Albemarle County Planning Commission
November 15, 2011

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

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

Other officials present were Scott Clark, Senior Planner; Glenn Brooks, County Engineer; Bill Fritz, Director of Current Development; Megan Yaniglos, Senior Planner; David Benish, Chief of Planning; Wayne Cilimberg, Director of Planning; and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

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

Other Matters Not Listed on the Agenda from the Public:

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

Consent Agenda:

SUB-2010-167 Barracks West Townhouses - Preliminary
PROPOSED: Request for preliminary plat approval for the creation of 133 townhouse lots on 19.406 acres. This application includes a request for approval of a private street in accord with Section 232 of the Subdivision Ordinance. No additional units are proposed. This proposal is to create individual lots for existing units. (Bill Fritz)

Mr. Zobrist asked if anyone would like to pull an item from the consent agenda.

Ms. Porterfield asked staff if there was any chance in a request such as this they could get them to put in a sidewalk on one side of the road due to the bad safety problems on Barracks Road. People walk on Barracks Road going to the shopping center and it is very hard to see them at night.

Mr. Zobrist noted that was mentioned today at the MPO meeting, which Mr. Benish could address.

Mr. Fritz replied that would be considered an off-site improvement. Therefore, they could not require the installation of a sidewalk through any provision of the Subdivision Ordinance. It is an existing need and not occasioned by this proposal. This proposal does not allow any more units.

Mr. Benish noted application is being made for revenue sharing program funding, which is a state program that matches dollars for dollar county contributions for sidewalk projects. One of the projects is improvements on Barracks Road from Barracks West Apartments on the north side to Georgetown Road and then crosswalks in strategic locations on the south side of Barracks Road from Georgetown to the city limits. There are a lot of persons walking that are transit dependent and are walking to the transit stops at Georgetown Road. There are actually sidewalks on the north side of Barracks Road that connect into the city. However, on the south side there are not. There are some constraints in that area to get a sidewalk completely uninterrupted because of the location of some of the homes. The idea is to do sidewalks to the extent they can on the south side, in particular, from the western most entrance into Canterbury Hills towards the city and connect there. They will have better connections on both sides of the road through the interchange.

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

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

Mr. Zobrist noted the consent agenda item, SUB-2010-167, Barracks West Townhouses - Preliminary was approved.

Public Hearing Items:

A. AFD-2011-00006 Sugar Hollow Addition - Notice is hereby given that the Albemarle County Planning Commission will hold a public hearing to receive public comments regarding the addition of the following parcel(s) to the Sugar Hollow Agricultural and Forestal District (Albemarle County Code § 3-226) on November 15th, 2011, at 6 p.m., in the Auditorium of the Albemarle County Office Building, 401 McIntire Road, Charlottesville, Virginia: Tax map 26, parcel 10G. The parcel proposed for addition is approximately 8.56 acres in size and located on Carrs Ridge Rd approximately 0.5 miles northwest of its intersection with Sugar Ridge Road (Route 674). The Albemarle County Agricultural and Forestal Advisory Committee recommended approval of this addition. (Scott Clark)

Mr. Clark presented a PowerPoint presentation and summarized the request as described.
- This is a proposal for an addition of 8.56 acres to the Sugar Hollow Agricultural and Forestal District. The district was established in 1989.
- At the September 19th meeting the Agricultural & Forestal Advisory Committee unanimously recommended approval of the proposed addition to the Sugar Hollow District.
- Staff recommends the Planning Commission recommend approval of the proposed addition of the Sugar Hollow Agricultural and Forestal District.

There being no questions for staff, 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 for further comment and action.

Motion: Mr. Loach moved and Mr. Morris seconded to recommend approval of AFD-2011-00006 Sugar Hollow Agricultural and Forestal District addition.

The motion passed by a vote of 7:0.

Mr. Zobrist noted that the Sugar Hollow Agricultural/Forestal District Addition Review would go to the Board of Supervisors on December 7, 2011 with a recommendation for approval.

B. AFD-2011-00007 Glen Oaks Creation - Notice is hereby given that the Albemarle County Planning Commission will hold a hold a public hearing to receive public comments regarding the creation of the Glen Oaks Agricultural and Forestal District on November 15th, 2011, at 6 p.m., in the Auditorium of the Albemarle County Office Building, 401 McIntire Road, Charlottesville, Virginia. The parcels that would compose the proposed District are Tax Map 94, Parcels 15A1 and 15A2. The proposed District would be approximately 257.17 acres in size and located on an un-named private road approximately 0.75 miles beyond the end of Running Deer Drive (Route 808). The Albemarle County Agricultural and Forestal Advisory Committee recommended approval of this district. (Scott Clark)

Mr. Clark presented a PowerPoint presentation and summarized the request as described.
- This is a proposal for the creation of a new district for the Glen Oaks Agricultural and Forestal District.
- At the September 19th meeting the Agricultural & Forestal Advisory Committee unanimously recommended approval of the creation of the Glen Oaks District.
- Staff recommends the Planning Commission recommend approval of the proposed creation of the Glen Oaks Agricultural and Forestal District.

There being no questions for staff, 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 for further comment and action.

Motion: Ms. Porterfield moved and Mr. Morris seconded to recommend approval of AFD-2011-000007 for the creation of the Glen Oaks Agricultural and Forestal District.

The motion passed by a vote of 7:0.

Mr. Zobrist noted that the Glen Oaks Agricultural/Forestal District Review for creation would go to the Board of Supervisors on December 7, 2011 with a recommendation for approval.

C. **AFD-2011-00008 Keswick Addition** - Notice is hereby given that the Albemarle County Planning Commission will hold a public hearing to receive public comments regarding the addition of the following parcel(s) to the Keswick Agricultural and Forestal District (Albemarle County Code § 3-219) on November 15th, 2011, at 6 p.m., in the Auditorium of the Albemarle County Office Building, 401 McIntire Road, Charlottesville, Virginia: Tax map 81, parcels 74 and 79. The parcel proposed for addition are approximately 57.27 acres in size and located on Barn Field Drive, approximately 1 mile from its intersection with Clarks Tract Road (Route 648). The Albemarle County Agricultural and Forestal Advisory Committee recommended approval of this addition. (Scott Clark)

Mr. Clark presented a PowerPoint presentation and summarized the request as described above.

- This is a proposal for an addition of two parcels to the Keswick Agricultural and Forestal District.
- At the September 19th meeting the Agricultural & Forestal Advisory Committee unanimously recommended approval of the proposed addition to the Keswick District.
- Staff recommends the Planning Commission recommend approval of the proposed addition of the Keswick Agricultural and Forestal District.

There being no questions for staff, 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 for further comment and action.

Motion: Mr. Morris moved and Mr. Franco seconded to recommend approval of AFD-2011-00008 Keswick Agricultural and Forestal District additions.

The motion passed by a vote of 7:0.

Mr. Zobrist noted that the Keswick Agricultural/Forestal District Addition Review would go to the Board of Supervisors on December 7, 2011 with a recommendation for approval.

