Albemarle County Planning Commission
May 10, 2011

The Albemarle County Planning Commission held a meeting on Tuesday, May 10, 2011, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

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

Other officials present were; Elaine Echols, Principal Planner; Bill Fritz, Chief of Current Development; Wayne Cilimberg, Director of Planning; Ron Higgins, Chief of Zoning; Mark Graham, Director of Community Development; and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

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

Agenda:

Mr. Morris asked staff and the Commissioners if there were any items to be deleted or added to the agenda. If not, he asked for a motion to approve the agenda as stated.

Motion: Mr. Loach moved and Mr. Lafferty seconded to approve the agenda as stated.

The motion passed by a vote of 5:0.

Committee Reports:

Mr. Morris asked for committee reports from the Commissioners.

- Ms. Porterfield noted the issue of multi-trailer tractor trailers using secondary and subdivision streets brought up at last week's Board of Supervisors meeting by Anne Mallek. Staff was asked to provide the Planning Commission information the Board receives on this topic.
- Mr. Lafferty reported the CHART Committee met and reviewed next year's Charlottesville-Albemarle MPO Unified Planning and Work Program. The MPO's Transportation Improvement Program and the Long Range Transportation Plan were also discussed.
- Mr. Lafferty also noted that the Thomas Jefferson District Planning Commission is taking over the responsibility of doing bicycle counts in the area.
- Mr. Lafferty also noted May is Bike Awareness Month and next week is Bike Awareness Week. He described a number of next week's activities.

- Mr. Morris reported that the Pantops Advisory Group's second newsletter entitled "The Bridge" should be distributed by A Mail within a week.

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

Other Matters Not Listed on the Agenda from the Public:

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

Jeff Werner, with Piedmont Environmental Council, distributed a letter and other information regarding the Thomas Jefferson Planning District's Sustainable Communities Grant, stressing the importance of environmental goals, and asking for three specific sets of data about growth and development.

(1) The amount of approved but unbuilt residential and commercial development in the City and the urbanized areas of the County.

(2) The development potential of undeveloped and underdeveloped parcels within the development areas listed in the comprehensive plans.
(3) The approximate residential build-out potential of the County's Rural Areas.

- Last week they asked the Board of Supervisors to be proactive in getting this information and tonight they ask the Planning Commission. For almost five years PEC has urged the County to maintain a development pipeline. Yet the County produces reports only on annual building permits and certificates of occupancy. However, there is no summary to link those building permits to particular projects. For example, in 2010 there were 543 residential permits in the growth area. Yet they don't have any information summarizing where those units were built. He asked were the units at Hollymead Town Center, Belvedere, or Old Trail. They don't know. The County's last detailed review was in 2006, which was the second handout. The list includes proposed and approved projects in both the growth area and the rural area. He has made some notes in the list and deducted Biscuit Run. He has attached three additional pages that show projects that were not in that list.

- In summary, in December, 2006 there were 8,356 approved units that were not yet built. Then there was an additional 2,753 units identified as proposed. Then he added roughly 4,054 units in the growth area. In total roughly 15,163 units mostly in the growth area may or may not have been built. They don't know. Just for context, between 1990 and 2010 just over 16,000 residential permits were issued for the entire County. It is likely he has errors in his list. He welcomes comment review. The point he wanted to stress is before there is any proposal to expand the growth area it is common sense to know how much development is pending or how much has already been approved, and then to know how much of that total has been built or not.

There being no further matters not listed on the agenda, the meeting moved to the next item.

Review of Board of Supervisors Meeting – April 20, 2011 & May 4, 2011.

Mr. Cilimberg summarized the actions taken by the Board of Supervisors on April 20, 2011 & May 4, 2011.

- In relation to the withdrawal of the Pantops Ridge ZMA, Ms. Porterfield noted the increasingly higher volume of traffic on Route 250 as it goes through Pantops and, without the alternatives proposed in that ZMA, the need to address how to exit Hansen's Mountain Road onto Route 250.
- Mr. Cilimberg noted that he would send a link to the Board's information on the Comprehensive Plan review and the Regional Sustainable Communities Grant scheduled on the Board's agenda for June 1. He suggested that those Commissioners interested could attend the Board meeting as well.

Consent Agenda:

Approval of Minutes: January 11, 2011
2010 Planning Commission Annual Report (Wayne Cilimberg)

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

Motion: Mr. Lafferty moved and Mr. Loach seconded for approval of the consent agenda.

The motion carried by a vote of (5:0).

Mr. Morris noted the consent agenda was approved.

Regular Item:

ZTA-2011-00003 Special Lots – Amend Sec. 3.1, Definitions, and Sec. 4.2.1, Building site required, and add Sec. 4.3.02, Special lots, of Chapter 18, Zoning, of the Albemarle County Code. This ordinance

would amend Sec. 3.1 by adding a definition of "special lots," which are lots created for uses serving specific delineated public purposes; amend Sec. 4.2.1 to provide that special lots do not require a building site; and add Sec. 4.3.02 to provide that special lots of any size may be created in all zoning districts. The full text of the ordinance is available for examination by the public in the offices of the Clerk of the Board of Supervisors and in the Department of Community Development, County Office Building, and 401 McIntire Road, Charlottesville, Virginia. (Amelia McCulley) ***DEFER TO MAY 17, 2011***

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

Motion: Ms. Porterfield moved and Mr. Lafferty seconded to defer ZTA-2011-00003 Special Lots to May 17, 2011.

The motion was passed by a vote of 5:0.

Mr. Morris noted that ZTA-2011-00003 Special Lots was deferred to May 17, 2011.

STA-2011-00001 Special Lots – Amend Sec. 14-106, Definitions, and Sec. 14-302, of Chapter 14, Subdivision of Land, of the Albemarle County Code. This ordinance would amend Sec. 14-106 by renaming the term "non-building lot" to "special lot," and changing the reference to non-building lots in the definition of "remnant"; and amend Sec. 14-302 to refer to special lots. The full text of the ordinance is available for examination by the public in the offices of the Clerk of the Board of Supervisors and in the Department of Community Development, County Office. (Amelia McCulley) ***DEFER TO MAY 17, 2011***

Mr. Morris opened the public hearing and invited public comment. There being none, he closed the public hearing to bring the matter before the Planning Commission for action.

Motion: Ms. Porterfield moved and Mr. Loach seconded to defer STA-2011-00001 Special Lots to May 17, 2011.

The motion was passed by a vote of 5:0.

Mr. Morris noted that STA-2011-00001 Special Lots was deferred to May 17, 2011.

Mr. Cilimberg noted that both items would be taken up first at next week's meeting, which will be held in Room 241.

Public Hearing Items:

CPA-2011-00003 – Urban Development Areas – Amend the Albemarle County Comprehensive Plan to modify the Growth Management Chapter to include a description of urban development areas, designate Places 29 South within the Places 29 Master Plan, and the Route 250-Route 20 area within the Pantops Master Plan, as urban development areas that comply with the requirements of Virginia Code § 15.2-2223.1(B), and to correspondingly amend the Places 29 Master Plan and the Pantops Master Plan to identify the above-referenced areas as urban development areas and as priority areas within each master plan. Copies of the full text and maps of the proposed amendments to the Albemarle County Comprehensive Plan, the Places 29 Master Plan, and the Pantops Master Plan are on file in the office of the Clerk of the Board of Supervisors and in the Department of Community Development, County Office Building, and 401 McIntire Road, Charlottesville, Virginia. (Elaine Echols)

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

This is a comprehensive plan amendment to amend the comprehensive plan to identify Urban Development Areas within our Development Areas in the County.

CPA-2011-00003 URBAN DEVELOPMENT AREAS

Background

- 2007 General Assembly adopts legislation
- 2009 BOS adopts resolution certifying Albemarle County Development Areas
- 2010 Albemarle County receives grant for consultant assistance
- 2011 March 22, PC adopts Resolution of Intent
- 2011 May 10, PC Public Hearing

Ms. Echols introduced Vladimir Gavrilovic, consultant with RPG Renaissance, who has been working with staff to identify areas in the subdivision ordinance and zoning ordinance where amendments can take place. He has been working on illustrations and will get back with the Planning Commission in July.

On March 22nd, the Planning Commission received a staff report and adopted a resolution of intent. Tonight is the public hearing. If the Commission is able to recommend approval, the Board of Supervisors needs to adopt something by September both at the Comprehensive Plan zoning text and subdivision text level. Staff will be getting things to the Commission in the future.

Mandates

- Density
  - Of developable acreage no < 4 du/ac for SFD, 6 du/ac for TH, 12 du/ac for MF
- Expected Floor Area Ratio
  - at least 0.4 per acre for commercial development
- Areas for growth - no < 10 years, no > 20 years
  - sufficient no to meet projected residential and commercial growth for
- Areas ID'd in Comp. Plan/Land Use Map
  - Boundaries of Urban Development Area
- Principles of TND (our NMD)
  - Included in plan as well as any financial and other incentives for development.
- Programs & public infrastructure directed to UDA
  - To extent possible, federal, state, local facilities,

ALBEMARLE COUNTY COMPREHENSIVE PLAN

- Has residential density designations of 3 – 34 units
- Promotes compact development and a vertical form rather than F.A.R.s
- Has designated areas for growth, although not limited to 20 years
- Has designated priority areas in Master Plans
- Neighborhood Model principles
- Priority areas are generally areas identified as places for public investment

COMPREHENSIVE PLAN RECOMMENDED CHANGES

- Add language referencing State Code requirements
- Acknowledge UDA expectations
- Add language to Places 29 and Pantops Master Plans
- Identify UDA on Land Use Maps to show UDA

Recommendation

Staff recommends approval of CPA-2011-00003 Urban development areas.

