Albemarle County Planning Commission
May 6, 2014

The Albemarle County Planning Commission held a regular meeting on Tuesday, May 6, 2014 at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Cal Morris, Chair; Karen Firehock, Richard Randolph, Thomas Loach, Bruce Dotson, Mark Keller, and Mac Lafferty, Vice Chair. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was present.

Other officials present were Claudette Grant, Senior Planner; David Benish, Chief of Planning; Elaine Echols, Principal Planner; Glenn Brooks, County Engineer; Wayne Cilimberg, Director of Planning; Sharon Taylor, Clerk to Planning Commission; Greg Kamptner, Deputy County Attorney and Joel DeNunzio, VDOT representative, was present.

Call to Order

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

Other Matters Not Listed on the Agenda from the Public:

Mr. Morris invited comment from the public on other matters not listed on the agenda including consent agenda items.

- Neil Williamson, President of the Free Enterprise Forum, welcomed the two new Commission members and suggested adding a public comment period when the Commission receives the material from the individual committees regarding the Comprehensive Plan Update/Amendment – Prioritizing the Priorities.

- Richard Wagaman, Village of Rivanna resident, asked the Commission not to go too far too fast on the Village of Rivanna tonight due to concerns of decreased property values, a major drop in tax revenue, and no official plan to fund the necessary improvements to make a viable village.

There being no further public comments, the meeting moved to the next item.

Committee Reports:

Mr. Morris invited committee reports.

Mr. Lafferty reported the MPO Policy Board did not meet. PACC Tech endorsed Area B recommendations in the City and County Comprehensive Plans and discussed other matters pertaining to VDOT's Rt. 29 N signal synchronization project and having adequate bicycle facilities in the design of W. Main St.

Ms. Firehock reported the Natural Heritage Committee discussed providing additional comments on the comp plan to the Board of Supervisors.

Mr. Randolph reported the Village of Rivanna Citizens Advisory Council has received information on and discussed the Rivanna Village project and will provide comments regarding the rezoning this evening.

Mr. Dotson reported the ACE Committee received information on 7 applications and the next steps for extending offers.

Mr. Lafferty reported Brad Sheffield and Diantha McKeel had two Town Hall meetings to provide an update on projects in the 29 N area and alternatives to the Western Bypass.

Mr. Morris reported the Pantops Advisory Council received public input from new residents in the Pavilions.

There being none, the meeting moved to the next item.

Consent Agenda:

a. Approval of Minutes: March 25, 2014 and April 16, 2014

Mr. Morris asked if any Commissioner would like to pull an item from the consent agenda for further review.

Motion: Mr. Randolph moved and Mr. Loach seconded for approval of the consent agenda.

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

Mr. Morris said the consent agenda was approved.

Public Hearing Items

a. SP-2014-00004 Bojangles Restaurant @ Pantops - Drive-Thru

PROPOSAL: Request for a special use permit to establish a drive-thru window associated with a fast food restaurant on .75 acres under Section (s) 22.2.2 (10) Commercial, 23.2.2 (5) Commercial Office, and 24.2.2(12) Highway Commercial, Permitted Uses, by Special Use Permit of Zoning Ordinance.
ZONING: PD-MC Planned Development Mixed Commercial which allows large-scale commercial uses and residential by special use permit at a density of 15 units/acre.
ENTRANCE CORRIDOR: Yes
COMPREHENSIVE PLAN: Urban Mixed Use – retail, commercial services, office, and a mix of residential types (6.01 – 34 units/acre) in DA – Neighborhood 3 – Pantops.
LOCATION: 2005 Abbey Road, on the south side of Route 250 in the Rivanna Ridge Shopping Center
TAX MAP/PARCEL: 07800-00-00-073A2
Magisterial District: Rivanna
(Claudette Grant)

Staff Presentation:
Ms. Grant summarized the staff report for SP-2014-00004 Bojangles Restaurant @ Pantops-Drive Thru in a PowerPoint presentation, noting the applicant requests to amend approved SP-2002-00076 to establish a drive-thru window associated with a fast food Bojangles Restaurant.

Staff reviewed the concept layout plan noting the following two (2) issues that will be resolved:
1. The first issue has to do with one-way circulation in the middle of the two-way travelway. Staff finds this a bit confusing and unsafe. A condition is provided to address this issue.

2. The second issue has to do with the minimum travelway width for one-way access isle being 12 feet. The applicant proposes a width of 11 feet, which will need to be addressed with a waiver request during the site development phase.

Factors Favorable:

- The ARB staff has completed a preliminary review of this proposal and had no objection to the proposed drive-thru use.
- There is no conflict anticipated between vehicles stacked in the drive-thru lanes and vehicles in the parking lot or off-site traffic.

Factors Unfavorable:

- None

Staff's Recommendation

Based on the findings contained in the staff report, staff recommends approval of SP-2014-00004 Bojangles Restaurant @ Pantops for Drive-thru window with the recommended conditions listed in the staff report.

Mr. Morris invited questions for staff.

Mr. Randolph asked if there was another case in the county where they have a similar type of restaurant with a drive-thru where there is a connecting road that has two-way traffic at either end and one-way traffic for the restaurant in the middle.

Ms. Grant replied she was not aware of any other example like that.

Ms. Firehock asked if condition (#8) concerning the planting strip to the west being removed was because there not being enough space for a planting strip or if it impaired the visibility.

Ms. Grant replied that condition (#8) was an old condition in the previous approved special use permit, which is shown as a comparison to show the differences.

Mr. Dotson questioned condition (#5) of the new version, which says the use shall not commence prior to the issuance of the Certificate of Appropriateness by the Architectural Review Board. If they are saying the "use" it appears the building is fully constructed and everything is ready to go. However, he questioned if that would be too late for the ARB to take action. He would have expected the condition to say building construction shall not commence prior to the issuance of the Certificate of Appropriateness by the ARB. He asked if this is the way they usually phrase it.

Ms. Grant replied it was the standard language used previously.

Mr. Benish pointed out the use in this case was the drive-thru.

Mr. Dotson acknowledged this was a narrow consideration.

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

Justin Shimp, project engineer, said they don't actually have any particular items to address. However, he clarified the item Ms. Grant mentioned about the confusion of the traffic circulation as something that there is a condition to address, which they have agreed to. They have

discussed and worked that issue out with staff and with the county engineer as appropriate to get the signage and striping right during the site plan stage. Otherwise, they have no particular comments. He would be happy to answer any questions.

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

Mr. Randolph noted despite Mr. Shimp's explanation he remains concerned about having the throughway whereby traffic moves two ways on either side of the property, but in the center of the property it is a one-way street. It just seems like a very odd configuration. He keeps looking at the design and trying to understand why in fact it could not be reversed the other way so the traffic is moving in a counter clockwise direction. It would seem to make more sense if the traffic would move in a clockwise direction and therefore as it came out of one drive-thru window it would be going into a lane of traffic that is quite appropriately moving in the same direction. It would not interfere with the operation of the two-way street at all. This configuration automatically creates this hybrid whereby they have a two-way street at either end and then a one-way street in the middle going against the traffic flow.

Mr. Morris invited the county engineer to address this issue.

Glenn Brooks, county engineer, said they don't disagree because they place it in context. Generally they have a rule that they don't want the site circulation to be on a public thoroughfare, the roadway. In this case they did not judge those to be roadways. They judged those to be internal travelways to the shopping center. If it would have been on Hansen Road, Abbey Road or Vulcan Road they would have said no go and they don't want to do that. However, in this case they thought it was internal to the commercial strip on the outside of Giant and the impact is relatively small. Those concerns are still there, but just smaller in context.

Mr. Keller requested an explanation from the developer.

Mr. Morris invited Mr. Shimp to address the question.

Mr. Shimp said he was trying to understand the question. He thinks he is saying that as the cars are queued up in the back of the building that they are adjacent to traffic moving in the opposite direction. He asked if that is correct.

Mr. Randolph noted if he looked at the diagram the design has the traffic moving counter clockwise, which means the exiting car goes into what the vehicles coming from the left would be their lane. Then the design has created a one-way street where that traffic can no longer go to proceed down that street. He is using street in a generic sense. He knows it is within a parking area. So if the design reverses that, resulting in the traffic moving in a clockwise direction it is moving with the actual normal flow of traffic. He is concerned because the current design creates a situation where the logic of the motorist suddenly is arrested, they have to stop, and are going to have signs there that say one-way: do not enter.

