Albemarle County Planning Commission
June 4, 2013

The Albemarle County Planning Commission held a regular meeting on Tuesday, June 4, 2013, 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, Richard Randolph, Don Franco, Calvin Morris, Chair; and Russell (Mac) Lafferty, Vice Chair. Absent was Thomas Loach. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was absent.

Other officials present were David Benish, Chief of Planning; J. T. Newberry, Senior Planner; Brent Nelson, Planner; Claudette Grant, Senior Planner; Sharon Taylor, Clerk to Planning Commission; Wayne Cilimberg, Director of Planning; and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

Mr. 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 none, the meeting moved to the next item.

Committee Reports

Mr. Morris invited committee reports.

The following committee reports were given:

Mr. Randolph noted the following:

- The Village of Rivanna Regional Advisory Council met yesterday with CVR Richard Ellis, developer for the Rivanna Village project in the Village of Rivanna, to discuss their latest development concepts. Their application, once submitted to the County and reviewed by staff, will be heard by the Commission.

- The Historic Preservation Committee met and expressed concern that some records with some considerable historical importance were disposed of. Efforts are being made to prevent this from happening in the future.

- Highlighted points from the Citizen's Planning Education Association Virginia Planning and Zoning Conference, particularly regarding proffers. He turned the information packet over to Mr. Morris to circulate to Commissioners to review and return.

There being no other committee reports, the meeting moved to the next item.

Consent Agenda:

Approval of Minutes: October 30, 2012

Mr. Morris asked if any Commissioner wanted to pull an item from the consent agenda.

Motion: Mr. Smith moved and Mr. Dotson seconded for acceptance of the consent agenda.

The motion carried by a vote of 6:0.

Mr. Morris noted the consent agenda item was approved.

Public Hearing Items

a. **SP-2013-00011-Verizon Wireless/Boiling Siding/Brochu Property - Tier III Personal Wireless Service Facility**
PROPOSED: Request for installation of a 95' tall monopole structure & associated ground equipment on 21.1 acres. No dwellings proposed.
ZONING CATEGORY/GENERAL USAGE: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots), and Entrance Corridor (EC) Overlay to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access.
SECTION: Chapter 18 Section 10.2.2.48 of the Albemarle County Code, which allows for Tier III personal wireless service facilities (reference 5.1.40)
COMPREHENSIVE PLAN: Rural Areas in Rural Area 4 – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (0.5 unit/ acre in development lots)
LOCATION: Tax Map 127, Parcel 40A: At the intersection of Irish Road [State Route 6] and Old Green Mountain Road [State Route 722]
MAGISTERIAL DISTRICT: Samuel Miller
(Brent Nelson)

Brent Nelson presented a PowerPoint presentation and summarized the staff report.

The applicant, Verizon, is proposing to install a 95 foot tall Tier III Personal Wireless Service Treetop Facility, along with associated ground equipment at 3706 Irish Road. The top of the proposed monopole will be 10 feet above the 85 foot tall reference tree, identified as a 22" caliper Poplar.

The proposed facility is to be located on a 21.10 acre parcel located on the northeast side of Route 6, Irish Road, just east of the intersection with Secretary Sands Road. The facility is to be situated approximately 567 feet north of Route 6 in a heavily wooded section of the parcel. The general character of the parcel is rural consisting of heavily wooded areas and a single family home. Because the proposed facility is located in an avoidance area, the Southern Albemarle Historic District, a special use permit is required.

The first site plan drawing shows the location of the facility on the parcel, the existing access drive used to reach it, and the existing single family residence. The next site plan drawing shows the location of the proposed monopole, the reference tree, the entrance drive, and the proposed equipment shelter.

A balloon test was conducted on April 25, 2013. The balloon was floated at the approximate height of the proposed facility. Staff traveled nearby roads and properties to determine the visual impact. In a photo taken from Route 6 directly in front of the parcel the visibility of the balloon is minimal due to the significant number of trees and vegetation. In another photo taken from Route 6 just east of the site there were no sustained views of the balloon above the trees. A photo taken from 7607 Old Green Mountain Road, just south of Route 6 and the parcel under review, the balloon once again is only visible through trees.

Staff identified the following favorable and unfavorable factors to this proposal:

Factors Favorable:

1. The monopole is located so that only the top section of the monopole containing the antennas is expected to be visible and only through trees.
2. The Architectural Review Board staff has advised that there would be minimal visibility from Route 6, the Entrance Corridor.
3. There is limited visibility of the tower from nearby historic sites/district and conservation easement properties and nearby public roads and properties.

Factors Unfavorable:

1. The proposal is within the Southern Albemarle Rural Historic District and located within the Route 6 Entrance Corridor; however, the impact to these resources is mitigated by the limited

visibility of the site.

Staff did not identify any factors that would prevent them from recommending approval.
Staff recommends approval of this facility at ten (10) feet above the tallest tree with the conditions outlined in the staff report.

Mr. Morris invited questions for staff. There being none, he opened the public hearing for the applicant and public comment. He invited the applicant to come forward and address the Planning Commission.

Laurie Schweller, attorney with LeClair Ryan and representative for Verizon Wireless, presented a PowerPoint presentation. Others present were Stuart Squire, zoning consultant with GDN Sites, and Ms. Judy Brochu, property owner. She thought Mr. Nelson covered all of the important points about this application. However, she wanted to add to those points some comments that might be helpful to the Commission as they move forward to phase two of the zoning ordinance amendment. On May 8 the Board approved some excellent amendments to the personal wireless service facilities ordinance. They will be moving on to phase two that will address more of the design and sighting issues, which they can improve on. One thing she would like to touch on, which they have often talked about in these meetings, is that this is one of the sites that would be a Tier II except for the fact that it is in an avoidance area, The Southern Albemarle Historic District. The site meets all of the criteria in the design, antenna size, and height above the reference tree as a Tier II facility. They are hoping in the phase two portion of the amendments they can scale back some of the avoidance areas, such as historical districts. She thinks that is something the Board has expressed some interest in doing. She also thinks the Commission has as well.

Ms. Schweller pointed out that avoidance areas include ridge areas where poles would be sky lit, agricultural forestall districts, historic districts, any location where you have the site and three others within a 200 foot radius, and within 200 feet of a Scenic Highway or By Way. To make it perfectly clear by definition a Tier II site cannot be an avoidance area. Therefore, that bumps it up to a Tier III. So they are talking about a large number of areas in the County including agricultural, forestall, historic districts, Virginia By Ways and Scenic Highways, etc. It is a huge part of the County. She just wanted to make that point as they move forward to the next portion of the ordinance. However, this site as the photograph showed was very minimally visible. They strained to see the balloon from most locations. She pointed out that Valerie Long noted that in the slide right before the motion it referred to the Orrock property instead of the Brochu property, which should be corrected. She would be happy to answer any questions.