Ms. Echols noted that Mr. Morris asked what is changing and she noted it was little or nothing. Most of what is being done with this comp plan recommendation is just to identify what the General Assembly has asked them to identify and to designate it on their plans.

Mr. Morris invited questions for staff.

Mr. Loach noted on the background it says in 2007 the General Assembly adopted a requirement for the localities at a growth rate 15 percent or more. He asked at what rate is that.

Mr. Cilimberg replied that is over ten years.

Mr. Loach asked what methodology will be used to calculate the areas to meet projected residential commercial growth. He asked if they just assume it in what they have left to build out. This is one of the things Jeff Werner was talking about in the calculations. How are they going to be doing that.

Ms. Echols replied that the methodology was at the back of the documents for these two particular areas. They took the Comprehensive Plan residential designations, identified the undeveloped acreage by designation, and applied the density to that. For redevelopment, staff made some assumptions about a mix of residential and non-residential uses and added residential capacity to that. They have done that for these two development areas. If they had designated all of their Development Areas as Urban Development Areas, they would greatly exceed the limitation of no less than ten years growth to accommodate no less than ten and no more than 20. They have a lot of residential capacity.

Mr. Loach questioned when they consider population do they consider our population growth in the context of including the growth in the rural area. He did not want to see them depend on a population figure for areas where there is not supposed to be growth. In other words, if they are going to calculate how much they are going to need it should be predicated on a population either a) minus the population that has grown in the rural area or b) take the acreage that they are using and add it on to the acreage that was supposed to happen in the total.

Ms. Echols replied that staff used the projections for the Virginia Employment Commission. They have to use those projections and they contributed it all to the Development Areas to get the capture.

Mr. Cilimberg pointed out that is actually what the State law requires.

Mr. Lafferty said on the second page the criteria number 1 for having the Urban Development is pedestrian friendly road design. Number 2 is the interconnectivity of the local streets and roads. Number 3 is the connectivity of roads and pedestrian network. There is very little in the document that addresses anything about pedestrians or multi-modal. Of course, Route 29 North is a barrier between the east and the west. He wondered if they could address that in any way.

Ms. Echols replied that they have actually addressed that through the Places29 Master Plan. Nothing that they have in that Master Plan is changing.

Mr. Lafferty said as long as they can maintain a pedestrian friendly crossing or bicycle friendly crossing across 29 that is fine. In Attachment B, it says that the Capital Improvement Programs are funded primarily through county property taxes as a basis to pay it. He wondered since they were lowering and not raising our county property taxes if that is assuming that they don't want growth.

Mr. Cilimberg replied that this is actually the facts. That is how it is funded at whatever level it is.

Mr. Morris asked if this redesignation would affect the way they are going to be looking at the Riverview areas along the Rivanna in the Pantops area.

Ms. Echols replied no, not at all. One of the reasons Pantops was selected as one of the Urban Development Areas for recommendation is because they acknowledge the need for the transportation improvements there. If and when they get public funding they would like to be directing it to places where they have some transportation issues that need to be resolved.

Ms. Porterfield asked if Attachment B is the actual wording that is going to be adopted.

Ms. Echols replied yes, that is what they are recommending.

Ms. Porterfield asked to give Ms. Echols her suggestions, which included typos and changes that she could consider.

Mr. Cilimberg noted that the underline sections are the additional changes.

Ms. Porterfield pointed out she had found a few other things and thought if they were changing it, they might want to. She was not sure, but they would see. It was whatever they wanted to do.

Mr. Morris opened the public hearing and invited public comment

Marcia Joseph apologized that she had not read the report. She wondered why this is not being rolled into the overall Comprehensive Plan that will change the whole County or at least look at the whole County wide. She questioned why this was being done in piecemeal because she had been before the Commission in times past and was told they could not do a comprehensive plan amendment because they wanted to look at the entire comprehensive plan. She was wondering why this is being done somewhat piecemeal and not all rolled together.

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

Ms. Porterfield said she assumed when she read this, following up on Ms. Joseph's comment, it was because this is mandated and has to be done.

Mr. Cilimberg replied yes. It is a fair question because he knows she has had other discussions about amendments that she feels are important to be considering during the comprehensive plan review. They really have tried to focus on reviewing those altogether. This happened to be a product of the timing associated with the grant they received to do the work identifying what part of our existing areas would be the urban development areas and to make any recommendations for ordinance amendments that might further support those areas. In addition to the words that recognize what is a UDA, they are essentially using the same lines that were used on the maps of the two master plans for priority areas to say these particular areas are also urban development areas. It really is not changing anything in the plan of substance. It is actually more recognizing areas that will meet the State Code requirements. To that extent, this was considered to be easy to do before the overall comprehensive plan. Many places that they know about, and he was sure that Vladimir Gavrilovic has worked with, are literally doing new land use maps. They are coming up with new designations in their UDA's that meet the definitions and requirements under the State law. They had to do none of that thankfully because they already have a plan that is ahead of what the State Code was trying to accomplish when it was passed. There are many localities in Virginia who have not gotten to that point in their plan.

Motion: Ms. Porterfield moved and Mr. Loach seconded to recommend approval of the adoption of CPA-2011-00003, Urban Development Areas.

The motion was passed by a vote of 5:0.

Ms. Porterfield submitted a list of edits and suggestions to Ms. Echols.

Mr. Morris noted that CPA-2011-00003 Urban Development Areas would go before the Board of Supervisors on a date to be determined with a recommendation for approval.

ZTA-2011-00004 Fees – Amend Sec. 35.1, Fees, of Chapter 18, Zoning, of the Albemarle County Code. This ordinance would amend Sec. 35.1 by reducing the fee for special use permits for farmers' markets from $2000 to $490 (without an existing approved commercial entrance) and $110 (with an existing approved commercial entrance); by deleting the requirement to pay for postage in addition to the fee; by eliminating the fee for published notice for special use permits for farmers' markets; by reducing the fee for notices provided to abutting properties upon receipt of applications for farm sales, farm stands,

farmers' markets and major or minor home occupations from $200 to a lesser fee; by reducing the fee for minor site plan amendments known as letters of revision from $500 to $100. The proposed fees are authorized by Virginia Code §§ 15.2-2241(9) and 15.2-2286(A)(6); by clarifying that the fees for published notice shall be based on a cost quote from the publisher; and, by exempting special use permits for farmers' markets from the published notice fee. The full text of the ordinance is available for examination by the public in the offices of the Clerk of the Board of Supervisors and in the Department of Community Development, County Office Building, 401 McIntire Road, Charlottesville, Virginia. (Mark Graham)

Mr. Graham presented a PowerPoint presentation and summarized the staff report for ZTA-2011-00004 Fees. He pointed out one correction for the staff report where it listed attachment A he mistakenly listed it as ZTA-2011-000001. It is ZTA-2011-00004.

This is a housekeeping effort with one minor policy issue to address.

Event Chronology

- February 2010: Board indefinitely defers Zoning Fees
- May 2010: Board approves Zoning changes for Farm Sales, Farm Stands, and Farmer's Markets with reduced fees for those applications
- June 2010: Board directs staff to bring back Zoning Fees
- August 2010: Board adopts Zoning Fees to be effective January, 2011

As stated in the staff report, through an oversight staff missed in between as part of doing the farm stands that the Board had actually adopted reduced fees for those initiatives.

- January 2011: New Zoning Fees become effective. Staff found this oversight at this time and a few housekeeping things, which they felt should be done at the same time.
- May 2011: Zoning Fees Housekeeping

Purpose of this ZTA

- Provide consistency between the fees and Board actions on Farmers Markets to get the fees especially for the special use permits back in line with what staff believes the Board intended when they adopted the ordinance amendment for the Farmers Market.
- Address policy issue of whether county should bear the cost of notices with Farm Stands, Farmers Markets, and Farm Sales. This is a gap in what happened. At the time the Farm Sales and Markets were approved the county did not have a separate fee for notices that were required to be mailed to adjacent property owners. The Zoning fees that were adopted in August did have a provision for notices that those notices would be a cost borne by the applicant. So they have this policy issue – was the Board's intent with the Farmers Market and Stands for the applicant to bear the costs of the notices or for the county to bear the costs of those notices.
- Recognize minor site plan changes that do not require the same review (and cost) of the major site plan amendment. Staff is trying to come up with a minor fee there.
- Clarify how fee is established for legal advertisements
- Clarify the Zoning Administrator's ability to return unused fees. Staff thought that was understood, but felt since they were doing housekeeping they should clean it up.

Policy Issue – Subsidy of Notices

- Notices are an additional step for applications established by the County <u>for information only</u>. It was not as part of a decision making process. It lets the adjacent property owners be aware that one of these activities will be going on next door to them.
- There was no County fee for notices at the time Farm Sales, Farm Stands, and Farmers Market Zoning Amendment was adopted. In May 2010, all notices the cost was borne by the County.
- Subsequent zoning fees demonstrate a County interest in applicants bearing this cost of notices. This was discussed and considered with the Board with the zoning fees in August 2010. In his opinion, the Board made an informed decision that they did want the applicant to bear those costs for all of the other applications.
- Reduced Special Use Permit fee suggests a County interest in further subsidizing these applications.

