**Albemarle County Planning Commission**
**August 23, 2011**

The Albemarle County Planning Commission held a regular meeting on Tuesday, August 23, 2011, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

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

Other officials present were Gerald Gatobu, Principal Planner; Judith Wiegand, Senior Planner; Eryn Brennan, Senior Planner; Ron Higgins, Chief of Zoning; David Benish, Chief of Planning; and Greg Kamptner, Deputy County Attorney.

**Call to Order and Establish Quorum:**

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

**Matters from the Public not Listed on the Agenda**

Mr. Zobrist invited comment from the public on other matters not listed on the agenda. There being none, the meeting proceeded to the next item.

**Regular Items**

**SDP-2011-00041 Ntelos Owensville Road/Cantrell Property**
PROPOSED: Treetop personal wireless service facility with a steel monopole that would be approximately 112 feet tall (7 feet above the height of the reference tree), and ground equipment, within a 2,500 square foot lease area.
ZONING CATEGORY/GENERAL USAGE: Rural Area (RA)
SECTION: Chapter 18 Section 10.2.1 of the Zoning Ordinance
COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Area in Rural Area 1
ENTRANCE CORRIDOR: No
LOCATION: Approximately 650 feet east of Owensville Road [Route 676] approximately 0.20 miles north of the intersection of Owensville Road and Old Ballard Road [Route 677]. The property address is 1925 Owensville Road.
TAX MAP/PARCEL: Tax Map 43 Parcel 16G
MAGISTERIAL DISTRICT: Samuel Miller
(Gerald Gatobu)

Mr. Smith recused himself from SDP-2011-00041, Ntelos Owensville Road/Cantrell Property and left the meeting room at 6:02 p.m.

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

- The most important principle for siting personal wireless facilities in Albemarle County is visibility.
- The proposed tower will be 111.6 feet tall. Ground equipment will be within a 2,500 square foot lease area. The monopole is sufficiently mitigated.
- A balloon test was conducted on March 30, 2011.
- Ground Equipment will not be visible from Owensville Road.

- The applicant has submitted a Fall Zone easement document as shown in Attachment E of the staff report that will prohibit development on the abutting lot [TMP 43-16] within the monopoles fall zone. (Height of the monopole extends beyond the property line by about 39 feet).
- No loss of historical and scenic resources related to the installation of the tower is expected.
- The tower will serve a public purpose by providing cell phone coverage on Owensville Road [State Route 676], Old Ballard Road [State Route 677] and Old Ballard Farm Lane [Private].

Staff recommends approval of this personal wireless service facility at the proposed height of seven (7) feet above the reference tree.

Mr. Zobrist invited questions for staff. There being none, the public hearing was opened, and the applicant invited to address the Planning Commission.

Valerie Long, representative for the applicant, Intelos, presented a PowerPoint presentation and explained the proposal.

- Intelos is working to improve its wireless coverage throughout Albemarle County, particularly in the Ivy area. The variable topography in this area makes it challenging to provide coverage with the tree top poles. The Cantrells own the last remaining large parcels in this area. The general area is surrounded essentially on three sides by small scale residential subdivisions. The coverage objective for Intelos in this area is to improve its coverage on Owensville Road and also to provide in building coverage to the residences in this area. Obviously, to provide in building coverage to residences they need antennas that are fairly close to the residences. In conjunction with the Wireless Policy and the Comprehensive Plan policy, they look for areas that are as open as possible that have tall trees where they can locate the pole within a grove of preferably very tall trees.
- An overview of the general area was shown in photographs. She explained their objective was to provide an improvement in coverage on Owensville Road and in building coverage. They tried to locate the monopole in an area of tall pine trees. The existing farm entrance provides a convenient location for the access road. Therefore, they can use the existing road and only take down a few trees for the extension of the access road.
- She noted the location of the monopole on the site plan. The monopole will be 111' tall, which is 7 feet above the top of the reference tree. The Wireless Ordinance has certain design criteria. They comply with all the design requirements from the ordinance for the dimensions of the pole; the antennas are flush mounted and will be painted brown. They don't expect the ground equipment to be visible from Owensville Road or from any other properties. With the existing cleared areas, a minimum amount of trees will need to be removed.
- The issue is whether the facility is sited to minimize visibility from the surrounding neighborhoods, residences, and streets. They have struck a balance there in trying to provide coverage for the surrounding roads and neighborhoods and to screen the facility.

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

**MOTION**: Mr. Morris moved and Mr. Loach seconded to approve SDP 2011-00041 Cantrell Property (Ntelos) Tier II Personal Wireless Facility at the proposed height of seven (7) feet above the reference tree.

The motion passed unanimously by a vote of (5:0:1). (Mr. Smith recused.)

Mr. Zobrist noted that SDP 2011-00041 Cantrell Property (Ntelos) Tier II Personal Wireless Facility was approved at the proposed height of seven (7) feet above the reference tree. This is not a matter that requires Board approval.

Mr. Smith returned to the meeting at 6:15 p.m.

**Public Hearing Items**

**SP-2010-00055 Southern Albemarle Intergenerational Center (SAIC) - Day Care**; PROPOSED: SP-2010-00055 Southern Albemarle Intergenerational Center (SAIC) - Day Care: Child day care (50 children per day) and adult day care (80 adults per day); SP201000056 Southern Albemarle Intergenerational Center (SAIC) - Community Center: Community center for dental clinic, day care, and community activities in new 12,000 square building
ZONING CATEGORY/GENERAL USAGE: RA -- Rural Areas: agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
SECTION: SP201000055: 10.2.2.7 Day care, child care or nursery facility (reference 5.1.06)
SP201000056: 10.2.2.1 Community center (reference 5.1.04)
COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (.5 unit/ acre in development lots)
ENTRANCE CORRIDOR: Yes
LOCATION: 2256 Irish Rd (Route 6), approximately 1 mile east of the intersection with Porters Rd (Route 627) TAX MAP/PARCEL: 128000000109A0
MAGISTERIAL DISTRICT: Scottsville

**AND**

**SP-2010-00056 Southern Albemarle Intergenerational Center (SAIC) - Community Center**
SP-2010-00055 Southern Albemarle Intergenerational Center (SAIC) - Day Care: Child day care (50 children per day) and adult day care (80 adults per day); SP201000056 Southern Albemarle Intergenerational Center (SAIC) - Community Center: Community center for dental clinic, day care, and community activities in new 12,000 square building
ZONING CATEGORY/GENERAL USAGE: RA -- Rural Areas: agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
SECTION: SP201000055: 10.2.2.7 Day care, child care or nursery facility (reference 5.1.06)
SP201000056: 10.2.2.1 Community center (reference 5.1.04)
COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (.5 unit/ acre in development lots)
ENTRANCE CORRIDOR: Yes
LOCATION: 2256 Irish Rd (Route 6), approximately 1 mile east of the intersection with Porters Rd (Route 627) TAX MAP/PARCEL: 128000000109A0
MAGISTERIAL DISTRICT: Scottsville
(Eryn Brennan)

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

This is an application for two special use permits. One is to allow a daycare center for both adults and children. The second is to allow for a community center to accommodate the daycare, an adult daycare facility, community events, and a new 12,000 square foot building. This is a 16 acre parcel that is primarily wooded and a 3,500 square foot health care facility and associated parking already exist on the site.

The property surrounding the subject parcel is designated rural areas in the Comprehensive Plan and is included in the rural area zoning district. The subject parcel is located in the southern Albemarle Rural Historic District. However, the existing building on the site is listed as noncontributing in the National Register Historic District nomination.

The applicant is requesting two special use permits, the details of which are provided in the following chart.

| | **Days per Week** | **Hours of Operation** | **Number of Employees** | **Number of People** |
|---|---|---|---|---|
| **Community Center** | 4 days per week max. | 9am – 9pm<br>*to allow occasional evening meeting space | 5 max. | 80 max. |
| **Dental Clinic** | Monday – Friday | 8:00am – 5:00pm | 5 max. | 20 max. |
| **Child Day Care** | Monday – Friday | 7am – 6pm | 5 max. | 50 max. |

One is to allow a child daycare to accommodate up to 50 children per day year round; an adult daycare/community center to accommodate up to 80 attendees per day. The applicant has noted that the request will allow up to 80 attendees for the adult daycare/community center. It is based on a maximum number, which they only expect to achieve a few days a year. On average the applicant anticipates roughly 30 to 40 maximum per day for the proposed use.