D. **AFD-2011-00009 Blue Run Addition** - Notice is hereby given that the Albemarle County Planning Commission will hold a public hearing to receive public comments regarding the addition of the following parcel to the Blue Run Agricultural and Forestal District (Albemarle County Code § 3-208) on November 15th, 2011, at 6 p.m., in the Auditorium of the Albemarle County Office Building, 401 McIntire Road, Charlottesville, Virginia: Tax map 22, parcel 10. The parcel proposed for addition is approximately 28.765 acres in size and is located on Burnley Station Road, approximately 3.3 miles west of its intersection with Stony Point Road (Route 20). The Albemarle County Agricultural and Forestal Advisory Committee recommended denial of this addition. (Scott Clark)

Mr. Clark presented a PowerPoint presentation and summarized the request as described above.

- This is a proposal for an addition to the Blue Ridge Agricultural and Forestal District. The proposed addition is a few miles to the west of the existing district. It is 28.765 acres. This is an unusual case. As they may remember in the past any parcel that is going to be added to a district needed to be within one mile of the core of that district. Earlier this year the State Code authorizing these districts changed in several ways. One change was if a parcel is more than one mile from the core of the district it can be added to the district if the board finds that it is agriculturally or forestally significant land.

- In this case on September 19th the Advisory Committee actually recommended denial of this district because they felt they did not have enough information about the agricultural use of the land. Staff went about trying to find some more information about how to establish that.
- An important thing to remember in this finding is under the section of the Virginia Code about these districts it gives some guidelines for how to find that something is or is not agriculturally significant. The last phrase says, "It is considered to be appropriate to be retained for agricultural and forestal production as determined by such factors as soil quality." Soil quality is typically the approach they use to determine the value of land for production both for Agricultural Forestal Districts, conservation easements, and several other programs. Again, this parcel is 28 acres and about 18 acres of it are in prime soils or locally important. These are soil types designated in the comprehensive plan as being important to production of agriculture in this area.
- Given that additional information, staff recommends that the Planning Commission both make the finding that this is agriculturally and forestally significant land, and secondly to recommend approval of this proposed addition to the Blue Run Agricultural and Forestal District.

There being no questions for staff, 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 for further comment and action.

Motion: Mr. Morris moved and Mr. Lafferty seconded to recommend approval of AFD-2011-00009 Blue Run Additions and to support the findings by staff that the addition contains agriculturally and forestally significant land.

The motion passed by a vote of 7:0.

Mr. Zobrist noted that the Blue Run Additions and findings would go to the Board of Supervisors on December 7, 2011 with a recommendation for approval.

E. **AFD-2011-00010 Bucks Elbow Addition** - Notice is hereby given that the Albemarle County Planning Commission will hold a public hearing to receive public comments regarding the addition of the following parcel to the Bucks Elbow Mountain Agricultural and Forestal District (Albemarle County Code § 3-209.5) on November 15th, 2011, at 6 p.m., in the Auditorium of the Albemarle County Office Building, 401 McIntire Road, Charlottesville, Virginia: Tax map 39, parcel 1D. The parcel proposed for addition is approximately 11 acres in size and located on Bucks Elbow Mtn Rd approximately 1.5 miles northeast of its intersection with Jarmans Gap Rd (Route 611). The Albemarle County Agricultural and Forestal Advisory Committee recommended approval of this addition. (Scott Clark)

Mr. Clark presented a PowerPoint presentation and summarized the request as described above.
- This is a proposal for an addition to the Bucks Elbow Agricultural and Forestal District.
- At the September 19th meeting the Agricultural & Forestal Advisory Committee unanimously recommended approval of the proposed addition to the Bucks Elbow District.
- Staff recommends the Planning Commission recommend approval of the proposed addition of the Bucks Elbow Agricultural and Forestal District.

There being no questions for staff, 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 for further comment and action.

Motion: Mr. Loach moved and Mr. Morris seconded to recommend approval of AFD-2011-00010 Bucks Elbow Addition.

The motion passed by a vote of 7:0.

Mr. Zobrist noted that the Bucks Elbow Agricultural/Forestal District Addition Review would go to the Board of Supervisors on December 7, 2011 with a recommendation for approval.

F. <u>SP 2010-040, Clifton Lake (Signs 84 & 85</u>).
PROPOSED: Placement of fill in the floodplain to allow the construction of a private street.
ZONING CATEGORY/GENERAL USAGE: RA -- Rural Areas: agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots), PRD - Planned Residential Development - PRD Planned Residential District, which allows residential (3 - 34 units/acre) with limited commercial uses and FH Flood Hazard - Overlay to provide safety and protection from flooding.
SECTION: 30.3.05.2.2 (3), which allows filling of land in the floodway.
COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Area in Rural Area 4 - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (.5 unit/ acre in development lots)
ENTRANCE CORRIDOR: No.
LOCATION: This fill is proposed below and adjacent to the dam located southeast of the Clifton Inn.
TAX MAP/PARCEL: 07900-00-00-02300, 07900-00-00-023F0 and 07900-00-00-03600.
MAGISTERIAL DISTRICT: Scottsville (Glenn Brooks)

Glenn Brooks presented a PowerPoint presentation and summarized the staff report.

This is a special use permit for fill in the floodplain area of Camp Branch and the Rivanna River and also for a stream crossing of Camp Branch on the Clifton Lake Dam. In the presentation staff reviewed the overall view of the property. Clifton Lake covers Camp Branch Stream outlets into the river down below. The bridge on the upper left is North Milton Road. The subdivision on the upper right is Shadwell Road that leads into the property from Route 250. The applicant's plan provides a more detailed view of the proposed Clifton Lake Subdivision coming off of Shadwell Road at the top and coming down across the dam from Clifton Lake and the proposed road that meets up with Randolph Mill Lane, which comes into North Milton Road next to the bridge on the bottom left. One view shows the proposed road over the dam and the expansion of the dam. The darker lines shown are the proposed contours to fill in the rear portion of the dam. The river is down below on the drawing and some distance from the dam. The floodplain is very wide from the river. The dotted lines are depictions of the floodplain. Later pictures will clarify that.

The proposed road will meet Randolph Mill Lane, which is a small existing private road that goes into the Milton Board Launch, which is a little path through the bank of the river to carry their canoe. It is rather steep. It meets North Milton Road near the bridge, which is just down the street from Clifton Inn. Clifton Inn is shown as a large outline of a building with a circular driveway. The area of the floodplain has been shaded in as they have it now. Clifton Lake during a flood event our maps show that whole area flooding over the dam also, with the area of the bridge down on the bottom left and the wide floodplain and the Rivanna River below. There are two floodplains meeting here. There is Camp Branch at the top and it meets the Rivanna River, which is the larger one. The dark blue line shaded in is the proposed road as it will come across the rear side of the dam. The area of fill is shown in red. This is what this special use permit is technically for. In that area they are adding road embankment. The far left piece is a small entrance way for a proposed new parking area and new boat launch that they are proposing to donate to the park service. That is just a small amount of fill for the driveway location.

The long narrow one along the road is just a road embankment to cut the road into the existing bank, which comes down from Clifton Inn. Then the section at the end of Clifton Lake is the actual construction of a larger dam. The existing dam for Clifton Lake is very steep and overgrown. It would not meet today's specs if they were building a new dam. It would be too steep and not very stable. It has been there for 20 to 30 years or possibly longer. He noted the direct impacts to the floodplain by taking away the red, which were pretty minor. The section at the dam has been cut out because they are designing a new spillway on the dam, which will carry the flood waters. Therefore, the flood waters would not be expected to go to the other side of the dam, but would just go around one side in the spillway or be contained. It does affect the floodplain map because it gets rid of that section of floodplain. Also, along the road way there is a small cut out where the ramp would be down to the new boat launch. There are some small differences along the road way itself, which really are not significant when they talk about the accuracy of the large floodplain like this. It is just wavering along the road way.

