Albemarle County Planning Commission
September 23, 2008

The Albemarle County Planning Commission held a meeting, work session and public hearing on Tuesday, September 23, 2008, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

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

Other officials present were David Benish, Chief of Planning; Megan Yaniglos, Senior Planner; Wayne Cilimberg, Director of Planning; Bill Fritz, Chief of Community Development; Elaine Echols, Principal Planner; Amy Pflaum, Senior Engineer, Lee Catlin, Community Relations Director; Bill Wanner, of the Thomas Jefferson Planning District Commission 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.

Gary Fern, Executive Director of the Albemarle County Service Authority, requested a meeting between the Board of Directors of ACSA and the Planning Commission to improve communications between the two groups.

Mr. Morris said that it was an excellent idea and asked that he work with staff on scheduling a date.

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

Consent Agenda:

Approval of minutes: March 14, 2006, May 23, 2006, October 24, 2006 and March 25, 2008

Mr. Morris requested that the Commission take the first three consent agenda items for 2006 knowing that there are two Commissioners that will abstain. Then they will handle the last minutes of 2008. He asked if any Commissioner would like to pull an item from the consent agenda for discussion.

Motion: Mr. Cannon moved and Ms. Joseph seconded, for approval of the minutes of March 14, 2006, May 23, 2006 and October 24, 2006.

The motion passed by a vote of 5:0:2. (Ms. Porterfield and Mr. Loach abstained.)

Motion: Mr. Cannon moved and Mr. Strucko seconded, for approval of the minutes of March 25, 2008.

The motion passed by a vote of 7:0.

Work Session:

Village of Rivanna Master Plan (Elaine Echols)
Ms. Echols noted that Bill Wanner will present a PowerPoint presentation and then Lee Catlin will discuss the process at the end. She introduced the project, as follows.

- This is a joint presentation by the County and PDC staff in response to the issues raised at the June 17, 2008 meeting. At that meeting staff brought forward several options related to the development area and the development area boundaries. The Planning Commission said that they did not want to change those boundaries unless there was a compelling reason and so far they had not found one. The Commission said they wanted to retain the density in the development area of 3-6 units per acre, but wanted staff to bring them some options that showed how that could be redistributed. Therefore, staff has provided three options in the staff report that Mr. Wanner will go over.
- Since this process began there have been a number of questions about the capacity of the sewage treatment facility. Some people have said that it is not functioning correctly or there is not enough capacity. The Service Authority has said that the treatment plan was sized for 385,000 gallons per day for the overall village and now only 120,000 gallons per day is being used. Part of that is because of the lower density at Glenmore than what the Comp Plan called for. At this time there seems to be plenty of capacity. Gary Fern is here to answer any questions the Commission might have about the capacity of the sewage treatment facility.
- Staff anticipated that there would be concerns about density in this particular development area. There were several different densities mentioned in the staff report as possibilities. Staff would like the Commission to defer that particular discussion until they get the form right. There will be plenty of opportunity to do whatever they want to do with the density. If they get the form right, then it does not matter if it is the low, middle or high range they want proposed in the village. The form would then support that in any case.

Bill Wanner, with the Thomas Jefferson Planning District Commission, was present with his colleague Billy Campbell. He reviewed the design options in a Power-point presentation and asked for direction from the Commission on any changes needed to any of the recommendations or options prior to finalization and presentation to the public.

Lee Catlin asked the Commission how they wish to participate in the next public meetings and to discuss staff's proposal for the process. The point of the next public meeting is to take whatever options the Commission thinks should move forward to the public and establish the preferred alternative and then have that as the base from which to work from that point forward.

The Planning Commission discussed the options and provided comments and suggestions, as summarized below.

Mr. Morris invited Mr. Fern of the Service Authority to address the sewer issues.

Gary Fern, Director of Service Authority noted that experts present included Pete Gorman, Director of Engineering of the Service Authority and Dr. Bob Wickert, Director of Operations of Rivanna Water and Sewer Authority. In accordance with the four-party agreement the Service Authority owns the facility but Rivanna Water and Sewer Authority are required to operate the facility. He added that currently the Albemarle County Service Authority is contracted with ATE, an engineering firm, to do an evaluation of the treatment facility more to look at what would be required in order to do an upgrade at the facility. So that is currently ongoing and something they are looking at.

