Albemarle County Planning Commission
July 12, 2011

The Albemarle County Planning Commission held a regular meeting on Tuesday, July 12, 2011, at 6:00 p.m., at the County Office Building, Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

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

Other officials present were Megan Yaniglos, Senior Planner; Bill Fritz, Director of Current Development; Eryn Brennan, Senior Planner; Sharon Taylor, Clerk to Planning Commission; Wayne Cilimberg, Director of Planning; and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

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

Committee Reports:

Mr. Zobrist asked for committee reports from the Commissioners.

- Mr. Lafferty noted last night he was invited to a Livability Partnership Meeting and they had him listed as the representative from the Albemarle County Planning Commission. When introduced he told them he was on the Planning Commission, but did not represent the Planning Commission. If anybody had a problem with him being on that, he would be glad to change his title.
- Mr. Lafferty, also a member of CHART, noted they met last week. Being Vice Chair of CHART puts him on the MPO PACC Tech Policy Board. At the CHART meeting, they discussed at length the By-pass, and then he sent a letter out to the Board of Supervisors and MPO Policy Board, which he read into the record. At the June meeting the Committee discussed the merits, risks, and pitfalls of the revived plans for the Western Bypass. They reached strong consensus in their discussion on two fundamental points: There is an urgent need to obtain factual information prior to approving or rejecting the Bypass. They must express in the clearest and most well publicized manner what is a dubious but still principle claim of the Bypass, i.e. benefits includes significant relief of current and future traffic congestion in the Charlottesville & Albemarle Route 29 Corridor. Specifically, CHART recommends that the MPO seek much greater clarification from competent authorities on the following questions:
    1. What impact will the restructuring of the Bypass have on post 2002 area transportation plans that have been developed for our region, including UNJAM, Places 29 Master Plan, and other urgently needed investments in highway and transit and are reflected in the long range transportation plan and the transportation improvement plan.
    2. When Commonwealth Officials speak of reallocation of finances to finance a Bypass what are the sources of such funds and how will these alter funding streams that affect the well documented local, regional, and state transportation priorities that are not included in the Bypass.
    3. What critical assurance can be made to the citizens of Charlottesville and Albemarle County that funding for the critical roadway, transit, pedestrian and bicycle projects that they have identified and prioritized will not be reduced or delayed by either the reallocation of limited transportation funds or the imposition of new engineering obstacles associated with the Bypass.
    4. Given the growth and development changes in our community over the past two decades can they still tie up the Bypass as a cost effective solution to any local transportation problem.
    5. Given recent and perspective changes in the region's water supply plan and the relative absence of satisfactory deforestation analysis (on sedimentation, water quality, and air quality) and the existing environmental impacts statement in the Supplemental Environmental Impacts Statement does the project require a new updated and more comprehensive environmental impact statement.
- Put simply without a more realistic description of the true cost and the benefits of the revived Bypass Project and more precise assurance the project will not impede other highly prioritized transportation investments the community represented by the CHART Committee will not support the Western Bypass.

- Mr. Zobrist reported there was no ACE Committee Meeting. In the MPO Tech Meeting, they had similar discussions and made no recommendations. The job of the Technical Committee is to carry out policies set by the MPO. They explained the procedures for the public hearings. He recommended to anybody interested in the Western Bypass issues that they go to the Charlottesville Webpage where there is all the information they could ever want and more. Then they could be well informed and appear at the public hearings to provide their input.

- Mr. Morris reported the Pantops Community Advisory Committee met last week and were joined by the new Chief of Police as well as Dan Mahone. He would advise any of the Advisory Committees to invite the Chief because it is an eye opener.

- Ms. Porterfield reported the Village of Rivanna Advisory Committee met and the topic of discussion was the Shadwell Bridge, which is going to be replaced. The Shadwell Bridge would be shut down at a certain point at a minimum of six to eight weeks or longer. It is going to be tough.

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

Other Matters Not Listed on the Agenda from the Public:

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

Review of Board of Supervisors Meeting – July 6, 2011

Mr. Cilimberg summarized the actions taken by the Board of Supervisors on July 6, 2011.

Consent Agenda:

a) **Approval of Minutes**: 9-14-2010, 12-21-2010 and 5-17-2011
b) **ZTA-2011-00005 Resolution of intent to amend the Zoning Ordinance**: Resolution of intent to amend the Zoning Ordinance to update and clarify its regulations
c) **STA-2011-00002 Resolution of intent to amend the Subdivision Ordinance**: Resolution of intent to amend the Subdivision Ordinance to update and clarify its regulations

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

Motion: Mr. Morris moved and Mr. Lafferty seconded for acceptance of the consent agenda with one modification to the minutes of 12-21-2010.

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

Mr. Zobrist noted the consent agenda items were approved. The resolutions of intent approved are as follows:

ZTA-2011-00005
RESOLUTION OF INTENT

WHEREAS, the Zoning Ordinance (Albemarle County Code, Chapter 18) was adopted in 1980 and it has been amended numerous times since; and

WHEREAS, periodically, a more comprehensive amendment to the Zoning Ordinance is needed to incorporate the requirements of recently-enacted State law, to clarify requirements, correct errors, update references to other laws and to County departments and officers, and to make other minor technical changes designed to clarify the regulations and improve their implementation**.**

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good zoning practices, the Albemarle County Planning Commission hereby adopts a resolution of intent to amend the Zoning Ordinance as described herein; and

BE IT FURTHER RESOLVED THAT the Planning Commission shall hold a public hearing on the zoning text amendment proposed by this resolution of intent, and make its recommendation to the Board of Supervisors, at the earliest possible date.

* * * * *

STA-2011-00002
RESOLUTION OF INTENT

WHEREAS, the Subdivision Ordinance (Albemarle County Code, Chapter 14) was last comprehensively amended in 2005 and it has been amended several times since; and

WHEREAS, an amendment to the Subdivision Ordinance is needed to incorporate the requirements of recently-enacted State laws and to clarify certain requirements, including those related to the requirements for submitting a final plat and the content of instruments pertaining to the maintenance of private improvements.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good land development practices, the Albemarle County Planning Commission hereby adopts a resolution of intent to amend the Subdivision Ordinance as described herein; and.

BE IT FURTHER RESOLVED THAT the Planning Commission shall hold a public hearing on the subdivision text amendment proposed by this resolution of intent, and make its recommendation to the Board of Supervisors, at the earliest possible date.

* * * * *

Regular Items:

SDP-2011-00033 Dunlora Forest - Preliminary Site Plan
PROPOSED: Request for preliminary approval of 93 units, including townhouses, single family, and duplexes at a density of 4.16 units per acre. Associated with this proposal are requests for a disturbance of critical slopes and bonus density increase for more units per acre than is allowed with the standard level development required for R4 zoning.
ZONING CATEGORY/GENERAL USAGE: R4- Residential- 4 units per acre standard level, and 6 units per acre bonus level; R6- Residential- 6 units per acre standard level, 9 units per acre bonus level.
SECTION: Section 32 Site Plan; Section 16 R-6 Residential; Section 15 R-4 Residential; Section 4.2.5 Modification or waiver of Critical Slopes
COMPREHENSIVE PLAN LAND USE/DENSITY: Neighborhood Density Residential- residential (3-6 units/acre); supporting uses such as religious institutions, schools, and other small-scale non-residential uses in Neighborhood 2
ENTRANCE CORRIDOR: No
LOCATION: Rio Road East at the intersection with Pen Park Road
TAX MAP/PARCEL: 062F00000000A0; 062D00100000A0; 06100000016600
MAGISTERIAL DISTRICT: Rio
(Megan Yaniglos)

Mr. Fritz passed out two exhibits from the applicant. (Attachments A & B)

Megan Yaniglos presented a PowerPoint presentation entitled Dunlora Forest Critical Slopes Waiver and Preliminary Site Plan.

Proposal

- This is a preliminary site plan for approval of 93 units, including townhouses, single family, and duplexes at a density of 4.16 units per acre. Associated with this request is a request for modification of critical slopes. This site was requested by an adjacent owner to be reviewed by the Planning Commission. The proposal includes three separate parcels. TMP 62F-A; TMP 61-166; and TMP 62D-1A that are located on the corner of Penn Park Road and Rio Road. There are approximately 22.3 acres total in the three parcels with 6.9 acres of critical slopes. The applicant is proposing to disturb 3 acres.

The property and requested modification to critical slopes are identified on both the Places29 Master Plan, and the Open Space Plan.

- The area shown in brown on the slide are the critical slopes, and the striped/green area are those areas identified as recommended Greenway Buffer.
- The stream to the south, does not have a Water Protection buffer associated with it, and has been determined by the Army Corps not to be a perennial stream. In fact, the Army Corps has identified that the stream actually ends in the approximate location shown.
- On the Open Space Plan map, a portion of the property has been identified as Major and Locally Important Stream Valleys and Adjacent Critical Slopes.

Staff has analyzed the request, and made findings by separating the critical slopes into three different sections.