He noted the depiction of the crossing itself. The ordinance requires separate permission for an actual crossing of the stream. This is a gray area since it is not really crossing an existing stream. It is a dam

and a designated stream. Technically it is a crossing. There is no stream there anymore. It is the dam itself. He pointed out the depiction from their computer model. It shows the dam in gray and the arched culvert crossing down below. Staff did not get an actual plan of that yet. That would come later.

Staff's recommended conditions are fairly standard conditions for fill in the floodplain, except for the section about the boat launch, which staff will have to modify later when the County Attorney can discuss that. Before the request goes to the Board staff would have to modify that condition to say something slightly different. The intent is the same.

Staff is recommending approval. In his estimation this is a vast improvement to the dam. The road itself and the fill for the road was something called for back in 1977 when the rezoning was approved as another entrance to the approved PRD of Clifton Lake Subdivision. It is fulfilling that requirement of the Board for the rezoning. It is road they have anticipated as a county for a long time. As they saw with the changes to the floodplain the impacts to the floodplain are very minimal.

SUMMARY

Staff has identified the following factors that are favorable:

1. Safety and stability of the dam is improved.
2. The road achieves compliance with the PRD approved plan.

Staff has identified no factors that are unfavorable to this request.

RECOMMENDED ACTION

Staff recommends approval of the special use permit with the following conditions:

1. The applicant shall obtain approval from FEMA for changes to the floodplain, and update the FEMA maps.
2. The applicant shall obtain County Engineer approval of plans for the road, culvert, dam and spillways.
3. The applicant shall obtain Program Authority approval for an erosion and sediment control plan, and obtain a land disturbance permit according to the Water Protection Ordinance requirements, regardless of whether the project exceeds the minimum disturbance limits.
4. The applicant shall obtain all necessary federal and state agency approvals prior to construction (Army Corps of Engineers, Department of Environmental Quality, etc.).
5. The applicant shall obtain Program Authority approval of a mitigation plan, and provide mitigation according to the Water Protection Ordinance.
6. The applicant shall construct the parking and river access and dedicate it to the county as shown on the plan.

Mr. Cilimberg pointed out that he had been working with this over time. As Mr. Brooks mentioned there is anticipation that there would be this access on this side of the lake and the dam. The original plan was showing that access actually going behind Clifton Inn and coming up to Route 729 near the entrance to Stone Robinson. So this actually creates a new location that will not impact Clifton Inn in terms of its proximity and also will be a better separation from the Stone Robinson School entrance than what would have occurred under the original zoning. A part of that, which is actually a variation from the Planned Development approval, is the provision for this parking area that gets some cars into an area that access the river rather than having them randomly parking along Randolph Mill Lane as they do now. Parks and Rec has said on a number of occasions it ends up being kind of a nightmare from the standpoint of people coming and going in access to the river. Altogether it is an improved situation there.

Mr. Zobrist invited questions for the staff.

Mr. Lafferty asked if the road after being built will actually be in the floodplain.

Mr. Brooks replied that portions of the road will be in the floodplain as shown.

Mr. Franco asked if this was a public road.

Mr. Brooks replied his understanding was it is a private road. However, the applicant could tell them more.

Mr. Cilimberg noted the part that would come into the boat launch is for public use. Beyond that it is an existing private road, which will be improved to allow for a better road as well. The applicant probably needs to speak to how they plan to control the private aspect of this.

Mr. Morris asked what road will be used to bring the fill in. Also, what road will be used for the construction of the housing and so on?

Mr. Brooks replied his understanding is that North Milton Road and the entrance at Randolph Mill Lane will be used and not the road coming through Shadwell and Route 250. They don't have a commitment to that right now, but he would expect that on the next set of plains that will be more detailed.

Mr. Smith asked what year of flood they are talking about.

Mr. Brooks replied that this was the 100-year interval for the floodplain. For the design of the dam they may use more or less depending on the Department of Dam Safety at the state level.

Mr. Smith asked if the dam has ever been inundated.

Mr. Brooks replied that he did not know.

Mr. Zobrist assumed that the subdivision portion has been treated in a separate application.

Mr. Brooks replied that the subdivision itself he understood would be a separate plat that would be a by-right plat since it meets the existing zoning.

Mr. Zobrist noted that is why the Commission has not seen it.

Mr. Cilimberg noted the entitlement for the subdivision was created by that zoning in the 70's. Some Commissioners may recall an update of that zoning about three years ago.

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

Andrew Baldwin, project manager for Charles W. Hurt for this development, noted that they had met with the County extensively. They are doing away with the current old river access. It sounds like there is some concern on how that would be controlled. They are planning on putting a key gate just beyond where the new park will be put in. Essentially anyone who is not a member of the community and/or does not have a punch code for those members would access the property that way. Obviously, the other entrance through Shadwell Estates he thought they would essentially try to keep open depending on what is required fire safety wise. Right now they would like to just do a gate at that entrance to not promote traffic through the development.

Ms. Porterfield asked if the applicant would be willing for the Commission to add a condition to the approval that indicated that the new road or new entrance just talked about as the key gate would be the main entrance to their subdivision.

Mr. Baldwin replied yes that it is and was desired to be.

Ms. Porterfield asked if they would also agree that would be their construction entrance.

Mr. Baldwin replied yes, that is correct.

Ms. Porterfield pointed out that was one of the big discussion points about three years ago when they saw this prior to when Mr. Zobrist came back on. It was really important to have that.

Mr. Baldwin said they are willing to do that.

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

Rick Bowie, resident of the Shadwell Subdivision in the Scottsville District, said they don't want 30 more houses there, but they have that by-right. Therefore, they don't contest it. They are vitally concerned about the safety of the people who already live there who use Shadwell Road/Route 709. They will address that further. He thinks what bothers him as he looks at this proposal is map 4 of 4. The road proposed still has the main entrance shown on Shadwell Road and not only that this other is just secondary. They were going to recommend denial. However, if the Commission approves this they want a condition that entrance be eliminated so there will be no traffic. He thought that was taken care of in their recommendation. They don't want the construction traffic or anything else on Shadwell Road since it won't take it. They would like to see it redesigned and redrawn so that it is very clear that it is no longer an option going in there. They are the Shadwell Estates – Milton Heights Neighborhood Group. There are 30 plus houses in there. They would like to see the conditions state there will be no entrance at all to Shadwell Road and this is the primary and only access. That complies with the Board's condition in 1978

Steve Houchins, an adjacent property owner to Clifton Lakes in Shadwell Estates, said his family is not opposed to the development. The challenge is they are already seeing the increased traffic because they are already marking lots and digging wells. So they are already driving down Shadwell Road. Shadwell Road cannot handle any additional traffic and there are so many blind spots already in the road. There are safety concerns in getting their children from the school bus stop home due to the blind spots in the road. They can't handle any additional traffic there. He asked as Ms. Porterfield suggested that they make it a factor of the approval that is the main road. The concern is they want to put a security gate up there to discourage the traffic through their neighborhood. In fact, what that security gate will do is encourage the traffic through their neighborhood. It would be logical that people would come in that way because it is a more direct route right off of Route 250 and there is no security gate. Therefore, they could jet right home. That is a concern. Even with 30 houses when that is fully built out that is at a minimum an additional 120 cars a day on that road. It simply cannot handle it. It is a rural state road.

