Albemarle County Planning Commission
July 30, 2013

The Albemarle County Planning Commission held a work session and regular meeting on Tuesday, July 30, 2013, at 4:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Richard Randolph, Bruce Dotson, Ed Smith, Thomas Loach, Don Franco, Calvin Morris, Chair; and Russell (Mac) Lafferty, Vice Chair. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was absent for the 4:00 p.m. work session and arrived at 7:03 p.m. for the regular meeting.

Other officials present were Elaine Echols, Principal Planner; Andy Sorrell, Senior Planner; Sharon Taylor, Clerk to Planning Commission; and Andy Herrick, Assistant Deputy County Attorney.

Call to Order and Establish

Mr. Morris, Chair, called the regular meeting to order at 4:00 p.m. and established a quorum.

Mr. Morris reviewed the meeting agenda noting the Planning Commission would continue their review of the draft Comp Plan dated July 23, 2013 starting with Chapter 8, Development Area. Staff will provide an overview section by section and the Commission will provide feedback and direction. Public comment will be deferred to other matters during the regular meeting. At 5:30 p.m. the Commission will take a dinner break and reconvene to the regular meeting at 6:00 p.m. taking up the Comp Plan discussion after other matters not listed on the agenda from the public and the consent agenda. At 7:30 p.m. or as close as possible the Commission will end the discussion on the Comp Plan and move into the items on the agenda.

Ms. Echols provided the following staff recommendation for action tonight.

- Planning Commission makes recommendation on all **but** Southern and Western Neighborhoods, Summary, and Implementation tonight
- Distribution of revisions by August 13, 2013 for recommendation on August 27, 2013 on the last pieces.

Ms. Echols asked the Commission to look carefully at last week's action memo to see if it encompassed everything they talked about since the action memo will be sent to the Board of Supervisors.

Mr. Morris pointed out the memo looked like it covered everything the Commission had talked about in his review.

Mr. Dotson asked if there was a cut-off date.

Ms. Echols replied that comments were needed by the end of the week. If there were any issues, staff wanted to bring them back tonight to talk about. She noted that Mark Graham was present to talk about groundwater if the Commission had any questions.

Staff members held a discussion and had the following questions.

- League of Women Voters Recommendations on Groundwater—Changes?

- Add a clear statement at the beginning of the Plan indicating that the information contained in the narratives following each strategy is intended as guidance to be used in the implementation of the strategy
- Additional wording to groundwater recommendations related to test wells, education, coordination with other agencies
- Additional wording to surface water recommendations related to education, coordination, collaboration, and staffing.

Ms. Echols pointed out staff believes everything the League of Women Voters has asked for is already contained in the document and it is a matter of implementing what is there. She asked if there was any discussion on that.

Mr. Dotson said the clear explanation, as requested, might already be there or perhaps it is going to be in the summary that they will see later. The idea of explaining the narrative as being part of the plan and not just descriptive has some import in terms of directions that the County is trying to move. He saw this, for instance, going through some of the Southern and Western Neighborhoods that they are not talking about tonight. He thinks the narrative is important and really helped to flush out some of the goals and objectives. Without the narrative the meaning would not have been the same. The question is do they already have such a statement or could one be added, which he would favor.

Ms. Echols replied they don't have a statement since staff felt it was sort of self explanatory. If there is a question, that one is a very easy thing to do. Especially in groundwater the explanatory text comes from the existing plan. It just does not enumerate every single strategy that is incorporated within the paragraph. Staff can put that statement in the plan. They definitely want to have it in the summary document so people know the little version is not the whole plan.

Mr. Dotson noted that someone could see the little version and say that is the real plan and the rest of it is just fluff. To make it clear that it is not fluff he thinks that would be helpful.

Ms. Echols asked if that worked for everybody, and the Planning Commission agreed.

Additional Items about Plan Draft

Livability Project Goals with City

- In the Introduction and Context section and strategies within chapters
  Question: Should these be just identified within the objectives and strategies or should they be in a box in the chapters?

Ms. Echols asked if the Commission had a preference, such as an asterisk, to identify that these are joint goals.

The Planning Commission discussed the question. The majority of the Commission agreed to the following:
<u>General Information</u> - At the beginning of all Chapters, add back in the blue boxes that contain the agreed to Livability goals.

Ms. Echols said there were four little things that will be taken care of by adding the box, as follows.

Recommendations to be added to Strategies (from Livability Goals)

- Consideration of effects of development on adjoining locality
- Shared interest in promoting a strong local food economy
- Coordination on actions to meet State water requirements

- Data storage and sharing of transportation information

Changes to Plan from April Draft - Most Substantive Changes:

- Distinctions between the "principles of the Neighborhood Model" (Chapter 8) and "ways to achieve them with design" (Design Guidance in Appendix)
- Reformat of Transportation Chapter
- Changes to Parham Site in So. and Western Neighborhoods

Police Department Requests

- Pages A.5.4 and A.5.5 – less specificity in area of each room; reference total square feet as a minimum and the activities the building will need to accommodate.
  Min. 7,000 sq. feet for District Stations
  Min. of 13,000 sq. feet for Training Academy

Southern and Western Neighborhoods Master Plan

Ms. Echols asked for discussion on the Southern and Western Neighborhoods Master Plan. She asked if there were any changes that staff can incorporate in the final draft to bring back to the Commission. For right now staff will stop and the Commission can pick up in Chapter 8 and they will go from there when they get to the Southern and Western Neighborhoods. Also, in the Places29 Master Plan and the Village of Rivanna Master Master Plan staff has specific things to refer to.

Mr. Morris noted the items staff passed out last week up near NGIC regarding some shifts in there as well as the Pebble properties. He asked if staff wants to handle those when they are looking at the specific master plans or in the development/rural areas.

Ms. Echols replied she has them after Southern and Western Neighborhoods. All of the master plans are at the end of this session. If the Commission wants to do it with Development Areas that is fine, or if they want to wait that is fine.

Mr. Morris suggested that going with the master plan would be the simplest way because they were not involved with the Development Area or Rural Areas.

Ms. Echols noted staff does not have anything else. Therefore, the Planning Commission can go ahead and start.

Mr. Morris noted the Commission would begin the work session discussion of the Draft Comp Plan dated July 23, 2013 for Chapters 8 – 13 and Appendices.

Staff provided an overview chapter by chapter and answered Commission questions.

- Staff Overview/Planning Commission Questions
- Planning Commission discussion and consideration of recommendation

Commission Comments

The Planning Commission reviewed the Comprehensive Plan Draft dated July 23, 2013 and provided the following recommended changes:

General Information

1. At the beginning of all Chapters, add back in the blue boxes that contain the agreed to Livability goals.

Chapter 8: Development Areas

1. For the village description add term "multimodal" to the sentence that discusses how villages are connected to the City and urban neighborhoods on page 8.4.
2. Add to the section on creating new villages that more than one route should be accessible to and from a new village on page 8.4
3. Also on page 8.4., add this sentence, "In particular, the impact of the plan on existing development should be emphasized. It is expected that consideration will be given to the needs and wishes of those already living and owning property in the area. Any development near the boundaries of a village should be sensitive to the existing character of the surrounding Rural Area."

Chapter 9: Housing
No recommended changes.

Chapter 10: Transportation
1. Add "increasingly" after "...transportation network will..." in the goal on page 10.1 so that it reads, "Albemarle's transportation network will be increasingly multimodal, environmentally sound, well maintained, safe, and reliable."
2. Add statements about the community's responsibility to pay for and maintain aging road infrastructure to address existing needs and accommodate existing zoning. This could be added to Strategy 1b or be an additional strategy.
3. Be aware that CHART's name is changing to Citizen's Transportation Advisory Committee (CTAC) pending approval by the MPO Policy Board later this year, if timing works out so that that occurs before the Board considers adopting the Plan, change the name in the Plan.
4. Add a strategy to the draft to reinstate the Transportation Planner position to help with County road planning, traffic modeling, coordination with the MPO, and with traffic analyses for development proposals.
5. Add wording to state that increased road and interchange capacity will be considered after fully examining all other multimodal options as well. Additional wording may work in Objective 2 or Objective 6.
6. Amend strategy 11d on page 10.28 to begin with "Participate in the study of a new east-west passenger train route through the Albemarle-Charlottesville region," rather than "Initiate a new east-west passenger train route..."
7. Be sure that the draft reflects that bicycles are classified as vehicles.

Chapter 11: Parks and Recreation, Greenways, Blueways, and Green Systems
1. Add wording to text under strategy 7a on page 11.16 so that the first sentence reads: "Through the Livability project, the City and County have decided this is a top priority and that a plan should be developed and implemented that support the river corridor as a destination. . ."
2. A statement needs to be added about the importance of opportunities for the public to participate in decisions related to park needs.
3. Make sure there is a reference to the trails that are recommended in the Greenway Plan, such as the Northtown Trail.

Chapter 12: Community Facilities
1. On page 12.3 add a paragraph about strengthening the relationship or link between fiscal planning and the reduction in federal and state funding. The text should advise the public that local funding will be needed for community services and facilities. Also, provide text that indicates the need for a link between community facilities planning and the CIP process.
2. On page 12.12, the reference to public schools should clarify that these are K-12 County public schools.
3. On page 12.27, reference where in the appendix more information on water and sewer capacity can be found on the Village of Rivanna and the other Development Areas.

Chapter 13: Implementation

1. On page 13.5 add wording under the heading "Work Program for the County" in the third sentence so that it reads: "The Work Program is developed by staff, reviewed by the Planning Commission, and endorsed by the Board of Supervisors..."
2. On page 13.5 Add wording on how the Planning Commission's annual report will be used to give a status check on the indicators of progress.
3. Look at the indicators of mobility from the Thomas Jefferson Planning District Commission (TJPDC) to add to the indicators of progress.
4. On pages A.5.4 and A.5.5 provide less specificity in area of each room. Identify the minimum square footage needed for District Stations as 7,000 sq. feet and 13,000 sq. feet for Training Academy. Identify the activities the building will need to accommodate.

Appendices A1 through A7 and A9, A11, A12, and A13
No changes were recommended.

Cash Proffer Policy
There were no proposed changes. [It was noted the Board was going to reexamine the whole policy.]

Affordable Housing Policy
There were no proposed changes.

Neighborhood Model Guidance
There were no proposed changes with the exception of typos.

Community Facilities and Service Expectations
There were no proposed changes.

Land Use Design Guidelines

- Be sure to provide 11 x 17s instead of 8 ½ x 11 size pages.

Crozet Master Plan

- There were no proposed changes.

Appendix A8: Southern and Western Neighborhoods

1. No changes were recommended at this time to the Master Plan other than to clearly state the expectations for the Parham parcel that were provided at the May 28, 2013 Commission meeting and those identified by staff in relation to Area B. The Parham site is intended to allow for a residential component, but this same allowance is not intended for other Office/R&D/Flex/Light Industrial designated properties in the area.

   The Commission said it was not opposed to considering a request received last week from three property owners in the Southern Neighborhood for properties adjacent to Pebble Drive (TMPs 90-35F, 91-16B, and 91-16A) to be designated as urban density residential through a future comprehensive plan amendment. The Commission felt it was too late in this process to bring up substantive requests because the larger community had not had an opportunity to see and discuss the implications, nor had the Commission. Staff noted that the economic development staff were in support of leaving the designations as shown on the recommended plan because the proposed designation for Office/R&D/Flex/LI increases localized job opportunities, the location connects closely to I-64, I-95, I-81, and local target industries looking to expand could benefit from expanded space options and better location.