- Section A contains critical slopes that are shown on the Places29 Master Plan, but are not a part of the Recommended Greenway Buffer. In addition, these slopes are not identified on the Open Space Plan. Therefore, staff recommends approval of the disturbance of these critical slopes.
- Section B has mixed findings. This section has been identified in the Places29 Master Plan as Recommended Greenway Buffer. It is also identified as Major and Locally Important Stream Valleys and Adjacent Critical Slopes in the Open Space Plan. The Army Corps has found that the stream shown on the Places 29 Master plan is not as large as what is shown on that plan. The comprehensive plan is general in nature and was prepared without detailed analysis of the stream. The Commission may interpret a smaller

buffer based on additional detailed studies or use the larger buffer shown. However, with a conservative approach in this case staff recommends denial of this section.
- Section C is delineated on the Places29 Master Plan and the Open Space plan, and staff found these critical slopes to be part of a large system of critical slopes associated with the stream to the north of the property, and recommends denial of the disturbance of these slopes.

Critical Slopes Modification- Discussion
- The location and amount of critical slopes on the property does restrict the property to be developed per its zoning without the disturbance of some critical slopes.
- The property is located in the development areas and is zoned for this type of development. Granting the modification could serve a public purpose since the Planning Commission and the Board of Supervisors has designated this property as Development Area in order to keep development out of the Rural Areas.

Staff has also analyzed the property as it relates to whether or not granting the critical slopes modification would restrict the use of the property, and if granting the modification would serve a greater public purpose.

Favorable Factors
1. The property is located in the Development areas that has been identified by the Board of Supervisors and the Planning Commission as the area where development should occur in the County.
2. The property is zoned R4- Residential, which permits this type of development.
3. The locations of the critical slopes could be argued to prohibit the use of the property based upon the allowed number of units the property is zoned for.

Unfavorable Factors
1. The critical slopes are identified in the Open Space and Critical Resource Plan as Major and Locally Important Stream Valleys and Adjacent Critical Slopes.
2. Most of the critical slopes, as well as other areas on the property, have been identified in the Places29 Master Plan as Recommended Greenway Buffer.

Recommendation: Critical Slopes Modification
Staff recommends the following listed on the screen for the critical slopes modification as shown in Attachment C and based upon the analysis, and favorable and unfavorable factors.
- Section A- Staff recommends approval.
- Section B- Staff recommends denial.
- Section C- Staff recommends denial.

The preliminary site plan was called up by an adjacent owner for review and action. The site plan was reviewed by all members of the Site Review Committee and found to meet the requirements for preliminary approval with the conditions listed in the report.

Recommendation: Preliminary Site Plan
- If the Planning Commission recommends approval of the critical slopes modification, staff recommends approval of the preliminary site plan with the conditions listed in the staff report.

Mr. Zobrist invited questions for staff.

Ms. Porterfield asked if staff is only recommending approval of the site plan if the Commission gives approval of all three of the critical slopes waivers.

Ms. Yaniglos replied that was correct. It is one critical slopes request, but staff has broken it down.

Mr. Zobrist noted staff is recommending denial of B. and C. Therefore, if they followed the staff recommendation the Commission would approve the site plan and approve the waiver only to Section A.

Ms. Yaniglos replied that was correct.

Ms. Porterfield asked how the Commission could approve the site plan if they deny two of the sections.

Mr. Fritz pointed out the applicant would have to revise the layout of the site plan to not disturb the areas they don't approve. For example, if they approved Section A, but not Sections B and C, the applicant would have to revise the plan such as Sections B and C were no longer disturbed. The ordinance actually contemplates these kinds of things. It says if a final site plan differs significantly from the approved preliminary, then it comes back before the Planning Commission. For example, if the Commission approved Areas A and B and did not approve Area C and they simply eliminated those, staff would not think that is a major deviation from the approved preliminary. They would just be

reducing the level of development. That would not need to come back to the Planning Commission. The Commission could approve the preliminary site plan.

Ms. Porterfield said they could deny the preliminary site plan based on the denial of two waivers as recommended by staff and then it would come back.

Mr. Fritz noted staff would want to work very carefully with the Commission and make sure they cite the proper provisions of the ordinance. Staff would want to wait to see what the Commission actually does before they got to that point.

Ms. Porterfield noted that the major proportion of the request is Sections B and C, of which staff is recommending denial.

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

Keith Lancaster, with Southern Development, represented the request. Others present include Charlie Armstrong, with Southern Development, and Mike Myers, engineer with Dominion Engineering. The project proposed 93 units on property zoned R-4 and R-6. The third parcel at the corner of Rio and Pen Park Road was actually zoned R-6, which gives them a by-right of 90 units without any bonus density.

- They have been looking at different designs on this property for months and working with the Virginia Department of Transportation and County engineering staff to try to get the best design. The road system has a loop road as referred to as Road B. VDOT has a standard of a 200' radius in that design, which obviously would push the road down further into the hill. They were able to work with Joel DeNunzio to get a modification to reduce the radius to 110' to help pull the units off the slopes up towards Rio Road. They worked with engineering staff concerning the location of the basin, which is obviously at the low point of the site. They worked with staff on the stream, which was shown in Places29 coming up through the townhouse portion of the site. It was delineated by David Powell on their environmental portion of the site and confirmed by the CORPS that the intermittent stream begins down at the basin.
- They believe that Area B, though shown on Places29 and on the GIS, is incorrect at this point. If they walk the site, they would notice there is no stream location. There is another intermittent stream that comes in off site from Pen Park and runs to the adjoining parcel to the east. They were able to pull the basin back to allow that water to run freely to the perennial stream, which is shown in blue on the slide. They would offer to work with staff during the site plan process to mitigate the impacts on the larger portion of the slope in Area C. They would add additional plantings into the riparian buffer to protect the perennial stream.
- They were trying to think of ways to enhance their erosion control during construction to make sure that nothing is released below the slope in Area C. They are offering behind lots 25 through 38 to include super silt fencing and/or diversion dikes to reinsure that there is no blow outs during storms and they have run off going down that hillside.
- Another component of this site they are excited about is that the 58 units seen as duplex and single-family dwellings are going to be universal design. This design method will be for any individual aging and with special needs. Basically, they are looking at components in the building construction where there are zero steps into homes, wider hallways, 30" doors, and other components of the design like that to put in the 58 units. Having spoken to different groups in the community and being active with realtors this is something that is needed in the urban core. It is a product that is missing. Dunlora actually has a similar product, which has sold very well. They have 35 townhouses that complete the density. It is similar to the product to be built at The Pavilions at Pantops. They feel Area B has the ability to be built on because the stream is non-existent and that Places29 calls that out slopes.
- In Area C they offer the conditions on the exhibit. One other factor he would like to point out is that they actually show the drainage divide on there as well. The purple area on the plan shows the majority of the disturbance in Area C in the drainage area does not drain directly into that perennial stream. Since the stream comes around and wraps around the hill side it is not directly above the perennial stream. They feel that is a favorable factor.
- Hopefully, these mitigation measures will help off-set. Since the submittal of the site plan, they have been able to figure out a way to reduce their disturbance of Area C by just over 11,500 square feet of disturbed area. It is shown in that plan as Area D. They were able to relocate the sewer lower on the site and maneuver some storm drain pipes higher on the hill so to not to run them down the slope as quickly. He would be happy to answer any questions.

Mr. Zobrist invited questions for the applicant.

Ms. Porterfield asked the difference in the number of units they would build and if they would build with the bonus density.

Mr. Lancaster replied they are allowed the treescape as shown here. They are allowed the ability to go 5 percent and are showing three units. Because there is a portion zoned R-6 and the two other properties are zoned R-4, they have a maximum density of 90. They are showing 93 units.

Mr. Lafferty asked if they are going for the bonus density on affordability or design.

Mr. Lancaster replied it was on the trees saved.

Mr. Zobrist opened the public hearing and invited public comment. He asked legal counsel, Mr. Kamptner, to explain the limited nature of what they are here for tonight so the public could make their comments relative and directly to the point on what the Commission is here to decide. He did not think they were here to decide whether this was going to be built or not because it was going to be built. It has already been entitled. They are talking about a site plan and a critical slopes waiver. He asked Mr. Kamptner to explain to the public what would be appropriate in terms of public comment.

Mr. Kamptner pointed out the property already has the zoning. The two applications before the Commission tonight are a critical slopes waiver and the site plan. The critical slopes waiver looks at the impacts from disturbing slopes of 25 percent or more. The criteria and the findings the Planning Commission considers are very specific and laid out in the staff report. The preliminary site plan is regulated by a different part of the zoning ordinance. The sole issue that the Planning Commission has in considering the preliminary site plan is whether it complies with the requirements of the zoning ordinance. That compliance depends on what the Planning Commission does with the critical slopes waiver. Otherwise but for the critical slopes waiver, the Planning Commission's consideration of the preliminary site plan is a ministerial function. They don't have the discretion to weigh policy issues related to whether or not it is good to have this particular type of development on this land. Policy decisions have already been made through the comprehensive plan and the zoning ordinance. The issues that are relevant to the Planning Commission tonight really will boil down to the critical slopes waiver and the standards that apply to that unless anyone has found anything else in the zoning ordinance that this particular site plan does not comply with.

Mr. Zobrist invited public comment.

Public comment was taken from the following persons:

Bill Coburn, Dunlora homeowner for the past 10 years and President of the River Run Homeowner's Association, made the following comments against the proposal.