Mr. Houchins noted he had a signed petition that has previously been supplied to the Commission of every single household in Shadwell Estates. Again, they are not opposed to the neighborhood. They simply cannot handle any more traffic on their road. The important part to note about that is just that all of these layers have been put on. You can build your neighborhood if they have their own access. The access did not work to go through the Clifton's property to Stone Robinson because Clifton did not want to cut through their property to do that. So now this alternative route has been designed, but it is not designed to give a new boat landing, to give a new dam, or to correct the dam that has worked fine since it was built. The design of this road is to get back to this neighborhood. If that is the case and this could be the main road and either their road could be closed off or somehow put a security gate on the other side as well he could support it. He asked that they give them the same opportunity to discourage traffic through their neighborhood on that side of the neighborhood as they are doing on the other side. Again, they are not opposed to the neighborhood and welcome them as neighbors.

Mr. Zobrist asked if he wanted the petition and information to be made part of tonight's record.

Mr. Bowie said that the petitions were turned in during 2008. The people still are in opposition and it should be made part of the file. He submitted the following to be made part of the record: Petition signed by every household in the Shadwell Estates – Milton Heights subdivision dated February 9/10, 2008 Submitted by Steve Houchins. (**Attachment A)**

Bill Weakley, resident of Shadwell Estates for over ten years, said he was concerned about the road that was to go in. He did not hear in the plan tonight how wide the roadway would be going through there. It was late breaking news that would be the main entrance. He was assuming school buses or whatever they do to get their children to school would be going that route. He was a little concerned when they say main entrance. What does that mean to the entrance off of Shadwell Estates? That is the area he would really like to speak to in a moment. He made the following comments.

- Regarding the road they are putting in and the fill area they talked about affecting the floodplain on the north side of the river adjacent to the road to be put in he did not see any comments about the south side of the river or on the Milton Heights side. If they build up a section in a floodplain they are pushing water somewhere else. The water could not take the same path anymore. He would be concerned for those people that they don't get some extra water over there. How often does it flood? He could tell them in 1972 it flooded. He was at the old bridge cleaning the debris away so the highway engineers could do a study. That whole bottom flooded out in 1972.
- Regarding Shadwell Road, it is a very rural road of tar and gravel. It is not very wide and does not have lines on it. They did a traffic study back in 2008. His wife was part of that. They looked at traffic during the off hours, which was 10:30 a.m. to 3:00 p.m. The count was 100 to 130 cars every 10 minutes or one car about every 6 seconds. During rush hours the count ranged from 150 to 202 cars or one car every 3 seconds. The traffic has only gotten worse from the past traffic study. They did not have time to do an updated study. He could tell them that it was worse than that.
- They also measured the distance from the center of Route 709 to the top of the hill. Coming from the east heading west that was 264 feet. That is not enough sight distance for a 35 mph zone. The speed limit coming from the other direction is higher than that and still 55 mph.
- They have a 2006 letter from Juandiego R. Wade, Transportation Planner that said the entrance to 250 does not meet VDOT's minimum sight distance standards due to the vertical curvature of Route 250. Route 709, Shadwell Road, entrance to 250 is currently unsafe with existing traffic. He would say that has gotten worse. Additionally traffic at this intersection would further aggravate a substandard entrance. VDOT made it clear that they would not approve additional traffic at this section until Route 250 is improved. VDOT will not support the installation of a traffic signal at the intersection of Route 709 and Route 250. That is all he had to add to it. He asked to make that part of the record. (**Attachment B** –Traffic Study note with VDOT memo dated May 25, 2008 to Scott Clark and Letter to Patrick Lawrence, Senior Planner in reference to SUB-07-396 Clifton Lake, Phase I from Lori Weakley, Bill Perry, Rick Bowie and Dave Salzman received on February 8, 2008 – submitted by Bill Weakley on November 15, 2011)

Mr. Zobrist asked that the letters be given to Mr. Brooks to be made part of the record.

There being no further public comment, Mr. Zobrist asked if the applicant had a rebuttal.

Mr. Baldwin asked to address the main points, which primarily was the concern of the traffic in and out of Shadwell Estates. The idea for leaving that end open is so that the residents of Shadwell Estates, due to the intersection at 250 being unsafe due to the hill, could leave the subdivision through their entrance. When leaving the subdivision they would not need a key since the gate would essentially rise when leaving. The residents of their development could come in that way and/or come in through Shadwell Estates, which is a safe turn in but not necessarily when leaving. He would hope that the residents of Shadwell Estates would find it a safer place to leave their community as opposed to what they are dealing with now.

Mr. Zobrist invited questions for the applicant.

Ms. Porterfield asked if he would talk to the size of the road he was putting in. She asked if the width of the road they were putting in would match the rest of the roads in the subdivision.

Mr. Baldwin replied that he was not clear on the road.

Ms. Porterfield replied it was for the new entrance/exit.

Mr. Baldwin replied that it would match the new Randolph Mill Lane. He asked that Mike Myers speak to that.

Mike Myers said Randolph Mill Road is 18' wide and is a standard entrance at North Milton.

Ms. Porterfield asked if it would match what is shown now running through the subdivision, and Mr. Myers replied that was correct.

There being no further questions for the applicant, the public hearing was closed and the matter before the Planning Commission.

Ms. Porterfield asked how they can handle the Shadwell Road problem. What the applicant said is it was nice that they are trying to figure out how to let the people in Shadwell Estates exit onto an easier spot, but without anything that is going to impede the regular person coming in. They could easily see a lot more traffic coming and going on Shadwell Road. That was the original concern and is still the concern. The one gentleman that spoke is completely right that area right there is 55 miles an hour. That hill is deadly because you just can't see. She questioned whether they could put a key gate on each end and give the people who live in Shadwell Estates the ability to go through that by giving them an access code to be able to do that. She asked will doing that on both ends meet the County and VDOT regulations.

Mr. Brooks replied that he looks strictly at fill in the floodplain and impacts to the floodplain with this application. His preview stopped there. If they want to talk about access and the road itself that will really be part of Mr. Cilimberg's variation to allow this route instead of the one through Clifton Inn. That is a variation strictly speaking to the rezoning.

Mr. Cilimberg said that actually is an element of the subdivision, which is not before the Planning Commission tonight. The question is for Mr. Kamptner in whether a special use permit like this can be conditioned for a controlled entrance at both locations.

Mr. Kamptner replied yes that condition and what is in the staff report is condition 6. They will need to look at and consider whether or not if the law requires there to be a nexus between the condition that the Commission is considering recommending and the actual application and the impacts that are being considered here. As Mr. Brooks noted, this is a fill in the floodplain special use permit. Therefore, there needs to be a connection between those particular impacts arising from fill in the floodplain and the controlled access points.

