echols replied that is correct.

Mr. Morris said that the motion could stand exactly as it was.

Ms. Porterfield asked if the motion was for 50 students, and Mr. Edgerton replied that was correct.

Ms. Porterfield seconded the motion.

Mr. Cilimberg reiterated the motion that it was for 50 students with all employees to be parked on site.

Mr. Morris agreed.

Motion: Mr. Edgerton moved and Ms. Porterfield seconded to approve SP-2007-00001, Four Seasons Learning Center as modified for 50 students with all employees to be parked on site with the conditions recommended by staff.

Conditions #1 - #5 below apply to the nursery/day care center:

1. The building, parking and access shall be as shown (with noted dimensions) on the "Plat Showing As-Built Survey Parcel A-Patio House Section Four Seasons Learning Center 254 Lakeview Drive" by David C. Blankenbaker, L.S., dated July 21, 2008.
2. There shall be submitted, no later than sixty (60) days after the date of approval of this special use permit, an as-built site plan which meets the requirements of Zoning Ordinance Section 32.6 Final Site Plan Content, except for those items waived by the Agent as not applicable. The as-built site plan shall meet all of the requirements of Section 32.6 and be approved by the County's site plan agent prior to occupancy of the nursery/day care center by more than forty (40) children.
3. The number of children occupying the nursery/day care center shall not exceed fifty (50) or the number approved by the Department of Social Services, whichever is less, at any time.
4. A twenty foot buffer shall be maintained between the property and TMP 61X1-AA-B.
5. The concurrent use of the property for a nursery/day care center and a residential use are prohibited.
6. All employees of the day care center shall park on-site.

Conditions #7 - #9 below apply to the use of the facility as offices:

7. The maximum number of employees shall be ten (10).
8. A twenty foot buffer shall be maintained between the property and TMP 61X1-AA-B.9The concurrent use of the property for an office and a residential use is prohibited.

Conditions #10 & #11 below apply to any use of the property:

9. The concurrent use of the property for a nursery/day care center and an office use is prohibited.
10. The small evergreen tree on the Four Seasons Drive frontage at the corner of the parking shall be relocated toward the building, as recommended by VDOT, a sufficient distance to prevent future line-of-sight problems.

The motion passed by a vote of 5:2. (Mr. Strucko and Ms. Joseph voted nay.)

Mr. Morris said that SP-2007-00001, Four Seasons Learning Center was recommended for approval as modified and will be heard by the Board of Supervisors at a date to be determined.

The Planning Commission took a break at 7:46 p.m.

The meeting reconvened at 7:53 pm.

Public Hearing Items:

SP-2008-00018 Rosewood Village – Greenbrier (Sign # 1)
PROPOSED: Allow non-residents of Rosewood Village to use the Rosewood Village rehab facility.
ZONING CATEGORY/GENERAL USAGE: C-1 Commercial - retail sales and service uses; and residential use by special use permit (15 units/acre)
SECTIONS: 22.2.2(6) and 18.2.2.9
COMPREHENSIVE PLAN LAND USE/DENSITY: Community Service - community-scale retail wholesale, business and medical offices, mixed use core communities and/or employment services, and residential (6.01-34 units/acre).
ENTRANCE CORRIDOR: No
LOCATION: 500 Greenbrier Drive. Northeast corner of Greenbrier Drive and Westfield Road.
TAX MAP/PARCEL: 61-W/02-1
MAGISTERIAL DISTRICT: Rio
(Claudette Grant)

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

This special use permit request is to expand the rehab services use to non-residents of Rosewood Village. It is an existing building.

Staff has identified the following factors favorable to this application:
1. The proposal for the expansion of an existing rehab use adds a variety of rehab services available within the Greenbrier Drive neighborhood.
2. The residents of the surrounding community may benefit from the opportunity of rehab services becoming available to them.

Staff has not identified any factors unfavorable to this application.

Staff recommends approval of SP-2008-018, Rosewood Village Rehab Services (Greenbrier) with the conditions listed in the staff report.

Mr. Morris invited questions for staff.

Mr. Edgerton noted that he was struck by fact that the original zoning before the special use permit was issued would allow for this. He asked why this was excluded and why they have to go through the process.

Ms. Grant replied that it had to do with one of the previous conditions that restricted the uses in the facility for the residents.

Mr. Edgerton questioned why that condition was put in the original special use permit approval.

Mr. Cilimberg noted that it had been a similar condition used in a lot of cases. Normally in the case of one of these facilities the conditions are related to the facility accommodating for its own resident population. If they had asked for a more general allowance to provide say rehab services for the general public at the time it would probably have been part of it.

Mr. Edgerton noted that it was just the way the application came in. He asked if both projects with very similar names were run by the same corporation, and Ms. Grant replied yes

Ms. Joseph noted that in an email she asked does this use intensify and do they have enough parking.

They don't need to limit the size of the office because they have plenty of parking spaces even if they have five or six clients per hour.