Ms. Joseph asked what the upgrade was proposed to do.

Mr. Fern replied that when the plan was first designed there were components within the plant made space for but they were not put in because the plant did not have the flow. When it gets to a certain point those components need to go in. What they wanted to do is have an engineering study done so that they know specifically when it reached a certain flow amount that those components would be put in and those are going to be paid for entirely by the developer. He asked if there were specific questions about the capacity.

Ms. Joseph noted that what people are concerned about are the odors. She asked if that was something when the upgrades occur that the odors will be reduced or enhanced.

Dr. Bob Wickert, Director of Operations for Rivanna Water & Sewer Authority, said that waste water treatment plants in general throughout the United States there could be odors associated with the process itself. This is a very sophisticated waste water treatment plant. It is probably one of the first in Virginia to have both sand filtration and ultraviolet disinfection. So it was very sophisticated in design back in the 1980's. This plant is operating well. The plant is run with a dual train system meaning that when flow comes into the plant they can run it through two different units. For instance they have two secondary clarifiers. They are only using on secondary clarifiers and partial aeration. They are doing that because as Mr. Fern said the present hydraulic load is minimal at this time. They were seeing anywhere from 100,000 to 120,000 gallons per day. They went back over the last eight years and looked at the performance of the plant. Waste water treatment plants generally generate odors when they are not performing correctly from a treatment standpoint. The original permit on this plant permitted in total suspended solids of 30 milligrams and BOD of 30 milligrams per liter to be produced. In other words once the waste water went through the treatment process it could discharge solids and BOD biological oxygen demand to the Rivanna at those concentration levels. This plant over the last eight years has produced solids less than 10 milligrams per liter. This is exceptionally better than the 30 milligrams permitted. This plant has produced a BOD of less than 5 milligrams per liter. Again, they are allowed 30. What that indicates is that the treatment processes are very highly tuned and the plant is performing very efficiently. He reiterated that anywhere in the world odors are generated in plants that are not working properly. He would not say that if one walked through that area that they would not smell an earthy smell. That generally is from the biological treatment process. In all the visits he has conducted at that plant he has never smelled anything objectionable.

Mr. Morris asked what the projected capability is of this plant.

Dr. Wickert replied that the plant was designed to handle 381,000 gallons. The present load is anywhere from 90,000 to 120,000 gallons per day on average. As Mr. Fern said they are bringing in Dr. Gilbert O'Neil who designed the plant in the 1980's. They are going to go through each process and look at the hydraulic loading and the existing process units. They will do calculations that determines specifically what is needed if any upgrade is needed to meet the .381. If the plant can treat more than .381 there are certain regulations under the Department of Environmental Quality Scat Regulations that require once that plant reaches a certain limit they would be required to plan for an upgrade. He noted that probably within the next three months they will have a better definitive answer on the hydraulic capacity and the concentration capacity of that facility.

Mr. Loach asked if he looked at the maximum build out for the three plans and if there were any pending developments that would be feeding into the site that would have to be factored into the capacity.

Dr. Wickert deferred the question to Mr. Gorman or Mr. Fern.

Pete Gorman noted if look they look at the existing flow and what is projected with the density ranges of Rivanna Village given as the highest density and adds that to what is currently seen coming into the plant, including the Livengood and Leake subdivisions they come up with a flow of 320,980 gallons per day. There is still the upper Carroll Creek drainage basin that has to be taken into account. They have to look at the densities of that to see how much that is going to provide to the plant. The original agreement with the Glenmore Associates Limited Partnership anticipated that Glenmore would need 297,000 gallons per day. Outside of that Glenmore area, which is defined in the agreement, it is figured at 84,000 gallons per day. Those two numbers added together get the 381,000 gallons per day.

Mr. Morris invited public comment.

