Albemarle County Planning Commission
May 4, 2010

The Albemarle County Planning Commission held a public hearing, meeting and work session on Tuesday, May 4, 2010, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Don Franco, Calvin Morris, Linda Porterfield, Ed Smith, Mac Lafferty, and Thomas Loach, Vice Chairman. Members absent was Duane Zobrist, Vice Chair. Julia Monteith, AICP, non-voting representative for the University of Virginia was present.

Other officials present were Julia Wiegand, Senior Planner; Claudette Grant, Senior Planner; Rebecca Ragsdale, Senior Planner; Wayne Cilimberg, Director of Planning; and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

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

Committee Reports:

Mr. Loach invited committee reports.

- Mr. Morris reported that the Pantops Steering Committee met on April 22nd for a guided tour of the new Martha Jefferson Hospital.

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

Other Matters Not Listed on the Agenda from the Public:

Mr. Loach invited comment from the public on other matters not listed on the agenda.

Neil Williamson, Free Enterprise Forum, reminded the Commission of the Forum's concern with the creation of priority areas in Master Plans that he felt had the effect of creating "super" development areas. He particularly noted this again because he was seeing it for the first time related to a project in tonight's staff report for Peter Jefferson Overlook.

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

Consent Agenda

Approval of Minutes: March 16, 2010

Mr. Loach asked if any Commissioner would like to pull an item from the consent agenda.

Motion: Ms. Porterfield moved and Mr. Morris seconded for approval of the consent agenda.

The motion passed by a vote of 6:0. (Zobrist absent)

Mr. Loach noted that the consent agenda was approved

Presentation:

Stream Watch's 2009 Stream Conditions Report
(John Murphy)

John Murphy, Ecologist and Director of Stream Watch made a presentation on the biological condition at

Stream Watch Long-term Monitoring Sites – Summer 2006 through Spring 2009. The Commission received a PowerPoint presentation, asked questions and provided comments. There was no public comment and no formal action was taken.

Public Hearing Items:

SP-2009-00035 St. Anne's Playing Field
PROPOSED: Allow playing field, spectator area, and overflow parking on 13.5 acres
ZONING CATEGORY/GENERAL USAGE: R-1
SECTION: 13.2.2.5 which allows private schools by Special Use Permit.
COMPREHENSIVE PLAN LAND USE/DENSITY: Neighborhood density residential (3-6 units/acre) and supporting uses such as religious institutions and schools and other small-scale non-residential uses in Neighborhood 7.
ENTRANCE CORRIDOR: Yes
LOCATION: 1600 feet from the intersection of Faulconer Drive and the Ivy Road/Rt 250 off ramp from the 250 Bypass
TAX MAP/PARCEL: Portion of TMP 60-24
MAGISTERIAL DISTRICT: Jack Jouett
(See staff report from the July 8, 2008 Planning Commission meeting)
(Judith Wiegand)

Ms. Wiegand presented a PowerPoint presentation and summarized the staff report for special use permit, SP-2009-00035 St. Anne's Playing Field.

- The applicant requests a special use permit to allow the relocation of a playing field proposed for the main campus to a new parcel across Faulconer Drive, and to include a spectator area and an "as needed" parking lot.
- This playing field was part of special use permit 2007-00053, approved by the Board of Supervisors on August 13, 2008. It was a part of a number of new facilities and an increase in the student population on this campus of St. Anne's.
- The school is now requesting a special use permit to move the field, a spectator area, and an as-needed parking lot across Faulconer Drive to a 13.5-acre portion of TMP 60-24 that the school is leasing from the University of Virginia Foundation.
- Both the main campus of St. Anne's and the portion of TMP 60-24 where the field would be located are zoned R-1, Residential

Favorable Factors:
1. There will be less environmental impact on St. Anne's campus because the new location requires less grading and no trees will need to be removed.
2. Moving the playing field to the proposed location will result in preservation of more of the buffering vegetation along the 250 Bypass (the original location).
3. The new field location will be easier for attendees at events to locate.

Staff has identified no factors unfavorable to this application.

Staff recommends approval of the Special Use Permit subject to the conditions recommended in the staff report.

- The first conditions relates to the fact that what is built will be in general accord with the conceptual plan as presented. There are two exceptions in it. One is to accept that the landscaping and the fencing may be modified to meet the requirements of the Architectural Review Board. The other is to allow a possible variation in the location of those cross walks as noted because cross walks must meet the requirements of the Virginia Department of Transportation. That will be reviewed at the time of the site plan.
- The second condition is that the playing field shall not be lit.

Mr. Loach invited questions for staff. There being none, the public hearing was opened and the applicant invited to come forward.

Richard Carter, representative for request, said that four of the team members present were David Lowry, and Mike Waylett, officials with St. Anne's; Kirk Gloeckner, engineer; and Tom Parquet, with the construction company building the current project. They are in the midst of a project right now that will move the middle school to what is now the lower school site. The expanded site will contain both the lower school and the middle school. They agree with the staff report and accept the conditions. The previously approved site provides a new playing field and parking. They want to move this location to a better site, which is a grassy almost level field, that will require very little land disturbance. The previously approved site is very close to the edge of the school property and will require more grading with the removal of mature trees in order to put in the playing field. It is also closer to the 250 By Pass making screening more difficult. This special use permit will cause no more traffic. There will be better parking for the overflow parking. This request is just moving the playing field from point A to point B.

There being no questions for the applicant, Mr. Loach invited public comment. There being none, the public hearing was closed and the matter brought before the Planning Commission for further discussion and action.