- Their concern was the proposed service of the large natural area of critical slopes. It is a natural watershed for several streams that come together. It was pointed out there was only one perennial stream. He walked the area last week and there is a number of intermittent streams that also feed into that, which also feed into the South Fork of the Rivanna River that adjoins this property. In walking the property, it allows one to see the full impact of the large watershed and large area of critical slopes and the possible future economic disasters that could occur, particularly for the South Fork of the Rivanna River. There are many old beautiful trees there that will be disturbed. They agree with staff on the request to deny the two sections. They can see no compelling reason to risk potential future erosion, siltation, and contamination of the Rivanna River and other adverse environmental impacts just to achieve density on this site.
- The proposed entrance into Penn Park Road is the second entrance proposed. It would be difficult to make a left turn onto Rio Road from this subdivision. VDOT did a traffic count supposedly in June at this intersection. Although the report read Penn Park Lane, it is not this intersection. He suspects that was a typographical error and should be verified. He called VDOT about the traffic count because when they did it the Catholic School was out for summer session as well as the Waldorf School. The summer vacation season had begun. They said when they do the traffic count when the schools are not in session normally they use a factor of 1.3 to compensate. If they considerate that the Catholic School has better than 350 students, the Waldorf School has 114 students, and they don't use buses, then it brings to question how valid the traffic count is they submitted. He questioned whether the traffic study was valid for this intersection, which is very dangerous.

Mr. Zobrist pointed out that is not before the Commission tonight. That was already studied when the rezoning was redone.

Katha Bollfrass, a seven –year resident of 1212 Chathan Ridge Road, noted the two issues she was most concerned about were not relevant for discussion tonight. She was concerned about the road and the trees.

Robert Toplin endorsed the opinion of staff. He agreed that Section A is not a contiguous area. Therefore, it does not carry the water on down into the raven in the same way that Sections B and C do. Sections B and C have much more serious issues. To take care of them they are going to have to be doing a lot of bulldozing, filling, flattening of the land, and building retaining walls. In reading the report he found a lot of attention to issues such as disturbing the

drainage ravine, adjusting of the slopes, important stream valleys that will be affected, and disturbance of water into existing streams, and soil erosion that can be quite significant. About ten days ago they had a extraordinary rush of water right around the Penn Park area. There was a lot of movement of soil and so on. The so called streams that are not perennial they have heard about could very quickly become rushing streams that will be affected greatly by these efforts to change the direction of the water. It sounds like staff made a wise recommendation to consider what is not a serious problem and what is a serious problem. That is worthy of consideration.

Thomas Wheeler, resident of 840 Charter's Oaks, said his house directly abuts the subject problem. He is really concerned and was against the proposal. He has been looking at the Albemarle County Land Use Handbook. It says very clearly in Section 13-200 variances should be sparingly granted. In other words, they are not supposed to be fixing things as problems come up. In 13-4-20, it says it should not be detrimental to adjacent property. It will certainly be a detrimental to have this huge massive group of homes put up the hill above them. Lower density is better. More importantly, that hill moves continuously. He did not know who did the land survey on this, but it looks like they are going to end up in his back yard. Trees come down the hill all the time. During the big storm they just had, stuff came down the hill. They had better do a good job of fixing the hill because it is going to end up in his back yard when they start tearing down all of the trees. He felt this would be detrimental to the adjacent property and the district would be changed. When they bought this property, they were aware they would need a variance. Therefore, this would be a self inflicted hardship since they knew they would need a variance to build a home. This is a self inflicted injury to themselves. By just walking the land and seeing the slopes they should have known they should not be building on a lot of this land. They are going to be using hundreds of dump trucks to try to fill this area in, which will be extremely dangerous to everyone in the area. He was against this because it was a very poor concept.

Mac Canter said he signed up because he thought Pen Park intersection was on the agenda. That is a real concern and it is going to be a mess unless it is done right.

Joseph Mahler noted that he walked that site a lot with his dogs. The trees and soil shifted after the storm. He asked that the critical slopes request be denied.

Jefferson Gray, resident of 1425 Glenside Green, spoke in opposition to the request for himself and others that could not be here namely Professor Jason Eldred of 1435 Glenside Green and Professor Debra Boucoyannis of 1437 Glenside Green. They all share similar concerns. Since he had seen the stream running many times while visiting the site, he wondered who did the hydrology and geology on that. His second concern was the preliminary jurisdiction and determination they received from the Army Corps of Engineers specifically warning they may need their permit and authorization in addition to authorization from other authorities on this. He would be bringing that query he had about the intermittent stream to the Department of Army Corps attention. There is another thing that affects this related to the water, which is the concern of how the storm runoff is going to be caught, collected and possibly pooled. He had read that there would be a catch for this. His issue was the West Nile Virus is becoming an issue in this part of the County. Any large standing pool of water is a breeding ground for mosquitoes. Before this is approved, he would want some kind of assurance from the County that this standing pool of water will not be allowed to exist that would create an insect threat to residents. He presented an email dated July 12, 2011 from Professor Jason Eldred, 1435 Glenside, (Attachment C) in opposition to Dunlora Forest.

Dr. John Graham, two year County resident, said he served as a coordinator for Adopt A Stream Program for several years in Columbia County, Georgia. He also served in Raleigh, North Carolina in many capacities watching for the problems they are talking about. He has never seen anyone come in and request a watershed change such as indicated in Area B. He asked if the waiver is not granted if the developer can still put houses in that section at a lower density. In his experience, he had observed homes built very close to streams and this one was over a stream. Very often residents fail to recognize what they put down the sewer drains along their streets. Things like oils, gas, and other things can end up directly or almost directly into the stream depending upon how those sewer lines are worked. He did not recommend any development in that area. He noted in the earlier developments that some vegetation was set aside for the Dunlora residents in the plans he examined. He thought the same should be true for Dunlora Woods as well. He recommended the developer not put homes here in the interest of good environmental protection.

Desi Allevato, four year resident of Dunlora, spoke in opposition to the request. The question the Commission should look at when addressing the issue of critical slopes is not whether the developer can make it work around some of these issues, but whether the disturbance of the critical slopes is worth the extra units and whether the developer has demonstrated a compelling public good to doing that in terms of density and growth. That is the real question. It appears that has not been the case. She thought there was collective disappointment that the matter of the river and the road is already an accepted point and many people would like that to be reconsidered.

Ron Mokrish, resident of 1282 Chatham Ridge, said he was an educator and his work with children over the past 30 years has largely been related to biology and environmental issues. He spends a lot of time walking, biking, and fishing in this area. He spoke in opposition to the request because it was a critical slope and a beautiful area. It

would be hard to replace the vegetation and structure there. On the sloped area behind his house he has spent a lot of money. He urged the Commission to vote with staff to deny these waivers.

John Blatz, resident of Dunlora, concurred with the staff recommendation on critical slopes B and C. With respect to A, he wondered if filling that area does not increase storm water runoff from the site considerably and therefore impact other critical slopes. He questioned whether storm water runoff would increase substantially from this site and cause impacts on the streams and Rivanna River. The proposal states that the storm water systems at the site are designed only for a ten-year storm water event. In light of the recent precipitation events and the very steep slopes at the site, he wonders whether that is going to be sufficient. It also states they are planning to construct structures within buffer areas of the site. He wondered why storm water containment structures should be constructed within buffers that are designated as critical environmental resources.

David Drubin, a one-year resident of River Run, spoke against the waiver requests, and the increased density. He was completely against the project mostly due to the traffic concerns, which some people have addressed that was not on tonight's agenda. It is a major concern.

Todd Hawkins, member of the Livable for Life Steering Committee and co-owner of a company called Builder Fish, said their cause was universal design. His opinion was staff should work with the developer because accessibility and affordability go hand in hand. This property has some potential and staff might want to talk to someone in Fairfax, Virginia or Montgomery County, Maryland. They have been dealing with this issue of home accessibility since early 2000's. He questioned if there is any way to mitigate the concerns so that everybody gets something since this type of property is sorely needed.

Sonny Knight, ten-year resident of Dunlora, said his response is emotional. He knows they need this type of housing and they have to concern themselves with growth and the future. However, it seems to be a lot about money. This is a beautiful place to live. He asked how many times do they have to bring in more people to a beautiful place to increase the density when they are decreasing the value of their live experience and their properties. He asked that the waivers be denied.

Cynthia Ricio, resident of River Run and realtor for 31 years and with Montague & Miller Company Realtors, noted that it was a very challenging market today and there is a lot of inventory in the MLS. To add inventory to today's market in this community will continue to devalue and make it tougher for this economy to survive and move forward.

Harriet Ricio, resident of River Run, asked to mention several items that had not been talked about. One is that this is a recommended green buffer area in two studies done by the County. Two, is that they don't build for a ten-year event. They build for a 100-year event. One of her last professions was doing analysis for storm and hurricanes. They are going to have run off and erosion, which will be seen in the Rivanna River. The builder said hopefully he could offset erosion. I hope is not good enough.

Deborah Gilbert, resident of River Run, noted that they were not informed of any of this. They came here with the idea they could talk about the road and this obviously is not the place. She asked who they could contact to talk about the road.

Mr. Zobrist replied they could contact Bill Fritz at 296-5832 at extension 3242.

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

Mr. Lafferty thanked everyone for coming tonight. He noted that it was very limited in what the Commission can make a judgment on.

Mr. Morris said he walked the property in section B after two full days of absolute downpour. Walking down that cut it was muddy, but where this particular form showed a stream there was no stream. There was no wetness on the ground. He can only attest to what he actually saw. He is not a member of the Corp of Engineer, but it was dry. What that says is that being on the ground and walking it that one day he saw that maybe the map he was looking at was not quite accurate. That is all he was saying.