Ms. Porterfield said it seems that the way they fit together is that the original rezoning in the 70's said the access was to be the way this design is happening across the dam and out. It was not to be at where Shadwell Road intersects 250. When the applicant came in about 3 years ago that was the discussion, which has been what they have been working on as a way to get out of what they are doing. It seems that the fill in the floodplain fits very nicely with creating this main entrance. The only thing is to try to end up with two ways and be nice neighbors to Shadwell Estates. If they can put the same limited access on both ends it is going to keep people from just cutting through. It would take a lot of the burden off Route 250 where there are lots of problem not just at that place but other areas on 250. She asked does that connect.

Mr. Kamptner replied that it may. Staff would need to look at that between now and before this goes to Board. It very well may be, but he has not looked at the 1977 rezoning materials in a couple of years. He would need to go back and look at that. The other consideration that comes in is that this land already has the zoning for the use. Controlling how somebody has access onto a public road eventually will just be the subdivision process and something that is usually dealt with by VDOT and the county engineer.

Ms. Porterfield pointed out when the Commission previously reviewed this that one of the items of the original zoning in the conditions clearly said the main access was to be off of Milton Road. It was not to be off of 250. That was very clear and that is why her guess is the applicant has not built anything there yet. They have been trying to figure out how to make it happen. Finally they were able to because they have this piece of land to create the road.

Mr. Kamptner asked was that a condition of the original rezoning.

Mr. Cilimberg replied there were 17 conditions in the old rezoning. He could not remember the specifics.

Mr. Kamptner said they can look at that. That requirement may already exist. Under the Planned Development regulations that were in effect at that time conditions were imposed. So if there is a condition that already requires that Milton Road serve as the primary entrance, then that is essentially a zoning requirement that already exists.

Ms. Porterfield said that it does. She asked if they can rewrite another condition, condition #7 to the fill in the floodplain which is that the main entrance and the construction entrance will be from Milton Road, the applicant will put up limited access gates at that point and also coming off of Shadwell Road in order to limit access, but also to be able to be good neighbors to Shadwell Estates and provide those residents with a code so they can actually exit onto North Milton Road.

Mr. Zobrist asked to summarize. If he heard the members of the public who live next door correctly they are happy with the entrance they have and with their comings and goings that they have been doing for years. So what they have asked is just to block it and stub the entrance off. He suggested that the Commission should talk about that.

Mr. Smith pointed out that is not what is before the Commission.

Mr. Cilimberg agreed that it was not before the Commission.

Mr. Morris said what he would really like to do is focus on what is before the Commission, which was phase one. He thought that the applicant clearly hears what they are saying, which is really going to be addressed in phase two or phase three. That is how they work out the secondary connecting route and so on. Right now he thought they need to focus on phase one.

Mr. Franco asked if the Commission should condition that the preliminary subdivision plat come before them.

Mr. Cilimberg said they would not need to make that a condition of the special use permit. The Commission could just establish that they would like the preliminary plat to come before them.

Mr. Franco said that was the simplest way to do it since it answers his question and brings the plat before them.

Mr. Cilimberg suggested that is a way to do that. The Commission would also look at the zoning conditions at the same time so they would know how they are being applied with the action that would actually approve the subdivision itself.

Ms. Monteith said along with that she would suggest that the applicant talk with the adjacent community. They need to talk to each other.

Mr. Zobrist noted it was the Commission's consensus that they take into consideration the concerns of the neighbors and they would like those concerns to be mitigated and alleviated if possible at the second phase. The only thing they were voting on tonight is what was before them in the staff report.

Ms. Porterfield suggested with the addition to say specifically that the plat comes back to the Commission.

Mr. Cilimberg noted that was not a condition of the approval. The Commission could take a second action tonight.

Motion: Mr. Franco moved and Mr. Smith seconded for approval of SP-2010-00040, Clifton Lake with the conditions as listed in the staff report with the potential revision to condition #6.

Mr. Zobrist noted that it had been moved and seconded that the staff report be accepted that they approve the upgrade of the existing dam and the road across to access Milton Road subject to condition 6 being possibly revised.

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

Motion: Mr. Franco moved and Mr. Morris seconded to request the preliminary subdivision plat for Clifton Lake be brought before the Planning Commission.

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

Mr. Zobrist noted that the preliminary subdivision plat for Clifton Lake will be brought back to the Commission. SP-2010-00040, Clifton Lake will go before Board of Supervisors on a date to be determined with a recommendation for approval subject to the conditions recommended by staff, with the potential revision to condition 6, as follows:

1. The applicant shall obtain approval from FEMA for changes to the floodplain, and update the FEMA maps.
2. The applicant shall obtain County Engineer approval of plans for the road, culvert, dam and spillways.
3. The applicant shall obtain Program Authority approval for an erosion and sediment control plan, and obtain a land disturbance permit according to the Water Protection Ordinance requirements, regardless of whether the project exceeds the minimum disturbance limits.
4. The applicant shall obtain all necessary federal and state agency approvals prior to construction (Army Corps of Engineers, Department of Environmental Quality, etc.).
5. The applicant shall obtain Program Authority approval of a mitigation plan, and provide mitigation according to the Water Protection Ordinance.
6. The applicant shall construct the parking and river access and dedicate it to the county as shown on the plan.

Rick Bowie said as he understands it they as the persons who live there will be notified when the site plan review comes up.

Mr. Cilimberg replied that subdivision plats have notification.

Mr. Zobrist asked Mr. Brooks to put a note in the file to make sure the neighbors get notification.

G. <u>CCP-2011-00003, Ivy Fire Station</u> – Review for Compliance with the Comprehensive Plan a proposal to establish a Fire Station located on U.S. 250 West, 0.3 miles east of the Broomley Road/U.S. 250 intersection. The station is proposed to be located in an existing warehouse building located on Kirtley Lane. The 3.8 acre parcel, Tax Map 59-23B1, is zoned LI, Light Industrial and is designated as Rural Area in the Comprehensive Plan. The property is located in the Samuel Miller Magisterial District. (David Benish)

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

Proposal & Location:
- Proposal to locate a fire station on Route 250 West, behind the Long Term Acute Care Hospital;
- Located in a portion of an existing warehouse building (to be renovated for this use);
- Zoned LI, Light Industrial, Rural Area Comprehensive Plan designation.

Scope of the Project/Services Provide:
- 6,000 sq. ft. facility (approx);
- "24/7" facility operation;
- One (1) engine stationed on site for first four years, possible ambulance after four years;
- Long term possibility for a second engine (not programmed);
- Staffed by paid and volunteers personnel:
  - three (3) man crew per engine;
  - two (2) man crew per ambulance.

Service Area & Response Issues:

- From City limits to the Ivy Community;
- Response time standards:
  - 6 minute response time to Urban Areas east of site (Ednam/Farmington to City limits);
  -14 minute response time to Rural Areas, generally west of site
- Remote control devices will control the Northridge/LTACH and Broomley Road signals for emergency responses.

The service area has not finally been determined, but the general area that can be served has been noted to meet that response time from this station location.

Review Process:

- Review for Compliance with the Comprehensive Plan (Planning Commission finding) (October, 2011):
  -to make a finding on whether the general use and location are consistent with the Comp Plan ("substantial accord");
  -Review required by State Code (15.2-2232).
- Site Plan approval for modifications to site.