- Recognizing a decision was made to subsidize further these application fees, staff believes there is a County interest in subsidizing the notice costs. (Note: staff will evaluate notices over the next couple of years to determine if notice requirement provides value and if there are any other changes.)

As part of adopting the zoning ordinance fees, the Board also established a bi-annual review every two years of those zoning fees to look and make sure they are current and if any changes need to be made. They could address it at that time.

Recommendation

- Staff Recommendation:
  - Recommend approval of ZTA-2011-00004 as presented in Attachment A, with part j.2. amended to a fee of $0.

Essentially what that is saying is that for a Farm Sales, Farm Stands or Farmers Market notices that the County would bear the cost of those notices.

- Should the Planning Commission believes the County interest is best with farm applicants bearing the cost of notices, the same as with other applications requiring notices:
  - Recommend approval of ZTA-2011-0004 as presented in Attachment A, while striking changes to parts j.1. and j.2.

This would effectively keep the cost of the notices for those activities the same as any other application.

Mr. Morris invited questions for staff.

Mr. Loach asked if he had the projected average cost of these notices.

Mr. Graham replied that the average was $200. Occasionally a rare event would be if they had more than 50 notices.

Mr. Loach said as far as the overall cost for the taxpayer did he have an average or a projection of what it would be on a yearly basis.

Mr. Graham replied that the budget impacts he summarized it altogether. For a typical farmer's market, in assuming four applications per year, the total equates to a County subsidy of about $10,760.

Ms. Porterfield noted in the last page where he talked about "refunded to the applicant in full," is there any instance that it could be prorated. In other words, the zoning administrator would say that this much has to be paid and this much can be refunded. Otherwise, it sounds like all or nothing.

Mr. Graham replied yes, and the issue there was whether a fee was required for this application or not. If there was not a fee, it clarifies that the zoning administrator is then empowered to return that fee to the applicant.

Ms. Porterfield said but not necessarily in full because they could have more than one fee in one check.

Mr. Graham replied that it would be the fee for that application.

Ms. Porterfield asked for that application could there be a portion of the application they need to pay for and some of it they don't need to pay for.

Mr. Graham replied no, because it is all or nothing. The question is whether the application requires a fee or it does not require a fee.

Mr. Kamptner noted that it was all or nothing because the fee can be refunded because staff has determined that the application is not required in the first instance. It just did not need that particular application with the fee.

Ms. Porterfield said when he talked about the budget impact, personally she thought $10,000 for the citizens to eat was a lot of money right now on an annual basis. That is a lot. She assumed that he added together and then multiplied it by his projection for these annually. She asked what the $1,890 is covering. She asked what fees are they being let out of that are going to be almost $2,000 per application.

Mr. Graham asked if she was referring to the proposed difference of $1,890, and Ms. Porterfield replied yes.

Mr. Graham replied that the current cost of a special use permit that they would have under the ordinance versus what they would have at the $110 level. In other words, currently the special use permit application is a fee of $2,000. Under the proposed change, the special use permit fee for a farmer's market is $110. That is a $1,890 difference.

Ms. Porterfield asked if that would be expected to be paid out of taxpayer funds.

Mr. Graham replied that was correct. He felt that decision was already made by the Board in May 2010 when they considered the farmer's markets.

Ms. Porterfield asked if the Board knows how much money it adds up to.

Mr. Graham replied that he certainly hopes so. He believed the Board made an informed decision when they decided to adopt this.

Ms. Porterfield said that every time she hears about monetary issues, they are working with small amounts. Sometimes it is $100. That is a lot of money for an entity that she would not think would set up a business if they did not think they could make money. That concerns her because that is a lot of money.

Mr. Graham agreed that it was a legitimate issue. He thought that is where the Planning Commission weighs in. If the Planning Commission believed that the County's interest is better served by charging those applicants the same fee as any other special use permit, then that is what the recommendation should state.

Ms. Porterfield asked if the Commission could send it back to the Board with the change and if they really want to give them a special break for this, at least the money would get to be discussed again.

Mr. Graham pointed out what the Commission could do was under part C of these fees in 7 and 8 just recommend against making those changes. It was in Attachment A on the first page under part C #7 and #8, which was farmer's market without a commercial entrance and with a commercial entrance. If they don't have those fees, then they automatically revert to the fee that is charged for any other application.

Ms. Porterfield said if they removed 7 and 8 from section C, and removed 4 and 1 from J would that be correct.

Mr. Graham replied no, not 4 under J. Under part J if they wanted to remove the changes to part 1 and remove part 2 if they wanted to recommend against those. Then the special use permit for that farmer's market, the farm stands that are not a special use permit but an allowed use, but requires notices – those applications would be treated exactly the same as any other application.

Ms. Porterfield asked how about #4, which was the published notice.

Mr. Graham replied that was the clarification on how they determine the costs. There was some question should they be doing the cost based on the quote they get from the paper or should they be going back afterwards and trying to break down the cost of that advertisement versus some other advertisement. Frankly, there was a technical complication in trying to do it as an after-the-fact matter. What happens is there are a whole lot of legal advertisements bundled together there and the newspaper sends one bill for

all of the advertisements. They do not break it down. The newspaper can give us a quote for each of the applications. They were trying to clarify that the intent staff had was to take that quote and use it as a basis for charging the applicant.

Mr. Cilimberg noted that actually has nothing to do with the farmer's market.

Mr. Graham agreed that was a separate use.

Ms. Porterfield said that it does on #4 in that it continues by saying except farmer's market under Section 35.1.c.7 and 8 for which there shall be no fee.

Mr. Graham said that he saw what she meant. She was correct for legal advertisements.

Ms. Porterfield said the published notice would be based on a cost quote from the publisher and then remove the rest of that line.

Mr. Graham replied yes, that was correct.

Ms. Porterfield said that if they want them to pay for the notice, and Mr. Graham replied yes.

Ms. Porterfield said that is an exterior cost that the County is paying. The County would be bearing the cost of a newspaper ad notice.

Mr. Graham replied that is correct.

Mr. Lafferty asked if there are any other businesses that the County subsidizes to get into business.

Mr. Graham replied not to that extent. There are other special use permits. Under C, there are certain other uses where they have reduced the special use permit fees. That was a deliberate recognition that the Board had an interest in not charging as much for those applications.

Mr. Loach asked if they have any data on the total average sales for farm sales.

Mr. Graham replied that they are really only coming up now. This is the first year for the things. They are not required to share any of their sales data with us. They would have to ask them to volunteer that information.

Mr. Morris opened the public hearing and invited public comment. There being no public comment, the public hearing was closed and the matter before the Planning Commission. To start the discussion, he was in complete sympathy for subsidizing the farmers when they can afford it. However, Ms. Porterfield's comments are right on target.

Motion: Ms. Porterfield moved and Mr. Loach seconded to recommend approval of ZTA-2011-00004 Fees as presented in Attachment A, while striking changes to parts j.1. and j.2., as follows.

- Under special use permits C - remove 7 and 8.

- Under section j - remove 1 and 2

- In 4, end it after the word *publisher* to read "Published notice cost based on a cost quote from the publisher."

Mr. Graham suggested on j.1. that she actually meant to strike the changes and not strike the entire thing.

Ms. Porterfield agreed that he was correct. In striking the changes #1 would read, "Preparing and mailing or delivering up to 50 notices - $200.00 plus the actual cost of postage."

Mr. Graham suggested that they strike the actual cost of postage as well. That would make it read like the others and make it a lot easier to administer.

Ms. Porterfield restated the change as, "Preparing and mailing or delivering up to 50 notices - $200." In addition, Number 2 would be struck.

Mr. Morris asked if staff is clear on the changes, and Mr. Graham replied that he was.

Mr. Smith asked what was they guesstimating the cost for a special use permit for a farmers market.

Mr. Graham replied the cost of a special use permit would probably be about 2 ½ times the cost of that application to process it. It was based on a fee study that was done of a typical special use permit application, which was from 2004/2005. Frankly, they don't have enough experience with these farmers markets to know if they are significantly different as far as what it requires to get it through the system.

Mr. Smith asked how many applications had been received to date.

Mr. Graham replied that it was five applications to date. Staff estimated there would be four per year. Staff does not have enough experience to know how many of these applications they are going to see. Most of those five applications came in under the old fees, which were significantly cheaper for a special use permit. They simply don't know what effect these new fees may have on the number of applications they receive.

Mr. Smith asked how many are in operation.

Mr. Graham replied that he could not say offhand. He was not sure how many they had at this time.

Mr. Morris pointed out the Commission has had four come before them.

Mr. Cilimberg noted farmers markets at Forest Lakes, Hollymead, Elk's Club, and Afton. He thought there have been three requests that the Commission has reviewed at this point.

There being no further discussion, Mr. Morris asked for a roll call.

The motion was passed by a vote of 5:0.

Mr. Morris noted that ZTA-2011-00004 Fees would go before the Board of Supervisors on a date to be determined with a recommendation for approval, as follows:

The Planning Commission recommended approval of ZTA-2011-00004, Fees as presented in Attachment A, while striking changes to parts c.7, c.8, and j.2, then altering j.1. and j.4. to read as follows.

- J.1. reads "Preparing and mailing or delivering up to fifty (50) notices: $200."
- J.4. reads "Published notice: cost based on a cost quote from the publisher."