Ms. Porterfield suggested they ask Joel DeNunzio to come up and discuss condition #6, which is Virginia Department of Transportation approval. Everybody would like to know if there is VDOT approval.

Joel DeNunzio replied that they had reviewed the roads in this development twice and provided comments. He realized there was a lot of concern with the Pen Park intersection. The final design on that is not complete. They have concerns with it also. They believe it is too close to the Rio Road intersection and that probably channelization has to be incorporated into the design to either restrict or just allow the safe movements there.

Ms. Porterfield asked that he describe what channelization is.

Mr. DeNunzio replied that channelization was concrete medians. They might have traffic stacking on a normal basis at the signal coming out to Rio Road. They might channelize a median there so they can't take a left turn into that site. However, they can allow right-in and right-out coming the other direction. There are many benefits to having that connection there with one being a park down the way. It would be nice if the residents of that development could come out and take a left to go down to the park without coming out to Rio Road. If it were a safe movement, it would be desirable movement to keep them off Rio Road. However, there are other situations such as cars stacking up at a light and someone is trying to pull through the middle of them. It is not safe. That is their biggest concern here with the people coming up and trying to take a left in or if it is unsafe to take a left out. More analysis needs to be done in this design to determine these things. They believe they can restrict certain movements that might be unsafe to make the intersection safe.

Ms. Porterfield asked if they are going to do anything to allow the residents of the area to come and make comments to him about this area. Obviously, they are quite concerned.

Mr. DeNunzio replied yes, he could answer any questions to citizens.

Ms. Monteith asked if Treesdale, which is already under development, would also affect this. There is a lot of congestion in this area.

Mr. DeNunzio said that someone mentioned earlier about the traffic counts VDOT did this summer and how they are not adequate to use for this type of analysis. Those traffic counts are not done necessarily for this type of development. VDOT does not go out and count traffic to see if intersections are safe for these developments. They are out there counting traffic to determine how to allocate maintenance funds to roadways. Therefore, their counts are different from the counts they do for analysis. There was an analysis done on a previous plan out here, which was less dense. Before the final design on this, they are going to have to revise that analysis with additional traffic counts. They typically require those traffic counts to be done when the school is in session. It should incorporate everything that is out here.

Ms. Porterfield assumed he would also be discussing the access roads that are shown that would not be coming out at traffic lights. She questioned if they would restrict it to right-in and right-out.

Mr. DeNunzio noted another desirable feature of that intersection is they could take a right out and get to a traffic light to make a left on Rio Road, which was safer than coming out the main entrance onto Rio Road.

Ms. Porterfield noted concern that just because this was inside the development area they could consider that it is totally buildable. The Commission has talked about it out in the rural areas. She felt they needed to say that the same thing applies within the development areas. She assumed the people who bought the property were aware of the topography of the area when they bought it and could visualize what they would have to ask for to be able to build it to its maximum. That is what she thinks they are trying to do. She has problems giving these waivers because the developers are maximizing and may be overbuilding what the land can take. She also has great concern with building something to a ten-year storm since it was not realistic particularly given the topography of the site. She understands what staff recommended, but questioned if everything is buildable to the max.

Mr. Loach asked staff to answer the question asked by the audience. Assuming the Commission goes along with staff's recommendation for denial of B and C, what impact does that have on the total number of units allowable to be developed on the land.

Ms. Yaniglos replied if the Commission denied Areas B and C, a number of the lots would be affected. The applicant might be able to make some adjustments, but she could not say for certain.

Mr. Fritz pointed out it does not change the zoning of the property. The zoning would remain R-4. Staff asked the very same question when going through the review trying to figure the number of units to go there. Staff had a very difficult time because a couple of things could happen. They could take off the multi-family and leave it as single-family. They could convert what is shown as single-family into multi-family so they don't know what the numbers would work out to be. If Areas B and C are not approved, it is a pretty significant reduction in the area of development. It is probably about one-half. He could not tell them what the number would be because the applicant might decide to go for a multi-family approach and cluster that. He could not answer the question affirmatively.

Mr. Lafferty asked if the catch basin is actually designed for a ten-year event. He asked if the project engineer could answer the question.

Mr. Fritz replied that he would have to come back to him on the basin design.

Charles Armstrong, with Southern Development, noted that Mike Myers with Dominion Engineering could address the basin design.

Mike Myers replied that the basin design provides control for the ten-year storm, which is required by the County Engineer. It also allows for 100-year over land relief. It does take into account the fact that the 100-year storm will be routed to the stream. However, it is correct the actual design is for the ten-year storm.

Charles Armstrong noted the design of the storm water basin for a ten-year storm means that even with some increased impervious surfaces on the land that the storm water basin as designed will intenerate that storm down to the level of the ten-year storm pre-development. Therefore, it is not a matter of what storm the basin is designed for. It is designed for a 100-year storm and it can handle a 100-year storm. It controls a 10-year storm.

Mr. Zobrist said he did not support any of the waivers. He felt that waivers should be given very seldom and when they are very deminimus.

Mr. Franco said he would probably go the other direction. The question Ms. Porterfield asked early on is how do we want to consider the development areas. He thought their whole Comp Plan or policies and approaches are based on trying to funnel development to the development areas. Therefore, he agreed with staff's comment about Area A. Those critical slopes are incidental because they are out there and 25 percent, but not associated with what he would call a significant feature such as the major or locally important streams. Those he thought were the ones they were trying to protect with this ordinance. He thought the critical slopes ordinance was designed to say at 25 percent they are supposed to say be careful. They are not supposed to stay off them, but to be aware of what is going on and to look at them to make sure they are not using their typical approaches in dealing with those slopes. He would be more likely to approve Area A. He thought staff has outlined in the report that Area B is disconnected from the major slopes that are near it. There is not a stream that comes up there. There is a lot of discussion whether that is really a stream. He has to go with the Corps of Engineers who are our expects to say it is not a stream because they made that call. He would be inclined to allow the slopes in Area B to be disturbed. He was less inclined to allow anything to happen with the slopes in Area C simply because they are contiguous with the stream buffer in what he considered important environmental areas.

Mr. Zobrist pointed out these are in the Places 29 Master Plan and considered as open areas and green areas.

Mr. Franco said he did not think the Master Plan has the ability to designate your property as open space and then prohibit using the land. If the land came up for a rezoning, then they would be pursuing maybe getting an open space or greenway. In the Comp Plan, they talk about this being a public park area. Right now, they can't do that.

Ms. Monteith noted however, they don't have to grant a waiver for critical slopes.

Mr. Franco said he has been very torn in this approach. There are aspects of the design he is concerned about. Some of that is because of the regulations they have which has forced the design to be the way it is. However, he did not think they ought to be regulating development in the development areas with incidental critical slopes. The things that are up here in A and potentially B he thought they should look at as being in the development area and to accept that they will be disturbed.

Ms. Monteith said she would argue that she thought the way these critical slopes are configured that it is critical to the structure of the whole place. She has been on the property. Therefore, in this case she felt that the critical slopes are problematic. She disagreed that at 25 percent they design differently. She thinks at 25 percent they have to be very careful about what they are doing if they do anything. They should consider those issues very carefully when they are looking at the proposal. She would also follow up on a couple of comments she heard. One relates back to what Ms. Allevato said, which was that the developer should show a compelling public good. That combined with the fact that they also have had it demonstrated that they have quite a bit of capacity in terms of what is available on the market, she did not think they have demonstrated a compelling public good for actually developing these critical slopes.

Mr. Zobrist invited further comment from the applicant.

Charles Armstrong requested a deferral. They would like to go back and work a little more to see if they can stay out of the critical slopes or at least stay more out of them. He thought there were some spaces they can work with. Between the staff report and now, they have been able to show disturbance of less critical slope than originally proposed. They could work on that even more. The one comment he would like to make about #1 density and #2 what is on the market to the extent that is relative to their thought processes, was part of the reason the slopes are shown as being disturbed is because the universal design homes that are designed for seniors are a larger footprint. They are one level living. Instead of going up two stories and getting that living space on two levels on a smaller

footprint, they really have to spread it out to do universal design of a comparable size that those seniors want. That is the primary reason that the lots are as big as they are. Those lots could be shrunk down and do townhouses and achieve the same maximum density without disturbing the critical slopes. Without the waiver, they have a decision to make whether they want to try to do universal design with less density or do something that is a smaller product or more vertical and achieve that maximum density. With regard to what is on the market, there is many town homes on the market right now. They are trying hard to offer a product that is desperately needed by the market. These homes with universal design are not there. He had a realtor just yesterday ask if this is not approved where are they going to live. This is a realtor that has been in the business many years and knows there is a demand for senior living. If the Commission were willing, they would like to defer, work on this some more, and come back.

Motion: Mr. Franco moved and Mr. Morris seconded for acceptance of the applicant's request for an indefinite deferral of SDP-2011-000033 Dunlora Forest – Preliminary Site Plan to allow staff and the applicant to work out some of the issues.

Mr. Morris asked staff and the applicant to clarify Area B's status in the Open Space Plan and the Places29 Plan.

Mr. Lafferty noted the deferral would give the public a chance to know what the issues are when the applicant comes back.

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

Mr. Zobrist noted that SDP-2011-00033 Dunlora Forest – Preliminary Site Plan was indefinitely deferred at the request of the applicant to allow staff and the applicant to work on design issues.