Mr. Shimp replied that is correct.

Mr. Randolph said understanding at night and with fog, etc, people may not see the signage and may proceed with the assumption, which is reasonable for the motorist, that is a two-way "street" and proceed right into the traffic. Whereas, he thinks if they reverse the direction they would not have a problem.

Mr. Shimp said that it was not exactly because it seemed if the vehicles went clockwise it would put the wrong side of the car in the drive-thru.

Mr. Randolph suggested that he might have to reverse the building. They could just turn the building around 180 degrees and he would have solved the problem.

Mr. Shimp said that he did not know if that was quite right. He did not quite understand what the issue is. This is probably not the best forum to debate it honestly. They looked at this site and met with county staff on several occasions about how this layout was best accommodated on this parcel. It was already set up for a drive-thru restaurant. This was a layout he thinks is better versus having two-way circulation on the travelway because then they would have people potentially going against the flow of the drive-thru stacks. That seems to be a very awkward drive-thru if it was that way. On the sides that parallel the building traffic is moving in the same direction and people backing in and out of parking spaces only have to worry about traffic in one direction rather than two. They felt like it is a very reasonable layout in that respect.

Mr. Benish explained with the travelway going in the direction on the right or west side of the building it allows for that lane to be a bypass lane. When people are queuing in and the line is too long and they want to queue out then they can move out of the drive-thru lane and go out of the site. That is one of the reasons why that counter clockwise motion kind of works as long as the building is facing this way. He thinks the way the building is facing here puts the windows and the place where they take the orders behind the building, which is where the ARB prefers. This is sort of the typical setup for the building to put the windows and the menu board to the back of the building away from the Entrance Corridor. So that is one of the rationales for that counter clockwise movement.

Mr. Randolph said he understands the logic behind the drive-thru window. However, he is just a little concerned here about the traffic flow and is just raising questions about it.

Mr. Morris asked staff and the applicant to look at this prior to the request coming before the Board of Supervisors regardless of the Commission's recommendation.

Motion: Mr. Loach moved and Mr. Lafferty seconded to recommend approval of SP-2014-00004 Bojangles Restaurant @ Pantops – Drive Thru with the conditions outlined in the staff report.

1. Development and use shall be in general accord with the following revised plans prepared by Shimp Engineering, P.C. Sheet(s) 1 of 4 (cover sheet) and 4 of 4 (Conceptual site layout), dated February 18, 2014, revised 4/14/14 (hereafter "Layout Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the specified plans, development and use shall reflect the following major elements as shown on the plans:
   - Building location, orientation and mass
   - Relationship of drive-thru lanes to the building and the parking lot
   - Location and general character of landscaping

   Minor modifications to the plan that do not otherwise conflict with the elements listed above, may be made to ensure compliance with the Zoning Ordinance.
2. The applicant is responsible for installation and maintenance of control devices including but not limited to signage and pavement markings at the entrance and exit points of the drive-thru lanes, subject to county engineer approval to ensure appropriate and safe travel patterns.

3. The use shall not commence prior to the issuance of a Certificate of Appropriateness by the Architectural Review Board.
4. The use shall commence on or before [date two years from Board approval] or the permit shall expire and be of no effect.
5. The northern most travelway located on the property parallel to U.S. Route 250 shall be a two-way travelway for the entire portion of the property.

The motion passed by a vote of 7:0.

Mr. Morris noted that SP-2014-00004 Bojangles Restaurant @ Pantops – Drive Thru would be forwarded to the Board of Supervisors with a recommendation for approval on a date to be determined.

b. ZMA-2013-00012- Rivanna Village
PROPOSAL: Rezone TMP 80-51 and 80-52A from Rural Areas zoning district which allows agricultural, forestal, and fishery uses; residential density (0.5 unit/acre) to Neighborhood Model District (NMD) which allows residential (3-34 units/acre) mixed with commercial service and industrial uses. Also, request to amend proffers, Code of Development and the application plan from approved ZMA2001-008 zoned NMD which allows residential (3-34 units/acre) mixed with commercial service and industrial uses. 400 maximum residential units proposed including apartments, townhouses, attached and detached single family at a density of 4.2 units/acre. A maximum of 60,000 square feet of non residential uses is also proposed which would include commercial, office and retail uses.
ENTRANCE CORRIDOR: Yes
PROFFERS: YES
COMPREHENSIVE PLAN: Town/Village Center- Small commercial, office, retail, service uses; park and recreation amenities; residential at no greater than 6 units/acre. Public Open Space-Parks, greenways, trails, and other public open spaces.
LOCATION: 3677, 3701 and 3721 Richmond Road; 3760 and 3738 Cumbria Lane. Intersection of Route 250 East (Richmond Road) and Glenmore Way.
TAX MAP/PARCELS: 079000000025A0; 080000000046A0; 08000000004600; 080000000046C0; 080000000046D0; 080000000046E0; 08000000005000; 08000000005100; 080000000052A0; 080000000055A0; 093A1000000300; and 093A1000000400
MAGISTERIAL DISTRICT: Scottsville
(David Benish)

Staff Presentation:
Mr. Benish summarized the staff report in a PowerPoint presentation, noting the following items as primary points for discussion:

- Request to amend ZMA-2001-008 that is currently zoned Neighborhood Model District (NMD) in order to reduce the environmental impacts on the property. Request to rezone two additional parcels, TMP 80-51 and 80-52A, from Rural Areas (RA) to Neighborhood Model District (NMD). The properties consist of a total of 94.76 acres.
- The proposed amendment would reduce the maximum number of residential units from 521 to 400, and 120,000 square feet of non-residential to 60,000 maximum square feet.
- Request for approval of modifications to the zoning and subdivision ordinance that were previously approved with the previous rezoning, ZMA-2001-008 to be approved again.

The proposal is located on Route 250 east in the Village of Rivanna as depicted and outlined on the map. Glenmore Way is located on the western boundary right at 250 to the north. Rivanna Fire Station location was noted. The new parcels being added are TMP 80-51 and 80-52A.

He summarized the proposed application plan, which is available for review, as follows. He noted time would be available for the Commission to ask questions and to hear from the community.

- An illustrious plan showing a little more detail of the possible forms of development within the different blocks that are proposed within the rezoning is available. In addition, a map is available as a comparative if they need to refer to that. Generally, the similarity of the two proposals is a commitment to a mix of residential uses and of non-residential units although as he mentioned previously the maximum number for both of those has been reduced.

- Access is still proposed to Glenmore Way and Route 250 east. There is the same commitment to cash proffers and dedications of public land, the park. There is a commitment continuing a similar commitment to affordable housing.

- The difference is the maximum level of dwelling units has been reduced as the maximum number of nonresidential dwelling has been reduced. The amount of public land dedicated to public use is actually increased by about 13 acres to include not only the park area, but also some of the open space and trail areas within the development.

- There is a reduced impact to streams from the prior plan, which staff pointed out. The prior plan showed most of those streams being underground or covered.

Factors Favorable:

- The proposal is in substantial conformity with the recommendations in the Village of Rivanna Master Plan.
- The proposal is in conformity with the Neighborhood Model.
- The proffers offered are in conformity with what was previously approved.
- The density has been reduced, which has been a prior issue for the surrounding community.
- A fully developed public park is offered to the County to deal with park needs.
- Proposed development has been redesigned from the prior approval to mitigate impacts to streams and wetlands.

Factors Unfavorable:

- Technical corrections to the proffers, application plan, and code of development. Those are non-substantive issues. One of the issues is the actual application plan staff wants to be more of a block plan. Therefore, the illustrious aspects of the lots being shown staff would like removed, which is how it is described in the code. It is those sorts of clean ups that are more technical that need to be made to make sure there is clarity in consistency between the documents.

Staff Recommendation:
Based on the factors identified as favorable with this rezoning, staff recommends approval of ZMA-2013-012 provided the necessary technical changes are made in the application plan, code of development, and proffers. Staff has provided motions for the rezoning and modifications.

Mr. Benish noted that Megan Yaniglos was not present. Other staff present to answer questions were Elaine Echols, Principal Planner, Wayne Cilimberg, Director of Planning; Joel DeNunzio, with VDOT, to answer questions regarding transportation issues; and Glen Brooks, County Engineer.