The applicant is also requesting a special use permit for a new 12,000 square foot community center to accommodate the daycare, dental clinic, and various community activities including an occasional evening meeting. VDOT calculated the trip generation expected for the proposed uses and determined that the increase in traffic on Route 6 would be negligible.

Staff has identified the following factors favorable to this application:

1. The parcel is already partially developed to accommodate an existing health facility, and the proposed new facility would only minimally impact the character of the site.
2. There are no anticipated detrimental impacts on adjacent properties resulting from the proposed uses.
3. The minor increase in traffic as a result of the proposed uses would not adversely impact traffic in the area.
4. The proposed uses would support the needs of rural area residents.

The applicant has been made aware that a site plan would be required in addition to health department approval. Staff has not identified any unfavorable factors for this project.

Therefore, staff recommends approval of SP-2010-55, Southern Albemarle Intergenerational Center - Day Care and SP-2010-56, Southern Albemarle Intergenerational Center – Community Center with the conditions outlined in the staff report.

Mr. Zobrist invited questions for staff. There being none, the public hearing was opened, and the applicant invited to address the Planning Commission.

Mr. Zobrist invited questions for staff.

Ms. Porterfield asked why the request is for four days a week.

Ms. Brennan replied that is what the applicant requested. Her understanding is the applicant does not expect this to be used on a daily basis for an adult daycare. The applicant can explain this better.

Ms. Porterfield asked if staff asked the applicant to limit it.

Ms. Brennan replied no. In fact, staff asked the applicant to expand based on recommendations from zoning for the time just in case they wanted those evening meetings to have the options available and open to them to be able to use it.

Ms. Porterfield suggested that it be expanded. The applicant can address the issue when they speak.

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

Chris Murray, Business Developer Director, represented the applicant, JABA. Others present were Cheryl Cooper, Chief Operating Officer and Bill Hughes, Board Member of JABA and Southern Albemarle Intergenerational Center. He asked Cheryl Cooper to explain the programming and the history of this project.

Cheryl Cooper, Chief Operating Officer for JABA, said in 2008 a group of local citizens from Scottsville, Yancey, and Walton Schools, along with the Albemarle County Social Services, met to discuss the need for quality childcare in southern Albemarle. JABA learned of this interest and introduced the idea of an intergenerational center in which there would be a childcare program and a new community center for older adults replacing the centers in Esmont and Scottsville.

Rod Manafold, CEO of Central Virginia Health Services, Inc., the parent organization of Southern Albemarle Family Practice, proposed sharing their property on Irish Road, the site being considered this evening. Later in 2008, a feasibility study conducted by Professor Shannon Jarrett, of Virginia Tech identified strong interest in having a childcare program for southern Albemarle and a positive reaction to this location. A community center meeting was held to present the project with good attendance and lots of interest in working on design and fund raising. Since that time work has continued on the conceptual design and program discussions between the friends of the Southern Albemarle Intergenerational Center, JABA, and the YMCA as the proposed provider for the childcare program. In 2009, JABA held its public hearing in Scottsville, which included focus groups on the interest of the community for an intergenerational center. It was a very positive response.

This project is a continuation of JABA's desire to work with local jurisdictions to have an intergenerational community center in every county. They have partnered with local governments in Louisa, Greene, and Nelson. This is the opportunity to do the same in Albemarle County. These projects build on relationships and partnerships within each community to meet identified needs. In this case it is to provide a site for a quality childcare program and replace two aging facilities that are limiting the growth of programs for older adults in Albemarle County. Putting the child care and senior centers in the same facility, they are building on the opportunity for an intergenerational program where youth and adults share their skills, experience, learn from each other, and enjoy the company of each other. She thanked the Commission for their consideration of this site.

Ms. Porterfield noted the reason she asked the question about the four day limit is that it seems that they don't want to limit themselves. It is tougher to go small because they would have to come back to go bigger. If they really think that they are going to use it four days a week, but might use it eventually for seven days a week, she felt they should not limit them at this point.

Ms. Cooper said that was great counsel and they were willing to accept that.

Ms. Porterfield pointed out she was speaking specifically to the community center and the adult day care. For childcare they have always limited it to Monday through Friday.

Mr. Zobrist invited public comment.

Deborah Kara apologized that she was not prepared because this is the first she was seeing all of this. She expressed her concern, as she was the key property owner that all this property abuts on. She was somewhat inquisitive to how people are saying this won't affect her property. She raised concerns. Primarily she has cattle on this property. She owns the two properties that abut this proposal. She owns the adjacent property and another small property there. Rock Castle Creek is their main water source, which is her main concern. Someone came up to her property last year and asked if they could perk on her land and try to drill water because they could not find and perk for this facility. They are now having problems with a dry well. She has had to move her cattle off so far this year. The one house already has one dry well and a new one that is going dry. She is concerned with the idea of suddenly increasing this facility by five times its size and what that will do to their water source. Additionally, she was concerned as a property owner that she really values her quiet. She did not want to have 80 screaming children in her backyard. She cares about lights at night, which would be disruptive to the woods and their ability to have night skies and other amenities. That is why they live in a rural community. She asked to raise those issues. The idea of having a center is a good idea. She thinks that anything that helps benefit Esmont is a good idea, but was hoping that they could allay some of her concerns about the water usage and any impact it would be having on her farm.

Mr. Zobrist asked if she received the notice for this hearing.

Ms. Kara replied that she received the notice Saturday. It was just a sheet saying that it was a meeting. She had never seen all of the documents just reviewed.

Ms. Brennan noted that the notification letter was mailed on August 8th.

Mr. Zobrist suggested that she talk with Ms. Brennan. Generally, they like to get the notices out so that they can communicate with the staff and get their concerns aired.

Ms. Kara said it was helpful to see all of the additional documents.

Ms. Porterfield requested to ask a question. She questioned which property she owned.

Ms. Kara replied that they owned the surrounding property. When they built the medical center, they gave property 20 years ago in order for them to get water. They have two dry wells right now.

Ms. Porterfield suggested if they do have an outside play area they could go in one direction that was away from her property.

Ms. Kara said anything they could do to keep down the lighting would be appreciated. In the winter time, they see the driveway lights.

Mr. Zobrist noted that there is a lighting ordinance, which requires down lighting.

Ms. Kara noted the main issue was the water and the noise.

There being no further public comment, the public hearing was closed, and the matter was placed before the Commission.

Ms. Porterfield noted that staff had taken care of the outdoor lighting problem with condition 7, which indicates the full cut-off and shielded fixtures. The lighting should not be a problem. She assumed the applicant was aware of the water situation in that area. If the other Commissioners agreed, she would like to change condition 3 not to limit the number of days per week that the community center can operate from 9 a.m. to 9 p.m. She doubts they would use all 7 days, but it gives them the opportunity.

Mr. Franco said he was comfortable with that.

Mr. Morris said he had no objections. He feels that the facilities in Louisa, Greene, and Nelson are all for five days a week. He requested the Commission ask the applicant to come forward again.

Ms. Cooper said in all those cases they could be operational five days a week. In Greene they are open two days a week. In Nelson they are open two days a week. In Louisa they are open five days a week and have an adult daycare as well as their community center there. In those buildings they have other activities going on. A public library is in Greene. Nelson has an extension service and other activities.

Ms. Porterfield asked if they have anything on Sundays.

Ms. Cooper replied no.

Ms. Porterfield suggested they limit it to Monday through Saturday. She was thinking if they are doing adult care there are people who work who have to somehow go to the store and do things like that. Therefore, they might need the adult care on Saturdays.

Ms. Cooper noted the Charlottesville Center is open on Saturday for adult care.

Ms. Porterfield suggested the condition allow it for six days Monday through Saturday.

Mr. Morris agreed.

Mr. Franco noted condition 6 talks about the number of people or attendees per day. In the past it has always been a cap on the number of people there at one time versus over the course of a day. It is easier to count and enforce. He asked if that condition should be reworded.

