Albemarle County Planning Commission
August 19, 2014

The Albemarle County Planning Commission held a regular meeting on Tuesday, August 19, 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, Tim Keller, and Mac Lafferty, Vice Chair. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was absent.

Other officials present were Claudette Grant, Senior Planner, Megan Yaniglos, Senior Planner; Ron Higgins, Chief of Zoning; Amanda Burbage, Zoning Planner; David Benish, Chief of Planning; Wayne Cilimberg, Director of Planning; Sharon Taylor, Clerk to Planning Commission and Greg Kamptner, Deputy County Attorney.

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

Consent Agenda:

a. Approval of Minutes: June 3, 2014

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

Motion: Mr. Dotson moved and Mr. Lafferty seconded for approval of the consent agenda.

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

Mr. Morris said the consent agenda was approved.

Review of Board of Supervisors Meetings – August 6, 2014 & August 13, 2014

Mr. Cilimberg reviewed the Board of Supervisors actions taken on August 6, 2014 & August 13, 2014.

The Board of Supervisors changed their meeting schedule and will meet on the following Tuesdays to review the Comp Plan: September 9, 2014, October 7, 2014, November 11, 2014 and December 9, 2014. The Planning Commission will not meet on these Tuesdays.

Public Hearing Items

SP-2014-00010 Branchlands Assisted Living Facility
MAGISTERIAL DISTRICT: Rio
TAX MAP/PARCEL: 061Z00300005A0
LOCATION: Located on Branchlands Dr. approximately 125 feet north of the intersection of Lilac Court and Branchlands Dr.
PROPOSAL: Special Use Permit under Section 20.3.2.3 of Zoning Ordinance for an assisted living facility consisting of up to 90 units and up to 120 beds on .97 acres.

ZONING: PUD-Planned Unit Development which allows residential uses at a density of (3 – 34 units per acre), mixed with commercial, service and industrial uses.
ENTRANCE CORRIDOR: No
AIRPORT IMPACT AREA: Yes
COMPREHENSIVE PLAN: Urban Density Residential-Places 29 (6.01 – 34 units/acre); supporting uses such as religious institutions, schools, commercial, office and service uses in DA Neighborhood 2. (Claudette Grant)

Ms. Grant presented a PowerPoint presentation on SP-2014-00010 Branchlands Assisted Living Facility.

The applicant requests a special use permit to establish an assisted living facility with up to 90 units. Staff reviewed the concept plan of the proposed building, which is located off of Branchlands Drive with rear access from Incarnation Drive.

Staff has identified factors which are favorable to this proposal and has identified no unfavorable factors:

Factors favorable to this request include:

1. This proposed use was previously approved for this site and this proposal is consistent with the prior approved site plan and conditions of the Branchlands PUD
2. There are no anticipated detrimental impacts on adjacent property resulting from intensification of the existing use.

RECOMMENDED ACTION:

Based on the findings contained in this staff report, staff recommends approval of SP-2014-00010 Branchlands Assisted Living Facility with the following conditions:

1. Development and use shall be in general accord with the following revised plan prepared by Timmons Group Sheet(s) C1.0 (SUP Conceptual Plan), dated March 17, 2014, revised June 2, 2014 (hereafter "Layout Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Layout Plan, development and use shall reflect the following major elements as shown on the plans:
   - Building location, orientation and mass.
   - Location and general character of parking and garden.

   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, and minor modifications may be made to the building location as determined by the Fire Marshal to ensure compliance with the Virginia Statewide Fire Prevention Code.
2. Development shall be limited to not more than 90 units containing not more than 120 beds;
3. Prior to requesting a certificate of occupancy, the applicant shall present to the Zoning Administrator proof of licensure by the Virginia Department of Health and the Virginia Department of Social Services for the permitted use;
4. The use shall commence on or before [2 years from date of approval] or the permit shall expire and be of no effect.

Mr. Morris invited questions for staff.

Mr. Dotson said staff mentioned a previously approved site plan for the property and asked if she had a visual of that to put on the screen.

Ms. Grant replied yes, the plan shown on the screen is an approved site plan for a congregate care facility, which is still effective. However, the Whistler House Site Plan is a little bit confusing. There are two actions that have occurred. Basically, there are three or four buildings that are lined up along the edge of the property. She pointed out Lilac Court and Branchlands Drive. There are buildings along the property boundary.

Mr. Dotson said it looks like some houses are located down the center of the property and the parking is on the right hand side. Adjacent to the Lilac Court properties it looks like that might be yard area or open area. He asked is that a correct reading.

Ms. Grant replied that was correct.

Mr. Dotson asked when the site plan was approved.

Ms. Benish replied the site plan was originally approved in 2001. There was a Planning Commission extension in 2007. Based on State Code provision changes those site plans that were valid as of 2009 were then made valid until July 1, 2017. So it is a current valid site plan.

Mr. Dotson pointed out what that would mean is if the property owner chose to they could construct this particular congregate living proposal tomorrow.

Mr. Benish replied that was correct. Although it was difficult to see, he thinks the building along that property line is questionable at the south end. The building for the congregate facility was 12' to 15' away from the property line at one end and about 18' to 20' at the other. However, he believed the applicant can confirm those measurements. So that is roughly the spacing of that approved site plan. Since the site plan in the file is a reduced plan, it was not easy to put a scale on it. That is why staff is giving them a range.

Mr. Dotson noted the buildings he could make out looked like they had hipped roofs. He can make out three buildings with parking on the right side. However, he asked could he see it more clearly from the original.

Mr. Benish replied the parking is on the west side of building.

Mr. Dotson asked if the parking was the distance he was referring to from the Lilac Court property.

Mr. Benish replied it was measured from the building itself. He pointed out the closest building from Lilac Court and passed the site plan around for review.

Mr. Dotson asked what the relevance of this is to tonight's proposal.

Mr. Benish replied the relevance is there has been a prior approved site plan showing a building that has that spacing to Lilac Court. It is for a congregate care facility which is a similar type of facility as an assisted living facility. However, that is a by right facility and it does not require a special use permit. The use before the Commission requires a special use permit. It is a similar use, but not exactly the same. They are proposing a building that is in a similar footprint although not exactly the same.

Mr. Dotson asked in the congregate care proposal do they know about the height of the building.

Ms. Grant replied that they don't know the specific height, but the way that it is described is a floor that is partially below ground with 5 stories above.

Mr. Dotson noted it was much more visible on this.

Mr. Morris invited further questions.

Mr. Randolph said he wanted to follow up with Mr. Dotson's question especially after looking at this design. He would challenge the terminology on page 5 that the proposed building is slightly different. He sees a larger building in terms of its width and length before the Commission this evening than what he is seeing as the Whistler House site plan. So he would take exception to that. In addition, he had a couple of other questions for staff. First, he has some experience with older parents in assisted living facilities and he knows there are occasions when emergency vehicles need to come to assisted living facilities. Is

there any way within this proposal that they can ensure that there is some kind of noise controls that are imposed on ambulances and emergency vehicles so that emergency vehicles are not coming into Incarnation Drive and then making a right hand turn and entering into this access point where the emergency vehicles were identified on the site plan with any sirens on, etc. which would disturb people. The distance is not so far from Lilac Court that people living in Lilac Court could not help but be disturbed by the sound of emergency vehicles. It is not really a question for Ms. Grant, but more for the Commission of what can they do in this proposal to ensure that they are not going to encumber the neighbors with a new level of noise generated out of this facility. Second, he asked is the schematic from Timmons indicates that the proposed setbacks of the property line from the residences on Lilac Court are going to be between 14.95 and 23 feet. What steps, if any, can be taken by the county at our Planning Commission stage knowing that site review is usually the form in which these details are finalized. To ensure that there will be plantings along this line and attractive fencing to ensure the privacy and the appealing ambiance of the neighboring properties on Lilac Court. Third, has the county engineer weighed in today on the accuracy of Timmon's assessment that excavation of the Rosewood Pond will resolve potential flooding along the Branchlands channel except during drought conditions followed by a heavy rain. Fourth, if pile driving is deemed necessary on site to stabilize the foundation of the proposed assisted living building is there any provision under county regulations for the developer to be required to establish an escrow fund to cover any potential damages to neighboring residential units during the process of piles being driven into the ground.