Mr. Morris invited questions for the applicant.

Mr. Lafferty asked if the adjacent property owners were notified about the balloon test.

Ms. Schweller replied she did not notify adjacent property owners about the balloon test for this site.

Mr. Smith noted that he was offended that he was not invited to the balloon test.

Ms. Schweller pointed out she normally invites the Planning Commission for every balloon test.

Mr. Morris noted that normally the Commissioners receive an email about balloon tests.

Ms. Schweller apologized if he did not get notified, but that next time she would give him a call.

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

Motion: Mr. Randolph moved and Mr. Dotson seconded to recommend approval of SP-2013-00011 Brochu Property Verizon Tier III PWSF with the conditions outlined in the staff report, as amended.

The Planning Commission recommends approval of this facility at ten (10) feet above the tallest tree with the conditions outlined below.

1. Development and use shall be in general accord with the conceptual plan titled "Boiling Siding (Brochu Property) 3706 Irish Road, Esmont, VA22937" prepared by Justin Y. Yoon latest revision date 5/15/13 (hereafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Conceptual Plan, development and use shall reflect the following major elements within the development essential to the design of the development, as shown on the Conceptual Plan.:
   a. Height
   b. Distance above reference tree

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

The motion passed by a vote of 6:0.

Mr. Morris noted that SP-2013-00011 Brochu Property Verizon Tier III PWSF would go to the Board of Supervisors on July 10, 2013 with a recommendation for approval.

b. **SP-2013-00009 All Things Pawssible**
PROPOSED: Special Use Permit for dog day care, training and overnight boarding.
ZONING CATEGORY/GENERAL USAGE: Airport Impact Overlay and Planned Unit Development (Industrial)
SECTION: 29.2.2.1 Commercial Kennel (via Section 26.2)
COMPREHENSIVE PLAN LAND USE/DENSITY: Industrial Service – warehousing, light industry, heavy industry, research, office uses, regional scale research, limited production and marketing activities, supporting commercial, lodging and conference facilities, and residential (6.01-34 units/acre) in Neighborhood 4.
ENTRANCE CORRIDOR: No
LOCATION: 1201 Stoney Ridge Road (Rt. 1000) [appx. 750 feet from intersection of Stoney Ridge Road and Southern Parkway (Rt. 1165)]
TAX MAP/PARCEL: 076M1000001200
MAGISTERIAL DISTRICT: Scottsville
(JT Newberry)

J.T. Newberry presented a PowerPoint presentation and summarized the staff report.

Proposal:
- Request for Special Use Permit to allow a dog daycare, training and overnight boarding facility.
- Additional uses include limited events on weekends, a small retail area for specialty dog foods/treats, an 80 square foot room for specialty services (groomer/masseur), and a 500 square foot residential dwelling unit for an employee.

This proposal is located in the Mill Creek Industrial Park. There is a variety of zoning along Stoney Ridge Road. It is mostly Planned Unit Development Industrial. However, there are some exceptions to that. The two parcels closest to the intersection with Southern Parkway are zoned PUD-Commercial (this is where Bright Beginnings and the Peabody School are located) and the rest of the parcels in the vicinity are zoned PUD-Industrial, except for the ProBuild building supply site, which has full Light Industry zoning.

The applicant is proposing outdoor play areas that would occupy the bottom parking lot area as well as about 850 square feet on the south side of the building. The site has a pretty significant slope looking from right to left. The building on the far right hand side is a medical office building that currently has a dentist and Charlottesville Family Medicine. The current tenants in the building are Farmers Insurance and Medi Home Care (a company that provides medical equipment and other services for the elderly). The gravel area adjacent to the existing parking area is proposed to be paved to meet the standards for a parking area in our development areas.

The areas mentioned earlier that encompass the outdoor play areas for the dogs is shown in the applicant's Concept Plan. There are three areas that will allow outdoor play areas for the dogs arriving for daycare. The first area for the small dogs would be located on the south side of the building and be approximately 855 square feet. The second and third areas for the middle and large dogs will be next to each other and occupy the entire lower parking area. All of these areas would be screened with 6 foot tall solid white vinyl fencing.

*The applicant could speak more to this factor, but the core of this business (the training and supervision) is supportive of the SPCA and Animal Control unit, which has four police officers. This year's County budget allocation to the SPCA was over $500,000.

- **Favorable Factors**:
  - The proposed use provides services that support the community.
  - No detrimental impacts to adjoining properties are anticipated.
  - The proposed use is compatible with other industrial users in the district.
  - The site could revert back to an industrial user in the future.
- **Unfavorable Factors**:
  - Loss of space that could otherwise be available for industrial uses.

Recommended Action:
Staff recommends approval of SP-2013-00009 subject to the conditions in staff's presentation. The conditions are the same as the ones in the staff report. However, the conditions have been reworded with the help of the County Attorney's Office.

Mr. Morris invited questions for staff.

Mr. Dotson noted the staff report on page 4 talks about additional special use permit criteria. Section 26.3 also requires the following factors be considered. He just wanted to make sure the literal wording in the ordinance is being considered rather than required.

Mr. Kamptner replied they have shifted away from the mandatory findings.

Mr. Dotson pointed out that "be considered" is accurate.

Mr. Randolph asked Mr. Kamptner if it has come up before on a state level about appropriate disposal of dog waste so that it does not go into the storm water system. He noted there would be liquid waste that potentially will go into storm water.

Mr. Smith pointed out it goes into the sanitary sewer.

Mr. Randolph removed the question. He noted that he was talking about outside and not inside.

Mr. Morris asked does it go into the sanitary sewer in that it is being hosed off.

Mr. Newberry pointed out the applicant can answer that question. However, the County Engineer told him there have been some studies that look at the impact of waste like this going into a storm water basin. His opinion was that liquid waste would not impact the ability of the storm water basin to function. It is really only if the solid waste was not bagged and picked up that they would begin to impact the area.

Mr. Randolph noted the fecal coli form level would be so low and diluted.

Mr. Morris opened the public hearing for the applicant and public comment. He invited the applicant to come forward and address the Planning Commission.

Karen Quillen and Sean Julian, co-owners of All Things Pawssible, represented the application.

Ms. Quillen said basically they have been part of the community for about 11 ½ years. They provide a service that is extremely important to the community in terms of education and safety, training of dogs, and places for dogs to go where they are safe to play. They don't have a lot of those places any longer. They provide educational programs outside of what they do on a day to day basis; are a large part of the community; teach classes at Martha Jefferson Hospital; and have worked for the SPCA for many years volunteering and working in other capacities. They hope at some point the community will really recognize the impact they have and hope the Commission will see that as well.

