Albemarle County Planning Commission
March 15, 2011

The Albemarle County Planning Commission held a public hearing on Tuesday, March 15, 2011, at 6:00 p.m., at the County Office Building, Room #241, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Duane Zobrist, Chair; Ed Smith, Thomas Loach, Linda Porterfield, Don Franco, Russell (Mac) Lafferty and Calvin Morris, Vice Chair. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was present.

Other officials present were Bill Fritz, Director of Current Development; Eryn Brennan, Senior Planner; Ron Higgins, Chief of Zoning; Sarah Baldwin, Senior Planner; David Benish, Chief of Planning; Wayne Cilimberg, Director of Planning; and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

Mr. Zobrist, Chair, 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. Zobrist invited comment from the public on other matters not listed on the agenda. There being no comments, the meeting moved to the next item.

Review of Board of Supervisors Meeting – March 2, 2011 & March 9, 2011

Mr. Cilimberg summarized the actions taken by the Board of Supervisors on March 2, 2011 & March 9, 2011.

Consent Agenda:

Mr. Zobrist asked if any Commissioner would like to pull an item from the consent agenda for further review.

AFD-2011-3 Jacob's Run Addition Planning Commission acceptance of an application for an addition to the Jacob's Run District; direction to the Community Development Department to provide notice of the application pursuant to Virginia Code § 15.2-4307(1); and referral of the application to the Agricultural and Forestal Districts Advisory Committee (as required in Section 3-201(B) of the County Code). The proposed addition includes the property described as Tax Map 19A, Parcel 31. The proposed addition includes a total of 22.789 acres. The area is designated as Rural Area in the Comprehensive Plan and the included properties are zoned RA Rural Areas. (Eryn Brennan)

AFD-2011-4 Buck's Elbow Mountain Addition Planning Commission acceptance of an application for an addition to the Buck's Elbow Mountain District; direction to the Community Development Department to provide notice of the application pursuant to Virginia Code § 15.2-4307(1); and referral of the application to the Agricultural and Forestal Districts Advisory Committee (as required in Section 3-201(B) of the County Code). The proposed addition includes the property described as Tax Map 39, Parcel 21R. The proposed addition includes a total of 21 acres. The area is designated as Rural Area in the Comprehensive Plan and the included properties are zoned RA Rural Areas. (Eryn Brennan)

AFD-2011-5 Blue Run Addition Planning Commission acceptance of an application for an addition to the Blue Run District; direction to the Community Development Department to provide notice of the application pursuant to Virginia Code § 15.2-4307(1); and referral of the application to the Agricultural and Forestal Districts Advisory Committee (as required in Section 3-201(B) of the County Code). The proposed addition includes the property described as Tax Map 50, Parcel 42A1. The proposed addition includes a total of 30 acres. The area is designated as Rural Area in the Comprehensive Plan and the included properties are zoned RA Rural Areas. (Eryn Brennan)

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

The motion carried by a vote of (7:0).

Mr. Zobrist noted the consent agenda items were approved.

Item to Defer:

SDP-2008-00154 Re Store N Station
The request is for preliminary site plan approval to construct a 5,750 square foot, two (2) story commercial building with gas pumps, and associated parking 4.06 acres. The property is zoned HC (Highway Commercial) and is described as Tax Map 55B, Parcel 1. The site is located on the south side of Rockfish Gap Turnpike (SR250), approximately 0.78 miles west of its intersection with Miller School Road/Crozet Avenue (SR240). This site is located in the White Hall Magisterial District and is recommended for Rural Area uses in Rural Area 3 by the Comprehensive Plan. (Bill Fritz)
Indefinitely defer to appeal of the Zoning Administrator's determination.

Mr. Zobrist recused himself from the first item Re Store N Station on which he would not be voting. He summarized the conflict of interest form. He has represented and provided services to some of the people involved in the Re Store N Station. As such, he was not able to discuss with staff or with the Planning Commissioners anything with respect to Re Store N Station. For that purpose, he recused himself. He submitted the conflict of interest form to Mr. Kamptner and relinquished the Chair to Mr. Morris.

Cal Morris, Vice Chair, asked Mr. Fritz to proceed with SDP-2008-00154, Re Store N Station.

Mr. Fritz noted staff received an appeal of the Zoning Administrator's determination, which appeal is scheduled on May 3 or 10. Staff is trying to confirm that date. The County Attorney's office has provided staff with some information, which has been sent to the Planning Commission. The Commission cannot take an action while there is a pending appeal of a Zoning Administrator's decision before the Board of Zoning Appeals.

Mr. Morris asked if a motion was needed.

Mr. Fritz replied that a motion for indefinite deferral is needed in order to let staff coordinate the dates. He thought it was going to be May 10.

Motion: Mr. Lafferty moved and Ms. Porterfield seconded for indefinite deferral of SDP-2008---154 Re Store N' Station as per staff's request.

The motion was passed by a vote of 6:1. (Mr. Zobrist removed himself from participation due to conflict of interest.)

Mr. Morris relinquished control of the Chair to Mr. Zobrist.

Public Hearing Items:

SP-2010-000053 South Plains Church
PROPOSED: Amend existing special use permit to allow removal of 19th century manse
ZONING CATEGORY/GENERAL USAGE: RA -- Rural Areas: agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots); EC Entrance Corridor - Overlay to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access
SECTION: 10.2.2.35, 35, church building and adjunct cemetery

COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic, and scenic resources/ density (.5 unit/ acre in development lots)
ENTRANCE CORRIDOR: Yes
LOCATION: 410 Black Cat Road, at the intersection of Black Cat Road (Route 616) and Louisa Road (Route 22)
TAX MAP/PARCEL: Tax Map 80 Parcel 116
MAGISTERIAL DISTRICT: Rivanna
(Eryn Brennan)

Mr. Zobrist noted he was not disqualifying himself since he was not representing South Plains Church on this item tonight nor has he advised them with respect to it. He had done work for the church in the past, but not before this body. County counsel has advised him that he can participate in this item. Therefore, he would participate and invited staff to present the staff report.

Ms. Brennan presented a PowerPoint presentation and summarized the staff report.

- On May 13, 2009, the Albemarle County Board of Supervisors approved SP-2008-29 to allow for the construction of a new fellowship hall and sanctuary on the site directly in front of the manse and about 20' west of the original church. A site plan was subsequently approved in April 2010. The area is primarily characterized by wooded parcels and rolling terrain, with scattered residential lots and farmland. The church site is included in the Southwest Mountains Rural Historic District.

- The church's date of construction cannot be verified—some sources state it was built in the early 19th century, while others state it was built in the 1870s. The church is an excellent example of vernacular Gothic Revival architecture. The manse was built in the 1870s to replace the original rectory, which had burned. Both structures are designated as contributing in the Southwest Mountains Rural Historic District National Register nomination.

- The applicant is seeking to amend Special Use Permit SP-2008-29 to allow demolition of the 19th century historic manse. Although a structural analysis of the building has not been submitted for review, the applicant states the building is deteriorated beyond repair. The images showed the proximity of the manse to the new fellowship hall, which consists roughly a 8' distance. The proposed concept plan showed the removal of the manse with the addition of 9 evergreen trees along the rear property line. The land uses supported by the rural areas chapter of the Comprehensive plan emphasize the preservation and protection of natural historic and scenic resources and states that historic resources should be protected.

- The manse is designated as a contributing structure in the historic district. Therefore, it is an historic building and culture resource that warrants protection. However, in this case the new fellowship hall, while sensitive in scale and design to the historic church, obscures a significant portion of the manse from public view and changes the contextual relationship between the manse and the church. The size and proximity of the new fellowship hall has already compromised the historic value and integrity of the manse. Given this condition, combined with the fact that no trees are proposed to be removed and tree protection fencing is shown around existing trees, staff believes removal of the manse would not have an adverse impact on the historic site nor the character of the district.

- One adjacent property owner has expressed concern over the removal of the manse stating that it is a contributing resource worthy of protection. The property owner also noted that the manse served a buffer of the view of the new fellowship hall from his property. However, given the distance of the new fellowship hall from his property in addition to the existing wooded area in the southern portion and a row of evergreen trees planted along the shared southern property, all of these factors would mitigate the view of the fellowship hall from all adjacent properties to the south. Staff proposed condition 9 to ensure that the evergreen trees would be planted prior to the

demolish of the manse if the special use permit application is approved. Staff understands that row of trees has gone in this past weekend.