The Planning Commission took a five minute break at 7:26 p.m.

The meeting reconvened at 7:32 p.m.

Public Hearing Items:

SP-2011-00012 Locally Grown Festival
PROPOSED: Special Use Permit to allow a one-time music event for a maximum of 700 people between the hours of 1-9pm in the fall of 2011
ZONING CATEGORY/GENERAL USAGE: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
SECTION: 10.2.2.42 Temporary events sponsored by local nonprofit organizations
COMPREHENSIVE PLAN LAND USE/DENSITY: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
LOCATION: 5152 Mount Juliet Farm, approximately one-half mile northwest of junction with White Hall Road (810)
TAX MAP/PARCEL: 040000000026A1
MAGISTERIAL DISTRICT: Whitehall
(Eryn Brennan)

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

This is a special use permit application to allow a temporary one day event consisting of a music festival for a maximum of 700 people in the fall of 2011. The 89-acre parcel is bisected by a private road leading to the main house on the property and it consists primarily of cleared fields with a wooded area located in the western corner of the property north of the main house. The properties surrounding the subject parcel are designated rural area in the Comprehensive Plan and are included in the rural area zoning district.

The hours of operation for the music festival would be during daylight hours only that depends on when the sun sets on that particular day in the fall. The stage would be constructed in the field north of the road traversing the property, approximately 650 feet west of the nearest residence on Sugar Hollow Road. As the noise may exceed sound levels allowed in the Rural Areas (60 dBA during the day), the applicant has requested a waiver from Section 4.18.04 of the Zoning Ordinance, which is also included with this application. However, condition 12 has been offered to restrict noise levels to no higher than 65 dBA during the event as measured from an adjacent property. A maximum of 15 vendors selling food, wine, and beer would be set up for the event. All festival parking would be on-site, and no off-site parking would be allowed, as stated in condition 6. One parking area has been identified on the concept plan to accommodate up to 280 vehicles.

The applicant has contracted an event management company to organize trash removal and recycling, and portable bathrooms would be available for festival participants. Condition 3 has been proposed to ensure Health, Fire, and Police department approvals are obtained before a zoning clearance would be issued.

The gate area closest to Sugar Hollow Road would be where people would access the event from the parking area. The stage would be set up in the area where there was a dip in the valley as shown in the sketch. The applicant intended that so it would be at a lower elevation to help mitigate and off-set some of the noise impact from the event.

Some increase in traffic can be expected on the day of the event. VDOT has no objection to the application. The proposed use does not directly contribute to the goals outlined in the Comprehensive Plan for the rural areas, however, given the temporary nature of the event staff has not identified any detrimental impacts on adjacent properties. Therefore, staff recommends approval of SP-2011-00012 Locally Grown Music Festival with the conditions outlined in the staff report. The name has evolved after the application was submitted.

Regarding the waiver requested, it is anticipated that noise may exceed the 60 decibels allowed during the day. Therefore, staff recommends approval of the waiver from Section 4.18.04 of the Zoning Ordinance.

Mr. Zobrist invited questions for staff.

Mr. Morris noted it bothered him when he read staff was recommending raising the decibel level to 65 after what they have gone through with the wineries. It just seems that they are absolutely opening floodgates if they increase the decibel level they will permit in this area.

Ms. Brennan pointed out this is the decibel level the Commission approved for the music festival held at the Misty Mountain Campground.

Mr. Loach asked how that would be measured.

Ms. Brennan replied the condition was included because they did not anticipate staff attending the event. The Misty Mountain Campground festival was three days and zoning staff did attend that festival. Staff did sound measurements and none exceeded the 60 decibels. On this particular day with this particular parcel, staff could certainly discuss with Ms. McCulley the possibility of staff attending the event.

Mr. Loach said it would also be helpful in the future as they start to develop these base lines if they can have some experience with it.

Ms. Brennan noted if the 65 decibel level maximum was set for this particular event, it gives them a possibility of a quantitative analysis for a future application should this become successful and the applicant wants to come back with a special use permit. If it does not come close to the 60 decibels allowed, they don't need to include a condition. If it came really close, they should cap it at 65 decibels.

Mr. Zobrist noted it also ends at sunset, and Ms. Brennan agreed that was correct.

Ms. Porterfield asked if the Misty Mountain festival was capped at 65 decibels.

Ms. Brennan replied that was correct because that festival goes into the evening.

Ms. Porterfield asked if it had been considered with something like this that a part of the approvals would be the applicant would pay to have a zoning staff member at this event.

Ms. Brennan replied that to her knowledge that has not been considered.

Ms. Porterfield asked if it would be possible in the future.

Mr. Cilimberg replied that he would have to defer to Mr. Kamptner on that.

Mr. Kamptner said it has not been the County's practice to require a user of a land use to pay for the cost of compliance with the regulations.

Ms. Porterfield pointed out the problem is if there is a complaint the event is over before the next time somebody can get out.

Mr. Loach asked if the Commission can make a condition of approval that it be on the onus of the applicant to have the sound measured during the performances to make sure it does not exceed the 65 decibels.

Mr. Kamptner said it would be fair to require the applicant to monitor the sound levels using the standards and protocols that are in Section 4.18. Whether or not they would use it for enforcement purposes is another matter. If it

is monitored, the County can further develop its data bases to these standards, conditions, and particular activities in how to regulate them in the future. It would certainly give them real time information as to whether or not they are in compliance and they can self-correct throughout the day.

Ms. Porterfield said that is probably the biggest reason for doing it. The applicant could self correct, which would be wonderful.

Mr. Loach noted they could give the data to the County so they could have it for their information.

Mr. Kamptner said his recollection from the Misty Mountain Festival in 2010 or the prior year was they had actually done sound checks before the event actually started. Therefore, they were confident and knew they were in compliance with the condition before the event even started.

Ms. Brennan agreed and noted that County staff also went out and did measurements during the duration of the festival.

Mr. Franco asked if they are talking about any sound or the amplified music. He was wondering if they should specifically say amplified music. During the discussion on the wineries, there was a lot of discussion about the general noise.

Mr. Loach suggested they reference the section Mr. Kamptner referred to.

Mr. Kamptner suggested they talk with zoning rather than try to fashion a condition. In the sound tests taken under the zoning ordinance they are not going to get a line graph showing everything taking place from the time the event starts until sunset. However, they are going to get averages taken during certain periods. What those tell us for the life of the event he did not know since they are not going to be random samples of sound levels throughout the event. They are going to be whenever the person conducting the test concluded their testing period. The Commission can make a recommendation for that condition and let staff talk to zoning to see how that can work in a reasonable way.

Mr. Zobrist suggested the condition state that the applicant will comply with such reasonable monitoring of sound as required by the zoning department. Then they could let the zoning department decide whether they want to do it or not.

Mr. Kamptner replied that could be the recommendation and then staff can work with zoning to come up with a condition before this goes to the Board.

Mr. Franco said that condition 7 talks about a limit not to exceed 700 persons. Thinking back to the Blue Ridge Swim Club, was that 700 attendees or 700 inclusive of staff, vendors, and emergency personnel?

Ms. Brennan replied it was 700 attendees.

Mr. Franco said he would like to see that clarified.

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

Peter Lawson, applicant, represented the request.

Mr. Zobrist asked if this was his parents' property, and Mr. Larson replied, yes, it was his family's property.

Mr. Zobrist asked if his parents had given him permission to put this event on.

Mr. Larson replied yes, his parents had given their permission to hold this event.

Mr. Loach said under the staff report it says the proposed use does not directly promote the purposes of the rural zoning district. To mitigate that he sees this event is being sponsored by three local nonprofit organizations, including Kin Pan Alley, the White Hall Ruritans, and the Boys and Girls Club. He asked if that is correct.

Mr. Larson replied that the third one they are changing to another nonprofit, the Music Resource Center, which is underneath the Boys and Girls Club.

Mr. Loach asked if the sponsors would be recipients of the proceeds.

Mr. Larson replied that the sponsors would be the main beneficiaries of the revenue. They intend to give them a large portion of the revenue.

Mr. Smith asked what percent would be a large portion of revenue.

Mr. Larson replied that they have not discussed that with them yet. They have been waiting for this to go through until they start talking about that.

Ms. Porterfield noted this event is a lot more open-ended because there is no date.

Ms. Brennan replied that is correct; however, it allows for a rain date.

Mr. Franco pointed out there is only one event to occur by the end of the year.

Ms. Porterfield asked when he is planning to have this event.

Mr. Larson replied he was considering Labor Day weekend or the weekend of September 16th and 17th.

Ms. Porterfield noted they have always had a date certain with a rain date.

Ms. Brennan replied that Misty Mountain Campground was allowed one event per year anytime of the year. There was no date for that.

Mr. Franco said he was comfortable leaving the date open ended since it is one event, which has to be within the next six months or before the end of the year.

Mr. Loach said the timing did not bother him. He had discomfort in their application for something that does not promote the purposes of the rural area zoning. It is nebulous in they were going to have a music festival for these organizations, but don't know what percentage of the profit they will receive. He wants to do the right thing for these organizations, but did not want these type of things popping up all over the rural areas based on the promotion for good causes.

Mr. Cilimberg pointed out in the staff report Ms. Brennan notes they are going to be selling local goods as part of this activity. While it might not be promoting agricultural activities on the site, which is the primary activity or the use in the rural area, it is actually utilizing the sale of local products as part of the event.