Mr. Cilimberg noted that it will be self regulated because if they expand to the point that the parking on site does not accommodate the use, then they won't be able to get their clearance. They could expand to the point that zoning will allow off site parking and then zoning could count the additional spaces.

Ms. Joseph asked if there would be an appropriate number of parking spaces on the site plan that would accommodate this additional use.

Ms. Grant replied that they have more than enough parking spaces on the site. They have adequate parking.

Mr. Cilimberg suggested that staff cover the other special use permit at this time, take comment and then take separate actions.

Mr. Morris agreed that the two special use permit requests would be reviewed together with separate actions.

SP-2008-00019 Rosewood Village – Hollymead Town Center (Sign # 6, 22)
PROPOSED: Allow non-residents of Rosewood Village to use the Rosewood Village rehab facility.
ZONING CATEGORY/GENERAL USAGE: PD-MC Planned Development Mixed Commercial - large-scale commercial uses; and residential by special use permit (15 units/acre)
SECTIONS: 25A.2.2 (1) and 24.2.2(7)
COMPREHENSIVE PLAN LAND USE/DENSITY: Town Center: Compact, higher density area containing a mixture of businesses, services, public facilities, residential areas and public spaces, attracting activities of all kinds. (6.01-34 dwelling units per acre).
ENTRANCE CORRIDOR: Yes
LOCATION: 2029 Lockwood Drive. The property is located approximately 1,500 feet from U.S. Route 29 along Timberwood Boulevard in the Hollymead Town Center.
TAX MAP/PARCEL: 32/41K
MAGISTERIAL DISTRICT: Rio
(Claudette Grant)

Ms. Grant presented a Power-Point presentation and summarized the staff report for SP-2008-00019.

This special use permit request is to allow for non-residents for Rosewood Village to use the facility as a physical therapy service at this location. The building is under construction.

Staff has identified the following factors favorable to this application:
1. The proposal adds a diversity of uses in the Town Center.
2. The residents of the surrounding Hollymead Town Center community may benefit from the opportunity of rehab services becoming available to them.

Staff has not identified any factors unfavorable to this application.

Staff recommends approval of SP-2008-019, Rosewood Village Rehab Services (Hollymead Town Center) with the conditions listed in the staff report.

Mr. Morris invited questions for staff.

Ms. Grant noted that Phil Custer was present from engineering.

Mr. Edgerton suggested adding a third condition that the use by non-residents would be acceptable. Condition two sounds like they are limiting the applicant to what they are already allowed to do.

Mr. Cilimberg said it would be appropriate to add that condition so that the Board of Supervisors can include it. He noted that was a good question and needs to be clarified.

Mr. Loach agreed that condition two sounds like they have undone what they want to do.

Mr. Cilimberg noted that staff would address that before the Board of Supervisors meeting.

Ms. Porterfield said that the people in the facility should have priority.

Mr. Morris opened the public hearing and invited the applicant to address the Commission on both special use permits.

Virginia Talbot said she and her husband own both Rosewood Villages. They opened Rosewood Village at Greenbrier in 2001 and Rosewood Village at Hollymead Town Center would open in September, 2008. The special use permit allows only for the care of their residents on site. They have gotten a physical therapist on site to help take care of their residents on site, which is allowable. But, they would like to offer it to the outside community. They feel that is a good opportunity for the folks in the Branchland's area or north of town.

Mr. Morris asked if the residents would have priority, and Ms. Talbot replied absolutely.

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

Motion: Mr. Strucko moved and Mr. Loach seconded to approve SP-2008-00018, Rosewood Village – Greenbrier with the conditions as recommended by staff.

1. This special use permit authorizes an assisted living facility.
2. Maximum usage is limited to ninety residents (90) residents in the facility.

Mr. Edgerton suggested an amendment to include the third condition mentioned to staff that use by non-residents would be acceptable.

Mr. Strucko amended the motion to include the third condition that use by non-residents would be acceptable.

Ms. Porterfield asked that the condition include the fact that they said that priority would be given to the residents.

Mr. Cilimberg noted that the priority to residents was an unenforceable condition. It was just understood because the applicant had stated it on record.

Mr. Loach seconded the amended motion.

The motion passed by a vote of 7:0.

Mr. Morris said that SP-2008-18 was approved and would go to the Board of Supervisors at a date to be determined with the following conditions.

1. This special use permit authorizes an assisted living facility.
2. Maximum usage is limited to ninety residents (90) residents in the facility.
3. Physical Therapy services to non-residents are allowed.

Motion: Mr. Strucko moved and Mr. Cannon seconded to approve SP-2008-00019 Rosewood Village – Hollymead Town Center Greenbrier with the conditions recommended by staff as amended.

1. This special use permit authorizes an assisted living facility.
2. Maximum usage is limited to ninety residents (90) residents in the facility.
3. Physical Therapy services to non-residents are allowed.