Based on the findings contained in this staff report, staff recommends approval of SP-2010-00053 South Plains Presbyterian Church subject to the following conditions (please note strikethroughs indicate language that has been removed from the conditions approved for SP-2008-29 and highlighted text indicates language added to the conditions):

1. The development of the site shall be in general accord with the "Conceptual Site Plan" (page SP 4) prepared for South Plains Presbyterian Church by Atwood Architects, Inc., dated January 19, 2009 February 4, 2011, as determined by the Director of Planning and the Zoning Administrator. In addition, To be in general accord with the Conceptual Site Plan, the development the following elements shall reflect the following major elements within the development essential to the design of the development: be in strict accord with and conform to the Conceptual Site Plan: **(Change to the standard language.)**
    - the location of the parking area,
    - the location of the new sanctuary and fellowship hall, and
    - the preservation of existing trees as shown with tree protection fencing; on "Tree Survey, Trees to be Removed" (page SP 3). Plantings between the parking lot shown on the "Conceptual Site Plan" and Routes 22 and 616 shall be provided as required by the Albemarle County Architectural Review Board as part of the site plan approval; **(This condition has been met.)**
2. The footprint of the new sanctuary shall not exceed three thousand five hundred fifty (3,550) square feet. The footprint of the new fellowship hall shall not exceed five thousand seven hundred fifty (5,750) square feet; **(This condition has been met.)**
3. Provided parking shall not exceed seventy-five (75) spaces;
4. Commercial setback standards, as set forth in Section 21.7.2 of the Albemarle Zoning Ordinance, shall be maintained adjacent to properties zoned Rural Areas;
5. Storm water facilities and parking lot surface meeting the approval of the County Engineer shall be required before approval of the final site plan for this use;
6. There shall be no day care center or private school on site without approval of a separate special use permit;
7. Health Department approval of well and/or septic systems;
8. All outdoor lighting shall be only full cut-off fixtures and shielded to reflect light away from all abutting properties. A lighting plan limiting light levels at all property lines to no greater than 0.3 foot candles shall be submitted to the Zoning Administrator or their designee for approval;
9. Documentation of the manse, including detailed digital photographs of both the interior and exterior, and drawings of the floor plans and elevation with measurements, shall be submitted to the County prior to the issuance of a demolition permit;
10. A tree conservation plan in accordance with the "Tree Survey, Trees to be Removed" (page SP 3), prepared by a certified arborist, shall be submitted prior to issuance of a building permit. Development of the site shall be undertaken in accordance with the tree conservation plan; and **(This condition has been met.)**
11. Staff approval of a landscape plan shall be required before approval of the final site plan for this use. The landscape plan shall provide a planting of trees along the property line of the Rintels' property with the following requirements: **(This condition has been met.)** The screening trees (58) shown on the Conceptual Site Plan along the rear property line and the nine (9) evergreens that have been removed since construction of the fellowship hall began shall be planted prior to demolition of the manse.
    (i) The plantings will be evergreen trees, five (5) to six (6) feet tall, planted a minimum of eight (8) feet on center or spacing distance as recommended by the American Nurseryman's Association;
    (ii) The tree choices are arborvitae or trees of comparable value; and
    (iii) The nine (9) evergreen trees to be replaced shall be a minimum of five (5) feet tall. The trees will run along the property line and will be planted on Mr. Rintels' property provided that the property owner agrees to permit the landscaping to be planted and maintained on that property. **(This condition has been met.)**

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

Bill Atwood, Architect, and Ashley Cooper, with Cooper Planning, representatives for South Plains Church, presented a PowerPoint presentation and explained the church's request.

- Together they have worked with South Plains Church for over four years to accomplish the plan that they are through a vision are representing tonight. This is Keswick's post card. It is a church that has no bathrooms. It is a church for 180 years these people have protected and have made it an intimate part of the culture of Keswick. In all of their discussions with the neighbors, they have learned a lot about rural area churches. Many of the social gatherings of churches like this are in the front yard and not the back. In their designs for over a period of 3 years, they modified the master plan to accommodate the "front yard" culture. Parallel to that they identified some of the finest hardwoods in the County. They have worked with the construction, with about three weeks for completion, for the protection of those hardwoods. A church is made up of the people. Given a tiny church, the people become more important. He has worked with this church for 12 years and has become very close to this particular collection of people as they have tried to meet the needs of their neighbors, meet the needs patiently of their congregation, and move to create a new future.

- Their master plan was submitted and approved about a year ago created a dynamic that reflected respect for the sanctuary. That was the number one priority. In all of their public meetings, the sanctuary was clearly a huge challenge because it is so small. They had a need for a fellowship hall next to ultimately a bigger sanctuary for the future. In their initial discussions and design suggestions, which he referred to in a sketch, they showed in their beginning design process. It began to scale down the mass of Kurt Hall, the fellowship hall, as it related to the sanctuary. After multiple meetings with the ARB, it was changed drastically and even toned down more. It is so far down in the ground there actually has to be a handrail on the sidewalk to get down into the front door. Therefore, the goal to minimize this building as it sits with the historic sanctuary they think has been accomplished. Their initial design architectural review board submission was changed to reflect where they are today.

- Through multiple meetings, they changed their submission to make the building much simpler. It became a building with smaller openings in it to reflect the simplicity to reflect a building that has been there for over 180 years. After they put Kurt Hall in place in a design sense, they started to discuss with the Architectural Review Board how they would connect it to the manse they were forced to tear the front porch of the manse off. After the discussions with the ARB they began to contemplate that the manse does not work that well. They has plenty of space and in their minds, the manse was in their minds a design liability after many meetings with the ARB. That is why their staff is thinking parallel to what they are thinking. Actually, there was some sense that this was a by-right demolition. He thought that is what the slides show.

- With the massive green canopy with the very simple parking lot and cemetery along with the critical slope consideration, it drove them to this one spot for this building. During the discussions at that time everybody agreed that they literally only had one spot for the building. It was not their first solution, but that moved them to the ultimate solution. It was said they did have a solution to take manse down. The church at that time rejected that thought themselves for two reasons. One, the only bathrooms for some distance were in the manse. Therefore, they could not take the manse down at that time. More importantly, the view shed out of the sanctuary would have been changed forever by placing the building in that position. They reconsidered that after about three years. They went away and came back.

Ashley Cooper, Assistant to Mr. Atwood, continued the PowerPoint presentation and made the following comments.

From that point on, they had established the basic location of the fellowship hall knowing they wanted it to come forward slightly from the existing chapel. However, they did not want to overwhelm it. To take them

back to the site conditions she noted that one of the trees in the tree survey was a 51" White Oak. That is one of many massive trees on the site. That is the one place where they would not impact those trees. Their second priority was to look at the tree cover and see how best to address that. That plan included an extensive amount of parking, which was required at the time. Because of it would have ended up wiping out the whole back of the site they found it to be unacceptable. They started looking at other solutions. They wanted to respect all of the qualities of the site. They looked around and noticed other churches had creative solutions for parking with some parking in the front. It was not that big of a deal and they could preserve the trees and the historic nature of the site. They moved to a new solution that brought the parking to the front and allowed the preservation of almost all of the trees on the site. It maintained the buffer on the rear of the sites. Because of the push and pull of these factors on the site that gave the exact location of where the fellowship hall was going to go, which was right in front of the original manse.

Mr. Atwood said one should love your neighbors. He thought that they have learned a major community lesson in the process of this particular development of a plan. They planted almost 60 trees along the border to minimize today their impact from a neighbor's property so that in less than two to three years, it was probably going to create 40' to 50' trees. During the ARB meeting, there was a neighbor across the street that wanted specific changes made to plant types and placement of the landscape. They made major gestures to the neighbors. They have never done 60 trees to buffer a church. He thought that they have done their best as community church members to be sensitive to the bigger community.

There being no questions for the applicant, Mr. Zobrist invited public comment

Marion Thompson said she has been the person designated as the historian for South Plains Church for the last decade. She has had the privilege of looking at many books of minutes of meetings and previous histories provided. From these and her own experience she has learned that remembering what happened and who did what and when it happened next can teach us a lot about human nature. The facts that are important to one person are not so meaningful to another. Her first impressions of the history of South Plains Church filled her with admiration for the faithful souls whose zeal and faith continue to seek to fulfill the mission for which South Plains was brought. The house on the grounds has served many purposes. At first it was to serve the pastor of the church. The pastor of the church was also pastor of three or four other churches. It has also served as a home for people who needed a home when there was no pastor to use the house. They helped to maintain the grounds. South Plains is well aware of the important history that they cherish as their own. But, they must remember the mission of the church like all other Christian churches to be faithful to the mission for which they were put in that particular place at a particular time. Remember the song about the church is not the building and open the door and there are the people. Tonight some of their people will share their feelings about South Plains and about the blessing that the manse has been to the church and how that blessing they can say farewell to with thanks and great love for the opportunity.

William Orr said that he had been attending South Plains for the past 25 years. He noted they had made many attempts to try to find a home for the new manse. Because of the manse's state, they have not been able to find a new home for it. During the past 25 years, the membership has more than doubled. They now have 162 members and the old church will only seat 85. During this time, they have acquired their first two full time ministers. There has developed there a dream for some day the church having its own fellowship hall, bathrooms, and Sunday school rooms. The manse has been there for about 100 years. In the last few years, it has served many uses for the church office, Sunday school rooms, Pastor's study, and a unisex bathroom. About four years ago, the building fund developed to the point where they thought they could make plans to start building the fellowship halls, Sunday school rooms, and bathrooms. About three years ago, they had a meeting to discuss these plans and what they hoped to do with the manse. Some of the members wanted to try to save the manse if at all possible. Our hope was that they could find someone who would take the manse and move it to their own property. He did not think there was anyone there who felt they would have a purpose for the manse once the new building was built. As time has gone on, he did not think any members wanted to save the manse since it has served its purpose. They had one party that wanted to try to move the manse and use it as a farm house. When they found out it would cost between $30,000 to $40,000 move it and would require permits to move it, they looked under the manse and decided they did not want it. Little Keswick School

did not answer their letter when they offered it to them. He had a contractor look at the manse and he felt that it would not stay altogether when moved. Therefore, he gave up on that idea. They went to salvage companies to see if someone could salvage it. There is a company in Richmond that were not interested and did not have use for it. There is a nice gentleman in Orange who said he could use the mantles, staircases, and trim around the doors. There was no other materials that he could use. He asked the Commission to take down the manse, salvage what they can, and demolish the rest.

Layman Drake noted that Mr. Orr had taken everything that he was going to say. He said that he recently finished his tour on the session on South Plains. He was responsible for building and grounds. He spent a lot of time around the church shoveling those sidewalks and maintaining the buildings. He asked to explain how they plan to take the building down. After they get the permit granted, they will send a crew of people into the manse and dismantle what they have to reuse in the new Kurt Hall. That has all been done ahead of time. They know exactly where this stuff is going to go. It has all been color coded. The remaining items will be sent to the land fill or recycled. The second thing is they will have a salvage expert come in and salvage things like air conditioners, ceiling fans, door trim, window trim, and mantles. They have talked to two contractors about dismantling the building. The use of heavy equipment in taking that building down is not advisable because it is less than 8' away. They have a contractor who is willing to take the building down, but he is going to take a lot of time because he wants the timbers in the buildings. That is the way they are probably going to go. They have a certificate stating that they have not asbestos in the building. They have a four page spec design that any contractor that comes in will have to use in order to work according to their rules.