Appendix A10: Places 29

1. No changes were recommended to the area north of Rivanna Station which were requested by the property owner and reviewed by the Places 29 Advisory Council on June 19, 2013. As with the properties in the Southern and Western Neighborhoods, the Commission believed more study was needed than the time allowed. Potential road layout in relation to environmental features, such as two creeks on the property could be problematic. The Commission did not want to endorse creek and floodplain crossings for future road connections without more study. They did not want to make a decision without input from other property owners in the general area. In addition, no other expansions of the Development Areas were being recommended by the Commission with this update, so it would be unfair to the other applicants to recommend an expansion for just this case. Mr. Smith disagreed since he felt the request had merit.

   The Commission said it was not opposed to considering a request after the Comprehensive Plan is adopted. The request could be considered prior to or in conjunction with the Places 29 Master Plan update.

Mr. Morris noted the Planning Commission would defer completion of their review of the draft Comp Plan and final action to the 6:00 p.m. meeting after review of the consent agenda on the last three sections. Public comment would be taken under other matters not on the agenda.

The Planning Commission recessed at 5:31 p.m. for a dinner break. The Planning Commission reconvened to the regular meeting at 6:00 p.m.

The Albemarle County Planning Commission held a regular meeting on Tuesday, July 30, 2013, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

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

Other officials present were Elaine Echols, Principal Planner; Summer Frederick, Intern; Andy Sorrell, Senior Planner; Wayne Cilimberg, Director of Planning, and Andy Herrick, Assistant County Attorney.

Call to Order

Mr. Morris called the regular meeting of the Albemarle County Planning Commission back to order at 6:00 p.m.

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.

The following individuals spoke in reference to the Comp Plan:

Helen Swift Dovel, Earlysville resident, spoke about her concerns regarding unanswered questions about the comp plan update process and private property rights.

Charles Battig spoke in opposition of the Comp Plan Update. (See Attachment A- Presentation Albemarle County Planning Commission July 30, 2013 on file with written minutes in the office of the Clerk)

Joe Draego, Carrsbrook resident, spoke about his concerns about the Comp Plan Update

process.

Doug Arrington, spoke about his concerns about Old Lynchburg Road in not placing any properties in the Development Area beyond the four lane road.

Audrey Wellborn, resident of Jack Jouett District, spoke about her concerns about there not being enough dialogue on the comp plan update.

There being no further public comment, Mr. Morris noted the meeting would move to the next item.

Mr. Franco asked if there is an electronic copy of the existing Comp Plan on the County website, and Ms. Echols replied it was on the website under the publication tab.

Mr. Morris pointed out the current Comprehensive Plan is on the website, which is not the original. He pointed out the process for updating the Comprehensive Plan is mandated by State law. Therefore, they are required to update the Comprehensive Plan since it says review and update if needed. It has triggered a process the Planning Commission has been going through for two years in which they have had about 39 public inputs.

Mr. Randolph asked to add one point regarding conservation easements. He noted conservation easements are a legal document, which has nothing to do with the County or with a government entity. They are between the landowner, generally speaking, and an organization that is getting the conservation easement. As a legal document they have a responsibility to have a lawyer look very carefully at the terms of the conservation easement. It should not be entered into lightly and should be carefully vetted. The Planning Commission does not control conservation easements in any way. They can encourage, but certainly are not involved in the process of acquiring conservation easements.

Mr. Loach noted there was also a question about transfer of development rights, which the County does not utilize. The County is looking at the transfer of development rights (TDR), but has not implemented them.

The meeting moved to the next agenda item.

Consent Agenda:

Approval of Minutes: November 20, 2012, November 27, 2012, June 25, 2013, April 2, 2013 & May 7, 2013

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

Motion: Mr. Lafferty moved and Mr. Franco seconded to approve the consent agenda.

The motion passed by a vote of 7:0.

Mr. Morris noted the consent agenda item was approved.

Mr. Morris moved back to the Comp Plan discussion at 6:24 p.m.

Continuation of Review of CPA-2013-00001 Comprehensive Plan Update

Ms. Echols noted there were three more things to review. The first is the Community Facilities Standards; the Land Use Plan change to Pantops to remove two roads; and the Village of

Rivanna Land Use Plan to provide a copy of the plan that has the colors that match our current color chart for the destinations of land uses. Once the Commission reviews these three items they will be done with the review for tonight and they may wish to go ahead and take action.

Mr. Morris invited discussion.

Community Facilities Standards
There were no proposed changes.

Pantops Master Plan –
There were no proposed changes other than the removal of two roads on the Land Use and Transportation Plans.

Mr. Morris pointed out as a matter of interest it looks like at least one of the roads is going to be there anyway, which is a continuation of State Farm Boulevard. However, it is not going to be in the Comprehensive Plan if the Commission decides to update it.

Village of Rivanna Land Use Plan
There were no proposed changes except to augment the Master Plan with a Land Use Plan for the Village using standard colors.

Mr. Randolph pointed out the reaction of the Village of Rivanna Regional Advisory Council was overwhelmingly supportive of page A9-2.

Ms. Echols noted the Commission had finished the review unless there is anything else they want to comment on. The transportation appendixes are more of the details of everything that went into the transportation plan. The Commission is welcome to review any of those other things in the appendix. She asked the Planning Commission to take action to recommend the Comprehensive Plan to the Board of Supervisors with the changes they have recommended from July 23, 2013 and July 30, 2013 not including the Southern and Western Neighborhoods, the Implementation chapter and summary, which would come to the Commission for a meeting at the end of August.

Conclusions and Directions to Staff
The Commission agreed that with the changes identified at their July 23, 2013 meeting and at this meeting, a recommendation could be made to the Board of Supervisors to approve the Comprehensive Plan update. Chapters not included in this recommendation were the Implementation Chapter, the Summary, and the Southern and Western Neighborhoods Master Plan. These chapters should be made available for public review on August 13, 2013 for a work session and decision on August 27, 2013.

Motion: Mr. Lafferty moved and Mr. Randolph seconded to recommend approval of CPA-2013-00001 Comprehensive Plan Update to the Board of Supervisors with the changes they have recommended from both tonight's and last week's meeting on July 23, 2013, not including the Southern and Western Neighborhoods, the Implementation Chapter and Summary, which would come to the Commission for a meeting at the end of August.

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

Mr. Morris noted this will be sent forward to the Board of Supervisors at a date to be determined.

Ms. Echols said the Board will hear an introduction to what has happened with the plan from the existing plan to this plan and the recommendation on how they should go through the review of the plan at their August 14 meeting.

Mr. Morris asked will there be public input, and Ms. Echols replied that was to be determined.

Mr. Dotson explained that they don't know whether there will be public input at that meeting. However, there will be by law a public hearing.

Ms. Echols agreed that there will be a public hearing. She noted that staff will be back with the Commission a little later this month.

Deferred Items

ZMA-2012-00002 Riverside Village
PROPOSAL: Rezone 18.67 acres from R-1 zoning district which allows residential uses at a density of one unit per acre to NMD zoning district which allows residential, mixed with commercial, service and industrial uses at a density of 3 – 34 units/acre and special use permit under Sections 30.3.05.2.1(2), 30.3.05.2.2(1), and 30.3.05.2.2(3) of the zoning ordinance for fill of land in floodways. 112 maximum residential units proposed for a maximum gross density of 6 units/acre for the entire parcel and a maximum density of 11 units/acre for the area designated for development in the Comprehensive Plan. Five (5) commercial buildings (up to 50,000 square feet) also proposed. Some floodplain disturbance for parking and recreational areas.
ENTRANCE CORRIDOR: Yes
PROFFERS: Yes
COMPREHENSIVE PLAN: Greenspace – undeveloped areas; Neighborhood Density Residential – residential (3-6 units/acre); supporting uses such as religious institutions, schools and other small-scale non-residential uses; and River Corridor – parks, golf courses, greenways, natural features and supporting commercial and recreational uses in Neighborhood 3 – Pantops Comp Plan Area.
LOCATION: Located on the west side of Stony Pointe Road/Route 20 and the east side of Free Bridge Lane/Route 1421, approximately 350 feet south of the intersection of Route 20/Elks Drive.
TAX MAP/PARCEL: 07800000005800
MAGISTERIAL DISTRICT: Rivanna
DEFERRED FROM THE APRIL 9, 2013 PLANNING COMMISSION MEETING
(Claudette Grant)

AND

SP-2013-00010 Riverside Village
PROPOSAL: Rezone 18.67 acres from R-1 zoning district which allows residential uses at a density of one unit per acre to NMD zoning district which allows residential, mixed with commercial, service and industrial uses at a density of 3 – 34 units/acre and special use permit under Sections 30.3.05.2.1(2), 30.3.05.2.2(1), and 30.3.05.2.2(3) of the zoning ordinance for fill of land in floodways. 112 maximum residential units proposed for a maximum gross density of 6 units/acre for the entire parcel and a maximum density of 11 units/acre for the area designated for development in the Comprehensive Plan. Five (5) commercial buildings (up to 50,000 square feet) also proposed. Some floodplain disturbance for parking and recreational areas.
ENTRANCE CORRIDOR: Yes
PROFFERS: Yes
COMPREHENSIVE PLAN: Greenspace – undeveloped areas; Neighborhood Density Residential – residential (3-6 units/acre); supporting uses such as religious institutions, schools and other small-scale non-residential uses; and River Corridor – parks, golf courses,

greenways, natural features and supporting commercial and recreational uses in Neighborhood 3 – Pantops Comp Plan Area.
LOCATION: Located on the west side of Stony Pointe Road/Route 20 and the east side of Free Bridge Lane/Route 1421, approximately 350 feet south of the intersection of Route 20/Elks Drive.
TAX MAP/PARCEL: 07800000005800
MAGISTERIAL DISTRICT: Rivanna
DEFERRED FROM THE APRIL 9, 2013 PLANNING COMMISSION MEETING.
(Claudette Grant)

Ms. Grant presented a PowerPoint presentation and explained the staff report.

Background:

- The Planning Commission held a public hearing on April 9, 2013 in which the applicant requested to indefinitely defer.
- The applicant is requesting to rezone 18.67 acres from R-1, residential zoning district to Neighborhood Model District (NMD).
- A special use permit request for fill of land in floodplains is also requested.

The initial applicant response regarding the Planning Commission consensus from the April 9th meeting is described in the executive summary. Some of the revisions now include a decrease in the maximum number of residential units proposed from 112 to 69 units. The proposed non-residential square footage has decreased from 50,000 square feet to 46,000 square feet.

Special Use Permit request for fill in the floodplain is an outstanding issue. Staff explained a comparison in the presentation between the existing floodplain and the area the applicant wishes to fill in for a parking area, which would change the floodplain boundary. As described in the staff report staff does not support fill for the purpose of developing buildings, storm water facilities and parking areas.

Staff's Rezoning Recommendation
Staff does not recommend approval of ZMA-2012-00002, Riverside Village because of the following issues:

- The cumulative effect of residential and commercial development, particularly on traffic at the Routes 20/250 intersection has not been addressed. The proposed residential density is 10 units over the recommended Pantops Master Plan maximum density of 59 units.
- The pedestrian mews concept needs to meet viable road standards for vehicles.
- The fill in the floodplain proposal is not consistent with the Pantops Master Plan.
- Impacts on public facilities and infrastructure have not been adequately addressed with cash proffers consistent with the cash proffer policy and/or other commitments.
- The proffers are in need of technical revisions.
- The Code of Development needs technical revisions.

Staff's Special Use Permit Recommendation

Staff does not recommend approval of SP-2013-00001, Fill in the Floodplain because staff does not support fill for the purpose of developing buildings, storm water facilities and parking areas.

The applicant submitted a response to the Commission last week after receiving the executive summary. Staff feels that the issues that they outlined in the executive summary still remain.