Mr. Morris said that SP-2008-000019, Rosewood Village – Hollymead Town Center was recommended for approval and will be heard by the Board of Supervisors at a date to be determined.

Regular Items:

SUB-2005-00302 Redbud Subdivision – Phase II
This application is a request for the approval of a preliminary plat to allow the creation of seven new lots, with five (5) lots ranging between 2.2 acres and 3.2 acres in area, and two (2) lots that are greater 21 acres in size. The property, described as Tax Map 62 - Parcel 52, contains approximately 54.2 acres zoned RA - Rural Area and is located at the end of Redbud Lane [private], which intersects with the western side of Stoney Point Road [State Route 20 North] approximately 3.8 miles north of Richmond Road [State Route 250]. The Comprehensive Plan designates this site as Rural Area 2 in the Rivanna Magisterial District. (Francis McCall)

Mr. MacCall presented a Power-Point presentation and summarized the staff report, as follows.

AGENDA TITLE: SUB 2005-00302 – Redbud Subdivision – Preliminary plat modification to allow a private street

APPLICANT: Carlo or Martha Ann Colombini

PROPERTY OWNER(S): Carlo or Martha Ann Colombini

APPLICANT'S PROPOSAL: This proposal is a request for modification of preliminary approval to allow a private street in accordance with Sections 14-232 and 14-234 instead of a public street.

COMPREHENSIVE PLAN:

The Comprehensive Plan designates this property as Rural Area.

REASON FOR PLANNING COMMISSION REVIEW:
The applicant requests the Planning Commission grant a modification of the preliminary plat approval (Attachment B & C). SUB 2005-00302 is a preliminary plat that was approved with public streets for seven (7) lots. For final approval to be granted one of the requirements is for the applicant to upgrade and dedicate the entire length of Redbud Lane to a standard that could be accepted by VDOT, as well as build the new section of street as a public street to that same standard as the upgraded portion of Redbud Lane.

The modification would be to approve the subdivision with a private street for the seven (7) lots. Approval of the modification for private street authorization would also be the approval of the street in accordance with Sections 14-232 and 14-234 of the Subdivision Ordinance. The required standard for private streets is specified in Section 14-412. If private street approval is granted the applicant has also requested that the mountainous terrain standard is permitted.

PLANNING AND ZONING HISTORY:
SUB 1980-00028: A final subdivision plat of Tax Map Parcel 62-52 (93.646 acres) creating twenty (20) lots leaving a 51.175 residue, was approved 11/01/1983. Note the intended continuation of the street on the approved plat (Attachment D).

SUB 2005-00302: A preliminary subdivision plat of Tax Map Parcel 62-52 (54.215 acres) proposed to create seven (7) lots, was approved on 02/01/2007 with conditions (Attachments B & C). The Subdivision Ordinance requires that a final plat be submitted for review within one (1) year of the preliminary approval. The applicant requested an extension of the one (1) year time limit. A seven month extension for the preliminary approval was granted thus extending the time to submit a final plat to 08/31/2008 (Attachment F). This allows the applicant to come before the Planning Commission to request a modification of the preliminary approval to allow a private street. If the Commission grants the approval then the applicant would have an additional year to submit the final plat.

Authorization of private streets
Private streets may be authorized by the Planning Commission as provided by any one of the provisions of Section 14-232

ANALYSIS OF SECTION 14-232(A)(1) To alleviate significant degradation to the environment.
The applicant has not submitted the necessary information to make this analysis.

ANALYSIS OF SECTION 14-232(A)(2) The lots will be used for non-residential or non-agricultural purposes.
The proposed lots are for residential purposes.

ANALYSIS OF SECTION 14-232(A)(3) General welfare.

The applicant has requested approval of the modification under this provision. The applicant has stated that the general welfare of the residents in the subdivision would be better served by the private streets because those residents wish to maintain the street as a private street and that upgrade to a public street would create "considerable disruption and disturbance for minimum benefit"

The following are factors for the Planning Commission to weigh in their decision as to how the approval of the street as a private street serves the general welfare:

As it stands now the existing streets in the entire subdivision are dedicated private rights-of-way made up of 4.371 acres with an access easement over that right-of-way that grants access to the lots within the subdivision out to the public street (Attachment D).

The original subdivision of Redbud contemplated the extension of the private street (Attachment D).

Approval of the new private street for the seven (7) lots does not allow for the creation of a larger number of lots in the Rural Areas than would otherwise be possible with a public street in the same location.

Allowing the existing street to remain private and the new portion to be approved as private alleviates the cost of the State having to maintain the street.

While a road maintenance agreement would be required if the proposed private street were to be approved, there remains the possibility that the private entity responsible for maintaining the street would not be able to continue proper upkeep. Such a situation could result in a request that the public provide for necessary repairs and maintenance. That being said, private streets have been part of the Redbud subdivision since 1983 with no known requests to have the State take over and maintain the streets.

Subdivision of land in the Rural Area is not consistent with the Guiding Principles for the Rural Area as outlined in the Comprehensive Plan.