Ms. Monteith noted that there are other advantages for the occupants of the playing field because it will be a lot quieter and the air quality will be better. .

Motion: Ms. Porterfield moved and Mr. Morris seconded for approval of SP-2009-00035, St. Anne's Playing Field with the conditions recommended by staff.

1. Development of the use on TMP 60-24 shall be in general accord with the Conceptual Plan entitled "UVAF Property/Plan (Leased) Athletic Field/Gravel Parking Area," Revision 1, prepared by Gloeckner Engineering/Surveying, Inc., and dated February 10, 2010 (hereinafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in accord with the Conceptual Plan, development shall reflect the following major elements within the development essential to the design of the development:

    - The location of the playing field and overflow parking

    as shown on the Conceptual Plan, except that the landscaping and fencing may be modified to meet the requirements of the Architectural Review Board (ARB) and the location of the crosswalks on Faulconer Drive may be changed to meet the requirements of the Virginia Department of Transportation (VDOT). Minor modifications to the Conceptual Plan, which do not conflict with the elements above, may be made to ensure compliance with the Zoning Ordinance.

2. The playing field shall not be lit.

The motion carried by a vote of 6:0.

Mr. Loach noted that SP-2009-00035, St. Anne's Playing Field will go before the Board of Supervisors on a date to be determined with a recommendation for approval with the conditions in the staff report.

ZMA-2009-00004 National College Relocation

PROPOSAL: Rezone 6.34 acres from R-1, Residential zoning district which allows residential (1 unit/acre) to LI - Light Industrial - industrial, office, and limited commercial uses (no residential use) to allow relocation of business college facilities.

PROFFERS: Yes

EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Industrial Service-warehousing, light industry, heavy industry, research, office uses, regional scale research, limited production and marketing activities, supporting commercial, lodging and conference facilities, and residential (6.01-34 units/acre) and Neighborhood Density Residential-residential (3-6 units/acre) and supporting uses such as religious institutions and schools and other small-scale non-residential uses, in the Community of Hollymead.

ENTRANCE CORRIDOR: Yes
LOCATION: 3926 Seminole Trail, Charlottesville, VA, approximately 1100 feet south of the intersection with Lewis & Clark Drive.
TAX MAP/PARCEL: TMP 32-22L1
MAGISTERIAL DISTRICT: Rio
(Judith Wiegand)

Ms. Wiegand presented a PowerPoint presentation and summarized the staff report for ZMA-2009-00004, National College Relocation.

The applicant requests a rezoning to construct a new facility and relocate the school from its present location in Charlottesville to allow for school growth. Staff's concern with this proposal was to make sure the buffer between the new proposed industrial zoning and the residential zoning was handled, and it has been taken care of. National College currently operates a scientific and technical college on US 29 in the City of Charlottesville. The college would like to expand and has selected the proposed location because it offers space for a larger building and sufficient parking, as well as additional space for a possible expansion.

The applicant has chosen to request the property be rezoned from R-1, Residential to Light Industrial rather than request a special use permit to operate a private school in a residential zone. Under the terms of a special use permit, future use of the building would be limited to another private school. However, rezoning the parcel to Light Industrial would mean the building would be more marketable should the school decide to sell the facility in the future. The proposed building will be similar to an office building. Scientific or technical education facilities are a by-right use in Light Industrial districts (Section 27.2.1.7).

Staff pointed out the location of the possible inter-parcel interconnection and proposed pedestrian connection to the mobile home park property. The applicant is preserving the area in the back as a large wooded area. The applicant has agreed to a proffer, which provides the facility constructed will be in general accord with the plan in front of the Commission. Staff has asked that all of these things be considered.

Proffer:
Development of the use shall be in general accord with the Rezoning Plan entitled "National College," prepared by Timmons Group, and dated "February 2, 2010," (hereinafter, the "Rezoning Plan"), as determined by the Director of Planning and the Zoning Administrator, except that the landscaping and fencing may be modified to meet the requirements of the Architectural Review Board (ARB), and except that the owner may expand the building up to 4,000 square feet on each of two floors in the area shown on the Rezoning Plan and the parking area may be expanded as shown on the Rezoning Plan. To be in general accord with the Plan, development shall reflect the following central features within the development essential to the design of the development:

- building orientation;
- building mass, shape, and height;
- location of buildings and structures;
- location of parking areas;
- relation of buildings and parking to the street; and
- environmental features, including the spring, unnamed creek, and existing vegetated area on the west side of the site

shown on the rezoning plan. Minor modifications of the Plan that do not conflict with the features above may be made to ensure compliance with the Zoning Ordinance.

Factors Favorable:

1. Rezoning this parcel will enable construction of a scientific and technical educational facility that will serve the entire region.
2. The proposed changes to the entrance to this site will improve the flow of traffic into and out of both the proposed college facility and the retail store.

Staff has identified no factors unfavorable to this rezoning application.

- Staff recommends approval of this rezoning, with proffers.

Waiver Buffer:

From 26.10(c) Minimum Yard Requirements
c. *Buffer zone adjacent to residential and rural areas districts.* No construction activity including grading or clearing of vegetation shall occur closer than thirty (30) feet to any residential or rural areas district. Screening shall be provided as required in section 32.7.9.

The applicant, at staff's request, did a tree survey and identified five trees that might be affected. The applicant would like to take the five trees down, which would require disturbing the buffer to take them out so they won't fall down at some point. The applicant has agreed to revegetate areas where they go into the buffer. Basically, the only buffer disturbance would be along the side.