Neil Means, resident of Village of Rivanna, asked what happened to the transportation component of the master plan. In the Comp Plan the Village of Rivanna is supposed to be linked to the City of Charlottesville in roads of adequate carrying capacity. The transportation between Charlottesville and the Village of Rivanna is the biggest concern of virtually all residents. In the study that the planners provided in the work shop it did show that at least since 2005 that Route 250, which is the main link, was over capacity at least three years ago and still is now on the east slope of Pantops from I-64 up to the top. It did not look like they studied the part from Shadwell to I-64, which 99 percent of the residents complain

about. That section is probably over capacity at rush hour at the present time. It will be worse once this project is approved and built. It appears that this has been dropped from consideration. They need roads of adequate capacity before the development goes in.

There being no further public comment, Mr. Morris noted that the matter was before the Planning Commission for further discussion.

Ms. Joseph pointed out that the Commission would talk about the transportation at a later date since they were concentrating on the form at the present time. This is not a rezoning, but our vision for the future. She did not want Mr. Means to leave thinking that the Commission does not care about transportation issues in the area. The Commission is specifically looking at the form in the master plan at this time.

Mr. Strucko said that he would like to talk about the infrastructure in terms of capacity. He echoed Mr. Means asking why the transportation is not addressed.

Mr. Benish said that they would be addressing the transportation issue, but want to step through the form issue first and then later address the transportation impacts and issues.

The Planning Commission asked that all three options remain on the table. They suggested that the consultant and staff go back and work with the Rivanna Neighborhood on all three options in order that the community comes up with their own expectations and vision acknowledging that there are some perimeters regarding some things that need to be accomplished in this development area with policies of the Neighborhood Model and Comprehensive Plan.

- The consultant needs to address how the three options reflect and meet the goals of the Comp Plan and Neighborhood Model.
- Focusing on form might be beneficial in the presentation to explain how the densities are grouped around the green space. The rationale behind it would help people understand the options.
- The cost of putting a bridge across Carroll Creek would be helpful. They need to look at the green infrastructure to make sure connections made.
- Regarding the process, the Commission asked staff to work with Mr. Morris on the exact details of what the Planning Commission's role will be.

Ms. Catlin recapped what she heard the Planning say in terms of a possible format for the next meeting.

- The up front moment of going again back to step one of this is why they were doing this; this is what is important; this is kind of the goals and visions of what the County has said should be happening in its development areas. That would be a place for photos and images. Mr. Loach made a great point to try to demystify what this means and show how it is really working in other parts of our community right now.

- They need to be talking a little bit about perimeters and what they think needs to be accomplished in this development area through this master plan. The Commission mentioned density targets and Neighborhood Model principles. There may be some other things that are the frameworks or the absolutes that they really have to work within.

- It is important again to review the community input today and what the community has said is important through this very extensive conversation that they have had to this point. Some of that fits within the perimeters and some does not quite frankly and that is just something that would have to be sorted out.

- Reviewing the options, commenting on how they do address community input, how they do address goals and visions and Neighborhood Model principles in all of the things that they have talked about here. Then let the community weigh in and see if they come to agreement on preference among those options leaving enough room for the community to provide input on something that may not be exactly what they show them, but also fits within what they have said needs to happen in the development area and the master plan.

She asked if that sounds like their suggested approach.

Mr. Edgerton pointed out that one piece earlier in the evening there was a lot of discussion about trying to link any proposed master plan proposed density to supporting infrastructure. He sensed that there was a lot of support of that by the Commission. If they are allowed to link the two that is probably a more appropriate way for them to go.

Ms. Catlin said that whatever kind of option they come up with that is a fundamental piece of it.

Mr. Strucko asked if they know given the Comprehensive Plan density per acre what the population potential is within the design overall. He was reading the staff report that says the gross density should not be less than 3-6 units per acre overall. He said that he just wanted to hear the hard numbers because the form and the resulting density are to shoot for a target. It is much like the Crozet population controversies that came into play as well.

Mr. Loach noted that the problem is that unless they know the form it is hard to come up with the population. But, he agreed that it was a good idea.

Mr. Benish said that staff typically does that so that they can get a sense for what the population would generate. They tend to focus in on structures, which is a known quantity. Depending on what the structure is there are certain multipliers for townhouse/apartment versus single-family attached. Staff can apply a multiplier based on their general average household in the County, which he thought was 2.31. Each dwelling unit type has a different multiplier. Staff has looked at it generally, but does not have those numbers.

