Albemarle County Planning Commission
December 11, 2012

The Albemarle County Planning Commission held a public hearing on Tuesday, December 11, 2012, at 6:00 p.m., at the County Office Building, Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Ed Smith, Bruce Dotson, Don Franco, Thomas Loach, Richard Randolph, Russell (Mac) Lafferty, Vice Chairman, and Calvin Morris, Chairman. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was absent.

Other officials present were Sarah Baldwin, Senior Planner; Brent Nelson, Planner; Amelia McCulley, Director of Zoning/Zoning Administrator; Ron Higgins, Chief of Zoning; Wayne Cilimberg, Director of Planning; Sharon Taylor, Clerk to Planning Commission; and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

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

Committee Reports

Mr. Morris invited committee reports. There being none, the meeting moved to the next agenda item.

Review of Board of Supervisors Meeting – December 5, 2012

Mr. Cilimberg reviewed the actions taken by the Board of Supervisors on December 5, 2012.

Mr. Cilimberg noted the Board of Supervisors took up and approved the waivers last week for the Police Public Safety Training Facility. However, the Board decided for February they would hold an informational meeting on the firing range. They have had public comment at several of their meetings under other matters as the Commission has under their consideration of the facility. The informational meeting will tentatively be held on February 13.

Mr. Lafferty noted as an item of interest the Army Corps of Engineers is not going to accept the Environmental Impact Statement that VDOT has submitted on the proposed US 29 By Pass.

Items Requesting Deferral

SP-2012-00010 Sieg Special Events
PROPOSAL: Special use permit for Special Events (weddings, rehearsal dinners, and other celebrations) to be located at existing family property.
ZONING CATEGORY/GENERAL USAGE: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
SECTION: Chapter 18 Section 10.2.2.50 of the Albemarle County Code, which allows for Special events (reference 5.1.43)
COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Area 2 - Rural Areas – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (0.5 unit/ acre in development lots)
ENTRANCE CORRIDOR: No
LOCATION: 1291/1293 Hammocks Gap Road
TAX MAP/PARCEL: 06300-00-00-02900
MAGISTERIAL DISTRICT: Rivanna

(Chris Perez)

Mr. Morris noted that the applicant had requested deferral of SP-2012-00010 Sieg Special Events. He opened the public hearing and invited public comment.

Len Mailloux, a Charlottesville real estate agent, represented an adjacent property owner named Rinaldie who lives in Buffalo, New York. They are very much objecting to this request and asked him to attend this meeting tonight to voice their opinion on that. They are concerned about the traffic situation as well as the noise factor involved.

Mr. Morris asked where their property was located.

Mr. Mailloux replied that it was the closest house right off the road with their driveway -coming off of Lonesome Mountain.

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

Motion: Mr. Dotson moved and Mr. Lafferty seconded to accept the applicant's request for deferral of SP-2012-00010, Sieg Special Events to February 5, 2012.

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

Mr. Morris noted SP-2010-10 Sieg Special Events was deferred to February 5, 2012.

Public Hearing Items

SP-2012-00013 Kenridge
PROPOSED: Amendment to SP-2009-06 to change the approved conditions. Modification to conditions to allow changes to the exterior building materials. Approved uses remain unchanged.
ZONING CATEGORY/GENERAL USAGE: CO Commercial Office - offices, supporting commercial and service uses; and residential use by special use permit (15 units/acre)
SECTION: 23.2.2(9) R-15 residential-15 units/acre
ENTRANCE CORRIDOR: Yes
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 Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (.5 unit/acre in development lots) in Neighborhood 7.
LOCATION: North side of Ivy Road (Route 250 West across from Birdwood Golf Course) Approximately 1/2 mile west of the intersection of Ivy Road and the 29/250 By-pass.
TAX MAP/PARCELS: 60K/A1, A2, B1, B2, B3, 60K/1-47, 49-61
MAGISTERIAL DISTRICT: Samuel Miller
(Brent Nelson)

Brent Nelson summarized the staff report in a PowerPoint presentation, which has the referenced photographs.

Kenridge is located on the north side of Ivy Road, Route 250 West, across from the Birdwood Golf Course. The Kenridge development consists of single family attached and detached residences, an original manor house that remains as a single family residence, and an original carriage house providing office use on the site. The development is currently under construction with a number of attached residences completed.

Regarding the history of the Kenridge development:
On July 26, 2005, the Planning Commission held a public hearing and recommended denial of Kendridge for reasons including 1) internal parking, 2) storm water management 3) affordability issues, and 4) screening. Prior to the Board of Supervisors public hearing the applicant addressed outstanding issues

and concerns from the Planning Commission public hearing and on October 5, 2005, the Board approved SP2004-00052 - Kenridge with 17 conditions.