Ms. Grant replied first she would clarify the reference in the staff report to a previous plan. There is a previous special use permit plan that was approved for an assisted living facility. The reference in the staff report is to that particular facility. It is a little confusing because a lot of different activities have happened over the years within the community. The special use permit previous approval is referencing the building outlined in the presentation. It is a little different, but not a whole lot different.

Mr. Randolph asked staff to answer his four questions. First, is the question about the emergency vehicles and noise controls that have minimized impact on neighbors that are going to be either 14.95 or 23 feet away from the property. Second, question about the setbacks and what we can do at this stage to ensure that the plantings will occur along that varying setback line to ensure privacy and to maintain the ambiance of the backyards and the people on Lilac Court. Third, has the county engineer weighed in to date on the Rosewood Pond facility being adequate to handle overflow in drought conditions if there was a sudden rain event where the ground will not be able to absorb the volume of water. Fourth, regarding pile driving, can they set up some assurance to safeguard the best interest of the neighbors because pile driving has the equivalent effect of a small earthquake on nearby residences and can result in damage in the house. Is there some provision for us at the Planning Commission level to recommend that there be an escrow fund established to protect the residents whose property could be damaged if pile driving is called for? They don't know yet, but if in fact on the site that is necessary he thought it might be appropriate that their interest be protected.

Mr. Benish said that he would take questions 1 and 4. The first would be in regards to sirens from emergency vehicles. He thinks the Commission's control would be through conditions, which might be difficult to enforce. They have not consulted with fire/rescue about whether they are comfortable with that. He thinks they use sirens as a warning device to help get people out of the way. So he is not sure how comfortable they might be in the need to use that internally on the site. They may be amendable to that.

Mr. Kamptner pointed out the other thing is that both of the county's noise ordinances exempts sirens from emergency vehicles because they recognize the paramount public need for sirens when they are needed. So he would advise against a condition that attempts to impose a condition on the use of sirens.

Mr. Randolph noted his only concern is sometimes emergency vehicles people forget about turning off the siren. They can turn into the entrance of this building and that is unnecessary at that point. They are assuming there is not going to be any congestion at the building at one o'clock or four o'clock in the morning. Often times vehicles will come at that time and thereby that would not really be called for.

However, it could obviously awaken people on Lilac Court. So he was just looking at this level if there is some way they can protect the homeowner's interest.

Mr. Loach pointed out as part of the fire department it may happen occasionally as far as the sirens, but he thinks for the most part they try to be prudent and use the siren to get traffic out of the way. However, if there are areas where they don't have to use it or if it is late at night and there is no traffic they turn the sirens off and use the lights for identification. He was not saying it will never happen, but that most of the ambulances and fire departments are fairly prudent about their use of sirens.

Mr. Randolph suggested signage could be set up where the turn is made off of Incarnation Drive that just says emergency vehicles please silence your sirens.

Mr. Loach said that he did not see a problem with that.

Mr. Benish said regarding the issue with pile driving he cannot think of a condition that they have applied before. It might be worth asking the applicant whether this design is going to require pile driving. He was not sure this type of building is going to necessitate that type of construction. It is something that he has not dealt with before and he was not sure they have the technical expertise to know how to address that issue.

Mr. Randolph agreed they could ask the applicant.

Mr. Loach pointed out he would guess the closest they have ever gotten to that is the problems up at the airport.

Mr. Benish said that was with the blasting that took place to a limited degree with the quarry.

Mr. Morris suggested that they contact the city because they were using the pile driver down at the interchange last month.

Mr. Randolph said the next question was on to the setbacks and ensuring privacy and appealing ambiance for residents on Lilac Court. He asked is that something at this point they can in any way advocate. He knows it is usually an ARB or a site review question. However, at this point can they seek to maximize the setback or is that a conversation with the applicant.

Ms. Grant replied in the past they have had for certain special use permits landscaping and fencing that have occurred as conditions.

Mr. Kamptner agreed that would be an appropriate condition that is fairly common to mitigate impacts to abutting properties.

Mr. Grant said regarding the question which had to do with the county engineer, there has been a lot of work that is going on as it relates to storm water in this particular area. Many of the residents have spoken with Glen Brooks and she has spoken with Mr. Brooks. No one really wants to make a commitment to say the improvements that are going to happen are going to alleviate all of the problems. However, what everyone has said to her is they will be much improved from the current situation.

Mr. Randolph asked when she says everyone does that include the county engineer.

Ms. Grant replied yes, that does include the county engineer.

Mr. Keller asked are there responsibilities for the seller of a property to let the buyer of property know there are plans such as this for an adjacent property when they buy an adjoining parcel.

Mr. Kamptner replied that he was not aware of a legal obligation. However, due diligence would suggest that buyers pay attention to the existing zoning and the Comprehensive Plan not only for their parcel but the surrounding parcels. However, zoning can change at any time.

Mr. Loach pointed out there was a similar situation in Redfields where the developer in all of their literature had shown there was going to be open space and then came back later with houses. He was not sure if there are any promises made to the current residents. However, they did come up against this once before.

Mr. Morris invited further questions for staff. He asked Ms. Grant if she had a response to Mr. Keller's question as far as the responsibility of the realtor to identify anything of particular interest prior to the sales taking place.

Ms. Grant replied no

Mr. Cilimberg pointed out that was not a matter they would be involved with since it is really part of real estate practice and the requirements of realtors. They get a lot of people commenting that my realtor told me this or did not tell me this. That happens quite often. Since they don't know whether it is a misunderstanding versus something said during the process of selling and buying property it is not something they can do anything about. It is really not something that they have an involvement in.

Mr. Benish said one thing they do require now with legislative acts is a community meeting. The representative did hold that community meeting after the special use permit was submitted. They can speak to that meeting when it was and what comments they heard.

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

Valerie Long, representing the applicant and owner Cambridge Health Care, said Graham Adelman, President and CEO of Cambridge Health Care and Craig Kotarski, project engineer with Timmons Group was present. She believes that most Commissioners are aware of the differences between an assisted living facility and congregate care living. Assisted living facilities are essentially a bridge between independent living and nursing homes. They are proposing an assisted living facility for this site.

In a PowerPoint presentation Ms. Long explained the existing use on the property in an aerial view taken from Google Earth. She pointed out the townhouses along Lilac Court and the four buildings of the existing Branchlands facility. The manor house has dining space with meeting rooms. The other buildings are all independent living or congregate care apartment units. There is parking behind the building. There is actually a lot of excess parking. In addition to the primary entrance off of Branchlands Drive there is also deeded access for Branchlands off of Incarnation Drive. Vehicles have a deeded right of access along Incarnation Drive to the back of the building.