Ms. Joseph noted that it was on Attachment E1, which said that the development potential is the same for each scenario.

Mr. Strucko noted that what was missing was the numbers of the population and the dwelling unit type.

Ms. Joseph noted that they had started with 800 units, 1,200 units and 600 units. There is something there.

Mr. Strucko said that they whenever they were talking about infrastructure planning they were talking numbers. They were talking about the number of school age children, students per class room and daily vehicle trips. If they are going to integrate the infrastructure planning in with the form and density they should at least have a range of numbers that they can work with. It might not be a precise number, but at least a low end and a high end.

Mr. Benish said that staff would definitely add that.

Ms. Catlin said that they had talked about how the meeting might work, but was not sure how the Commission saw their role in this meeting. She asked if the Commissioners were going to be entrusted observers, whether they saw themselves as leading portions of the meeting or if there was an introduction and talk at a high level that maybe should come from the Planning Commission before they get started. She asked how they saw that happening.

Mr. Morris said that from a personal standpoint he would like to sit down and discuss that with her to see how they could best do it unless the Commissioners see a specific way. He thought this was something that can be hammered out.

Mr. Cannon noted that there was a tension, but was sure that Mr. Morris can resolve this. There is a tension between the Planning Commission leading the meeting and being open and receptive to whatever comes out of the meeting and not inhibiting or limiting the discussion in any artificial way.

Ms. Catlin noted that it had been discussed that what they know is the balance between community preferences versus County policy. They hope to move towards a more objective way of approaching the plan.

Mr. Morris agreed that the last thing the Commission wants to do is to get in the way of really making a productive meeting.

Ms. Catlin reiterated that staff would work with Mr. Morris on the exact details of what the Planning Commission's role will be and go from there.

Mr. Morris asked if staff has any idea of when this meeting might be.

Ms. Catlin replied that they had talked about definitely wanting to get it in before Thanksgiving.

Mr. Benish said that they would have to regroup based on the Commission's input for when they would be ready. It sounds like they may want to come back with some more information.

Mr. Morris agreed and noted that it did not have to be on a Tuesday night.

Mr. Loach asked if there is a steering committee for the plan.

Ms. Catlin replied that there is a stakeholder's group, which they have been meeting with regularly. Before they took this to them the Commission wanted it to come back. Now that they have staff can certainly talk to the stakeholders about the next public opportunity. That is their role in what they are supposed to be doing.

Mr. Wanner said that their role in large measure is to help with the process in how they can best engage the citizenry, get the message out most clearly and get the most number of people there rather than the specifics of the plan itself. He thought that was at the Planning Commission's direction for the process.

Mr. Loach said that the big challenge that they had seen in Crozet is to come back with the consensus from that committee. In other words the Crozet Master Plan was not passed by acclamation. But, there were enough consensuses that it got through. He thought that the same thing has to happen when they come back to the Planning Commission that essentially there is a consensus and they are working with that consensus rather than they are trying to resolve what the community's problems are in their internal discussions about which plan they would like.

Mr. Morris thanked everyone who took time to come and give input because it was excellent and they were moving forward.

In summary,

The Planning Commission held a work session on the Village of Rivanna Master Plan Update. The consultant reviewed the design options in a power-point presentation and asked for direction from the Commission on any changes needed to any of the recommendations or options prior to finalization and presentation to the public. Staff also requested that the Commission decide how it wishes to participate in the next public meeting and discuss staff's proposal for process. The Commission discussed the options, took public comment and commented on the questions posed by staff. The Planning Commission asked that all three options remain on the table. They suggested that the consultant and staff work with the Village of Rivanna neighborhood on all three options in the context of the Development Area policies, the Neighborhood Model and the Comprehensive Plan.

The Commission also asked for the following items:

Changes to maps/information for public meeting

- Show a version of the map that contains another color gradation of residential density between the bright yellow and dull yellow, adjacent to the Running Deer side and Glenmore. This is to reflect a stronger transition between the low-density residential of Running Deer and Glenmore and the higher density of 3 - 6 units per acre in the undeveloped land. Also delineate the PRD area approved in 1991 for the Glenmore Community.