Ms. Brennan replied that zoning has looked over these conditions, did not express any concern, and wanted to make just one number for the day. However, it is something staff could entertain.

Mr. Kamptner noted with schools and day cares they have typically put a hard cap rather than at any given time. Staff can look at that between now and the Board meeting.

Mr. Franco asked to put that on the record that the motion be phrased to allow some change in that between now and the Board meeting. He would like at least to see some consistency. He understands the school and some of the other uses. However, when they talk about a community center it probably makes more sense to have a cap on the number of people there at any one period of time.

Mr. Loach pointed out if they had sessions they could essentially exceed the limit even though they at any one time don't exceed the limit.

Mr. Morris agreed that was a good point.

Ms. Porterfield asked if they want to let it go the way it is right now and then let staff work on that.

Mr. Franco agreed that staff and the applicant would work on what are the right number between now and the Board meeting.

Ms. Porterfield asked with the child care if he was happy with the maximum of 50.

Mr. Franco agreed because that is the way they normally do it.

Ms. Porterfield said when they get to the community center number they need to have a cap on the number of people there at any one period of time.

When considering the community center amount of people to come staff and the applicant need to work out something that puts a cap on the number of people at any one time.

**MOTION**: Ms. Porterfield moved and Mr. Morris seconded to recommend approval of SP-2010-00055 and SP-2010-00056 Southern Albemarle Intergenerational Center Day Care and Community Center, subject to the conditions recommended by staff, as amended.

1. Development of the use shall be in general accord with the Concept Plan entitled Southern Albemarle Intergenerational Center for SP2010-55 and SP2010-56, prepared by Meridian Planning Group, LLC, and dated December 17, 2010, (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:

   - The size and location of the proposed building
   - The location of the parking area

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

2. The hours of operation for the child day care shall not begin earlier than 7:00 AM and shall end not later than 6:00 PM, Monday through Friday.

3. The hours of operation for the community center and the adult daycare shall not begin earlier than 9:00 AM and shall end not later than 9:00 PM, Monday through Saturday.

4. The hours of operation for the dental office shall not begin earlier than 8:00 AM and shall end not later than 5:00 PM, Monday through Friday.

5. The maximum number of employees for the child day care, the community center, and the dental office shall not exceed a total of 15 on any given day.

6. The maximum number of children for the child day care shall not exceed 50 per day; **the maximum number of attendees for the community center shall not exceed 80 per day**; and the maximum number of patients for the dental office shall not exceed 20 per day.
   **(Staff and the applicant need to establish the maximum total number of attendees on site at**

**any one time prior to Board review.)**

7. Any outdoor lighting shall be only full cut-off fixtures and shielded to reflect light away from all abutting properties. A lighting plan limiting light levels at all property lines to no greater than 0.3 foot candles shall be submitted to the Zoning Administrator or their designee for approval.

8. If the use, structure, or activity for which this special use permit is issued is not commenced by October 1, 2016, the permit shall be deemed abandoned and the authority granted there under shall thereupon terminate.

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

Mr. Zobrist said SP-2010-00055 and SP-2010-00056 would be forwarded with a recommendation for approval to the Board of Supervisors to a date to be determined.

Mr. Zobrist noted that Ms. Wiegand is retiring at the end of the month. This will be her last appearance before the Commission. The Commission wants to express their gratitude and thanks to her for all her hard work and wonderful things she has done for the County during her career.

**ZMA-2010-00011, Estes Park**
PROPOSAL: Rezone 12.75 acres on Tax Map/Parcel 03200000003300 and TMP 03200000003400 from R-1, Residential zoning district which allows 1 unit/acre to PRD, Planned Residential Development zoning district which allows residential (3 – 34 units/acre) with limited commercial uses and to rezone 0.56 acres on Tax Map/Parcel 046B4000000500 from R-1 Residential zoning district to R-1 Residential zoning district with proffers. Proposed number of units is 68 for a density of 5.33 units/acre.
PROFFERS: Yes EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Urban Density Residential – residential (6.01 – 34 units/ acre); supporting uses such as religious institutions, schools, commercial, office and service uses.
ENTRANCE CORRIDOR: No
LOCATION: in the southeast quadrant of the intersection of Proffit Road (Rt 649) and Worth Crossing, approximately 800 feet south of Proffit Road in the Community of Hollymead.
TAX MAP/PARCEL: TMP 03200000003300, TMP 03200000003400, and TMP 046B4000000500
MAGISTERIAL DISTRICT: Rivanna
(Judy Wiegand)

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

This is a zoning map amendment to rezone two parcels that are currently zoned R-1, Residential to Planned Residential Development (PRD) in order to permit the development of a new neighborhood with 68 single-family detached homes, a street network, an inter-parcel connection to Moubry Lane and 25 percent open space.

The future Land Use Map from Places29 Master Plan designates this area as Urban Density Residential. The Neighborhood Density Residential generally expects a density range of 6.01 units to 34 units per acre. This particular project has a density of 5.3 units per acre. It is a little under the minimum. However, staff believes that this is compatible with the land use designation because they are single-family detached homes and a 12.75 acre parcel.

A neighborhood of 68 single-family dwellings will fit in well with surrounding townhouses, duplexes, and (further away) other single-family dwellings. The proposed development is in compliance with the Master Plan.

Two parcels—and several of the surrounding ones—are zoned R-1, Residential. With a density bonus, the result would be a maximum of 18 units that could be built on this site under the current zoning. Rezoning to a Planned Residential Development district allows the 68 units, along with a road network, and 25% open space.

The application plan: focus first on two parcels—
Road network—The main entrance from Worth Crossing into the proposed Estes Park development goes across the property now owned by Bright Beginning's daycare. They have jointly used the entrance. Bright Beginnings has submitted a special use permit to expand the daycare and have shown the same entrance road on that application plan with the special use permit. The main entrance with Bright Beginnings daycare property is being worked out —Proffer #1.

There is a stream on the property, which starts north of the property and flows diagonally through the property. The applicant by making good use of the proposed 25 percent open space has managed to keep the main segment of the stream as an amenity in the open space. There will be some piping of it and some impacts to the critical slopes that are on the sides of it where the road crosses the stream.

Road network through rest of proposed development -
Inter-parcel connection proposed to Moubry Lane, which serves the Forest Ridge neighborhood of 44 duplex units. Forest Ridge was originally planned and built in the mid-1990s. The opportunity for this connection (cul-de-sac) was set up at that time so that the connection could be made. The applicant at the County's request included that as a second entrance to the development. Most of the traffic is expected to come in from the main entrance from Worth Crossing. The applicant has worked with the County and VDOT staff to discourage a "speedway" where traffic would race through either neighborhood

- because of the way the roads intersect—right or left turns, stop signs,
- Estes Park streets will be narrow, and
- Moubry Lane will be narrowed for a sidewalk and planting strip on the east side. (Proffer #2) The posted speed will be 25 miles per hour on all new streets and continue on Moubry Lane.

Moubry Lane right now from curve to curve is 38' wide. The applicant has proposed to put in a sidewalk and planting strip along the eastern side of Moubry Lane as part of both traffic calming and to make a safer place for Moubry Lane residents to walk. It would narrow the street to about 30', which would still allow parking on both sides and help with making the street look a little narrower to make it less encouraging for people to go zooming through there. Staff and VDOT feel that the people using this road system once it is completed are going to be the residents of Forest Ridge and the proposed Estes Park. After looking at the area road network they don't believe this is going to be an encouragement to cut through traffic. It will be the residents of the two areas, guests, visitors and the occasional delivery truck.

An important aspect of the proposed development is that it will provide residents of Forest Ridge an alternative route to Worth Crossing that doesn't involve turning out onto Proffit Road. Instead, they will be able to drive through Estes Park and out onto Worth Crossing—to the stores just across the street or elsewhere. This will actually provide a benefit to them.

**Neighborhood Concerns:**

The applicant has met several times with the neighbors, in particular the Forest Ridge residents. Staff has attended one neighborhood meeting and met with neighborhood representatives several times to discuss concerns. The following are the most important concerns that have been raised.