Mr. Morris invited questions for staff.

Mr. Dotson said staff made a reference to a pedestrian mews meeting certain established standards. He asked staff to explain that comment.

Ms. Grant explained the applicant's proposal for the pedestrian mews as an area in the middle that would be a pedestrian sort of walk. She was not sure they would want to call it a road since what they are showing is a turnaround at the end of the mews. The issue is the applicant is sort of saying that this is a road. Based on the County Engineer's comments it is not a viable road since it does not meet the typical road standards that they would prefer to see. It does have to do with the dimensions of the curb, gutter and things that are not being provided in the proposal. However, Glen Brooks, County Engineer can speak to this issue.

Mr. Dotson said it sounds like the applicant may explain further and suggested the Commission call on County Engineering at that time.

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

Justin Shimp, engineer representing the property owner, presented a PowerPoint presentation to explain the Neighborhood Model proposal for the site. There are some things that have changed from their last presentation. To start out they don't necessarily agree with the terms unfavorable in the staff report because some of these things are really more of a difference of opinion. The pedestrian mews is a very intentional design component so that when you live on this street a child can run out the front door of the house and not have to worry about getting hit by a car. That is not an unfavorable item because it is very intentional. He just wanted to point out that these things that are left are not items where they saw the staff report and listened to it. They have our own ideas about this and they look to the Commission to weigh in and point this forward one way or the other.

Regarding the items of concern about the additional ten units of density where are those and why are those there. Again, this private street or mews what is this think all about. Then the fill required for our riverfront building, the mixed use plaza type of area. The other technical items they have said they need to plot the cash proffer policy and they will do so. That is something they need to get worked out. However, they need to know about whether this design is going to fly. That is really what is important to us. They will absolutely comply with those. The Board has made it clear that policy is to be followed and they understand that. They want to focus on the three items that they consider to be our big difference of opinion so to speak.

First, is the additional ten units of density and why do they exist. They have set up the front area of Area A as mixed use area to have the potential for live/work type units above. They don't quite know if there is going to be a market that will fit into the plan. But, they wanted to leave that opportunity open. To leave in that opportunity and to make the rest of the project work they really needed to have the additional 10 units. They have up to 16 units allowed in that case. They have not necessarily proffered those affordable. They think those are more like a work force target. It is certainly not something an expensive unit, but it is a different housing type. The consistent theme of this whole development is a mix of housing type. It is sort of a village, but condensed down to a very small scale of the property that they have. They are trying to touch all the elements of the different types of housing throughout the development.

He explained the pedestrian mews concept. In response to staff's comment they agree this street from a technical standpoint has to support a vehicle because a fire truck has to get down it. They have sent their detailed design the Fire Marshall folks and they have looked at it and said this works for them. The question does a street have to drive down in front of the house. He asked if that is critical. He thinks of the Village at Ocracoke where cars are sort of second fiddle down there. Driving down the village people, bicycles and golf carts are primary and you

kind of have to work around that in your car. So why do they need to have a big 30' road in front of the house. He did not think it is needs to. That is our concept here. The mews connects the civic plaza on Route 20. So they have an entrance to the neighborhood off of Route 20 and it connects to that through a path in the parking lot to the back where the river corridor is located. So it is an important element to us to provide something different that makes this an interesting neighborhood rather than just a street. It could be a public street there. However, that is not what they think makes a neighborhood interesting. So that is why this design feature is in here. They are happy to make it whatever technical standards as far as pavement, sections of things, and to accommodate a fire truck. They know the site plan requires that and they will do it at that time.

If they follow from the front through the sort of pedestrian street or the mews and they get to the mixed use building. This is the same issue. There is some fill required for this. However, from a technical standpoint the fill is completely insignificant. So what are they getting here? They are trying to build a mixed use building that addresses the river as an entrance. On their neighborhood they have two sides or corridors. People travel on the green way and on Route 20. It is important to be able to connect those two and have sort of an entrance at both. That is why this building is very important. He pointed out that the parking lot itself is allowed in the floodplain. The reason the fill is necessary is to get it up at an elevation where they can have some residential type parking there. It is essential to make the building actually work as a mixed use building. They could do an office building there, for example, and the parking could be in the floodplain since it is allowed. However, that is not what works and it is not what makes it a part of the neighborhood.

What he would stress here is that the good comes out of this creating this building is a potential for a running shop or a restaurant along the stream way corridor. In our mind that way outweighs any perhaps perceived impacts or straying from the policy of not filling in the floodplain. There really are no impacts as they see it. In his presentation he referred to a more detailed map than what staff had earlier. There are a few lines in the map indicating the FEMA map line shown in yellow from their high level mapping that might have been done in the 60's. They all know it is incorrect on pretty much any site. There is a blue line that represents the fill survey and verified elevation of floodplain. The green line is what they propose to change. What they have concluded is for block 5, the area with the mixed use building, the impact is zero. There is no change in velocity or elevation of the floodplain in that area.

The road fill, which is fill for the road improvements that is recommended by staff, does have some very minor impact according to the model of a quarter of an inch. So that is an item to be considered in the world of a 30' depth of a flood zone. They don't think it is. But, that is what the model shows. So what they say is that it is a policy decision at this point. There is a real impact that people do not need to be worried about. The velocity is increasing downstream or upstream as it relates to the block 5 plan. It is simply a matter of does it make sense to develop the river front in that manner. They think it does. He explained the volumes there. He pointed out all the fill was very small relative to the site. Particularly, the fill is very small for block 5.

The cumulative impacts were mentioned somewhat at the beginning about the traffic. They will certainly come up with the required cash proffer policy. A lot of those funds are designated for traffic improvements. One thing they think is important to note is they are really right in the heart of the Development Area here. People who are living here have far less intersections to go through on average than somebody else. The density here, while it is going to produce an impact on roads, because of its location should produce less than elsewhere in the growth area. Without density in the growth area they will have people building in Louisa and Fluvanna and driving down Route 250 going through that intersection anyway. He used to do it himself. That is why they feel that it comes to an impact that the cash proffer will certainly adequately address whatever transportation impacts there may be. That concludes our presentation. The mews

illustrates very well what they are trying to do and why they have these questions up before the Commission. He hoped they have the Commission's support tonight and he would be happy to answer any questions.

Mr. Morris invited questions for the applicant.

Mr. Randolph asked if with the pedestrian mews no emergency vehicle or fire trucks could access from the front of the house.

Mr. Shimp replied that is incorrect.

Mr. Franco said what he understand is that the resident cars won't be going up and down that street. However, emergency vehicles, including fire trucks, will have access to that street.

Mr. Randolph asked if the street was wide enough to accommodate those emergency vehicles, and Mr. Shimp replied that was correct.

Mr. Lafferty asked since the FEMA limits on the floodplain differed substantially from what he had indicated have you taken any topo shots out there to see.

Mr. Shimp replied the line they have on their plan is field surveyed. It is not off a topo. It is actually a field survey to the hundredth of a foot. Therefore, they are very confident of the lines shown. The FEMA line is based on very old topography. They have field surveyed that and have that exact location.

There being no further questions for the applicant, Mr. Morris invited public comment.

Nancy Carpenter, resident of the Scottsville District, said she was wondering about the affordable housing component since she did not see anything in the description on line about the type of housing. It sounds like it is work force housing, which is great. However, they need a scale of affordable housing options for those who are anywhere from 20 percent of AMI up to 120 percent of AMI. She hoped should this project go through that there is a real conversation about affordable housing in Albemarle County and what that means from the Comprehensive Plan aspect, how that works into zoning; and then the actual development. If limited to work force housing only she thinks they are leaving out a component of the population that could make this area of Pantops a more viable and vibrant area.

Mr. Morris noted they will ask the applicant on the rebuttal to address that item.

There being no further public comment, the public hearing was closed and the matter before the Planning Commission for discussion and action.

Mr. Dotson asked to hear from County Engineering on the muse and the nature of the standards that seem appropriate for that kind of function. He was curious what the objection is to this since the fire officials don't have an objection.

Mr. Morris invited Mr. Brooks, the County Engineer, to address the Commission.

Glenn Brooks, County Engineer, replied that the Fire Chief is typically concerned with access and protecting a house. That can be done with sprinklers, attachments on the house itself or with some other access than a street. Therefore, the Fire Chief says can he get to the units and if so he is fine. In engineering they are concerned with the roads and the streets. The Subdivision Ordinance and the site plan section of the Zoning Ordinance require streets and frontage units and lots to front on streets and roads. So they have to make a finding that each

lot is accessible from a road or street. Some years ago they began allowing waivers of standards for roads and streets, which came about with the Neighborhood Model. They would waive things like curb and location, the width of the street to make it narrow in some cases, whether to have a sidewalk or not, and those kinds of details. They are now waiving the street altogether and creating a sidewalk. His objection would be it a sidewalk and not a street or road. If they would like to have lots front on large sidewalks, then great let's change the ordinance. But, he can't call it a road if they can't even have vehicles on it.
Mr. Smith noted what he is saying is they can't have regular vehicle traffic.

Mr. Brooks agreed because they cannot have a street function. They could have a fire truck if they removed the bollards.

Mr. Morris commented as far as the overall plan and how the site is laid out in the Pantops area he sees this as potentially the type of thing that would be extremely advantageous of pulling in a residential community and making it almost a part of the Rivanna River. As they were saying the multi-purpose building could be overlooking the Rivanna River. If they are familiar with that area they have a number of trails right along the Rivanna that can then access whatever might be in there, such as a restaurant. He was simply saying was from the Pantops Master Plan view this is very advantageous since it is moving them to what they want. The thing he has as a real problem is the floodplain. He was hearing what Mr. Brooks was saying. It is a different concept, but he finds it a very interesting concept of the pedestrian mews.

Ms. Monteith noted one comment is that from all the modeling that has been going on in our community in terms of traffic modeling the largest single constraint they are going to have in the future is Free Bridge. To say that this is not going to be a traffic impact she thinks is not actually correct.

Mr. Morris agreed because adding one more car just adds to the confusion. But, those cars are coming.

Mr. Franco pointed out they have a proffer policy to deal with that. In looking at the plan he would say this is what they have been asking for, especially a component that embraces the river. In reading the technical arguments if that fill does not have an impact to the floodplain, then he did not have a problem with that occurring. Again, he sees it as part of what makes the components that they want the building close to the river doable. Therefore, from that aspect he was okay. The mews is a different concept, which he supports. If there is a way to look at it as a narrow road, even though it won't be open for traffic, he feels it would be beneficial to allow this to go forward. He thinks long term they need to be looking at how to encourage this and to provide for this in our standards. However, he thinks it is a good idea and can be worked through the process as a private road as long as it can accommodate a fire truck both with the structure and width of the pavement, the trees, and so on.

Mr. Lafferty said he did not have a problem with the muse. However, he did have a problem with the fill in the floodplain. The Commission just went over a Comprehensive Plan that says you will not fill in the floodplain, which they recommended to the Board of Supervisors. Here they are saying it is okay to fill in the floodplain. It is not just on site when there is fill in floodplain. It is a cumulative effect. He had a problem because some of the things they asked for last time have not been done. This is an incomplete application. They have all said the traffic study needs to be done because that is the worse intersection around Charlottesville. The intersection is now operating at an "F" and will be an "F" minus. That needs to be taken account and they need to require things like that. He was disappointed that they have not done proffers or the traffic study. He thinks the mews is an interesting concept. He can understand where our engineer is coming from. But, it also makes more of a community. It is just an incomplete application.

Mr. Benish clarified the traffic study has been submitted and some of the impacts are identified in attachment 4. The question is whether those have been addressed through the proffers and the plan of development.

Mr. Lafferty pointed out the staff report says the revised proffers have not been submitted.