Rick Bowie, resident in the Scottsville District, said prior to last rezoning their home was in the Rivanna District where he had the honor of serving these fine people for eight years on the Board of Supervisors. His other reason for being present was that South Plains is his church. He and his wife, Barbara, are members. He has never been in a more beautifully peaceful sanctuary. It means a lot to them. He felt that everything that needs to be said has been said. It was an excellent staff report. He thanked the Planning Commission and staff for their time and efforts on behalf of the County because they are the ones who protect our rural area. Within the next few weeks, the church will be moving items out of the manse as already stated into Kurt Hall. They have two choices to either respectfully dismantling it protecting the trees and other environments or they can let it rot or sit there and fall apart. They much prefer the former choice to take the manse down.

Frank Kiplinger said that he and his wife moved to Albemarle County 17 years ago. Prior to that, they had lived in Northern Virginia and had a large landscaping business. He served on the Northern Virginia Nursery Association and also in the Town of Leesburg served on the environmental commission for 2 years. His background is in landscaping. After coming here for 16 years, he worked with the ARB in Glenmore as a consultant for landscaping. His background is in landscaping. The row of trees they put in along the back is in place right now. This Commission did not recommend that row of trees. It was brought up at the Board of Supervisors meeting at a later date. In the process of that, some other trees had to be removed, which had been asked to be replaced. The trees required to go in are already there. He asking that they don't have to put those trees in. They were Loblolly pines to start with, which make good pulp wood but are rarely used in the landscaping situation. The crowding will be an issue as the trees grows, which will cause disease and crowding out as they grow. That would be stressful situation where the trees would be killing each other. The manse has been there for a long time. The document in Albemarle County show that five acres to be used as a church. They think that is a conforming use for that five acres. The buildings built and those taken down is not much different than a farmer putting up a barn in their yard or taking down a building in their yard as well. What they are doing with that issue is in conformance with what that property has been used for.

Kellee Eastwood noted that since the last time she met on this issue she had been married in this church and had been elected as an elder. They appreciate all the Commission's consideration in support of their proposal to build this wonderful building. The congregation has grown by almost another dozen. They have had the birth of several new children over the last year. They are very hopeful, thankful, and joyful about having this new facility to meet the needs of their congregation. If there are any doubts about the need to take down the manse, on behalf of the Fellowship Committee she invites each and every one to join them this coming Sunday at the service at 11 and then for fellowship in the manse at 12. They would

be able to see the conditions in which they have been joining as a congregation over the last few years and the need for the facility and to take down the manse.

Travis Taylor said he lived in the Boyd Tavern area with his wife and two small children. From a parent's view, he had great concern over the structural soundness of the manse. In the nursery area as many as 12 kids will gather. The floors are like a trampoline since the building is not particularly well built. He realized it was in the historic district, but he did not think the house was historic particularly with the vinyl siding. He did not think it added any value as a historic structure. In addition to the floor sag there is a bathroom consideration for the children. The nursery bathroom serves as a closet for cleaning supplies as well. The church has not further use for this building.

Bob Tracinski, resident of Keswick and member of South Plains for 4 years, noted that he was on the long range planning team and one of several teachers in the adult Sunday school class. The Sunday school is looking forward to the opening of Kurt Hall because there will be a room designed for meetings rather than dining. Right now in the old manse, they must meet in a dining room off the kitchen because it is the only space available. The manse has no modern amenities available. Kurt Hall will have those things available and will help them provide service and programs to meet the needs of the area. He asked the Commission to approve their request to remove the manse.

Chad Wayner noted that his wife, children, and he lived near Woodbrook Elementary. He is an Elder at South Plains and a member or almost 7 years. The primary reason they are here this evening is to ask permission to remove the manse. Their original special use permit was approved without the removal of the manse because they needed to use that facility during construction to support their current activities and programs. He asked the Commission to support the removal of the manse. Their request to take down the manse compares favorably to similar requests that the Commission has approved in the past. In 2005, Wilton Grove Baptist Church near Gordonsville asked for approval for demolition of a fellowship hall on their site, which was in an historic district with the building in poor condition. In that case, the Planning Commission and Board of Supervisors unanimously approved the demolition of the fellowship hall. In that case, the Planning Commission required the church to comply to one condition prior to demolition, which stated, "The church shall make the property available for documentation by an architectural historian or other person approved by staff." Staff's recommendation for South Plains appears to be more onerous. Not only has staff required the church to provide drawings of the manse with elevations they also have recommended additional changes to their landscaping plans both as a prerequisite for approval of the building. If these condition are required, the church willfully comply. It is surprising that these requirements are more onerous than the ones for Wilton Grove given the similarities. The church has already planted 58 trees along the property line at a significant cost solely for the benefit of their neighbor. In their deliberations, he asked the Commission to consider the staff's recommendation carefully on these two issues and to approve their special use permit.

Eleanor Dickerman noted that most of the things she was going to talk about were already covered. She understands there is a neighbor who is concerned about noise in the courtyard behind the church. She thought it was too conservative to have that kind of thing and also it was awfully close to the cemetery. Now they have the new fellowship hall to hold events. She was not a member of South Plains, but the church has allowed her the privilege of serving as one of the two organists. They are delighted to have a music room to gather all of their various items associated with the church chorus in one place. During the past 8 years she had been playing at the church, she did not realize there was a house on the adjacent property until just recently. There is a stand of trees in front of that house that has kept her seeing that house. She questioned if she could not see the house from the church how could they see the church from the house. She felt that the variation in the brick work softens it so that it goes with the old sanctuary brick.

Jonathan Rintels, adjacent property owner, said if they come over to his property today, they would see the manse, the new building, and the church very easily from almost all perspectives on the property. His wife, two children, and he live on 16 acres behind the applicant in a farmhouse built 100 years ago. Overgrown and run down 20 years ago when they bought it they invested considerable sums restoring the property's rural and historical qualities as a contributing structure in the Southwest Mountains Rural Historic District. He previously asked that the manse be saved. However, he has heard the arguments

tonight and he was persuaded. He thinks the manse should be removed. He felt that the impact of its removal on his property should be mitigated.

Mr. Rintels noted that nearly two years ago both the Planning Commission and Board of Supervisors recognized that the construction of the applicant's new building would cause a substantial detriment to their property and that mitigation was necessary. This Commission recommended condition 1 and the Board of Supervisors agreed that construction be in strict accord with the preservation of all existing trees on the applicant's property unless construction required approval. As the staff report notes 9 pine trees were cut down in violation of that condition. Those pines were next to the ones shown in a photograph he referred in a higher area that would have buffered the impact of the building. There is plenty of room for these 9 trees. The Board had a second condition that a row of trees be planted along their border. Those trees were planted a week ago. The trees look great and he appreciates it. However, the boundary is in a low area and it will take a decade or more, not 2 or 3 years, for these 6' to 8' trees to grow to 50' or to grow enough to provide mitigation. These 2 conditions were attached even though the manse, which blocked most of their view of the rear building, was to be preserved. If the manse is now removed for many years they will have a head on view of what from the rear presents itself as a contemporary brick building that is out of character with our rural and historic district. It will result in an additional substantial detriment to their property far beyond what was addressed by the conditions attached two years ago. Therefore, they ask that prior to the manse's removal the applicant first replace the trees cut down in violation of condition 1 with similar trees, fast growing pines, 8' tall or taller.

In addition, Mr. Rintels said they believe a condition should be attached requiring new plantings of ornamental trees, shrubs, and bushes in the manse footprint and along the building's border. Some Commissioners noted two years ago planting, buffering, vegetation in the higher elevation near the new building would provide intermediate mitigation, but the manse was then in the way. Now it won't be so there is no reason not to plan those plants. The need for added protection was highlighted for them on a recent afternoon when a bride, groom, and wedding party walked from the church's property through the hole where the trees were cut down to pose for wedding pictures in their front field. Being a sucker for romance, he did not intrude, but it does confirm that these trees need to be replaced. They ask that outdoor sound systems be prohibited. He could hear conversations on his driveway, which is much farther than 100' from the property line of construction workers working on the building. It seems obviously amplification would violate the County's Noise Ordinance, as he understands it.

Pastor David Garth said that he had been the Pastor of South Plains Church for the past 4 ½ years. They would be happy to look again at the trees. It was their understanding that the trees that were cut down was done in order to try to reach their field and keep it mowed. He thought it was very much in the same location where the trees were just planted. However, they will be glad to look at that again. The congregation is very appreciative of having had the use of the manse over these years. In the time he has been there the excitement of moving into a new building with the possibility of escaping some of the liabilities of the old manse certainly have outweighed any desire to keep the manse. He felt that keeping the manse would present somewhat of a hazard both for the church and the community. Trying to maintain it will be a burden. It is impossible for the church to restore it. He hoped they would approve their application and allow the removal of the manse.

Mr. Rintels asked to pass around three photos.

Mr. Zobrist replied that he could pass the three photos around.

There being no further public comment, Mr. Zobrist closed the public hearing to bring the matter before the Commission for discussion and action.

Mr. Zobrist asked Mr. Atwood if he would like to respond, and Mr. Atwood replied no.

Mr. Morris noted he had been involved with this for a number of years and the congregation is absolutely delightful. Dr. Orr has been very helpful throughout the whole thing, as has the architect. He has truly been amazed at the desire for more and more plantings right on the border because it is at a low spot. He did not have his house right next door to the church. However, it just seems that the screening is

going to take forever and no one in this room will probably be alive by the time it becomes a screen. However, the Architectural Review Board has spoken. He would be reluctant to make this a condition. If any additional planting is to be made in the future when funds become available to the congregation, it should be up in the back of Kurt Hall where the manse is now.