On July 21, 2009, the Planning Commission held a public hearing and reviewed Special Use Permit 2009-00006 - Kenridge, a request by the applicant to modify the plan approved with Special Use Permit 2004-00052 - Kenridge. The modification consisted of a revised location for both the access road and parking serving the office building and the elimination of one of the single family attached units. The Planning Commission recommended approval with 17 conditions to the Board of Supervisors.

On September 9, 2009, the Board of Supervisors approved Special Use Permit 2009-00006 – Kenridge with 17 conditions.

The purpose of this request is to amend Condition 9 of Special Use Permit – SP-2009-0006 regarding required exterior building materials and roof forms - to better define allowable exterior materials while at the same time keeping with the original intent of the conditions accompanying SP-2009-0006 - and to address violations of the design conditions that have occurred on a number of structures.

The applicant has constructed portions of the rear elevations of Lots 19, 30, 31 and 32 with white composite siding instead of brick as required by the existing condition. The applicant is now requesting approval of this condition as an exception for those lots to address this violation of the current conditions.

A photo shows the white siding on the rear of the residence on Lot 19. A photo shows the white siding on the 3 residences on Lots 30, 31 & 32.

The applicant has, on various residences in Kenridge, constructed gable ends above the full return with white composite siding instead of brick as required by the existing condition. The applicant is now requesting a modification allowing this condition on the existing and future attached residences.

A photo shows the side of the residence on Lot 27 with the white siding above the full return. A photo of the side of the residence on Lot 1 shows the white siding above the full return.

The applicant has constructed sunrooms, bay or box windows, front entryways and dormers, on residences with white composite siding instead of brick as required by the existing condition. The applicant is now requesting a modification allowing this condition on existing and future attached and detached residences. A photo shows the white siding on the dormers and front entryway of a unit located at the rear of the development. A photo shows the white siding on the rear sunroom of a unit along the eastern boundary of the development.

The applicant has constructed intersecting hip roof forms in various locations throughout Kenridge and is requesting a modification allowing both primary and intersecting hip roof forms on existing and future attached residences.

A photo shows the intersecting hip roof form on a unit located along the rear boundary of the development. The applicant is requesting the removal of painted brick as an exterior material on any structure other than the existing manor house and carriage house.

And finally, for single family detached structures: the applicant is requesting that the condition continue to require red brick for the exterior from the ground to the roof line and revise to not allow painted brick and revise to allow the following exceptions: sunrooms, bay or box windows, front entryways and dormers may consist of red brick and/or composite siding.

Staff opinion is that the proposed amendment to Condition (9) does not have a negative visual impact to adjacent properties. It does not conflict with the intent of the original condition providing consistent building appearance in keeping with the Entrance Corridor and historic buildings located on site. It does not conflict with any goals, recommendations or design guidelines of the Comprehensive Plan.

Staff finds the following factors favorable to this request:

- The factors supporting approval of the original special use permit have not changed.
- The requested modification to Condition 9 is expected to have limited visual impact to surrounding properties.

Staff finds no factors unfavorable to this request.

Recommendation:
Staff recommends approval of SP-2012-00013, Kenridge with amended condition (9) as proposed by the applicant and listed in the staff report.

Condition 9 references a drawing in the applicant's exhibit, which includes the lot layout, elevation drawings that are referenced in the amended condition, and photos of existing conditions for clarification.

Yesterday county staff and the applicant were contacted by the Mr. Richard Hewitt, resident owner of the adjoining parcel to the west known as "Boxwood", with a request for height restrictions on certain units yet to be built in Kenridge. A letter was received from Mr. Hewitt today outlining the request. The request includes limiting the height of units on lots 49 thru 60 along the western boundary to the height of the existing buildings on lots 1 thru 6 along the eastern boundary as shown in a photo. The request also includes limiting the height of units on lots 37 thru 43 located behind the manor house to the height of the existing buildings on lots 27 thru 29 shown in the photo.

While both the applicant and Cannon Properties, the owner of the majority of the lots in question, have indicated they are agreeable to the intent of the height limitation expressed in Mr. Hewitt's letter, staff has not been able to develop a worded condition that they are agreeable to at this time. Any such condition is not necessitated by the Special Use Permit under review tonight. If the Planning Commission believes that such a condition should be pursued by the applicant and staff, staff's recommended motion can be amended to include that.

Mr. Morris invited questions for staff.

Mr. Lafferty noted staff mentioned the original intent of the special use permit. He questioned the original intent of the Planning Commission to act as an ARB.

Mr. Nelson replied they only have design preview over the section of this development reviewed by the ARB in the back. The boundary line for Entrance Corridor review by the ARB runs through the manor house and along the ridge line. From that point forward is reviewed. Otherwise they do not have design preview over the remainder of the development.