Consistency with Comprehensive Plan:

- Location helps to achieve Level of Service (LOS) standards found in the Comprehensive Plan;
- Comprehensive Plan location standards allow facilities to be located outside Development Area to meet unique circumstances, in this case to meet both LOS standards and health and safety needs for the Development Area AND Rural Area.
- Character and extent of use is within the scale anticipated in the Community Facilities Plan/Comp. Plan for fire stations. This is a temporary satellite station that will augment full-service stations.

Favorable:

- The site will improve fire-rescue emergency response times in portion of county not currently meeting the service standards in the Comprehensive Plan;
- The property is zoned for development (LI, Light Industrial), and the use and its impacts are consistent and is activity, uses expected in industrial districts.
- The site is located near the designated Development Area, and is utilizing an existing developed site.

Unfavorable:

- The site is not located in the designated Development Area.

Recommendation:

- The Commission finds that *the location, character and extent of the proposed Ivy Fire Station facility is in substantial accord with the County's adopted Comprehensive Plan*.

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

Mr. Benish, serving as the applicant, said he could answer questions for the applicant, which is our Offices of Facilities Development. Staff has the building layout if they are interested in that.

Ms. Porterfield said the only thing she wanted to confirm was the noise from the sirens. This was a discussion when the Commission had to find the hospital in conformance with the Comprehensive Plan. The neighbors were quite concerned about the noise from sirens. The hospital indicated that they were not going to be a regular emergency room hospital and so saw very little use of emergency vehicles and would not be transporting with sirens. On the last page of the report it indicated that engine sirens will not be activated until the vehicle reaches the entrance onto Route 250.

Mr. Benish agreed that was correct. Their practice is to engage the lights at the time they reach the intersection of the public road.

Ms. Porterfield suggested staff convey to the Fire Chief that noise was a concern of the community with the previous application the Commission saw for conformance with the Comprehensive Plan for the hospital.

Mr. Benish said it was his understanding that issue has actually been raised by the hospital because they are concerned about the noise as they past the hospital. He thinks there has been an indication made about this practice to the Health Services Foundation. He will make sure Mr. Eggleston is aware of the noise concerns.

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

Motion: Mr. Smith moved and Mr. Morris seconded for approval of CCP-2011-0003, Ivy Fire Station based on the favorable factors identified in the staff report.

Mr. Kamptner asked that the motion be restated and if it includes the language suggested by staff that included the finding.

Mr. Zobrist asked that the motion be amended.

Restated Motion: Mr. Smith moved and Mr. Morris seconded that the Commission finds that the location, character and extent of the proposed Ivy Fire Station facility is in substantial accord with the County's adopted Comprehensive Plan.

Mr. Kamptner asked to add that it be for the reasons identified as the favorable factors of the staff report.

Amended Motion: Mr. Smith amended and Mr. Morris seconded the amendment to the motion that it be for the reasons identified as the favorable factors of the staff report.

1. The site will improve fire-rescue emergency response times to an area of the county that is not currently meeting those service standards;
2. The property is zoned for development (LI, Light Industrial), and the use and its impacts are consistent with the activities and uses expected in industrial districts.
3. The site is located near the designated Development Area, and is utilizing an existing developed site.

The motion passed by a vote of 7:0.

Mr. Kamptner explained that the Commission has to make the finding of substantial accord, but it also has to report the reasons to the Board of Supervisors.

Mr. Zobrist noted that the following action taken on CCP-2011-00003, Ivy Fire Station needs to be forwarded to the Board. The Planning Commission finds the proposal to establish a Fire Station on U.S. 250 West, 0.3 miles east of the Broomley Road/U.S. 250 intersection in substantial accord with the Comprehensive Plan for the reasons identified as the favorable factors of the staff report.

The Planning Commission took a break at 7:06 p.m. The meeting reconvened at 7:12 p.m.

Work Sessions:

SP-2010-044, The Granger (Stream Crossing #1)
PROPOSED: Placement of fill in the floodplain to allow road construction.
ZONING CATEGORY/GENERAL USAGE: R1 - Residential - low density residential uses, EC Entrance Corridor - Overlay to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access, AIA - Airport Impact Area - Overlay to protect the airport and FH - Flood Hazard - Overlay to provide safety and protection from flooding

SECTION(S): 30.3.05.2.1 (2), 30.3.05.2.2 (1) and 30.3.05.2.2 (3), which allow filling of land in the floodway
COMPREHENSIVE PLAN LAND USE/DENSITY: Office Service -- office uses, regional scale research, limited production and marketing activities, supporting commercial, lodging and conference facilities, and residential (6.01-34 units/acre) and Parks and Greenways - parks; greenways; playgrounds; pedestrian and bicycle paths in Urban Area 5
ENTRANCE CORRIDOR: Yes
LOCATION: This fill is proposed on Morey Creek near its confluence with Moores Creek. The property is located on the west side of Sunset Avenue adjacent to the City of Charlottesville.
TAX MAP/PARCEL: 07600-00-00-02400
MAGISTERIAL DISTRICT: Samuel Miller

AND

SP-2010-045, The Granger (Stream Crossing #2)
PROPOSED: Placement of fill in the floodplain to allow road construction.
ZONING CATEGORY/GENERAL USAGE: R1 - Residential - low density residential uses, EC Entrance Corridor - Overlay to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access, AIA - Airport Impact Area - Overlay to protect the airport and FH - Flood Hazard - Overlay to provide safety and protection from flooding
SECTION(S): 30.3.05.2.1 (2), 30.3.05.2.2 (1) and 30.3.05.2.2 (3), which allow filling of land in the floodway
COMPREHENSIVE PLAN LAND USE/DENSITY: Office Service -- office uses, regional scale research, limited production and marketing activities, supporting commercial, lodging and conference facilities, and residential (6.01-34 units/acre)and Parks and Greenways - parks; greenways; playgrounds; pedestrian and bicycle paths in Urban Area 5
ENTRANCE CORRIDOR: Yes
LOCATION: This fill is proposed on Moores Creek near its confluence with Morey Creek. The property is located on the west side of Sunset Avenue adjacent to the City of Charlottesville.
TAX MAP/PARCEL: 07600-00-00-02400
MAGISTERIAL DISTRICT: Samuel Miller
(Megan Yaniglos)

Ms. Yaniglos presented a PowerPoint presentation and summarized the staff report regarding SP-2010-044 & SP-2010-045; SUB-2010-119 – Granger Property; Fill in the Floodplain with Two Stream Crossings and Preliminary Subdivision - Recommendations and Guidance

The purpose of this work session is to check in with the Commission at this point in time so that the applicant and staff can get feedback and address any issues that the Commission may have with the proposal concerning the alignment of the road, the waiver requests associated with the subdivision plat, and the stream crossings as relates to the proposed applications for SP-2010-044; SP-2010-045; SUB-2010-119- Granger Property; Fill in the Floodplain with Two Stream Crossings and Preliminary Subdivision..

The applicant would like the Commission to answer the following questions:
- Advise on the alignment of the proposed Sunset- Fontaine Avenue connector road
- Determine if the entire length of the connector road be built with the first phase of development
- Advise on the stream crossing locations
- Advise on the proposed subdivision modification requests

Should the entire length be built in the first phase?
- Phase One provides access to the proposed southern lots (Lots 20-74)
- Phase Two would provide the connection to Stribling Ave and Fontaine Ave and access to proposed lots 1-19.

- As proposed the connector road would be built in two phases.