In the proposal the assisted living facility will be located on this parcel with two points of access to the building, which makes it very helpful from a functional and programming perspective. The owners have already committed to the neighbors in an effort to reduce any significant traffic on Branchlands Drive to have all staff for the new facility as well as deliveries use the Incarnation Drive entrance. As some may know the amount of projected vehicle trips for an assisted living facility is quite low. Essentially, very few, if any, of the assisted living residents will have their own vehicle. There is a few more staff in an assisted living facility as compared to independent living, but it is not enough to balance out the vehicle use or the differences in use. They did conduct a parking survey as part of the application, which she could elaborate on as needed. The Timmons Group engineers determined the existing parking lots, both the one in the back as well as the one in the front, are on average used about 50 percent. There is a little bit of difference between the weekdays and the weekends. However, on average only one-half of the parking spaces are used. They see in the aerial photos there are very few cars in that lot. If the assisted living facility is approved and constructed, they are actually building very few new parking spaces. They

are going to use those left over spaces. Even once that is done there will still be a handful of extra parking spaces.

As was noted in the staff report there was a special use permit approved for an assisted living facility at this same location in 1996. There was a site plan approved for an assisted living facility, which was owned by the prior owners. Unfortunately, that was never built. Then a few years later they modified it from an assisted living to independent living or congregate care. That is the site plan currently in effect that the Commission passed around. She noted the exhibit that was attached to the 1996 staff report for the special use permit was called the Whistler House. It was located in nearly the identical location but with a slightly different footprint. As Mr. Randolph indicated the building did not go back as far. Our proposed building would go further back into the corner. However, that is mostly because they are not building all of this extra parking that is shown on the approved site plan. Instead they are having the buildings stick back a little bit more and then there is a garden in the back. She had similar challenges trying to produce a visually helpful exhibit of the existing site plan. She pointed out the back of the Lilac Court units. She referred to the proposed concept plan for the assisted living building. As they can see they are at a different angle. However, she did want to show the comparison of the distances.

Ms. Long pointed out the approved site plan and the conceptual site plan. Our engineer measured the distance and their building is slightly farther away from the property line than is the approved building. This one is a little closer to the Lilac Court line. The other thing is the property line slopes a little bit. At one point on the old plan the distance is 19 feet and on the new plan it is 23.7 feet. In the back the distance is 12.3 and on the other plan it is 14.96 feet. So again, it is slightly farther away. It is the same general footprint, but as shown the building goes back further because the parking stops instead of coming all the way back behind the building as it did with the original plan. They have a memory garden. This also incorporates in site storm water management facilities an underground detention facility as well as biofilters. She would be happy to come back to this more during any questions. She realized the site plan is quite small and detailed. To further show the differences in setbacks, she reviewed an overlay of the two buildings done by the Timmons Group. It is very similar, but the overlay gives them some perspective. In the distance between she pointed out the existing sewer line. The County Service Authority has an easement there. However, the easement straddles the property, which constrains us.

They have also met with the residents of Branchlands as a whole, which included both the existing Branchlands independent living residents as well as the Branchland Property Owner's Association, which are the townhouses that are separately owned from Branchlands. They understand there are questions and concerns about the massing of the building and what will four stories plus a basement look like. Therefore, they have a few slides put together by the architect to show some conceptual plans and ways they have been working to try to address those concerns and demonstrate our good faith efforts to address the size of the massing. Part of the first floor of the building will be partially below grade. That is a little difficult to show on these exhibits. It starts looking like it is a five story building, but it is four stories with a partially exposed basement. She pointed out the main entrance, the Branchlands Drive side, the Lilac Court side, and Incarnation side. Here they can see how they have stepped the sides of the building on the upper levels after the first floor. She pointed out the basement level. In a conceptual image she noted they have tried to step the building back a little on the side and have some articulation there, but reduce the massing overall. They also are happy to put up a fence. There is a fence there now. However, there is also a sewer line there and they have to get permission from the County Service Authority to replace the fence and to add any landscaping. They did approach them and asked whether they would let us or not. Unfortunately, they would not give us any official feedback until they get to the site plan stage. So they had relayed to the neighbors and will state it here publicly they will be happy to implement a fence, a screening wall or continue to work with the neighbors and find out which they would prefer as well as some landscaping if they can do that.

Mr. Morris invited questions for Ms. Long.

Mr. Randolph asked Ms. Long would the applicant be open to posting signs back into the entrance way off of Incarnation Drive that say "Siren Free Zone" to try to reduce the noise level.

Ms. Long replied certainly to the extent they can control that. It is their property back there so they should be able to. As Mr. Kamptner mentioned it was subject to whatever the current rules are. She did not know if there is any authority to require the fire and rescue division to necessarily follow those, but they can certainly post the signs and talk to them about it. Branchlands is also concerned about the quiet and comfort of its existing residents who are right next door as well. So they are internally incentivized to make certain that it is a pleasant living environment for everyone. They want to continue to be able to lease their buildings to new residents. So, yes they are happy to do that.

Mr. Randolph said that would be a wonderful first step. He asked if they have 90 new rooms what is the estimate of the number of new staff members.

Ms. Long replied they looked at that issue in a parking study to estimate how many new spaces would be needed. There will be 37 new staff members.

Mr. Randolph asked if the applicant is open to setting some kind of an escrow fund aside if pile driving is necessary on this site. It does not appear from the standpoint of the soils that exist in this area that will be called for. However, if it is called for is the applicant open to establishing an escrow fund to cover any damages for people as a result of piles being driven on site?

Ms. Long clarified that the 37 staff positions are in two different shifts so they wouldn't all be there at one time. The worse case would be during shift changes when they might be there at the same time. With regard to pile driving Craig Kotarski with Timmons is here and can speak to that. However, Mr. Kotarski confirmed to her that there is little chance if any that would be needed given the topography of the property. Therefore, they don't expect the need for that. There is minimal site work needed because it will be tucked into the side of the hill. With that being said, she thinks they are interested in considering that, but she did not know that it is actually necessary. Without an escrow fund like that liability would still exist if there is any damage. There is nothing that would exempt the project from any liability. They are again highly incentivized to ensure that there is no damage to any off site property. It does not mean that accidents don't occur.

Mr. Randolph noted he liked the attractiveness of the fence line there. He asked if they are also open to adding some trees and shrubs so that over time it is not just a fence, but in fact shielded from both a fence standpoint as well as natural shielding with trees or shrub.

Ms. Long replied they are definitely open to doing as much as they are allowed to do within that easement area as well as working with the design of the building to help soften it as they have shown. However, again she just has to reiterate the Service Authority has the final say with regard to what can be planted within that easement area. They are going to be working very hard to get their consent. Trees may be a challenge as Timmons tells her. However, shrubbery and things like that are easier. They are happy to work with the residents. The fence might be closer to the new building, which would allow room for landscaping on the other side of the fence. Again, it is all subject to the Service Authority. However, they are willing to work with the neighbors to find a solution that can hopefully be agreeable to everyone.

Mr. Randolph asked if she would be open to having a meeting with the neighbors to get their input on that design process if the Planning Commission and Board approve this application.

Mr. Long replied absolutely. They have held so far three meetings with the neighbors. They will continue to have an open door policy in that regard.

Mr. Loach asked what the buildings on the right are currently used for as shown in the picture.

Ms. Long replied the buildings are independent living or congregate care buildings. She pointed out the three buildings that were all part of what is Branchlands.

Mr. Loach asked where the parking is located for those buildings.

Ms. Long replied the parking is located behind the building. One lot has about 83 parking spaces, which is underutilized. Only about one-half of their residents have a vehicle. Branchlands has a van they use to transport residents to outings and appointments. There are also a few parking spaces in the front that are for visitors and a handful of staff. That lot is also utilized at about a 50 percent rate on average.

Mr. Loach asked if the parking study was based on just one-half the current residents or the potential that should be available to both buildings.