The Planning Commission took a break at 6:58 p.m. The meeting reconvened at 7:04 p.m.

Deferred Items:

SDP-2008-00154 Re Store N Station – Preliminary

The request is for a preliminary site plan approval to construct a 5,750 square foot, two (2) story commercial building with gas pumps, and associated parking on 4.06 acres. The property is zoned HC (Highway Commercial) and EC, Entrance Corridor Overlay District, 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)

Mr. Morris asked Mr. Kamptner to tell the Commission where their focus needs to be on this review.

Mr. Kamptner said for the benefit of the public he knows this particular item has generated a tremendous amount of public interest over the past year. What is before the Commission tonight is a preliminary site plan. The issue the Planning Commission will need to decide is whether or not the site plan complies with the requirements of the County site plan regulations. There are a number of issues that are not before the Planning Commission tonight, as follows.

- The first is the nature of the use.
- The second is the issue of water consumption.
- The third issue would be whether or not the site plan is in general accord with the concept plan. Most of the people here know that issue first was addressed in a determination by the deputy zoning administrator. The Board of Zoning Appeals heard the appeal last week and affirmed the decision of the deputy zoning administrator.
- The last issue not being considered tonight is the meaning of the special use permit condition that refers to a 3,000 square foot footprint. That particular issue was also part of the deputy zoning administrator's determination back in February. That issue was not appealed and a thing decided. It is no longer subject to appeal, change, or anything else.

Mr. Loach requested to ask a question about the 3,000 square foot footprint. If there was a miscommunication or a mistake in staff's impression of what the Board of Supervisors wanted or intended at the time they voted, how was that handled.

Mr. Kamptner replied looking at the Board's minutes there appears that there was a discussion at the Board meeting where the question of whether the Board wanted that condition to refer to footprint or gross square footage was discussed. It appears that in the final decision the Board decided to go with the footprint size. Part of the deputy zoning administrator's determination back in February was what that means. He pointed out Ron Higgins would explain that as part of the staff presentation.

Mr. Loach said he would wait and ask Ron Higgins that question.

Ms. Porterfield asked to follow up on that. She asked how he got a copy of the minutes. There were no minutes to read.

Mr. Kamptner replied that he had a set of draft minutes, which was provided in the Board of Zoning Appeals file.

Ms. Porterfield noted the reason she asked was she had a couple of people contact her and the minutes were not posted on line. To not be able to look at the minutes puts her at a disadvantage in the footprint discussion.

There being no further questions for Mr. Kamptner, Mr. Morris asked staff to present the staff report.

Mr. Fritz presented a PowerPoint presentation and summarized the staff report.

The preliminary site plan was reviewed by the Site Review Committee. Two main issues were identified during the review of this project: the entrance location and the building design.

- At the time the staff report was prepared the entrance location had not yet been approved by the Virginia Department of Transportation. The comments are in the staff report. Staff has received verbal comment from the Virginia Department of Transportation, but not the formal written comments that VDOT has approved the entrance location. There may be some other conditions associated with that regarding easements, but staff has not received that yet. Staff knows more than when the staff report was written, but it is not completely finalized. Staff believes they have a condition that resolves that issue and the issue should not be a factor to prevent the approval of the site plan.

- The building design was the other issue. At the time this site plan was prepared there were still some questions about the definition of footprint. The footprint that is actually shown on the screen, which is in the packet, actually exceeds the 3,000 square foot footprint. There is a recommended condition that requires that to be corrected. It is not unusual to have conditions that require a building to be moved or somehow meet a setback. Staff believes that is not a deficiency that should result in the denial of the site plan. That was based on the deputy zoning administrator's determination that was ultimately supported by the Board of Zoning Appeals.

- There is also a small waiver that has been granted administratively to allow a small disturbance in the undisturbed buffer area, which is to allow installation of storm water measures if that is deemed to be necessary. Obviously, the storm water will have to be done as part of the final site plan.

- Mr. Kamptner summarized the request quite well regarding the preliminary site plan. Staff is recommending that the final site plan come back before the Planning Commission, which is an uncommon recommendation. Staff recommends approval of the request with the conditions listed in the staff report. Some of the conditions refer to requirements of the special use permit. More information needs to be placed on them. Most of the conditions are fairly standard conditions of approval that are in place for all site plans. If there were any questions, he would be happy to answer them.

Mr. Morris invited questions for staff.

Ms. Porterfield said within the conditions under 1d, it says a determination of the building size shall be made by the zoning administrator. She asked if the final site plan is going to come back to the Commission? Do they have any determination on that.

Mr. Fritz replied that only the zoning administrator interprets conditions of the special use permit. Staff put that in to clarify who is doing that because that is pulling back to the conditions of the special use permit. That is what the ordinance says and staff is simply restating that.

Ms. Porterfield asked if the applicant would shrink the footprint to the 3,000 square feet.

Mr. Fritz replied yes. Staff will continue with whatever revised plan was submitted to ensure that it meets the conditions. Condition 1a, as an example, was that the landscaping has to be in accord with the special use permit conditions, which was paraphrased. They will go to the zoning administrator or designee and say does this meet the requirements of the special use permit condition. Only the zoning administrator can make that interpretation. Therefore, staff will go back and do that.

Ms. Porterfield clarified that before it will come back to the Planning Commission again, it would be shrunk to the 3,000 square feet.

Mr. Fritz agreed and noted if it wasn't, then staff would be coming back before the Commission with a recommendation that it does not satisfy the conditions of the special use permit and could not be approved.

Ms. Porterfield noted she asked staff a question by email earlier and just wanted to get it on the record. When she went back and looked at what the Board of Supervisors had done, it does not appear that they talked at all about the size of the second floor.

Mr. Fritz replied that was his summary of it. However, Ron Higgins can provide more information about it. What he was giving her was the upshot of what the Board of Zoning Appeals' decision was. He did not go back and try to look at what the Board did or said since it was an appeal and the body that decides that is the Board of Zoning Appeals. They determined that it met the 3,000 square feet and was in compliance, and he took it from there.

Mr. Loach requested to ask the deputy zoning administrator some questions. Ms. Porterfield brought up the subject about the second floor and the intent of the Board of Supervisors' ruling on the special use permit. He asked how this ruling started out with the Board having a rather lengthy discussion about reducing the size in response to the public and neighbors and ending up with a building that essentially is larger than the original square footage that was the 4,750 square feet that the Board apparently intended.

Mr. Ron Higgins replied that was very simple. The discussions of the Board of Supervisors at two different meetings were lengthy. There was a lot of back and forth in negotiations and different ideas floated about square footage limitations. All of that discussion centered on the size of the convenience store. In fact, the minutes repeatedly say so and they can limit the store. One person recommended 2,500 square feet, another said 3,000, then 4,500 and 4,000 square feet when they were talking about country stores. It was all about the store. The most important fact in all of that is what they finally enacted. They had in front of them at the first meeting a draft that said the total floor area. They changed it to say the total building square footage footprint area. They actually limited it to the first floor. There is discussion in the minutes where one person would say should they make it gross square footage. No, they voted to make it footprint. He could not deny that. Therefore, he had to go with what the Board approved. He read the words in their action that said the final decision was to limit the first floor – the ground floor building square footage footprint.

Mr. Loach asked what about the second floor.

Mr. Ron Higgins replied that the second floor was not discussed and limited at all.

Mr. Loach asked if the second floor was limited to 1,000 square foot of office space.

Mr. Ron Higgins replied that the Board placed no such limit.

Mr. Loach said by virtue of that the logic of this would be that the Board had two lengthy discussions and the essence that came out of it was essentially that they were not discussing how best to reduce or mitigate the total impact of the building. Essentially in the end result they were actually voting to enlarge the total potential space of the building by saying 3,000 square feet.

Mr. Ron Higgins said he did not agree with that. The Board did two things. They limited the size of the store. This project has been discussed for several years. He believed it started out before he got involved with the special use permit determination at a 5,750 square foot store with offices above it. It was reduced after his initial determination that said they were going to use too much water. It was reduced to a 4,750 square foot store with offices above it. They ended up going through the special use permit with the 4,750 square foot first floor store and offices above it. The Board debated this at length. However, there was nowhere in their action that they limited the size of the floor. They limited the size of the footprint of the store and capped the amount of water that can be used. That is significant. In effect it does not matter what they put upstairs or how big it is upstairs. It will affect what they do up there because they can't use more water. As you recall, earlier plans had future building areas. That is gone. The footprint has been limited. They have had to take outbuildings and everything out of the plan. They called him and without an official determination he told them no, those were buildings. It says total building footprint. So if they have one or three buildings he adds them all together and has to be less than 3,000 square feet. He disagrees with his interpretation of what he thinks he read.

Mr. Loach asked if there was any ambiguity did he go back and ask the Board for clarification before he made the final decision.

Mr. Ron Higgins replied no, that he was positive that he knew what they meant by footprint. He has a degree in architecture and has been looking at this type of information for 35 years. He did not have any questions at all with the footprint definition. In fact, he included that as the second part of the determination that did not get appealed, which means his interpretation of what a footprint is would now be a thing decided. He thought they clearly wanted to limit a water user and that was a store. That was all over their discussion. He pointed out he had attended all of the Board's meetings and heard their discussion. They were appropriately trying to limit the size in a way that would relate to the special use

permit in front of them, which was water use only. They had to come up with some way of minimizing what they thought would be water use. That was to go after the store. They actively decided not to use the gross square footage limit.