Mr. Morris invited questions for staff.

Mr. Morris asked if Glenmore Way was public or private, and Mr. Benish replied it was public.

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

Valerie Long, representative for the applicant Rivanna Village, noted their entire project team was present tonight. She would not take up time introducing everyone. However, they do have pretty much all of their experts on every issue that they have anticipated here to answer questions as they may arise and provide assistance. She introduced Andrew Bonitini who is the principal owner of the developer entity that will be developing the project.

As noted by Mr. Benish, this is an application to amend an existing rezoning project. The property is already approved as Neighborhood Model District zoning, which permits a large number of residences and commercial space. The owners have worked hard over the past 16 months with the county staff, Village of Rivanna Citizens Advisory Committee, Glenmore Community Association, and with other neighbors and residents in the area to try and find a way to develop the property that is more gentle on the land, but that retains the Neighborhood Model principles and other key elements of the plan approval from 2007 that so many people worked so hard on with so many years of review and analysis by so many. So that was our starting point.

However, they do have a plan that is now less dense with fewer residential units proposed. It has less commercial space. They have eliminated a number of uses that were approved under the 2007 plan. They also have added restrictions to some commercial uses that were not contained in the 2007 plan. Most importantly, the plan is as they say gentler on the land and reduces the impact on wetlands by 77% and the stream channel disturbances by 87%. They have a DEQ permit in hand to develop the property in accordance with the plan. As a result of having fewer units and less commercial space the projected vehicle trips per day for the project have been reduced significantly with a 44% reduction in projected vehicle trips from the development.

As Mr. Benish noted they have also added an additional 13 acres of park land above and beyond what was previously proposed. They have increased the width of the buffer along Glenmore Way from 50' to 70'. Based on all of the input they have received over the past 16 months they went further and made further reductions. They reduced some of the units per block throughout the code of development; tightened up the code; and added some restrictions on uses. They have worked hard over those past 16 months to respond to the comments from the public. They do know there are a couple of key issues for the neighbors who are here tonight and they are happy to discuss those issues in more detail during the five minute rebuttal period after the public hearing.

However, she did want to go ahead and state now for everyone's benefit to make it clear that to the extent that the Commission and Board of Supervisors ultimately permit the proposed Route 250 entrance to be used as the construction entrance, the developers are very prepared to do that. They just want to make sure that it can be done in a way that is safe, obviously. They know that will be a big issue for discussion tonight. The point of interconnection proposed on the plan is an interconnection on Streamer's Drive in block B. Right now their plan shows that as an interconnection consistent with the Neighborhood Model. If it is the direction of the Planning Commission and Board ultimately that this be a cul-de-sac, which has been requested

by some of the nearby residents, they are prepared to make that change as well. Otherwise, she would now turn it over to Mark Keller who is with Terra Concepts to show a video and answer questions.

Mark Keller, Terra Concepts, said as they are aware this application is aimed at reducing environmental impact, density, traffic and a host of other aspects associated with the previously rezoning action. They strove to maintain the Neighborhood Model and Main Street feel. They let the land tell us where to develop and what places to work around. They hope Commissioners have seen the virtual reality video they posted that showed how they propose to treat the landscape buffer along Glenmore Way. For the record, initial plantings shown in the video were 14' tall shade trees and 8' tall evergreen trees. If this application is approved our site plans will also propose additional ornamental trees and shrub masses in this area. After seeing how well our intentions were conveyed in that video they decided to commission an animation for the entire property. He would like to share that with them now. They think they have a winner, but will let the Commission decide.

Mr. Keller made a presentation with a 3D computer animation of the Rivanna Village proposal pointing out the special features of the proposal.

The presentation began by approaching the property from the Charlottesville area showing Glenmore looking down Glenmore Way and down Main Street where the community resides. You can see the fire station shown on the south side of the property and a new water tower will be built there.

Single-family homes are located on smaller ridges further into the site. This proposal represents a 23% reduction in residential density and a 52% reduction in non-residential square footage. As one might guess, with less density comes less traffic.

Considering taking a drive down Main Street, Main Street terminates at a large central park. There is considerately more green space on this plan. Intermittent stream beds, an old stone quarry, and other special or sensitive areas such as wetlands are to be preserved in open space. Most of that open space has been set aside as park land to be dedicated to the county. It is nearly 32 acres in total. The central park has a basketball court, tot lot, tennis courts, pavilions, restrooms, a play field, a dog park, water features, docks, and a trail system.

Let's take a quick look at some of the special features of this proposal.

- Entrance to Rivanna Village – The entry statement is inside the community not directly on Glenmore Way.
- Several cross streets are envisioned to be promenades, which simply mean that they are intended to be both vehicular and pedestrian friendly and to serve as neighborhood gathering spaces. They could be blocked to traffic during events if they permit them to be private roads.
- The parking for these units is already provided to the rear of the structures.
- The Village Center is where they would incorporate most if not all of the non-residential uses. Ideally they would be mixed use structures that include boutique scale retail, offices and residential units.
- The central park is directly across the street from the village center
- From the pavilions you can watch a tennis match, enjoy a picnic or take in a soccer game
- Rezoning to Neighborhood Model District provides for some degree of flexibility and at the same time sets limits on what can and cannot be done with the property.

- What they just saw is the applicant's current vision for the property. Overall they feel this vision will result in Rivanna Village being a pleasant place to live, work and play and they hope you agree

Mr. Morris invited questions for the applicant.

Mr. Lafferty asked if the anticipation was that the bicyclist would ride on the sidewalk.

Mr. Keller replied no, not at all. In fact, the streets are designed to have on-street parking on two sides of the main roads and one side in the single-family residential areas the streets are extra wide. He did not think their intention is to preclude riding bicycles on the sidewalks, but they intended they would use either the trail system or the streets.

Mr. Lafferty asked what the nature of the trail system is and would it be compacted gravel or is it asphalt or cement.

Mr. Keller replied that he did not know that they have gotten that far. However, it would certainly be compacted gravel in some of the more remote areas of the park such as around the dog park. They are going to have to pave a good number of those trails because they need to be able to provide access to all the BMPs, which are not seen here but are on the submitted plan. In many cases it is a downhill trail section. They think leaving those as gravel is going to mean they are going to be very short term.

Mr. Randolph said he talked earlier with a Glenmore resident who could not be here this evening about the landscape strip along Glenmore Way of 14' shade trees, 8' evergreens and the possibilities of other trees being added. What would the density of all that foliage be together and is that an effective screen for the visibility of the new units going in behind it from Glenmore Way?

Mr. Keller replied the answer to that is, of course, subjective. They are going to hear things from the audience that says anywhere from they thought that was a pretty good deal to it is totally inadequate. They have populated that area with a significant number of trees and not single rows. They are trying to make the landscape strip look as it evolved naturally. One of the things they talked about in the Code of Development is taking some of the larger trees that are already growing out in the open space in front of the fire house and getting a tree spade to move those that would otherwise be destroyed when they did some grading of built units and move those into that area as well. Furthermore, they wish to install this landscaping very early on so that even before the units are starting to get built there may have been three or four seasons of growth. They knew this was an important issue. They heard it at two of the meetings they held which the public was invited to. They created the animation and posted a link to it. He personally was favorably impressed with how that looked. He thinks it deserves to say that all of the trees that are represented on these videos are taken from the CAD file of our plan view and if that is a deciduous tree at that location it is a deciduous tree showing on that. There is quite a considerable chunk of reality in what they are showing. They did not arbitrarily go further and above and beyond to populate that previous video with things to impress something upon you. What they have submitted is what they have shown.

Mr. Morris invited questions.

Ms. Firehock said the first question has to do with the park itself. She asked if that will be a county park and managed by the county since it says it will be opened to the public.

Mr. Keller replied yes, in fact, the developer is going to build all of the improvements within the park, dedicate the land to the County, and then the County Parks and Recreation Department will take over responsibility. It will be completely accessible to the public. It is worth mentioning that all the roads surrounding the park, with the exception of the one cul-de-sac at Creek Side Drive, will be accessible with parking on both sides of the street in these areas. So they are not having enormous parking lots that stay empty if the park is not being used. However, all total in the whole project there are over 450 on-street parking spaces.