ANALYSIS OF SECTION 14-234:
Per Section 14-234(c), the Commission may authorize one or more private roads to be constructed in a subdivision if it finds that one or more of the circumstances described in section 14-232 exists and that (ordinance language presented in ***bold italics*** followed by staff comment):

1. The private road will be adequate to carry the traffic volume which may be reasonably expected to be generated by the subdivision.
Per Section 14-412 the requirement is for a private street in the rural area that serves six or more lots to meet current VDOT standards. The applicant is also asking for the commission to allow the construction standard of the new street and the upgrade of the existing street be mountainous terrain.

Staff believes that the mountainous terrain standard will be adequate to carry the traffic within the subdivision, therefore could recommend that the Planning Commission approve this standard if the modification for private streets is granted. The entire length of Redbud Lane would need to be upgraded to the mountainous terrain standard (Attachment G).

2. The comprehensive plan does not provide for a public street in the approximate location of the proposed private road;
The Comprehensive Plan does not provide for a public street in the location of this private street.

3. The fee of the private road will be owned by the owner of each lot abutting the right-of-way thereof or by an association composed of the owners of all lots in the subdivision, subject in either case to any easement for the benefit of all lots served by the road;
Section 14-317 of the Subdivision Ordinance requires that a maintenance agreement be submitted for review by Planning staff and the County Attorney in all situations where improvements are required to be maintained. If this request is approved, a road maintenance agreement will be required for approval prior to final plat recordation.

4. Except where required by the commission to serve a specific public purpose, the private road will not serve through traffic nor intersect the state highway system in more than one location; and
The private street will not serve through traffic, nor intersect the state highway system in more than one location.

5. If applicable, the private road has been approved in accordance with section 30.3, flood hazard overlay district, of the zoning ordinance and other applicable law.
Not applicable.

SUMMARY:
Staff review has resulted in both favorable and unfavorable findings:

Factors Favorable:
1. A private street does not permit more development than a public street in Rural Area.
2. The construction standard for a private street and public street standard are the same.
3. Approval of a private street is consistent with the original approval of the Redbud Subdivision

Factors Unfavorable:
1. Long term private maintenance of the street not guaranteed.
2. Approval of this request is not consistent with the Guiding Principles for the Rural Area as outlined in the Comprehensive Plan.

RECOMMENDATION:
Staff is unable to make an overall positive finding that a private street will serve the general welfare described in section 14-232 but notes that the requirements of 14-234 are met. Therefore staff recommends denial of the modification to allow private streets.

Mr. MacCall noted that the engineer, Amy Pflaum was present and could elaborate a little further on the current design that has been submitted. As far as the concern today what the county would be requiring is that it meets the current standard for a public road. Regardless whether it is public or private the road will be built to a public standard that has been identified. If the private street is approved then the modification of the design as described by the Senior Engineer on pages 14 and 15 of the staff report can be recommended.

Mr. Kamptner noted that this proposed subdivision comes off the end of Redbud Lane. In looking at the old plats it is the residue parcel. It appears from looking at the covenant that the developer at the time reserved an easement across Redbud Lane to serve this land. Redbud Lane was approved as a private road, which creates a legal problem for the segment within the subdivision to be anything other than a private road. There is no way that VDOT will accept an island segment as a private road because the only access to this property is through a private road. That is the kind of situation they are dealing with here.

Mr. Edgerton noted that this was a by-right subdivision and was granted administrative approval. With the administrative approval the owner committed to a public road, which he now says he cannot provide.

Mr. Kamptner agreed that was his understanding and why the request is coming back before the Commission.

Amy Pflaum, Senior Engineer, said that she would be happy to address the technical issues of the upgrade, but suggested that it would be prudent to have the applicant come forward and describe exactly what upgrades they are proposing.

- Staff's review was based on design plans on file for upgrading both the existing portion of Redbud Lane and for the building of the new portion of Redbud Lane to a public street standard. That is what staff based the report on. Staff needs to get clarification from the applicant that is still their intent.
- The portion of the road that would be affected by the mountainous terrain with slopes up to 11.6 percent was 100 feet or less. The other proposed upgrades meet the 10 percent or less standards, all requirements of sight distance, vertical curvature, and horizontal curvature, etc. VDOT was involved when it was in the preliminary plat process and originally had commented on that portion of the street being 11.6 percent. Joel DeNunzio of VDOT met out on site with the engineer and determined that it was better to leave that portion of the road at the existing 11.6 percent because it actually allows about 450 feet of the road to remain in its existing condition. That section of road was in good condition in that area and VDOT was ready to accept the road as a public road with that portion at the 11.6 percent.

Mr. Edgerton asked what standard was being required in 1983.

Ms. Pflaum replied that her understanding was that when this subdivision was done in 1983 it was built as a private street. She did not know what the standard for private streets was at that time.