Mr. Morris asked staff if there was affordable housing.

Ms. Grant replied the applicant has said they will provide affordable housing, but the details are not clear.

Mr. Franco asked if it was proffered.

Ms. Grant replied there is a proffer in the revised information the applicant submitted. However, the details are not within that proffer.

Mr. Franco pointed out in looking at Attachment F, proffer 2 talks about a minimum of 15% affordable housing meeting the 80% AMI.

Mr. Benish noted that is the intent.

Mr. Franco asked if it just needs to be cleaned up to be standard language and Ms. Grant agreed.

Mr. Smith said he did not have any problem with the floodplain if it were filling in the opposite direction and intruding into the floodplain. He felt it would be a different situation because this was back water area. Therefore, he did not have a problem with that or the mews as long as it is sufficient for traffic design and width, as Mr. Franco said. It is not a whole lot different from the Charlottesville Mall in that respect.

Mr. Randolph said the Pantops Master Plan called for 59 units max and this application is 69 units. If the road for mews is built to road standards then certainly it would be able to handle the extraordinary weight of an emergency vehicle, such as a fire engine or tankard with water. The tonnage of that is significant. So the road has to be up to it. He did not see any evidence that the mews is being constructed in a way that is going to accommodate that kind of a vehicle. Otherwise, it would be a road. This is not a road.
Thirdly, he had concerns about the floodplain. He would agree with Mr. Smith that there is a little room there if the only thing that was occurring was the floodplain was being filled in for the building. However, it is being filled in for storm water facilities and parking areas. He did not see that as appropriate for us to waive our normal prohibition of not building in the floodplain. He thinks it is really critical when they are down along the Rivanna River on a project like this that they get it right because it will be a project that other developers will look to in the future. There are good things in here. The idea of the mews is a great idea. But, he thinks that it is not yet finalized or crystal clear how it will work. The proffers are not as spelled out as he would like. There is not enough there to persuade him yet that he can approve this project. Therefore, he would be inclined to vote no.

Mr. Lafferty pointed out regarding the filling in the floodplain that it is a reservoir and that water goes somewhere. It is like having a retention pond and filling it in and wondering why it is not working. It does have an effect.

Mr. Morris invited the applicant to take advantage of the five minutes for rebuttal.

Justin Shimp noted that affordable housing was mentioned. They definitely intend to provide that as part of this development. Again, they have a wide range of housing being affordable on up the scale. Regarding floodplain, they have a mechanism in a special use permit to weigh these individual cases. If it was truly never to be done the ordinance would say it is never to be done. He thinks one of the reasons that is in here is, as suggested, this area particularly they have to fill a significant amount to widen the road. That is considered to be okay. The fill in question that folks are wondering about is the back water area. It has no bearing on the capacity of the river. They have technical models to show that. They have always known because there certainly is a standard policy against this. To make this mixed use building work and make some kind of entry or river corridor work they need that area for parking. It is not adding on a new building. They are simply building the building there and raising the grade of the parking lot to accommodate some residential parking.

Mr. Shimp said the special use permit application lays out a lot of considerations for when this should be allowed. There are questions like is this a good design for the county as a whole setting this river corridor model off to a good start. It will be a really nice mixed use building. That can be weighed against what impacts that may or may not be delivered. They believe that mechanism is there for this particular case. To say that it should never be done is not really keeping with the zoning ordinance and the way it is crafted to allow these things in certain exceptions.

Mr. Shimp noted regarding traffic there will be no impact. They certainly have said that they will pay the cash proffers. Those are designed to allocate for those sorts of things with development like this. Regarding the mews, the Subdivision Ordinance has particular waivers for private roads that actually reference Neighborhood Model type of developments. If they look at the illustration for the mews that was up earlier it has a list of four waivers. There is a waiver for no curb and gutter; waiver for a sidewalk; and a waiver for alternative pavement. They are simply a 20' wide brick or paver road, which was not supposed to drive on. It has the same stone base a road does. It has the same drainage a road does. It is a road, but is just not open to vehicles. Because of that there are some alternative design considerations that go into it. He stressed that they believe that it very well can be road for purpose of frontage, but they can't drive on it. All the houses on the mews have two-car garages with an alley behind. So they have parking there. It is just not in front. They think that part of the neighborhood is walking out the front door and walking to their neighborhood's house without dodging cars. That is why it is there. Everyone has rear loaded garages in the back

Mr. Morris invited questions for the applicant.

Mr. Randolph asked for clarification on how he sees the actual substructure of the mews.

Mr. Shimp replied it would be something like a 6"gravel base and then probably a layer of asphalt on top of that with a layer of bricks or pavers on top of that. A typical road may have two layers of asphalt. They have a layer of asphalt and a layer of some other surface. That is what gives it the structural strength to handle a fire truck.

Mr. Morris closed the public comment to bring the matter before the Planning Commission for further discussion and action.

Mr. Randolph asked to invite Mr. Brooks back for one further question.

Mr. Morris invited Mr. Brooks to address the Commission.
Mr. Randolph asked if they have a 6" gravel base with asphalt and pavers in his judgment would that be able to sustain the weight in the spring after the fall when there is greater porosity in the

soil between 28,000 and 56,000 pounds, which is what the average tanker weights on a fire truck.

Mr. Brooks replied yes if they have the correct sub soil it will support it.

Mr. Loach said this falls on the same discussion they had with the school on Rio Road. The reason he voted for that it was in his estimation a net positive. There was also some mitigation by the developer themselves as far as making sure that he proffered 50%. On this particular one the same issue he has is with the traffic. At least on the other development it was a level "D" at the intersection, and this is a level "F". He is swayed by the Pantops Advisory and Master Plan. The people there are saying they think their estimation after reviewing the project that it is in fact a new positive regardless of what they feel the traffic will be added on. He feels that the tie goes to the community since they have supported the application.

Mr. Morris noted there are a number of people on the Pantops Advisory Council that would like not to see one more housing unit go in on Pantops. That is not going to happen. It is totally against the Comprehensive Plan, Master Plan, etc. They are in a Development Area. This one of the things they were talking about in transportation that behooves us to start looking at the transportation needs.

Mr. Lafferty noted in the Long Range Transportation Plan Pantops is slated to be expanded into more lanes. He did not care if they made 20 the six lane road they still have to get across Free Bridge no matter how many lanes there are.

Mr. Morris said it was a funnel, but was not the developer's problem with this.

Mr. Lafferty pointed out that they always look at traffic, and Mr. Morris agreed and voting down an eastern connector.

Mr. Dotson commented that certainly this is a thought provoking application. He felt it was creative and he intends to support it. On the flood plain he takes that it is a fact that they are supporting fill for the road and out of even handedness and if the quantities are comparable it seems like they should vote favorably on proposed fill. However, the ten units over is not that many. However, maybe that is sort of rationalizing. He thinks there is to be 16 live/work units over the commercial on the front. He did know whether all 16 units will eventually happen. It might end up being in compliance with the 59 units, but he did not know that. In terms of the mews, he thinks they have a waiver as a mechanism to handle that. It is an interesting concept. The proffers will, of course, be worked out. Therefore, he intends to support the request.

Motion: Mr. Dotson moved and Mr. Smith seconded to recommend approval of ZMA-2012-00002 Riverside Village with waivers and revisions to the application plan, Code of Development and proffers for reasons cited in the staff report (executive summary) for approval. (Revisions based on Attachment IV of Executive Summary)

The motion passed by a vote of 5:2. (Mr. Randolph and Mr. Lafferty voted nay)

Mr. Lafferty voted nay because of the traffic and the application does not seem complete.

Mr. Morris asked for a motion on the special use permit.

Motion: Mr. Smith moved and Mr. Dotson seconded to recommend approval of SP-2013-00001 Riverside Village.

The motion passed by a vote of 5:2. (Mr. Randolph and Mr. Lafferty voted nay)

Mr. Morris noted a recommendation for approval of SP-2013-00001 and ZMA-2012-00002 Riverside Village would be forwarded to the Board of Supervisors to a date to be determined.

Public Hearing Items

ZMA-2012-00003 Out of Bounds
PROPOSAL: Rezone a 9.42 acre property from R-1 Residential (1unit/acre) to NMD Neighborhood Model District which allows residential (3-34 units/acre) mixed with commercial, service and industrial uses. Maximum of 56 residential units with the preservation of an existing residence on 0.68 acres for a proposed density of 6 units/gross acre.
ENTRANCE CORRIDOR: Yes
PROFFERS: YES
COMPREHENSIVE PLAN: Neighborhood Density Residential- residential (3-6 units/acre); supporting uses such as religious institutions, schools, and other small-scale non-residential uses in Neighborhood 7.
LOCATION: Located on Barracks Road (Route 654) across from its intersection with Georgetown Road (Route 656). 225 Out of Bounds Road, Charlottesville, Virginia 22901.
TAX MAP/PARCEL: 06000000006500
MAGISTERIAL DISTRICT: Jack Jouett
(Megan Yaniglos)

Megan Yaniglos presented a PowerPoint presentation and summarized the staff report.

Use of Surrounding Properties: Residential uses: single family, senior living, and multifamily. Canterbury Hills, Hessian Hills, Huntwood Apartments, the Colonnades, and Barracks West.

Purpose of Hearing
- The applicant is requesting to rezone 9.42 acres from R-1 Residential to Neighborhood Model District to allow up to 56 single family attached, townhouses, and multifamily residential units, with the existing single family house to remain. No commercial or industrial uses are proposed.
- Along with the rezoning request, the applicant is requesting a special exception for critical slopes, as well as private streets request, sidewalk and planting strip modification, and a curb and gutter modification.

The proposed plan shows attached units along Barracks Road and throughout the property. The affordable units are proposed to be close to the Colonnades. Georgetown Road will be extended into the property as well as connection with an existing public right-of-way for Bennington Road Extended.

There have been a number of concerns from adjacent owners that were listed in the staff report. Staff has addressed some of those. The applicant has also addressed some of their concerns.

Factors Favorable:
1. The development of the property is consistent with the land use recommendations in the Comprehensive Plan, Neighborhood Model, and the goals for development in the County.
2. Will provide tax revenues to the County.
3. A future interconnection is shown to the adjacent property.

Factors Unfavorable:
1. The proffers are in need of technical revisions.

2. Off- site drainage analysis has not been provided. Remediate any offsite drainage issues through proffers
3. Affordable housing proffer to be clarified as to the timing of the building of the units
4. Relocate the playground to be included within

Staff's Recommendation:
Staff can recommend approval of rezoning ZMA-2012-00003, Out of Bounds with the proffers, special exception, and modifications provided technical changes are made to the proffers and offsite drainage analysis is provided to address the unfavorable factors noted.

Mr. Morris invited questions for staff.

Mr. Dotson said he had a question on the recommendation. In the report there is an issue with the curb and gutter waiver. He asked has that been resolved.

Ms. Yaniglos replied no, engineering and staff is still recommending denial of that waiver because of drainage.

Mr. Loach asked if that recommendation is based on drainage and not consistency with the Neighborhood Model to have curb and gutter.

Ms. Yaniglos replied that was correct.

Mr. Loach noted on page 7 the anticipated impact on public facilities and service in the second paragraph it says VDOT has stated that this connection must be made as it has been anticipated to extend to Bennington Road. It says "must" in the report from VDOT. He asked if it was strongly suggested.

Ms. Yaniglos replied that was correct as stated in the email from VDOT in Attachment I of the staff report.

Mr. Lafferty asked if staff did not have any problems with putting all the affordable housing in one clump. The Comprehensive Plan says the affordable housing should be distributed throughout the development and look as much like the rest of the houses as possible.