Mr. Franco said he was a little concerned about the use. However, overall he was okay with the use because of the local vendors and the support of the community that is coming out of it. He would be more comfortable knowing more specifically a percentage not necessarily of the revenues, but of the products so to speak. Obviously, there will be expenses. If the applicant were able to say aside from expenses that this portion of the profit is going towards the nonprofits it would be good.

Mr. Loach said it would have been nice to have some people from these organizations present to support the event.

Mr. Franco said overall he was still in support of the concept.

Mr. Cilimberg said the applicant did not have any of that information for Misty Mountain, which came back before the Commission twice. That event originally was approved for one year. Then it came back for a long term approval. That was not a matter the Commission discussed nor was it an issue. That was actually a private event.

Mr. Kamptner pointed out in regards to the resolution of intent passed he was working on the temporary event section this afternoon. One thing that caught his eye was it had to be sponsored by a local nonprofit organization. All that it requires is sponsorship. It actually does not require anything else that he was aware of. Maybe through practice Community Development has some base line criteria to what the nonprofits have to do to qualify as being the sponsors. There is nothing in the zoning ordinance that establishes any criteria.

Ms. Brennan replied that zoning makes the determination when the application is submitted. They ensure that it is being sponsored by nonprofits, whether it is one or multiple. In this case, it is multiple sponsors. Zoning made the determination that it was sponsored by nonprofits. Therefore, it is okay for them to pursue a special use permit for a temporary event.

Mr. Loach asked if the notification has been sent out to the neighbors. He asked if any opposition had been received.

Ms. Brennan replied there was some confusion about the road name. The road it is on is Mount Juliet Farm, but it is not actually Mount Juliet Farm, which is the adjacent farm. When the caller understood it was the adjacent parcel and not their own they were clear and fine with it.

Ms. Porterfield asked when zoning made the determination, did they have the application from the nonprofits signed by the nonprofits.

Ms. Brennan replied that the zoning ordinance does not require an application or signatures from the nonprofits. However, the letter was submitted stating this application is being sponsored by these nonprofits, which staff felt was sufficient.

Ms. Porterfield noted there was already one change in the nonprofits according to the applicant.

Ms. Brennan replied yes, the applicant just said the Music Resource Center under the Boys and Girls Club would be a non-profit. She asked if that was correct.

Mr. Larson replied yes, that was correct.

Ms. Monteith said she had a few questions about the 280 parking spaces and the maximum 700 attendees, in which case they could have 800 people there because they could have other people who need to support the event. She was trying to figure out the math on that. It does not seem that many people are going to be walking or riding their bikes to this. She asked if he was going to mandate that there was going to be three people per car. She wondered how he managed the numbers if he might get 800 people and could only have 280 cars.

Mr. Larson replied they assumed it would be a family oriented event. They hope people will show up in a car pooling fashion. In addition, they have plenty of other space. They could add the entire property as a parking area. The area is easily accessed and they could take cars all over it. Honestly, he had not considered the 50 to 100 extra employees they will be having there. He did not expect to have the full 700 people. However, either way the parking area shown in white is already more than capable of holding over 350 cars. That is subject to interpretation since he has not measured it with a tape measure. However, the other land can be used for parking, too. It is just more grass.

Ms. Monteith suggested since this is a new thing that in planning for this he should think about how that parking flow would happen and the exiting patterns. It is not really a big road. She suggested that he should think about if everybody tried to leave at the same time.

There being no further questions for the applicant, Mr. Zobrist opened the public hearing and invited public comment.

Neil Williamson, with the Free Enterprise Forum, said they have no opinion about this project in general. However, they do question the unfavorable recommendation with regard to supporting any part of the Comprehensive Plan. The idea of the festival itself and the idea of rural enterprises, which he speaks about regularly, are supported by this type of activity and would be in accordance with the Comprehensive Plan.

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

Mr. Loach supported the application even though he had some discomfort with it. He stressed his opinion to Mr. Kamptner to consider nonprofits while he is working on that section of the ordinance. In the future when these things come with the proviso of being supported by whatever organization he felt they should have supporting documentation from those organizations and know what percentages of the revenue they receive. He thought the Planning Commission should actually know that. He moved for approval of SP-2011-00012, Locally Grown Festival subject to the conditions recommended by staff.

Mr. Cilimberg asked if he wanted the decibel condition revised as discussed.

Mr. Zobrist noted it was as reasonably required by the zoning administrator.

Mr. Loach agreed to change the decibel condition. In addition, condition 7 should be changed not to exceed 700 attendees.

Mr. Franco questioned if the attendees should be ticket purchasers or whatever it is.

Mr. Lafferty asked if they wanted the vehicles to be attendee vehicles.

Mr. Franco preferred if staff was comfortable saying that the delineated area is for parking and supposed to stay in the delineated area, but not to regulate the number of cars.

Ms. Brennan noted that condition 1 ties it to the location of the temporary parking area, so the concept plan shall be in general accord with that.

Mr. Franco asked that condition 8 be eliminated, which limits the maximum to 280 vehicles. As long as they can fit 300 vehicles in that area, it is alright.

Mr. Loach agreed with Mr. Franco.

Mr. Kamptner said based upon what the applicant said – condition 15 should be amended because the two dates he suggested are before fall begins just so zoning does not have an issue with the condition.

Mr. Cilimberg suggested the condition be reworded to say shall be held before the end of the calendar year 2011.

Mr. Kamptner suggested the condition state to be held in 2011.

Motion: Mr. Loach moved and Mr. Smith seconded for approval of SP-2011-00012, Locally Grown Festival subject to the conditions recommended by staff, as amended.

1. Development of the use shall be in general accord with the Concept Plan entitled Locally Grown: A Festival of Organic Proportions for SP-2011-12, prepared by Albemarle County Office of Geographic Data Services, and signed by Peter Larson and dated April 18, 2011, (hereinafter, the "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator.

To be in general accord with the plan, development shall reflect the following central features essential to the design of the development:

- location of the temporary parking area
- location of temporary stage

Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

2. A maximum of fifteen (15) vendors shall be allowed to operate during the temporary event.
3. Written approval from the Police Department, Fire and Rescue, and the Health Department shall be required prior to the issuance of a zoning clearance to allow the temporary event use.
4. No tree removal, grading, or disturbance shall take place within the driplines of the trees as shown on the Conceptual Plan. Any grading or disturbance within ten (10) feet of any dripline shall necessitate submittal of a "Tree Protection Plan" in accord with section 32.7.9.4 of the Zoning Ordinance. No grading or disturbance within ten (10) feet of any dripline shall be permitted until a) a survey and fencing have been completed and b) the Planning Director approves a plan which shows the grading or disturbance and the surveyed dripline of the existing trees.
5. The hours of operation for the music shall not begin earlier than 1:00 PM and shall end not later than sunset.
6. Off-site parking shall not be permitted.
7. The maximum number of attendees ~~people~~ allowed on the site for the temporary event shall not exceed 700 persons.
8. ~~A maximum of 280 vehicles shall be allowed to be parked on site on the day of the temporary event.~~
9. A minimum of 20 private security, parking, and traffic control staff members shall be required on site on the day of the temporary event.
10. Overnight camping shall be prohibited.
11. Artificial lighting shall not be permitted, provided that flashlights may be used while the site is restored and cleared as provided in Condition 14.
12. <u>The maximum level of noise shall not exceed 65 dBA as measured from an adjacent property line.</u>
13. The applicant shall reseed and restore the parking area as required by the zoning administrator within 30 days of the temporary event.
14. The site shall be restored and cleared of all trash, debris, and structures associated with the event within three days after the temporary event.
15. Special use permit 2011-12 shall be valid for a temporary event to be held in ~~the fall of~~ 2011.

Mr. Zobrist invited discussion.

Ms. Porterfield asked if VDOT looked at the road and entrance and if it meets their standards.

Ms. Brennan replied yes, VDOT has no objection.

Mr. Cilimberg noted this approval was for the event to occur one time. If this is successful and they decide they want future events, then they are going to need to come back. There will be some history and a record of how the event went this year if they were to come back with a request again.

Ms. Porterfield said there was not much in this application. She would be much more comfortable if it was at least a little bit better delineated like some other ones they have had. That is why she would vote no.

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

Mr. Zobrist noted that SP-2011-00012 Locally Grown: A Festival of Organic Proportions, would go before the Board of Supervisors with a recommendation for approval on a date to be determined subject to staff's recommended conditions, as amended.

ZMA-2011-00004 Albemarle Place Proffer Amendment
PROPOSAL: The request is to amend proffers on property zoned NMD which allows residential (3 – 34 units/acre) mixed with commercial, service, and industrial uses. No new dwellings or change in residential density proposed.
ENTRANCE CORRIDOR: Yes
PROFFERS: Yes
COMPREHENSIVE PLAN: Designated Urban Mixed Use (in Destination Center) – retail, residential, commercial, employment, office, institutional, and open space; Urban Mixed Use (in areas around Centers) – commercial and retail uses that are not accommodated in Centers; and Commercial Mixed Use – commercial, retail, employment uses, with supporting residential, office, or institutional uses.
LOCATION: Northwest corner Hydraulic Road (Rt. 743) and Seminole Trail (US 29) in Neighborhood 1.
TAX MAP/PARCEL: 061W0-03-00-019A0, 061W0-03-00-019B0, 061W0-03-00-02300, 061W0-03-00-02400, and 061W0-03-00-02500
MAGISTERIAL DISTRICT: Jack Jouett
(Wayne Cilimberg)

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

The Planning Commission is familiar with the Albemarle Place location. In fact, the Commission already in the last year reviewed a rezoning of more substance than this that dealt with the Neighborhood Model zoning of this property. It actually added the corner parcel to the Neighborhood Model District at the time.