Ms. Porterfield asked where in the approval by the Board of Supervisors it said that they were limiting the square footage to be used by the store.

Mr. Ron Higgins replied nowhere. It could be offices on the ground floor.

Ms. Porterfield said the store could essentially also be upstairs.

Mr. Ron Higgins replied that he guessed it could. However, the other half of that story is that there is a water cap. If they put store use upstairs and generate activity that increases the water use, they are setting themselves up for a non-project.

Mr. Smith said no matter how hard they try it is a 3,000 square foot footprint.

Mr. Ron Higgins replied yes, that is correct. .

Mr. Kamptner emphasized it was not simply what Ron Higgins heard since it was a stated condition. It was discussed and debated by the Board at its October 13, 2010 meeting. It was deferred for staff to craft the condition. It went back to the Board in December. It was briefly discussed again. There was a question by Mr. Thomas as to whether or not this met gross square footage or footprint. It was clarified that this condition based upon the Board's consensus at its October meeting was building footprint.

There being no further questions for staff, Mr. Morris opened the public hearing and invited the applicant to address the Planning Commission.

Ms. Jo Higgins, representative for Restore N' Station, noted there had been a lot of discussion leading up to this. They have done a lot of things since the site plan was before the Commission previously. Sometimes there have been gaps in the information. Therefore, she put together a board with additional information. They have done some other things besides the special use permit.

- They submitted their traffic study to VDOT, which is called C5-27. Based on that, comments were provided to change the length of the left turn lane to increase it from 100' to 200', which is something they would do on the final site plan. It is covered under a condition.
- The next thing was the access management regulations that went into effect in 2009 were identified. One exception was requested. They offered two options trying to cooperate with the neighbors that are accessing Route 250 off Free Town Lane: a) To share their entrance to build a connection over to the entrance, and b) to build an extension of the right turn lane. Only a few responded and they opted for option b).
- The exception has been approved by VDOT. She has a letter dated April 19th that Mr. Fritz might not have. The letter might have gone to engineering. The letter basically says it must be in conformance with the location of the entrance. That has been addressed. The site plan has been resubmitted and revised. It has been recommended for approval with conditions in the staff report. Zoning deemed the site plan to be in general accordance. There was an appeal to the Board of Zoning Appeals. The determination was upheld.
- They have revised the footprint for architectural reasons so that the ARB could review the shrunk down footprint. It actually is in the pictures and elevations. The reason the footprint was shrunk as soon as they got the determination was to get in line with the ARB for next week's meeting. They want to get the ARB's comments. The columns have been removed. They will see how that goes.
- In response to the Board and neighbor input for some minor changes that they committed to during the discussion of the special use permit related to water, they also did some other things that were not required. They downsized the paved area at the rear of the site. They increased the distance to the rear property line. It is now 110'. Previously it was 64'. They deleted an island in the back, and shrunk the canopy down to about one-half its size. Again, that was to minimize impact to the rear where the neighbors have concerns. They decreased the number of

parking spaces from 44 to 38. They could have kept those spaces because they are allowed to have 20 percent excess over required. However, they did take away 6 of the spaces.

- They added a 6' privacy fence. She reviewed several pictures that showed a 6' board on board composite board grain privacy fence that looks good from both sides. It starts at the southwest corner and wraps around the entire perimeter to the southeast corner. Brian Wheeler has actually done this and put it on line. The privacy fence starts at the southwest corner of the building and follows the perimeter of the paved area. It is shown on the site plan. In addition to that they replaced the trees along the western edge with another 6' board on board privacy fence. In essence from the west there are two layers of privacy fence. They met with some property owners that were located behind the Moose Lodge that have an access down that edge. They very much preferred the privacy fence. There is noise abatement. Also, it shields lighting better than anything and they don't have to wait for it to grow. Therefore, they were in favor of that.
- There is no requirement to buffer on the east side because it is Highway Commercial property. There is a truck parking lot in that area. They again wrapped the fence around so the down lighting under the canopies and the headlights will be protected by the board on board 6' high privacy fence.
- They agree that the conditions recommended by staff are appropriate for the final site plan. She noted one change for 1b, which says the landscape plan showing all trees of 6" caliper or greater - to insert "along south edge within 114' of west corner and including conservation plan." That requirement is for their waiver where the storm water would actually go back to the natural water course. The idea was to identify each of those trees, which includes about 4. They will not impact them. They will preserve them and not affect the root structure. They have a path through them. It was not intended to show the trees all along the site. On the Moose side they can't even get to the trees since they are along the edge within the buffer and can't be taken down. So just to identify them or spend money on surveying the trees did not seem to be effective. However, they have had the ones they would be close to already surveyed that they can add onto the site plan. They ask for that one minor change.
- Condition #8 was done. She believed the idea was they did not have an entrance location approved by VDOT. The condition was written to cover that eventuality. However, they do have the letter. The exception has been requested and granted since they last met with the Commission.
- They still hear about a lot of concerns and she would like to respond to a couple. The issue of what would happen if a fire occurs is all about water usage. There is a public water main along Route 250 in front of this site. If there were a fire, the fire department would hook to the hydrant right next to the Exxon across the street. They keep hearing about storm water quality issues. This site must meet quantity and quality requirements required by the County final site plan approval. It will be the only commercial site of 6 or 7 along this strip of Route 250 that meets requirements. All the others were done pre-requirement and have no detention and no capture and their runoff is untreated. On this site they will meet the quality and quantity requirements.
- Traffic is a concern for everybody out there. They have done the C5-27 study that is not required by the county, but is required by VDOT. It actually builds an information data base for VDOT when they look at things like the interchange at the interstate and other road improvements. Within this they identified an extension of the left turn lane to get people out of that east/west traffic. When they go to turn they will have a place to slow down and get out of the flow of traffic. This will be the only site in this section that actually is not just free flow where three or four cars can enter the right-of-way and leave the right-of-way at one time. So this will not cause the problems that are being caused out there. This will be similar to the Harris Teeter across from Clover Lawn with a full left turn and full right turn. The right turn will be extended past Restore N' Station entrance so that the Free Town lane residents can get out of the eastbound lane and turn into Free Town Lane without someone running up on their bumper.
- The conditions are in place to make this development meet all of the regulations for a by-right with special use. They ask the Commission to allow them to move forward and meet the conditions for their final site plan approval. They do comply with the site plan requirements and feel they have done things that are beyond those requirements. It has been long and drawn out. She knows that people are still concerned. Hopefully, with Mr. Kamptner's guidance in what things are before the Planning Commission it can be approved. But even in the minutes to the Board of Supervisors, Mr. Davis stated when it goes to the Planning Commission if they can

comply with all of these requirements they should be able to get their final site plan approved. It is kind of a ministerial thing.

- She knows that is frustrating to many persons here and apologizes for that. However, they have been in the process since 2007 when they asked for a water connection. They have now gone through the special use permit. All of the limits that the Board discussed at the time of the special use permit had to do with water. The convenience store is the high water user and not the office space. For 3,000 square foot of office they are talking about a dozen people. Even in the health department regulations an office use has stayed about the same at about 10 gallons per person. Literally, office space is in the 150 gallons per day usage for something like this. It is negligible. When that was brought up they talked about gross square footage. There was no intent to limit that. But, indirectly by limiting the footprint they did limit the office. It can't be any bigger than the footprint below it literally. However, that specific issue was avoided and the way it was stated they feel they are in compliance. If there are any questions, Nat Perkins is present to answer them about the storm water and site design. The elevations are going to the ARB next Monday. The 3-D is available online.

Mr. Morris invited questions for the applicant.

Ms. Porterfield asked what the actual footprint of the building is.

Ms. Jo Higgins replied that the actual footprint on the final site plan will be 3,000 square feet.

Ms. Porterfield asked if the footprint below is 3,000 square feet obviously the footprint of the second floor is larger than that. She asked what happened to the balcony and second floor.

Ms. Jo Higgins replied that the footprint is limited to 3,000 square feet per the zoning determination. The one on the site plan now is greater than 3,000 square feet. The redesign is the 3,000 square feet. Typically a building is allowed an overhang up to a certain point, which is even in a setback limited to 4'. That is a very narrow cover and a retractable awning to replace what was there before. Since the awning is retractable, it is not part of the building.

Ms. Porterfield said there is no roof over the second floor balcony.

Ms. Jo Higgins replied that there is just an overhang of the roof. In other words, a typical overhang is up to 4'.

Ms. Porterfield asked what is to prevent the upper floor from being enclosed in the future.

Ms. Jo Higgins replied that all columns, posts and supports have been eliminated. If those were in place, she would take a line and draw it down to the bottom floor, which would increase the footprint. So they removed everything that fell in that category. It limits their footprint. The columns were left off of the preliminary site plan. They have to live with the Board's conditions. The site plan will be conditioned upon that interpretation.

Mr. Lafferty asked if the site plan resubmitted was over 3,000 square feet.

Ms. Jo Higgins replied yes. The word footprint in her mind has always meant the exterior walls and does not include porches. Unfortunately, in the zoning ordinance there is no definition of footprint. So the deputy zoning administrator did his research and used part of the Building Code to make that determination. They did not challenge it. In essence anything that has a column or support becomes part of the building area because the part of the Code relied upon is where they calculate fire area. Fire area goes on columns and that sort of thing. That is what their architect advised them. They shrunk their footprint and had no intention of exceeding the 3,000 square feet. However, they thought that the store usable area could be 3,000 square feet. All they did was place the columns out there with the idea that it was a porch. But, again they have to live with that interpretation and are not challenging it. The condition stands to the final site plan. They have a way to comply. What they submitted to the ARB they feel is a way to comply with it.