Ms. Yaniglos replied that the applicant can talk about it. However, staff's understanding is the units are going to be apartment type units below the townhouse or duplex unit. With the number of units provided on site staff felt that it was a good location and did not necessarily need to be dispersed on a 9 acre property as opposed to other developments that are larger.

Mr. Loach noted on page 7 it says the current cash proffer amounts is not correct. He asked has it been corrected.

Ms. Yaniglos replied the applicant submitted the corrections after the writing of the staff report. Staff has not had time to review the information for the meeting.

Mr. Loach asked if the applicant is comfortable with the Commission moving it forward with what staff has read.

Ms. Yaniglos replied yes, because the applicant has stated that they are.

Mr. Benish pointed out that he thinks it is their intent. However, since it is late information submitted staff has not had a chance to review it.

Mr. Smith asked how the Bennington Road connection will be made and if there will be bollards or be open.

Ms. Yaniglos replied that it is open.

Mr. Lafferty asked if the idea of the roundabout died.

Mr. Benish replied for this review staff feels it is premature. From a VDOT standpoint in the long term that might be a project they might consider in the future to address needs. However, it was a new concept and too premature for this proposal.

Mr. Lafferty asked will it preclude putting in a roundabout.

Ms. Yaniglos pointed out the concept has not been explored enough for staff to want them to dedicate the right-of-way. Without knowing the exact location it might impact the residential units. Also, there might be other problems with locating a roundabout.

Mr. Smith asked if there is sufficient right-of-way dedicated for the widening and decal lane.

Mr. Yaniglos replied the left turn lane into the development actually has sufficient right-of-way to add that lane. There is right-of-way for the right turn. However, she did not think a right turn lane was warranted on the property.

Mr. Smith asked if they are taking more right-of-way than what exists.

Ms. Yaniglos replied no.

Mr. Smith asked in block C if there is enough space or land for a roundabout if they had to build one.

Mr. Benish noted without a plan it was difficult to figure out how it would fit on this intersection.

Mr. Randolph asked if units 23 and 24 would need to be omitted if in fact the roundabout was to be constructed.

Ms. Yaniglos replied the roundabout was commented on for the intersection of Georgetown and Barracks Road, not Bennington and Georgetown Extended.

Mr. Randolph asked if the concern of residents from Canterbury Hills about drainage was still an unresolved issue.

Mr. Yaniglos replied that the applicant was currently working on a drainage analysis to be submitted to the County Engineer for review. However, to date they don't have that. She deferred the drainage question to Glenn Brooks, the County Engineer.

Glenn Brooks, County Engineer, said there are a number of lots directly downstream which don't really have a defined channel. The applicant would have to construct one, which is a concern anytime it is done. Once you get across the street downstream there is a defined channel and they are doing an analysis on that part to see if that is adequate. He understands they have one easement from a property owner directly down the stream. So they have permission to make improvements, but he did not know whether that is sufficient at this point. The applicant would not be able to do improvements without that easement. However, they are working on it and he suggested that the applicant also speak to it.

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

Justin Shimp, P.E. of Shimp Engineering, P.C., represented Vito Cetta who is the owner/developer of this property. He asked to address a few of the items.

- Regarding the cash proffer, they simply submitted their cash proffer with last year's amount. They realized it had changed and just had not gotten the latest numbers.
- Regarding the affordable housing, they were using the same concept as Riverside Village. They were going to handle the affordable housing with a townhome over townhome type of unit. So the buildings themselves will fit in with the neighborhood, be a little smaller unit, and address the affordable housing. It is a very specific design that will be consistent with the neighborhood as far as buildings of scale and quality. It will look exactly the same, but simply be a different type of unit.
- The drainage study is also required with the site plan. One of the concerns with looking at it now is that there is a house directly downstream of this property with a dry pond. When the builder built it they managed to put the house below the street. Instead of piping the water across they put a drop inlet in the back corner in the forest that got covered with leaves continuously. The water would come in and could flood somebody's house. He reminded them that this was before any development ever occurred. It is just in its natural state. It is simply a function of a system where somebody tried to fix it, but just did not go quite all the way through.
- They have acquired an easement from the property owner to run a pipe through the yard. It will be sized for our entire development runoff. So instead of dumping the water into the yard where it is supposed to find a drain to go into that is covered with leaves, it will be piped all the way through. Then they will go down across the street where there are defined channels. There are easements so if there are any problems they can address those. They do not think there will be. However, they are essentially conducting a survey and study of all of those downstream locations. He thinks that connection can really be addressed at either time because the State law would require them to address downstream impacts anyway. However, Vito Cetta said he would be happy to do it now. Therefore, they are doing it now and will have it submitted shortly. He has walked this area and found there are no houses close to these waterways that are in any sort of danger of flooding or dealing with an inadequate drain situation other than the one house that they have already got the drainage easement for and will be able to fix. That is all the comments he has. However, he would be happy to answer questions.

Mr. Morris invited questions for the applicant.

Mr. Loach asked why he was requesting a curb and gutter exemption on one section when he was here with a Neighborhood Model development.

Mr. Shimp replied the road to the back of the site was a street that is somewhat of an alley configuration where there are a lot of garages. There is not going to be much curb. Their request for that was based on the concept that they may have some type of alternative drainage structure there. It might be a little mini-landscaped garden that the water would flow into instead of into a curb. They have not ironed out that design entirely. Therefore, they could move forward without that waiver at the moment and then if they come up with a design that is agreeable with the County Engineer they could waive that during the site plan process, too. It is not a critical element. The idea is to make that street like an alley. A 20' pavement width is required by the street standards. However, it is going to have a lot of driveways on it. It will have a little curbed bump and then a driveway and then a little curb bump. It is not really going to have curb on the side anyway. The intension of the waiver was simply not to provide little

curb bumps everywhere if the drainage is going into the middle of the alley or middle of the street.

Mr. Loach asked if the front is towards the green space or the alley.

Mr. Shimp replied architecturally the frontage is towards the green space. However, from a zoning standpoint the frontage is the private road.

Mr. Loach said if most of the access for the residents is going to be out towards the alleyways he thinks it is a higher probability it should have curb and gutter.

Ms. Monteith asked where the drainage easement is located.

Mr. Shimp explained that the drainage easement once it goes across that yard goes into the street in a large concrete pipe, is piped through two more yards, and then comes out into a ditch. He has walked down there and it is not at all like the house situation where there is danger of the house flooding. There may be a question whether they need to add a little rip rap in the ditch. But, the ditch is 10' below someone's house and is not really a flooding or impact issue. It is more of a maintenance issue at this point since it floods downstream.

Mr. Smith asked if it would be an open ditch or piped.

Mr. Shimp replied that it is piped down about two houses on that side of the street. Then it goes into an open ditch in the back of a gentleman's house. He spoke to that gentleman a few weeks ago. Then it runs down into a very large creek that is a floodplain type of area, which flows in under the subdivision road and under the bypass, and eventually comes out near Barracks Road.

Mr. Lafferty asked if those houses have flooded in the past.

Mr. Shimp replied the ones directly down from their site where they have the easement have flooded. They now can understand why because the drains are all clogged.

Mr. Lafferty asked if he could assume they would take full responsibility for correcting the problem and be willing to put that in writing.

Mr. Shimp replied that he thinks the State Code requires that. He feels confident that they will not approve a plan that has drainage jumping into someone's yard flooding. He suggested that they ask Mr. Brooks since the application plan shows the pipe and the plan is proffered. They have not put it in writing to date, but he supposed they could. However, it has to be done.

Mr. Lafferty said there is just a lot more surface drainage that has to drain, which will increase the runoff.

Mr. Shimp said they have to take into account that they can't increase their peak volume of runoff as part of the site plan. There is an existing condition or drainage problem for this particular project. So even if they did not increase the water at all with their changes they would still have a drainage issue, which they are going to fix. They will release no more water than currently goes through there and will provide a pipe to get it past that one house. So they don't envision any impacts to anybody.

Mr. Lafferty asked if they were taking out the retention pond, and Mr. Shimp replied yes.

Mr. Lafferty pointed out it did not have a chance to have a reservoir and settle out some.

Mr. Shimp said they are going to provide underground detention systems. In fact, oddly it seems that basin was built by the County about 20 years ago. There is a deed that requires if it is ever replaced that the equivalent detention be provided back at a minimum.

Mr. Lafferty said he did not want to get the County into that position again that they have to go in and correct somebody else's problem.

Mr. Shimp said they feel confident that Mr. Brooks will have them address the issue.

Mr. Lafferty commented that he found the plat a little hard to read in figuring out which road was which particularly when he had the different cross sections that did not account to the road. For example, Road B has a cross section of D/D. It took a while to figure out what was going on since they were talking about different classes of roads.

Mr. Shimp said they would change that section to B. They have tried to be clear that the road is a public road or a private road and the standards. However, staff can hold them to that when they get to a site plan.

Mr. Smith asked if the basin on the plan was a farm pond.

Mr. Shimp replied from reading the deeds it appears that the County actually built it on this property. There was an easement for it 20 years ago.

Mr. Lafferty said it was a retention pond.

Mr. Shimp pointed out the builder who came in built those houses below the street and created this sort of sunken condition. They believe it was done after that to try to address that problem for those neighbors.

Mr. Smith asked if there was any kind of outlet structure.

Mr. Shimp replied there was a metal stand pipe that discharges. The problem is the pipe dumps over land into the adjoining property. Even though it does detention the yard drains get clogged up and they still have flooding. So it needs to be fixed.

Mr. Randolph asked what size piping is going to be needed from the retention ponds to move the volume of water between the two houses. He asked if the pipe goes underneath Smithfield Road and is currently concrete.

Mr. Shimp replied that he believed the pipe dimension was 30" or 36".

Mr. Randolph asked in all likelihood if that pipe would need to be expanded.

Mr. Shimp replied they would not think so. However, that will be determined by the study.

Mr. Randolph asked if all the residents on Smithfield Road and Smithfield Court are aware of the fact that potentially that frontage might need to be redone to include a larger pipe if it was determined that it was necessary.

Mr. Shimp replied that he had talked to the resident at the corner and at the end of the cul-de-sac. There was no one home at the house in between when they went out there. As part of the study they will have to get permission to go on their property. However, there is an actual recorded drainage easement across the property. His understanding is they could be compelled

essentially to improve that without the property owner's permission. They would not want to do that. However, he thinks the easement will allow that if the County insisted upon it.

Mr. Randolph asked what they plan to do with the early 20th century house since there was nothing about what the use would be within the development.

Mr. Shimp replied that it would be a single-family residence, which will remain on its own approximately 1 acre lot.

Mr. Randolph asked the variety of housing types they plan to put in and what the mix would be.

Mr. Shimp replied this plan is proffered without variations or it is very minimal because the owner Vito Cetta has specific plans for this. The plan as proffered has about 15 or 20 of a 30' to 40' wide patio home, which would be a one story with a basement. There are a number of townhomes that are three stories on Road C. Then the multifamily is over in the neighborhood of the affordable housing. Those look more like townhomes, but are classified as multifamily because it is two households per unit. Otherwise, it is fairly consistently a single-family attached townhome type project with two different primary unit types.

Mr. Randolph asked if he could address a concern brought up by residents in Canterbury Hills. Why are the townhomes being proposed at a height of 45 feet?

Mr. Shimp replied that the townhomes are three stories with the floor system being 10' to 11'. Of course, the roof is counted as part of that as well. The number comes up somewhere short of 45', which is the height required for a three-story townhome with a roof.

Mr. Randolph applauded their design of Road B. However, he was curious if they had thought about doing the same thing for Road A.