Mr. Morris invited questions for the applicant.

Mr. Dotson asked if they would be the sole occupant of the two-story structure.

Ms. Quillen replied yes, they will.

Mr. Morris invited public comment.

Pam Holden said that her four-legged child, Emma, has been a regular day care goer at All Things Pawssible for the past eight years. She cannot say enough good things about All Things Pawssible. They are a wonderful organization and she just wanted to comment on that.

Melinda Bowman, a City of Charlottesville homeowner, said they have been taking their dog to Karen, Sean and All Things Pawssible for almost ten years. She just wanted to speak in support of anything Karen wants to do to expand her business. She asked the Commission to support the expansion request.

K. B. Burdock, an employee at All Things Pawssible speaking on behalf of the employees, said she was incredibly blessed to be a member of All Things Pawssible. She recognizes what they offer for the community more than anything else. The education that our clients receive is incredible knowledge. Especially in a town like Charlottesville, which is so dog oriented, it is incredibly important to have the education come through to make sure that our dogs are happy and safe in the community. As an employee, she would like to say that she found her place in the world here. She knows this company is worth a million dollars and thinks they deserve to look like a million dollars. That is what this is about. It gives them the ability to take everything that they have learned in the last ten years of having this doggie daycare and turning it into exactly what it needs to be to make the dogs safer, to make them look better, and to have a really nice place to drop your dog off and be able to say my guy is safe for the day.

Mr. Morris invited further public comment. There being none, the public hearing was closed and the matter before the Planning Commission for discussion and action.

Mr. Dotson said he was speaking essentially in favor of approval. However, he had some comments about the Commission's considerations when they have commercial uses in industrial districts. He was guessing that the conditions about the ground floor and the limited square footage and so forth probably were not met by the previous occupants either from what he thinks was described. So by approving this they were not moving backwards in any way and perhaps they were moving forward. The other thing is his personal feelings about this kind of use and is it really commercial or is it really industrial. It is sort of a hybrid because potentially there is noise, which he associates that with industrial not retail or service commercial. Potentially there is a waste issue, which he associates with industry. Potentially there is outside activity, which does not associate with retail and service. So it is not really running contrary to their thinking here because he thinks it really is an industrial use and intends to support the request.

Mr. Randolph agreed with Mr. Dotson's summary and thinks it is a good use for the facility. He congratulates the owners for their ability to move into an expanded facility and delighted they are moving into the County.

Mr. Morris invited other comments or a motion.

Motion: Mr. Randolph moved and Mr. Lafferty seconded to recommend approval of SP-2013-00009, All Things Pawssible, with the conditions as modified and included in staff's presentation.

1. Development of the use shall be in general accord with the conceptual plan titled "All Things Pawssible Conceptual Plan" dated March 18, 2013, and revised May 28, 2013, as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Conceptual Plan, development and use shall reflect the following major elements within the development essential to the design, as shown on the plan:
   - Location of outdoor play areas
   - Height, type and material for fencing around outdoor play areas
   - Location of approved parking areas

   Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.
2. The total number of dogs admitted for daycare each day shall not exceed 70 dogs.
3. The total number of dogs kept for boarding shall not exceed 30 dogs.
4. The total number of guests invited for events shall not exceed 75 people.
5. Dogs located in outdoor play areas shall be supervised by the permittee's staff.
6. Off-site parking shall be provided for any event open to the public or allowed by Condition 4 for which more than 12 guests are invited. Prior to the first event or in conjunction with approval of a site plan for the site, whichever occurs first, the permittee shall obtain approval of an instrument for shared parking as provided under Albemarle County Code §§ 18-4.12.8(e) and 18-4.12.10 for up to 63 invited guests.
7. The use shall commence on or before July 3, 2018 or permit shall expire and be of no effect.

The motion passed by a vote of 6:0.

Mr. Morris noted that a recommendation for approval of SP-2013-00009, All Things Pawssible would be forwarded to the Board of Supervisors to a date to be determined.

c. **ZMA-2013-000001 The Lofts At Meadowcreek**
PROPOSAL: Rezone approximately 2.80 acres from R-4-Residential zoning district which allows residential uses at a density of 4 units per acre to NMD-Neighborhood Model District zoning district which allows residential (3 – 34 units/acre) mixed with commercial, service and industrial uses. Proposed 65 maximum dwelling units for a density of 23units/acre.
ENTRANCE CORRIDOR: No
AIRPORT IMPACT AREA: Yes
PROFFERS: Yes
COMPREHENSIVE PLAN: Urban Density Residential – residential (6.01 – 34 units/ acre); supporting uses such as religious institutions, schools, commercial, office and service uses – Places 29 Corridor
LOCATION: 605 Rio Road East in Neighborhood 2
TAX MAP/PARCEL: 061A0000001500 and 061A0000001700
MAGISTERIAL DISTRICT: Rio
(Claudette Grant)

Ms. Grant noted before getting into the details of this request she wanted to explain that the applicant did provide a resubmittal response to the staff comments on May 13. Because of the timing staff could not review and comment on the resubmittal prior to getting the staff report complete. So the applicant was made aware of this prior to the resubmittal. It is possible the applicant may tell the Commission that he has agreed to address some of the outstanding concerns. So there are things that the applicant may be able to explain further. She presented a PowerPoint presentation and summarized the staff report.

Ms. Grant described the request as summarized above. The property at 605 Rio Road East currently has an existing house that will be demolished for the proposed development. The purpose of the request is to rezone 2.8 acres from R-4 Residential zoning district to NMD-Neighborhood Model District. The application plan proposes 65 units as a multi-family residential urban loft style building. The majority of the parking is proposed to be under the building. There is a small amount of at grade parking located on the site.

Staff has identified the following factors, which are favorable to this request:

1. The rezoning request would be consistent with the Comprehensive Plan.
2. The use is consistent with the uses permitted under the existing NMD zoning district.
3. This rezoning request would provide additional residential opportunities for residents in this portion of the County.

Staff has identified the following factors which are unfavorable to this request:

1. The proffers need to be substantively and technically revised. The lack of commitment to the County cash proffer policy and how it impacts from the proposal will address roads, public safety, libraries, schools, and parks.
2. Fire/Rescue's concern regarding fire safety of the site needs to be addressed. As detailed in the staff report staff is concerned with the ability to access the site and building during a fire. The site needs to be fire safety ready. As designed, it is not. Fire Rescue staff has indicated that the sprinkler in the building is one way to resolve the issue.
3. The Application Plan and the Code of Development needs to be technically and substantively revised. The needed technical revisions for proffers, Application Plan, and the Code of Development are detailed in the staff report and the appropriate attachment.
4. VDOT issue regarding an internal access road to detention facility needs to be addressed.
5. No cash proffers provided.