Mr. Morris invited public comment.

Bruce Kirtley, resident of Crozet and adjacent property owner to this project, said with all due respect to the county attorney they think it has everything to do with what the intention was of the county board because smaller sizes affect parking spaces, asphalt production, and so forth.

- At the October 13th Board of Supervisors meeting there was a very lively discussion that lasted well past midnight. Everyone was blurry eyed. From the perspective of over 30 adjacent neighbors he would call their attention to several quotes from the minutes of the October meeting. On page 67 next to the last paragraph Mr. Boyd refers to, "limit the building to 4,500 square feet." On page 69 it is referred to as, "the building has a dormer roof with 1,000 square feet of family office above it." On page 71, Mr. Rooker and Mr. Dorrier were discussing and Mr. Rooker asked Mr. Dorrier if he was supportive of the consensus of 2,500 square feet with an office on top of that. Keep in mind the office had previously been referred to as 1,000 square feet of family office space. Mr. Dorrier states that he supported 3,000 square feet. On the bottom of page 72 the applicant's agent talks about with any changes it would be virtually the same site plan.
- They contend that the Board at about 12:30 a.m. that night left them with the impression that it would be 3,000 square feet down and 1,000 square feet up. The staff was charged with coming up with some points to present to the Board at the subsequent November meeting. They feel that is where the footprint notion came from.
- Out of curiosity, he was able to get hold of at least four Board members within the last 12 hours. He reported that two were reluctant to commit to anything because there was an issue whether they were bound by a decision they voted on even though they may feel they voted on the wrong thing. He also reported that two Board members emphatically told him that they would very much appreciate if this would come back before the Board because it was never their intention to exceed 3,000 square feet with 1,000 above. He was here to respectfully ask the Commission to step outside the box a little bit and do something that has never been done. He was sure the attorney will tell them they can't do it. He was here to tell them that they can. Send it back to the Board and find out what they meant. If they feel that they are bound legally not to do that at least ask them so they will have the benefit of knowing what they meant to do and whether they voted for the wrong thing or not.

Frank Calhoun, resident of Crozet, said he was representing himself who operates a horse farm in Crozet, the Board of Scenic Virginia that is a state wide organization, and also he had been communicated recently by residents of Free Town who are temporarily on assignment out of the country.

- On behalf of Scenic Virginia, a state wide environmental organization, he noted they were very concerned that this proposed station is on the Scenic Road 250. They have quite an interest in the scenic highways, which leads to the Blue Ridge Parkway and Skyline Drive. It should be mentioned. He has never seen it written on any of the reports. It is a scenic route and should be protected. It has great value tourist wise to the state and to Albemarle County.
- He has a letter from Mr. and Mrs. Jonathan Hunt who own a house on Free Town Lane and are out of the country. They have sent the letter to the Commission. He read part of the letter, which outlined several of their concerns. The Hunts said they believed the Board of Supervisors came to a reasonable agreement concerning the size and scale of the project. However, since reaching that agreement the applicant has attempted to exploit a loophole to make the project even larger than what was originally proposed. These changes significantly threaten the welfare and safety of our community.

Mr. Morris noted the Commission had received the letter from the Hunts.

Richard Brown, resident of Free Town Lane, spoke again the request.

- He asked to bring up a question about the run off. He also had some pictures of what would come from that station once they take all of the vegetation out. Asphalt, dirt, and mud will come down the hill even before they put any building up there. He asked what is going to happen when they grade all of the topsoil off. They are going to have a major run off come into Free Town. He knows from experience because he had his pond destroyed 11 years ago. Each time they get a hard rain it gets muddy again. He asked that the Commission take a look at the run off. He has

not heard anybody say where that water is going once it leaves the Restore N' Station. It is going to go right into the drinking water. He could follow that river all the way down from the Restore N' Station down to the Rivanna Dam. They know they have problems down there already.

- They want to make sure that this is one building. In the future will they put in more buildings on the site. There are three schools in the intermediate area. He had not heard anyone mention the safety of those school children. That is something they need to discuss regarding the traffic on Route 250. Mr. DeNunzio was out there three weeks ago and when asked about the school bus stop he asked if the children could walk to school. These children are five and six years old. There is not enough space out there.

Sandra Mears said that Mr. Ron Higgins and Ms. Jo Higgins both talked about the space limitation and the 3,000 square foot. There is a loop hole. Just like the misunderstanding with the 1,000 square foot office space. They still have a loop hole there with what they can put upstairs. How do they know it is going to be office space and nothing else. The 6' privacy fence is also a concern. It will keep traffic from driving down into their Free Town neighborhood. However, the way the land slopes down from Route 250 to Free Town the 6' privacy fence will do very little for the neighborhood. The 4' to 5' trees shown on the plan will take 20 to 30 years to help them. She hoped the applicant would address her concerns. She questioned who would make sure the size of the building and septic complies with the sewage. The sewage disposal permit expires March 11, 2000. She asked if the size of the building would comply with the special use permit.

Mike Marshall, member of Crozet Advisory Council, said as the editor of the "Crozet Gazette" he attends all of these meetings. The new plan in his estimation breaks the deal that was made between the Board of Supervisors and the applicant at the October meeting. From where they were sitting in the public there is no question that the reason the second floor was not discussed was because it did not need to be discussed. There was an agreement. The public was not opposed to a 1,000 square foot family office over the store. The problem was the site plan showed a large square area to the west of the building that they called future addition. The reason the footprint came up was that they wanted to preclude the possibility of the future addition. Subsequently, what has happened when he looks at the nine conditions, the applicant has found a way to put that future addition as the second floor. As far as he was concerned, this is not what was supposed to come out.

Mr. Marshall noted he agreed with Mr. Kirtley that they ought to send it back to the Supervisors and let then clarify what they thought the second floor was about. The second floor did not come up because it was not an issue. It has been made an issue now because they have changed the second floor. This has been sort of typical all the way through this process. There was an early meeting with the citizens and the citizens had a list of concerns with the building. It was ironic to see in the outcome from the Supervisors that basically what the citizens brought up finally was put into conditions two years later. This project could have proceeded along had the applicant been willing to make those concessions a lot sooner than they did.

Marcia Joseph made the following comments concerning the proposal.

- She asked to read from the November minutes, which are not on line. "Ms. Higgins clarified that the size discussed has always been around footprint. The building has a dormered roof with 1,000 square feet of family offices located over it. It is a partial second floor. They already have an architect designing the interior space to make it work."
- On page 4 the site plan shows the entrance improvements. The center drawing says proposed road improvements. On the far left there are some entrances indicated there. The entrance proposed has been shaded in. Right next to it way down there are dashed lines that is the entrance to Free Town Lane. She expects if this were the entrance to some place like Farmington they would be looking at this a little bit more closely. But, the entrance is not even shown here. These folks have been asked to use an entrance to a gas station to their established community. It is an historic community. It is a free black community. She thinks that they have been ignoring this aspect. She also wants them to know that one of the residents has been speaking with Joel DeNunzio and will be talking about this exception to the entrance. What is going on here is that VDOT will be asking the applicant to provide an easement so that the folks from Free Town will have to use this entrance. That is just not fair.

- They finally have a traffic study. The traffic study was initially done in 2009. So they had this information during the review of the water usage. She asked that they look at the tables indicated on the site plan and whether or not that is a restaurant and whether parking has been established and determined for a restaurant use. She appreciated Ms. Porterfield's questions and wondered if the second floor was going to be cantilevered out. Since it does not seem to matter they can go ahead and use porches and awnings for outdoor use upstairs, which gets it to more than 3,000 square feet.
- She would also ask that they modify condition #8. Mr. Fritz asked for this site plan to come back before the Planning Commission in its final stage. She asked the Commission to do that when all of the details are worked out with storm water, etc. They still don't know if there is an easement required over adjacent properties to expel the storm water.

Helen Mills Green, a resident of Free Town, spoke for herself and her sister. She said one thing that was not brought up was that they did not give permission for them to do anything to their road. She asked how they could do something to their road without their permission. She agreed with everything said about the run off of the water. It already floods in that area. Whatever they are planning to do will just make it worse. The 6' fence will not do anything. She asked how they could take over their road without their permission. Something needs to be done about the run off of the water coming down into Free Town.

Mr. Kamptner said that was something the applicant would have to work out. He did not know who owns Free Town Lane.

Mr. Morris pointed out the Commission would ask counsel to address that afterwards.

Carlton Hume, resident of Crozet, commented that the Planning Commission's responsibility and duty is to protect neighborhoods and citizens from aggressive developers. This thing is bogged down completely because of that situation. It should either be sent back to the Board of Supervisors or just called off. It is bogged down totally by misrepresentation and confusion.

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

Mr. Loach asked staff to address Freetown Road.

Mr. Fritz said his understanding is that what VDOT is looking at doing is looking at requiring an easement that will allow Free Town to use the entrance on the Restore N' Station property. It does not require Free Town to change their entrance or do anything at this time. It sets up a scenario that whereby if at some point in the future there is redevelopment in Free Town or intensification of the use of the Free Town entrance, then VDOT could require at that time that the entrances be consolidated in order to meet the traffic management plan. That is his understanding of what they are after. He did know there was no proposal right now to say Free Town has to change, move or do anything to their entrance. It does not require the users of Free Town Road to do anything nor does it affect them. It sets up a scenario that something could happen in the future.