Purpose of Hearing:
- Rezone @ 65 acres NMD, Neighborhood Model to allow two substantive proffer changes for:
- Phasing of through road improvement
- Required inter-parcel street connections

In this case, the request would allow for two changes. There is one housekeeping matter, which is the change of a reference to a State Code. The two substantive changes would be for the phasing of the through road improvement, which has been known as Albemarle Place Boulevard and now being called the Stone Field Boulevard in the actual development proposal, and the required inter-parcel street connection. There would also be changes there.

Currently this particular area would be developed with the requirement that there be an extension of the through road to Route 29. In this case, the addition of Area E could also take place with Certificates of Occupancy issued that would allow that development and the delay of the connecting road; or to have that connecting road built as a temporary road to Route 29. In the report that temporary road connection remaining to be built for the section may not be built initially connecting through based on traffic studies, which would be approved by VDOT and the County. That would be the section subject to the change as proposed in the proffer changes. In addition, the particular interconnection that would be shown as possibly being extended through to Commonwealth would be dropped as part of the proffers as requested. All of the interconnections originally shown that went off-site in this project would be dependent on future development in other areas. This would be the only one actually dropped. The remaining interconnections would still be available for future development.

The report noted there are improvements to 29 and Hydraulic Road that are required under the zoning that have been proffered. Those improvements are happening early in the project. Before any of the development that would potentially lead to a decision regarding the temporary road or not building the road through initially would take place, these improvements would already be in effect. They would be under development and hopefully in place at that time as well.

Factors Favorable:

- Allows some flexibility in the design and timing of Albemarle Place Boulevard and the number and/or location of inter-parcel connections that still assures streets are provided commensurate with the needs generated by the development.
- Does not create inconsistencies with the Comprehensive Plan.

Factors Unfavorable:
- Construction of Albemarle Place Boulevard urban cross-section from the western entrance to Sperry Marine to Route 29 may not be in place until after the COs are issued in Blocks A, B, C, D and E.

In fact, they may only have that temporary road or they may have no road constructed initially if the traffic does not warrant that. Ultimately, that would have to be built through as an urban cross section street.

Recommendation:
Staff recommends approval of ZMA 2011-00004 inclusive of the proffers dated June 6, 2011.

Mr. Zobrist invited questions for the staff.

Ms. Porterfield asked staff to go back to the road improvements outside of the project, which would be Hydraulic and Route 29, and if those improvements would be completed prior to the CO's.

Mr. Cilimberg replied that they actually have to get started with those improvements as they are developing the first site plan for the project. The timing of getting that done is dependent on the construction time that will be involved. As the project starts developing and gets to the point where Area E is under development, they would expect all those frontage improvements along 29 and on Hydraulic in the County to be done. There are other improvements they proffered to do in the City, but those are not under their control.

Ms. Porterfield asked about Areas A, B, C, and D and if they are going to be completed prior to CO's being issued for buildings in those areas.

Mr. Cilimberg replied yes that it is dependent on the timing of doing those improvements. They are going to get started with the improvements on 29 and Hydraulic they are required to do with the first site plan that gets approved in A, B, C, D, and E or anywhere. Those improvements are subject to the timing of construction. Once construction gets started the timing can be affected by weather or other circumstances. The intention would be that those would be underway so as Areas A, B, C, D, and/or E are being built they will already be in place.

Ms. Porterfield said that he was not guaranteeing that.

Mr. Cilimberg replied they could guarantee that.

Ms. Porterfield said she understood there is a stoplight going in at the road coming out on Hydraulic. She asked when is the stoplight going in.

Mr. Cilimberg replied that stoplight is going in with this project with the development of this area.

Ms. Porterfield asked if the 15-screen movie theater goes up are they going to have a stoplight to get people out of this corner.

Mr. Cilimberg replied that was his understanding, but he would let the applicant speak to that. That is part of the improvements they have to do on Hydraulic Road.

Ms. Porterfield said she was very confused as to when these improvements are being put in.

Mr. Franco pointed out what she was getting to is whether it is tied to the certificate of occupancy (CO).

Mr. Cilimberg noted actually the construction is tied to the first site plan approval.

Mr. Franco said it would be at the start of construction. He asked about the completion of the infrastructure and if it is tied to anything.

Mr. Cilimberg said they would either tie it to completing it before they issue a certificate of occupancy (CO) or not. The construction of the improvements is tied to that. He would go back to look at the proffers once again to make sure of that.

Mr. Franco said that he did not understand.

Mr. Smith said he did not understand everything that he was saying, but would expect and would like to think that all the exterior improvements for safety would have been done before the certificates of occupancy (CO's) were issued.

Mr. Cilimberg said the County may require these improvements to be completed as a prerequisite to the issuance of any certificates of occupancy.

Ms. Porterfield questioned if it should be "may" or "will."

Mr. Cilimberg replied that it says "may." This is a proffer that has existed since the beginning. Proffer 7 says, "At its expense the owner shall plan, design, bond, and construct travel lane improvements to be dedicated for public use on its Hydraulic Road and Route 29 frontage. The design shall be submitted with the first site plan for the initial phase of Albemarle Place." That first site plan for the initial phase is the theater. The subject frontage improvements are depicted as shown. The County may require these improvements to be completed as a prerequisite to the issuance of any certificates of occupancy. The construction of the subject improvements shall be deemed complete when they are constructed in conformance with the plans approved by VDOT and opened to public use as approved by VDOT.

Mr. Kamptner said the signal at Hydraulic and Albemarle Place Boulevard has to be constructed when the County or VDOT request installation, but in any event prior to the issuance of the certificate of occupancy for any building in blocks A, B, C, or D provided that such signals are warranted by traffic volumes or otherwise approved by VDOT.

Mr. Cilimberg noted that was the signal.

Mr. Franco said if the traffic signal was needed, then it will be required and have to be in.

Ms. Porterfield said if the traffic signal was not needed, then they are going to have people making left turns out of the site without a light.

Ms. Monteith questioned if that is a little bit tricky because the signal could not be needed before the development is complete. They can't warrant when something is not completed. However, at the same time if it is not in at the time that the development opens it seems like they have a problem.

Mr. Franco said basically the way it is written if a small store, such as a 7/11 or a movie rental place, were to open that did not have lots of traffic generation that it would be allowed to get a certificate of occupancy (CO) until they had traffic that started to generate that need. He thought they would run it off the design and not necessarily the strict warrants. If they knew a theater was going in that was going to generate a lot of traffic, he was sure VDOT would insist that light be in as part of the site plan.

Mr. Cilimberg noted it says they shall be constructed when the County or VDOT requests installation of such. Therefore, it is up to the County and VDOT.

Mr. Kamptner said the signalization is not required only when VDOT determines it is warranted or is otherwise approved by VDOT, but recognizes this large development project is going in even if the warrants before the CO's are issued are not met. He assumes VDOT would approve a signal knowing the traffic is coming.

Mr. Cilimberg said in the work on the site plan they are in fact working on the signal for that intersection. So it is a little of a moot point. They are talking about theoretical outcomes. The reality is that is what they are doing.

Ms. Porterfield asked to cut to the chase. She would much rather have the applicant say they will have that signal in before they open the movie theater.

Mr. Lafferty noted they have not gotten to the point where they ask the applicant to speak.

Ms. Porterfield said she was very worried about getting people out of this project since that is an awful corner.

Mr. Lafferty asked does this eliminate any connection to Commonwealth Drive.

Mr. Cilimberg replied it does remove one connection. As the plans have been provided this is being developed in a different manner so there is not actually a through road. There is now a parallel road running north/south. This particular location would not be conducive to an interconnection. There could be an interconnection in other locations and theoretically in the back. Those interconnections are shown on the application plan and are proffered, which are part of proffer 13.

Mr. Loach asked how many connections are to Commonwealth.

Mr. Cilimberg replied that if they look at proffer 13 there are six interconnections he believed that would go off-site. All of those interconnections can only be stubbed out in this project. The interconnections can only be built through with future development of those other areas. He did not think the County was going to condemn those properties to make interconnections. They are just providing the opportunity, which essentially is what this rezoning was all about from the beginning.

Mr. Lafferty asked staff to explain on page 7 what the unfavorable #1 means.

Mr. Cilimberg replied essentially this is saying they may have for a period of time in this location a temporary road. In other words, it will not be a full urban cross section road. They have told the applicant they would want to have at least a path for potential pedestrians coming from 29 back into the site from this area. This would ultimately be an urban cross section as required as part of the rezoning.

Ms. Porterfield asked if temporarily would it open up on 29.

Mr. Cilimberg replied yes. This is also a location where there would be a crossover and a signal.

Ms. Porterfield asked if it would not have a crossover and signal while it is temporary.

Mr. Cilimberg replied that is up to VDOT. The applicant will have already constructed the turn lanes as part of those frontage improvements as shown.

Ms. Porterfield said she was really surprised this whole area is being graded. Obviously, it will be built in pieces. She questioned if the site would look like Hollymead.