Mr. Edgerton asked if in 1983 any subdivision road serving more than two lots had to meet the public street standard whether it was private or public.

Mr. Cilimberg noted that there was an amendment to the subdivision ordinance regarding the private road standards back in the early 90's, which established the provisions today that are more restrictive than they were back then. They had private roads approved over the years under different standards. He was not sure what the standards were in the '80's before the change. But, yes they did have private roads that were granted by the Planning Commission, but based on different standards at the time. He pointed out that the VDOT standards were also different at the time of the subdivision.

Mr. MacCall noted that being said that the applicant has agreed to bring this road up to the current standard. There is only a portion of the road that needs to be mountainous terrain.

Mr. Edgerton asked if the new road would be mountainous terrain, and Mr. MacCall replied no.

Mr. Pflaum pointed out that it would just be the 100-foot section.

Mr. Edgerton asked if there were any critical slopes on this property that she was aware of, and Ms. Pflaum replied no.

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

Pat Henry, representative for the applicant, noted that the applicant was on vacation in Maine. He made a presentation supporting the applicant's request.

- The reason for the change was that the applicant fully intended to do a public street to VDOT standards. The reason for the delay is that he went forward to the homeowner's and requested easements that would allow the public street to be put in. That would include reconfiguration of a number of driveways that would alter the front of some of the resident's property. He met with resistance on that as well as on some drainage easements that would be required by VDOT and some concern about trees and utilities. Overall the reception to put in a public road was not overwhelming. The applicant decided that he would go back at this and try to maintain the private street. He hoped that would answer their questions. It has been a private street and is what the original plat says. The

homeowner's covenants are consistent with that. The road is still owned by the developer. However, the maintenance of the road is the responsibility of the homeowners according to the document with each one contributing a very specific amount.

- The guiding principles of the Comprehensive Plan according to the staff report does not provide for a public street in this area. They would ask if that is not called out in the Comprehensive Plan that they continue on. As far as the maintenance of the road the covenant says the maintenance will be borne by the association. It clearly calls out that the cost of an improvement or replacement will not be borne by the County of Albemarle, the Commonwealth of Virginia or any public agency. On February 21, 1990 there was an amendment to the covenant that did not alter this section. So the maintenance is still the responsibility of the home owners association.
- According to the staff report private streets have been a part of the Redbud Subdivision since it was built and at no time has anybody asked that it be maintained by the state. So there is a significant 20 plus year history that these folks have maintained the road. The majority of the road is in good shape except for the back portion. The road is used only by the residents of Redbud Subdivision. The vast majority of the residents said that they did not want a public road and preferred to keep it private. He read a letter signed by 9 owners that represent 15 out of the 20 lots that say that they would like to maintain the road as private.
- By allowing the private street the developer will have to upgrade the road to current standard. There is a section in the back that is in disrepair. The owner has said that he would repair that at his cost. That would enable him to do a subdivision which would enable the roads to be upgraded in the subdivision without the association incurring the cost of that upgrade and the County and VDOT would not have to take this road into the system to maintain in the long term. He asked the Commission to approve the request.

Mr. Morris invited questions for staff.

Robert Bousseran noted that the concern is not so much the physical engineering plan but the timing when these improvements might be made. Mr. Colombini phoned him a few days ago and he tried to understand from him how all of this would happen. Mr. Colombini said that he himself has no intention of making improvements to Redbud Lane, but that a purchaser of the property would do this. He did not offer any name or timetable. What the neighbors seem to be most concerned about is when the improvements would be made if at all because the current condition of Redbud lane is hazardous.

Blain Norman said he and his wife bought the first lot in Redbud Subdivision in 1985. When they moved in the whole road situation in the subdivision was Redbud up to the corner with Clear Brook Lane and there was nothing beyond that. There was a very sharp drop off. A few years later they found that Clear Brook Lane got extended beyond lot 10 on the plat down a very sharp hill. He did not understand the statements that have been made that this is a safe road because it is not. There have been repeatedly

some very close calls on this road. The idea of allowing this road under mountainous conditions is simply unacceptable for the safety of the residents. He asked the Commission to give this request some serious consideration and regard staff's negative report. He made the following recommendations if the Commission chooses to approve the request.

- There be a binding contract between Carlo Colombini and the homeowners specifying that at his expense he upgrades the road to the standard that has been discussed immediately.
- Mr. Colombini maintains at his cost until all of the lots have been developed. It is the construction equipment that does the most damage and he owns most of the lots.
- That he convey to the homeowner's association in acceptable condition these roads when the time comes.
- Mr. Colombini posts a performance bond for this work.

Mark Joseph, member of the Redbud Homeowner's Association, noted that he sent a letter to Mr. Morris. The main problem is that the road is extremely unsafe with the limited sight and the gravel surface of the road. Their concern is that more construction equipment and logging trucks will only amplify that problem. There is ongoing disrepair to the road by the heavy construction equipment and the homeowner's association is responsible for it. The development could go forward for an extended period of time with that damage being done to the road before it is conveyed over to the homeowners. He noted that his lot was #20 at the cul-de-sac and basically abuts this new development. The new development will cause an access road to go across his property. There would be a bio-filter next to his property. He was concerned about those issues.