Mr. Lafferty noted they are being asked to change the things in the back of the lot near the railroad tracks.

Mr. Nelson replied the conditions entered into consideration what was proposed by the applicant and not something required by staff.

Mr. Lafferty asked what the intent was.

Mr. Nelson replied that he thought it was to provide a unified appearance to the development. The ARB staff did comment on the front portion.

Mr. Lafferty asked if the units in the back were consistent with the units in the front.

Mr. Nelson replied that some of them are a different design. They were supposed to have the same materials outlined in the original condition. However, as he explained in the introduction there have been some changes. That is what they are reviewing tonight. It largely involves the use of the white siding.

Mr. Lafferty asked if the contiguous property owners have rights like Monticello with the viewshed.

Mr. Loach noted that staff pointed out a number of violations in the pictures. He asked how staff found out

about the violations.

Mr. Nelson replied a complaint was filed by a nearby property owner which brought it to the County's attention and then the violation found.

Mr. Loach asked if the person who lodged the complaint understood there would be a certain specification for the buildings with the brick.

Mr. Nelson replied yes and that they are present.

Mr. Loach said regarding the note on the height was there some indication on the part of the applicant that they propose a height change or is this just a preempt of the motion on the part of the homeowner here to prevent that from happening.

Mr. Nelson replied that the adjacent owner's concern was the material change they are talking about tonight. However, he brought up his concern yesterday regarding the height of the structures and asked whether it was possible to have a condition for that at this time.

Mr. Loach asked if staff had no intention on record from the builder that he plans on changing the heights of these buildings.

Mr. Nelson replied that he had been verbally told that the applicant and Cannon Properties are willing to work with the height limitation wording on what would occur. However, that was a concern for the applicant and Cannon Properties. Staff did not have time to work through that completely and get a condition that was agreeable.

Mr. Morris pointed out what was before the Commission this evening actually does not include anything regarding the request for controlling heights. They are talking about if the Commissioners desire to add that.

Mr. Nelson agreed that was correct.

Mr. Morris pointed out in the staff report there were only 15 conditions.

Mr. Nelson apologized that the last two conditions were left off mistakenly in the report. However, the 2 conditions were in the presentation.

Mr. Franco noted this is R-15 by special use permit in the Commercial Office District. He asked what the maximum height is allowed.

Mr. Nelson replied it was 65 feet.

Mr. Randolph asked if the Architectural Review Board provided recommendations on this project in the 2009 special use permit or if everything being discussed tonight has been a design of the builder and has nothing to do whatsoever with previous community input or Architectural Review Board recommendations.

Mr. Nelson replied that the Architectural Review Board did comment on the original special use permit conditions for Kenridge. The ARB reviewed the buildings in the front. ARB staff has reviewed the current amendment to the conditions and do not have any issues with it. The main thing staff wanted to accomplish was to make sure everything was clearly written so there was no more confusion. The building on lot 1, which was on the south elevation on the east side closest to the Route 250 Entrance Corridor, was one of the requested changes tonight to allow the white siding above the full return. The ARB staff does not feel that is an issue and they are supportive.

Mr. Loach noted on page 6 in condition 9 III it says, "Sunrooms, bay or box windows, front entryways and dormers are permissible non-brick features . . ." However, when he showed the Commission the sunroom with the white siding was that in violation.

Mr. Nelson replied that by strict interpretation of the current conditions it is a violation, which was why the applicant was asking for that change to be allowed as a non-brick feature.

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

Rob Cummings, with Kirk Hughes and Associates, said other present were Alex Cannon of Cannon Properties and Sam Craig representing Kenridge, LLC. Cannon Properties has ownership of approximately 50 percent of Kenridge lots primarily along the western side of Kenridge. They are available for questions. He presented the Kenridge amendment to condition 9 of SP-2009-00006, as follows.

- In the upper right hand corner of the exhibit is a portion of the original special use permit, which he specifically refers to condition 9 that was under review tonight. This condition primarily refers to exterior materials for roof shapes and materials for sidings in attached homes and detached dwellings. It would appear at a quick glance that the original intent was to have brick houses with gable roofs. On the left side of the exhibit on the second picture down is a side of lot 1, which Mr. Nelson made a reference to earlier. When the first approved set of units comprising of lots 1 – 4 were constructed the architectural style or mode was set. This has been carried throughout the subdivision as the spirit of the neighborhood. This is represented by other pictures on the exhibit as well.
- This style consists of dormers and white siding, full and part eave returns, front and side gable roofs, hip roofs over garages, bay and box windows, and a blend of siding and brick for entry ways. It is just a multiple of alternate choices for homebuyers to choose from. A variety in design is a good thing. Just imagine if they had just brick houses with gable roofs attached in a row. His concern would have been coming late one night from a Planning Commission meeting to find his key did not work in the door of what he thought was his house. It is not a good thing.
- They have created this amendment simply by using existing conditions to better define the exterior materials for front, rear, side, and roofs for all future units. This will permit future construction to closely conform to existing units. So variety here has been very beneficial for this neighborhood. He thinks Kenridge is a prime example for like developments in the future. This is why they ask for the Commission to support the staff's recommendation for approval of the amendment to condition 9 and their goal to continue the spirit of the neighborhood.