As described in the staff report to be fully consistent with the Neighborhood Model principles access to viable useable open space amenities could be provided with improvements to area sidewalks that could provide access to existing and future parks, schools, and centers. The applicant also needs to clarify the number of parking spaces provided with the parking waiver request.

RECOMMENDATION

Staff can recommend approval of this rezoning ZMA-2013-00001, The Lofts at MeadowCreek with waivers and revised proffers, provided changes are made in the application plan, code of development, and proffers to address the unfavorable factors noted above.

Mr. Morris invited questions for staff.

Mr. Lafferty asked if the unfavorable part she just went over includes the resubmittal.

Ms. Grant replied no, it does not include the resubmittal.

Mr. Lafferty noted they don't know what the proposal really is.

Ms. Grant agreed that they do not know. Basically, she did send out the resubmittal to staff. However, staff did not have time to review it. Therefore, she did not receive any comments from staff and did not have any answers in reference to the resubmittal.

Mr. Lafferty asked if they should judge this with what is before the Commission, and Ms. Grant replied yes.

Mr. Randolph asked in what has been resubmitted is there anything addressing the safe crossing of Rio Road for pedestrians crossing between the two facilities, such as lighting that would slow the traffic down.

Ms. Grant replied that is not included.

Mr. Dotson pointed out under the heading of Parks, Open Space and Neighborhood Centers there is mention of the possibility of providing better access via sidewalks. He was having trouble understanding what that would be like. Perhaps that is something the applicant will address, but he was just trying to understand it.

Ms. Grant replied that staff is referring to the area on the north side of the road that goes down to Penn

Park Road.

Mr. Dotson asked if there is a sidewalk there now or would the sidewalk need to be extended.

Mr. Benish pointed out between the Treesdale Development on the west side of the road to the intersection with Penn Park Road the county has a capital project for a sidewalk. That sidewalk would connect to that intersection and then connect to the sidewalks being constructed as part of the Dunlora Forest Development, which is putting sidewalk along a portion of Penn Park Road and Rio Road. But on the east side, the side where this development is, there are not sufficient funds to do that project from this site to Penn Park Road. There is a condition that was part of the Catholic School, which said at a certain point in time they would provide a pathway along their frontage. But, that is contingent on the County doing a public project that those sidewalks would connect to. There is a public project that is constructing some sidewalks. There are existing sidewalks in front of Treesdale that head south to Stonehenge, which was done as part of the Treesdale Development. Therefore, it is a road that has some sidewalks, but it does not connect completely to Penn Park or to the Waldorf School at this point in time.

Mr. Dotson asked if staff is saying that it would be possible for the proposed development to provide some additional sidewalks off site.

Mr. Benish replied that one of the ways this development can be served by those centers in lieu of providing them here is to have good access to that area. Staff does not feel that there is complete access as yet. So the applicant could potentially address that deficiency through contributing in some way to completing that system.

Mr. Dotson thanked Mr. Benish for his explanation.

Mr. Smith asked if there is a sidewalk on either side of the Catholic School property if they are mandated to provide a sidewalk.

Mr. Benish replied that with this site development they will provide for on-site sidewalks along their frontage. The way he believed the condition read for the Catholic School was they would provide a connection to Penn Park Road. They have bonded for that improvement and that bond can be used to construct their section across their frontage. However, there is still a missing gap that gets them to the intersection in a cross walk to sidewalks that would get you in towards Penn Park or to the Waldorf School as Mr. Randolph said crossing the road to the existing sidewalk and the future public project. There are still some gaps in the system.

Mr. Smith said the school does not go all the way to Penn Park.

Mr. Benish agreed that it does not because there is one more intervening lot.

Mr. Lafferty said he was curious why this is not considered an Entrance Corridor.

Mr. Benish replied that was a good question. He was not sure he had the complete background for that. He explained that Rio Road was added to the point that the John Warner Parkway was to be constructed and tied in. It was done before John Warner Parkway was built. Now that John Warner Parkway is built it is a possibility that it could be considered as an Entrance Corridor. But, what was looked at is that they know Rio Road provides for an interconnection to an historic site, which is what the State Code is based on, which road that is chosen to make that linkage the option was not there at the time that Rio Road was established as an Entrance Corridor. So when the Board acted on it they stopped that designated at the railroad track.

Mr. Kamptner pointed out VDOT had designated Rio Road an arterial road only up to the railroad tracks whenever they made that last review.

Mr. Morris said that is from Route 29 to the railroad tracks.

Mr. Kamptner agreed it was Rio Road east from Route 29 to the railroad tracks. So that is why the Entrance Corridor stops at that point.

Mr. Benish noted they are currently going through a functional classification update. He pointed out, as Mr. Lafferty knows from the MPO, that the John Warner Parkway is being designated as the arterial roadway.

Mr. Lafferty noted he just thinks about Route 240 in Crozet with Route 250. Route 240 is an Entrance Corridor. He pointed out this goes directly into the historic area on Rio Road. It is not important to this, but he was curious.

Mr. Randolph congratulated Ms. Grant on the Neighborhood Model in spelling out here each of the attributes in how this project conforms or does not conform. It is a really useful topology. He found it very helpful in looking at this proposal to have that as a reference. He thinks it is a great standard and he hopes that anytime in the future where they have an application involving the Neighborhood Model that similarly it will be included. It is excellent to have that.

Mr. Morris opened the public hearing for the applicant and public comment. He invited the applicant to come forward and address the Planning Commission.

Valerie Long, attorney representing the applicant, introduced William Park, the President of Pinnacle Construction & Development, who will provide an introduction to the project. In response to Mr. Lafferty's question about submittal of the additional information she noted the vast majority or maybe even all of the changes that were submitted subsequent to what the Commissioners have in their packet were really technical in nature, fairly minor and small. Therefore, they went ahead and submitted those changes so staff could be reviewing them in the meantime. However, there was an issue of whether they had to hold off on the Planning Commission meeting. They really wanted to come and get the Commission's thoughts on some of the bigger issues. The changes are all very technical minor revisions to the proffers and the code of development. What they see with the proposal and what they will show them tonight in their presentation is there are no significant substantive changes and certainly not in the number of units, design of the building, the layout, footprint, or anything like that. It is all just technical housekeeping language to the proffers and the code. They do have a presentation of some slides and maps that might help answer some of the questions about sidewalks and things like that. Mr. Park will introduce himself and walk through the project.