- The first phase would consist of providing access to the southern portion of the site and Lots 20-74
- The second phase would provide a connection to Stribling Avenue and Fontaine, and will include the two stream crossings and access to Lots 1-19
- It is important for interconnectivity that the full length of the road be built with the first phase of development, allowing an immediate connection to Stribling Ave and Fontaine.

Are the Stream Crossings at the appropriate location?

- The alignment of the road and subsequent stream crossings are appropriate and in line with what are shown in the Southern Area B Study.
- The main stream crossing for the connector road is located on an adjacent property, which will require permission from the owner, which is yet to be acquired.
- The crossing could move to be located solely on the Granger Property; however changing the location wouldn't reduce the impacts to the streams compared to the alignment and crossings proposed.

Feedback on proposed Subdivision Modifications

- Critical Slopes: 3.52 acres of critical slopes are being proposed to be disturbed, which is approximately 20% of the total critical slopes on the property. Additional disturbance on adjacent parcels are not included in the total disturbance of critical slopes.
- Sidewalk and Planting Strip: Proposing sidewalk and planting strip on only one side of the connector road. The sidewalk would be in a Virginia Dominion Power easement, no lots are proposed on that side of the road, and a greenway trail will be located on that side of the road in the proposed Open Space.
- Dedication of Open Space: Dedication of 28.71 acres of open space to the County for a density bonus.

- Staff believes that the applicant should work with engineering staff to identify and make changes to those areas where critical slope disturbance could be reduced. Does the Commission believe that further work needs to be done to reduce impacts to critical slopes?
- Does the Commission agree with staff that this modification is justified due to the constraints and proposed greenway?
- No specific direction needed for the open space, but any feedback and comments are welcome.

Recommendations:
Advise staff and the applicant on any changes needed.
Staff recommends the following items be addressed prior to a public hearing:

1. Adjacent landowner(s) to be included in the special use permit and subdivision plat applications.
2. The entire proposed connector road to be included in the first phase.
3. Approval from Virginia Dominion Power for the impacts to their easement including, roads, lots, grading, and open space.

Questions:

- Is the proposed Sunset-Fontaine Ave. connector road in the proper alignment?
- Does the Commission concur that the entire length of the connector road be built with the first phase of development?
- Are the stream crossings at the appropriate location?
- Is the Planning Commission willing to support this proposal and associated modification requests?
    1. Critical Slopes modification: Does the Commission believe that further work needs to be done to reduce impacts to critical slopes?
    2. Sidewalk and Planting Strip modification: Does the Commission agree with the direction staff has taken?
    3. Dedication of Open Space: Does the Commission have any comments or feedback for the applicant or staff with regards to the open space dedication for bonus density?

Mr. Zobrist opened the work session for public comment and invited the applicant to address the Planning Commission.

Scott Collins, engineer representing the applicant, spoke for the request and provided input to the comments and questions.

- Speaking towards the overhead bridge across the railroad tracks in that location where it was ultimately decided where Fontaine Research Park would pick up the connector road it is impossible to get a bridge between the clearance of the railroad tracks and the clearance of the overhead transmission wires. The only alternate is to go under.

- They are working diligently with the adjacent property owner, Mr. Shields, who owns the property that portion of the road crosses to make that connection to the existing underpass underneath the railroad tracks. They are working hard to negotiate the right-of-way necessary to construct the road all the way to the underpass. If Mr. Shields chooses not to go along with their development plan they might have to stop the road at the property line for phase one and then try to work out the connection through phase two or with phase two connect over to phase one and do something else. It is something they are working on right now. They will not be coming back to the Commission for the stream crossings without that question being answered.

Mr. Franco asked if there have been any comments from the City.

Mr. Benish replied that he had a brief comment from Jim Tolbert, Director of City Planning Office/Neighborhood Services, and he is aware that this proposal would provide a connection to Stribling Avenue. One of the thoughts if this was to be built was they would have to address the condition of Stribling Avenue in some way to accommodate the traffic that would be put on that roadway.

Ms. Monteith noted concern that the road would not carry the traffic with that single lane underpass. There is significant impact to critical slopes with this road alignment and to streams and stream buffers.

Mr. Collins noted this really has to follow the alignment of the Area B Study. It ties into the existing location of the underpass, which is not on the applicant's property. Therefore, they are trying to tie in as best as they can to the existing road network and with how the Area B Study is related to this. This underpass would be very similar to the Old Ivy Road crossing, which is still functional. It is almost wide enough for two cars. A stream has to be crossed twice no matter how the property is developed. There are some steep slopes that surround the larger piece. Wherever you cross there will be impacts with the critical slopes and stream buffer with that crossing. They are working the overhead transmission power line as well. That area has to be crossed at an angle so not to be running through their easement and running into their existing power poles for the transmission lines. They have to cross as well in between existing poles and make that crossing as much perpendicular as possible with a connector road.

Regarding the concern about potential isolation with phase 2 if they had a 100-year flood, Mr. Collins noted the 100-year flood would be able to pass underneath that culvert. They would not be backing up the floodplain with that culvert crossing where the road would be inundated to the fact those people would not be able to get out of phase 2 during a crisis or a flood or 100-year storm. With that crossing they can't increase the floodplain on Moore Creek more than a certain percentage.

Glenn Brooks, County Engineer, noted when the Commission says do everything possible to reduce critical slope impacts staff usually draws a line that they work with development plan submitted and try to make the utilities and infrastructure around it. However, if the Commission feels strongly enough about certain areas of critical slopes that they would need to pull back the development, that is what staff needs direction on from the Commission. He asked if that includes reduction in the lots. He noted that roadways can be exempt if the only way to the development.

Ms. Monteith made the following comments:

- Reduce the impacts to the stream buffer areas and to the streams to the critical slopes on the property and if that means to reduce some of the lots, yes.

- The alignment of the road does not have to exactly follow the county planning process. It does need to appropriately match alternative 4 as was designated in Area B, but it does not have to be an exact alignment.

Mr. Morris agreed with that. In their original statements they agreed with the alignment as presented. That is a general alignment and if it is going to be more advantageous to modify that somewhat he sees no problem modifying it personally.

Mr. Zobrist said they were really deferring to the staff to investigate the mitigation that they can.

Mr. Brooks replied that he would let Mr. Collins speak to that, but he did not know how much alignment change is really possible in meeting the standards.

Mr. Collins said that it does not matter how they shift that alignment they are going to be impacting critical slopes across that bank wherever the stream is crossed. They are going to have to cross the stream to make the connector road work. There are steep slopes along that entire bank. They are going to have that impact no matter what. They have tried to find the best place to make the crossing to make it work and will continue to do that. The original application was 79 lots. It actually impacted a lot of the critical slopes over in the one area. They eliminated five lots from that area and actually cut their critical slopes impact down almost by 50 percent. At this point they really just have critical slope impacts for the road, storm water management, and a little bit of utilities. They will work the utilities out as best as possible as close to the lots and out of the critical slopes. At this point they really need to keep the lot density where it is. They will work with Mr. Brooks and county staff to avoid as much critical slopes as they can on top of that.

Mr. Zobrist invited public comment.

Public comment was taken from the following persons regarding concerns about the large amount of traffic from the existing neighborhoods, the increased traffic and safety of the roads:

- Emerald Young, resident of Eagles Landing across from Ganger, noted the road was very narrow and had no sidewalks.
- Jeanne Chase, city resident asked for clarification on whether it was Stribling Avenue in the city or Stribling Avenue Extended in the county.