Ms. Long replied that it was both. They did an assessment of the existing use in how many residents have a car and how many cars are out there. They studied the number of vehicles in the lots on 3 separate days. She thinks it was like a Tuesday, Friday and Saturday or something like that to get a representation. They did counts and determined the lots were both used on average about 50 percent. Then they calculated how many new spaces the assisted living facility would need and if all of those spaces came from the existing lots. There are a very small number of spaces that would be added here. Will there still be enough? Our parking study indicated that even after the assisted living facility was constructed and all those employees were there that in the worst case scenario they would still have 9 vacant spaces during the week day peak hour and 27 extra spaces during the Saturday periods. Therefore, they are very comfortable there is plenty of parking. They did not want to overbuild and wanted to minimize the amount of additional impervious space.

Ms. Long said they are working on a shared parking agreement so that those two lots will share those spaces. They expect that will be a condition of site plan approval. She knows Mr. Higgins is here specifically to speak to parking and he might have more official word from the county on that.

Mr. Dotson asked if all those buildings are addressed on Branchlands Drive.

Ms. Long replied that was correct.

Mr. Dotson asked how they would go about requiring staff to use the area described as the parking lots.

Ms. Long replied certainly the staff would be employees of Branchlands and as part of their other employee requirements they would be required to park in the back spaces just as if they would be required to follow other rules and procedures of their employment.

Mr. Dotson said Ms. Long indicated that all of the construction traffic would use the lanes through the parking lot to access the site during construction. He asked if that is correct.

Ms. Long said she did not know if she spoke to that. However, the plan is as much as possible to have the construction traffic use the back entrance off of Incarnation Drive. They would not propose to say all construction traffic because they know there will need to be some limited amounts of construction traffic using Branchlands Drive to construct portions of the building. However, the owner has indicated a strong willingness to coordinate things with his construction general contractor to use Incarnation Drive as much as reasonably possible.

Mr. Dotson said if appropriately worded would a condition to that effect be acceptable.

Ms. Long replied certainly if appropriately worded if they feel comfortable. Again, they just want to be clear they are not saying that there won't be any. They know there will need to be some. However, they think it will be a fairly small percentage. There are no plans that have been developed at this point to know exactly how much.

Mr. Randolph said as a follow up to Mr. Dotson's question is there any provision to use Incarnation Drive and then this back entrance to be the delivery entrance so that all Fed-X or UPS type trucks will no longer be coming down into the entrance of Branchlands, but will deliver on the back side.

Ms. Long replied with regard to the proposed assisted living facility the owner has stated that as much as possible deliveries will take place off of Incarnation Drive. The building can be designed that way now from the beginning. That being said there will still be deliveries for these other buildings that have to take place on Branchlands Drive. Several years ago they looked into trying to redesign their existing buildings to avoid having deliveries on Branchlands Drive. Due to the location of the kitchen and things like that it unfortunately was not possible. She just wants to be clear that they can't change deliveries for these other buildings, but for the proposed assisted living they are committed to having deliveries as much as possible come into the back.

Mr. Morris invited public comment.

Mary Dickens, resident of 1300 Sycamore Court in Branchlands, said there will be 65 townhouses in very close range of this 1.25 acre lot that will be under construction for the Branchlands Assisted Living should it be approved. Sixteen townhouses in Lilac Court, 8 in Garden Court, 6 in Warner Court, 7 in Chestnut Court, 6 in Pecan and 22 in Sycamore Court. She added these townhouses from Sycamore Court down to the entrance were built on fill dirt from the Fashion Square Mall construction. They do not leave home in the mornings and go to work for the day while the loud machinery is operating with dust, dirt and constant vibration. There will be no peace and quiet in the daytime. That means not much sleep at night. Day after day of this will take its toll on the elder senior residents. Old age is something that they cannot change. They moved to Branchlands Retirement Village for peace and quiet. This proposed development is way too large for this small lot. They are asking the Planning Commission and Board of Supervisors of Albemarle County to help us find a solution to this problem they are now facing. They have supplied them with proper and necessary information. They are expecting to receive the best protection possible from our elected county officials to help the elderly citizens in Branchlands Retirement Village.

Martha Leclere, resident of Whole Trust House at Branchlands Drive, noted in response to Mr. Randolph's question that the emergency vehicles now run silent from Hillsdale. Since she lives on the corner of Incarnation and the Whole Trust Building she knows. It should not worry the people who live on the Drive at all. This is a personal story. This is her second residence at Branchlands. The first was in 2007 when her husband's Alzheimer's made it impossible for us to continue living at the home they then owned in southern Albemarle County. When they moved in January her husband could still make some decision and retain some social skills so that placement in a specialized care was premature. However and mercifully his decline was rapid and within three months of our move he had become violent towards her and was living in a parallel universe and not in this one. His neurologist strongly recommended that she think first of her own safety and place him in professional care as soon as possible. She began a frantic search for an appropriate facility and after months visiting of local places found one bed available in Albemarle County a 15 minute drive from Branchlands. There were not then as many specialized facilities as there are now 7 years later. Alzheimer's victims are amazingly adapted at finding ways out of supposedly escape route situations. After staff found her husband and another patient in a parking lot of the facility he was in she decided to move him and herself to Standardsville where she could walk to visit him and also help her own mental health by becoming active in the community. He died six months to the day after their move. She has been at Branchlands this time since May, 2013 and she knows at least two other couples at Branchlands who suffered through the same devastating circumstances as she did. She has also known several individuals whose deteriorating health forced moves to other facilities better equipped to care for them. Each time there was a wait for a bed and travel time for visiting family. Aging and ill health is neither pretty nor a pleasant process. They should if they can at least make it a little more comfortable by making it a little more convenient to move within a chosen facility rather than a move out of familiar circumstances. This kind of move is never made unless it is necessary. She believes that these moves should be made with as little trauma to an already ill and traumatized individual as humanly and humanely as possible.

Sue Liberman, 1216 Gazebo Court, said she was actually wearing three hats today as a homeowner in Branchlands; a former employee of Branchlands in that she was an executive director working under Mr. Adelman for almost five years; and also a geriatric care manager with her own consulting business. Addressing her first hat as a resident there is no question that building a facility will create some

inconvenience for a few months. But, she suspects knowing Mr. Adelman and the people he is working with as well as the people in Branchlands that those inconveniences will be well worth it once they get past them. Second, having been an employee she will testify under oath that Mr. Adelman and his organization is as professional with as integrity as anyone she has ever worked with over her 40 years in the workforce. Third, as a geriatric care manager she can attest to the person who spoke before that over the past 10 to 15 years people want to be in a community where if they need health they can get it regardless of the level of care. If they look at the other retirement communities in Charlottesville probably 90 percent of them now offer congregant living, assisted living, memory care and in some cases skilled nursing and rehab. She thinks it is to everyone's advantage to build this building. She has been fighting for it for about 8 years trying to convince Mr. Adelman to do it.
Right now she is hoping that the homeowners in Branchlands can see past the few months of inconvenience because her belief is down the road it can only enhance our property values.

Sarah Worthington, resident of 1438 Lilac Court, said her residence is within 15 feet of the proposed new building. She asked her friend would read her speech since her eyesight was so bad, as follows.

"Sarah Worthington on Tuesday, August 19th sent an email to the Planning Commission of Albemarle County reading Proposed Assisted Living Complex.

"Planning a quite retirement when I returned to Charlottesville, I moved to Branchlands which was established to provide a peaceful retirement area. I was horrified to find that a four-story assisted living building with 90 units is proposed to be built about 20 feet from my back porch, as well as those of my neighbors in Lilac Court. Moreover, as our houses are much lower than the existing empty lot, the four-story building will tower over us, blocking light and air, as if it were closer to a six-story building. Currently, I am able to sit on my porch and listen to the birds in the evenings; with the proposed building, all I will hear are air-conditioning units and car doors slamming as staff and visitors come and go. Construction is apparently planned to last for upwards of six months, from early morning until late at night, seven days a week.