Mr. Loach asked if staff can review the effectiveness of the privacy fence once it is up and require modifications to it.

Mr. Fritz replied that there was no mechanism to go back and to do that.

Mr. Loach said with regard to the schools, has the schools been notified about this and do they review these plans for buses. He asked how that works.

Mr. Fritz replied that he believed the schools may have provided some comment during the special use permit or were aware of it during the special use permit. They have not been notified of the site plan. He did not know if they were aware of it.

Mr. Loach asked staff to give the public an overview of the types of protection being used to make sure they were protected during construction and afterwards.

Mr. Fritz referred them to the conditions. They are exactly correct that they don't know the answers to the storm water. That is condition #2b. They have to do a storm water management plan. If they need an easement, then they will have to get it. If they are unable to get the easement, then the storm water management plan will not be approved. That happens all the time where they have to modify their plan or do something different. The landscaping plan and erosion and sediment control plan are required.

Mr. Morris invited rebuttal from the applicant.

Jo Higgins asked to touch on a few things.

- Nat Perkins is here to answer questions. However, VDOT reviews the storm water management for the additional impervious area added with the turn lanes out at the road. It will be captured and go in a drop inlet and be handled on the site. That is part of their requirements. This thing with VDOT is troubling to her because they are granting the exception for the spacing on the entrance. They have put a sentence in there to require them to agree to grant an easement to connect over to Free Town Lane. She has taken exception to it. They have offered to grant one and build it if they wanted it. If they did not want it, which is their right, no one can force them. Then they thought it was a done deal. However, now VDOT is requiring it. Now what VDOT is going to do is wait until someone goes to do something in Free Town Lane and they will force them to do it at that time. They will just have to reserve that future easement, which is done very commonly. Easements for future dedication or future allowance are granted all the time across people's property. But, typically it is subdivisions and not site plans. She tried to refute it, but did not know they would have a way around it. They are not trying to force the issue.
- They are not trying to take away the entrance. However, they have to do the entrance improvements for Free Town inside the right-of-way that will extend the right turn lane. They will not let them not do that. Basically, it is not on the Free Town property. It is in the right-of-way, which is 120' wide. So they are going to require that. Free Town Lane folks don't have anything to say about it because it is out front. What it will provide though is a way for them to move out of that through lane, slow down and turn right and the pot hole stone area will now be paved. The taper will be on the other side. Whether anyone wants to admit to it, it will improve and make it a little safer than what it is right now. She was not saying that it was making it better, but that it was improving the safety. That is one thing she takes an exception to.
- This is not a restaurant. If it were it would be subject to health department requirements. It is under the Department of Agricultural Services and Inspections, as is Brownsville, Exxon, Bellair and all the convenience out there that have less than 15 seats. It is not categorized as a restaurant. If it becomes categorized as a restaurant, the requirements change.
- Regarding fencing – if they looked at the 3d the placement of the fence at a higher elevation when looking up at it does a lot better than being in line. The Leyland Cyprus trees that start at the southeast corner for the section where the house is vacant right now will grow faster than any other barrier tree. Those trees will give the best buffer. The store does not want to be a bad neighbor.
- The future addition issue – The only reason it was noted on the site plan is because the ARB asked for it. The ARB wanted to know if they would ever modify the building. So they put a note on it and never showed any parking. It would not be approved. Then the ARB saw the elevation and they wanted the parking shown. They said no it is not approved and is just what could happen. It led them down the road, too. They have been batted back and forth between Planning and the ARB. However, they think they resolved it by removing it. It was not intended to mislead anybody.
- If the site is further developed, it will have to go back through for a modification to the special use permit. But let's not lose sight of this. This is about a Highway Commercial site that has been zoned since 1980. Nothing has happened on the site. No one wants it to be there. She was sorry about that. However, the taxes have been collected on this site since 1980. It is worth near two million dollars. There is an obligation to let it be developed. These uses are allowed by right within the water use. If they proposed an office use based on water use it could have been 40,000 square feet. Once they are in use for six months and have a basis for the water use they

will be back before the Board of Supervisors because it is a four acre site. It is their intention. The applicant has operated a store for 20 years and has a 6,000 square foot store on Route 20 that uses about 450 gallons a day that is metered. They do not want to tamper with Free Town Lane, have no intention and have no legal right. The septic and health permit are a separate thing and they can't violate that. It is based on 1,600 gallons. So they won't be exceeding 1,600 gallons without modifying it.

- She gives the Board credit in that there was a lot of discussion. However, if there was intent to limit anything other than they did, they had to put it in the conditions. It is legally binding both ways. So she did not think they could arbitrarily change it. This has been an ever changing plan. No one wants to bring up the reduced pavement, the fewer canopies, the less pumps, etc. No one wants to give credit for anything they have given and just wants them to give more. They have done what they think is the responsible way to do it. It is still 4 acres zoned Highway Commercial. She asks that the Commission let them move forward to final and address all of the conditions. If they don't address them, then they won't get approved.

Mr. Morris closed the public hearing to bring the matter before the Commission for discussion and action.

Ms. Porterfield asked if the applicant would be willing to bring the size of the second floor down due to the miscommunication.

Ms. Jo Higgins replied that the owner, Jeff Sprouse, was not present. They have given on so many fronts, reduced pavement and given up pumps. The owner's intent is to locate his business up there. They have been in this process since December, 2007. The well concern is really what this is all about, which has not been brought up. They have committed to do a flow control valve that will withdraw a little more than a gallon a minute all day.

Ms. Porterfield read from the Board minutes of October 13th – Mr. Thomas asked if the 4,500 square feet relates to a two-story building. The answer was – to clarify that the size discussed has always been around footprint. The building had a dormered roof with 1,000 square feet of family offices located overhead. It is a partial second floor. They already have an architect designing the interior space to make it work. Ms. Higgins stated that the applicant would prefer if the water usage turns out to be 1,100 after a year he would like to put in two more pumps.

Ms. Porterfield noted that as far as the space, it was very clear here that it was a much smaller upper story than what is in the current site plan. She asked if there was an ability for her to say the applicant will bring the second floor down to X number of square feet to maybe get it a little closer to what the community and they have been negotiating for so long rather than just taking what appears to be a mistake and just ramming it down the community's throat.

Ms. Jo Higgins replied she would say respectfully that perspective is kind of one-sided. There has been a lot of back and forth. The style of the building they feel is attractive. The scale of the development for four acres is such that one could almost look at this building now and say there is four acres and it has this building. Almost all of the houses behind it are two-story with a pitched roof. They are not out of character with the buildings around there. They lost the down-stair portion. Now they will have in the interior about 2,750 square feet. That meant the little time card office and now they have to ask what they are going to do with it. She can't say they will cut the building and come up with a different building based on this because clearly that does not use the water that the convenience store is about.

Ms. Porterfield said it appears that the miscommunication is that there was a lot of discussion as to the total size of the building. What has happens is that they now have a building that is bigger than the original building. She asked if there was any chance to make a little compromise that might make the people who came tonight to speak a little bit happier. She agreed the applicant has done some things. She asked if her answer was "no."

Ms. Jo Higgins pointed out that the special use permit limits the store hours. It was the only store in this whole area that has limited hours. The pumps were taken away. These were all financial decisions, and

they paid two million dollars for a piece of property. She did not believe the office is even a detail before the Commission tonight.

Mr. Kamptner said he thought Ms. Porterfield is just asking if the applicant is willing to make a voluntary concession.

Ms. Jo Higgins asked that they recognize the reduction in canopy, pavement and all of the extra features and what they have offered to do. She could not speak for Mr. Sprouse.

There being no further questions for Ms. Jo Higgins, Mr. Morris invited further discussion.

Mr. Loach agreed with Ms. Porterfield and asked Mr. Kamptner if they could send it back to the Board of Supervisors for clarification under these circumstances.

Mr. Kamptner recognized the public and some of the Commissioner's frustrations with this issue.

- There was a discussion and footprint, although it was not defined in the ordinance, does have a meaning that is unique and distinct from overall square footage. Certainly that becomes more apparent when talking about a multi-story building. The footprint is a reference to the area composed of the first floor and the portion of the building that touches the ground. The Board had that discussion in October and then it came back to the Board in November for action. There was a discussion and a staff report. The Board gets the conditions in advance of the meeting. He thought when they say footprint he thought there was a general understanding of what that meant.
- Then there was a request for a determination that was made by the deputy zoning administrator three months later. That particular issue was not appealed. Members of the Commission and the Board have that opportunity to appeal just like members of the public who can assert that they are aggrieved by a particular determination. So then it becomes under the Virginia Law what is called a thing decided, which means it is final and binding. In this case he did not know the extent to which the applicant has relied on that particular determination. It appears that they have proceeded with the site plan and they have reached this point today. That is where they are.
- This is a great example. They will be talking about these types of issues next week at the work session. Some of these very unpopular, at least in the public's eye, actions come to the Commission in a format that is ministerial at this point. They have the site plan regulations and they need to decide whether or not they meet those regulations. If they do, the Commission has no discretion to deny the application whether it is unpopular or not. It is just the nature of this type of application. Mr. Kirtley said it is time to think outside the box. Unfortunately, that time was made at the time this land was zoned Highway Commercial 30 years ago. All of the policy decisions as to how this land should be used have already been made. At this point it is just the ministerial action.