Mr. Firehock noted the park is configured to be quite internal to the development. She understands it is a county park, but it really will serve the residents of this development. She did not anticipate people driving into this property to actually use this park from outside.

Mr. Keller said he really hopes she is wrong about that because of some of the features they are putting in. If someone wanted to reserve a pavilion, playing fields or something like that, such as Penn Park, many times it is very difficult. They are really trying to make this an asset when they build and hand it over to the County.

Ms. Firehock said she has a similar question about the bikes. She was trying to think about where people would park if they were going to this park. Some of the distances from some of the homes to the park are kind of far. She did not want to add to the traffic in the development. Therefore, she was trying to think what they have done to make it easier for people to bike. She acknowledged it was not a site plan; however Mr. Keller did not indicate anything about bike lanes striped on the street. For bicyclists that is really important to provide and identify a place for them and not to just simply say good luck. At the actual park itself bike racks, bike maintenance facilities, and those usual kinds of things that a bicyclist would need once they got there are needed.

Mr. Keller replied that he would think that those non-mentioned accruements, like bike racks, benches, trash receptacle and things like that are going to be part and parcel of what Parks and Recreation is going to ask them to do. They have been working directly with them in at least two meetings and maybe a third, which he was not present, that they asked for a Christmas list of what they wanted in this park. He can't remember them saying no to any of those things. To the first part of her question, this plan has over 7,400 linear feet of trail system throughout this park. If they wanted to ride their bike, walk, or push a stroller he cannot imagine that there is a portion of the community that they could live in that they can't conveniently get into the park. In fact, the core part of the central area is plus acres more or less. There is over 13 acres in other arms of the park that go out into other areas. So the trail system is actually a part of that and reaches out to the more remote areas. To ride a bike on the street they are certainly capable of doing that. It is no less safe than riding on any other place such as Forest Lakes. However, they are giving the option to go different routes. If the Commission has any other ideas about that, they are willing to listen and respond. The site plan level is probably an excellent place to do that.

Ms. Firehock said the other question relates to storm water management. She realized this is not a site plan. However, she was curious if they are proposing any progressive low impact development type strategies for their storm water management such as bio swales and permeable pavement. They have quite a lot of pavement in this development. The sidewalks could certainly be done as permeable sidewalks and look almost exactly the same as regular sidewalks. They are going to create a lot of storm water. They are removing a forest. So even with a state of the art storm water management pond, they are still going to have significant runoff. It is a very dense urban development, which makes some sense because it is in Pantops. However, she is concerned this site is going to be quite impactful. Notwithstanding

she will acknowledge that they have done a lot because it is much less destructive than the earlier plan. She was just curious if he could elaborate a little bit more on whether they are going to be sort of behind what is required in some of these aspects.

Mr. Keller said he would like to make a few opening remarks and then he would like Scott Blossom of Williamsburg Environmental Group to specifically address those concerns. He thinks that one of the overriding benefits of the change being proposed here is they are leaving a lot more open space he would consider more like a rake and scrap type of proposal that the other plan required to execute. By leaving these open arms and branches of the park and areas around the streams largely alone, they have created areas where they can install special BMPs, low impact development, and implementation program elements. It is unfortunate they did not view what they submitted. However, they have submitted an entire plan of what their program is. It is the same documentation he believes they submitted to DEQ and the Corps of Engineers to receive the general permit they already have in hand. However, he would like to introduce Scott Blossom and let him address those concerns specifically.

Scott Blossom, with the Williamsburg Environmental Group, said he worked on the conceptual storm water management plan for the site. They began the storm water management planning process with a low impact development feasibility analysis, which consisted of a detailed evaluation of site topographic, soils, depth of groundwater and bedrock. Based on the impact development feasibility analysis they were able to incorporate low impact development practices such as upland bio-filtration and wet swales. These are combined in a hybrid storm water management approach with conventional storm water facilities as well. What allows them to create treatment in a series which essentially increases the amount of pollutant reduction that one can get with the storm water management practices? He reiterated they have prepared calculations with the new state standard requirements using runoff reduction methodology, which relies heavily on reducing volume of runoff as well as filtration and vegetative nutrient uptake. Upon his conversations with the Department of Environmental Quality and representatives from the Corps of Engineers they were very complimentary of the hybrid storm water management approach. It was something that our company in particular has become known for over the previous years and had much success. Lastly, in addition to water quality they also evaluated channel adequacy which deals with water quantity. By using this hybrid approach they were able to protect downstream receiving aquatic resources from increased potential for erosion as well. Overall, they have a very comprehensive storm water management approach that was prepared not only by engineers, but with input from ecologists, landscape architects and professional geomorphologists.

Andrew Bonitini, developer, was present.

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

Public comment was taken from the following individuals:

Richard Wagaman (Mr. Morris noted Mr. Wagaman spoke earlier under Other Matters.)

Paula Pagonakis, Glenmore resident, noted the following concerns:

- Dangerous to funnel construction vehicles onto Glenmore Way
- The road utilizes school buses, joggers, and commuter vehicles for almost 800 homes. There is a less dangerous lane proffered in. There needs to be a separate construction entrance. In day to day passage it will add a challenge to emergency vehicles and horses. It is dangerous and irresponsible to the point it interferes with fire and emergency response time.

- There is an existing sewage treatment plant.

Dottie Martin, Glenmore resident and member of the Rivanna Advisory Council noted the following concerns:

- Opposed through street to Glenmore Way because it would be a serious and dangerous thru street.
- As council and resident please make into cul-de-sac instead of through street.
- Betsy Gohoes-Baten, Glenmore resident and member of the Rivanna Advisory Council submitted a statement (**Attachment A** - Attachment on file with the printed minutes in the office of the clerk) and noted the following concerns:
- County stated no commercial take place in 2002 when allowed Neighborhood Model development that allowed center of mixed residential and service uses. The commercial and residential uses were limited in area/square footage and needs to be followed.
- Council not informed of project application request plan and they need to be assured Rivanna Village is developed as a village. Many land uses not suitable.

Neil Means, Glenmore resident and member of the Rivanna Advisory Council noted the following concerns:

- addressing traffic issues highest priority of Village of Rivanna
- Master Plan important to residents and council.
- Route 250 over capacity for many years, which is documented. Requires widening of 250.
- Number of unit/square footage issue and needs to limited and not increased.
- Traffic problems for resident
- Conflicts with county goals and urged to lower density

Arthur Peters, resident of Village of Rivanna, noted the following concerns:

- Negative impacts from street lighting, and spill over concerns. Lights/fixtures need to be shielded
- Night skies dramatically changed and blotted out
- Negative environmental impacts need to be addressed to protect neighborhood

Christopher Grant, Vice President of Glenmore Community Association representing 800 homes and 2,000 residents, noted the following concerns.

- Asked they treat this historic property gently. He noted they have petitions signed by hundreds of residents requesting to amend proffer 3 regarding Route 250 and the entrance. **(Attachment B** – Petition Attachments on file with the printed minutes in the office of the clerk)
- He asked they require that the Village eastern entrance be built intermediately in a manner to satisfy VDOT's current safety concerns.
- The proffer to install the traffic light they heard VDOT does not want. The issue is when the entrance is constructed. VDOT wants to delay construction until built out many years, which he disagreed with and believed VDOT is flawed.
- Simply ask to consider mandating plan and incorporate east entrance from the beginning

Carl Staton, resident of Glenmore, noted the following concerns:

- Regarding the video he asked the developer what year is that because they don't see any construction vehicles. Applicant indicated development 7 years or so out, but he thinks longer than that. When considering traffic lights and environment, they need to consider how long construction will actually take. It would help to set that timeframe.

Randall Moorman, resident of Glenmore, noted the following concerns:

- acknowledged the efforts of applicant in preparing plans and noted the following concerns:
- Need to respect remarks made by neighbors
- Concern with number of housing units reduction since will not reduce traffic by 44% unless counting commercial traffic
- Impact in area since great deal of similar construction in Charlottesville

Jim Wallwork, resident of Rivanna Village, noted the following concerns:

- critical quality of life, tax base and especially important for future investments
- Project not feasible with environmental constraints, wetland areas, intermittent streams, drainage channels and streams
- storm water management, critical slopes, unsuitable soils, mold
- Too much development for area
- Need more detail in plan and plan needs detailed approval from county engineer

Wanda Erickson, Glenmore resident noted the following concerns:

- Eastern entrance
- Different plan
- entrance may never get built
- timeliness of construction
- Amount of traffic on Glenmore Way

Judith Sommers, former resident adjacent to Castle Hill, pointed out she had moved to Glenmore. She noted the following concerns:

- Not pleased about sharing Glenmore Way with traffic including trailers, dump trucks, and other construction vehicles
- Eastern entrance – traffic light – safety issues with increased traffic
- County park – if parking available on weekends and safety of bikers

There being no further public comment, Mr. Morris closed the public hearing to bring the matter before the Planning Commission for discussion and action. He invited rebuttal from the applicant.