William Park, President of Pinnacle Construction & Development Corporation, said his office was at 1821 Avon Street Extended. They have been working on the project since December or January and it has gone through a number of reiterations. Certainly their comments were very helpful and why they wanted to get in front of the Commission tonight. They are very proud to talk about the project. He pointed out they were the developers, owners, contractors and the property managers on the Treesdale project, which is across the street. They started working with AHIP three or four years ago on that project to get it off the ground. Subsequent to that they got the project through, got it built, and now are very fortunate it has been a very successful project. The Treesdale project has grown and moved on to the next level. As they look at what they are doing here it is very much the same thing. When they are working on these projects many times if they could get all of the land they wanted at one time and serve all the needs at one time it would certainly be a whole lot easier for them. But, unfortunately it does not always work out that way.

Mr. Park pointed out that they look at the first phase of the project as Treesdale. That project is fairly unique in that the income levels they were able to do were 40 and 50 percent of the Area Median Income. As they know the County's Affordable Housing Policy is at 80 percent of the Area Median Income. For this area to be inside that urban ring it was not an easy thing to do with the expensive land and infrastructure costs. But, certainly the Board of Supervisors supported it. They were able to solicit some low income financing to work with. Another thing when they look at the affordability in the first phase was they have a deed restriction that it stays affordable for 50 years. Therefore, they have an extended use agreement where it stays affordable. Subsequent to that they started looking at how the project has been successful and leased out. They looked at maybe it is time for a phase two.

Mr. Park noted in looking at it they felt like the product mix should not be the same in phase two. However, the tough nut to crack is that 80 to 100 percent because there are no programs available with the financing that help get down to the lower level if you can make it work. Of course, most of the apartments that are going up now are ultra luxury apartments because of the rents that they can charge. So what they are looking to do in the second phase is expand on our first phase. Now they are taking 20 percent of their units to have them at 80 percent of the Area Median Income. Then they will have another 20 percent limited to 120 percent of the Area Median Income. The balance or the remaining 60 percent will be unrestricted. So at the end of the day what they see as a truly mixed income product would be ranging all the way from the low 40 percent range all the way up to unrestricted. If they look at many of the projects that were financed in the past, and he looks back 40 or 50 years ago with public housing, many times where they did not work it was this concentration of poverty. People needed housing, but the concentration did not work. He thinks that the model that makes a lot of sense today is what they are proposing here. It is no reason everybody can't live together and have safe decent affordable housing.

Mr. Park said they went across the street and worked with Ms. Dickens, who is 82 years old and has moved to Branchlands. She came to them and said early on she was opposed to Treesdale. Due to the quality of their construction, management and maintenance of the site Ms. Dickens later suggested they do something across the street. Therefore they started looking at the property since in the comprehensive plan it was set to go from R-4 to maybe 32 units per acre. They settled in to somewhere around 23 to 24 units per acre. They have designed a structure that is totally different from the one across the street. What they are trying to target here are more the younger urban professionals because many times when they come here it is difficult to afford the high end apartments. Also, they will have empty nesters or active retirees, which in doing that will have 65 units with a combination of 40 one-bedroom units and 24 two-bedroom units. What is particularly unique about this project is they designed it so every unit in the building is going to be a Loft style unit. In the front of the building in the living area they are going to have 18 foot ceilings. When they get in the back they are going to have that loft feeling just like you would in an urban downtown setting. Many times they see old warehouses converted into this type of use. They think they have something that really not only hits a niche market from an income standpoint, but also from a design standpoint based on the number of bedrooms. In the design they are targeting they feel like, and he could never say that they will never have any children, but at the same time just purely from the design of the project they will see it is a project that it is really not family conducive.

Mr. Parks said in the area where it is located they did one-half million dollars worth of road improvements when they put Treesdale in. They have worked with VDOT very closely on their design so far and are showing about $300,000 improvements in there on the other side of the road. Those improvements are triggered by our development. They held a neighborhood meeting with the neighbors at Ms. Dickens house about two weeks ago. The neighbors were all very complimentary about our current and proposed project since they understood that the property was in the growth area. At the same time they said the traffic improvements that had been done have really helped tremendously not only with the widening of the road, but with some of the vertical site lines knocking down the banks. It is much easier and safer to pass through there. They feel they have a project now that is really catering to an income range. It is also catering to a group that he thinks the County wants to target as someone that is going to live and be in this area. They are the same people that come and populate the new jobs in the area. Hopefully, those people will then stay, raise families and be part of the community. However, they have to get them here first and then keep them here. With that being said, Ms. Long put together a PowerPoint presentation. They have a color rendering of the site plan that they could answer questions with. They heard some questions about sidewalks and connectivity. They would be glad to do that. At the same time they would like to show the renderings of the building they are proposing and so forth.

Ms. Valerie Long presented a PowerPoint presentation to hit some of the high points of the proposal. She presented a color rendering of the site plan, which would make it easier for everyone to follow. She pointed out the entrance to the parking under the building. There are a few parking spaces in another area. The storm water management facility is in pads behind an open space. The apartment with the loft above is a very unique housing product in the county, but particularly in this area. She presented renderings of the proposal. Despite that the project is not within the Architectural Review Board's jurisdiction. She thought the renderings demonstrated the high quality of design that is proposed for this

area. She pointed out how the site functions, particularly noting the entrance to the parking garage, and the sidewalk shown across the frontage with the extensive landscaping.

Ms. Long noted the main issue is the cash proffers in the project. She found it interesting to note the increase in the proffers from between 2011 and 2012. Just alone with the multi-family last year the price was just shy of $14,000. It has already jumped $500 per unit in a year. When cash proffers were first enacted in 2007 they were just about $12,000. They were voluntarily proffering that 20 percent of the units on site will be affordable even though the County standard is 15 percent. With the current rate at roughly $14,500 they can see with the remaining market rate units that the cash proffer costs for a project like this is in excess of $750,000. In the cash proffer policy there are several provisions that grant flexibility to the Board ultimately in approving and accepting cash proffers. One is that they can provide credits for the pre-existing lot yield. Mr. Randolph mentioned this earlier in his comments from his conference essentially about the by-right density. Another category where they allow themselves flexibility is for unique circumstances. If a project has unique circumstances that mitigates its impact on public facilities and creates a reduction in capital facility needs it allows flexibility.