1. Cut-through traffic speeding through Forest Ridge—lack of a safe place to walk along Moubry Lane; residents now walk in the street; children play in cul-de-sac area, which is used as a

gathering place. The cul-de-sac would be removed as part of the connection to the street, which is a requirement of VDOT that the rest of the cul-de-sac be taken out.
2. Moubry Lane becoming the main entrance into Estes Park
3. Cul-de-sac as gathering place and play area
4. Removal of trees and habitat on Estes property
5. Views of Estes Park from adjacent property; buffers?

The applicant has tried to address concern #1 by proffering a sidewalk. The applicant has tried to reassure the residents by rewriting proffer #1 so that this development will not be constructed unless that entrance over the Bright Beginning's property is built. There is a small pedestrian type access that goes down to a multiple acre part of Forest Ridge. There is a stream running through there. It is topographically challenged. There could be some place back there to put a possible play area if they chose to do so. There is a homeowner association that could try to address that as a way of replacing the cul-de-sac should they chose to do so.

The applicant currently is showing some narrow buffer areas between their development and the adjacent development. The zoning ordinance does not require buffers between one residential area and another. Since these lots might be narrow there might be lots backing up to the edge of the property, which is permitted under the current zoning ordinance. These will be single-family homes with landscaping. Staff does not think there should be a problem for one home to look at another one.

**Traffic Distribution & Turn Lane Analysis**

- The proposed 68 units are expected to generate approximately 729 trips per day
  - Trips during AM peak: 57 (in + out)
  - Trips during PM peak: 74 (in + out)
- Turn lane analysis for Proffit Road/Moubry Lane
  - No left turn lane required at this time
  - A right turn taper is nearly required on both Proffit Road and Worth Crossing .

Proffit Road: 5,700 vehicles per day (some improvements are planned, but not funded at this time)
Worth Crossing: 1,800 vehicles per day
Moubry Lane: 280 vehicles per day

The other part of the traffic study done was a turn lane analysis for that entrance between Proffit Road and Moubry Lane. Basically, after looking at all the figures the traffic analysis said that no additional left turn lane was required from Proffit Road onto Moubry Lane. The turn lane and right turn taper are not warranted at this time. As noted in the staff report, it is not expected to cause adverse impacts at this time. If the background traffic increases or additional development takes place in the area, Proffit Road improvements, including the turn lane and right turn taper will be necessary. Staff would like to point out that traffic on Moubry Lane and Estes Park streets will be from those two neighborhoods; we do not expect cut-through traffic because of the design of the road network.

Staff reviewed the applicant's six (6) draft proffers, which are included in the staff report.

**Proffer 1: Worth Crossing Connection**
The Owner shall complete construction and make improvements to the portion of "Road B" that provides a vehicular connection from the northern boundary of the Project to Worth Crossing, as shown on the Application Plan, to the standards contained in Sections 14-410H and 14-422 of the County Code and as shown as ["Typical Street Section ('52 Public R/W)" on sheet 3 of the Application Plan entitled "Site Plan" (the "Worth Crossing Connection")]. The Owner shall not submit the final subdivision plat or final site plan for the Project for approval by the County unless it includes the Worth Crossing Connection.

The Worth Crossing Connection shall be constructed to Virginia Department of Transportation standards and that all necessary lands determined by VDOT will be dedicated to public use as part of that first subdivision plat or in conjunction with the first site plan. The Worth Crossing Connection shall be used for construction access and completed prior to issuance of a building permit for any dwelling units within the Project. For the purposes of this paragraph, construction of the Worth Crossing Connection shall be deemed complete when it is constructed in conformance with the plans approved by VDOT and the County Engineer has determined it is safe and convenient for vehicular travel.

Proffer #1 makes four important points:
1. The proffer requires completion of the primary entrance road over property owned by the owners of the Bright Beginnings day care center. The applicants have been negotiating with Bright Beginning's owners and, once the rezoning has been approved, will go ahead with dedication and construction.
2. The final subdivision plat or final site plan may not be submitted for County approval unless the connection is included.
3. The connection will be dedicated to public use as part of the first subdivision plat or in conjunction with the first site plan.
4. The connection shall be used for construction access and completed prior to issuance of a building permit for any dwelling units within the Project. In other words, the developer will not begin construction of the rest of the project until the Worth Crossing Connection is constructed.
Staff supports this proffer. Unless the terms of it are fulfilled and the Worth Crossing Connection completed, the rest of the development will not begin. This addresses staff's and the neighbors' concern that Moubry Lane would end up being used as the primary entrance for Estes Park.

The County Attorney is still reviewing this language—staff received this revised language about two weeks ago. Minor changes for form may need to be made between this public hearing and the Board's public hearing, but staff expects the content of this proffer to remain the same.

**Proffer 2: Moubry Lane Sidewalk**
The Owner shall construct a sidewalk, utility strip, and associated drainage facilities within the existing public right-of-way on one side of Moubry Lane from the point where Road A connects to Moubry Lane to the point where Moubry Lane connects to Proffit Road, to the standards and in the location shown on the Application Plan (the "Moubry Lane Sidewalk"). The aggregate cost of the Moubry Lane Sidewalk and drainage improvements are referred to as the "Sidewalk Expense." In the event that the Forest Ridge Home Owners' Association is opposed to having this improvement installed, upon giving written notice to the Owner and Albemarle County, the Sidewalk Expense credit will be removed from the Cash Proffers referenced in Proffer #3.

Proffer #2 promises the construction of a sidewalk, utility strip, and drainage facilities along the eastern edge of Moubry Lane. This sidewalk will provide a safer place for Forest Ridge residents and others to walk. Right now there is no sidewalk; Forest Ridge was built before the County required sidewalks and street trees on neighborhood streets. This proffer grew out of Forest Ridge residents' concern that there would be no place for them to walk safely once the interparcel connection was made and the cul-de-sac removed. The proffer will have a second benefit in addition to the sidewalk: narrowing the right-of-way on Moubry Lane will act as a traffic-calming facility. When residents and visitors park their cars on Moubry Lane, then that would further "calm" traffic. The proffer also provides that the expense for this sidewalk and related facilities will be a credit against the cash proffer for capital improvements. Staff believes this is an excellent way to deal with the increase of traffic on Moubry Lane to give the residents a place to walk. The mailboxes will be moved to the utility strip. Staff supports having an expense credit against the capital improvements because if the applicant was not building this the county would probably need to look at doing it because they do need a sidewalk on that street.

**Proffer 3: Cash for Capital Improvement Projects**

This is the first of the two proffers where the staff does not believe that the applicant has followed the direction that was given by the Board of Supervisors in the Cash Proffer Policy. As explained in the staff report the Proffer Policy says that one should pay the cash proffer amount on all of the units being put in. The applicant has asked that they only do it on the 50 units that they are adding that would not be permitted there by right. This is something that relates to the Board's policy. Therefore, the Board is going to make a decision. Staff wanted to raise this issue with the Commission since it will be going on to the Board. The two blanks will be filled in before the request goes to the Board for the total amount of dollars and the amount for each unit as well as the sidewalk expense.

**Proffer 4: Affordable Housing**

This is the 15% of the rezoning units. Again, there is a difference of opinion as to what 15% of what amount. The Affordable Housing Policy says it should be 15% of all of the units provided that are going to be built. The applicant has done it on the 50 rezoning units. This is an issue the Board will need to address. Staff did not put all of the for sale unit language in that deals with actual provision of units. It is staff's understanding the applicant has worked with the Chief of Housing, Ron White, and is expecting to proffer to give cash in lieu of units. In addition, the County Attorney has informed staff that the language related to the units themselves may need to be changed. A revision to it is being worked on. The applicant has addressed the affordable housing in this manner. The language issue will be resolved before the proffers are presented to the Board.

**Proffer 5: Moubry Lane Interconnection**

To minimize impacts of constructing the connection between Road A and Moubry Lane as shown on the Application Plan (the "Moubry Lane Interconnection") on the residents of Forest Ridge, the following terms and conditions shall apply to the construction of the Moubry Lane Interconnection:

a. The Owner shall not commence construction of the Moubry Lane Interconnection until construction of all other roads and infrastructure within the Project is nearing completion, such that the Moubry Lane Interconnection is the last road segment within the Project for which construction will be commenced.

b. The Moubry Lane Interconnection shall not be used for construction access associated with the Project, except as necessary for construction of the Moubry Lane Interconnection itself, and except further for construction of the Moubry Lane Sidewalk and associated drainage facilities.

c. The Owner shall remove the cul-de-sac at Moubry Lane at the time of construction of the Moubry Lane Interconnection. This area will be planted and improvements installed in accordance with the Application Plan.