Mr. Shimp replied in this case the owner has a very specific product in mind, which happens to be a front loaded, front facing product. They pulled the unit away from the road to provide some screening to keep the back of the buildings being too visible from the road. However, it is not designed to be right up facing on Barracks Road. It is so the units are consistent with the other ones from the public road being front facing with front entry.

Mr. Dotson noted they have a playground in the far corner, which is as far away from people as it could get. It is also in the backyards and potentially noisy to the neighbors. He asked why the playground was there and not in the crossroads of the project on land that is also public area.

Mr. Shimp replied that design was done by the owner. He would not imagine it would be too noisy in that area. There was intent to leave the open space between the units, particularly for the units towards the back of the townhomes. They wanted to leave as much open space as they could to make community garden type areas.

Mr. Dotson commented where they have the playground would make a great place for a community garden.

Mr. Morris noted the Planning Commission would take a break and then take public comment.

The Planning Commission took a break at 7:46 p.m. The meeting reconvened at 7:54 p.m.

Mr. Morris invited public comment.

Mr. Denny King, resident of Montvue in the Jack Jouett District, said he was not adamantly opposed to the Out of Bounds project, but wanted to share his concerns. His primary concerns are about the increased traffic. He has watched traffic build both on Georgetown Road and Barracks Road especially during the heavy business hours early in the morning and late afternoon. He liked the idea of the roundabout since it has a positive impact on traffic flow. He was concerned for the residents of the Canterbury neighborhood and Colonnades and the noise it might bring to the bordering residents. The added burden to the infrastructure of the Jack Jouett District is a concern for the schools, first responder, and fire/rescue people. He hoped all considerations are addressed. Upon arrival tonight he spoke with a dear friend who is a resident of Canterbury and she said some of the requests from the developer certainly have been met.

Joe Phillips, resident of Canterbury Hills, said his principle concern was the connection of Bennington Road. However, he has looked at the files, the VDOT report and the rights of way and understands the necessity of that connection. However, his difficulty is the density. The property was R-1, which allowed about 9 units. Now they are talking about 54 units. At a conservative two cars per unit they are talking about over 100 cars coming to and from during rush hour. He has lived in the neighborhood for 20 years and would guarantee that people would come up Barracks Road and wait for a left turn off of that light. They are going to take the first available left and work their way back in.

Mr. Phillips said he also takes issue with the statement that the applicant has worked with the residents on the development of this plan. The plan was presented to our neighborhood on the 20th of May at which time this was going to be before the Commission on the 16th of July. This was over months if not over a year of working with staff to develop this plan. It was presented as essentially a done deal with full backing and support of the County and VDOT. The subsequent examples of addressing their concerns amount to basically tweaks to a design that has not changed in scope whatsoever. He is an architect and understands the importance of vegetation, setbacks, and that sort of thing. However, the fundamental flaw of this design is the number of units or the density and not the vegetation and setbacks. He thinks a density of 3 to 4 would address the neighborhood's concerns including traffic issues. The developer would still have a 300 to 400 permit increase over the by right development level and the Neighborhood Development Model is kept. That is a win/win situation. He asked on that basis that the Commission deny the application as currently configured and send it back for rework at a density that is more appropriate and addresses the concerns of groups beyond just the developer.

James Donohue, a member of the Canterbury Hills Association Board, presented their views regarding this development. As Mr. Phillips pointed out they are opposed to the connection at Bennington Road because of the increase in traffic. They remain opposed to the rezoning and would like to keep it R-2, which is the same zoning as Canterbury Hills. Assuming that the application is approved they have set up a subcommittee and have met with the owner/builder. They have agreed informally to work with him to satisfy some of their concerns. Those concerns would include:

- Georgetown Road Extended will follow the topography as closely as possible in order to avoid disturbing the existing trees.
- The existing living trees and shrubbery adjacent to Canterbury Hills will be retained as much as possible.
- An attempt to make some alignment changes to Georgetown Road Extended as it gets closer to Barracks Road to allow up to a 25' green space as much as possible.
- A preliminary landscaping plan will be available for the Association subcommittee to review. That plan shall include aerial and street view drawings at various levels of plant maturity.

- Planting or some type of acceptable barrier/fencing or a combination of both will be placed on the borders adjacent to Canterbury Hill.
- Particular attention will be paid to shielding the areas that may be affected by cars exiting the side streets to the right at night.
- Any fencing that is constructed will essentially be on the property line of Out of Bounds unless otherwise agreed by our subcommittee.
- Our committee will have meaningful input to any proposed landscaping plan and that plan will become part of the application process.

Peadar Little, a homeowner in Hessian Hills, said his difficulty with the plan relates to traffic. Currently any of the homeowners in Hessian Hills exiting onto Georgetown Road have a very difficult time turning left towards the traffic lights. If the new traffic lights increase the number of access points from three to four, then the traffic will further back up on Georgetown Road and make it increasingly difficult to exit from Hessian Hills. Georgetown Road is very close to Albemarle High School and there is a heavy volume of school buses. Even on non-heavy times of the day it is a difficult exit. He asked that the plan be rejected on the basis of the extra impact it has on traffic in that area, which is already overly congested.

Paula Roundon, member of Jack Jouett District and a resident of Huntwood neighborhood for 23 years said her parents are homeowners. She was concerned with the increase in traffic. She just spent the past year volunteering in Ethiopia. She noticed a very marked difference in the traffic going west on Barracks Road. It has increased tremendously. It is very hard to make a turn exiting Huntwood onto Barracks already. She could not image the effects of the increased traffic if this new development was approved. This area did not lack housing. She rejected the idea of a roundabout since in Ethiopia that was the place where most accidents happened. She suggested that the speed limit be changed going west on Barracks Road. It begins at 45 miles per hour at the intersection of Georgetown and Barracks and it changes to 35 miles per hour to go back into town. She suggested changing the speed limit to 35 miles per hour at the Colonnades going both directions if this proposal was approval to make it safer for everyone.

There being no further public comment, Mr. Morris closed the public hearing and invited the applicant for a five minutes rebuttal.

Justin Shimp asked to go over a couple items. First, is the time of the developer and how long he has been working on this plan. This proposal was submitted originally by a different developer about a year or so ago and then Vitto Cetta picked it up. They have not been sitting on the proposal for a long time. He has been very active in meeting with County staff to work out details to be consistent with the Comprehensive Plan. Certainly those are things they feel have been done.

- There will be some impacts to traffic. They will do a traffic study and it will show that. They get a benefit of a pedestrian leg or pedestrian movement with some safety across Barracks Road. There will be about a million dollar change in cash proffers that will be targeted towards certain improvements in that area. So there is certainly an offset. They know that folks don't see that right away. However, that is money that will get paid and go into the County CIP budget for addressing some of those concerns. This is an infill development. The Comprehensive Plan talks about even higher densities. While there are neighborhoods around it is also very close to primary shopping destinations and points of destinations. So folks have less distance to travel on roads in Albemarle County if they live in locations like this in an infill project. That covers most of the site issues.
- He wants to get their Landscape Architect to talk about the process they have had with the neighborhood. They have had a meeting and sent out some draft designs. There was some discussion about what the fence should be. He asked the architect to fill the

Commission in on what the design concept is right now. They feel they are at a point they can get that worked out for the board meeting. The differences he has seen are things about the size of the picket fence, materials and color. However, they are committed to providing those elements that they have discussed. They are keeping the road as far away as possible in the location as close to 25' as they can. So they are trying to do those things and feel like they are very close to getting them done.

Mark Keller, Landscape Architect with Terra Concepts, said he had not heard tonight that landscaping and screening was an issue. However, apparently during the break that was a hot topic of discussion. He was brought in about ten days ago by Mr. Cetta to attend a meeting on one day's notice with the neighbors. The purpose of that meeting was to listen to the concerns with regard to screening, primarily of car headlights and noise for the three roads. As it turns out they have 20' more or less of green space between the right-of-way of the road and their back property lines and a little bit additional area where they see the street trees. Although there is a bit of a hump in the road coming off Georgetown in his professional opinion that is more room than he typically gets on a site plan to do buffering and landscaping. He feels confident that they can accomplish what the neighbors have expressed that they want in a meeting just a week ago. He promised within that first week they would have drawings. He prepared the drawings and he believed they received them. His first reaction from the neighbors is they feel they are making good progress. He knows that they want the fence a little higher. Upon Mr. Cetta's return from vacation they will pick this ball up and move it. They are looking at almost maintenance free fencing and moving from 6' to 8'. The fence would be PVC and not wood. In addition, there would be evergreen plantings and shrubs. The fence will go in not only to screen during construction, but also to provide the intermediate effect that landscaping cannot. He would suggest that they would continue working with the neighbors since this is not an issue he would vote to delay the project on at this point.

Mr. Morris invited questions.

Mr. Smith asked what type of vinyl fence and if it would it vertical.

Mr. Keller replied that it would be a solid green PVC fence and would look like solid panels and simulated wood construction with independent members.

Mr. Smith asked what size and variety of evergreens would be planted.

Mr. Keeler replied he showed up at the meeting with a list of evergreen trees and types of shrubs that they would probably want to use. After the meeting and hearing their comments he actually felt that he missed a step and did not refer as much as he should to the Albemarle County recommended plant list. He went back to the list and knowing that an effective and most intermediate screen would probably provide it best by use of something like a Deodar Cedar. The trees can be planted very close together. The other plants on the list that he would feel free to use are Magnolia trees and if more natural they could use Cedar trees. He advised the client that the fence needs to be the first thing to go up. They did a site section to show how the car lights are screened and will not hit the first floor of those buildings. Most of those homes are single story.

Mr. Morris closed the public hearing to bring it back before the Commission for discussion and action.

Mr. Lafferty said there were drainage problems, but they have assurance that the applicant will provide in writing that they will be responsible for the drainage. The density is a problem for the neighbors. However, our Comprehensive Plan says when doing infill they should strive for the maximum density. He actually sees the interconnection along Bennington as being favorable

because it gives them an opportunity to come to a traffic light if they want to turn left. He knows Barracks Road does get very busy. Quite often he comes from the other side of the street and has to turn right, which means he has to go across. Therefore, he knows the traffic is a problem. He thinks they took care of the buffer. The other comment was about the concept of the Neighborhood Model. He believes the Neighborhood Model desired complete streets whereas this Road B is certainly not a complete street. In addition, there is very little about bicycle access.

Mr. Loach noted that the Commission hears sentiments about traffic from every development that comes before them. They realize that traffic is an issue. However, the Comprehensive Plan encourages this type of plan. He suggested if they want to see a development done by Mr. Cetta they should go to Waylands Grant in Crozet. It may help put it in some context. The development came out very well and he thinks it works well for the community. He agreed with Mr. Lafferty about the connectivity. The notes from VDOT are very specific about connectivity and they have been encouraging connectivity. With regards to the sidewalks he would leave out the waivers requested by the applicant and let staff handle that within the final design of the plan along with the drainage and what would be needed. Obviously, his preference is if this is a Neighborhood Model that this has curb and gutter.

Ms. Yaniglos asked if it was for the curb and gutter and not the sidewalks.

Mr. Loach replied yes. He noted that they want to make sure it is complete and consistent with the Neighborhood Model recommendations.

Mr. Smith said if he had lived in Canterbury Hills for 30 or 40 years he would not want the development in his backyard or the connective street. It will be an exit in and an entrance. However, the previous speaker is correct that people will turn in and come through the subdivision. Also, maybe some of the people in the subdivision will turn and go out there to use the light. He liked the buffer that they are going to have. He would assume it will be fine with the fence and evergreens along the area. Light is something that irritates him since there is nothing worse than having somebody's lights shine in the windows. Hopefully, the buffer will alleviate that problem.