Valerie Long, representing the applicant, made a brief rebuttal to follow up and add a few comments to address issues raised by public regarding the following issues.

- Question raised by Mr. Randolph regarding landscaping proposed on Glenmore Way and whether screen houses. Ms. Long clarified that the 2007 code of development very clearly states that the buffer was not to screen those units but soften those units. They retained that language.

- Timeline first approved in rezoning in 2007 and master plan approved in 2009 codified the commercial space. She read the master plan and comp plan and in the minutes from the Board of Supervisors and Planning Commission the consideration in 2007 was intentional to increase and codify the master plan. They have a reduction of 50 percent although concerns were expressed for the construction of a big box. Our code of development will not permit a big box store. There are no more than 60,000 square feet of commercial space.

- There is a comment in the master plan about no new development allowed until 250 improvements were made. Our plan reduces the amount of parcels not contributing to traffic by just reducing the traffic compared to what is currently allowed under the 2007 rezoning. She clarified by reducing the amount of traffic relative to the 2007 master plan they were not contributing to vehicle traffic above and beyond. Their traffic engineer could address the issue.

The Planning Commission discussed the concerns with the applicants regarding the following issues:

- Impacts to Glenmore Way
- Phasing order of development
- Eastern entrance
- communication in community
- traffic light proffer
- water and sewer
- square foot limitation
- lighting concerns – Dark Skies

Mr. Dotson asked to hear from the VDOT representative.

Joel DeNunzio, VDOT representative, reviewed the proposal regarding the update on the status of service on Route 250 in that neighborhood. He pointed out in the long range plan no construction projects are funded right now. He explained VDOT's position on the proposal and to install the traffic signal at the new entrance. Unwarranted signals are not permitted by VDOT because of the decrease in safety and efficiency.

Mr. Loach asked to hear from Glen Brooks about the groundwater management.

Glen Brooks, county engineer, explained there have been a few other projects that used time management such as Mount Alto for special events. However, there are few other examples on a road as big as Route 250. He discussed other environmental concerns raised that would need to be addressed.

Mr. Loach questioned how the lighting issues raised would be addressed.

Mr. Cilimberg pointed out the sidewalk lighting in Stonefield had to comply with the Dark Skies provisions with the way that was provided.

Mr. Morris invited further comments or questions.

Mr. Dotson said that he had a technical question. From the front page of the staff report it indicates that the comprehensive plan designates residential 3 to 6 units per acre. Then the staff report indicates this proposal is 4.2 dwelling units. Therefore, that is clearly within the range of the comprehensive plan. One of the speakers said that by his calculations when they took out the fire station and some other things it got up to over 7 units per acre, which might appear to somebody to violate the comprehensive plan. He asked staff to comment on that.

Mr. Benish said staff does not believe that it violates the comprehensive plan particularly given that the master plan is based on the prior designation being reflective of the prior rezoning. All the same features are pretty much there and so the calculations should be based on less dwelling units than commercial development. Staff does not see the inconsistencies.

Mr. Dotson asked if the 3 to 6 and the 4 to 2 were based on gross acreage, and Mr. Benish replied yes.

Mr. Dotson said the 7 units that the gentleman spoke about was based on net acreage, and Mr. Benish replied that he assumed so in that he was netting out the fire station and the park facility.

Mr. Dotson asked if he would conclude that this is consistent with the comprehensive plan, and Mr. Benish replied yes.

Mr. Tim Keller asked if the county attorney could address the code of development and what sort of controls that gives. He thinks that answers some of the concerns that have been expressed this evening. He asked how binding that is in these issues of the size or the square footage other than the residential areas.

Mr. Kamptner replied when the code is approved by the Board if the rezoning is approved the code of development serves as one of the bodies of zoning regulations that apply to this project.

Mr. Keeler said if the 20,000 to 40,000 square feet of residential that they have heard alluded to would be addressed.

Mr. Kamptner replied that the 40,000 square feet becomes the cap by regulation.

Mr. Randolph said intentionally he had tried to hold off on this to allow all his fellow commissioners to raise questions. He wanted to make somewhat in a sense of a closing statement on his behalf for the Scottsville District. He wanted to commend Andrew Bonitini and his team for their responsiveness. The allegation that the team is not listening to the community and working as best they can with the community is not justified. They have really bent over backwards to try to provide a real view of what the project is going to look like as best they can using media that is available today and to respond to people's concerns. His primary issue is with VDOT. He pointed out that he did not direct the remarks to Joel DeNunzio in any way, but to the organization unfortunately. He thinks that really is the central issue here this evening for people attending. He made the following comments:

1) To date, VDOT has approached the valid, frequently cited safety concerns of the majority of the 765+ to 800 households in Glenmore and the residents living at the terminus with Glenmore Way with both a cavalier attitude and with bureaucratic indifference. Glenmore Way to the 250 intersection is used year-round and daily by walkers, runners, cyclists and horseback riders. Mixing in construction traffic with the normal flow of vehicular traffic and recreationalists recreating along Glenmore Way is a recipe for a serious injury or accident.
2) To date, VDOT has refused to share the traffic safety study it prepared, upon which VDOT bases its assertion that the east entrance exit should not be opened during construction. The logic of how it will be safe for VDOT to have such an entrance open after construction but not safe during construction still escapes me. Every study is based on assumptions, whether explicit or implicit, upon which assembled data is organized and from which preliminary hypotheses are drawn. Residents in the Village of Rivanna, the members of this commission and the Board of Supervisors deserve to know what assumptions VDOT has made in their safety study. I feel very confident in asserting that the study has not factored in the potential safety risks to recreationalists using Glenmore Way or to fire and safety personnel in emergency vehicles attempting to enter a congested Glenmore Way.
3) It is evident that from the letter VDOT's area land use engineer, Troy Austin, wrote on January 8, 2014 that VDOT rigidly adheres to opposition to the use of the east entrance by construction traffic, even though Rivanna Village LLC has now proffered (proffer #3) a

signal at the east entrance intersection with route 250, meaning upon the light's installation the entrance would no longer, in Mr. Austin's word, be "unprotected." If Mr. Austin still is opposed to VDOT issuing a permit for the east entrance during construction, the Board of Supervisors need to know by their meeting on this application his reasoning when the east entrance will no longer be "unprotected", as he assumed it would be in January.

4) Glenmore, a community of approximately 2000 people, is zoned as a planned residential district (PRD) and supposedly follows the neighborhood model. However, despite interconnectivity being one of the eight criteria of that model, perhaps being one of the top three, Glenmore currently has one single road (Glenmore Way) that connects it to the rest of the county, to the city and the university. Avon Park II, a PRD approved by this body last fall, also currently has but one road into and out of this community of 26 homes. At the site review meeting on this project two weeks ago the fire department expressed its opposition to the project proceeding with only one means of ingress and egress from this planned community. The Livengood section of Glenmore, currently under construction, will have at full build out at least 26 units. Yet, while Avon Park II will not proceed without the construction of an additional road, Glenmore is expected to continue to operate with one and only one means of normal vehicular access to the community. Glenmore and the Village of Rivanna deserve as PRD's to have two entrances onto route 250 now to ensure interconnectivity.
5) If a cost-benefit analysis were completed on the east entrance, the scale would tip overwhelmingly to the benefit side, both because Rivanna Village LLC has already proffered turn lane improvements to route 250 and the installation of a traffic light and because the safety of construction traffic and residents in Glenmore would be maximized. Given the challenging fiscal environment and the ongoing scarcity of transportation funds for the federal government and the Commonwealth, the opportunity to see improvements on route 250 without any cost to the Commonwealth should be compelling right now.