Ms. Long said again, Mr. Park mentioned Treesdale and all 88 of those units were affordable units. They had enhanced affordability because they were not just the bare minimum that the County requires of being affordable to those making 80 percent of the area median income. A large number of them were affordable to those making 50 percent of the area median income and some even as low as 40 percent. She was not aware of any other projects in the community that achieve such a standard of affordability. The remaining 85 percent of those units 75 were also affordable. They only had to build 13 affordable units. In the current project, The Lofts at MeadowCreek, 13 of the units will be affordable to those making 80 percent of the area median income. That is 20 percent. An additional 20 percent will be affordable for what they call "workforce units". They had that in the proffers. This is one of the changes they made. It is the one when she said most of them are technical. They did take this out at the request of the Housing Director. However, they prefer to keep it in. They were proffering that in addition to 20 percent being affordable per the County standard, that they would take it even a step further and try to target that challenging demographic of those making up to 120 percent. Those are the ones that kind of get squeezed out in the middle. It is our firefighters, first responders, teachers and so forth. It is particularly young teachers when they are just starting out. They don't have children yet, but are trying to get started and don't make enough money to purchase or rent a market rate unit. But, they make too much money to qualify for some of our affordable programs.

Ms. Long noted looking back at the by-right lot yield the current R-4 zoning would permit 11 units by right. Strict enforcement of the County's proffer policy would not give the applicant any credit for the fact that those 11 units could be built under a conventional development system without the other things that they can ask for and obtain as part of a rezoning process. They are asking for flexibility to be given credit because the County's proffer policy permits it. They can give the by-right lot yield credit if there is a determination that the design and development standards have been upgraded. They contend that because of the affordable housing that is provided it would qualify for that upgrade. They talked about how this is phase 2 of Treesdale and the benefits of having them jointly managed and have some shared amenities. Going back to the beginning to the aerial map, Ms. Long pointed out this property is designated in the comp plan for high density residential development. Regarding the sidewalks she thinks the issue is that there is not a sidewalk here, but the Catholic School is eventually required to install that. However, the county needs to build a segment in the area in order to provide a connection to Penn Park. If she understood Mr. Benish's comments correctly, on one side of the road there is eventually going to be a sidewalk in that location.

Mr. Benish said that they hope so because they are obtaining funding to try to do that.

Ms. Long clarified that the current project does construct a sidewalk across the entire frontage. She offered to answer any questions and discuss the sidewalk issue.

Mr. Morris invited questions for the applicant.

Mr. Lafferty said as he understands it there are 20 percent affordable and 20 percent of what they call

"workforce" housing. In proffer 4 he had a problem trying to understand this. It says that "workforce" housing refers to affordable units created for households with income less than 120 percent of the area median income.

Ms. Long replied that it was incomes up to that amount.

Mr. Lafferty pointed out this says less than the area median income. He was not sure how they get 120 percent less than unless they are paying to work.

Ms. Long noted it was the area median income.

Mr. Lafferty suggested it was 120 percent of the area median income and not less than.

Ms. Long agreed that was correct.

Mr. Lafferty noted that it was confusing the way it was written.

Ms. Long said they have taken that out of the latest version of the proffers as she mentioned at the staff's request because the County does not officially recognize "workforce housing" unfortunately.

Mr. Lafferty said it was a good thing and a step in the right direction. However, it was confusing the way it was written.

Ms. Long said if the Commission and Board are willing to accept that proffer in concept they will certainly work with staff and the County Attorney's Office to ensure the wording is correct and clear for everyone.

Mr. Lafferty asked what would be the difference in the payments between somebody who is doing the affordable housing and somebody who qualifies as "workforce housing."

Ms. Long referred the question to Mr. Park since that is the area of his expertise.

Mr. Park replied that he would start by looking back at Treesdale. At 40 percent they have a one bedroom that right now is $590; at 60 percent it is $765; at 80 percent it is $840; at 120 percent it is $1,050; and then the unrestricted is at $1,175. So it is a graduated scale.

Mr. Randolph said there are a lot of laudable goals they have here. But, he wants a little clarification. He said 20 percent of 65 indicate 13 units that would be affordable. He asked how many of those are one bedroom versus how many is proposed as two bedrooms.

Mr. Park replied it would be on a pro rata basis and would be somewhere around 40 to 60. They want to have the flexibility to either move it between one or two bedrooms. They would not want to say it is a certain amount of bedrooms and then not be able to lease a certain unit and they have people standing in line. That is a good question. The way they are proposing to do it is to allow some flexibility. At all times they need to have 20 percent of the units at that 80 percent level or the 120. However, they want to have the flexibility in order to make sure it stays leased and they are housing the people that are waiting in line.

Mr. Randolph said the Randolph Development Associates goes ahead in Crozet and buys a piece of property and puts up affordable housing units and a period of time takes place and they are interested in building similar affordable housing in the Village of Rivanna so they are separated at a distance. He asked what seems to be a reasonable period of time for the developers to be able to take credit for having built affordable units in two locations at two different times. He asked what seems to be reasonable at the present time because he did not think the county has a policy about it. So he is just asking should those two projects be built subsequent to one another within a year. Would it be reasonable to wait five years for us as developers and argue that they should be able to take credit because they built affordable units elsewhere and leverage off of that affordability in the new units that are constructed.

Mr. Park replied the way they approach it as a developer/contractor is the market tells them what to do and when to do it. For example, in this case they see it from the demand that they have for Treesdale. That is one of the good things about having your own management company. Besides looking after your own asset they get real time feedback by the people that are coming in. So everybody has to fill out a guest card. On that guest card they get information. For example, people come into Treesdale and they look at it and say that this is really nice and they want to live in there. The first thing they do is ask for an estimate of their income. They reply that it is X, and they say they are sorry but they are over the income to live here. What happens is they have been gathering that data over time and then they get the data and all of a sudden our property management group talks to him and says they are missing these people in this range. If they could build something that targets this range they feel like they could fill it up right away. They hired market analysts for the bank. But they use their on the ground reconnaissance to help determine that. He knows he has not answered the question directly, but it is kind of hard to do because every project is a little different. What happens when they do that first phase is they find that the second phase might not be targeting different income individuals, but building a different unit. Maybe now they need more three bedrooms than they had before or more one bedroom units. It is not only the income but the product mix, too, that they find out about.

Mr. Randolph said in essence what he is saying is he does not really feel that the county should necessarily have a policy because it is market driven and left to the developer to determine. That leads to another question in turn, which is what percentage of Treesdale is presently occupied.

Mr. Park replied that they stay at 95 percent because staying at 100 percent is tough because they have turnover. They look at 95 percent being 100 percent.

Mr. Randolph asked if he was very satisfied and his expectation was somewhere between 95 and 98 percent and they have hit it consistently.

Mr. Park replied absolutely in they have been very pleased with it.

Mr. Morris said he had mentioned in Treesdale he has 50 years that it is going to remain. He asked if that is going to apply with the new area also.

Mr. Park replied no. They are sticking with the five years that is the county policy. They thought by doing more than 15 percent or the 20 percent and then having another 20 at 120 percent that they were filling that niche and going above and beyond what the County's policy is.