Critical Slopes Waiver:

The proposed development will require disturbance of critical slopes. Staff has identified the following favorable factors:

1. This waiver will enable development of a site that does not appear to be developable without this waiver, and the critical slopes are not a significant resource.
2. This waiver will allow construction of an educational facility to serve the entire region.
3. By disturbing the critical slopes to the extent necessary to construct the building and parking lot on the eastern portion of the site, the applicant will be able to leave a significant portion of the site -western end- undeveloped, thereby preserving a resource with greater potential than the critical slopes.

Staff review has identified no unfavorable factors that would result from granting this waiver.

Staff recommends approval of the buffer disturbance and critical slopes waivers.

Mr. Loach invited questions for staff.

Mr. Morris asked if the owner of the mobile home park has been involved in what is being proposed.

Ms. Wiegand replied that the owners of the mobile home park have been in several times to review the plan and talked to staff.

Mr. Loach asked the size of the undeveloped area in the back, and Ms. Wiegand replied that it was about two acres.

Mr. Loach asked if that land would be available in the future for an additional industrial use.

Ms. Wiegand replied that if the entire parcel was zoned LI the applicant could come back in the future with another plan for the undeveloped area in the back. There is nothing shown on the current plan.

Mr. Lafferty asked if there would be a problem with the stream setback.

Ms. Wiegand replied this is not a stream designated to have an official buffer on the map because it is in the development area. The applicant has chosen to stay out of the stream and have it as a nice amenity for the campus.

Mr. Lafferty noted that the staff report mentioned the future market value in several places. He asked if there is any way to find out if they are going to stay there very long or just build a building and sell it.

Ms. Wiegand replied that her understanding is the applicants want to build a building and stay there. But, just as they have found it necessary to move out of the facility in Charlottesville to get more space it could happen that they want to do that here. The applicant is present tonight and would be happy to answer that question.

Mr. Loach opened the public hearing and invited the applicant to come forward and address the Commission.

Larry Hatfield, with K-4Places Architecture and K-4 Construction, represented National College for this project. He introduced Kimberly Moore, Campus Director, who could answer questions. Members of the Design Team present include Jeff Dorman, Architect with K4Places; Sam Saunders and John Hash, with Timmons Engineering. He noted that Ms. Wiegand did a great job of introducing the project. He has been working with National College for several years on other projects and they have always been very cooperative. Obviously National College wants to be a positive part of the community.

Mr. Loach invited questions for the applicant.

Ms. Porterfield noted that the applicant indicated they will preserve the trees on the western portion of the property. She questioned if the applicant was willing to proffer that.

Mr. Hatfield replied they plan to build only what they are showing as an expansion area for parking. But, the western area could be impacted if the facility were to grow. Their plan would be to leave everything else intact.

Ms. Porterfield asked if it could be added to the proffer.

Mr. Cilimberg noted that it was already proffered since the plan has been proffered.

Ms. Porterfield questioned with the Light Industrial zoning if the applicant could come back and just mow the trees down.

Mr. Kamptner replied the proffer would have to be amended if they rezone the property.

Ms. Porterfield said that the plan would have to be amended because it was not in the proffers.

Mr. Kamptner pointed out that the tree area Ms. Porterfield was asking about is already in the proffer statement in the last bullet in the second paragraph. It was one of the identified essential simple features of the plan that says, “environmental features, including the spring, unnamed creek, and existing vegetated area on the west side of the site.”

Ms. Wiegand said that if someone in the future wanted to build something in the vegetated area on the west side of the site they would have to come back with a new plan and amend the proffer to do it. It would require a rezoning and the Commission would see it again.

Ms. Porterfield asked if the vegetated area means the vegetated area outside of the section that could be the parking expansion.

Ms. Wiegand replied yes, that is what is intended.

Ms. Porterfield asked if staff could just put that in because it was not clear they were talking about that whole section, which is why she asked the question. It was very clear in the report that the applicant was willing to do it.

Mr. Cilimberg said that was a detail that staff could modify if necessary.

Ms. Porterfield asked staff to confirm that the verbiage/plan reference to the wooded area on the western portion of the property is clear to ensure that this portion of the property will remain undisturbed by the applicant or any future owner of the property. That would make it clearer for whoever is sitting on the Commission next time if the request comes in.

Mr. Cilimberg said that the Zoning Administrator would have reviewed this and already determined that would be the case. If the Commission wants clarifying language, staff could certainly put that in there.

Ms. Porterfield noted she was suggesting that. She asked if staff has any idea how many parking places would go into the expansion area since it says there will be 160 parking spaces to start with.

Mr. Hatfield replied that his guess would be approximately 30 to 50 additional spaces based on that area.

Ms. Porterfield pointed out the report says it is a pedestrian path to the south going into the boundary of the mobile home park, but it was indicated as a connection road. She felt they were talking about two different things. If it really is a pedestrian path, maybe that is what should be shown.

Ms. Wiegand said that the vehicle connection is to the parcel to the north and the pedestrian path is the connection to the south.

Ms. Porterfield noted that it reads "future connector road" on the site plan on sheet C-2.

Ms. Wiegand replied that it was her understanding that it should say connector road.

Mr. Hatfield agreed and noted that was something that they had discussed a while back. The intent was to provide potential future access to the other properties should they ever be developed, which he thought was another issue. It would not be National College's intent to encourage pedestrian traffic from the trailer park to their campus, but it is something that they could talk about.