- Carry-over the green infrastructure element from the earlier meetings onto the maps or a map.

- Show the 1/4 mile walkability circles that are present on other master plans

Format for public meeting:

- Review overall goals, vision, purpose for development areas, master planning, etc. Emphasize PC's acknowledgment that there be a strong link in the master plan between timing of development and infrastructure capacity.

- Use photos and images as much as possible to convey the benefits of the Neighborhood Model's goals, especially for walkability; clearly show the benefits of the different forms as they are discussed.

- Convey parameters for what must be accomplished in the development areas and structure within which the master planning takes place (density targets, neighborhood model principles, others).

- Review the community input to date and reflect what community has said is important.

- Provide the rationale for how all three options reflect county's goals/parameters mentioned earlier and also reflect community desires to the extent possible – again use photos and images where possible.

- Clearly explain how to read the map in terms of gradations of color.

- Explain how the form stays the same regardless of the density.

- Show how preserving the open space/green infrastructure causes a higher density to appear in other places on the map.

- Establish community preference as to a preferred option, allowing flexibility and room for community suggestions that are within established parameters

- Leave open the opportunity for mixing and matching elements from the plans.

PC involvement:

- Planning Commissioners will be present to observe the process and address issues related to the County's Comprehensive Plan, the Neighborhood Model, and the expectations for this development area.
- Lee Catlin will discuss specifics of this with the PC Chair, Cal Morris.

For future Planning Commission meetings, the consultant and staff were asked to:

- Provide information in terms of future population, not just future numbers of units.

- Provide a projected cost of the Carroll Creek bridge to the Planning Commission at their next meeting.

- Similar to the Southern Urban Area B Study, Pantops, and Places 29, make sure that there is a strong link in the master plan between timing of development and infrastructure capacity.

The Planning Commission took a break at 7:14 p.m.

The meeting reconvened at 7:20 p.m.

SDP-2007-00065 Lewis and Clark Exploratory Center
The request is for preliminary site plan approval for construction of a 15,000 square foot historical center on approximately 12 acres within existing Darden Towe Park. The property, described as Tax Map 62, Parcel 23, is zoned RA, Rural Areas, R-1, Residential, and EC, Entrance Corridor and is located in the Rivanna Magisterial District on the west side of Stony Point Road [Rte. 20], 0.5 miles north of its intersection with Richmond Road [Rte. 250]. The Comprehensive Plan designates this property as Parks and Greenway in Urban Area 3. (Megan Yaniglos)

Mr. Fritz presented a Power-point presentation and explained the staff report. (See Staff Report)

- Staff has worked with the applicant since the November, 2007 meeting so that the waiver for the hard surface is no longer required. That was granted administratively. However, the modification for curb and gutter is still required. That is a request for the access road coming in to the site not to be provided with curb and gutter. Following the meeting the Planning Commission directed staff and the applicant to work together to try to find a solution. The engineering staff has stated that if the applicant would provide bio-swale that the engineering staff could support the waiver in lieu of curb and gutter. That would have been granted administratively. However, staff has not been able to reach an agreement and bio-swales are not shown in all areas. Therefore, this waiver was not granted administratively and why this request is before the Planning Commission tonight.
- Engineering staff did quite extensive work with this review back and forth with the applicant. The conceptual storm water management plan submitted by the applicant does not provide for a swale along all portions of the road. Therefore, staff cannot administratively waive the requirement for storm water purposes. It is staff's opinion that curb and gutter is required to direct run off to the appropriate BMP facilities or water quality swales along the entire length of the road. Staff provided detailed analysis in the staff report.
- It is staff's conclusion that the applicant did not meet the criteria to demonstrate that there is a sound reason to grant this modification or they were proposing some alternative standards that would better address the requirements of the ordinance or that there was some unusual condition such as terrain or other situations. Staff is not supporting this request and recommending denial.