Mr. Morris invited questions for the applicant.

Mr. Smith asked who built the first four.

Mr. Cummings replied it was Ryan Homes.

Mr. Lafferty said he understood that the applicant came up with these conditions about the way they would build the units. He asked why they did not stick with them.

Mr. Cummings replied that the special use permit was in place. So when the first unit was built the special defined a brick building with gable roofs. On lot one the first building that was built, which set the mode for the entire subdivision, had the full return, siding and dormers with the siding. The original special use permit was kind of vague. So there had been an interpretation along the way and they came to a point where they need to make this solid so there is no misunderstanding of what the intent and spirit of this subdivision to look like.

Mr. Lafferty said apparently there has been a misunderstanding.

Mr. Loach asked to hear from zoning. He asked if the conditions the gentleman just referred to as being vague were vague in the eyes of the zoning when staff looked at these things. Zoning staff had defined

them as violations.

Ron Higgins, Chief of Zoning, said he will say that in the time he has been here when this first came up, which was about this time last year, they called the county and an inspector was sent out. There was enough concern in that particular condition that they actually could not agree on what was included and whether the side dormer was part of the wall or is it a gable end. They actually concluded that the dormers and the gable ends were not included in the condition. He thinks there was vagueness to it. They actually worked with the applicant to try to come up with a solution to the other units to see what it would take to physically make them comply with the brick requirement. After not being able to get that to happen they ended up pursuing a special use amendment. So they will let that run its course and then they will deal with the four offending units accordingly.

Mr. Randolph asked how common would it be in this area for one to build a dormer with brick on the exterior.

Mr. Cummings replied he had yet to see a brick dormer without it going through extreme architectural measures to do so. He did not think it would be very beneficial for the cost of the house personally.

Mr. Smith asked if the first four units set the precedence.

Mr. Cummings replied that was pretty much true. They have taken those that have been built, units 7 – 11 and Ryan Homes on the back, and looked at everything to come up with a note to continue the architectural mode that is out there.

Mr. Morris asked the applicant to address the item in relation to the request by a neighbor that the heights of dwellings on parcels 49 – 60 have a height restriction. The Commission is being asked to consider that this evening also.

Mr. Cummings noted that their first goal was to just deal with the original special use permit. They have not had time to look into it because it had just been brought up yesterday. There is a definition of how to define building heights. There are a lot of thought that really needs to go into it. So it is not something that they would be able to do overnight. However, it is some that Sam Craig and Alex Cannon are looking to work with the neighbors and maybe come up with something between now and the Board of Supervisors meeting to see if there is a compromise that can come into play. Or, they can look at keeping the spirit of what exists and how they are proposing to keep the model continued throughout. He suggested maybe that would suffice the adjacent property owner.

Mr. Morris asked if he was hearing correctly that between now and this going before the Board of Supervisors the applicants will be willing to work with the staff and the neighbors.

Mr. Cummings agreed.

Mr. Morris invited public comment.

Len Mailloux said that he was not an adjacent property owner, but lived behind the property. The railroad track is behind it, the fairway for Farmington, and then there is his residence. He has been very involved with this project from the first day it was submitted to the Planning Commission. Therefore, he knows quite a bit about this project. He hopes he can answer their question regarding intent.

The first meeting the developer presented a plan and the buildings were all hardy plank or a type of white siding with asphalt shingle roofs. There were not many people objecting. However, he has been with this project since day one because he did not want to look at the back of a building that has white siding. So the developer agreed to put brick siding. There was never any discussion about the dormers. Everyone knows that dormers are usually siding. So that was a given. It was the brick siding on four sides. The developer agreed to synthetic slate roofs or copper roofs if his memory serves him right. However, he thought that was it. So that was the intent of that special use permit in condition 9. That is how it came about. He agreed to it before the Board of Supervisors. This is all on public record.