Ms. Porterfield said the congregation invited her over. She was there the first time the Commission heard this. She did go back about a week ago and got a tour of the new building. They were painting at the time. She also walked through the manse and gave staff the pictures she took. She was not a trained historian as Ms. Brennan. However, she has overseen a number of remodels of houses that she and her husband have owned around the country. Truly speaking the manse needs a lot of work. She was down in the crawl space and one of the pictures showed that area. She can see exactly what they are saying that it is unfortunately not a usable building for the congregation at this stage. She is a believer that there has to be a use for something and that just being old is not enough. She would like to see the Commission allow the demolition permit for the church. They have done a really good job as far as trying to find a place for the manse and just can't do it. They do have some people that can actually salvage pieces of it. They are going to make every effort to tear it down in a very good way so that they are not destroying anything else that is on the property.

Mr. Loach asked what are the rules on the amplified noise since it is not a winery.

Mr. Zobrist noted that was not in front of the Commission tonight.

Mr. Kamptner said ordinarily if it were treated as a land use, it would be subject to the 60 and 55 decibel standards in the rural areas. If it fell under the general noise standards there would be an audibility standard. They will be going back to clean up the general noise regulations. He would check for any exceptions as it was for agricultural activities. There is an exception for church bells or chimes. Ordinarily this will be regulated by the general decibel standards.

Mr. Monteith noted she had a couple of questions. One is the process for documentation. She would like to understand a little better what the process is because that really has not been discussed except in the case of somebody not being very supportive of the process. The other question that has not been answered directly is whether any trees will be impacted by the demolition of the manse.

Ms. Brennan replied that the process of documentation of the manse was based on a recommendation from the Historic Preservation Committee for the County. Documentation of a building before demolition is standard procedure where staff looks at the demolition permits even if it is just for a photographic documentation. In the case of the manse because it is approximately 100 years old the committee felt that a little bit more extensive documentation would be helpful in terms of at least if the building is gone they have for prosperity detailed documents. Measured drawings from quite a bit of experience are pretty easy to come by especially if there is an architect on hand who has a lot of information about the manse as is given that the original proposal required the new fellowship hall to be attached to the manse. Therefore, she knows just from having reviewed this application from the ARB standpoint that the side elevations are already pretty much done. Measured drawings can be done in the field. It can take about an hour to do an elevation and floor plan. She thought that was what the committee recommendation was. She did not think the committee intended that the church spend a significant amount of money to produce professional level CAD drawings. She thought that field documentation with measured drawings would suffice, as she understands from conversations with committee members. It would also include photographs of the interior and exterior including any character defining features of the building.

Mr. Morris asked that Dr. Orr come forward and address this question.

Mr. Zobrist noted that Ms. Monteith was not done yet.

Ms. Monteith noted that the second question was whether any trees would be affected by the demolition of the manse.

Ms. Brennan replied that was something staff looked into, and no the trees will not be affected by the manse. After the initial review, staff asked that tree protection fencing be specifically shown on the concept plan around those trees closest to the manse to ensure that neither the trees nor their root systems underneath the tree canopy would be impacted by demolition. Those revisions and changes were made. In regards to the 58 trees in the rear of the property and the 9 additional trees, zoning made a determination that there was a net loss of 9 trees. They asked the applicant if they would be interested in putting the 9 back in that general location. At that time, they said yes. That was a long time ago and before the 58 trees had been put in. There are 58 trees currently back there. However, it was something the applicant said they would be willing to do. Staff thought it might be a nice neighborly gesture. Staff is not wedded to that particular condition that is outlined in the staff report.

In terms of additional tree plantings in the back of the new fellowship hall in the location of where the footprint of the manse would have once been, Ms. Brennan noted they considered that as well. However, the idea of landscaping is that it is not to hide new development, but integrate it into a landscape. If the church should want to plant in the back of their church, certainly that would be welcomed. However, in terms of requiring that as a condition of approval for the special use permit, staff did not feel that was necessary. Staff considered that option as well.

Mr. Zobrist invited Dr. Orr to address the question about the manse.

Dr. Orr noted that it was all about the manse. They thought it would be appropriate to wait until the furniture, the minister's bookcase, and those various things are out of the manse and then take pictures of all four walls in each of the rooms. They would put the photographs on a disc and document it. He thought it would be more accurate if they did it after they got the stuff out of there before taking anything else down.

Mr. Zobrist noted that staff was comfortable and did not want to change that condition.

Motion: Mr. Morris moved to recommend approval of SP-2010-00053 South Plains Presbyterian Church subject to the conditions as recommended by staff

Mr. Franco asked for consideration of a friendly amendment to eliminate the requirement for the nine additional trees.

Mr. Kamptner noted the change was in the main clause for conditions #11 and iii.

Mr. Morris accepted the amendment to the motion offered by Mr. Franco.

Mr. Kamptner noted the amendment would be in condition 9.

Ms. Porterfield seconded the motion.

The motion was passed by a vote of 6:0:1. (Mr. Zobrist abstained.)

Mr. Zobrist noted SP-2010-00053, South Plains Presbyterian Church would be forwarded to the Board with a recommendation for approval subject to staff's recommended conditions, amended as follows:

1. The development of the site shall be in general accord with the "Conceptual Site Plan" prepared for South Plains Presbyterian Church by Atwood Architects, Inc., dated February 4, 2011, as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Conceptual Site Plan, the development shall reflect the following major elements within the development essential to the design of the development:
    - the location of the parking area,
    - the location of the new sanctuary and fellowship hall, and
    - the preservation of existing trees as shown with tree protection fencing.
2. Provided parking shall not exceed seventy-five (75) spaces;

3. Commercial setback standards, as set forth in Section 21.7.2 of the Albemarle Zoning Ordinance, shall be maintained adjacent to properties zoned Rural Areas;
4. Storm water facilities and parking lot surface meeting the approval of the County Engineer shall be required before approval of the final site plan for this use;
5. There shall be no day care center or private school on site without approval of a separate special use permit;
6. Health Department approval of well and/or septic systems;
7. All outdoor lighting shall be only full cut-off fixtures and shielded to reflect light away from all abutting properties. A lighting plan limiting light levels at all property lines to no greater than 0.3 foot candles shall be submitted to the Zoning Administrator or their designee for approval;
8. Documentation of the manse, including detailed digital photographs of both the interior and exterior, and drawings of the floor plans and elevation with measurements, shall be submitted to the County prior to the issuance of a demolition permit;
9. The screening trees (58) shown on the Conceptual Site Plan along the rear property line shall be planted prior to demolition of the manse.
   (i) The plantings will be evergreen trees, five (5) to six (6) feet tall, planted a minimum of eight (8) feet on center or spacing distance as recommended by the American Nurseryman's Association;
   (ii) The tree choices are arborvitae or trees of comparable value.

The Planning Commission took a break at 7:09 p.m.

The meeting reconvened at 7:16 p.m.

ZMA-2010-00009 Republic Capital

PROPOSED: Rezoning of a portion of a 20.54 acre site zoned LI Light Industrial, which allows industrial, office, and limited commercial uses (no residential use), to amend proffers. No residential units are proposed.
PROFFERS: Yes
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)
ENTRANCE CORRIDOR: Yes
LOCATION: Located on west side of Route 29N, at the intersection with Northside Drive
TAX MAP/PARCEL: 03200000002200
MAGISTERIAL DISTRICT: Rio
(Eryn Brennan)

Ms. Brennan presented a PowerPoint presentation and summarized the staff report.

- This request is to amend and consolidate proffers associated with the development on the subject parcel approved on February 18, 1988. The proposed amendments pertain primarily to consolidating the proffers regarding the buffer area adjacent to Airport Acres and reducing the depth of the buffer. Specifically, the applicant is requesting to reduce the buffer area from 150 feet to 50 feet with a 4 foot high planted berm and a building setback of 75 feet (instead of the minimum 50 feet allotted by the Zoning Ordinance) from the adjoining residential district. The proposed proffer changes would eliminate the building height restriction of 30 feet and 25 feet for any portion of a structure within 300 feet of Airport Acres. The applicant would like to have building heights subject to Section 26.6 of the Zoning Ordinance.
- The parcel under review was part of a 20.54 acre rezoning to LI Light Industrial and HI Heavy Industrial in 1988. The rezoning included a proffered plan and proffers, one of which required a four acre buffer between Airport Acres and the parcel under review.
- In response to the initial application submitted on October 18, 2010, the applicant received a comment letter on December 3, 2011 outlining recommendations from reviewers, which included a request to provide for an interconnection through the University of Virginia Research Park. The letter also noted that the requested proffer amendments conflicted with the proffered plan, and in a subsequent correspondence recommended this issue be resolved. The applicant then requested a work session.

- The Planning Commission work session held on January 18, 2011 provided guidance to staff and the applicant regarding questions concerning the buffer, setback, and interconnector road shown on the Places 29 Master Plan adopted on February 2, 2011. The Planning Commission expressed general support for the buffer reduction and maximum 35' building height, but requested that the applicant explore the feasibility of an interconnector road on the site.
- Following the January 18, 2011 work session, the applicant has elected to go directly to a Planning Commission public hearing with no proposed revisions or changes to the plan or proffers.

The site has undeveloped, heavily forested areas and areas which have been cleared and graded based on a site plan approved in 2000. The portion of the parcel zoned LI Light Industry adjacent to the Airport Acres development is heavily forested. The adjacent parcels to the south and southeast are zoned R1, Residential, and the parcels to the west and north are zoned PDIP Planned Development Industrial Park and are part of the University of Virginia Research Park.

The Places 29 Master Plan recently adopted on February 2nd designates the subject property as Light Industrial and Heavy Industrial. The map also shows a connector road bissecting the site to connect Route 29 to a future extension of Lewis and Clark Drive. The location of the road on the map is not an exact location, but rather a place holder to show an interconnector in this general area to facilitate increased traffic flow associated with new development in this part of the County. In response to the Planning Commission's request to explore the possiblity of a road in this location the County Engineer at the request of Planning staff conducted a feasibility study and provided detailed comments that are in the staff report. His comments and map, both of which were also shared with the applicant show that a road meeting the recommendations of the Comprehensive Plan is possible on this site and in a location that would only minimally impact the proposed developed.