There being no further questions, Mr. Morris invited public comment. There being none, the public hearing was closed and the matter before the Planning Commission for discussion and action.

Mr. Randolph noted there are a lot of laudable aspects about this proposal, but he is still really concerned about crossing Rio Road. They don't have a proffer to provide safe access of pedestrians. Since there will not be a center here consistent with the Neighborhood Model and it will be incorporated within Treesdale across the street he thinks it is absolutely essential that there be a better cross flow between the two facilities.

Mr. Morris said he believed the distance from the stop light at Penn Park is not sufficient to warrant a light. Therefore, some other way is going to be needed.

Mr. Randolph suggested some kind of a crossing light where pedestrians can safely get across Rio Road. It could be similar to what the University has provided with cross walks where there is no traffic light to safety cross Emmett Street and around the University. He thinks something similar to that would be appropriate here on Rio Road.

Mr. Morris said that was a good point. They have that problem on Pantops.

Mr. Smith assumed they could request that, but it is mandated by the Highway Department.

Mr. Benish replied it would be subject to VDOT standards. Unlike the City and the University their standards for mid-block cross walks are pretty rigorous. So it may not be possible. Our thinking is as they complete the sidewalk system they may have to do what is ultimately a big U turn, but you can travel north to the cross walk at the intersection of Penn Park Road, cross to Waldorf, or walk back down to Treesdale. They can pursue with VDOT the possibility of a mid-block crossing, but they have not had a lot of success in investigating those locations except for essentially on subdivision streets, which Rio Road would not be.

Mr. Randolph suggested using white hash marks with a provision that pedestrians could press a light that would alert people that somebody is crossing over. However, realistically many people are not going to walk all the way down to Penn Park to cross and then come back. They are going to cross the street.

Mr. Franco asked does that reality change VDOT's policies.

Mr. Randolph replied probably not.

Mr. Kamptner asked if Penn Park Lane and Rio Road eventually were set to be signalized once Stonewater was completed and the access from Stonehenge exits through there.

Mr. Benish replied it was in the area to the south where Stonehenge is He wanted to clarify, too, that the Treesdale development did not provide cash proffers either. They provided end kind of improvements, which included one-third share of a signal at the entrance at Stonehenge and interconnectivity through the adjacent property to the south to create a parallel road and access to it. Therefore, there would be another similar type of block crossing at some point in time. The Lochlyn Hills development would access through that road on Penn Park Lane to the south. Neither one obviously would be right at Treesdale. However, along this roadway they would have two intersections ultimately that would have crossing opportunities and be signalized.

Mr. Franco said he liked the project since there is a lot to it. However, he was still not sure what they are looking at because of the resubmittal. He thinks some of the points that have been raised especially about the cash proffers are the same discussions that are taking place at the county now. He thinks it makes sense to begin to look at giving a credit for the existing units. He liked the idea of giving credit for going above the 15 percent on the affordability, which was something that should be encouraged. If it takes the county participating in that by eliminating the cash proffer on those additional units, he thinks that is good. Again, he was talking about those defined as affordable for the 80 percent affordability there. So potentially the extra units he calculated are 3 additional units, which is what 5 percent represents. He supported providing some relief for the 14 units, which was in the range of 3 plus the 11 by right units.

Mr. Franco commented when they start talking about some of the other improvements that are needed it is important to remember not every one of the Neighborhood Model principles are supposed to be addressed in a project. Part of what the cash proffers are supposed to pay for is these off-site improvements. Again, if there was a proffer to do sidewalks to connect the Catholic School path to Pen Park Road, then that would be credited against the proffers. So whether the proffer is paid or whether that is put in is kind of somewhat a moot point because he thinks that is part of the county's responsibility with collection of the proffers. However, he could see giving relief to the cash proffer for those 14 units. If that connection is important, then designating that a portion of the cash goes there is important. Right now when the cash proffers is paid it goes into the pot and it could be used for anything. It could be used in Crozet or at this site. If they are making a contribution he would like to see that money spent to improve this area and this infrastructure. That money could also be used for the current CIP. He did not know if it has been funded to extend the sidewalk along the other side of the road. He did not believe if they were at $750,000 that reducing it by $200,000 was a problem because that stills leaves one-half million dollars out there to fund these other projects.

Mr. Lafferty said he was concerned about the Fire Department response.

Mr. Franco noted he had discussions with the developer before this meeting. He thought it would be

helpful for the applicant to come up and address the crossing of Rio Road and the Fire Department response.

Mr. Morris invited the applicant to come forward and address the Commission.

Mr. Parks said he would talk about the fire suppression system. Initially when the review was being done they did not realize that they were putting a 13R sprinkler system in. It is part of IBC and they are certainly doing that. The other question was about the connectivity, which Mr. Randolph brought up initially. They had given some thought to a crossing similar to the ones on Georgetown Road. They have two or three of those crossings through there, which is a good idea. Just the initial feedback they received was similar to what they were saying. It is just hard to get VDOT to allow doing that across that road. Being intimately involved with Treesdale they know that there is money set aside whenever that signalization occurs over at Penn Park Lane, which has something to do with Stonewater and Lochlyn Hills on the other side if that gets started. Their thought was that they would go to the south across the orchid man's house. However, he thinks they have sold the property. They would add the sidewalk in that area and then if the signalization occurred they have already installed sidewalk from the property all the way down to Stonehenge. The thought was to connect there. They don't have an issue with putting sidewalk along there if that triggers the Catholic School to do theirs. Then they would have the path all the way. They are going to put this in front of our project if they are successful. If that triggered the bond for the Catholic School certainly they could participate there. He thinks that is beneficial for our project because then our people can get to Penn Park pretty easily. So they are okay with that.

Mr. Franco asked if they know if there is adequate right-of-way to do that.

Mr. Benish replied from staff's preliminary review on the east side there is not adequate right-of-way on those two lots, the orchid lot and the intervening lot between the Catholic School and Penn Park Road. That can affect the cost, which is why they don't have an exact cost estimate. Drainage, because it is a rural cross section road and will probably be an urban cross section, makes it hard to predict that cost right now. If this were to be a cash proffer it would be towards improvements on this block, which could be cross walks or connections at either end or to the public project to complete its funding.

Mr. Franco pointed out the Commission's seems to be comfortable with moving this forward to the Board allowing staff and the applicant to work together to resolve some of the proffers and Code of Development issues.

Mr. Morris agreed and asked if any Commissioner disagreed.

Mr. Lafferty agreed as long as they can work out the proffers.