Ms. Porterfield noted that the staff report indicates that it is a pedestrian path, but it is not a road. If staff is looking for a pedestrian path, then it should show a pedestrian path on the plan and get rid of the reference to a connector road.

Mr. Hatfield agreed.

Ms. Wiegand agreed that it was confusing and staff will work it out with the applicant.

Mr. Hatfield said that the whole idea is to minimize traffic on 29 to some degree. Providing access via the site on the back side may someday be a means of helping to alleviate some of that traffic, which was his understanding of that intent. National College would not want to encourage pedestrian traffic from the trailer park. There is some concern that there are ATV's and other vehicles that use that surrounding area. They would really like to limit the noise, traffic and danger that are encouraged by that. So they would really like to limit that access if possible.

Ms. Wiegand said one of the other related issues was the owners of the mobile home park have an approved special use permit to expand their facilities closer to the boundary they share with National College. The proposal shows sites all the way up to the line. Therefore, there is not a place to get a road connection in that area unless they change their plan. Part of what they were talking about at one point was to have a pedestrian path so they could get to the facility. She had not looked carefully enough at the plan to see that it still showed the road. The road could be brought up to the line, but on the other side they would not be able to put in a road based on the approved plans for the mobile home park.

Ms. Porterfield noted that if there should be a path there, then that is what it should say on the plan. If they don't want a path there and it would not be useful, then they should just take it off the plan.

Ms. Wiegand noted that it was suggested that National College could put a gate there if they want it.

Ms. Porterfield asked if the College wants a pedestrian path there.

Mr. Hatfield replied that National College does not want to encourage a pedestrian path. If it is required by this body, then they would be happy to provide a sidewalk.

Mr. Cilimberg noted that if it was not providing an essential connection the Planning Commission could always ask it to be removed.

Ms. Porterfield suggested if they don't want it, then it should be taken off the plan.

Mr. Lafferty said it seems they should encourage pedestrian activities among neighborhoods. It states there will be no vehicular connection. He suggested they should encourage at least a bicycle path, which is a vehicular path. Therefore, he would suggest they consider keeping it in there.

Mr. Loach noted that he did not see it as a neighborhood, but more a business. He agreed with Ms. Porterfield that it should be defined for what it is. The question is should there be a pedestrian path.

Mr. Lafferty asked if National College intents to put in a fence.

Mr. Hatfield replied that they plan to put a fence on the north side of the site adjacent to Mr. Townsend's property since he had some concerns about his business and protecting the landscaping on the site. They have no intention of putting a fence on the south side of the property. They could do that, but there is a grade change and he did not know how useful that would be. It is something they would be happy to entertain if it is the case. But, once again that is totally contrary to the pedestrian connection and so would ask what the issue is.

Ms. Wiegand suggested that a pedestrian pathway might enable people in the mobile home park to attend classes without having to drive all the way out and around.

Mr. Lafferty noted that not only would they have to go out and around, but they would have to go south on 29 and then turn around and go north on 29 to get back in to the site. He thought that it was a good idea that staff recommended a pedestrian path.

Mr. Hatfield said they would be happy to do that if it was a condition of approval.

Ms. Porterfield said in the staff report it talked about a right-in right-out entrance for the fabric store at the southern end of their property. She thought that staff just means right-out since the plan shows only a right-out. One would not be able to get through going north on 29 at that point anyhow.

Ms. Wiegand noted that it was staff's mistake and should say right-out only.

Ms. Porterfield questioned if there is a required size for replacement of the trees removed to the south. She was also concerned with the tall retaining wall of 18.5'. She suggested that either they need to buffer the retaining wall or step it up like they have done in the past so it is not just a gigantic wall.

Ms. Wiegand noted that only a portion of the wall will be that high. The retaining wall will be going down so they will be looking over and not at the retaining wall from the mobile home park. They will be working with the Architectural Review Board on some of the trees toward the front of the parcel that will be between the fabric store and the college facility. They are taking out some of the trees and then will revegetate it.

Ms. Porterfield questioned if taking out the five trees will open the area up for view from the residential area and if they need to put something reasonably large in to take their place.

Ms. Wiegand replied actually where the buffer area is it is pretty flat going back towards the mobile home park area. They could screen the area. It is not going to take a 60' tree to screen it. Taking out some of

the big trees will leave a few gaps, but if it is revegetated with some decent sized shrubs it will catch up within a few years. She did not think it was a serious problem.

Ms. Porterfield voiced concern that it would have been nice to have gotten ARB comments before voting on the request. If the ARB was going to make major changes to what the Commission was discussing, it would have been helpful to know at this stage before voting on the request.

Ms. Wiegand pointed out that ARB staff has reviewed this plan and do not think there will be any problems with the minor adjustments to the site for the screening of the building in this area.

Ms. Porterfield noted that they had some disagreements last year and she was trying to figure out what the priority is. She would feel better having the ARB comments first so their comments could be incorporated into the Commission's action.

Mr. Cilimberg pointed out that they were moving toward more administrative review with the ARB, which was actually before the Board of Supervisors tomorrow. They were trying to do this review for rezoning at staff level, which reduces the review time. Through staff level review they feel it can be addressed. If it is a touchy situation, then staff will take it to the ARB. Staff will make sure the review goes as quickly as possible.

Mr. Franco noted in response to what Ms. Porterfield was saying that he liked this process because rezoning deals with land use and he would rather see the Commission deal with the land use issue first and then let the ARB deal with their issues after the land use has been decided. Therefore, he liked the process they were in.