In addition to the Places29 master Plan, the County's Economic Development Policy encourages infill development and rezonings to allow for Light Industrial uses. However, it also states that businesses and Light Industrial uses should comply with the Neighborhood Model principles, which includes interconnectivity between adjacent parcels and also developing an effective transportation network. Staff has not objection to the reduced buffer or the elimination of restrictions on building height. However, staff does believe that not providing for a future interconnector road has shown in the Places29 Master Plan would have a detrimental impact on traffic and the overall transportation network in the area and is not consistent with the County's Economic Development Policy or the Master Plan.

The Light Industrial designation allows manufacturing, predominately from previously prepared materials, of products or parts, and may include processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of these products. It does not include basic industrial processing (see Heavy Industrial). The Light Industrial designation allows for a range of employment and commercial uses that may have impacts that would not be suitable in or adjacent to residential uses, retail uses, commercial uses, or many types of commercial office or research activities.

The UVA Research Park directly north of this property has provided for a future connection to extend from Lewis and Clark Drive to connect to Northside Drive in an effort to foster vehicular interconnectivity in the area. The road shown in the area of this property is an integral part of that vehicular network. In addition, the proffered plan has not been amended to be in accord with the proposed proffer changes and zoning has also requested further amendments to other proffers that are at this point outdated and in need of technical changes. That was included as an attachment in the staff report.

Factors Favorable:

1. The requested proffer changes regarding a reduced buffer are consistent with the Light Industrial designation outlined in the Places 29 Master Plan.
2. The proposal furthers Economic Development Policy objectives to accommodate business and industrial growth.

Factors Unfavorable:

1. The proffered plan has not been amended to be in accord with the proposed proffer changes.

2. There is no proposed provision for an interconnector road on this parcel as shown in the Places 29 Master Plan.
3. Other proffers not proposed to be amended are in need of technical changes.

For these reasons, staff recommends denial of this rezoning request.

RECOMMENDED MOTION:

A. Should a Planning Commissioner **choose to recommend approval of** this zoning map amendment:

Move to recommend approval of ZMA 2010-9 Republic Capital (with proffers amended as such).

B. Should a Planning Commissioner **choose to recommend denial of** this zoning map amendment:

Move to recommend denial of ZMA 2010-9 Republic Capital *Should a commissioner motion to recommend denial, he or she should state the reason(s) for recommending denial.*

Mr. Zobrist invited questions for the staff.

Mr. Franco asked if the interconnection being discussed was a mid-block connection. The entrance into the Research Park is one. Then Airport road's next connection. He asked what is the distance between those.

Ms. Brennan replied that she did not have the distance between Airport Road and Lewis and Clark. She asked if he was interested in how many interconnections were planned with the Places29 Master Plan along this section of 29.

Mr. Franco replied yes, in order to get a sense of the length of the block they were trying to encourage and create.

Ms. Brennan replied, as she understands many of the interconnections were taken out. There is a light that is planned at this location in the future. She believed there were two maybe three linkages in the Places29 Plan to 29.

Mr. Cilimberg noted between Lewis and Clark and Airport Road he thought this was the only interconnection that is proposed under Places29. There are on the other side of 29 connections to a road that would go through North Pointe parallel to 29. There are a couple on that side and only one on this side. He referred the questions to Mr. Benish.

Mr. Benish noted that he handed Mr. Franco a scaled map that shows where the interconnections are. It roughly looked like it was 2,500 to 3,000 to Lewis and Clark to the north and somewhere between 3,000 and 4,000 square feet.

Mr. Franco agreed that it looked like it scaled to about a mile.

Mr. Cilimberg asked Mr. Benish to verify it, but he believed this is the only connection between 29 and Lewis and Clark in that intervening area.

Mr. Benish agreed that is correct.

Mr. Cilimberg said it also interconnects east on the North Pointe side. It is a connecting road over to North Pointe Boulevard. He noted that the traffic study for Places29 indicated that it would carry between 4,000 and 5,000 trips on this particular connection in consideration of land uses in area when they would develop out, which could be many years out.

There being no further questions for staff, Mr. Zobrist invited the applicant to address the Planning Commission.

Marcia Joseph, representative for the applicant, pointed out the reasons they submitted this was very simple. They thought the Board of Supervisors was concerned about the amount of Light Industrial land available. This would add approximately two acres of available Light Industrial land in this area. They thought because staff had proposed some changes to the setbacks and buffer areas required between residential areas and Light Industrial areas that this would be in harmony with that particular proposal. The current setback on the property from Airport Acres is 150' currently. They were proposing to reduce the undisturbed buffer to 50' and then have a 4' berm with plantings on top of the berm. They were going to wait to talk with the neighbors and to see what kind of plantings they desired. They were talking about evergreen screening. The other reason they submitted this request is that they had gone out and talked with the neighbors. They would not have submitted this had they not had support of at least two of the adjacent neighbors. The third neighbor never contacted them, but did come to the last Planning Commission meeting. They worked with them to find out what it was that they could live with. They could live with a 50' undisturbed buffer and the 4' high berm planted with 4' to 6' evergreen trees. Therefore, that is what they did. They are gaining about 75' as a result of this. The reasons they are not supporting the county engineer's road design is that it takes as much land from the property as they would be gaining. They have about a 50' right-of-way going on there and at least 25' on one side of it. Then they have extensive grading going on there, too. The other thing that happens is the location of this road makes it very awkward for them to put in any kind of entrance into this site without having some type of competition occur with the road itself, with their access road, and the roads themselves. Therefore, it is something they could not support. The other thing they about was to go ahead and put that road where it is shown on the Comprehensive Plan. They made a promise to the adjacent owners that they would not put that road next to their property. They wanted to honor that promise, also. Those are the reasons they came here. They thought that the County would appreciate more Light Industrial property being available. What they are asking them to do with this is at one point at the last meeting someone said they were asking for something and they give something back. At this point, they came out with zero. So at this point in time, they don't want to give up the land. They would stay status quo if they start designing around this road the way it is. She offered to answer questions.

Mr. Zobrist invited questions for Ms. Joseph.

Mr. Loach said the staff report says with regard to the road the County Engineer says that he has no trouble laying out a road, which will have an adequate grade and curvature, and will provide a connection as recommended in the Comprehensive Plan with minimal impact to the proposed development. He asked if she was saying his insertion is incorrect.

Ms. Joseph replied she was saying that they all have a different idea of what minimal is depending upon what our reference point is. She was telling him what she was seeing on this plan is that they are gaining back 75 feet and losing at least 75 feet on the other side of the property. They have to design around this, which means it is going to determine where they place their buildings and where they place their access road so they don't have any conflicts where the County Engineer's road is coming in . They are going to have an entrance there, which is close to where he is suggesting the spurs come off the existing roads. .

Mr. Brennan said in her discussion with the County Engineer about his proposal, his thinking was that this presented a minimal amount of impact as he was understanding what was already approved with the proffered plan. The County Engineer was thinking that it skirted the edge of the development so minimally interfered with the footprint buildings on the plan that was proffered.

Ms. Joseph said all of that is relative on the minimum aspect.

Ms. Porterfield asked if there is any alignment of the road that she could live with.

Ms. Joseph replied that where it is shown if they look at the grades that is probably where it should go. However, they would be impacting an old neighborhood, Airport Acres, and they have made a promise. Therefore, she could not support that.

Ms. Porterfield clarified that in her mind there is no other alternative.

Ms. Joseph agreed that there is not. The other thing is if they look at the topography, the largest place of flat slopes is right at the top. If they bisect that area, they are losing a large lot.

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

Mr. Franco noted that he was having a real tough time and would like to hear from other Commissioners. He wants to encourage the LI uses. He thought that was good. However, he would like to find a win/win. He did not like the idea of trading even so that they are given them extra land, but are taking it away. He did think the interconnection is important. He wished there was a different way to approach it. Personally, he would be open to reducing the buffer even more in order to get that connection. He felt the connection is very important.

Mr. Loach agreed with Mr. Franco. It is consistent with the principles of the Neighborhood Model and the approved Places29 Master Plan. The County has made a case that they feel that at least the impact is not so substantial that they couldn't support it.

Mr. Franco pointed out it is a mile long block that they are trying to break off. He thought if it was some of the smaller interconnections, he could probably live with not having that interconnection. He understands what it is going to take to make it an attractive offer to the applicant. The only thing he can think of is to reduce that buffer even more so they are gaining three acres to give away 50' on the other side for the right-of-way. That way it is a little bit of an enticement to pursue this.

Mr. Loach added the fact that is it going to be signalized there with a connection across, which was important.

Mr. Lafferty agreed that the connector is very important from the traffic studies that he has seen in Places29, and they are suppose to uphold the Comprehensive Plan as one of their responsibilities.

Mr. Morris agreed adding the new master plan, Places29.

Mr. Zobrist said he had a question for counsel. They have an approved zoning and there is a State statute that says they cannot use a change in the Comprehensive Plan, which is Places29, to jump on somebody and not let them build what they have been approved for. He asked for comment from Mr. Kamptner if it applies here.

Mr. Kamptner asked if he was asking whether the Comprehensive Plan could prevent an approved zoning.

Mr. Zobrist replied that is correct. The statute says if they have an approved zoning in place that they cannot use the Comprehensive Plan as a reason not to let it go forward.

Mr. Kamptner agreed. At this point, the applicant will either be submitting a subdivision plat or a site plan and that is reviewed against the existing zoning and not against the Comprehensive Plan. The Comp Plan is a policy document. By the time the zoning is in place, the policy considerations have already been addressed one way or the other.