**Proffer 6 – Erosion & Sediment Control**

a. Erosion and Sediment Control. The Owner shall, to the maximum extent practicable as determined by the County's Program Authority, provide additional erosion and sediment controls to achieve a sediment removal rate of eighty percent (80%) for the Property. (As a reference, current regulatory structural measures achieve a 60% optimal removal rate.)

b. Revegetation. Within nine (9) months after the start of grading under any erosion and sediment control permit, permanent vegetation shall be installed on all denuded areas, except for areas the Program Authority determines are otherwise permanently stabilized or are under construction with an approved building permit. A three (3) month extension for installation of permanent vegetation may be granted by the Program Authority due to special circumstances including but not limited to weather conditions.

Staff would note that the part about revegetation is something that is now covered in the ordinance. Therefore, the applicant may be asked to take that out since they don't normally include in the proffers things that are required by the ordinance.

**Critical Slopes Waiver**
The applicant has applied for a critical slopes waiver to deal with the little pieces where the road goes over the stream. The total site is 12.75 acres. The critical slopes are about 2% of that site. Staff recommends approval of that.

**Factors Favorable**:
1. The project would result in a neighborhood of 68 residences close to major employers expected to add jobs in the future and within walking distance of retail and services.
2. The new development will be single-family detached homes at a density and scale compatible with surrounding residential neighborhoods that adds another type of housing to the mix of duplexes and townhouses now available in the immediate area.
3. The project's road network has been designed to interconnect with roads on other nearby properties as they develop, as well as to create a road network that will serve the larger Proffit Road/Worth Crossing area.
4. The applicant proposes to create a second entrance by completing the interparcel connection set up when the Forest Ridge neighborhood was developed in the 1990s. The existing cul-de-sac at the end of Moubry Lane will be removed, the grade will be improved, and affected driveways along Moubry Lane extended to meet the reconstructed road.
5. The applicant has proffered to construct a sidewalk and planting strip on one side of Moubry Lane to provide a safer place for Forest Ridge residents to walk once Moubry Lane becomes a through street. By narrowing the street, the sidewalk/parking strip will also serve as a form of traffic calming for the Forest Ridge neighborhood.
6. The project's design preserves the main section of the stream, an environmental feature that flows diagonally through the center of the two parcels. The stream will become an amenity in the open space area.
7. Approval of the Critical Slopes Waiver will enable the developer to make the most efficient use of the property while preserving the main section of the stream.

**Unfavorable Factors**
1. The method used by the applicant to calculate the number of units on which the number of affordable housing units will be provided and the number of units on which the cash proffer for capital improvements will be paid does not follow the method stipulated in the Affordable Housing Policy or the Cash Proffer Policy of the Comprehensive Plan.
2. The width of the streets in the proposed development will allow parking on only one side of the street; VDOT will require that the other side be posted with "No Parking" signs, which may lead to parking conflicts when the site is fully developed.
3. A tot lot or other type of recreational amenity has not been provided within the 25% open space.
4. Additional minor technical changes need to be made in the wording of the proffers and on the application plan, as listed under Recommendation at the end of the staff report.

**Staff Recommendation**:
Staff recommends approval of this rezoning provided certain changes are made in the application plan and proffers, as listed below:
1. The applicant meets the policies for affordable housing and cash proffers:
    a. Affordable Housing Policy: 68 units * 15% = 10.2 units. 10.2 units * $21,125/unit = $215,475.

    b. Cash Proffer Policy: 68 units * $19,100 per unit = $1,298,800, minus the Sidewalk Expense.
2. The applicant increases the width of the streets to permit parking on both sides of the streets in the neighborhood.
3. A tot lot or other recreational amenity is added within the open space shown on the application plan.
4. The following technical changes need to be made on the application plan:
    a. Lot-to-lot drainage along roads D and A will need to be addressed, per the County Engineer.
    b. The sidewalk on the north side of Road C needs to be extended to intersect with Road A.
    c. The Phasing information now included in Scott Collins' letter dated June 20, 2011 needs to be added to the phasing information now included on the cover sheet of the application plan.

Staff recommends approval of the Critical Slopes Waiver.

Mr. Zobrist invited questions for staff.

Mr. Morris asked when talking to the applicant and VDOT was there any thought given to putting in any traffic calming type of material such as speed bumps on both sides of the current cul-de-sac.

Ms. Wiegand replied yes, they talked with VDOT about speed bumps. VDOT does not want speed bumps and does not permit on a public road like this. They talked about other possible things such as bulb outs. However, because the street will be narrowed, they are not sure it will be needed. They are also talking about increasing the curves, which will help slow things down. They are continuing the discussion of possible traffic calming measures.

Mr. Benish pointed out speed bumps are typically permitted when there is an issue with a defined speeding or cut through issue. That does not exist at this point in time. The ones in Ashcroft were done after an analysis of traffic conditions. That is what warrants the ability to put them in.

Mr. Morris agreed with everything he was saying. However, he also knows it is hard to get speed bumps after the road has been put in. He believed that 75 percent of the residents have to agree to it. It would be good if it could be done earlier.

Mr. Franco said in some of the past proposals in this area closer to Profit Road there had been expressed a desire by staff to have a public road connecting Profit Road to this project. He asked if there was still an intent of creating a mid block connection.

Ms. Wiegand replied this is the area where they had been trying to work on connections. With the connection with Bright Beginnings, the connection would come in with a stub connected to this property so that they could have a road that would go through this area. This does set up the beginning for a road network in this area. One of the issues they have with it is that VDOT has been very clear they can't use this particular area as a road to go up through this area. They have to be able to work with one of the other properties in order to get the road connected to Profit. It is being considered. However, since they don't have a rezoning proposal for this area they are waiting to see what happens.

Mr. Benish noted the issue in question was spacing for a public road. When a rezoning proposal would come in, when and if on that property, they could evaluate its feasibility. However, it is less feasible along that frontage because of the proximity to the Worth Crossing intersection. It is seen as a less feasible public road access.

Mr. Franco noted from three years ago they were not pushing that as they were before.

Mr. Benish replied yes, he thought there was some issues about the number of public accesses and the feasibility of those working properly, particularly with the possibility of a traffic circle being established at Worth Crossing.

Ms. Porterfield asked if the right-of-way was already there as far as the two connections by the daycare and to Moubry Lane.

Ms. Wiegand replied that the right-of-way for Moubry was already platted on the Forest Ridge plat. The right-of-way for Bright Beginnings was under discussion and negotiation between Estes Park and the owners of the Bright Beginning parcel. Normally with a rezoning, they would ask that the Bright Beginning parcel either be included in the rezoning or that this particular stretch of right-of-way would be dedicated or recorded prior to a public hearing. However, the Estes Park developer was going to have to purchase this and they did not want to spend the money on it before knowing the rezoning was approved. They have gone to the other alternative to proffer the road, which would be constructed before they developed the property.

Ms. Porterfield asked if they are responsible for getting the right-of-way.

Ms. Wiegand replied that was correct.

Mr. Loach asked if there was anything on the site that would prevent them from incorporating the 15 percent affordable housing.

Ms. Wiegand replied not to her knowledge.

Mr. Loach asked with regard to the building of the sidewalks in the proffer arrangements was the applicant saying he would build that sidewalk up to Moubry Lane, but would want to subtract that from the cash proffer amount that he would have to put forth. That money would not be available to go back to the County into the funds that would pay for capital improvements that are waiting for funding, but be used immediately.

Ms. Wiegand replied that was correct.

Mr. Benish pointed out to give credits for those types of improvements was an acceptable part of their cash proffer policy.

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

Representatives for the request included Ashley Cooper, with Cooper Planning, Scott Collins, with Collins Engineering, and Alan Taylor of Riverbend Management.

Ms. Cooper presented a Power-Point presentation to explain the rezoning proposal, as follows.