After meeting with other residents of my court and the wider Branchlands community, it seems to me that we share a number of concerns;

1. The noise and disturbance related to the construction of such a large building with a quiet community, with particular concerns about the impact of construction on Branchlands Drive.
2. The ongoing noise from air conditioners, the glare from security lights, increased traffic and disturbance from staff and visitors.
3. Lack of view from the proposed block with no improvements to the fence to maintain the privacy of Lilac Court residents.

I am also concerned that there has been no public meeting of the Branchlands residents in order to have a general discussion about the impact of this proposed building. I am also concerned about the zoning. The lot in question is zoned commercial/residential, but as I see it, all 90 units are to be assisted living, which seems to mean full-time care – is this commercial or residential? Thank you for your consideration of the above concerns." **(Attachment:** Email dated August 19, 2014 to Planning Commission from Sarah Worthington)

Muriel Grim, resident of 1305 Branchlands Drive, said she lived directly across the parking lot from the Bolton Condominium Apartment Building. At four stories the Bolton is obviously out-of-scale with our ground level residences and with the other private homes in Branchlands. Fortunately, the Bolton is located at the edge of the Branchlands property behind some tall trees and affects the view of only a very small number of the community's residents. She bought her home when it was the only house with three bedrooms and two baths available in Branchlands. It had been on the market for over a year and the only negative factor was its location across from the Bolton. They are concerned about its resale potential. The Bolton footprint is 3 ½ times smaller than this proposed assisted living facility. Her house is approximately 75' from the Bolton and that distance does make a difference. Our situation is not nearly as overwhelming as a building at least one story higher and 70 percent longer located at a distance of less than 25' for the residents of Lilac Court. If her home value is negatively affected by the presence of

the Bolton imagine what this proposed building will do for the housing values in Lilac Court. In addition to destroying the charm of the surrounding neighborhood of small cottages its presence will probably be visible from and affect the value of many homes in Branchlands. Examining this site on a map does not provide a realistic image of the size of the structures. Because there will be detrimental effects on the neighborhood she requests that they do not permit the structure as proposed but instead require much larger setbacks and lower rooflines that will preserve the ambiance and value of our community. By the way after the last presentation they should keep the trees away from the sewer line. **(Attachment:** Email dated August 19, 2014 to Planning Commission from Muriel Grim)

Nancy Hunt, President of Branchlands Property Owner's Association and resident of 1303 Branchlands Drive, said they sent a letter to Ms. Grant. They have had numerous meetings with the developers and have worked out some issues. However, as the Commission can tell there are many of us who disagree with staff's finding that there is no detriment to the adjacent properties. A townhouse often calls to mind 2 or 3 stories. They are really cottages. The sixteen units in Lilac Court are all one-story with the exception of one two-story. Because of the topography Ms. Worthington's unit is actually below the proposed structure. So what they have seen in the presentations they need to think about a cottage that is at ground level and then look up and see yes they have made a few setbacks and a couple of articulations. However, it is still a very solid wall. If they look at this combined height and mass and they look at the guidance in the Neighborhood Model it says combined height and mass should not be overwhelming. It calls for the use of setbacks. However, 15' is not a very big setback. There is some suggestion that the developer is willing to pull back the sides of the building, but really the Neighborhood Model calls for the density at the core of the building. That would mean that there should be after the first floor setbacks away Lilac Court. The building should taper towards Lilac Court. Maybe they could move the bio-filter or there is a way to pull that center entrance courtyard further to Branchlands Drive. She noted the following points.

- Staff Parking – The staff in this building should park in the back by Sergeant House. So should the staff in the Manor House. There will be fewer guest spaces in front. Please tell me that no one visits their aging parents and they need maybe more than 9 spaces when they have 86 units. Speaking of 86 units if they go back to the plans, originally there were 90 units in Whistler House. Four were transferred apparently to Whole Trust. So there really should only be a maximum of 86 spaces according to the letter.
- There is emergency designation on the plan, but there is no loading dock destination. Therefore, they don't know where that went.

(Attachment: Email dated August 19, 2014 to Planning Commission from Nancy Hunt)

There being no further public comment, Mr. Morris closed the public hearing. He asked if the applicant wanted to take advantage of the five minute rebuttal.

Ms. Long asked members of the audience who support the request for the special use permit to quietly raise their hands so that the Commission can see. She apologized for overlooking it, but it was mentioned if the Commission is inclined to recommend approval of the special use permit the last condition states that the use has to commence within two years. They would ask that be reworded to say that the construction needs to commence within two years. She was not sure if two years was enough time to actually have the building designed and the site plan reviewed, approved and the building actually constructed in that time. They would love it if there was an extra year or two to provide some cushion. However, to summarize the proposal tonight is for an assisted living facility that is four stories plus a basement. There is as was discussed at the beginning of the meeting a valid site plan in effect for a five-story building that is nearly an identical use for independent living. It is a very similar use, unfortunately for us they a special use permit for something that is very similar. They think the use is actually slightly less intensive than independent living because they have fewer vehicle trips. They have slightly more staff, but not enough to balance out the reduction in vehicle trips. Certainly the assisted living will not generate more vehicle trips than the by right use of independent living. The buildings are very similar. The proposed building is actually slightly further away from the building. The approved site plan shows very minimal landscaping between those two properties. There are two trees. She thinks what they are proposing is an improvement over the current by right use. It is very similar. There is less parking required and less parking built. There is more green space with our new plan of 25 percent. The air

conditioning units will be located on the roof of the building and not at grade. So they don't anticipate the units will cause any disturbance. The other building will be a story taller. She thinks Ms. Leclere's personal story said it far better than she could say about the benefit to the community as a whole of having an assisted living facility right in their neighborhood. It will make it an easier transition for all the residents of Branchlands who might be interested in thinking long term about assisted living. Not everyone will, but it will make it easier for folks to visit them in a more familiar environment and surrounding. It will provide really a continuum of care for all of the residents of the community and neighborhood. There are several facilities nearby. As they know they have very low vacancy rates. Very few memory care units are available. So it will be quite a benefit to the community with no additional traffic impacts as stated. Mr. Adelman shared with her when they first started discussing this project that when he has potential residents come to tour the Branchlands independent apartments that the vast majority express an interest in having assisted living facilities in the neighborhood. She would be happy to answer questions or address any of the additional comments either from the public or Commission.

Mr. Morris invited questions for Ms. Long.

Mr. Loach asked what the estimated length of time is for construction.

Ms. Long replied they think probably 12 to 14 months. Obviously, they have not gone that far yet in terms of planning it out and meeting with contractors. But, that is their best estimate.

Mr. Loach asked how many units are in the Branchlands development.

Ms. Long replied for the Branchlands Apartments there are 69 units. She believed it was just over a 100 and suggested that the residents of the Branchlands Townhouses could clarify that. It was probably 137 of the others. Of the existing Branchlands units there were 69 here, which were independently owned townhouses. She knows there are at least 100 of those and probably many more than that. She noted Ms. Hunt said there were157 units and she was the Homeowners' Association President.

Mr. Loach noted the reason he asked was the question was raised about the ration of their proportion of the size of the building. So this will not be a continuum of care for those residents, but will serve additional persons.

Ms. Long replied that was correct, it would not be limited or restricted only to Branchlands residents.

Ms. Firehock said the question was raised by the President of Association about parking for visitors. She questioned how the visitor parking was factored in. She talked about the people in assisted living making less vehicle trips basically riding in vans. They would probably hopefully be having more visitors.