The Planning Commission provided comments to staff's questions, as follows:

Questions for the Commission:

Is the proposed Sunset-Fontaine Ave connector road the proper alignment?

The purpose of this question is to check in with the Commission at this point in so that the applicant can get feedback and address any issues that the Commission may have with this proposal.

The Comprehensive Plan reflects the recommendations of the Southern Area B Study (Attachment G in staff report) developed and approved by Planning and Coordination Council (PACC) consisting of the City of Charlottesville, Albemarle County, and the University of Virginia.

One of the primary recommendations of this study is to construct a road connecting Sunset Avenue to Fontaine Avenue (The Sunset-Fontaine Connector). The Southern Area B Study recommended a specific alignment for the road (Alternate 4), including an over pass of the railroad. A portion of the alignment on the north side of the railroad has been reserved for dedication with the recent approval for the rezoning of the Fontaine Research Park (ZMA-2007-013).

The County's Comprehensive Plan does not specifically note the Alternative 4 alignment. When incorporating the Area B Study recommendations into the Comprehensive Plan (CPA 05-05 and 05-09), the Board of Supervisors wanted to provide maximum flexibility to accommodate this road. However, with

the reserved right of way established on The Fontaine Research Park site, the "connecting point" on the north side of the railroad has been established. Staff believes that the location and alignment of the road generally follows what is shown in the Area B study.

It was the consensus of the Planning Commission that the proposed Sunset-Fontaine Avenue connector road is the proper alignment.

Does the Commission concur that the entire length of the connector road be built with the first phase of development?

The applicant is proposing to build the southern portion of the subdivision (Lots 20-74) with access from Sunset Ave with the first phase; then construct stream crossings #1 and #2 and the northern subdivision lots (Lots 1-19). Only a portion of the connector road is being proposed to be built with the first phase, and then construct the stream crossings and the rest of the road with the second phase of development. The second phase would connect to Stribling Avenue and Fontaine.

Staff believes the full length of the connector road should be built with the first phase of development. Staff can support the alignment shown because it provides a reasonable location for a through road and will allow an immediate connection to Stribling Ave. The road should not be phased as shown on the subdivision plat and proposed by the applicant. It is important for interconnectivity to have the road built with the first phase of development; which would also be consistent with Virginia Department of Transportation's recommendations and requirements for interconnectivity. Does the Planning Commission agree with this recommendation?

It was the consensus of the Planning Commission that the entire length of the connector road is built with the first phase of development. The request should not come back until the right-of-way issue or easement problem has been resolved.

Are the stream crossings at the appropriate location?

Again, the purpose of this question is to check-in with the Commission, so that the applicant can get feedback and address any issues that the Commission may have with the stream crossings.

Staff believes that this alignment of the road and subsequent stream crossings are appropriate and in line with what was shown in the Area B study. These locations are on an adjacent property and the application will need permission from the owner to build the main crossing for the connector road. The alignment and crossings could move to be located solely on the Granger property; however, staff doesn't believe that changing the location of the stream crossings would reduce the impact on the streams compared to the current proposed locations.

It was the consensus of the Planning Commission to agree with Staff that the alignment of the road and subsequent stream crossings are appropriate and in line with what was shown in the Area B study. Some questions and concerns noted were:

- ***Questioned why applicant's design went over someone else's property.***
- ***Significant impact to critical slopes with this alignment and impact to stream buffers. The applicant needs to work with engineering staff to mitigate impacts as much as possible.***
- ***Concern about flooding and potential isolation with phase 2 if there was a 100-year flood.***

Is the Planning Commission willing to support this proposal and associated modification requests?

The applicant would like some feedback as to whether or not they should continue and move forward with the modification requests. There are a number of modifications associated with the subdivision plat:

- *Critical slopes*: Engineering staff has reviewed the applicants critical slopes modification request (Attachment F of staff report) and recommends a number of changes that could be made by the applicant in order to reduce the impact to critical slopes. The applicant should work with staff to

identify and make changes to those areas where critical slope disturbance could be reduced. Does the Commission believe that further work needs to be done to reduce impacts to critical slopes?

It was the consensus of the Planning Commission that the applicant should work with the engineering staff to identify and make changes to areas that engineering staff identified where critical slopes disturbance could be reduced. The Commission wants to see the minimum impact. Other comments were:

- ***The critical slopes that are part of the stream side network would be important. The steep slopes next to the creek are a concern.***
- ***Reduce the impacts to the stream buffer areas and to the streams to the critical slopes on the property and if that means to reduce some of the lots, yes.***
- ***The alignment of the road does not have to exactly follow the county planning process. It does need to appropriately match alternative 4 as was designated in Area B, but it does not have to be an exact alignment.***

- *Sidewalk and Planting Strip*: The applicant is requesting that a modification be given to allow for sidewalks and planting strips only to be located on one side of the connector road. Staff believes that this modification is justified because there is a Virginia Dominion power line easement where the sidewalk and planting strip would be located, also the applicant is proposing a greenway trail on that side of the road, no lots are proposed on that side of the road, and no existing sidewalk connections to adjacent properties exist at this time. Does the Commission agree with this direction?

  It was the consensus of the Planning Commission to agree with staff that it made sense to have the sidewalk and planting strips to be located only on one side of the connector road due to the constraints.

- *Dedication of Open Space*: The applicant is proposing to dedicate 28.71 acres of open space (Attachment E of staff report) to the County. Parks and Recreation staff has reviewed this proposal and is interested in the land being dedicated and supports this proposal. No specific direction needed from the Commission, but any comments concerning the open space would be appreciated.

  The Planning Commission had no comments on the dedication.

Additional issues to be addressed by the applicant per the Commission include the following:

- ***Delineate easement for graveyard in the same manner as was done in the northern section of county.***
- ***In attachment E in regards to open space provide easement across back of pie-shaped lots to provide continuity for people to move through the path.***

No formal action was taken.

Old Business

Mr. Zobrist asked if there was any old business.

- There will be no Planning Commission meeting on Tuesday, November 22, 2011.
- The next Planning Commission regular meeting will be held on Tuesday, November 29, 2011.
- Industrial Uses Roundtable to be held on November 28th at 10 a.m. in room 241. That meeting needs to be adjourned to the November 29th PC meeting as more than two Commissioners indicated they will be attending.
- Target Industry SWOT Meeting to be held on Thursday, November 17, 2011 at 8:30 a.m. at the County Office Building, Room 241. Since more than two Commissioners indicated they will be

attending the Commission needs to adjourn to November 28th at 10 a.m. for the Economic Development Roundtable

There being no further old business, the meeting proceeded.

New Business

Mr. Zobrist invited new business.

- Request staff to advise Commissioners what time the packets can be picked up on November 22nd.

There being no further items, the meeting proceeded.

Adjournment

Mr. Morris moved and Mr. Lafferty seconded to adjourn to the SWOT Analysis meeting on Thursday, November 17, 2011 at 8:30 a.m.

The motion passed by a vote of 7:0.

With no further items, the meeting adjourned at 7:54 p.m. to the Target Industry SWOT Meeting to be held on Thursday, November 17, 2011 at 8:30 a.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)