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

Anne Hemingway, President of the Lewis and Clark Exploratory Center, thanked staff for their assistance in this matter. She was present with Fran Lawrence with the Exploratory Center and their engineers from DDR. She would be happy to answer questions.

Justin Shimp, of Dominion Services Resources, explained how they came to the design and why they think it is a better scenario than the bio-swale on the downhill side of the road. It is really a case of two different sides of the street. On the uphill side of the street where the water is concentrated into a ditch and flows down the hill they need the bio-swales to slow the water down and treat it as needed. On the downhill side it is a different story. On the downhill side there is a substantial grass slope that is well vegetated and not eroded. That slope would be more than capable to handle a little additional runoff since there is an existing road in that area. The proposed road would have a ditch on the uphill side and the water would continue to flow off the downhill side to the heavy vegetated area. The best argument for waiving the curb and gutter here is that in the condition where they have the curb and gutter they let the water concentrate and flow it down to a spot to a BMP. They make the BMP area or the infiltration area 5 percent of the pervious area. For every 100 square feet of road there will be 5 square feet of area for this water to soak into. In the situation where the water sheet flows off the water would simply flow directly

across the road into this long vegetated filter area. The water would never get into the river without some treatment from the natural vegetation. Because of that they felt it was a strong case for this and it is a better alternative due to curb and gutter and concentrating of flows. In this area they have such good natural vegetation infiltration possibilities.

Mr. Morris invited questions from the Commission.

Mr. Cannon said that the question is whether they are required on the downhill side as a condition for not requiring curb and gutter. They require heavily on existing vegetation and natural conditions. Assuming that vegetation performs the function that is asserted what is to assure that it continues to be in that condition or better for as long as the road is used.

Mr. Shimp replied that its location down in the stream buffer in the flood plain makes him not perceive development in the near future. If they were to compare it to the engineered bio-filter type he felt that this vegetation in its natural state would be better than one they engineer, design and build.

Ms. Monteith noted that she was trying to understand the topography. It looks like there are certain areas where the topography is more extreme and that might be more of a concern. At some point it might be good to hear from the engineering staff in terms of whether they would observe that there are certain problems that are worse on the river side than others and that was part of their concern.

Mr. Morris invited County engineering staff to address the Commission's questions.

Amy Pflaum, Senior Engineer, said that the object of the ordinance is to capture and treat as much storm water as practical. As staff reviewing the design it their goal to direct the design in a manner that can do that. They have been looking at trying to catch the entire length of the impervious surface that is being added. Staff's goal was to see all of the storm water runoff from the road captured in some manner and treated in a BMP.

Mr. Strucko noted that the road is an intrusion into the existing condition potentially increasing the run off. The argument here is that they need some sort of engineering intervention.

Ms. Pflaum replied that was correct.

Mr. Fritz noted that the fault is curb and gutter, which channels the water to some sort of BMP. It does not just collect the water and discharge it. So it is collecting the water to some BMP facility. Staff feels it may be appropriate to waive the curb and gutter requirement in this particular case, but they don't think that the method that the applicant has used is supportable. In other words if they provided direction to a BMP facility staff could support it.

Ms. Monteith pointed out that the curb and gutter situation here would be very urban. If there was a way to avoid curb and gutter she felt that would be the goal.

Mr. Fritz replied that there is, but they have not reached that point yet.

Mr. Pflaum noted that the reason this request is before the Commission is that engineering staff is unable to waive this administratively. The ordinance specifically requires that engineering can only waive the requirement of the curb and gutter in the instance that it directly facilitates flow for a storm water management purpose. Allowing the flow to sheet flow off the side of the road to whatever is there; natural vegetation is not a storm water purpose. As Mr. Fritz said, staff is not against having the waiver of curb and gutter, but can't do it administratively.

Ms. Joseph asked if there was some kind of mechanism to guarantee that vegetation stays the way it is or have additional vegetation planted there so they get the same sort of effects they were talking about.

Mr. Fritz suggested a possible condition stating that the existing vegetation between access road and river shall be maintained. The applicant is to provide photographic and description summary of existing

vegetation. If they wanted additional vegetation staff would need to sit down and determine where, how much and what kind to come up with a plan.