Ms. Long replied that they certainly hope so. There are a number of spaces that exist already right here. There will be a few additional ones with only 5 or so new ones created in the front. Then they will have the whole back parking lot that is very underutilized as well as a handful of spaces that will be created in the back. Based on the parking study and the estimates there are plenty of spaces for additional staff, but also for visitors. So the plan is that the owner will work with residents, their guests and family members, to make sure they are aware that particularly on high visitation days that visitors are encouraged to use the entrance off of Incarnation Drive and park in the back lots. That is a concern that has been expressed by some of the neighbors. They are very confident that there is plenty of space there. They have also taken steps in response to some of the concerns that the neighbors have raised over the past few months. They have put in place some additional improved signage to make it clear that these spaces are for visitors and guests and that the spaces, for instance, rights across the street are strictly prohibited and private spaces that belong to the residents of the Branchlands Townhouses. They are improving their communication with their residents and guests to make sure people are aware of that and don't encroach upon the spaces of others.

Mr. Randolph asked what the anticipated construction hours are. He asked if they are open to having limits so that there is no construction before 8 a.m. and construction is completed by 6 p.m. He asked if that is something doable and workable.

Ms. Long replied they don't have a permit approved yet. Certainly if it is approved and they get to that point that will part of the discussion. Branchlands is certainly concerned, just as they are with regards to the sirens from emergency vehicles, that they minimize any disruption as much as possible to ensure during construction that it remains a pleasant peaceful place to live absolutely as much as possible. Certainly, there will be challenges as there always is where new homes are being constructed in neighborhoods. It is never a perfect process. However, a lot of times it is about communication. She thinks the fact that Mr. Adelman, the owner, and his staff are here on site and will be available and accessible so there will be good channels of communications for people to express their concerns and request for things to be done differently if possible. If things become troublesome they will have an open line of communication to express concerns and hopefully work them out.

Mr. Randolph asked if Mr. Adelman is open to the traffic calming recommendations that Ms. Hunt shared about Branchlands Drive to try to ensure that given that she has indicated that there can be no guarantee that all construction traffic will come via Incarnation Drive and will be some construction traffic coming down Branchlands Drive to try to minimize anyone speeding through the area particularly in a larger truck.

Ms. Long replied certainly that will absolutely be part of it both for the safety and comfort of his own residents who walk out in that area as well and also all the residents of Branchlands. Safety is of upmost concern. So they will work with their contractors have appropriate signage in place and provisions in their contract to avoid problems. They have also discussed certain post construction traffic calming measures that they are happy to work with them going forward about discussing. Some residents have expressed both in their emails to the Commission and this evening concerns about potential damage to Branchlands Drive. She just wanted to address that as well. Certainly the liability would require any damage caused by the construction vehicles or any other aspect of the construction Branchlands will be liable for that. Furthermore, the existing maintenance agreement that is recorded in the land records expressly requires that the party that causes any damage has to have it repaired within 30 days. So that obligation is there.

Mr. Lafferty asked if the Noise Ordinance take care of construction timing. Heavy equipment cannot be started before a certain hour because of the noise level. Also, the equipment has to be shut off at a certain hour.

Mr. Kamptner pointed out the period where construction is allowed without restrictions is between 7 a.m. and 10 p.m. After that between 10 p.m. and 7 a.m. there is an audibility standard, which is pretty restrictive. However, during the daylight hours it is allowed without limitation.

Mr. Lafferty asked how they regulate the two year time limitation.

Mr. Kamptner replied the special use permit regulations allow the Board ultimately to establish the time as a condition. It can either be the commencement of the use or the commencement of the construction of any structure. The flexibility is there to fashion a condition that addresses their concern.

Mr. Lafferty suggested the condition needs to be reworded about the construction time.

Mr. Benish agreed that could be done if the Commission makes that as part of the motion.

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

Mr. Dotson said the issue is not whether this would be a useful addition to the community. They have heard from audience members and many Commissioners feel like it would definitely be a beneficial use to the community. So it is not a question of whether in his mind, but a question of how. Some of the issues have been addressed such as the construction traffic as well as some of the questions raised by

Commissioner Randolph can be addressed. The problem he sees here is what some people sometimes refer to as sort of the looming relationship of the larger building over the smaller buildings. He felt that was an outstanding issue here. It has been pointed out that there is precedent. There was a previously approved site plan that expired that had the same setbacks approximately and the same height. There is a site plan that because of a change in the State Code has not expired that has the same setback, but he did not think two wrongs make a right. So what would be right? He thinks the logic of what might be right is that the property is zoned PUD. If they look at the PUD ordinance it has height regulations. What is says is that no structure over 65 feet, but any structure over 35 feet which is the size of a two-story house shall be setback from any street right-of-way or single-family residential or agricultural addition. He would pause. Literally, what this is saying is a residential district or residential zoning district, but this is a residential area. So technical what he is reading does not apply. But, the logic of it he thinks does apply. He would go back now that any structure exceeding 35 feet in height from a residential district in addition to the minimum yard requirements a distance of not less than 2 feet for each 1 foot of height in excess of 35 feet shall be required. What that would say is that a two-story structure could be placed at the minimum setback, but then there would have to be sort of a stair step effect going back a certain distance depending on the actual relationship to the property line and the height of the building. While this building is not next to a residential district it is next to a residential area. That sort of suggests an approach. He did not find the visualizations that were presented very convincing, which did not seem to go far enough. The other thing in terms of how might they think about a reasonable setback and standard. He looked at the commercial districts. This is an assisted care facility. Is it residential? People live there. It is sort of like an office or a commercial use in some regards. They could look for logic at the commercial districts. What they says is whenever there is a commercial district adjacent to a residential district (they have adjacent to a residential area) no portion of any structure shall be located in 50 feet to any residential district. That is a lot more than the 14 feet or 20 feet. He is not arguing for the 50 feet. But, he would like to see more flexibility on the part of the applicant in terms of considering a greater setback or some sort of a stepping design of the building in order to accommodate a more harmonious blending. He comes back to the fundamentals. This is an infill situation and a transition situation. It seems that the building being proposed is like a blunt object. It is not nuance. It does not attempt to take advantage of the opportunity to make a comfortable transition from what really are cottages. There is a topographic differential of 12 to 15 feet. So even if there were a two-story building there it still would tower over the others, but he thinks much more acceptably so. He thinks that is a fundamental flaw in the how. The whether is not a question because he thought it is a good use and appropriate to the site. He would like to see it there. However, it fails on that how question because it is not a supportable infill proposal.

Ms. Firehock concurred with Mr. Dotson. She was really concerned with the massing of the building towering over the residences. She understands about the prior approved plan, but she did not think that was necessarily appropriate either. She thinks assisted living is necessary and that it can happen there. It does not need to happen at that massing with either of the proposals that Commissioner Dotson put forward with stepping back or perhaps less stories. She would support fewer stories. Nevertheless, they really need to give some respect to the residents who bought there and what is a reasonable expectation of what they might be living next to.

Mr. Keller noted as a designer he must say that he thinks his fellow planner has done an outstanding job in talking about the design issues. He realized that they are not the entity that is dealing with this, but in an advisory capacity that what he points out is quite important. As a person who has had many relatives age in place both in his home and in a facility where they were able to go from independent to assisted to the infirmary he feels that it is very important as they have heard to have full communities that offer a range of opportunities as they age. So he is very much supportive of the concept. However, he would like to see that this element is responsive to other members of the full community that are there.

Mr. Morris said he supports the people who are in favor of this; however, he feels that being able to step back the structure and make it more compatible with the environment if that is possible they need to do it. However, first and foremost the facility he sees as needed and reflects what Mr. Dotson is saying.