- Over the past year it has been quite an evolution for this project. She emphasized that they have been working on Estes Park for about a year. They consider this project to be an infill project. They are becoming part of this overall jig saw puzzle that is the neighborhood. They have been working with the neighboring properties specifically Forest Ridge Neighborhood Association, the Forest Lakes Neighborhood Association, and Bright Beginnings as well as staff.

- When they first came in they had the entire stream piped for the property. It was a major change when they decided that should be an amenity and that natural drainage should be preserved. It was an unusual design in they really preserve almost the entire stream. When they began working with Moubry Lane they knew it would be a concern that Forest Ridge's cul-de-sac was going to now be connected with another neighborhood. On previous proposals they did have speed bumps. However, speed bumps were vetoed by VDOT. They did have more of a radius or turn in the road to slow cars down. That was also vetoed by VDOT. The proposal reflects those direct comments from staff and VDOT.
- They feel this design will be a good connection for the two because with the actual intersection someone will have to stop to make that right hand turn. Nobody will be going all the way down the stretch of road to get around the neighborhood because they will have to stop to make that right hand turn. They feel that aspect is good. They support the narrow road. They see that street and pedestrian connection as a great asset to this area. They are working with the neighborhood to make these changes.
- They are meeting all of VDOT's requirements for this type of road in the neighborhood. They feel will be perfectly adequate for the parking needs. The narrow street sections will be a true asset. They will get a sidewalk and a planting strip. They will still have room for parking on both sides with a nice narrow street.
- They have been working with the Forest Lakes Neighborhood Association to make sure they go above and beyond in all the erosion and sediment control measures. It is important that Arbor Lake be protected throughout this process since they are directly adjacent. They are working with them on a specific agreement should anything happen. They were hoping to have that settled by this meeting. All of that will be worked out by the Board meeting. They hope to potentially join their Neighborhood Association in the future. They have been working with Bright Beginnings on the Worth Crossing to make a wonderful entrance to the neighborhood.
- The proffer policy is the big piece of the puzzle. There is a credit for rezoning applications where there is a minimal increase in density. They can give that credit for what is allowed by right. This property allows for up to 34 units per acre, which would give an overall unit count of 433 units on this property. What they are showing is a residential property R-1 nearly staying a residential property. They do consider that is a very minimal increase from what they can actually do. They have calculated that by right allowance to be 18 units on this site.
- Staff determines the cost of public facilities… by relying on the assumption that any revenue derived from growth (residential real estate taxes), will pay the normal operating costs for services to residents of new developments.

- Credits are authorized for the following:
- *In rezoning applications where there is a minimal increase in density, a credit may be given for the number of residential units allowed under the existing zoning and the cash proffer amount will be based only on the estimated density increase resulting from the rezoning.*
- Places 29/ Comp Plan designation of Urban Density
- Urban Density anticipates a maximum density of 34 units per acre or 433 units.

- Estes Park proposes only a
- minimal increase in density from what is allowed by-right.
- Impact is minimal compared to what was anticipated by the County.

- Proffer Credit Calculations
- *The Estes and Fox property have paid real estate taxes to Albemarle County for R-1 land to cover the services for 18 by-right units for the past* 31 years.
- <u>Current Zoning:</u>

- R-1 allows for 1.45 units per acre (cluster development)
- Project Size:
- 12.75 acres
- 1.45 units per acre * 12.75 =
- 18 units allowed by-right

- Estes Park offers the following:
- $821,300 cash proffer
- $147,875 towards affordable housing
- $969,175 in total contributions

Summary:

1. Working with the neighborhood.
2. Staff recommendation for approval.
3. Street design meets all VDOT standards and is appropriate for the creation of a safe neighborhood.
4. Cash Proffer and Affordable Housing Proffer reflect a credit only for units that are allowed and buildable on the property by-right.

Mr. Zobrist invited questions for the applicant.

Mr. Loach asked Ms. Cooper why they did not incorporate the 15 percent affordable housing in the development.

Ms. Cooper replied they were just showing that basically anything in the by-right could go on the site and that would not include affordable housing. They were just showing it for the additional units.

Mr. Loach asked if by right was R-1.

Ms. Cooper replied yes the by right is R-1, which was 18 units.

Mr. Loach asked why they were not showing 15 percent of affordable housing for the 68 units.

Ms. Cooper replied that was something they were open to discussing, but they did not include it in their initial proffer.

**The Planning Commission took a break at 7:18 p.m. and the meeting reconvened at 7:28 p.m.**

Mr. Zobrist opened the public hearing and invited public comment.

Scott Eliff, a member of the Board of Directors of the Forest Lakes Community Association, noted that he was not here to discuss Moubry Lane. He pointed out Arbor Lake was owned by the Forest Lakes Community Association. The townhouses at Worth Crossing are also part of Forest Lakes. They reviewed the general concept and the site plan with the developer and are pleased with the vegetative buffer that they will put along Worth Crossing. They don't have any issue, per say, with the rezoning for 68 houses. They have a big issue association with the potential siltation of Arbor Lake.

- The source of Arbor Lake is that property 32-33 and 32-34 and the stream they are protecting is down the middle of that property. The last time there was a big development it was Hollymead Town Center. Their Lake Hollymead got tremendously damaged by siltation that occurred by the developer and the lack of adequate siltation controls. They had to result in filing suit against the

developers to get compensated for that. That is going to be ongoing. They have resolved as a board to never let this happen again. It is inappropriate for their lake or amenity, which is an aesthetic value, recreational value, and a source of homeowner value to be damaged by anybody doing development.

- They have been very pleased with working with the developers of the Estes property who are working on an agreement with them. However, that is not in place at the moment. They are very concerned about the potential for siltation here. They had asked before this meeting that the Commission defer consideration of this tonight so that they have a little longer to work out the agreement with the applicant. It would compensate the Association and help reserve all of their rights against potential siltation. Their Association has the financial and management responsibility to maintain the lake, including dredging it. That would be a substantial cost which they would save for over time in their reserve study. However, if there is siltation in the lake it accelerates it and they have to dredge it sooner or more extensively, it would cost them a lot of money. That is basically the issue with Lake Hollymead.
- One of the issues they have come up with recently and found through the discovery in their law suit is that there are a lot of soils in this area where the Department of Natural Resources has indicated that traditional measures of siltation control through erosion bonds and so forth are unlikely to work. A traditional approach of silt fences and erosion control ponds and so forth will probably end up silting their lake and result in a major impact to the Association. They hope they can put in place this agreement or whatever. In the absence of having an agreement in place they would ask that the development either be postponed or denied so they are able to work it out. Notwithstanding that, again, they like working with the applicant and think they will be able to come to something, but want to protect their rights for their property.

Scott Mappi, member of Board of Directors of Forest Ridge Homeowners Association, said that they hear very regularly that Albemarle County is trying to create not just residential areas but communities where the residents can interact with one another. They the members of Forest Ridge, a homeowner's association of 44 families on Moubry Lane think this is the right thing for the county to do. They would even suggest that they have already achieved the county's goal. Moubry Lane currently ends in a little circle of asphalt that they call a cul-de-sac, which they call their community center. It is where the young children try out their peddle trucks, tricycles and toys. It is where the older children learn to ride their bikes and where there is usually an active chalk hopscotch grid, where residents walk their dogs and discuss everything with their neighbors. It is where their annual Fourth of July annual picnic parade ends. They should see the video. The other night at about 7:30 p.m. she went out to water her flowers. There were at least 12 to 15 people in the cul-de-sac including parents supervising children at play, dog walkers, children at play, and everyone talking to other people. It is something they need more of these days. The cul-de-sac of Mouby Lane is their public square and town hall. There is no building, but it is the heart of Moubry lane. They ask them not to take it away.

Ms. Mappi continued noting that most of the residents of Forest Ridge do not object to the proposed development of Estes Park adjacent to us. What they object to is the plan eliminates the cul-de-sac and makes Moubry Lane a dangerous through street. They understand the county's reasons for this plan, but seriously ask the county to please find another way. If Estes Park had a smaller number of houses the county would not need to have a second entrance or exit and could leave Moubry Lane as it is. The county could find another place for a second entrance road. The county could make an exception and keep an existing community alive. No one planned Moubry Lane's cul-de-sac to become their neighborhood center. It just happened, which is often the best way. They ask that they do not destroy this wonderful creation.