The pictures he has are a little better and at a different angle than what Mr. Nelson provided earlier with one shot. So he is looking at this and has some concern about how it looks from back there where everything is in brick. The thing that is not being discussed here is that at least the first 12 buildings were built by Ryan Homes. Then Ryan Homes left the project. Maybe they built 14 buildings. They lived by the letter of the law of the special use permit and the conditions. Then when Craig Builders came in Sam Craig made a few changes. However, the biggest change that he made has to do with roof lines and the height of the roofs. Again, he was here to object to that and was shot down and told since the zoning was Commercial Office those roofs could be 62' high. The Ryan Home roofs had a nice short roof line. Sam Craig put a much higher roof in that blocked the views from the White Gable's project of the mountains, but it was accepted. So he would say before they address this other issue he would object to including that roof heights into this amendment tonight. He thought a precedent has already been set about those roofs.

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

Mr. Lafferty said first he did not think the Commission should consider the letter as part of this. That is a whole separate thing and they just got the letter. He guessed they were stuck with these conditions and now they are making a judgment whether to alter the conditions or not because the past Planning Commission agreed to them. He would go with the staff's recommendation.

Mr. Smith pointed out that he thinks the buildings look good.

Mr. Loach noted the question is do they have a situation here where one builder was compliant and built them according to the specifications in the special use permit and then another builder came and decided that he would not. Now they have a complaint from this gentleman well based in history that he knew what the building criteria were supposed to be under the special use permit. He thinks this is problematic.

Mr. Franco disagreed with Mr. Loach on this particular one. He thinks that a project can be dynamic over time. He thinks the fact that the buildings have evolved and that being different is not necessarily a bad thing. What he got out of this is that they could have been white in the back, but they would have had to been painted brick. He asked if that is correct. They could see essentially the same picture, but it would have been painted brick as opposed to siding.

Mr. Nelson noted that in the original condition it could have been white painted brick.

Mr. Franco said it was a really a question in some of the pictures just distributed from a distance. What he did not find great is that there is that much white on that building. But, again, it was part of the original condition and it could have been white. He is less inclined to be concerned about the fact that the first builder stuck to the letter of the law. He was willing to live with it being dynamic. Again, if they were doing a straw poll he was inclined to take staff's recommendation to move this forward. Also, with the height of the building he would encourage that if they are going to talk about consistency as part of the reason why they were moving this forward, then the height of the buildings ought to be kept to a consistent height with what has been built. He suggested that possibly they say that they can be no taller than what has been built today.

Mr. Morris asked if that would be an 18th condition.

Mr. Franco replied that he would be comfortable with that. He would like to ask the applicant before they made that a condition.
Mr. Morris asked the applicant if he would like to take advantage of the five minute rebuttal.

Mr. Cummings said speaking on the property referred to by the gentleman, lot 19 which has the siding on the rear, that was brought up to Craig Enterprise before. Right behind that house is a stone retaining wall. On the other side of the retaining wall they planted a row of Leyland Cyprus that can grow 20' to 40' to direct some screening for the back of that house to knock down some of the white. That was

something that was above what was in the original covenants and restrictions in Attachment B, which is showing some plantings, trees and everything else that was requested for the site. Regarding condition 18 that would be something they would be willing to support to look at for staff approval.

Motion: Mr. Franco moved for approval of SP-2012-00013, Kenridge, with condition (9) as proposed by the applicant and with condition 18 added that no future construction will be any taller than the highest existing structure on the site.

Mr. Morris noted that they would be working with staff and the people to work this out.

Mr. Franco agreed it would be to get the right language. However, the intent is that it would be consistent with the rest of the units that have been built.

Mr. Lafferty asked if the lot slopes down in the back.

Mr. Franco pointed out the height of a building is measured from the main entrance. The height of the front of the buildings to the back of the building is not applicable.

Mr. Smith seconded the motion.

Mr. Morris invited further discussion.

Mr. Lafferty pointed out that the 18th condition was brought in at the last minute and he was uncomfortable putting that on them. He thinks it behooves them to have the building heights congruent with what they have now just from an aesthetic point of view. He would rather have them work with the neighbors on this in an informal basis and if they have problems bring it back to us than to put it in the condition at the last minute.

Mr. Franco said he was comfortable with the discussion that it being part of the record that goes to the Board to indicate that is our expectation to leave it as an instruction to go work with the adjacent neighbor and come up with something that makes everybody happy. Therefore, he modified the motion to drop condition 18.

Mr. Smith seconded the motion.

Mr. Cilimberg reiterated that they were talking about 17 conditions and the expectation of a potential 18th condition based on the work of the staff with the applicant and the adjacent neighbors.

Mr. Morris agreed that was exactly what he heard.

The motion passed by a vote of 7:0.

Mr. Morris noted that SP-2012-00013 Kenridge would go to the Board of Supervisors on a date to be determined with a recommendation for approval, with staff's recommended amended condition nine (9) as included in the following conditions and the expectation as noted.