For these reasons, Mr. Chairman, I urge you and my colleagues on the commission to support my substitute language for Proffer #3. We need to send a strong and united message to VDOT that traffic safety involves more than just construction traffic onto route 250. Therefore, he proposed that under proffer #3 the following language prevail:

3. Route 250 and Eastern Entrance Improvement: In order to mitigate traffic and safety impacts, the Owner shall construct left and right turn lanes on Route 250 at the eastern entrance to the Property, or bond these improvements prior to the approval of erosion and sediment control plan or the first site plan (whichever of these comes first), these lanes being sufficiently long in length to satisfy the Virginia Department of Transportation ("VDOT") safety requirements.

The owner shall immediately upon the start of construction of Rivanna Village install traffic signalization at the intersection of Route 250 for the eastern entrance to the Property unless upon a full and thorough public review VDOT does not approve an Eastern construction traffic signal. If such a signalized entrance is not approved by VDOT prior to the start of construction, then it will be built at such a point in time that VDOT traffic signal warrants are met and that VDOT requests the installation of such signal, provided that such request from VDOT is made prior to the completion of Rivanna Village, which for the purposes of this paragraph shall be deemed to be the later of (i) the date of approval and recordation of the subdivision plat creating individual residential lots in the final block permitting residential lots or (ii) the date of final site plan approval for the final undeveloped block within the Property."

Many persons in the audience raised their hand in support of Mr. Randolph's statement.

Mr. Morris invited questions.

Mr. Loach said he would like to hear from Mr. Kamptner about the proffer language.

Mr. Kamptner said that he was a visual person and needed to see the language. However, he understands the jest of it. If the majority of the Commission agrees, they can certainly make a recommendation that the rezoning proceed with a proffer that addresses that issue. They would have to look at the language to make sure that the timing of all the different milestones are consistent with our typical language and so forth. However, it is certainly something within the scope of the Commission's ability to recommend.

Mr. Morris asked that he cover the things that the Commission really needs to focus on regarding this particular question

Mr. Kamptner replied that would be a recommendation with revised condition #3. The Commission has the application itself with the Code of Development and with the other proffers. So the Commission needs to be mindful of that. There also are some additional actions the Commission needs to take in Attachment I. These have not been discussed. The items in 1 – 11 are going to be a recommendation from the Commission to the Board. These are now addressed through the special exception procedure. Items 12 and 14 are actions the Commission is authorized to take as the final decision making body. Item 15 will be a recommendation by the Commission that would be addressed under the special exception procedure. One outlier is Item 13, which actually would be acted on by the subdivision agent. So the Commission does not need to take any action on Item 13. The agent can take action on that at the appropriate time.

Mr. Morris asked based on staff report if they are able to take action on these. He noted that he did not think so.

Mr. Benish replied yes, since all of these are waivers which have been previously approved with the prior rezoning. They are waivers or modifications to various design standards that the form of development called for. So there is really not much new business here. This is sort of the same types of procedures and exceptions that are necessary from our ordinances. The Commission does not see these very much anymore since most of these go directly to the Board of Supervisors. However, all of these are essentially the same ones that were approved with the prior plan.

Mr. Cilimberg pointed out what has changed is the procedure now used to actually approve the waivers and modification. The waivers and modifications themselves are essentially the same as were approved in 2007. It is just a different procedure these days as to how they get acted on. The waivers and modification requests were part of the staff report recommended for approval.

Mr. Morris asked if the Commission needs to attack each one individually.

Mr. Benish suggested the Commission refer to Mr. Kamptner's suggestions and make their recommendations to all of those. Mr. Kamptner can walk the Commission through that motion. There are a couple waivers that the Commission is recommending to the Board of Supervisors. Then there are two the Commission are taking action on and one they don't have to take any action on.

Mr. Kamptner reiterated that items 1-11 and 15 the Commission is making a recommendation to the Board of Supervisors.

Mr. Morris suggested taking a motion on those first and then address what Mr. Randolph is talking about.

Mr. Kamptner agreed that is fine.

Ms. Firehock requested to ask a question. She has read this report and it is very complicated. She asked if someone could just refresh her on what the exception was to the lighting standards that was already approved in the prior plan.

Mr. Benish replied that he would have to look for that one.

Ms. Firehock asked if anyone else knows.

Mr. Morris replied that he did not.

Mr. Benish asked if the applicant knows the answer to the question in the interest of time since it would be helpful if they can shortcut him looking it up on what those waivers were for.

Ms. Long apologized because she did not bring that information, but would have to dig through her files as well. It was not a substantive change that would have in any way reduced the protections that the lighting ordinance provides. It is the Dark Skies Ordinance. It was a technical revision request that was granted previously. So they were just looking to have them reapproved as well without any changes. She would look through her files to see if she brought that material. However, she was not certain that she did.

Mr. Kamptner noted just looking at the section that is referenced it is possible that the waiver may have been a relaxation of the standard for spillover where they have mixed use development, especially where there is commercial that may be adjacent to residential. The standard is spillover cannot exceed ½ foot-candle. So that is the typical situation where they have seen a waiver in a mixed use development where that is relaxed to a certain extent. But, he would have to refer to Mr. Benish to nail that one down.

Ms. Firehock pointed out that she thinks Ms. Long's response satisfied her.

Mr. Morris requested a motion to move for recommending to the Board of Supervisors approval of waiver requests 1 – 11 and 15.

Motion: Mr. Randolph moved and Mr. Dotson seconded to recommend approval of the modifications for ZMA-2013-0012 waiver requests 1 – 11 and 15 as recommended by staff in Attachment I.

The motion passed by a vote of 7:0.

Mr. Morris asked for a motion on waiver requests 12 and 14.

Mr. Kamptner pointed out that on waiver requests 12 and 14 the Commission is the decision making body.

Motion: Mr. Randolph moved and Mr. Loach seconded for approval of the modifications for ZMA-2013-0012 waiver requests 12 and 14 as recommended by staff in Attachment I.

The motion passed by a vote of 7:0.

Mr. Kamptner pointed out that no action is required on the modification for ZMA-20113-0012 waiver request 13 because the county subdivision agent can act on that administratively.

Mr. Morris asked that the Commission now go back to the question.

Mr. Benish pointed out that Mr. Kamptner was correct that it was to allow for spillover on internal streets to essentially allow for better pedestrian lighting because its spillover would illuminate more areas for pedestrians that may be crossing the streets.

Mr. Morris said just for a point of clarification he requested to ask the applicant their reaction to Mr. Randolph's proposal for a change in proffer #3.

Mr. Kamptner replied that it was okay.

Ms. Long replied as they have stated to the extent the Commission and Board ultimately directs us to use the Route 250 entrance for construction and to the extent that they can obtain an entrance permit from VDOT to actually do that the owners have stated and they reiterate the willingness to do that. They are also happy to work with Mr. Randolph, Mr. Kamptner, staff, VDOT, residents and anyone who is interested to try and craft revisions to the proffer that can work and achieve those goals. They did identify a couple of unintended consequences with the draft language and she knows it is not intentional. But, if they heard it correctly it sounded like they would be obligated to spend the money up front to construct the entrance even if they can't get a permit from VDOT to actually use it.

Mr. Randolph said that was not his intent.

Ms. Long noted they know that was not intended. However, those are the type of things they can sit down and try to work through so that they can try to find a solution to this. They want to make it work if they can, but they understand that it is not our decision. If it were they would be proffering it today. So they are happy to try to work on that language with everyone between now and the board date.

Mr. Morris noted his only concern is that it does not hold up the process for an inordinate period of time so they get a yes or no decision so it can be sent to the board in a timely manner. That was his concern.

Mr. Loach noted he hears what Mr. Randolph is saying, but did not want to send something to the board that makes him feel good since essentially because of the position of VDOT when it gets to the board what can be done. He asked what control the board has if VDOT turns around and says no.

Mr. Kamptner replied that it does not since VDOT controls the issuance of permits and VDOT has to approve the signals. Therefore, VDOT's position needs to be changed through persuasion.

Mr. Loach asked what if they don't. He asked where it leaves the developer in that case. He asked: are they in limbo?

Mr. Kamptner replied no. He noted the way he heard Mr. Randolph's proffer is there is an escape valve for the applicant so that their project is not completely jeopardized if the eastern entrance is not approved by VDOT.

Mr. Loach noted the fallback was to go off of Glenmore Way.