Mr. Randolph commented in terms of the Neighborhood Model that he was happy to see interconnected streets and the transportation network. It is absolutely essential in order to move this request forward that a meeting occur with all the neighbors prior to the Board of Supervisors hearing. It would include all of those neighbors affected by the drainage pipes, which include Smithfield Court and Smithfield Road. His concern is there are neighbors that have not yet been met with. They have an easement, but the neighbors should be advised that potentially their front yard may be torn up. They need to understand it because not everyone reads their deed with great attention to detail when they buy a piece of property. It is essential that those people be advised that potentially that pipe might need to be enlarged and affect their property. This is consistent with the Neighborhood Model and he liked the effort here overall. Traffic is our ongoing problem, which is something they have to balance.

Mr. Dotson said he won't repeat what has already been said. He would ask that the applicant consider interchanging the community gardens and the playground. Playgrounds are wonderful; however, they do generate noise. The better the playground the more fun the kids have and the more noise there is. He thinks that could be an issue to some of the Canterbury Hill residents. Therefore, he would like the applicant to consider that interchange.

Mr. Franco echoed the comment about the playground. He thinks the open space seems like a lot of backyard space as opposed to really functional open space. However, a playground that is organized really needs to be more central to this development. The only other comment he

has not heard is the affordable housing. His question is as a standalone building in there now is there any requirement that it be built at a certain time. In other words, how do they prevent this from being the last piece ever built. It may never get built on and could end up being a lot that sits there. He asked is there any kind of insurance or trigger in the code or the proffers to get that to happen part way through.

Mr. Benish replied that it was not identified in the proffers as yet. That could be something staff can work towards with the applicant.

Mr. Franco said that it would be important to ensure that gets built.

Mr. Morris asked if there was a motion.

Ms. Yaniglos noted there would be five separate motions.

Action on Zoning Map Amendment:

Motion: Mr. Randolph moved to recommend approval of ZMA 2012-00003, Out of Bounds with the changes stated as unfavorable factors as recommended by staff.

Mr. Franco asked if he would accept an amendment to ask that the affordable housing be dealt with to ensure that the affordable housing is built.

Mr. Randolph noted that he had already addressed that.

Mr. Franco asked what about the playground movement.

Amended Motion: Mr. Randolph amended the motion to add unfavorable factors to ask the applicant to look into and carefully study reversal to switch the playground and the community garden.

Mr. Lafferty asked if he would accept an amendment that the developer will be responsible for the drainage, not just the study, and they will remediate it for the adjoining property owners.

Mr. Randolph accepted the amendment suggested by Mr. Lafferty.

Motion for ZMA-2012-00003

Motion: Mr. Randolph moved and Mr. Lafferty seconded to recommend approval of ZMA 2012-00003, Out of Bounds with the changes stated as unfavorable factors as recommended by staff, as amended.

Factors Unfavorable:

1. The proffers are in need of technical revisions and clarity as to when the affordable housing would be built.
2. Off- site drainage analysis has not been provided.
3. Affordable housing proffer to be clarified as to the timing of the building of the units, and ensuring that the units will be built.
4. Relocate the playground to be located away from the Canterbury Hills neighborhood, possibly swap the gardens and the playground.
5. Meet with all the neighbors along Smithfield Road and Smithfield Court concerning drainage. Remediate any drainage issues.

The motion passed by a vote of 7:0.

Mr. Loach asked how they would handle the sidewalks and curb and gutter. Ms. Yaniglos replied it would be separate motions.

Mr. Morris noted ZMA-2012-00003 would be forwarded to the Board of Supervisors with a recommendation for approval. He asked for a motion on the critical slopes modification.

Critical Slopes Modification:

Ms. Yaniglos noted that the critical slopes modification is just a recommendation for a special exception.

Mr. Lafferty pointed out these were man-made critical slopes.

Motion: Mr. Randolph moved and Mr. Lafferty seconded to recommend approval of the special exception for a critical slopes modification for ZMA-2012-00003, Out of Bounds, as recommended by staff.

The motion passed by a vote of 7:0.

Private Street Requests:

Motion: Mr. Randolph moved and Mr. Lafferty seconded to approve the private streets as recommended by staff in the staff report subject to final approval of ZMA-2012-00003 Out of Bounds.

The motion passed by a vote of 7:0.

Sidewalk and Planting Strips:

Motion: Mr. Randolph moved and Mr. Lafferty seconded to approve the sidewalk and planting strip modification for ZMA-2012-00003, Out of Bounds as recommended by staff and stated in the staff report, with the condition recommended by staff related to the planting strip modification and subject to final approval of ZMA 2012-00003.

1. Street trees shall be provided on both sides of the street in accordance with Chapter 18 Section 32 of the Zoning Ordinance for Bennington Road Extended, Georgetown Road Extended, and Road 'A'.

The motion passed by a vote of 7:0.

Curb and Gutter Modifications:

Ms. Yaniglos noted staff is recommending denial of the curb and gutter modifications.

Motion: Mr. Randolph moved and Mr. Franco seconded to approve the curb and gutter modification subject to approval of ZMA-2012-00003 Out of Bounds.

Mr. Loach pointed out staff recommended denial.

Mr. Randolph withdrew his motion and Mr. Franco withdrew his second.

Motion: Mr. Randolph moved and Mr. Loach seconded for denial of the curb and gutter modification for ZMA-2012-00003 Out of Bounds for the reasons stated by staff.

Mr. Morris invited discussion.

Mr. Franco noted with the design that has been submitted they are supporting the way that is built since it is only the strips between the driveways that would have curb and gutter on them. Therefore, the curb and gutter is not that important in this particular instance. The drainage needs to be dealt with.

Mr. Loach noted the applicant came up and said that they would resolve the curb and gutter. He was happy to resolve the curb and gutter with staff and engineering as far as the overall design of drainage. He thinks if it is Neighborhood Model, then it gets curb and gutter. He feels that the sidewalk is important since he sees that as the main way that people are going to be getting in and out of that area.

Mr. Franco said from his perspective in looking at the plan it is dealing with just the last block on the far right. When they have that many driveways there they are also going to be sending people across driveways as far as the paths go. Because there is an alternative route, which is on the other side of the houses, he was okay not having sidewalks here. He does not necessarily want to encourage people to be walking right there where cars are parked and backing out. They can walk in the streets since there are not that many houses that are here. He would rather eliminate that concern right there.

Mr. Loach said he would rather not use kids as traffic calming.

Mr. Franco noted the traffic calming comes from the street being only 200' long.

Mr. Smith asked how much curb and gutter they were talking about.

Mr. Franco replied there was 5' between each driveway. So there is 10' plus a little bit in between the two breaks in the houses. Everything else is going to be sort of a driveway. The bubble between the driveway is the curb.

Mr. Brooks pointed out there are a couple of ways that can be built. Most places in the County will do continuous asphalt like Mr. Franco is alluding to from door to door. It will just have those little green bump outs in between. So the whole thing would be a continuous field of asphalt, which they won't have much control over. For instance, what will control the drainage on that road is really the elevation of the units. If all the units are higher than the road, it all drains to the road and down. That is great. If one side is lower, which he anticipates here since the Canterbury side will be lower, they will have difficulty keeping the drainage in the road because with the continuous asphalt it tends to go down the driveways. So one of the other ways they can do this is with a concrete apron so it effectively tries to continue to a gutter pan through the edges of the roadway with a slight bump before you go down the driveway. Sometimes that is successful and sometimes it is not. It depends on how good your contractor is at keeping the grades in a form and the builder is getting the elevations right on the units. He was not the direct reviewer in their engineering group, but he thinks the reason they were not in favor of the curb and gutter was simply trying to capture all of the water. This has a concept of putting everything in an underground tank or detention system where it is detained and held back before it is released into Canterbury. They wanted that to be as effective as possible. They did not want one-half of those units to be escaping uncontrolled into the backyards of Canterbury. So they wanted to try to get everything towards the road and captured. It was not really a matter of thinking the Neighborhood Model was important or trying to get as much curbing in to

contain the street, grass and things like that. They were just trying to get all of the drainage into the system, which is hard to do in a situation like this.

Mr. Franco said with that said it sounds like it is something to be dealt with at the site plan. He was happy to not to recommend approval of the matter.

Mr. Randolph noted that the original motion is still on the table, which was for staff's recommendation of denial of the curb and gutter.

The motion for denial passed by a vote of 7:0.

Mr. Morris noted the curb and gutter request was denied. All of this will go before the Board of Supervisors at a time to be determined recommending denial of the curb and gutter request.

SP-2013-00006 Commonwealth Office
PROPOSAL: Construct a professional office building on 1.15 acres under Section 18.2.2.11 of zoning ordinance. No dwelling units proposed.
ZONING: R-15 Residential – 15 units/acre, Professional Office by special use permit; AIA Airport Impact Area – Overlay to minimize adverse impacts to both the airport and the surrounding land
COMPREHENSIVE PLAN: Urban Density Residential – residential (6.01 – 34 units/ acre); supporting uses such as religious institutions, schools, commercial, office and service uses in Neighborhood 1.
LOCATION: The property is located on Commonwealth Drive (State Route 1315), approximately .35 mile north of the Hydraulic Road-Commonwealth Drive intersection.
TAX MAP/PARCEL: 061w0030001400
MAGISTERIAL DISTRICT: Jack Jouett
(David Benish)

Mr. Benish apologized for any errors since his presentation crashed at the last minute and he had to reproduce it at the last minute. Also, in the application he had the wrong applicant listed. It should be corrected to Moore's Creek Land Trust, LLC. He presented a PowerPoint presentation and summarized the proposal.

This is a proposal to construct a 13,500 square foot, three-story office building. It is on 1.1 acres located on Commonwealth Drive. The property is zoned R-15. Professional offices are permitted in the R-15 District by approval of a Special Use Permit (Chapter 18 Section 18.2.2(11)). There have been two prior approvals on this site. One approval was in 2007 for 14 townhouses. Later in 2010 that site plan was amended to allow for a three-story apartment consisting of 14 units.

In terms of the consistency of this request with the Comprehensive Plan from an overall land use standpoint they do find that this use is consistent as outlined in the Places29 Master Plan for Urban Density Residential. That section does talk about providing for office uses as a secondary use. Therefore, from a use standpoint staff is supportive of this proposal. Staff has identified two primary issues.

While this is a recommendation for denial, there are primarily two issues staff wanted to call to the Commission's attention. There are two Neighborhood Model principles staff feel are important in this area: relegation of parking and the orientation of the building to the street. While otherwise this development meets the Neighborhood Model staff felt like those two Neighborhood Model principles were important in this location and worthy of discussion with the Planning Commission.

Staff pointed out in an aerial view showing Commonwealth Drive and the west side of Commonwealth Drive that it is fairly limited in terms of the amount of parking that is located across the frontage of that site. The site does show the parking along the frontage of the site. The other issue of concern is storm water management issues, which staff believes ultimately they can deal with at the site plan stage. Mr. Brooks can explain it in more detail if necessary. There are two aspects to it.

The proposal in this application plan calls for the detention facility to be for the run off to run to an existing sort of defacto detention basis that is located on multiple properties. At one point in time the County had an intention of acquiring that land and making it a regional storm water detention facility. As of right now there is no schedule or funding for that upgrade. So the County Engineer is recommending that the storm water detention facilities be provided entirely on site, which is somewhat different than what is depicted on the application plan.