1. The approved final site plan shall be in general accord with the revised Conceptual Plan prepared by Collins Engineering, revision date August 25, 2009 ("Conceptual Plan") (See Attachment). Parking for the office use shall be limited to the area and number of spaces shown on the Conceptual Plan. If additional parking is required for the office use, an amendment of this special permit shall be required;
2. There shall be a minimum front yard of two hundred seventy-five (275) feet between the southern-most structure (the "Main House") and the property line adjacent to Route 250 as shown on the Conceptual Plan; side and rear yards shall be as shown on the Conceptual Plan;
3. All streets on the property connecting to adjacent properties as shown on the Conceptual Plan shall be constructed by the applicant to an urban section with the intent that such streets on the property connecting to adjacent properties will be built to a standard consistent with the

connecting street on the White Gables property. All streets and pedestrian accesses shall be constructed to a standard acceptable to the County Engineer in accordance with the highlighted sections of Attachment A, revised and dated August 30, 2005 and initialed as CTG;

4. The connecting road extending from the former ITT property (Tax Map 60, Parcel 28) and across the Kenridge property to its entrance at Ivy Road, as shown on the Conceptual Plan, shall be established as a private street in conjunction with the final subdivision plat or site plan. As a condition of final subdivision plat or site plan approval, the applicant shall grant all easements deemed necessary by the Director of Community Development to assure the public's right to use the connecting road for purposes of ingress to and egress from Tax Map 60, Parcel 28;

5. The applicant shall comply with all requirements of the VDOT related to design and construction of the entrance to the property, as shown on the Conceptual Plan, and shall pay its pro rata share of the cost for signalization of this infrastructure contributed by traffic from the development as follows:

   (a) Prior to the issuance of a building permit, the applicant shall place funds in escrow or provide other security ("security") acceptable to the County in an amount equal to its pro rata share of the cost of the signal which amount shall be calculated by the Director of Community Development in the year in which the security is provided. The security shall continue so that it is available to pay for the cost of the signal until ten (10) years after the date of approval of this special use permit; security provided that is not in an interest-bearing account shall be annually renewed, and the amount of the security shall be adjusted each year according to the consumer price index, as determined by the Director of Community Development; and

   (b) If, at any time until ten (10) years after the date of approval of this special use permit, VDOT authorizes in writing the installation of the signal, and VDOT and the County's Engineer approve the signal's installation before the applicant has obtained a building permit, the County may demand payment of the applicant's pro rata share of the cost of the traffic signal, and the applicant shall pay its pro rata share of the cost to the County within thirty (30) days of that demand.

6. Screening adjacent to the railroad right-of-way and along the west and east sides of the project shall be provided and maintained as depicted on the Conceptual Diagram of Perimeter Screen and Privacy Planting, dated May 12, 2005, by Charles J. Stick, attached as Attachment B. The continuous evergreen trees noted as Leyland Cypress Hedge along the north, east and west sides of the project shall be installed at ten (10) feet to twelve (12) feet in height after lot grading but prior to issuance of a building permit for any dwelling unit construction. The Leyland Cypress Hedge also shall be planted on eight (8) foot centers. Underground irrigation shall be provided for all the planting areas. Screening deemed acceptable to the Director of Community Development shall be provided adjacent to the railroad to mitigate the impact of this development on adjacent property and the impact of the railroad on this development;

7. Prior to any alteration or demolition of any building, a reconnaissance level documentation to include black and white photographs and a brief architectural description shall be provided to the satisfaction of the County's Historic Preservation Planner;

8. Regardless of the ownership of the open space and amenities, they shall be made available for use by all residential and commercial units in the development;

9. As shown on exhibit "Kenridge Amendment to SP 200900006 Condition #9", prepared by Kirk Hughes & Associates, latest revision date October 19, 2012:

   I.) For all attached single family buildings, future, existing or the reconstruction thereof, consisting of Lots 1 through 60 and lying within Zones A, B, and C (See Attachment "C") the following apply:

   a.) Front facing exteriors shall consist of gable and/or hip roofs with red brick to the roof line. (See Attachments E-1 and E-2)

   b.) Side facing exteriors shall consist of gable and/or hip roofs with red brick to the full eave return and/or roof line (See Attachment E-2). As an alternative to red brick, white composite siding is permissible above said full eave return to the roof line.

   c.) Rear facing exteriors shall be red brick from the ground floor to the roof line except as follows (See Attachment E-3):

i.) Lot 19 shall be red brick from the ground floor to the first floor. White composite siding is permitted from the first floor to the roof line.
ii.) Lots 30, 31, and 32 shall be red brick from the ground floor to the second floor. White composite siding is permitted from the second floor to the roof line.

II.) The exteriors of all detached residences for Lots 61 through 65 shall be red brick from ground to the roof line. The Cottage as indicated on Attachment "C", Zone B shall be white painted brick.