Mr. Kamptner replied that was the only option they would have. However, it at least sets up a scenario where these other options are exhausted first.

Mr. Morris pointed out at least they are trying all of the avenues and that is what he is hearing.

Mr. Randolph said that was exactly correct. He noted his effort here is not to become a craftsman of a definitive legal statement, but to allow time before the Board of Supervisors sees this to have parties weigh in at multiple levels about ways in which this eastern construction entrance could occur. It is primarily because of the safety concerns of the audience, which the Commission saw in how many hands went up about safety concern. They have never seen this level of community unanimity about a construction issue with safety being a concern. He thinks there needs to be additional time and the last thing he is interested in doing is delaying this team in their construction process and their proposal being able to go forward. However, he thinks there should be serious study. They need to have an opportunity to look at the VDOT traffic safety study report. He has not seen it. Nobody on the Village of Rivanna Community Advisory Council has seen it. The president and vice-president of the Glenmore Community Association have not seen it. The Board of Supervisors has not seen it. Should they have seen it? Yes, he thinks they should have seen it and they did not see it here today. But, he thinks there needs to be some serious examination in looking for a way in which perhaps those concerns can be addressed. That is all he is saying.

Mr. Loach said that he heard him. He noted they went through this with Old Trail. He thinks the one regret that he would have when they did Old Trail is that they did not insist that the development start off of 250 instead of on Jarman Gap Road, which is a road that is much less wide than Glenmore Way. They lived with that for a good number of years until they finally got development. So he understands where he is coming from. However, he just did not want to get into a position that they are promising something that they really could not deliver. He did not want those expectations to be there. That was his only question. He asked that Glenn Brooks put on his thinking cap to think of some other examples or options to work this out.

Mr. Lafferty said it concerns him of the level of documentation it would take to satisfy that Glenmore Way is the only way to do it. That it is truly a public safety issue going to the eastern connection to Route 250. They had a person here from VDOT saying no that they won't approve it and now they are going through the scenarios. He did not know what kind of documentation they would need to be satisfied with that.

Mr. Randolph noted he referenced the official VDOT letter of January 8, 2014 which indicated VDOT intended to not support the east entrance. However, there also was no reference at that time to do a proffer for a traffic light at the east entrance. So he thinks things have changed since the County received that letter from VDOT.

Ms. Monteith noted she did not think they could determine it tonight. She thinks they need to state what they are trying to achieve and move forward.

Mr. Morris agreed and asked in lieu of that is there a motion.

Mr. Benish said since the community raised a question about a cul-de-sac for a road and an interconnection he asked the Commission to weigh in if they had a position on that.

Mr. Cilimberg said it seems like there were in addition to what Mr. Randolph mentioned and the cul-de-sac question another question of the maximum commercial square footage. They discussed it but did not necessarily decide. If they want to address that, then it needs to be part of the motion as well.

Mr. Morris asked are they at liberty at this particular time to say cul-de-sac or no cul-de- sac in that this is part of the interconnectivity nature of it.

Mr. Cilimberg replied the Commission is making a recommendation and staff's position is interconnections are what are desired. If the Commission believes the interconnection should stay the applicant has shown it and it can stay. If they believe in this case it is not warranted but should be a cul-de-sac, they can make that recommendation as well.

Mr. Benish pointed out the applicant is willing to do a cul-de-sac.

Ms. Firehock asked to comment on the cul-de-sac. She really sympathized with the neighbors not wanting to have the additional traffic on their street. However, she was also concerned about the safety of the future residents. Therefore, she did not think it would be responsible to have that so closed off because it is quite a lot of travel time and increases response time. As they have heard from our rescue staff even a matter of minutes can be the difference. She would be in the interconnection camp.

Mr. Morris agreed.

Mr. Cilimberg noted everything is good then with what they have before them.

Mr. Morris noted regarding square footage he thinks based upon the rule of thumb they have that it is up to 40,000 square feet.

Mr. Cilimberg replied that it is actually up to 60,000 square feet.

Mr. Benish agreed it was up to 60,000 square feet right now.

Mr. Morris asked if they could leave it at 40,000 square feet.

Mr. Keller said he thought the code of development make it 40,000 square feet.

Mr. Kamptner pointed out the code of development makes at 60,000 square feet. However, the buildings that are shown on the application plan if they were two-stories would get to 36,000 square feet.

Mr. Cilimberg said there are two buildings and there could be scatterings elsewhere that would potentially get to 60,000 square feet.

Mr. Kamptner agreed.

Mr. Benish said the range is currently 20,000 to 60,000 square feet. What was suggested as a viable option might be 20,000 to 40,000 square feet.

Ms. Firehock noted personally she would be comfortable with a lower range simply because it is not a subdivision far out in the middle of nowhere. There is lots of access to business uses. She supports live/work space and walking to the dry cleaner or what have you. There was talk of the two-screen movie theater. She thought it was an art house theater and did not really see that happening there. So it probably is going to be smaller scale. However, she thinks it would be a good idea to perhaps put a lower cap.

Mr. Morris asked if that was for 20,000 to 40,000 square feet, and Ms. Firehock agreed.

Mr. Morris noted the consensus of the Planning Commission to recommend 20,000 to 40,000 square feet. He asked the applicant if that was what they were talking about.

Ms. Firehock pointed out there were different blocks that had to be specified. She asked if they were talking about the whole thing or by block.

Mr. Benish replied if the Commission provides the general direction the applicant would have to do some modifications to the code of development. He thinks what the applicant was indicating was the picture they saw rendered about 40,000 square feet.

Mr. Cilimberg suggested they might want to base it on 40,000 square feet for those two blocks and then an overall 60,000 square feet which was what they asked for. It would be the two blocks shown by the applicant.

Mr. Morris noted that each block had a 9,000 square foot footprint.

Mr. Lafferty pointed out it was block D.

Ms. Long pointed out there was a particular page in the code that is a table which has the break down for each block. It is numbered page 10 on the code attachment in table 3.2. At the bottom of the middle column the maximum non residential square footage is 60,000. Therefore, that is the overall maximum within the project for full development. She feels compelled to mention that is a 50 percent reduction over what is permitted under the approved zoning now.

Ms. Firehock pointed out those numbers don't add up to that obviously, but are potentials for each block and are not to exceed that.

Ms. Long agreed noting they tried to be very thoughtful about the numbers they put in the block. They reduced those numbers based on meetings with the Community Advisory Committee and the Homeowners Association at Glenmore to among other things address concerns in Blocks A and B, which is 20,000 square feet. Those are the two blocks closest to Glenmore Way. The other thing that is important is non residential square footage includes everything that is not a dwelling unit and even things that one might not think about being non residential. It is not necessarily retail or commercial space, but it is anything that is non residential. There is a list in our code about table of permitted uses

Mr. Bonita noted that was important because even in blocks A and B where they have limited it to 20,000 square feet they have taken out all the commercial uses that they could put in there. So the limitations are important because they have looked at the areas that seemed to be the most concern and just limited not only square footages but actual uses within that. He was not sure they can do anything other than a farm stand maybe in A and B in the first two blocks.

Ms. Long agreed. She pointed out for instance utility lines are allowed in those two blocks. A farmer's market or a farm stand, which literally could be somebody in a small space such as in the common area, where the Home Owner Association could permit a local farmer to come and sell his/her goods like a little tiny mini farmer's market. A park or civic space is included there and public and private utilities and infrastructure and some public uses, and storm water management facilities. They took out of blocks A and B based on input from the neighbors anything that was retail or office or any of those uses. There used to be permitted an assisted living facility in Block B, but they have taken that out. They tried to make very thoughtful decisions likewise in Block G, which backs up to the McGregor Subdivision. Those residences are fairly close to Block G. so they were likewise very careful and restrictive about what was allowed in Block G. It is essentially only the same things that are allowed in Blocks A and B. By contrast, in Blocks C and D there is more allowed there and the uses are more flexible retail oriented. As Mr. Bonitini has indicated most likely it is the two buildings in Block D that will have the retail, the restaurants and maybe some office on the second floor. However, they do want to have the flexibility to have some live/work space say in Block F or H if there is a market for that. They don't k now if there will be, but they would hate to preclude a live/work unit if possible. There has also been a lot of talk about the 2009 master plan for the Village. She went back and read it cover to cover several times over the last few months. What is also important to note is the master plan is very clear in saying that the only place in the entire village for non residential use is in Rivanna Village and they call it the Village Center. It is pretty clear to her that if someone came forward and wanted to do commercial space somewhere else in the larger village they could not. The only place it is allowed is in Rivanna Village. So she thinks that is important to keep in mind. One of the important tenants of the Neighborhood Model is Neighborhood Centers. This will make a nice Neighborhood Center.