Mr. Cilimberg noted that is why really the only relevant place for this to be discussed at this point is a part of that rezoning. It is not a site plan before the Commission, but a rezoning. They are asking to change how they are using this property with the reduced setback and buffer.

Mr. Zobrist noted that they are asking to reduce the buffer. That is a change in the zoning condition.

Mr. Franco said that is why he says from his side that they have to find a way to encourage them to pursue this. If that means reducing that buffer even smaller in order to get that connection, then that is something he would encourage. They don't have another mechanism before us to get that interconnection built other than condemnation.

Mr. Zobrist said it seems that could be accomplished by leaving the dotted line in the buffer. Ms. Joseph says she does not want to do that because she thought that would be breaking her word to the neighbors. The way he read the one letter from the neighbor he said he would be happy with a 50' buffer. He did not say anything about a road going down there. He asked if he was missing something.

Mr. Franco said there were two questions. One, is where is the right place to put the road. The second is how will it affect their development and how do they encourage them to pursue something so they get this interconnection. They can't do it via the site plan or subdivision ordinance. Therefore, it has to be through this rezoning act.

Mr. Zobrist noted the way the County Engineer proposes it here, they have a whole lot of things that have to fall into place whether that road will ever be built. It is going over a separate piece of property that is not up for rezoning right now. He has a real tough time with these dotted lines because he does not know what they mean in terms of if they yes they will leave a dotted line in it has to be put somewhere. They want to build their Light Industrial complex around that. Yet they don't have any idea where it is going to go or if it will even be built in the life time of those buildings.

Mr. Franco said that he understands that, but felt the key is to make the provision for it. That is why he looks at the line the County Engineer has drawn. He can see moving the part that turns and finally approaches UVA's property and have that split the property line to help reduce the impacts to this particular piece. Again, it moves the dotted line somewhere and when the other piece comes forward hopefully, they can get the remaining pieces of land that they need. However, it at least makes a provision for it in the future.

Mr. Cilimberg noted that adjacent piece is under the same ownership. Part of it is under the plan that exists now for zoning.

Mr. Zobrist asked if 32-22S is under the same ownership. He questioned if it was the parcel in front on Route 29 that was in the same ownership.

Mr. Franco said it makes a certain amount of sense to have it there. It is doable grade wise. It is still the same question of how do they make it happen. They don't get it all out of one property owner but they do make a provision for it. May be that reduction now does not take two acres, but only one acre. Then it is a net to the applicant to pursue that. He was thinking in his mind that it was not something they have to build, but make a provision for it by reserving it as right-of-way.

Mr. Zobrist said that they have to reserve for today, which is the problem. They are looking at 20 years in the future and say where is it going to go in 20 years.

Mr. Franco pointed out what he was saying was to take the County Engineer's alignment and along the property line that is perpendicular more or less to UVA's shared property line and have 25' on either side of that for a 50' right-of-way. He would like to hear what staff has to say about it.

Mr. Cilimberg said that they don't know exactly how much the applicant is going to raise. They don't know how much they are going to have to allow for grading. Obviously, the 50' can accommodate the road as right-of-way. There may be additional grading necessary. Therefore, the actual area that would be necessary for the road would be greater. They were using the plan. As they see, this is the approved zoning plan. It appears that part of that zoning plan is on that adjacent property. It may not be under the same ownership any longer, but the property appears to be incorporated into this plan in part.

Mr. Franco said that it is still subject to this.

Mr. Cilimberg replied the plan is still the operative plan. The other thing that they have said is that even if there is no road allowance the buffer that they are asking for needs to be reflected by this plan. That has to be done before it is approved. Therefore, there is going to be an adjustment to the plan necessary to reflect the buffer. If there was also going to be a road shown they would want that as well to be indicated on the plan. If nothing else, through their reserved area where it would be located. Staff could work on that and between the Board meeting if the applicant were willing to accommodate that.

Mr. Kamptner said this is a proffered rezoning. Attachment C is the proffered plan that staff says is inconsistent with the proffers. It says proposed buffer.

Ms. Brennan replied that is correct. It is a reduction in the buffer. Current Development made a determination that if they want to reduce the buffer, then they need to reflect that on the proffered plan.

Mr. Franco asked how does that work if part of the proffered plan is no longer under the same ownership.

Ms. Brennan assumed he was referring to this portion. Zoning also noted many inconsistencies in the proffers that they requested be addressed. It is technical changes to the plan. That is equally a relevant question. There also has been a site plan since 2000 that has been approved for this portion of the building that does not match the proffered plan. So all of these things would need to be coordinated into a proffered plan that reflects the conditions of the site today, the buildings that have been approved on the site today, a possible interconnector, the reduced buffer, and then the change in the actual boundary of the parcel. There are many changes to the proffers and to the proffered plan in order to bring a 20 year old plan up to date that would be needed.

Mr. Franco noted what he heard the applicant say earlier basically was to present their conditions or their reasoning for submitting this request. He did not know where they stood as a group, but if they were asking them to show that road on that shared property line in the general alignment that the County Engineer has done, is that something they would entertain. He asked if that provides enough land back to make this an incentive for them. That is ultimately the question.

Mr. Zobrist invited the applicant to come forward and speak.

Mr. Hurt asked Mr. Franco to restate what he said.

Mr. Franco asked staff to go to the drawing showing the part that is perpendicular. If that section of road shown were centered on the property line with the adjacent property does that make it more attractive to them. It gives them 25' back along that edge. He asked if that was now more palatable.

Blake Hurt, property owner, said that it is now more palatable. There were a couple problems in that the intersection shown is a problem. In the back, they wanted to have a large piece so they could use it for a single tenant. Then it comes down and enters just about where that intersection is. The way engineer put it in, they have already designed the buildings for it. The big problem is they don't know how that intersection would realistically work. It must be minimal for the engineer, but he did not see that. The second point is the way he has drawn it that the road goes right through the middle of the plan that they have proposed. The road goes right through several buildings.

Mr. Zobrist asked if he owned parcel 32-22C.

Mr. Hurt replied that he owns the piece that has the site plan approved that is adjacent to 29. The portion in the back was split off and sold to his neighbor, Mr. Hall. Therefore, he does not own that anymore.

Mr. Zobrist noted the plan staff as looking at was outdated.

Mr. Cilimberg replied that the plan they have actually incorporates some of what he has sold. It is under the same zoning.

Mr. Hurt noted that plan says he is going to restrict the development. That is not the proposed plan that was approved. That is the envelope of where all of the buildings were going to be. If they look at the plan and the profits that is what is used. As he said last time, he was not strongly opposed to connecting to the University. The problem was that there was going to be 500 car trips potentially there. He could understand why the University would love to have another access. However, if they put industrial uses in there that is inconsistent with having thousands of cars come through there to cut the corner from the airport. Until it is clearer what uses are going to be there, he did not want to encourage that. That does not mean that it won't happen. All they were trying to do is just move the border a little bit before they had to reach that decision. Therefore, in his mind, this is not an absolute no. However, as it is proposed, it just does not make sense for them to do it at this time.

Ms. Porterfield said what she was confused about is Ms. Joseph was talking about the alignment being right up close to Airport Acres. However, if they are talking about the alignment with the fuchsia color road, that is not anywhere close to the housing. She asked if they were talking about two different things.

Mr. Hurt replied yes, in a way because the Places 29 Master Plan shows the road going over to Airport Acres. If the idea was why don't they put the public road up against Airport Acres in an easement they are not using, that would put the road right against the neighborhood, and they would go crazy. That is exactly what they did not want. Since they will have a 50' buffer there let's put that road in there. That would mean the road would cross over their property against the residential property and go up there. That was not the agreement they had with the neighbors.

Ms. Porterfield noted that is not what the engineer has drawn.

Mr. Hurt agreed.

Ms. Porterfield said the question is does he like what the engineer drew.

Mr. Hurt replied that he did not like what the engineer has done, particularly at the entrance. He has already designed a building that goes where he has very casually drawn this road. As was said, that is not a 50' road. That is a 50' road and whatever grading is required to hold the 50' road up. His thought was if they want that connection, the connection has to go up toward Mr. Hall, or they have to wait until they develop the property and see if the uses work. In most cases, they want more traffic. But, it is not clear to him since has industrial use that is going to be attractive to people who are going to have trucks moving out slowly out onto the road when there are 4,000 cars trying to get out of the Airport area.

Ms. Porterfield asked if he had time if he could submit an alignment that he could live with. She asked if he could go back and look at the buildings he wanted to build to see if there is an alignment somewhere in there that he could live with. If they could go along with what Mr. Franco was saying about maybe doing some more work on the buffer that is toward Airport Acres so that he was going to gain some property down there in exchange for what he is going to lose up on the top.

Mr. Hurt said that it was speculation, which was the problem. For example, it depends on what Mr. Hall wants to do with his property. For example, the engineer has already drawn part of the road going through there. He does not know what Mr. Hall wants to do.

Mr. Zobrist asked if the property to the north belongs to Mr. Hall.

Mr. Hurt replied that he sold the property to Mr. Hall and he assumes that he still owns it. There would have to be some coordination between those two. He was a patient man, which was why he was still working on this some 20 years later. He did not know how long it would take Mr. Hall to respond. He was not opposed to working closely with the University. In fact, his idea when he took this property was that they would provide warehouse and industrial services to the University. So there is some sense in saying well to the extent that they could connect, that would work. However, until they are further down the road and know where the University Road is, what kind of uses they have, and whether it is going to be largely used for accessing University property or just to exit traffic, he can't make a commitment. It will not work

with a distribution company that will have tractor trailers coming out of there. That is what they are asking. All they wanted to do was to adjust the side setback. Until they actually start building things, he can't say where the road should be. It would be dangerous to do that.

Mr. Porterfield noted that there might be some real benefits. If he was talking about tractor trailers and this road is built across Rte. 29 with the stop light, they are going to have a much better access both north and south for almost anything they probably would have.