III.) Sunrooms, bay or box windows, front entryways and dormers are permissible non-brick features and may consist of red brick and/or white composite siding or the combination thereof. Front entryways are defined as that portion of the building within the covered porch area facing the street. (See Attachments E-1, E-2, and E-3)

IV.) The exterior of the Manor House and Cottage (See Attachment "C") shall be white painted brick.

V.) Exterior materials for all buildings within Zone A, (See Attachment "C") shall be reviewed and approved by the Architectural Review Board and by the Director of Planning or their designee before the issuance of a building permit.

10. Exterior roof surfaces shall be constructed of either copper or synthetic slate;
11. The new villa and town home units shall include garden improvements, generally as depicted on the Front Garden Diagram, dated August 24, 2005, by Charles J. Stick, Landscape Architect (See Attachment D). Maintenance of these areas shall be provided for and required by the Homeowner's Association which shall be set forth in the Covenants for this development. The decorative walls, steps and walks shall be constructed of either brick or stone;
12. To ensure the retention of the majority of the existing trees in the two hundred seventy-five (275) foot front yard setback described in Condition 2 (located between the main house and the Route 250 West Entrance Corridor), the applicant shall submit for review and approval by the County's Design Planner a tree conservation plan prepared by a state certified arborist that meets the requirements of Section 32.7.9.4 of the Zoning Ordinance. This plan shall be required for all erosion and sediment control plans, site plans, and subdivision plats;
13. The site wall immediately adjacent to Route 250 West shall be included on all drawings that include its context. All grading, road alignments, turning lanes, and other improvements shall be adjusted to insure that impacts to the wall only include closing the existing entrance and adding a single entrance. Notes shall be included on the grading, site plans and subdivision plats that state: "The existing site wall shall remain. Disturbance shall be limited to the closure of the existing entrance and the opening of the proposed entrance into the site." Any changes to the wall shall be minimal and articulated to blend with the character of the existing wall to the satisfaction of the Architectural Review Board. Prior to the issuance of any building permits in the final block, the stone pillars shall be replaced at the new entrance from Route 250;
14. The design of all single family detached residences, including but not limited to colors, roofing, siding and foundation material selections, shall be coordinated with the Architectural Review Board-approved designs of the attached residential units, as determined by the Design Planner;
15. The owner agrees to voluntarily contribute a sum of three thousand dollars ($3,000) cash per new dwelling unit to the County for funding affordable housing programs [including the Housing Trust Fund]. The cash contribution shall be paid at the time of the issuance of the Building Permit for such new unit. The acceptance of this special use permit by the owner shall obligate the owner to make this contribution;
16. Pedestrian access deemed acceptable by the Director of Community Development shall be provided to the Manor Home and Carriage House; and
17. With the exception of the entrance road, all streets within the development shall conform to the neighborhood model matrix deemed appropriate by the Director of Community Development.

Note: As part of the record there was an expectation by the Commission of an 18th condition based on the informal work of staff with the applicant to address height concerns raised by the adjacent neighbors to be developed before the Board of Supervisors meeting.

Mr. Mailloux asked why do they go through all of these steps if a builder can come along and build what he wants and then they approve it. He just does not get it.

ZTA-2012-00013 Industrial Uses in the Commercial Districts

Amend Secs. 3.1, Definitions, 20.3.1, By right, 20.3.2, By special use permit, 20A.6, Permitted uses, 20B.2, Permitted uses, 22.2.1, By right, 22.2.2, By special use permit, 23.2.1, By right, 23.2.2, By special use permit, 24.2.1, By right, 24.2.2, By special use permit, 25.2.1, By right, 25.2.2, By special use permit, 25A.2.1, By right, 25A.2.2, By special use permit; of Chapter 18, Zoning, of the Albemarle County Code. This ordinance would amend the regulations by updating terminology for several use classifications in all of the above-referenced sections; deleting the "medical center" use classification in the Downtown Crozet (20B.2) and Commercial (22.2.1) districts with the use to be absorbed into the "office" or "hospital" classifications; adding Laboratories/Research and Development/Experimental Testing and Manufacturing/Processing/Assembly/ Fabrication and Recycling as by right uses up to 4000 sq. ft. and requiring a special exception to exceed 4000 sq. ft. (22.2.1) and adding Storage/Warehousing/Distribution/Transportation as a special use (22.2.2) in the Commercial district; adding Laboratories/Research and Development/Experimental Testing as a by right use up to 4000 sq. ft. and requiring a special exception to exceed 4000 sq. ft. (23.2.1) and adding Manufacturing/Processing/Assembly/ Fabrication and Recycling and Storage/Warehousing/Distribution/ Transportation as special uses (23.2.2) in the Commercial Office district; and adding Laboratories/Research and Development/Experimental Testing, Manufacturing/Processing/Assembly/ Fabrication and Recycling and Storage/Warehousing/Distribution/Transportation as by right uses up to 4000 sq. ft. and requiring a special exception to exceed 4000 sq. ft. (24.2.1) in the Highway Commercial district. These uses would also be allowed in those planned districts (20A.6, 25.2.1, 25A.2.1 and 25A.2.2) that cross-reference uses allowed in the commercial districts. A copy of the full text of the ordinance is on file in the office of the Clerk of the Board of Supervisors and in the Department of Community Development, County Office Building, 401 McIntire Road, Charlottesville, Virginia. (Sarah Baldwin)

Sarah Baldwin presented a PowerPoint presentation and summarized the staff report.