Gordon Fry said that he was the owner of lot 13 which was located at the corner of Clear Brook and Redbud Lane. Having to drive around that curve everyday he noted that cars were not visible coming up that hill which made it a very dangerous situation.

David Haussler, owner of lot 14, noted that there is a steep slope going down the road. He had two children that ride the bus. It is a dangerous situation because of the blind intersection on the road. He noted that the road is not in a safe condition.

Chris Clark, owner of lot 16, agreed with the other speakers about the safety of the road and that it dangerous. Opening the back section of the subdivision presents a bunch of problems that are going to be difficult for all the residents to live with. It is imperative that they fix the road. He was not sure how they would be able to achieve a safe process of construction with all of the clearing and logging. He wanted a public street and have all of the road brought up to VDOT standards. At this point he did not think they had a real solution other than demand that the road be improved immediately. He asked that the developer not be allowed to develop the back section without having the road permanently fixed to the original VDOT standards and not to any other adjustment.

Marshall Burruss, owner of lot 6, said that he totally agreed with Chris Clark's statement.

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

Motion: Mr. Edgerton moved and Ms. Joseph seconded to deny SUB-2005-00302, Redbud Subdivision – Phase II as recommended by staff.

Mr. Kamptner noted that to comply with the Subdivision the Commission needs to articulate the reasons for denial, the section number not complied with and what the applicant needs to do to comply.

Mr. Morris said that the reasons for denial are as stated in the staff report.

Mr. Kamptner said that would be a finding that the application did not satisfy the general welfare requirements of Section 14.2.32.a.3 and in order to get compliance he needs to demonstrate that approval of the street would be consistent with the general welfare.

Mr. Edgerton amended the motion which was seconded by Ms. Joseph to include the suggested wording by Mr. Kamptner for the reasons for denial.

The motion for denial passed by a vote of 6:1. (Ms. Porterfield voted nay)

Mr. Morris said that SUB-2005-00302, Redbud Subdivision – Phase II was denied with the findings as stated by Mr. Kamptner. It will not be heard by the Board of Supervisors.

SUB-2008-00160 Foot Hills Crossing

The request is for preliminary plat approval to create 75 lots served by proposed internal public roads on 89.875 acres. The property is zoned R1, Residential. The property, described as Tax Map 56 Parcel 95, is located in the Whitehall Magisterial District south of Route 240 and south of the railroad and west of the Western Ridge Subdivision. The Comprehensive Plan designates this property as Urban Edge [CT3] in the Crozet Community. (Gerald Gatobu)

Mr. Gatobu presented a Power-Point presentation and summarized the staff report. (See Staff Report)

The applicant proposes subdivision served by Public Streets. The current plan requires review of open space appropriateness. This proposal is a by-right subdivision, and so would typically be reviewed and approved administratively. However, the subdivision has been called up by a member of the Public. In addition, the Commission must review the appropriateness of the proposed open space.

The history of the site is as follows:
ZMA 2002-055: Request to rezone to NMD, Neighborhood Model Development to allow a large residential and retail development. This request was withdrawn.
SUB 2006-315 Foothill Crossing preliminary site plan was unanimously approved with conditions by the planning commission on December 5th 2006.

The preliminary plat approval has expired due to the one year expiration date. Nothing really has changed since the original approval.

The Planning Commission will need to make a finding on the appropriateness of the proposed Open Space. In addition, the Commission must review the preliminary plat to determine if it can be approved.

The applicant is utilizing the R-1 bonus density cluster option. The bonus and cluster provisions utilized will not be used to increase the number of lots in the proposed subdivision. The provisions, (bonus and clustering) will be used to give flexibility in lot size and lot frontage with the addition of open space. This development proposes 25.9 % open space and a 5% environmental density bonus factor. 25% Open space is required to achieve the R-1 bonus density cluster option proposed by the applicant. By including at least 25% or more of the total land area in open space, the applicant is able to cluster the lots and reduce the minimum lot size to 30,000 square feet. A five (5) percent environmental density bonus factor achieved by the inclusion of street trees allows the applicant to:

- Reduce the minimum lot size to 20,000 square feet
- Reduce minimum lot frontage along private or public roads to 80 feet.
- Maximum structure height is reduced to 30 feet. (Note: Needs to be addressed by zoning text amendment)

All open space must be authorized by the Planning Commission. Section 4.7 of the Zoning Ordinance below requires that appropriateness of open space be assessed as follows:

Staff recommends that the Commission find the proposed open space appropriate for the proposed development, with the following condition:

- Screening shall be provided within the Open Space area between the Connector Road and any lots backing on the Connector Road that are shallower than 350 feet.