Mr. Smith invited Mr. Townsend to come forward and address the tree issue. They had requested a 2" Northern Red Oak and he asked how long it would take for the tree to reach an appreciable height.

Jay Townsend, property owner to the north, replied that a 2" Red Oak is one of the slower growing Oaks. It is a full landscaped tree in terms of being a 60' to 70' tree at maturity. It would easily take 20 to 30 years for a 60' growth.

Mr. Smith pointed out the reason for asking the question was that the flag pole was so close to the tree and they would not be able to fly the flag at half mast when the tree grows.

Mr. Hatfield noted that the flag pole would be to the left when looking at the front door.

Mr. Loach invited public comment.

Jay Townsend said that he has worked with Mr. Hatfield through this process and supports what National College is trying to do, but had one concern. Should they ever decide to develop their property in a different way, which was on the north side, National College has put in a road opportunity. It is important because their landscaping business has tractor trailers come and go on a frequent basis delivering trees, mulch and a number of things. Should VDOT in their redevelopment close his entrance they would be using that access. As a point of record it is important that a tractor trailer be able to make that U turn into their property as they have their own vehicles exiting the property. He thought that has been taken care of, but he has not confirmed it.

Mr. Hatfield noted that it has been taken care of.

Mr. Townsend noted security concerns about his landscaping inventory along his property line on the south side with regards to the pedestrian access. His property line is currently wooded and would be exposed to this development. By creating a pedestrian access all the way through it places even more importance and value upon the fence that National College has promised to build between the properties. That will be the only barrier after development to protect his inventory, which is significant at times and easily carried away.

Ray Beard, owner of Cedars Hill Mobile Home Estates to the south of the property, said he does take exception with Mr. Townsend's suggesting that their residents might walk off with his plants with a walkway. He was in favor of the proposed rezoning and wholeheartedly accepts their rezoning abilities. He was not 100 percent in favor of the walkway, but would accept it. He doubts very seriously that his tenants will attend National College. There was another question asked about whether his tenants had any input into this and they have not. They are just not interested. At one point there was a possibility of a connector road running through his property to the industrial park to the south. He did not know where that is going. There is the possibility if North Pointe is every developed that they will put a traffic light at North Side Drive. If they do that, then they will close his cross over. Then they have to put in a frontage road for him to get to the north, which supposedly will be 300' off Route 29.

Mr. Loach noted that staff had suggested putting up a gate. He asked if that would solve his problems.

Mr. Beard said that he did not have a large problem with putting up a gate since he thought it would solve the problem for Mr. Townsend. They have not offered to put a fence on the south property line. If they just put up a gate it will have to be very large if they don't want someone to be able to cross over.

Ms. Porterfield said that it seems that the pedestrian connection is not needed by either side at this point. Therefore, she could not see the point for pushing it.

Mr. Franco said that the solution is to show it as a potential connection so if it is needed in the future they don't have to amend the rezoning to provide it. He suggested they not make the pedestrian connection a requirement of the plan as submitted.

Mr. Morris agreed.

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

Ms. Porterfield asked staff if the main entrance is going to be wide enough so that cars can make a right out if a semi is making a right in.

Ms. Wiegand replied that both VDOT and the County Engineer have looked at it and are comfortable with it.

Ms. Porterfield asked if their review included the potential of semi-trailer trucks coming in.

Ms. Wiegand said that the semi-trailer trucks were not discussed with her. Therefore, she could not answer whether VDOT did because that issue has come up since the staff report was done.

Ms. Porterfield asked if staff could take care of that issue at site review to make sure that the entrance is wide enough so that they were not backing up traffic on Route 29 while a semi-trailer truck is waiting to enter. She assumed that when classes let out there could be a significant amount of traffic going out. The cars could be stacked waiting to go out and the semi-trailer truck could be sitting on Route 29.

Mr. Smith asked staff if there was a dividing island at that entrance location.

Mr. Cilimberg asked if he was talking about on Route 29 or into the site.

Mr. Smith replied into the site.

Mr. Cilimberg noted that this entrance does not have a median.

Ms. Porterfield said the question was whether it was big enough for a semi-truck to do their swing in with cars sitting there.

Mr. Cilimberg said there was an actual test that can be done on the radius for different types of vehicles to make sure that right hand turn into the Mr. Townsend's property could be made. Staff will confirm that radius is available, and if it is not they will have to make an adjustment before it goes to the Board.

Ms. Porterfield moved for approval of ZMA-2009-00004 with the proffers.

Mr. Cilimberg asked if she wanted to note that the connection between this property and the property to the south will be shown as a future connection not to be developed at this time.

Ms. Porterfield agreed, but noted that it was a future walkway and not a road.

Ms. Wiegand suggested for future pedestrian connection, and Ms. Porterfield agreed.

Mr. Cilimberg suggested that it might be a good idea to keep it open as a possibility for either. He thought what Mr. Franco suggested leaves the possibility in case that interconnection might be needed with future development. It could be done 10 or 20 years down the road between that property to the south and this property if it were just left as a reserved area for connection.

Ms. Porterfield noted that the elevation was such that putting in a road would be very difficult.