Related to the storm water detention is the downstream channel, which essentially is in a state of disrepair and in poor condition. There has been a remediation effort or an effort to address the deteriorating concern at some point in the past by installing a new pipe within the old deteriorating pipe. The size of that pipe is unknown. So the downstream channel and the ability for it to convey the downstream flow are in question. The County Engineer had requested the analysis of this for the special use permit. But, the applicant would prefer to do that as part of the site plan process. Ultimately, they can probably address the issues with that analysis with the approval of the Water Protection Ordinance permit as part of the site plan review process. However, staff wanted to make clear that any approval of this special use permit request is with the understanding that storm water management facilities are going to be provided on the site. Ultimately a channel adequacy in that analysis is going to be submitted and improvements necessary for the storm water detention to adequately convey the detention from this site downstream will need to be addressed.

Staff finds the following factors favorable to this request:
1. The proposal provides a mix of uses within a high density residential area.
2. There are no anticipated detrimental impacts on adjacent property resulting from the intensification of the existing use.
3. The impact of proposed development to the site and immediate area is consistent with previously approved developments on this site.

Staff finds the following factor(s) unfavorable to this request:
1. Underground drainage pipes downstream of site may be inadequate to convey discharge from site/area.
2. Site layout does not orient building to the street and parking not fully relegated consistent with the Comprehensive Plan and the Neighborhood Model principles.

Staff recommends denial of SP-2013-00006, Commonwealth Office, due to the application plan's inconsistency with the Comprehensive Plan and Neighborhood Model principles regarding relegation of parking and building orientation (buildings and spaces of human scale). Again, this is a fairly focused review. Otherwise, staff feels that it is a relatively good proposal in concept to have the office use in this area. However, if the Planning Commission chooses to recommend approval of this proposal, staff has provided recommended conditions of approval listed in the staff report.

Mr. Morris invited questions for staff.

Mr. Franco asked regarding storm water management if there are easements for off-site storm water facilities. If they provide easements, is it that important that it is built completely on the property.

Mr. Benish replied the applicant can answer whether they have looked into that. Staff is aware that in the past there has been difficulty obtaining permission from the adjacent property owners to improve that facility.

Mr. Randolph asked if the crumbling pipe needs the replacement pipe withdrawn and then a new insert pipe put in who pays for that.

Mr. Benish noted that was a good question. He replied that part of it is a VDOT facility, which conveys the water under Commonwealth Drive, through the residential development on the west side, and then through the Stonefield Development. The responsibility is not clear at this point in time.

Mr. Randolph said there is a critical piece of repair work here that they don't know who is going to pay for.

Mr. Benish clarified that the net result might be the County Engineer cannot approve the downstream flow as part of their storm water management plan. Therefore, upstream development may not be able to take place.

Mr. Lafferty asked if staff's recommendation is to handle all of the storm water on site, and Mr. Benish replied that is correct.

Mr. Smith noted even if it is handled on site it has to go off site.

Mr. Benish said staff is recommending the facility to serve this site to be located entirely on its own site. However, he agreed that ultimately the outfall has to go downstream off site.

Mr. Smith asked if it goes downstream and they decide that the pipe under the street is not large enough if the developer would go to the state to ask for help to pay for it since they have to replace the pipe.

Mr. Brooks replied that he did not know if that was a realistic prediction. Actually the state denied knowing this pipe was there. He thinks more likely since the actual inlet to the pipe is on their property that it could be opened up and cleaned up. That would improve the hydraulics quite a bit. If the pipe was too small they would have to improve that to hold back water like it is doing now. That would probably be a more realistic outcome than replacing the whole pipe under Commonwealth Drive and then under the duplexes across the road all the way to Stonefield.

Mr. Smith noted it is increasing a good bit of impervious area.

Mr. Brooks replied that it is less than an acre.

Mr. Benish noted it was 1.1 acre.

Mr. Smith said it depends on how fast it goes in.

Mr. Brooks said the issue is more that they have an existing problem in that area. It is sort of an ecological disaster down in that hole. The pipe has been blocked up for a long time. There is a big mud backflow that probably goes back a couple hundred feet. It is just a mess. They could clean that out now with no application since it is on their property and they could fix it. They could uncover it and investigate to find what is down there.

Mr. Morris invited further questions for Mr. Brooks.

Mr. Benish asked to explain that a little further. If this were a larger site this may be a more significant issue with the special use permit process. This special use permit is really about allowing a nonresidential use in a residential area. The by-right approvals previously are similar in terms of their impact. He cannot say they are exactly the same in terms of their square footage of impervious area, but it is in a similar scope.

Mr. Brooks agreed with Mr. Franco that #2 is an unusual condition. They could probably do without it just fine. He thinks the plan they were given showed taking advantage of a future County facility off site. Therefore, staff just wanted to clarify that was not the case.

Mr. Franco noted if it did take advantage of that, then it would all have to be in an easement.

Mr. Brooks said they would have to work it out with the owners. He pointed out the County was not successful. However, they could be.

Mr. Benish pointed out in some ways this condition is not consistent with our policy about conditions. This really implies a condition. They can require most of these improvements since it refers to the Water Protection Ordinance (WPO) approval at the site plan stage. But, the application plan does show this facility off site if there were no amendments made. So this condition is making clear there is an expectation for that storm water detention to be on site.

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

Justin Shimp, representative for the property owner, presented a PowerPoint presentation and explained the proposal.

- It really is as simple as the staff explained it. They are really simply trying to get this use changed from an R-15, Residential by right for 14 apartments/14 townhomes. There are two prior approved site plans for that type of use into an office use. The property is surrounded by residential uses. They could do about 14 more units with no proffers. They think the land makes a little more sense as a commercial type use. A doctor's office kind of use is very logical amongst all these people. He strongly thinks this is a case about the use and not about storm water, which absolutely has to be dealt with at the site plan assuming this moves forward.
- The reason these notes exist and there was some confusion about this is two or three years ago when the prior site plan was approved the County did intend upon creating this regional storm water basin. Therefore, that plan was approved with that. Since that time things have changed the storm water on that prior site plan has expired. Therefore, that is no longer approved and a new plan has to be done whether it is for apartments, townhomes or the special use permit for office. It will have to be an on-site system or they have to go and create that regional system and get the easements, which is not going to happen. They will certainly have to go in and clean up the mess since it is a huge hole and full of swamp. They will clean that up and find the pipe. They will do the on-site storm water like they would normally and address all of those concerns on-site. It is probably unlikely that will ever become a regional basin at least not in the near future. Certainly a one acre site does not have the need or the financial resources to convert a giant storm water facility. They feel that it really is a use question.
- If you look at the site layout the approved plan had about 32 parking spaces in front of the building. The amended application plan shows 30 parking spaces in front, which is slightly reduced. They have not put the building in front, which they know is consistent with the Neighborhood Model. There is a very good reason for that. The site drops way

off and the entrance needs to remain where it is approved because of the spacing to the next entrance down. So they have to enter on that side of the site and the building can't really go there.

- Due to the topography if they go into the maximum slope behind the building at 5% slope in the parking lot they need about a 17' retaining wall. If the site was flat pulling the building to the front would be no problem. However, it is just not that sort of site. To get a reasonable office building on the site they need to keep the layout just the way they have where the parking rides on the high side and the building acts as a retaining wall because of the basement walk out on the low side. They have to work with the land. That really is the simple answer of why the building is not up in the front. It is just not really a practical application for this particular site. In general it is a good idea, but not for this site. They do not want 17' retaining walls. That would potentially compromise somebody in the future from doing a storm water facility there since encroaching on that area might compromise the ability to do that. So they have tried to remain consistent with the approved plans and simply stay out of that area and work with the high land leaving that alone. They just want to go in and clean the area up so it is not a swamp. Staff has agreed that the use is reasonable and it is simply a matter of it can't be built reasonably with the building in the front and the parking behind. That is where they are.

Mr. Morris invited questions for the applicant.

Mr. Lafferty said the only comments he had gotten is the appropriateness of putting an office space in a residential neighborhood and he thinks that has been addressed. He asked Mr. Shimp if he had talked to any of the neighbors.

Mr. Shimp replied that he believed the owner has spoken to some. The property owners are large corporations. They have not spoken to individual people in the rental apartments. There is an issue in that their road actually encroaches over slightly on the property, which he thinks they are going to leave as is. They have had no other discussions other than that.

Mr. Lafferty noted looking at the site his concern would be somebody falling off a sidewalk and then falling down that hill into the swamp.

Mr. Shimp noted it was a little less of a concern if everyone is orientated away and the building sort of orientates away from that. So it is a little less of a concern. They don't want 17' retaining walls for a number of reasons with that being one of them.

Mr. Lafferty said that is a real hole in the ground there. He asked if they are going to bring in any fill or counting on the cut matching the fill.

Mr. Shimp replied that it is close to actually being balanced because the building sets down about 10' to 12' from the road. It is close. They will have to bring in a little dirt. In the grand scheme of construction projects this is a very small one.

Mr. Randolph asked if he ever considered the possibility just in the range of options to actually take the building, rotate it 45 degrees, and move it forward having the entrance right through the first floor of the building.

Mr. Shimp replied that he did not consider that for this building.

There being no further questions for the applicant, 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. Franco asked Mr. Benish if he agreed with the reasoning for the relegated parking.

Mr. Benish replied he understands the grade issues and that a slightly smaller building would require less parking and space. When staff looked at it keeping the building at that same angle completely in the corner that it seemed like the parking area did not need to be quite as big as was rendered. Staff thought it might be more feasible. However, staff clearly understands that this is a problematic site. He understands what they are speaking of and the concern since it is an awkward site to deal with.

Mr. Randolph asked if these guidelines on relegated parking and the Neighborhood Model are petty and they are interrupting development. He asked if it is a reasonable thing to ask given that this is located in an area where there is only one other building constructed like this on Commonwealth Drive.

Mr. Benish said they feel fortunate that this road is one that has fairly limited impacts from relegated parking. So this is an intrusion into that. Again, it is probably a perspective of the build out of this road since this is sort of one of the last infill sites. Therefore, is one intrusion or one non-relegated site that significant? But, it seemed relatively significant and like there may have been ways to at least to have minimized some of that relegation if not completely relegated. Relegation is important in terms of encouraging accessibility and walkability. This road is on transit, which was important for us to maintain that principle.

Mr. Dotson said because of the difficulties of the terrain he would support the request. While he came into the meeting imaging that he would insist on the moving of the building and the relegation he thinks he has learned something.

Motion: Mr. Dotson moved and Mr. Loach seconded to recommend approval of SP-2013-00006 Commonwealth Office with conditions as outlined by staff and stated in the staff report.

1. Development of the use shall be in general accord with sheet C4 of 4 (Concept Plan) of the plan entitled "Application Plan for Commonwealth Office," prepared by Shimp Engineering, P.C., revision 1, dated 5/6/13, as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Conceptual Plan, the development and use shall reflect the following major elements as shown on the Conceptual Plan:

    - Total building square footage of 13,500 square feet.
    - Entrance location.

    Minor modifications to the plan which are in general accord with the elements above may be made to ensure compliance with the Zoning Ordinance.

2. The storm water detention facility shall be located entirely on the subject property (Tax Map/Parcel 061W0-03-00-01400) and shall be designed and built as approved by the County Engineer.

3. The use shall commence on or before [date two years from Board of Supervisor approval] or the permit shall expire and be of no effect.

The motion passed by a vote of 6:1 (Randolph voted nay)

Mr. Morris said that a recommendation for approval of SP-2013-00006 Commonwealth Office will be forwarded to the Board of Supervisors to a date to be determined.

Old Business

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

New Business

Mr. Morris asked if there was any new business.

- THE NEXT PLANNING COMMISSION MEETING WILL HELD ON TUESDAY, AUAGUST 6, 2013.

There being no further business, the meeting proceeded.

Adjournment

With no further items, the meeting adjourned at 9:04 p.m. to Tuesday, August 6, 2013 at 6:00 p.m. at the County Office Building, Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

V. Wayne Cilimberg, Secretary

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