Joan Miller noted that 14 years ago she moved here from New York to be near her children. They love the area. However, it is changing. She was very worried about the change since the area is becoming too

busy and commercial. She encourages the county to allow Moubry Lane to stay as is due to safety of her grandchildren and its existing beauty. Farmers in Illinois say one can't put ten pounds of horse manure in a five pound bag, it does not fit. She thought that was what they were doing around here by putting too many people in this area. They need roads and not just more people, which she thought was what was happening. Moubry Lane is fine the way it is since they can park two cars on it. She asked that Moubry not be changed.

Peter Walpole, resident of Moubry Lane for 11 years, strongly encouraged the county to find another way to develop and protect their beautiful quiet little treasure that his child enjoys and not destroy the cul-de-sac on Moubry Lane. His son, Max, wanted to say something. It is their home and community that they don't want destroyed. He asked the county to allow the applicant to develop, but to find another way that does not impact Moubry Lane.

Max Walpole said that he did not like the aspect of taking down their cul-de-sac. It is a very nice place and he liked it. He would not like it if it was changed due to traffic.

Jim Frey, Forest Ridge resident, spoke against the request. Before he was a Forest Lake resident he was an international corporate executive and then was in municipal government in a very small New Jersey town. He knows that in long range planning sometimes when the long range comes it is not the same as when it was planned. Sam Craig put together what he thought was a housing development. A cul-de-sac got him off the hook since he said they can use it as an outlet later. It is not a housing development. It is a community. They have people from the Far East, Middle East, Europe, South America and New York City with many diverse opinions and politics. That cul-de-sac has become a community center. He asked the commission to figure it out. They don't want to stop growth and want to let Estes Park develop. However, there has to be another way to not destroy a community and not build Estes Park on top of their neighborhood.

Cynthia Nath said that she respects the desire of the builder to do this, but this is a community. It is a really good plan. However, she was struggling with it in that one of the rational for doing this very high density project is because of the demand for housing in our area. She did not see it. She asked what the build out of everything was that has already been approved and not developed. They don't track that. She felt that was a problem. She did not see an overwhelming demand for housing at this moment. They are not taking into account the number of houses already on the market and unsold. She voiced concern that they were harming a neighborhood for housing not needed.

Marie Portoghese, resident of Moubry Lane resident for 15 years, spoke against the request since she did want them to take away her neighbors by opening up the street.

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

Mr. Morris said this is a very difficult situation because they have been looking to have a development in this area for quite some time. As Mr. Franco said originally they were looking at a different road coming in here. He would hope they could revisit that in some manner. It is truly a community and he would hate to see it destroyed in any manner, shape or form. However, as far as the master plan is concerned there is connectivity. He was sorry the developer's hands are tied. Somehow there has to be another second entrance. He did not exactly what they can do for this individual and for the people in the community. He opposed changing this wonderful community.

Mr. Loach asked staff if there is the need for a second entrance based on it being over 50 homes.

Ms. Wiegand replied yes it was based on fact that it was over 50 homes and the fact that when this was laid out that they expected there to be an interconnection to make this a little wider neighborhood. That is why staff encouraged the developer to do it.

Mr. Zobrist asked if they reduced the number of unit to 50 units would they still need the interconnectivity.

Mr. Benish replied that the plan does require access to adjacent properties. At a certain threshold it does not have to be vehicular access.

Mr. Zobrist said they could do walking access and not have vehicular access. He asked what the threshold was.

Ms. Monteith relied it was 50 units.

Mr. Kamptner agreed it was 50 units for the second access. One course the county has taken in the past is to require some type of access be constructed and then it be chained so it is accessible only for emergency situations. They have done that at least a few items.

Mr. Zobrist pointed out it had been done in Running Deer, Cascadia and Gray Rock North.

Mr. Benish noted that was places where there are no existing roads and the public road could be stubbed out for future connections. So other undeveloped properties could theoretically provide that second point.

Mr. Zobrist asked what could be done to not have the connectivity. The connectivity is required under the Code because it is 66 units.

Mr. Franco said it was also encouraged by the Comp Plan.

Mr. Kamptner said that even if these parcels were not rezoned under the Subdivision Ordinance when a plat came in staff probably look at it and the county has the authority to require that roads be extended to the property line.

Mr. Zobrist asked if the county has the ability not to extend it.

Mr. Kamptner replied yes. At the plat stage it would be decided either by the agent or the Commission. However, that decision is made at the plat stage. In the rezoning stage the Commission can make recommendation to the Board who would determine if that was appropriate. It would be helpful if the Commission could state the reasons why in this case that it is recommending that the extension not be provided. It could also make a recommendation for an access at a different location.

Mr. Benish noted there is a stub out to an adjacent property to the south that eventually could provide a second point of access.

Ms. Wiegand noted that it went to the Virginia Power property. They talked about this in the pre-application conference with the applicants. There was an issue with trying to get the right-of-way so it would line up with the entrance into the shopping center on the other side of Worth Crossing.

Mr. Benish said there is a practical feasibility to a utility of that second access.

Mr. Zobrist noted that it was done in Glenmore. The Commission could say stub it out on the south side and leave Moubry Lane the way it is. The Commission would make the recommendation and then the Board of Supervisors would make the decision.

Ms. Porterfield said based on that after they talked about these things the Commission could ask the applicant to defer to come back with changes to the plan so an actual plan could be sent to the Board of Supervisors.

Mr. Benish replied that is correct as well. The Commission could direct the applicant to look at other items.

Mr. Loach noted that he would not support this proposal for a number of reasons. He was not happy with the lack of 15 percent of affordable housing. He did not agree with the policy where essentially they could pay it off. He was not happy with the cash proffers and the way they are by subtracting the money for sidewalks, which would take money away from other projects in the CIP. He was not happy that they were not proffering for the total number of houses, but just those over the by right.

Mr. Franco noted that regarding off-site improvements it has been common practice to provide a credit back for those off-site improvements. He agreed with the affordable housing component. He would like to see it incorporated into the project. However, he understands why it can't be sometimes. His observation on the affordable housing has been also is that they are collecting the funds but they are not necessarily dispersing them as quickly as he would like to see. He would be willing to relook at the affordable housing policy to even potentially reduce the number of required units in there in order to make sure that a unit got in there. For instance, it is something like $250,000 to $270,000 of proffer. So by giving to build a house and making sure it was affordable would be a way of satisfying that requirement in his eyes. It would not hit 15 percent, but it would meet the intent of the ordinance to provide affordable housing throughout the community.

Mr. Loach agreed with the speaker from Forest Lakes that the agreement should be part of the conditions before approval.

Mr. Morris agreed. He thought there are a number of things he would really like to have answers to. He was looking at a motion to approve or deny. Right now he did not want to do either one. He thought the plan was wonderful except they were evading the end of the cul-de-sac. They may or may not want to do it, but they have to do it. Or, they need to find another way to have that second entrance. He would really like to see if they could look at that a little more thoroughly and possibly get the agreement with Forest Lakes Homeowner's Association. He noted that the applicant would have to request a deferral since the Commission could not.

Mr. Franco noted concern with the road width.

Mr. Wiegand pointed out when VDOT looked at the road they meet the requirements to be accepted into the state system because they have two parking spaces off site for each unit. However, the problem is that even though they meet the standards VDOT and the county engineer is concerned that right now the streets are narrow enough that once they are accepted into the state system they would have to be posted for no parking on one side or the other on each street. Staff is concerned that is not going to leave enough space for cars to park. There may be households with more than two cars. Also, they could have people coming to visit. It could be difficult to have enough parking here at certain times. Staff indicated that they would like the streets a few feet wider to ensure they could have parking on both sides. Staff believes by narrowing the boundaries around the edges or buffers that they could get enough space for the street. They were looking for 30' so to be wide enough to provide parking on both sides.