Ms. Long continued noting she thinks Mr. Loach's comment about how Old Trail is developed and it builds to the uses is really true. She has lived in Old Trail for about a year. It is wonderful to have those small scale uses. She gets her hair cut, the kids pizza at the pizza restaurant, coffer at Trailside, and takes her kids to the dentist there. It is fabulous. It means that she no longer drives into Charlottesville to get her hair cut at Barracks Road Shopping Center and she does not drive on 29 north to take her cat to the vet anymore because it is closer. It is wonderful. It has other intended benefits. They just want to have the flexibility to make sure they don't tie our hands unnecessarily.

Mr. Morris said based upon what they have just learned he asked if the Commission wants to drop from 20,000 to 40,000 to 20,000 to 60,000 square feet throughout the village.

Ms. Firehock agreed because she thought it was for the five blocks, but if it was for the total that is fine.

Mr. Loach agreed.

Mr. Morris noted that the consensus of the Planning Commission was to allow 20,000 to 60,000 square feet throughout the village.

Motion: Mr. Randolph moved and Mr. Loach seconded to recommend approval of ZMA 2013-00012, Rivanna Village with the changes in the application, code of development and proffers as recommended by staff and Planning Commissioners.

Mr. Kamptner said specifically that was the proposed revisions to proffer #3.

Mr. Randolph replied that was correct.

The motion passed by a vote of 7:0.

Mr. Morris noted ZMA-2013-00012 Rivanna Village was recommended for approval to the Board of Supervisors to be heard on a date to be determined with the following recommendations.

RECOMMEND APPROVAL OF MODIFICATIONS FOR ZMA-2013-00012, by a vote of 7:0, as recommended by staff.

1. Section 4.6.3.a. – Lots, Yards, adjacent to Streets, Alleys and Shared Driveways

2. Section 4.11.1 – Covered Porches

3. Section 4.11.1 and 4.11.2 – Structures in required yards and accessory structures

4. Section 4.12.9 Street and Alley Parking

5. Section 4.12.13 – Loading Areas. This was approved for Block E in the 2007 rezoning, which is now identified in the 2013 rezoning as Block D.

6. Section 4.12.4 – Parking Areas. Change the reference from Block E to Block D

7. Section 4.12.6 – Minimum number of parking spaces for scheduled uses. Change the reference from Block E to Block D.

8. Section 4.15.5.3 – Allows for signs in the public right of way.

9. Section 4.15.11 – Setback requirements for signs in NMD zoning districts.

10. Section 4.16 – Recreational area regulations

11. Section 4.17.4(b) – Lighting Standards.

15. Section 4.16.2 – Minimum Recreational Facilities

APROVED MODIFICATIONS FOR ZMA-2013-00012, by a vote of 7:0, as recommended by staff.

12. Section 14-233 - Private Streets

14. Section 14-422 – Sidewalks and Planting Strips

Note: No action is required on the modification for ZMA-2013-0012 waiver request 13 because the county subdivision agent can act on that administratively.

RECOMMEND APPROVAL OF ZMA-2013-00012, by a vote of 7:0, with the changes in the application, code of development and proffers as recommended by staff and the following revised proffer #3 as stated by Mr. Randolph and to be modified as necessary to be legally acceptable:

3. Route 250 and Eastern Entrance Improvement: In order to mitigate traffic and safety impacts, the Owner shall construct left and right turn lanes on Route 250 at the eastern entrance to the Property, or bond these improvements prior to the approval of erosion and sediment control plan or the first site plan (whichever of these comes first), these lanes being sufficiently long in length to satisfy the Virginia Department of Transportation ("VDOT") safety requirements.
   The owner shall immediately upon the start of construction of Rivanna Village install traffic signalization at the intersection of Route 250 for the eastern entrance to the Property unless upon a full and thorough public review VDOT does not approve an Eastern construction traffic signal. If such a signalized entrance is not approved by VDOT prior to the start of construction, then it will be built at such a point in time that VDOT traffic signal warrants are met and that VDOT requests the installation of such signal, provided that such request from VDOT is made prior to the completion of Rivanna Village, which for the purposes of this paragraph shall be deemed to be the later of (i) the date of approval and recordation of the subdivision plat creating individual residential lots in the final block permitting residential lots or (ii) the date of final site plan approval for the final undeveloped block within the Property."

The Planning Commission recessed at 8:55 p.m. and reconvened at 9:04 p.m.

Old Business

Mr. Morris asked if there was any old business.

a. CPA-2013-00001 Comprehensive Plan Update/Amendment – Prioritizing the Priorities (Elaine Echols)

Ms. Echols provided an update on the Comprehensive Plan update/amendment for prioritizing the priorities. When the Planning Commission last left off in of August, 2013 they made some recommendations for some changes to the July plan, which changes were made by staff and forwarded to the Board of Supervisors. That plan is currently being reviewed by the Board of Supervisors. There were some concerns raised about the priorities maybe being too broad. In August when the Planning Commission created priorities in the implementation chapter it felt like maybe it was trying to do way too much. There has been some interest on behalf of the Chair and Mr. Dotson to perhaps go into a little depth and provide some better direction to the Board of Supervisors on the priorities. Staff put together a short executive summary outlining an idea whereby the Commission would divide up into teams and take the lists of priorities that they had established and reduce them down to three. That would consist of what the three top priorities are for implementing our Comprehensive Plan in each chapter. She asked if the proposal was something the Commission would like to do. If they agreed then staff would check in with the Board tomorrow at the work session on the Comprehensive Plan and let them know. Also, staff will provide the Commission with worksheets so they can do that prioritization. She asked for direction from the Commission.

The Planning Commission agreed with staff's recommendation on the process. It was noted that some meetings had already been arranged.

Ms. Firehock said the process seems fine. However, she referred back to Mr. Williamson's comments about wanting more public involvement or transparency with what they were doing.

Mr. Cilimberg pointed out normally in a work session the Commission would have public comment. So he was expecting when this comes back to the Commission from each of the two persons group that they would make it available for public comment that night. Staff will get

everything to the Commission in advance.

Mr. Morris noted they would not be coming up with anything new. It is with what they have that they have hashed over for two years in what do they see as the top three priorities in each of the chapters.

Ms. Monteith questioned the amount of time they anticipated spending on this since they only have 20 days.

Mr. Dotson noted his hope would be to spend an hour or an hour and a half meeting on a given topic.

Ms. Echols distributed the worksheets, which would be sent electronically by email. She would answer any questions.

Mr. Cilimberg noted our intention is to come back on June 3.

Ms. Echols asked that the worksheets be sent back to staff by May 26th in advance of the meeting.

Mr. Kamptner noted two member committees would subject these meetings to FOIA, meaning that an agenda would need to be posted. Two member committees could be a public body. He said he would send FOIA guidelines to the Commissioners.

The Planning Commission agreed that two (2) Commissioner teams will meet subject to FOIA guidelines to be provided by Mr. Kamptner. The teams will bring back recommendations to the Planning Commission to review and obtain public comment on June 3, 2014.

Staff to provide FOIA guidelines and instructions for meeting setup. Also, staff will assist in finding locations for the meetings.

There being no further old business, the meeting proceeded.

New Business

Mr. Morris asked if there was any new business.

- Mr. Keller asked if Commissioners can serve on Ag/Forestal District Committee. Mr. Kamptner noted there was not a designated Commission spot on the Committee, but a Commissioner could apply for any vacant position not designated for a specific representative.

- The next Planning Commission meeting will be held on Tuesday, May 13, 2014.

There being no further new business, the meeting proceeded.

Adjournment

With no further items, the meeting adjourned at 9:21 p.m. to the Tuesday, May 13, 2014 Albemarle County Planning Commission meeting at 6:00 p.m., Lane Auditorium, Second Floor, County Office Building, 401 McIntire Road, Charlottesville, Virginia.

V. Wayne Cilimberg, Secretary

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