Mr. Hurt said that was exactly right. That is why he was so delighted that Mr. Rotgin has decided to put that traffic light in there. He guaranteed that he has already talked to him about paying for a portion of it.

Ms. Porterfield asked if it was worth a deferral to see if he could work something out. She asked if it was worth him coming back with a proposed alignment. If there was no land there, it was going to be more difficult to achieve.

Mr. Hurt said that they are not really going to know until they start putting some buildings up and finding out what kind of demand. For example, if they start building buildings and it is largely built with 2,500 square foot smaller users, such as copier repair places and cleaning places, then they could see that the connection would be beneficial to those tenants. Instead of that alignment, he would extend the road that has, which goes through the center of the property, and connect there. He was willing to do that assuming that improves the property as most traffic would. Currently, they have a heavy industrial use and the people who have talked to them are people with slow moving traffic. In that case, he did not want to say divide the property where they wanted ten acres and then end up with two five acre tracts that are not as good. Therefore, he can't make that decision until he actually begins development. The question that they are trying to get is if they could change the side setback that would allow them to develop the property more quickly because that makes more of the property valuable and he could have different kinds of building arrangements. By denying that he basically was going to stop and wait. That will delay the whole decision. What he was saying is that he thought that an alignment was possible. The question is what is going to be the use. He can't decide on the use until he builds a building. He can't really build a building until they have some idea of what the property is going to be. They are requesting to get the side setback. They are open to the idea, but just can't until they actually start something that will tell them what the road network should be.

Mr. Kamptner asked to correct what he said earlier because it dove tails to what Mr. Hurt just said. He has been looking at the wrong proffered plan. Where they do have specificity, the rezoning can create its rights that continue on through the subdivision and site plan process. Without that kind of specificity the State Subdivision Site Plan laws do allow for the localities to require that on site streets be coordinated with existing and planned streets at the Subdivision and Site Plan stage. Clearly, it makes sense to have these things planned out or addressed at the rezoning stage.

Mr. Zobrist said what he was saying was staff can work with the applicant at the site plan stage to work out his interconnectivity and it does not have to be done now.

Mr. Kamptner replied looking at the plan that is actually proffered that is general and does not lay out an internal road alignment and building locations, which Attachment B does. One that is more general in nature is not going to create the kinds of rights that might bind the County down the road.

Mr. Zobrist noted it was premature to try to say they have to stick this road somewhere when they don't have any idea where it ought to go.

Mr. Kamptner replied right, in traditional zoning where they don't have specific plans that were dealing with the issue, it was addressed at the subdivision and site plan stage.

Mr. Franco noted what he as hearing the applicant saying is that if they end up with a more industrial kind of use that is there they may chose not to do the interconnection unless it is associated with UVA. They may not want to encourage the traffic to go either through the site or adjacent to the site.

Mr. Zobrist invited the applicant to address the Commission.

Blake Hurt said that he was for a good plat. He agreed that the more interconnections the better. Therefore, he was sensitive to that. If he had heavier uses, he certainly would not want the heavier uses coming into the internal road system to compete with high speed car traffic. That was the original proposal. If they have a road coming through here, just let it connect. They don't want that. The second question what if Mr. Hall allowed a road through his property where would he stand on that. Well in that case, it would also compete with that, but would depend upon what stage they are. He could see that maybe that would work. So if they had a heavy use and the question came back to them after they started development and they could see how it would work would they take 25' of your property on your side and you could work out the intersection would that be amendable. He would say that is probably reasonable. However, he did not want to commit to that now because that interconnection is easily drawn, but not easily built. Until they have a clear idea of what is going to be and that depends somewhat on what he ends up building, they can't determine that.

Mr. Franco asked do they phrase something. They have done it in the past from point A to point B. Point A would be the shared property line along.

Mr. Hurt noted how it has always been done in the past. When he comes up with a site plan, the staff will say they really want this road and will ask them to volunteer it. He would say well he really does not. Staff would say essentially let's work together on it. It always seems to work out that way. He does not know how they could pin him down today. It always seems he ends up coming before the Commission and it always seems to be a negotiation. He assumes that is how it is going to come out in the future when he comes up with a site plan to say let's build these buildings, they are going to say what about that road. Then they are going to have to talk about it.

Mr. Franco asked if staff agrees with that.

Mr. Cilimberg agreed that they try. He did not agree that it works. He thought Mr. Kamptner had explained where they are on that. They were trying to talk about what might provide the allowance. They have a proffer with a foundation next door that allows for an ultimate interconnection. It does not actually show it on a plan. It may be that they want in this case to have proffer language that would indicate along this boundary that provision would be made for an interconnection along their boundary as well. Therefore, when they come in with a site plan they can then determine where that interconnection should take place rather than trying to draw it at this point in time when they are not sure how their plans are going to play out.

Mr. Kamptner noted that Mr. Cilimberg's suggestion is one that has been used for other projects where potential connections or extensions of roads were well off into the future. What the applicant proffered in one of the examples that he recalled was an agreement to reserve some area that might be used on site for part of the future alignment.

Mr. Cilimberg noted that he did not have the wording, but believed that was the type of wording they used with the Foundation's rezoning last year. They came in for a rezoning to add square footage within the park and he believed that proffer was in that framework rather than showing it on the plan specifically in a location.

Mr. Kamptner asked if it was tied to the actual implementation of the proffer tied to a site plan or plat.

Mr. Cilimberg replied that he could not remember the specific language. The Foundation proffer says that they have allowed for the connection to be made. In a site plan for the Foundation, ultimately they would have that accommodated. He was just speaking at possibly using the same approach on this property.

Ms. Monteith said he was saying that their proffer is a verbal proffer or words rather than an alignment on a piece of paper.

Mr. Cilimberg agreed

Mr. Porterfield asked to clarify from what was just said. Is that proffer binding on the applicant. In other words, there will be an alignment that will be a road.

Mr. Cilimberg replied that there was an alignment if they exercise the rights under the proffer, which usually are based upon demand or some language like that for the County. Normally where that would end up being exercised is as part of the site plan process.

Ms. Porterfield said unless the County ultimately decides they don't want the road, the County can get the road.

Mr. Cilimberg replied that they have to be prepared when that plan comes in. If they don't have anything definitively identified yet, then they might have to lose the proffer for the connection. This plan is the old one that actually, as he mentioned needs to be revised just to reflect their buffer changes. In this particular case, this plan showed the entrance here, which Mr. Hurt was referring to that entrance there may be have conflict with what our County Engineer had drawn. In addition, the routing would have gone through this other area, which he believed was not part of their property. There is the possibility under this plan, as an example, of having that connection that ultimately might come through. He was not saying this was the way it was going to end up. There is the possibility of having that connection and that connection which ultimately could go through.

Mr. Kamptner noted that Mr. Cilimberg covered most of it.

Mr. Franco said he was not proposing that they have to nail it down today. He would like to see a provision for it. He was comfortable with any kind of language that makes the applicant comfortable that there will be a connection either through this site or that he has to give 25' of right-of-way along that far property line to enable it over there. He just wants to see a provision made for the interconnection.

Mr. Zobrist said the problem they were going to have is that he can certainly make a proffer that he will make a right-of-way available for interconnectivity and not locate it. Then it defers it to the site plan. He would have to show where it could possibly be at the time of the site plan. That would be the only way they could do it. He will have a site plan right now. The University is years away from a site plan on their property. Therefore, they are going to have to live with whatever he comes up with on his property. He asked the applicant if they plan to develop the property immediately.

Mr. Hurt replied given his recent experience he was not sure. They had planned a couple of buildings close to what they thought as going to be a reasonable entrance. The answer is that they will continue to plan that. It is unlikely that they will have a site plan within the next year.

Mr. Zobrist asked if they could do a fuzzy proffer that would work for everybody. The applicant would have to figure out if it would work or not at some point. He noted that they would have to make available property for interconnectivity under the highway standard at the site plan stage. If it were not required by the County, then it would be waived.

Mr. Hurt asked if that was the same as what staff is recommending.

Mr. Zobrist noted that they don't know the appropriate place for it until they decide what kind of buildings they are going to build. They are not proffering to build the road, but to give interconnectivity.

Mr. Hurt noted that what staff is recommending goes through both his property and Mr. Hall's property. He asked if he has to pay to do the whole thing.

Mr. Zobrist said no and suggested that they start over. He was not proffering to build a road, but to give interconnectivity and reserve property for it if that is required during the period of the site plan stage. He asked Mr. Cilimberg if that was correct.

Mr. Cilimberg replied yes, that the whole idea was rather than trying to get this particular alignment or some other alignment pinned down now that instead there would simply be proffer language that would provide for the opportunity to interconnect along their border with the Foundation property. It would not pinned down with the proffer. It would be determined at the time of site plan.

Mr. Hurt said that was where he was confused. Does that mean that if he suggested that with some change to the entrance that he would give part of the property in the back and not all of the road. Would he have fulfilled that. On the other hand, does he have to make an arrangement, which means all of the road goes on your property otherwise you site plan is not approved.

Mr. Cilimberg said that it depends also, on what the County has decided as the reasonable connection, too. It may or may not. They don't have a plan yet. There are not plans specifically for the location. What the University proffered along its property line was to provide for that interconnection opportunity at such time it would be required by the County or as part of their site planning work on their side of the boundary. His point was to try to have a similar proffer here. So they are not getting into a question of where this road should be located because they really don't know that at this point. They don't know it in their planning and the County has only conceptually outlined a best location that they could determine.

Mr. Hurt asked if that means that all the road goes on his property.

Mr. Cilimberg replied that it could.

Mr. Franco noted that was what he heard him object to. So what he was trying to do was provide an out that he either provides the whole thing on his property or 25' along that shared property line with Hall so that then he knows he has made accommodation for it and the County can put it wherever in the future if they want to.

Mr. Hurt agreed that is what he was opposed to.