Mr. Cilimberg replied that it would depend on the pace of the project. The grading has occurred under the allowances of the County zoning. Application plan projects are allowed to do early grading as long as it is consistent with their application plan. He pointed out the grading that occurred with Hollymead Town Center was partially in rural area before it was ever zoned.

Mr. Smith asked what is a criteria for the temporary road.

Mr. Cilimberg replied in terms of its design that has not been determined yet. It would be part of the approval of that temporary road if they make that submittal to do that in lieu of an urban cross section.

Mr. Franco pointed out VDOT and the county engineer would review and approve the temporary road.

Mr. Cilimberg noted the county engineer would be the main reviewer because as a temporary road it may not be a public road. It would be a VDOT road as a temporary road.

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

Valerie Long, legal counsel for the applicant, noted that joining her this evening was Tom Gallenger, who represented the developer of the project. She presented a PowerPoint presentation to reorient the Commission and provide a different view of the off-site road improvements to help make sure everyone is clear on what is being proposed.

- The application plan shows the off-site transportation improvements. She would respond to Ms. Porterfield's question first. Mr. Kamptner read from the proffer that states clearly that the signal at Hydraulic Road and Albemarle Place Boulevard next to the future Cinema shall be constructed prior to the issuance of a certificate of occupancy for any building within blocks A, B, C, or D. The Cinema is in one of those blocks. It has to be constructed prior to the issuance of the certificate of occupancy for the Cinema. There is some language that says provided it is warranted, which is language that VDOT and the staff asked to be put in so they avoid the situation of saying they are going to put a signal in and VDOT says it is not warranted. They feel confident for the reasons the Commission presumes that there will be traffic increases in significant volumes that the signal will be warranted. Therefore, that is combined with the other improvements along Hydraulic.
- They have a new bus stop location and a new lane on the southbound side of Route 29 that starts up at Westfield Road close to Waffle House and runs south all the way to the Hydraulic Road intersection. In addition, there will be a second dual right-turn lane from 29 south onto Hydraulic. Currently there is only one. The addition of the second turn lane will improve the situation.
- This is a recap of the proffer amendment that the Commission recommended and ultimately was approved by the Board last August. The original 2003 proffers would have obligated the developer to make a number of improvements on the City side of the line near the Kmart. The City decided they would much rather have

the funds that would have been required to make those improvements be put towards the new ramp on the so-called Best Buy ramp. It would run along 29 south along Best Buy and include the road improvements onto 250. That was part of what the Commission authorized last year with the proffer amendment to allow reallocation of those funds. The Block plan A, B, C shows the Cinema location where the signal will be added.

- Originally, it was going to be Blocks A, B, C, and D as part of the first phase. It was not expected initially there would be much interest in the residential component of Block E. Therefore, it was not part of phase One. There is a residential developer that is very interested in building some multi-family units. The issue is accommodating that within the proffer. They know it is complicated, but this will allow that element of the project to move forward in a way that will avoid exasperating the traffic situation. She pointed out what would be built as part of the first building phase including the portion of the road. Albemarle Place is building a new entrance to Sperry Marine. The proffers reference the new western entrance to Sperry Marine.
- The second phase is Block E, the residential development. Albemarle Place Boulevard will be extended in this location. Then one of two things will happen. Either a temporary road will be built in most likely the same alignment as the final permanent alignment. It just won't be built to the same standard. If VDOT will let them, the developers will put the light in at 29 as well. That could happen. Or, the proffers say if a traffic analysis done at the time indicate that even with the addition of the dwelling units in this location it does not exasperate or make the level of service at the Hydraulic and 29 intersection any worse than it is now, then this could be built without the addition of this temporary road. It will depend on a traffic study that would be done at the time and reflect the current traffic volumes. They tried to work very close with staff on this language to make sure if a temporary road is needed the developer will be required to build the temporary road. If the temporary road is not needed, they won't make them build it unnecessarily. Blocks F and G, the final building phase, will be developed and then the road will be in its permanent form.
- Most of the questions regarding the future road interconnections were answered by Mr. Cilimberg. Those were reserved and dedicated so that in the future when anyone else wanted to build those interconnections it would be feasible to do so.

Ms. Porterfield asked if Block E was going to precede the movie theater, and Ms. Long replied that it would come after the theater.

Ms. Porterfield asked about the back entrance into Sperry Marine.

Ms. Long replied that would be built as part of the first phase.

Tom Gallenger, with Edens & Avant, pointed out the Sperry Marine entrance is one of the first things that would be done. Their current access road has to be moved. Before they can pull them off the current access road Inglewood Drive has to be put in. To get them off that road they have to put in a new access point. They would expect the multi-family in Block A would come on after the theater.

Ms. Porterfield pointed out the Sperry Marine people are already going in and out on Hydraulic without a light. That is why she was asking the question. She was wondering how this traffic was going to get onto Hydraulic.

Mr. Gallenger said the VDOT road plans have been approved. They have posted the bond and the roads are actually under contract with Faulconer Construction. The only thing they are working on right now is getting some utility lines relocated along Route 29. They are going to add the additional lane once the utility lines have been relocated. Their expectation is that over the next month they will be in the position to start those actual road improvements. They foresee all those road improvements would be physically completed before they opened the Town Center. That would include Regal, Trader's Joe, and the other tenants that would be in the Main Street portion. They also are planning to put the signal in. With respect to activation of the signal, obviously they welcome the Planning Commission, Board and anyone else at the County to encourage VDOT to approve those warrants as soon as possible. They agree that signal should be in as soon as anything opens. They are fully on board in terms of the actual construction and the warrants.

Ms. Monteith asked if Blocks A, B, C, and D are self sustaining in terms of parking and development.

Ms. Long asked what she meant by development.

Ms. Monteith replied it was the number of parking spaces needed for the use.

Mr. Gallenger replied with the first phase that goes in with Blocks A, B, C, and D there are about 270,000 square feet of retail. There is a 90,000 square foot hotel supplying about 1,506 parking spaces, which is a little over the actual County requirement. In terms of parking, it does meet the County requirement as a stand-alone.

Ms. Monteith asked if some of the parking is in deck or podium.

Mr. Gallenger replied there was about 175 to 180 spaces that would actually be located under the Cinema. Because this will be built out over a couple of years with the Cinema done on the front end, they will incur about 3 million dollars in additional costs in the front end to put parking underneath the Cinema. It is dispersed within the site. Otherwise, they would have had one full block without any parking in it.

Ms. Monteith said in looking at the overall site plan she notices the amount of parking in the last phase. It is a little bit confusing.

Mr. Cilimberg noted that a lot of the building area shown in Blocks A, B, C, and D is actually deck parking ultimately.

Mr. Zobrist 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.

Motion: Mr. Morris moved and Mr. Franco seconded for approval of ZMA-2011-00004 Albemarle Place Proffer Amendment subject to the proffer dated June 6, 2011 as recommended by staff.

Mr. Zobrist asked if there was any discussion.

Ms. Porterfield suggested the Commission require the light on Hydraulic Road to be in before a Certificate of Occupancy is issued for anything in this development. The applicant is willing to put it in. She would just like to see it written down that they will put it in. Then if they have to go fight with VDOT, they will do so because they need it.

Mr. Cilimberg pointed out they were already in the position where they are doing that. They would fight with VDOT.

Ms. Porterfield pointed out the word read was "may," which was not "will."

Mr. Cilimberg said that is what is happening. As Ms. Long described they have actually gotten those plans approved and are in the process. Actually, Mr. Gallenger explained that.

Ms. Porterfield said Mr. Gallenger explained they were most willing to put the signal in before the certificate of occupancy, but right now it is not absolute.

Mr. Cilimberg said he believed Mr. Gallenger said they would not be able to activate it.

Mr. Franco pointed out VDOT is the one that controls that no matter what. If the applicant says they will put the signal in and it is restricted to the certificate of occupancy (CO), then what happens if VDOT says it is not ready. If they don't get a certificate of occupancy (CO) everything comes to a grinding halt. That is not the position they want to put the applicant in. The language is perfect as is.

Mr. Lafferty suggested if the applicant explained the grading, then perhaps she would be satisfied.

Ms. Porterfield replied no, that she just brought it up because they had this discussion before he came on the Commission. She had heard the people who were here when they did Hollymead say they were not doing that again. Then they have unfortunately done it. If they are not going to build everything now, it was sad that they had mowed everything down.

Mr. Zobrist asked that the question be called.

The motion passed by a vote of 7:0.

Mr. Zobrist noted ZMA-2011-00004, Albemarle Place Proffer Amendment would go to the Board on a date to be determined with a recommendation for approval.

Old Business

Mr. Zobrist asked if there was any old business. There being none, the meeting moved to the next item.

New Business

Mr. Zobrist invited new business.

- Mr. Morris thanked staff for the new agenda cover page.

- Joint PC/Board meeting to be held on August 3, 2011. At the next meeting, the Commission needs to adjourn to that meeting.
- There will be no Planning Commission meeting on Tuesday, July 19, 2011. The next Planning Commission meeting will be on Tuesday, July 26, 2011.

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

Adjournment

With no further items, the meeting adjourned at 8:32 p.m. to the Tuesday, July 26, 2011 meeting at 6:00 p.m. at the County Office Building, Second Floor, Auditorium, 401 McIntire Road, Charlottesville, Virginia.

_____

V. Wayne Cilimberg, Secretary

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