Mr. Randolph complimented Ms. Hunt for bringing the value of the setback in writing since he thinks that is a compelling argument. He did not think it jeopardizes in any way the approval of the people

supporting the project. He thinks in terms of just good relations and architectural design in moving forward that they will deliver in the end a better product by having it setback than to have a monolithic that just goes up at a 90 degree angle on the site. He asked Ms. Long if that was doable and something the applicant feels is potentially doable.

Ms. Long pointed out it is not that they have not put thought into this and been responsive to the comments that have been raised. They have challenged their architects to think creatively as to how they might do this. They have worked to step the building back. There were challenges with having the programmatic needs in the design, layout and function of this. It is much like a hotel in the sense that there is a need to have a double loaded hallway with rooms on either side so that it can have some efficiency of uses and staff care in the layout. They have stepped the building back a bit. She would point out a couple things in response to Mr. Dotson's comments. The original rezoning for the entire Branchlands community is a surprisingly large area that includes not only what everyone thinks of as Branchlands but everything from the Foodlion, Toys R Us, Marriott Hotel, JABA and the Church of the Incarnation. It basically is up to Route 29. It was a massive rezoning approved in 1980 to PUD, Planned Unit Development. As part of this project she spent a lot of time digging through the County's old files to understand what the height limits are and what is applicable here. Actually, there are no official setback requirements at this site. The zoning approvals say they may be established at the time of final approvals and not at the time of rezoning. So in theory they could put the building right up to the property line and say they have a zero setback. They obviously do not want to do that. They looked to the existing valid site plan for guidance and to work around the existing sewer easement that is in place. They moved the building back as far as they could at the ground level while maintaining the efficiencies that they have described in terms of the building and then lowered it by a floor over what is currently legally able to be built.

Ms. Long said in listening to Mr. Dotson's suggestions, the ideas that guided him in terms of setback were the standard rules that would otherwise apply in terms of no building higher 65 feet. This one will not be higher than 65 feet. There is actually no height limit other than the 65 feet. The 2 foot setback for every foot over 35 feet is not applicable here. However, even if it were they comply with that because they could start with a zero point and they then meet that. So it is not as far as others would like. However, they did spend a lot of time working on this and looking into it. They have been challenging their architects to come up with ways to reduce the massing and the scale of the building as much as possible and not have a monolithic wall. They also designed the roof to be as close to a residential style roof as possible and not excessively pitched or steep as one often sees with commercial uses. So they tried to keep it low. The pitches of some of the Branchlands Townhouses are actually steeper. There is no question that there is a difference in topography. The ground elevation of the adjacent townhouses is lower and this is higher. So if it were a two-story building it would still be taller than those existing residences. However, she would just ask the Commission to keep in mind a building on this site has been part of the master plan for Branchlands since the very beginning. It has been either an apartment building or it has been an assisted living facility. It has been taller and closer to the property line than what they are proposing and on the master plan. It is clearly not a park and has never been advertised as a park or a nature trail. It has always been known and advertised as a future development site. She thinks this is a reasonable expectation of what has always been permitted by the zoning and part of the master plan. So they have tried to keep that in mind and go less extensive already. However, there are challenges in response to Mr. Randolph's specific question with designing a building to make the building work and function well. But, there has been a lot of thought that has gone into that.

Mr. Dotson asked for closure tonight would the applicant favor an up or down vote or would the applicant entertain working further on some of the issues and coming back to this body at some reasonable time. He was not sure what that reasonable time would be.

Ms. Long replied certainly if it is the opinion of the Commission as a whole that they have not quite succeeded despite our good efforts and genuine efforts certainly they would prefer to have some time to do better. But, to the extent that the Commission feels like they have then they certainly would love to move forward.

Mr. Morris asked what the pleasure of the Commission is.

Mr. Dotson said he would like to see some further effort go into it. He would hate to vote negatively on this one issue when he thinks that the use is very appropriate. However, he can't vote yes with the footprint and design approach that is being proposed.

Ms. Firehock concurred.

Mr. Loach said this is a tough one and in the end he thinks Ms. Long makes a good point. He would support it because as she said there was always an expectation that there would be a building there and to some extent a building that would serve this purpose. They have seen support from the residents of the community for it. While in a perfect world it may be valuable to have the building at a lower scale appropriate to the neighborhood he feels that the purpose that it will serve is something that is going to be desperately needed by the community in the future. Therefore, he could support a motion

Mr. Morris and Mr. Lafferty agreed.

Mr. Keller asked what the ramifications would be with a special use permit in an area like this of going higher than 65 feet with significant articulation setbacks and a smaller footprint. He asked if it was possible.

Mr. Cilimberg replied that 65 feet is the height limit. He would defer to Ron Higgins as to whether there is an opportunity to exceed that.

Ron Higgins, Chief of Zoning, replied no.

Mr. Randolph said he would like to see us get to a win/win situation. Hopefully, this evening the applicant would hear the Planning Commission about doing a building design change that is sensitive and responsive to the points. With the traffic calming suggestion also built in there he did not see any reason to hold the request up. However, he feels they have an opportunity here to maximize a building in a location that looks after the best interest of the users of the building, but also the community that is immediately affected by the construction of the building. He knows the applicant has tried very hard in the design to minimize the impact. However, the residents of Lilac Court would lose some privacy. He thought the point about the setback does allow a sense of scale and proportionality. He would like to vote for this tonight for the reasons Mr. Dotson has already spelled out because the what, where and why is something he supports. However, the how he was having difficulty with on this point. If the applicant could say this evening they were going to make the best faith effort to scale it back in a ladder effect and say they hear about the privacy of people on Lilac Court and are going to be responsive to them to come up with a design that the Planning Commission will be satisfied with, then he would vote in support this evening.

Mr. Lafferty asked if there was any possibility of going down one story.

Mr. Morris invited Ms. Long to answer the question.

Ms. Long replied she would ask Graham Adelman to come because he is really far more experienced to talk about the programmatic design needs, the options and challenges.

Graham Adelman said that he was not a real estate developer, engineer, architect or designer. He pointed out his company Cambridge Health Care was based in Richmond and is in the business of owning and operating senior housing facilities. They had have had at least two or perhaps three meetings with the Neighborhood Association regarding the massing of the building. What they see is the result of where they have gone as a result of those conversations. The problem that they have run into is if they step the building back in one direction it has to grow in the other direction. If they push it down it has to spread out. If they make it narrower it has to go higher. It is the old thing with the balloon if they squeeze this way it has to go in another direction. They have attempted to mitigate the mass through

what they see, which is two floors that come out of the Lilac Court side having the two floors which are lower than the rest of the building. The other problem is that they are providing services here to folks which need assistance with their activities of daily living. What that means is that they have staff such as Medication Technicians, Certified Nursing Assistants and Licensed Professional Nurses. As they would imagine that staff in order to function economically there is a ratio between staff and the folks that are going to live here. If you wind up with a part of the building that has only four, five or six units the question arises how you can provide services to those people efficiently. However, if you have a floor that has 20 units then you could certainly provide those services efficiently and still adequately. Between the operational aspects of the building and the constraints of the site and also in order to accommodate our neighbors they have what they see before them. Part of the reason they have been able to deliver a smaller floor area is that they intent to have 36 memory care units. Memory care units are generally much smaller than the apartments found in independent living and assisted living. They are that way for therapeutic purposes. In pushing in terms of their feasibility the number of memory care units they have managed to shrink the building again in part to address the concerns of the community. He does not say any of this in an attempt to try to change anybody's mind. However, he did think it would be useful to know sort of the lengths they have gone to in order to try to accommodate the existing concerns of the community. If there was something easy they would do or something that was difficult but required some additional expenditure and still accomplish this purpose he would assure them that they would have done it already.