Staff finds that this request is generally consistent with the criteria presented in the Subdivision and Zoning Ordinance. If the open space approval, as presented above, is granted, the current layout meets the requirements of the Ordinance. Staff recommends approval of the preliminary subdivision plat subject to the following conditions:

1) The engineering review for current development needs to review and approve all applicable items as specified in the Design Standards Manual, section 903, before recommending tentative approval to the final subdivision plat.
2) Screening in accord with Section 32.7.9.8 shall be provided within the Open Space area between the Connector Road and any lots backing on the Connector Road that are shallower than 350 feet.
3) Albemarle County Service Authority approval to include construction drawings for water service infrastructure, meters, easements.

4) A conservation plan checklist must be completed and incorporated into the site plan with notes to show how any individual trees and groups of trees designated to remain will be protected during the construction of this project. The location of any tree protection fencing that coincides with the limits of clearing and other methods of protection from the checklist must be shown on the plan for clear identification during field inspections.
5) The applicant will have to submit road names for all roads to this office before final plat is approved. Please contact this office for road name approval.
6) Fire and Rescue Department approval is subject to field inspection and verification.
7) All accesses and roadways shall be designed in accordance with the current Subdivision Street Standards, The Minimum Standards for Entrances to State Highways and the Road Design Manual for the Virginia Department of Transportation.

Staff pointed out the following additional issues:

- During the past approval there were some contamination site issues with the ConAgra and Wilson Jones site that are actually towards the north. Tamara Ambler had written a letter explaining what the contamination was. Their recommendation was maybe the applicant should do some testing just to make sure that the contamination had not spread all the way down to their site. The letter was in the packet written by Tamara Ambler in November, 2006. The plat was actually approved that way.
- There is a letter attached to the staff report from a member of the public, Cliff Fox, which had to do with some contractual agreements between the owner of this lot and the lot next door. It regarded providing access to that lot for future development. That has been resolved. He spoke with Mr. Fox today who indicated that he was okay with what they agreed upon.

Mr. Morris invited questions for staff.

Ms. Joseph asked how often they do this 20' open space to avoid having double frontage.

Mr. Gatobu replied that it was not common. He questioned it at first, but found that it was the only way to get those lots in there within the ordinance.

Mr. Cilimberg noted that it was not uncommon for development 10 or 15 years ago. In Forest Lakes and Redfields there were a number of instances where there is open space between public right-of-way and private lots.

Ms. Joseph questioned whether they need to do an ordinance change to allow that. It seems to be a strange burden to put on the rest of the community or whoever is maintaining that open space.

Mr. Cilimberg noted that the ordinance changes would be much larger than that and be included with the setbacks. Staff will get back with the Commission on that issue. It

could probably be better stipulated in our ordinances those things that will accomplish the Neighborhood Model. This is being done by-right the way the applicant chose to do it.

Ms. Joseph noted that she had a question on the Water Protection Ordinance. There is a note on the cover sheet that talks about mitigation measures. She was curious about what goes on with the mitigation measures in the Water Protection Ordinance.

Phil Custer, engineer with Community Development, said that he did the engineer review. Last summer they reviewed the storm water, ENS and road plans from the previously approved plat. They also reviewed a mitigation plan. In looking at the mitigation plan just before the meeting the mitigation plan was that the applicant was deeding all of the open space to the County. Parks and Rec were involved in converting a lot of that open space to a greenway trail along the streams to the site and along the connector road as well. That is the future of the open space. The County was willing to accept the disturbance of some of the stream buffers just for the road. It is not a whole lot of impact and they were getting a lot more protected lands with the open space dedication. In most cases the approved mitigation plan is the replanting of a buffer that is deficient or in bad repair. They are allowing for permanent dedication and protection. Many times the County does not have an enforcement of some of these buffers in the backs of some subdivisions. The permanent dedication to the County is more than enough for mitigation. The County will require the posting of a bond for the mitigation plan.

Mr. Gatobu noted that a tree buffer would be required.

Mr. Edgerton questioned why this request is before the Commission since the only person who called it up, Cliff Fox, is not here.

Mr. Gatobu noted that the request would have come to the Commission because of the question about the appropriateness.

Mr. Cilimberg noted that the item could have been a consent agenda item.

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

Michael Barnes, of KG Associates representing the owner, said that he would be happy to answer questions. He pointed out that they were getting the main street connection between Western Ridge and off-site. They are also getting a connector road built and a green way trail dedication that will go to the park system. There are a lot of public benefits. He noted that the connector road does not come for free and they were told not to front on it. That in large part is why they see this plan before the Commission.

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

Motion: Mr. Loach moved and Ms. Porterfield seconded to approve SUB-2008-00160, Foot Hills Crossing with the conditions as recommended by staff.