Ms. Wiegand said that it was not impossible. There is some difference in elevation in that area, which was part of the reason staff wanted the pedestrian rather than the vehicular connection. There is also an issue that the currently approved site plan for the expansion of the mobile home park shows a solid waste water treatment facility in the back as well as proposed lots. Therefore, it would be difficult to get a road connection in there. The connection that Mr. Beard was talking about between North Side and Cyprus as part of the North Pointe proffers that staff had looked at the possibility of continuing that road and making it parallel to 29. Basically, it would have been very difficult to go through the rest of the mobile home park and tie into the college site at any point that would work with the grades, the proposed buildings and location of the parking lot. One could leave it so it could be either vehicular or pedestrian, but this staff thinks it would be very difficult to get a vehicular connection. Staff did look at that.

Mr. Cilimberg noted that he stands corrected.

Ms. Porterfield said that if they need a connection in the future based on what happens on both sides of that lot line they can figure it out when they need it. To put a vehicular connection in a place it can't be built does not make any sense for the Commission to do. She took her motion off the table.

Mr. Morris asked if the waivers could be wrapped into the major motion.

Mr. Kamptner replied that a separate action should be taken because the waivers are within the Commission's jurisdiction. The two waivers can be taken together in one motion. If the Commission was inclined to approve the waiver they obviously will be conditioned upon the Board ultimately rezoning the property.

Motion: Mr. Morris moved and Ms. Porterfield seconded for approval of the two requested waivers for ZMA-2009-00004, National College Relocation from Section 26.10(c) Minimum Yard Requirements and Section 4.2 Critical Slopes.

The motion carried by a vote of 6:0.

Mr. Loach noted that the two waivers were approved. This is not a matter that requires Board approval.

Motion: Ms. Porterfield moved for approval of ZMA-2009-00004, National College Relocation, with the proffers and changes to the Rezoning Plan to remove on the South side of the Concept Plan the reference to a connector road or a path.

Mr. Franco requested an amendment to say "to allow for a future pedestrian connection in the future at that location to be held as a reservation" so that it is not a requirement of the rezoning, but allows for it to be done in the future if it makes sense at some point for a pedestrian connection only.

Ms. Porterfield accepted the amendment to the motion.

Mr. Franco seconded the amended motion.

The motion passed by a vote of 6:0.

Mr. Loach noted that SP-2009-00004, National College Relocation, will go before the Board of Supervisors on a date to be determined with a recommendation for approval, as follows:

The Planning Commission recommended approval of ZMA-2009-00004, National College Relocation, with the proffers and change to the rezoning plan as noted.

- Remove on the south side of the Rezoning Plan the reference to a connector road and replace with a reference to a future pedestrian connection. This will allow the location to be held as a reservation so that it is not a requirement of the rezoning.

- **Note: Staff will confirm that the radius to make a right hand turn from US 29 southbound into the National College entrance is sufficient to permit a semi-trailer truck to turn into the Townsend property. If the radius is not sufficient, an adjustment will be made to the proffered plan before this matter goes to the Board.**

The Planning Commission took a break at 7:21 p.m. and reconvened at 7:30 p.m.

SP-2009-00029 Charlottesville Kingdom Hall
PROPOSED: Modify layout of approved plan (SP2008-057) to include a new building and parking lot location. No residential units proposed.
ZONING CATEGORY/GENERAL USAGE: R-2 residential - 2 units per acre and R-4 Residential - 4 units/acre.
SECTION: Sections 14.2.2.12 and 15.2.2.12 of the Zoning Ordinance which allow for Churches.
COMPREHENSIVE PLAN LAND USE/DENSITY: Neighborhood Density Residential - residential (3-6 units/acre) and supporting uses such as religious institutions and schools and other small-scale non-residential uses in Neighborhood 5.
ENTRANCE CORRIDOR: Yes
LOCATION: 665 Old Lynchburg Road (Route 631), at the intersection of Old Lynchburg Road and Sunset Avenue Extended.
TAX MAP/PARCEL: 76/51
MAGISTERIAL DISTRICT: Scottsville
(Claudette Grant)

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

The applicant is requesting to modify the layout of the approved plan (SP-2008-057) to include a new building and parking lot location. The special use permit request allows for a Church in the residential districts.

The applicant's request to allow a church in a residential district is unchanged from the approved special use permit (SP2008-057).
- The approved special use permit included an 8,500+ square foot, one story building with a basement and two auditoriums, each seating 175 people.
- The applicant has requested to change to a 5,000 square foot, single–story building, which seats 190 people.

This request includes the following changes: a smaller building and a parking lot in a different location. The proposed changes will allow a less costly new church building.

Staff finds the following factors favorable to this request:
1. The special use permit provides an institutional use, which is supported by the Comprehensive Plan on Neighborhood Density Residential.
2. Accommodation is made for a possible future road, which could connect to the adjacent property (Southwood Mobile Home Park).
3. The factors supporting approval of the original special use permit have not changed.
4. No ordinance changes have taken place which would affect development of the site.

Staff finds the following factor unfavorable to this request:
1. The parking area is not relegated on the site.
2. Circulation shown on the plan does not meet County standards; however, it can be corrected at the site plan stage.
3. The church does not propose to connect to public sewer at this time; however, it will connect when sewer lines are brought closer to the site.

The two issues relate to circulation and lack of connection to public sewer. Circulation of vehicles near the drop off area of the building appears to be tight. There may need to be some redesign of this area during the site plan stage. Staff believes this issue can be addressed at the site plan stage. As discussed with previous requests, this site is not currently served with public sewer. The difficult situation regarding location of the closest existing public sewer and the logistics of connecting under Old Lynchburg Road continue to make this issue difficult to resolve. The closest sewer connection is 400' away but across Old Lynchburg Road, which would be difficult and costly to bore through. There is an older connection in the adjacent Southwood Development; however, that location is 2,000' away. It is expected that the church will connect to public sewer when it is extended closer to the site. The timing for such an extension is unknown.