Ms. Joseph suggested that they augment the plants in some of the areas.

Ms. Pflaum noted that since this is considered a parking lot travel way rather than an actual private street it could have different criteria and have the crown or the tip of the road going to one side. The road could be designed to be crowned and then transitioned to be sloped to one side.

Mr. Morris invited Mr. Shimp to come forward and address the Commission.

Ms. Joseph asked if there was any reason they could not tip that road to one side so that they don't have to mess with the other side for the treatment of water.

Mr. Shimp replied that he generally tries to avoid that particularly on a straight section of road. It tends to get cars drifting towards the middle of the road. If the issue was that curve section where the fill is he thought it makes sense to do that in that particular area back towards the ditch. In the other areas the terrain is very flat and the vegetation is very healthy. He was confident that the additional 8' of gravel road versus 9' of paved area is not a big increase in the runoff. He did not want to tip the road except in the curved area.

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

Mr. Strucko noted that this would be an intrusion onto existing conditions. He was very concerned with the run off being so close to the river. He did not support the proposal because there were no calculations showing that it can handle the intrusion of a travel way. He would like to see bio-swales on both sides to ensure that the runoff is contained and does not hit the river.

Ms. Porterfield agreed with Mr. Strucko and could not support the request.

Mr. Edgerton said that he heard from staff that if it was not for the language in the ordinance they would be looking for a way to solve this problem without putting curb and gutter in because they did not think it was appropriate for this area. This travel way is serving a parking lot and not a major thoroughfare.

Ms. Pflaum said that engineering staff has not make a determination as to whether curb and gutter is appropriate for this project or not. It is in the ordinance that curb and gutter is required on all new parking and travel ways in the development area. Staff reviews it based on that.

Mr. Edgerton asked if what is being proposed a workable solution as far as drainage regardless of what the ordinance says. The Commission has the authority under the ordinance to waive this, but are not engineers. The Commission needs help from engineering staff as to whether this will work or not.

Ms. Pflaum said that if the Commission waives the curb and gutter she believes that staff can work with the applicant's engineer to get this project to meet the standards of the Water Protection Ordinance without curb and gutter. That is not to say that this presentation in front of them is the right solution. She did not know exactly what the right solution is, but she believed that they could get it to meet the requirements of the Water Protection Ordinance.

Mr. Cannon asked how they would make that happen. He asked if there were conditions the Commission could place on the approval that would allow engineering staff to do the work needed to get to the right place.

Ms. Pflaum replied that if the Commission granted the approval of the waiver for the preliminary site plan that the applicant would come in with the final site plan with their Water Protection Ordinance application. Staff would review the application per the standards of the Water Protection Ordinance and work with the

applicant to meet the standards of the ordinance. If the waiver is approved it would still have to meet the final site plan requirements and the Water Protection Ordinance requirements.

Mr. Strucko felt that the applicant has not addressed these issues since their November 13 meeting.

Mr. Fritz said that staff does not have a solution that they can support at this time for the waiver of the requirement of curb and gutter. That is where they are. There are some alternatives presented by the applicant. Staff and the applicant are at the point of acknowledging that they have different opinions.

Mr. Cannon said that the idea was if there was a potential here that could make the kind of further negotiation they were talking about potentially fruitful with banking the road around the curve and requiring a specified depth of vegetation to be maintained as a more natural management scheme that would be adequate to deal with the concerns here. He questioned how disruptive physically and how costly over time is the engineered option.

Mr. Morris felt that it needs to meet the standards completely before he could support it. He saw this as a class project.

Mr. Fritz pointed out that this is a public property.

Ms. Joseph supported the request with tipping the road so that they get most of the run off going into the one side of the road. If there was some mechanism they can have which will ensure that the vegetation is kept intact and there is additional vegetation added that slows down the rain water and helps clean it before it gets to the road, then she could support no curb and gutter.

Mr. Fritz suggested two potential conditions that capture the Commission's thoughts.

Ms. Pflaum said that in the past they have approved excess buffers beyond what was already stream buffers as a storm water management feature and it has had a maintenance agreement on it.