1) The engineering review for current development needs to review and approve all applicable items as specified in the Design Standards Manual, section 903, before recommending tentative approval to the final subdivision plat.
2) Screening in accord with Section 32.7.9.8 shall be provided within the Open Space area between the Connector Road and any lots backing on the Connector Road that are shallower than 350 feet.
3) Albemarle County Service Authority approval to include construction drawings for water service infrastructure, meters, easements.
4) A conservation plan checklist must be completed and incorporated into the site plan with notes to show how any individual trees and groups of trees designated to remain will be protected during the construction of this project. The location of any tree protection fencing that coincides with the limits of clearing and other methods of protection from the checklist must be shown on the plan for clear identification during field inspections.
5) The applicant will have to submit road names for all roads to this office before final plat is approved. Please contact this office for road name approval.
6) Fire and Rescue Department approval is subject to field inspection and verification.
7) All accesses and roadways shall be designed in accordance with the current Subdivision Street Standards, The Minimum Standards for Entrances to State Highways and the Road Design Manual for the Virginia Department of Transportation.

The motion passed by a vote of 6:1. (Mr. Edgerton voted nay.)

Mr. Morris said that SUB-2008-00160, Foot Hills Crossing was approved. It will not be heard by the Board of Supervisors.

Old Business:

Mr. Morris invited old business.

Ms. Joseph pointed out that Mr. Morris and she had met with the home owners in Fontana. One of their concerns was the fact that a road was being put through Fontana C that the Planning Commission reviewed. There was another subdivision called Lake Ridge behind Fontana C. When they looked at Fontana C, which came in on February 24 2008, there was a set of proffers. One of the requirements was that no grading would occur on Fontana 4C. She and Mr. Morris were shocked that there was grading on Fontana 4C. They asked staff what was going on and how did this happen. She wanted the other Commissioners to know what was going on. There are erosion and sediment control issues. There are trucks going back and forth on a daily basis. The Fontana people felt something was amiss. She felt that there were enough conditions that no road would be punched through or grading done until the conditions were met. In the Fontana Subdivision there were many things that should have been completed that were not. They were hoping with 4C that they would get the pathways and other

things done. Unfortunately, staff has decided that that road or easement going through 4C to Lake Ridge was vested. Therefore, the applicant in Lake Ridge was able to grade and put that road in. She was really disappointed that the Commission was not told that in the meeting when they discussed Fontana 4C. It means all that the time and effort the Commission put into it for that community is gone. She did not know what leverage we have to get the citizens in Fontana what they expected. She was very disappointed.

Mr. Morris agreed with Ms. Joseph that it was a real shock. He recalled that the Commission had some conditions that addressed what had to happen before they would approve that.

Ms. Joseph requested that the Commission in future rezoning reports include information about other projects that might have an impact on considerations of the re-zoning under review. She felt that a thorough history in the staff report was important so the Commission knows if an easement is vested so that a road could be punched through.

Mr. Kamptner said that it was not the easement that was vesting. He pointed out that he had been told from staff that Dr. Hurt's organization had reserved the easement to enter Lake Ridge when the land was sold for Fontana 4C. There was a preliminary subdivision plat in Lake Ridge that had been approved before the rezoning took place. Then under State law the preliminary subdivision plat is a significant governmental act that starts the whole vested rights trigger. With the change in zoning that took effect with the proffers they were vested to proceed. It was his understanding that the grading that has taken place is to provide the entrance into Lake Ridge and is not the grading that is associated with the remaining portion of Fontana 4C.

Mr. Morris noted that it was hard to separate it.

Ms. Joseph agreed. She questioned if they will ever get the connector road to Cascadia because that accessed off this access road to Lake Ridge. She wished that she had known of this vesting because they would have looked at it differently when the Commission reviewed the request.

She said that she looked on Charlottesville Tomorrow and saw Jon Cannon's photograph and wondered what is going on with the TDR. She asked if it was sanctioned by the Board.

Mr. Cilimberg said that the Board acknowledged that this was going to take place independent of the County. The Board did not in any way appoint or support any particular aspects of this. It was simply an acknowledgement.

Mr. Cannon noted that this was a venture undertaken with the knowledge of the Board. It is being managed by the Well and Cooper Center at the University of Virginia with funds from sources that are not governmental. He reported that he would be happy to keep the Planning Commission advised, but he had nothing to say other than the issue is out there and this is to develop some options to utilize TDR's in an effective way. He

has been asked to provide some facilitating roles without compensation and did not represent the Planning Commission.

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

New Business:

Mr. Morris invited new business.

- The Planning Commission is not scheduled to meet on the Tuesday after Labor Day, the Tuesday prior to Thanksgiving, Christmas, and New Year's nor on Election Day.

- The next joint meeting of the Planning Commission, Board of Supervisors and Architectural Review Board is scheduled for Wednesday, September 10 at 2 p.m. Staff will send email asking for Commissioner response as to who can attend.

Adjournment

With no further items, the meeting adjourned at 9:51 p.m. to the Tuesday, August 26, 2008 Planning Commission 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 Claytor Taylor, Clerk to Planning Commission and Planning Boards)