Staff recommends approval of SP-2009-029, Charlottesville Kingdom Hall with the revisions to the originally approved conditions as noted in the staff report. Staff recommends: Approval of the critical slopes waiver request.

The primary changes to the conditions are minor revisions and corrections that relate to the revised plan. The proposed sidewalk area shown on the approved plan was to be graded in conjunction with the installation of other improvements on the site. This has been revised because some of the original grading and installation of other improvements on the site will no longer be necessary. The area that is most appropriate for a sidewalk is at the front of the site adjacent to Old Lynchburg Road. A guardrail is located here and the land slopes steeply down the hill at the end of the guardrail making installation of a sidewalk with street trees difficult. The applicant has agreed to reserve an area across the front of the site to allow the future installation of a sidewalk.

Mr. Loach invited questions for staff.

Mr. Kamptner noted that every time this request has come before the board there has been a comment about connection to the public sewer. In the past there was never a condition that provided for the timing for their connection. It was always tied into other developments and when the sewer line was in close proximity to them when the Authority regulations may require connection. He asked if that was correct.

Ms. Grant replied that was correct.

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

Bill Moore, Civil Site Design Engineer with Balzer and Associates, said that others present were Mr. Lupo, the architect for the project, and Mr. Sansell, representing the congregation. He thought that all of the issues in the staff report have been worked out with staff. Regarding the unfavorable conditions

regarding the drop off area they don't have any problem working with staff to make that a little more amenable.

Mr. Loach invited questions for the applicant.

Mr. Lafferty asked if the 2,000' connection to the sewer line at Southwood was a gravity flow.

Mr. Moore replied that it would go by gravity down the Old Lynchburg Road.

Mr. Lafferty noted they were proposing a lift station on the property.

Mr. Moore replied as he understands at one point there was a proposal to do an on-site pump and go across existing Old Lynchburg Road to a man hole on the other side. He thought that there was property, but no easements to make that connection.

Mr. Franco asked how this entrance will work if the Southern Parkway is ever built because of the reservation on the property. He asked if there is any preplanning they should be doing for that. It appears that the entrance will be in the radius of the proposed new road. He was trying to figure out how that would be accommodated in the future.

Ms. Grant replied that is something they talked about. At whatever point that road would be installed or built then they would have to relook at the entrance. It would have to be redone.

Mr. Franco suggested that it looks like they ought to pay attention to that as part of the site development so that they are not redoing lots of parking and other things if and when that ever occurs.

Ms. Grant agreed.

Mr. Loach opened the public hearing and invited public comment. There being none, the public hearing was closed and the matter brought before the Planning Commission for further discussion and action.

Ms. Porterfield asked how to add Mr. Franco's comment into the conditions.

Mr. Franco said that it does not need to be a condition, but just something that everybody is aware of.

Mr. Cilimberg pointed out that there has already been some discussion about it. The problem is that they are talking about a road that has no projected date. To actually make them change the plan at a great expense to try to accommodate that connection before they have a road that they can even predict when it will be built would really be somewhat unfair. They know that there would have to be a way to realign that entrance to actually come off of the connector road rather than off of 5th Street. Staff has talked to engineering staff and it can be done, but it is just something that would have to be done as part of that connector road project.

Mr. Franco said if he was the applicant he would at least want to make sure that his parking spaces were impacted to the least amount possible because he would want to maintain his use during the construction period of that parkway. He wanted to put everybody on notice that they should be paying attention to that. It does not need to be a condition.

Motion: Ms. Porterfield moved and Mr. Morris seconded for approval of SP-2009-00029, Charlottesville Kingdom Hall, with revisions to the originally approved conditions as recommended by staff.

1. The development of the site shall be in general accord with the concept plan entitled Kingdom Hall of <u>the</u> Jehovah's Witnesses prepared by ~~Hardee Johnston, A.S.L.A. Landscape Architect , Page T.1 dated January 9, 2006, Revised 12-08-08 and page C. 2 dated January 2, 2006, Revised 1-1-09~~ <u>Balzer and Associates, Inc., Sheet No. 1 of 1 dated 11-16-2009 (</u>hereinafter, the "Concept Plan"). In addition, the following elements shall be in strict accord with [or "conform to"] the Concept Plan: ~~the relationship of parking areas to building areas, building areas to the street,~~

location of the area for sidewalk dedication and reservation of area for the extension of the Southern Parkway;

2. The area of assembly shall be limited to a maximum of ~~two (2)~~ one (1) auditorium~~s~~ with one hundred ~~seventy five (175)~~ ninety (190) seats ~~in each~~;
3. The final site plan shall show an area ~~to be graded~~ across the front of the site to allow the future installation of a sidewalk by others (the "sidewalk area"). The final site plan shall include a note reserving the proposed sidewalk easement and a five (5) foot right-of-way area for future dedication. The area for dedication shall allow for a minimum width of a five (5) foot sidewalk and which shall meet all applicable VDOT and County standards per Section 32.7.2.8 of the Zoning Ordinance. ~~The sidewalk area shall be graded in conjunction with the installation of other improvements on the site required by the site plan. The sidewalk area shall be graded in compliance with the grading standards imposed by the agent.~~ Upon request by the County, the sidewalk area shall be dedicated for public use. The owner shall grant all necessary temporary construction easements to allow the sidewalk to be installed;
4. There shall be no day care center or private school on site without approval of a separate special use permit; and
5. Construction of the development plan referenced in Condition 1. above shall commence by ~~March 11, 2013~~ [insert date 4 years after date of BOS approval] or this special use permit shall expire.