The primary purpose of this ZTA is to provide limited industrial uses in the commercial districts. Staff is also proposing minor technical changes, which will be discussed later. The Planning Commission recently recommended approval of the broad industrial category of laboratories, research and development and experimental testing, manufacturing, processing, assembling, fabrication, recycling, storage, warehousing, distribution, and transportation. Staff is now proposing that these categories be allowed by right in commercial districts up to 4,000 square feet and above 4,000 square feet by special exceptions and in some circumstances by special permit. Storage and warehousing above 4,000 square feet in C-1 and CO will be allowed by special use permit. Manufacturing in CO above 4,000 square feet would also be by special use permit. The table depicts the current and proposed changes that staff is suggesting.

There are also use classifications that were previously updated and changed in other sections of the ordinance. For consistency staff is suggesting that they get updated in the commercial districts as well. Staff is also proposing to update and clarify the definition for drive in window to drive through window. This would be to clarify that parking in a space is not considered a drive through window and does not require a special use permit. They are also suggesting that medical center be deleted because it has proven to be problematic. They have other definitions such as office or hospital that are clearer in what that definition is.

Staff recommends approval of the resolution of intent and zoning text amendment. It was inadvertently left out of the executive summary. So the wording is as shown in the presentation.

Mr. Morris invited questions for staff.

Mr. Lafferty asked if a bicycle could ride up to a drive through window and be serviced.

Ms. Baldwin replied that she did know that they have contemplated that. But, they certainly can.

Mr. Cilimberg pointed out that he had seen people walk up to a drive through window. Therefore, he was sure that someone could drive up on a bicycle.

Mr. Lafferty suggested removing motor from the motor vehicles because the bicycle is considered a vehicle.

Mr. Smith noted most drive through windows have signs saying no walk up traffic. So if you are riding a bicycle you would be good to go. He suggested it say drive by window instead of drive through.

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

Mr. Cilimberg noted that Ms. Baldwin had one clarification for the record.

Ms. Baldwin pointed out that storage warehousing distribution in C-1 is actually by special use permit. There is no by right square footage.

Mr. Cilimberg said under commercial office there are two other uses that would only be by special use permit. It is based on their nature in those particular districts.

Mr. Kamptner pointed out the reason the definition of drive through window uses the term motor vehicle is they are trying to standardize a lot of the terminology in the zoning ordinance. If you go through the zoning ordinance over the years the word automobile, auto, car, vehicle, and motor vehicle all been used. Motor vehicle is the term they have went with. The definition really just requires that it be designed for motor vehicles. There is certainly nothing there that prohibits anyone from walking through or riding a bicycle through in order to use the drive through. It is only the design element that is being defined in the definition.

Mr. Lafferty explained the reason he was sensitive to that is because in the State law it states following too close to another motor vehicle. That means that one could follow too close to a bicycle. If it said motor vehicle one could run right up on a bicycle and be inches away and still be complying with the State law. That is the reason he brought it up.

Ms. Baldwin asked for a recommendation from the Planning Commission.

Motion: Mr. Dotson moved and Mr. Franco seconded to recommend approval of the Resolution of Intent (Attachment A) and approval of ZTA-2012-00013 Industrial Uses in the Commercial Districts (Attachment C).

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

Mr. Morris noted that a recommendation for approval of ZTA-2012-00013 would be forwarded to the Board of Supervisors for the February 13 meeting.

Mr. Dotson commented that he found it a little hard to follow the district regulations because in some it did not say what the district was. He suggested on page 4 where they list all the by right and special use permit uses that they could put in parenthesis what the district is by that section. That would make it easier to read.

Old Business:

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

New Business:

Mr. Morris asked if there was any new business.

- The next Planning Commission meeting will be held on Tuesday, December 18, 2012.

Adjournment:

With no further items, the meeting adjourned at 6:57 p.m. to the Tuesday, December 18, 2012 meeting at 6:00 p.m. at the County Office Building, Second Floor, Room #241, 401 McIntire Road, Charlottesville, Virginia.

V. Wayne Cilimberg, Secretary

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