Ms. Porterfield asked if it was ministerial completely. The site plan in front of them has a larger first floor square footage than is allowed by what the Board did act on. Can the Commission deny it at this point until they see another site plan that does meet that condition.

Mr. Kamptner replied the answer is yes they can. The question is whether that accomplishes anything because ultimately the applicant has to come in with a final site plan that does meet all of the requirements. His understanding is that the square footage excess is 250 square feet.

Mr. Fritz said that it is more than that, but he did not remember what the total square footage was. What is shown on the plan needs to have the columns and porch area removed from it essentially. In the staff report summary in response directly to her question he does note that. The location and design of the entrance and the building have not been resolved. He notes that. One of the things he stated in the staff report is they have conditions that directly address that. If they were to deny that they would be stating essentially the same things that are conditions of approval that they have to do. The applicant would make the revision and bring it back here, and then they would have to approve it because they have done exactly what they have said they have to do. It accomplishes the same thing is what staff was saying.

Mr. Morris said he thought they had really narrowed the focus. He thanked staff for doing that. The Commission needs to focus on exactly what is before them.

Mr. Loach said Ms. Porterfield's point in making the denial would be it gives an amount of time for the Board of Supervisors to review what has transpired today and come back with exactly what their meaning was. He asked if that was a moot point even if they decided that what was understood was not exactly what they meant.

Mr. Kamptner said he thought because of the deputy zoning administrator's determination interpreting that condition in February and that particular issue not being appealed it has become a thing decided.

Ms. Porterfield said she was thinking one other thing that if they denied it based on the footprint, which is not in compliance at this point, it might give the applicant time to take a another look at the design and see if there was any chance to moderate it a little bit. She understands everything that was said. She understands the applicant has been through many hoops. However, she just feels very bad about this one. She has seen it happen before in her own district where things were said and the community thought that there was agreement, but it was not written down by staff and was not in the County's records. This is tough. There is actually an item in the minutes from Mr. Davis quoting him that said, "These conditions need to be well drafted by staff as they are going to be controversial in the future." She thought they had just found out that. She just did not know what else to do. It really bothers her.

Motion: Mr. Loach moved for denial of SDP-2008-00154 Re Store N Station – Preliminary based on the condition that was not met in the preliminary site plan regarding the 3,000 square foot determination.

Mr. Kamptner said that is condition 4. What the applicant would need to do to satisfy that condition would be to reduce the total building footprint square footage to 3,000 square feet or below.

Mr. Loach replied that is correct.

Ms. Porterfield seconded the motion.

Mr. Morris invited further discussion.

Mr. Smith said he believed the applicant has done what the Board of Supervisors wanted them to do as long as they meet the conditions. It certainly is going to look better than any of the other facilities that are adjacent to it with no offense intended to anybody. It is going to have trees, shrubs and fences. He thought that the request should be approved.

Mr. Lafferty said his interpretation is that certainly this has dragged on for a long time since 2007 and concessions have been made because of objections to the scale. When he attended the Board of Supervisors meeting back in October the jest that he got out the conversation was a matter of the size of the building. The Board talked about that. However, it turned out that it was clarified to be a footprint and they were given an opportunity to correct that and there was no correction. As much as he sees the applicant has tried to push the extent of this by coming in over the 3,000 square foot footprint if they reduce it below 3,000 square feet, he did not see where they have any recourse but to approve it. Although it bothers him, he can't vote for a denial.

The roll was called.

The motion failed by a vote of 2:3 for denial. (Loach, Porterfield voted aye) (Lafferty, Morris, and Smith voted nay)

Mr. Kamptner noted that they need another motion.

Mr. Morris said since the motion for denial had failed, he asked for another motion.

Motion: Mr. Smith moved for approval of SDP-2008-00154 Re Store N Station – Preliminary with conditions.

Mr. Lafferty asked if the motion includes all the conditions (1 – 8) as listed on the screen.

Mr. Kamptner noted the applicant made a comment about condition 1b, which pertained to the location of where those trees would be.

Mr. Fritz pointed out there are two things going on there. First, there was a waiver associated with the drainage with a condition that states no tree of over 6" caliper shall be removed that may be within that area. This specific condition does actually say 6" caliper or greater tree and it does not define where on the site. The ordinance has a provision that sometimes is used, which is a modifiable provision. It is written that it would be all trees of 6" caliper to be identified. That is somewhat there to ensure that if there are trees that are within that buffer that they are giving them the adequate protection they need. He believed that the applicant's condition would ensure that the trees that are in that buffer area are not disturbed. The Commission has the ability if they want to do the entire perimeter of the property, but the applicant's condition would be satisfactory since it would provide adequate protection.

Mr. Lafferty noted that condition 8 would say that it comes back to the Planning Commission. If they have approval, then would it come back to the Planning Commission.

Mr. Fritz replied that condition 8, which deals with the entrance location, was written in a way to be a safety valve. At the time he wrote this he did not know what VDOT was going to do. He still did not have the final approval from VDOT, but he thinks he knows what VDOT is going to do. However, that would come back. Based on what he knows right now, he did not think there are going to be any changes. However, they could bring that back before the Commission. The way staff does these when there is a condition like that is they would ensure that conditions 1 – 7 had been met prior to bringing it back before them. If there were no changes and it looked just like the preliminary does, staff would probably place it on the consent agenda and say this looks just like the preliminary, there are no changes, and there is nothing to look at. If there is a change, then they might put it on agenda. Even if staff put it on the consent agenda, any Commissioner could pull it off.

Mr. Kamptner said even without condition 8 as part of their motion the Commission has the ability to ask that the final site plan come back for review even if the VDOT issue has been resolved.

Mr. Lafferty asked if that would be amendable that they specify the final site plan come back.

Ms. Porterfield said she felt that the final site plan should come back before the Commission.

Mr. Smith noted that VDOT wouldn't let them build it until they do it the way they want it anyhow.

Mr. Lafferty noted that the site plan could be administratively approved. The Commission can force the issue that the final site plan comes back. He suggested that the final site plan come back to the Commission.

Second: Mr. Lafferty seconded the motion.

Mr. Fritz asked if the Commission wants to amend condition 1b to have it only be showing the trees of 6" caliper or greater. He believed that is in the southwest. He said they could do it just along the southern border.

Ms. Porterfield asked if there are no other big trees in other areas.

Mr. Fritz replied that there are, but they are in an area where there is no disturbance proposed or near them. That is why he was saying he did not think they would lose anything by amending that. However, he was letting them know the ordinance.

Mr. Smith agreed to amend the motion regarding the change to condition 1b.

Mr. Morris noted that condition 1b had been requested to be amended.

Mr. Lafferty seconded the amendment including that the final site plan come back to the Planning Commission.

Restated Motion: Mr. Smith moved and Mr. Lafferty seconded to approve SDP-2008-000154 Re-Store N Station with the conditions recommended by staff, as amended.

The Current Development Division shall not accept submittal of the final site plan for signature until tentative final approvals for the following conditions have been obtained. The final site plan shall not be signed until the following conditions have been met:

1. Current Development Planner approval to include:
    a. Landscape plan showing landscaping as shown on the plan December 6, 2009. Except as permitted by the conditions of SP 2009-34.
    b. Landscape plan showing location of all trees of 6 inch caliper or greater along the southern property line within 150 feet of the southwest border and including a conservation plan.
    c. Notation of location and type of pump stations and nozzles as limited by SP 2009-34.
    d. Reduction of building size to satisfy the conditions of SP 2009-34. The determination of building size shall be made by the Zoning Administrator.
    e. Location of signage limiting overnight parking. Overnight customer parking on-site shall not be permitted between the hours of 12:30 a.m. and 4:30 a.m.
2. Current Development Engineer approval to include:
    a. Erosion and Sediment Control plan.
    b. Stormwater management plan.
3. Albemarle County Building Official approval.
4. Thomas Jefferson Health Department approval.
5. Fire and Rescue Division approval.
6. Architectural Review Board approval.
7. Virginia Department of Transportation approval of entrance location and design.
8. Planning Commission approval of the entrance location and changes associated with any modification of the entrance design or location.

The motion was approved by a vote of 3:2. (Morris, Smith, and Lafferty voted aye) (Porterfield and Loach voted nay)

Ms. Porterfield voted no because she believed that this should be before them with the site plan meeting the 3,000 square feet footprint.

Mr. Morris noted that this request does not go before the Board of Supervisors.

Old Business:

Mr. Morris asked if there was any old business.

- The Virginia Certified Planning Commissioner's Program Application is in the packet. It begins in September for those Commissioners that might be interested. The County can cover up to two registrations.
- The Commission asked staff to draft a memo to the Board of Supervisors regarding the size conditions for the Re Store N Station Special Use Permit that notes the allowances that resulted that were larger than what was originally proposed and requesting any feedback regarding this matter.

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

New Business:

Mr. Morris asked if there was any new business.

- Staff asked to provide an agenda for next week's Planning Commission Training and Discussion session.
- NEXT MEETING ON May 17, 2011 in Room #241.

Adjournment:

With no further items, the meeting adjourned at 8:50 p.m. to the Tuesday, May 17, 2011 meeting at 6:00 p.m. at the County Office Building, Second Floor, Room #241, 401 McIntire Road, Charlottesville, Virginia.

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V. Wayne Cilimberg, Secretary

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