The motion carried by a vote of 6:0.

Mr. Loach noted that SP-2009-00029 will go before the Board of Supervisors on a date to be determined with a recommendation for approval.

Action on Waiver:

Motion: Ms. Porterfield moved and Mr. Morris seconded for approval of the critical slopes waiver of Section 4.2 as recommended by staff.

The motion carried by a vote of 6:0.

Mr. Loach noted that the critical slopes waiver was approved. This is not a matter that required Board approval.

Work Session:

CCP-2010-00001 Peter Jefferson Overlook
PROPOSAL: Review of the Planning Commission to find whether a rezoning proposal to 2.088 acres from Planned Residential District which allows residential (3 - 34 units/acre) with limited commercial uses to Commercial Office which allows offices, supporting commercial and service uses; and residential use by special use permit (15 units/ acre) to allow a bank (approx. 3,000 sq. ft.) and a two -story office building (approx 10,000-13,000 sq. ft.) is consistent with the comprehensive plan.
PROFFERS: Yes
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Urban Density Residential - residential (6.01-34 units/acre) and supporting uses such as religious institutions, schools, commercial, office and service uses in the Pantops Master Plan.
ENTRANCE CORRIDOR: Yes
LOCATION: NE Corner of Route 250/Pantops Mountain Road
TAX MAP/PARCEL: 78-55A7
MAGISTERIAL DISTRICT: Rivanna
(Rebecca Ragsdale)

The Planning Commission held a pre-application work session to review the proposal to determine if a commercial office and bank with drive-thru lanes are appropriate at this site and in compliance with the Comprehensive Plan. The review is of the general concept to rezone about 2 acres from PRD to Commercial Office to allow a bank and a two-story office building.

Work Session Discussion Items for the Commission:

- *Are the proposed uses in conformity with the Comprehensive Plan?*
- *If the proposed uses are in conformity with the Comprehensive Plan, are there recommendations to* address impacts?

The questions in the staff report, as noted above, ask for input on the appropriateness of the use at this location. If the Commission finds the uses are appropriate and consistent with the Comprehensive Plan at this location any recommendations they would have moving forward for development of the site and to address any impacts is requested.

Ms. Ragsdale presented a Power-Point presentation to review the applicant's proposal.

- Based on the information provided for review, staff does not find the proposal in conformity with the Comprehensive Plan; however, the Commission is asked to provide guidance on the appropriateness of the proposed land uses. If the Commission finds the uses appropriate at this site, staff believes the applicant should address impacts to adjoining residential properties and neighborhood model design issues with the rezoning and special use permit application.

Mr. Loach invited the applicant to address the Planning Commission.

The applicant was represented by Keith Lancaster, with Southern Development, and Justin Shimp, with Dominion Engineering.

Mr. Lancaster explained the concept proposal and asked for feedback and comments. He noted that the property owner was a doctor who was looking to move his practice to the Pantops area to be near the new hospital. The owner would like to use a small portion of the property for the bank, which would help with the costs of the development and be beneficial to the surrounding neighborhood. They understand the challenge in obtaining all of the signatures from the individual owners in the PRD to move forward.

Mr. Loach invited public comment. There being none, the matter was before the Commission for discussion and feedback.

The Planning Commission asked questions and provided comments and suggestions, as follows.

- Include residents of Glenorchy and Ashcroft in the discussions who might end up coming out at Hansen Road as opposed to Hanson Mountain Road in discussions
- A suggestion made to continue to protect the southern perimeter or boundary and the rock wall, which was talked about in the previous proffers, in order to honor that commitment.
- A suggestion was made that the request should go back through the Pantops Advisory Committee for further discussion, study and input.
- It was noted that there were no pedestrian cross walks at the signals on Route 250, which was in the plans for the future.
- It would be important for the applicant to talk with the adjacent residential neighbors regarding the proposed parking.
- Mr. Morris suggested if it was going to go against the Pantops Master Plan it has to have great benefit to the residents. Otherwise, the master plan should stay the way it is.

In summary, the Planning Commission advised that in lieu of residential uses at this location, non-residential uses could be consistent with the Comprehensive Plan provided that they provided services oriented to the surrounding residential neighborhoods on that side of Rt. 250. The Commission asked that the applicant work with the surrounding neighborhoods in identifying appropriate uses and the design for this site. No formal action was taken.

Old Business

Mr. Loach asked if there was any new business.

- Ms. Porterfield requested that staff proceed with the necessary process to assure that the "good" side of required fences faces adjacent properties. If a fence is required along an entrance corridor or other street frontage, it will need to be two-sided to accomplish this goal. Staff to follow up at the next meeting.

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

New Business:

Mr. Loach asked if there was any new business.

- No Planning Commission Meeting on May 11th
- Mr. Zobrist will be absent for several weeks.

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

Adjournment:

With no further items, the meeting adjourned at 8:29 p.m. to the Tuesday, May 18, 2010 meeting at 6:00 p.m. at the County Office Building, Second Floor, Auditorium, 401 McIntire Road, Charlottesville, Virginia.

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V. Wayne Cilimberg, Secretary

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