Ms. Porterfield suggested that the applicant defer the request since she did not want to vote on this request tonight. She would like to see a tot lot on the plan. If the county did a stub out for Glenmore that had 750 homes she thought they could figure out a way to do it here. Lastly, she sits on the Historic Preservation Committee. They met last evening and are concerned that the cemetery be protected. They would very much like to have the applicant at least fence the cemetery with temporary fencing prior to commencing any site work including the initial grading on this area. Then not later than completion of the grading for lots 1 through 12 in phase 2 the owner shall replace any temporary fencing with permanent fencing of a lasting low maintenance variety including a gate at the western end of the access easement being shown to the cemetery from road B. At that time the owner would also mow and other wise clean up the cemetery and continue to maintain the cemetery and fencing until such time the owner turns such maintenance over to the Estes Park Homeowner's Association as will be covered in the Estes Park covenants and restrictions. She believed that the 10' access easement that they are showing handles this. However, they wanted to make sure that the easement was clear on the plans. She assumed it would be part and parcel of the open space and not a piece of someone's lot. They would like to see a proffer to that extent added.

Mr. Smith said they were talking about making the streets wider. He despises the buffer areas on the outside. They are either a jungle or else somebody extends their yard back. Where they lose that they could gain space for the open space in the middle and expand the street. He did not like closing the cul-de-sac. Regarding the grave yard, he was not sure they could demand that the owner maintain the grave yard because it belongs to the family.

Ms. Porterfield noted she was not demanding but asking if the applicant when they are putting this altogether couldn't make it look decent and keep it looking decent if they are going to transfer it over to the homeowner's association eventually. The concern is that they have historic entities in this county. It is a good idea if they can figure out a way to maintain those entities. If they can delineate the area and mow occasionally, she thought they have taken care of the problem.

Mr. Zobrist asked if the applicant wants the Commission to vote on the request.

Scott Collins asked to make a couple of points. The cemetery is no problem since they have already delineated it with the county.

Ms. Porterfield asked that they put it in writing.

Mr. Collins made the following comments:

- It was good to have narrower street and parking on one side. It does cut down on traffic. It is a calming effect and keeps people from speeding in neighborhood. Narrow streets leads to slower moving cars. It is a much better design. There is plenty of parking.
- They are there with working out a condition about the pond with Forest Lakes. They are on board about having an agreement about siltation before the Board meeting.
- Regarding affordable housing, the problem they are having is with the down payment to get the applicants into these homes. That is what they really want to see more of is monetary contributions into the affordable housing program. The initial down payment seems to be the hurdle for a lot of families, which is what they are focusing on. They are in tune with what they want to do.
- Regarding the connection to Moubry Lane and a cul-de-sac versus a road connection they could go either way. He would hate to get into the fact of having to come back and change the plan in how it is going to connect or not with the Board ultimately making that decision as well. They have a connection at the southern end and they have done that to allow development down there

to have a connection. They can easily work out that change if they had an emergency connection. They can work out the small change in the streetscape alignment to make that work.

- He would not see that as a need to come back here. This is a good plan and it can work. They can accommodate that connection whether it is pedestrian, pedestrian and bicycle, or vehicle whichever way the Board feels on that. They are open to that either way. He would like to move forward with the intent that these couple of items they will definitely take care of.

The Planning Commission held a discussion on the proposal and provided comments on items that need further work.

Mr. Benish summarized the Commission's comments, as follow.

1. Lack of provision of affordable housing units. The recent trend to proffer cash in lieu of units needs to be reviewed as part of a discussion of the Affordable Housing Policy. There was a general consensus that the applicant should base the amount of the cash proffer for affordable housing on the total number of units.
2. Protection of Arbor Lake – Need to ensure that the agreement is in place.
3. Provide for tot lot or another recreational amenity in the 25% open space.
4. Better provision for temporary and long-term protection of the historic cemetery
5. Provide adequate road width to allow parking on both sides of public road.
6. Evaluate options for another point of vehicular access instead of the Moubry Lane interconnection. It was a general consensus not to make the interconnection, but to preserve the cul-de-sac. Second means of access needs to be made. Typically, this issue would be addressed during site plan review.

Mr. Collins said they do not have a whole lot of issues with the Commission's comments. He would be happy to make all those conditions of approval. They would be willing to go 50 percent on the affordable housing and go ahead and change that as well. They would do 15 percent affordable housing, the condition of having the Arbor Lake agreement in place, and they will widen the streets 12' if that works for everybody. The one trick about coming back and changing the plan is that they would like to just make that a condition and if they don't make the vehicle connection they make more of a pedestrian connection or bicycle connection. Then they would do a variance to the plan and change that plan at the time. What he would hate to do is go ahead and change the plan now and then go to the Board and have them shoot it down because they are pushing the promotion of interconnectivity They are stuck in that little turmoil. They can easily change the plan one way or the other with a variance and make that change happen.

Mr. Collins continued that they have looked at the ability to connect with the Virginia Power property. There is actually another property on the other side of that strip as well. They need to have both of those. Right now with all of the utilities and the existing power poles it was not feasible. They have looked at that entrance as a possibility. They are down to these two connections. These are the two best connections. There is another connection north, but they ruled that one out as well. From the work on Profit Road there could be no connection to Profit Road to the north because there was not enough room between Worth Crossing and Moubry Lane. He thought that a lot of this could be done with conditions, especially the idea of connecting to Moubry Lane or not. That could be handled as well as with a simple change to the plan when it comes back in for approval with the site plan.

Mr. Benish noted that the Commission could not condition a rezoning. They can either motion for approval or denial with the basis that the expectations to be addressed with the Board or denial because of the issues they have discussed.

Ms. Porterfield pointed out she would not do that. She got bumped into doing that on a couple of things in the past and she really does not like it. If this Commission is doing its work, they will put it together and they will stand behind what they are saying. When the Commission sends it to the Board of Supervisors they should say this is the way it should be done. If at their level, the Board decides to say that the Commission did not do it right or they don't agree, that is up to them. However, the Commission will send them something that is a complete package. That is not what he is asking them to do at this point and she cannot support that. She would be very happy to support the things that have been said here that he has agreed to if he will bring his plan back done that way.

Mr. Franco said he was torn because he has been the applicant before. He understands what the applicant is saying and really thinks especially the interconnection is difficult. He thought the policy has been to provide interconnections to help take the pressure off the bigger roads. He could see the Board going the opposite direction. However, he also sees the point of sending their best foot forward. He was a little torn on that.

Mr. Zobrist asked if there was a motion. He asked the applicant if he wants to defer or wants the Commission to vote.

Mr. Collins requested a deferral.

**MOTION**: Mr. Morris moved and Mr. Smith seconded to accept the applicant's request for deferral of ZMA-2010-00011, Estes Park.

Ms. Porterfield asked staff to work with the applicant for the earliest possible date that he can bring it back.

Mr. Zobrist pointed out the next meetings would be September 13, September 20, and September 27.

Mr. Benish noted it would be preferable to defer to a date specific so they don't have to readvertise.

Mr. Kamptner said if the Commission sets the hearing date now, it does not need to be readvertised.

Mr. Benish pointed out staff can make sure the Homeowner Association is made aware of this.

Mr. Zobrist asked how much time the applicant would like.

Mr. Collins asked for deferral to September 27.

Mr. Benish said that September 27 is a short turn around, but staff would make every effort with the applicant to address all the issues.

Mr. Collins said they would have it submitted within five days if staff can turn it around.

Mr. Morris amended the motion to defer the request to the September 27 Planning Commission meeting.

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

Mr. Zobrist noted that ZMA-2010-00011, Estes Park was deferred to the September 27th Planning Commission meeting. The applicant agreed to address the changes in the application plan and proffers as recommended by the Commission.

**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 asked if there was any new business.

- Staff asked to invite Ron White to come and speak to the Commission about the affordable housing policy and the intermediate market concerns.
- To promote interconnection ways need to be found to explain to the neighborhood how big an impact would be expected. The staff report needs to deal more with the issue of interconnection since it is hard without a full traffic study to tell how much traffic would go through a neighborhood.
- Discussion held on the Sustainability Grant and what impacts it will have on the master plans.
- There will be no Planning Commission meeting on Tuesday, August 30, 2011 or Tuesday, September 6, 2011.
- Next Planning Commission meeting will be on Tuesday, September 13, 2011.

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

**Adjournment**:

With no further items, the meeting adjourned at 8:45 p.m. to the September 13, 2011 meeting at 6:00 p.m. at the County Office Building, Room 241, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

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V. Wayne Cilimberg, Secretary

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