Motion: Mr. Franco moved and Mr. Randolph seconded to recommend approval of ZMA-2013-00001, The Lofts at MeadowCreek with waivers and revised proffers as recommended by staff and to reflect a reduction in the cash proffer to reflect the eleven (11) by right units and the three (3) additional affordable units that are being proffered.

Mr. Dotson asked if those would be excluded from the cash proffer.

Mr. Franco agreed that those would be excluded from the cash proffer as well.

Mr. Randolph noted that would bring the total cash proffer amount down to approximately one-half a million.

Mr. Franco agreed since that would be 52 units minus the 11 units, which are 41 units minus 3 that were 38 units. Therefore, the proffer would be on the remaining 38 units.

Mr. Morris invited further discussion. There being none, he asked for a roll call.

The motion passed by a vote of 6:0.

Mr. Morris noted that a recommendation for approval of ZMA-2013-00001, The Lofts at MeadowCreek would be forwarded to the Board of Supervisors to a date to be determined.

Mr. Kamptner noted they do need separate actions on the two waivers. Those are special exceptions and need their own recommendations.

Mr. Morris said the Commission needs to take action on the waivers although that was included the motion.

Mr. Kamptner pointed out he read the motion to mean that the Commission was recommending approval assuming that those waivers were also approved. However, they do need a separate action.

Motion: Mr. Franco moved and Mr. Randolph seconded to recommend a waiver of Section 20A.8(a) and (b) of the Zoning Ordinance call for Neighborhood Model Districts to have a mixture of dwelling unit types and a mixture of uses.

The motion passed by a vote of 6:0.

Mr. Kamptner pointed out another action was needed for Section 20.A.8 special exception for a parking waiver. He asked if staff was able to make a recommendation on that one at this point.

Mr. Benish replied staff cannot make a recommendation because that is still awaiting some outstanding information with zoning on that particular issue. The Commission could probably recommend that waiver, but staff does not have comments from zoning yet on that waiver.

Mr. Franco noted for the record that he would support anything that reduces parking. If the applicant is willing to take the risk that there is not enough parking, he thinks it is a good idea to have less parking on the site and would endorse it. He asked if a recommendation is needed on the critical slopes disturbance.

Mr. Kamptner asked if staff had a recommendation on critical slopes at this point.

Ms. Grant replied yes, staff recommends approval of the critical slope waiver. It is the last attachment.

Mr. Randolph said he was comfortable with the request as long as the bus service is going to comes out to the site. What they don't want are people after buying a unit discovering the bus service is not there. So the city and the county really have to step up to make sure they are providing the service.

Motion: Mr. Franco moved and Mr. Randolph seconded to recommend approval of the special exception to disturb critical slopes based on the information provided in the staff report.

The motion passed by a vote of 6:0.

Mr. Kamptner said regarding the parking waiver if staff concludes that they can recommend approval that can just be taken up with the Board of Supervisors.

Mr. Morris said a recommendation for approval of ZMA-2013-00001, The Lofts at MeadowCreek with the waivers would be forwarded to the Board of Supervisors at a date to be determined, as follows.

- Recommend approval of ZMA-2013-00001 with revised proffers as recommended by staff and amended to reflect a reduction in the cash proffer to reflect the eleven (11) by right units and the three (3) additional affordable units that are being proffered.

  Staff has identified the following factors which are unfavorable to this request:
  1. The proffers need to be substantively and technically revised.
  2. Fire/Rescue's concern regarding fire safety of the site needs to be addressed.

3. The Application Plan and the Code of Development needs to be technically and substantively revised.
4. VDOT issue regarding an internal access road to detention facility needs to be addressed.
5. No cash proffers provided.

- Recommend approval of special exception for waiver of Section 20A.8(a) and (b) of the Zoning Ordinance, Neighborhood Model District that requires a mixture of dwelling unit types and a mixture of uses.
- Recommend approval of special exception for waiver to allow disturbance of critical slopes based on the information provided in the staff report.
- Regarding special exception for a parking waiver, if staff concludes they can recommend approval that can be taken up with the Board of Supervisors.

Mr. Morris commented that it really looks like a great project.

Mr. Benish pointed out regarding the transit that the Board has set aside funding for it. The city is moving forward towards implementing it. The Director of CAD is actually coming to the Board next week to discuss funding of that project.

Old Business

Mr. Morris asked if there was any new business.

Mr. Cilimberg pointed out Mr. Dotson brought to the Commission a couple of months ago the idea that the Planning Commission would have a chance to review the candidate projects in the MPO's consideration of future project alternatives. The MPO Policy Board and the MPO Technical Committee have been working with that and have identified candidate projects that are both road oriented and more multimodal oriented. They have been able to work with the City Planning Commission to have a joint meeting of the two Planning Commissions to respond to those proposals and answer questions that the MPO staff will be posing. That meeting will be on June 25 at City Space at a time to be determined.

Mr. Dotson asked if the purpose is educational and there is no action anticipated.

Mr. Cilimberg said his understanding is there will be an advance report sent and that part of it is to be educational and part of it is a working session to pose questions to the County and City Planning Commission to respond to. There probably will be a second work session later in the summer from what he understands. However, this is a first step and an important one in line with what Mr. Dotson had suggested.

Mr. Dotson suggested later in the summer that the Planning Commission look at these projects and combinations of projects as scenarios and sort of rate them in terms of are they furthering the comprehensive plan and in what ways. He felt that would be a lot to do in one meeting. If this is sort of a familiarization meeting to learn what the possibilities are, the Commission could review them for consistency with the plan at a later time. That is a good two step approach.

Mr. Benish said the meeting was to inform the City and County Planning Commissions as the MPO works along this project. It is an opportunity to get informed and answer questions that they may have. He thinks there will be other types of these meetings to keep them informed.

There being no further old business, the meeting proceeded.

New Business

Mr. Morris asked if there was any new business.

- Mr. Lafferty noted the All Things Pawssible staff report mentioned there is a shared parking agreement. He asked if staff has a way of tracking those agreements. Mr. Benish noted the

zoning department keeps track of those agreements.

- Question about enforcement of shared parking agreements. Staff noted the zoning department keeps track of those agreements.
- The Emergency Communication Center has upgraded its mass notification system and registration is needed to receive a phone message, email or text in the event of an emergency.
- THE NEXT PLANNING COMMISSION MEETING WILL BE ON TUESDAY, JUNE 11, 2013 AT 6:00 p.m.

Adjournment

With no further items, the meeting adjourned at 7:44 p.m. to the Tuesday, June 11, 2013 meeting at 6:00 p.m. at the County Office Building, Second Floor, Auditorium, 401 McIntire Road, Charlottesville, Virginia.

V. Wayne Cilimberg, Secretary

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