Mr. Cilimberg said that he was hearing Mr. Hurt say that he would provide along this property line the opportunity for an interconnecting road.

Mr. Hurt noted for 25'.

Mr. Franco said he heard him saying that he would provide 20' along the shared property line with Mr. Hall or an interconnection through his site should that be if he chooses to do. He asked if he agreed with that.

Mr. Hurt said that he had moved him quite a long ways. He would have to think about the 25'. However, if the idea is 25' along the property line or an alternative that he picks up 50', then he thought that was okay.

Mr. Franco noted that he would be picking up 75'.

Mr. Hurt said the problem is that they all know that they can't build a road at that slope on a 50' tract. However, given the limitations they have he thought that was all right.

Mr. Cilimberg requested to ask a question so they know where they are. He asked if he believes this is along the lines of the plan that he is going to pursue.

Mr. Hurt replied when Ms. Joseph and he sat on the floor and drew those things out the instructions were that they wanted to cover the entire site with building so when they talk about an envelope they have plenty of flexibility. That is what is drawn there. That has something like 250,000 square feet. Regrettably, they are not going to be able to do that kind of density.

Mr. Cilimberg said that he was thinking more in terms of the road location.

Mr. Hurt replied that it was completely arbitrary. They did not know the site plan and they did not know the grade. Under the current plan, there is going to be a central road that comes down and does a left hand turn into Northside Drive.

Mr. Cilimberg said that they anticipate some kind of road in this general location.

Mr. Hurt agreed. However, he keeps drawing it over that border. That is not the part.

Mr. Cilimberg asked if he was saying that he did not want an interconnection on that road.

Mr. Hurt replied that what he was saying as at this point he could not tell him. He would think if life goes perfectly and it is all office building and come back and say instead of heavy industrial let's put a tower there, then he would be happy to have an interconnection. If the University and he make some kind of great deal, he was certain they could work something out on that. However, he cannot tell them that today.

Mr. Cilimberg said that the language Mr. Franco is suggesting would be a certain depth along the boundary line with Mr. Hall.

Mr. Hurt replied 25'.

Mr. Cilimberg said and/or the provision along the back property line at some point where a connection could be made.

Mr. Franco noted that would give him a fall back scenario of knowing that the most he has to give is 25' along that shared property line, but it also gives him the flexibility should he chose to execute something similar to this and provide that interconnection, too, but not lose that 25'. He can make that decision at the site plan when the user was in place.

Mr. Hurt said that he does not have to build the road. This is that he provides the provision.

Mr. Cilimberg said that he was going to have to build some road for himself. The rest of it would be right-of-way that would be dedicated for connection.

Mr. Franco asked if he was comfortable with what they just said.

Mr. Hurt replied yes, that the 25' along the border or a provision for a connection as long as he had the ability just to do the 25'.

Mr. Zobrist added or a connection with the University along the back border.

Mr. Hurt agreed.

Ms. Porterfield questioned if this was going to be 25' of right-of-way period. Unless they get the 25' from the other property owner, they don't have the interconnection.

Mr. Franco noted that they don't have an interconnection now.

Mr. Zobrist said that they could put in a site plan and build this now.

Ms. Porterfield noted that they would also have to live with the current setbacks and buffers. What they are asking for is to get some things that they would like to have. Yet if the County ends up only being able to get 25' of right-of-way, they have not achieved an interconnection.

Mr. Franco said that she was correct. However, if they said all 50' had to be on them, the indication he had from the applicant they will come back saying well they will just give them nothing because they are not going to rezone. Then they would definitely not have an interconnection. This lays out a potential for

an interconnection in the future. It does not ensure it, but it lays the potential. They are better off than they are now in his mind.

Ms. Porterfield suggested that they talk about lessening the buffer along Airport Acres. There were some concerns. They were talking about no parking on the Airport Acres side. She asked if that was agreeable concerning any buildings that are built. In other words, all of the parking and all the vehicular travel has to be on the north side of anything built along Airport Acres.

Mr. Hurt said that none would be adjacent, but there has to be parking on the three sides

Ms. Porterfield said she understood that parking could be placed between the buildings. What she meant was there would be no parking on the Airport Acres side of the buildings at all. She asked staff to make sure they have that as a condition.

Mr. Cilimberg said these are not conditions. These are proffers. This is not a special use permit. Therefore, the applicant has to volunteer the proffers that address issues that have been identified if they make a recommendation to the Board in that effect or they can stay with what they have got and go to the Board and say they want to be approved as submitted.

Ms. Porterfield said that was one concern of the neighbors that came in. She asked the applicant if they would proffer that there would be no parking on the south side of the buildings.

Mr. Hurt said he felt they would be inclined to proffer no parking on the south side of the buildings.

Ms. Porterfield said there was some discussion about getting the berm higher, which was going to make it wider. She asked what are the actual dimensions.

Ms. Brennan replied that the applicant has proposed a 4' berm. As she understands from the work session, there was a resident who was concerned that was too low. She believed from a discussion with the engineer that he did not feel the berm needed to be higher because it would have to be wider, which would create a bigger setback for a berm higher than 4'. Staff is fine with a 4' high berm.

Ms. Porterfield asked if it is going to be wide enough from front to back to be able to handle trees that are going to grow to some reasonable size.

Ms. Brennan replied yes. When zoning reviewed the application, they requested a bit more specificity in terms of some of the plantings. That is something that can be worked out. She thought they were fine with the 4' high berm.

Ms. Porterfield was concerned in using heavy and light industrial that they don't start to create a blight on residential neighborhoods. She wants the neighborhood to survive as well as to have harmony with the other uses.

Mr. Hurt said he agreed with that.

Mr. Franco assumed that as part of the recommendation that the plan would have to be cleaned up before it goes to the Board to meet the technical criteria that has been mentioned by staff. He asked if staff was comfortable with the Commission making the recommendation and staff taking care of the details of the plan before it goes to the Board, or, does the Commission need to see it again.

Mr. Cilimberg replied that was up to the Commission. The Commission has directed staff before to work on plans before going to the Board. There is the chance that the Board could even drop the proffered plan altogether. If this plan is something that they don't intend to do, then they could defer everything to proffers that don't include a plan. That is another option.

Mr. Zobrist noted the Board is going to do what they are going to do. The Commission just has to give them our best recommendations

Mr. Cilimberg suggested the Commission recommend what they feel like should be included in the rezoning. Then the applicant working with staff will need to address those things through proffers and the plan or not.

Mr. Franco moved for approval of ZMA-2010-00009 Republic Capital with the conditions:

- that an interconnection between Northside Drive and the Foundation property be provided through this site or 25' along the shared property line with the Hall's property;
- that the reduced setback be allowed;
- that the proffers be revised; and;
- that there be no parking on the south side of the buildings built on this property on the Airport Acres side.

Mr. Kamptner asked to clarify that the first part of the interconnection was to be at the option of the applicant if they chose to do the full thing on their property.

Mr. Franco agreed if they chose to do the full thing on their property or provide 25' along the shared property line, that they are to provide for no parking adjacent to Airport Acres between Airport Acres and the south side of the buildings there. In addition, it was to allow for the reduced setback and also include how staff deals with the technical changes to the proffers in the plan.

Mr. Morris asked for confirmation from the applicant.

Mr. Blake Hurt asked for clarification that it was parking on the south side of the buildings that are adjacent to the Airport Acres because there are other buildings further away.

Mr. Franco agreed that it included the parking adjacent to Airport Acres.

Mr. Loach seconded the motion.

Mr. Zobrist noted that it had been moved and seconded to recommend approval of ZMA-2010-00009 as set forth in the motion on the record with the conditions set forth. There being no further discussion, the role was called.

The motion was passed by a vote of 7:0.

ZMA-2010-00009 Republic Capital will go before Board of Supervisors on a date to be determined with a recommendation for approval subject to the proffer amendments as recommended by staff, as follows.

1. An interconnection between Northside Drive and the University of Virginia Foundation property shall be provided for through commitment to either dedicate right of way along the boundary with the Foundation property as an extension of a road through the subject property or through reservation of 25' for a road along the shared property line with the Hall's property.
2. There shall be no parking on the south side of the buildings adjacent to Airport Acres.
3. The requested proffer changes will be made regarding a reduced buffer adjacent to Airport Acres as proposed by the applicant (from 150 to 50 feet with a four-foot high planted berm and a building setback of 75 feet; additionally, the building height restriction of 30 and 25 feet for any portion of a structure within 300 feet of Airport Acres will be eliminated).
4. Technical changes shall be made to other proffers.
5. Revise the proffered plan to reflect the amended proffers or remove the proffered the plan.

Old Business

Mr. Zobrist asked if there was any old business.

- Staff working on potential date for the upcoming retreat-type meeting, which will most likely be in May. The Commissioners were requested to fill out the PC assessment exercise to prepare for the meeting.
- Mr. Lafferty noted that on March 7 the Charlottesville Planning Commission gave out a number of awards for the community. He suggested it might be good for the Albemarle County Planning Commission to do something similar. Mr. Zobrist suggested this idea be put on the agenda for the retreat-type meeting.
- Staff reminded the Commissioners of the second workshop for Planning Commissioner's Training at the TJPDC on April 11. If interested, please contact staff so they would know whether more than two Commissioners would be attending. It will focus on technical skills for Planning Commissioners.

There being no further old business, the meeting proceeded.

New Business

Mr. Zobrist invited new business.

- Joint City/County PC Meeting on March 22, 2011 at City Place at 6:30 p.m. In addition to the joint meeting for about an hour, there will be a work session that follows regarding Urban Development Areas.
- There will be a stamp provided for parking in the Market Street parking garage.

There being no further items, the meeting proceeded.

Adjournment

With no further items, the meeting adjourned at 8:27 p.m. to the Tuesday, March 22, 2011 meeting at 6:30 p.m. at City Space (100 5th Street North East), Charlottesville, Virginia.

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V. Wayne Cilimberg, Secretary

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