Motion: Mr. Cannon moved and Mr. Edgerton seconded for approval of the curb and gutter waiver for SDP-2007-00065 Lewis and Clark Exploratory Center – Preliminary with the two conditions as recommended by staff.

1. Existing vegetation between access road and river shall be maintained (applicant to provide photographic and descriptive summary of existing vegetation), supplemented by additional plantings as required by Current Development to meet the requirements of the Water Protection Ordinance.
2. Water from the access road shall be channeled to a BMP for that portion of the access road Northeast of the intersection near existing U8 soccer fields

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

Mr. Morris noted that the critical slopes waiver for SDP-2007-00065 Lewis and Clark Exploratory Center – Preliminary was approved. This item does not go before the Board of Supervisors.

Mr. Kamptner said that in this case this area is effectively serving as a stream buffer. He was thinking of the maintenance standards in open space easements that deal with maintaining the vegetation within those types of buffers. Essentially they allow the removal of dead and diseased vegetation and the removal of non-native species.

Mr. Fritz noted that is consistent with our form of maintenance in Section 32.

Mr. Cannon asked if that would be the content, and Mr. Fritz replied that is correct.

Mr. Strucko asked who controls that area.

Mr. Kamptner replied that it was the City and the County. Therefore, the applicant would need to amend the lease agreement.

Mr. Morris noted that it went right through Darden Towe Park, which is governed by a board.

Ms. Porterfield questioned how the Commission can vote on something that they don't even have control of.

Mr. Fritz pointed out that the applicant can't meet the condition if they can't ensure that they can maintain it. Therefore, they would not be able to approve the plan and the applicant would be back here with something else.

Ms. Porterfield asked if the applicant has to bring staff a newly negotiated document.

Mr. Strucko pointed out that the Commission has standards about voting about what is before us and that is not before the Commission.

Ms. Joseph noted that it was just a condition of approval.

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

Old Business:

- Next week's work sessions starts at 4:00 p.m. One involves the development community in an open round table discussion on the Planned Development regulations or a component of those changes. The other is on the Economic Development Policy. The meeting should be finished by 6:00 p.m.

- The Commission asked staff to email any changes to the consent agenda items prior to the meeting.

Adjournment

With no further items, the meeting adjourned at 8:11 p.m. to the Tuesday, September 30, 2008 Planning Commission Meeting at 4:00 p.m. at the County Office Building, Second Floor, Room 235, 401 McIntire Road, Charlottesville, Virginia.

Mr. Morris called the meeting back to order and established a quorum noting that Mr. Cannon had left the meeting for consideration of the preliminary site plan for SDP-2007-00065 Lewis and Clark Exploratory Center.

Ms. Joseph moved for approval of the preliminary site plan for SDP-2007-00065, Lewis and Clark Exploratory Center.

Ms. Porterfield asked if that includes the swales or the lack thereof.

Ms. Joseph noted that the waiver request was already acted upon and they were only acting on the preliminary site plan.

Ms. Porterfield asked if that would be included within the site plan, and Mr. Morris replied that it would.

Mr. Cilimberg pointed out that they would not have curb and gutter in the site plan.

Motion: Ms. Joseph moved and Mr. Loach seconded for approval of the preliminary site plan for SDP-2007-00065 Lewis and Clark Exploratory Center - Preliminary.

1. Existing vegetation between access road and river shall be maintained (applicant to provide photographic and descriptive summary of existing vegetation) and supplemented by additional plantings as required by Current Development to meet the requirements of the Water Protection Ordinance.
2. Water from the access road shall be channeled to a BMP for that portion of the access road Northeast of the intersection near existing U8 soccer fields

The motion passed by a vote of 4:2. (Ms. Porterfield and Mr. Strucko voted nay.) (Mr. Cannon was absent.)

Mr. Morris noted that the preliminary site plan for SDP-2007-00065 Lewis and Clark Exploratory Center – Preliminary was approved. This item does not go before the Board of Supervisors.

Adjournment

With no further items, the meeting re-adjourned at 8:16 p.m. to the Tuesday, September 30, 2008 Planning Commission Meeting at 4:00 p.m. at the County Office Building, Second Floor, Room 235, 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)