Mr. Morris said he thinks that really gets to the heart of what they are looking at. If anyone is ready, he would entertain a motion.

Mr. Kamptner said before a motion is made if it is a recommendation to approve the Commissioners should just recall that they can also impose any conditions that they deem necessary to support their motion.

Mr. Morris pointed out if a Commissioner has certain items that they would like put as conditions that Commissioner should consider making the motion.

Ms. Firehock noted staff had already recommended conditions.

Motion: Mr. Randolph moved to recommend approval of SP-2014-00010 Branchlands Assisted Living Facility with the conditions outlined in the staff report, as amended, with the suggestions made regarding building design and traffic calming.

Mr. Lafferty noted there was a request for a change to condition #4.

Mr. Kamptner noted there was a request that condition #4 be revised to provide that the construction of any structure required for the use shall commence on or before two (2) years.

Mr. Randolph agreed with the friendly amendment.

Mr. Lafferty seconded the amendment to the motion.

Mr. Kamptner noted staff would probably need some clarification for what they will call condition #5.

Mr. Cilimberg said as he understands Mr. Randolph has suggested two additional conditions with one addressing traffic calming. He thinks staff can take care of the wording of the traffic calming.

Mr. Benish asked if that was construction traffic.

Mr. Cilimberg noted when they say building design he thinks that is what they need a little more clarification on.

Mr. Randolph clarified it was building design that maximizes the privacy of the adjoining property owners on Lilac Court.

Mr. Kamptner asked if that would be at 30' in height or it has to be a step back of at least a certain distance.

Mr. Cilimberg noted it was 35'.

Mr. Kamptner said it has to be a step back of at least 35' and above that also the setback on the ground is 2' for every foot above 35'.

Mr. Cilimberg noted in reality the zoning provisions for the more than 35' are not a step back provision, but a setback provision that requires that you literally increase even the first floor of the building by that 2 to 1 ratio. He asked if he was suggesting that step back above the first floor.

Mr. Randolph pointed out it was for the first floor.

Mr. Cilimberg reiterated that after the first floor 2 feet for every foot of additional height.

Mr. Morris asked if this is a recommendation that they look at the possibility of this or is it just a suggestion.

Mr. Cilimberg noted he was hearing they would not want it as a condition, but as something to be considered. That is a little different.

Mr. Randolph agreed that was his language.

Mr. Morris noted that was exactly what he said that it was to be considered.

Mr. Cilimberg reiterated that he was saying he only wants the traffic calming as an additional condition. The step back he would want to be considered for a maximum possibility before the Board consideration.

Mr. Randolph replied as a recommendation to the Board was correct.

Mr. Lafferty pointed out they also need to address condition #4.

Mr. Cilimberg noted Mr. Kamptner has done that.

Mr. Morris agreed.

Mr. Benish noted the Commission also raised issues about landscaping.

Mr. Randolph said he was comfortable because they are on record about that so when it gets to site review he was pretty confident that will be worked out. That concern has been addressed by Ms Long.

Mr. Morris noted they have a motion, additional conditions and a suggestion. He asked if there were any other comments.

Mr. Keller asked if there was a friendly amendment that is working its way over here.

Mr. Dotson said there was a question about having a condition that says that applicants shall work out language to require that the majority of construction traffic utilize the rear access to the building. He was not going to propose that language but between now and the Board of Supervisors meeting. If this passes the applicant should propose some language that they think is workable.

Mr. Morris noted it was a consideration.

Mr. Cilimberg said he would defer to Ron Higgins, but that is going to be pretty difficult to enforce unless it is exclusively from a particular entrance and not just saying the majority.

Mr. Morris pointed out the applicant has already stated that this is their proposal and what they propose to do.

Mr. Cilimberg clarified he was just saying from the standpoint of a condition that could be enforced it is probably not likely unless it were to be 100 percent from a particular street.

Mr. Randolph said he did not include that in the proposal because he felt confident that the applicant had heard us clearly about trying to maximize traffic through Incarnation Drive and the back entrance.

Mr. Morris asked if there was anything else.

Mr. Dotson suggested since the PUD height limit is 65' they could do a little architectural study that says if you went to the maximum height elsewhere on the site how much additional setback could you capture to see what is possible in that envelope and present that for the Board to consider, or for the applicant to consider. They may come up with something they like.

Mr. Cilimberg asked if the Commission would actually be comfortable in reaching the maximum height if there was more of a setback.

Ms. Firehock agreed if it was away from the residential cottages.

Mr. Cilimberg noted that was important for staff to know because they may get some kind of options like that.

Mr. Keller pointed out obviously it would be a different design and the design could add more square footage.

Mr. Morris asked for a roll call.

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

Mr. Morris noted that SP-2014-00010 Branchlands Assisted Living Facility would be forwarded to the Board of Supervisors with a recommendation for approval with the conditions outlined in the staff report, as amended, on a date to be determined.

SP-2014-00010 Branchlands Assisted Living Facility – Recommended Conditions of Approval

1. Development and use shall be in general accord with the following revised plan prepared by Timmons Group Sheet(s) C1.0 (SUP Conceptual Plan), dated March 17, 2014, revised June 2, 2014 (hereafter "Layout Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Layout Plan, development and use shall reflect the following major elements as shown on the plans:
    a. Building location, orientation and mass.
    b. Location and general character of parking and garden.

    c. 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, and minor modifications may be made to the building location as determined by the Fire Marshal to ensure compliance with the Virginia Statewide Fire Prevention Code.
2. Development shall be limited to not more than 90 units containing not more than 120 beds;

3. Prior to requesting a certificate of occupancy, the applicant shall present to the Zoning Administrator proof of licensure by the Virginia Department of Health and the Virginia Department of Social Services for the permitted use;
4. The construction of any structure required for the use shall commence on or before two (2) years or the permit shall expire and be of no effect.
5. Address traffic calming (staff to work on wording of condition)

Note: In addition, the Planning Commission recommends consideration by the Board of the building design that maximizes the privacy of the adjoining property owners on Lilac Court. This could be achieved by setting the building back further from the property line or by stepping the building height so that the portion closest to the property line is no taller than 35 feet. The Commission would actually be comfortable in reaching the maximum height allowed in a PUD of 65 feet if there were more of a setback away from the residential cottages.

The Planning Commission recessed at 8:12 p.m. and the meeting reconvened at 8:20 p.m.

ZMA-2013-00017 Spring Hill Village
MAGISTERIAL DISTRICT: Scottsville
TAX MAP/PARCEL: 09000000002800
LOCATION: 1776 Scottsville Road, approximately 2,000 feet north of the intersection of Avon Street Extended and Route 20.
PROPOSAL: Rezone 12.99 acres from R-1 Residential zoning district which allows residential uses at a density of 1 unit per acre to NMD Neighborhood Model District zoning district which allows residential at a density of 3 – 34 units/acre mixed with commercial, service and industrial uses. A maximum of one hundred (100) units proposed for a density of 7.7 units per acre.
ENTRANCE CORRIDOR: Yes
SCENIC BYWAYS: Yes
PROFFERS: Yes
COMPREHENSIVE PLAN: Urban Density Residential – residential (6.01-34 units/acre); supporting uses such as religious institutions, schools, commercial, office, and service uses in Neighborhood 4 of the Development Areas. (Claudette Grant)

Ms. Grant presented a PowerPoint presentation on ZMA-2013-00017 Spring Hill Village.

The applicant is requesting to rezone 12.99 acres from R-1 Residential to Neighborhood Model District (NMD) to create a mixed use development with a maximum of 100 residential units and 10,000 – 60,000 square feet of non-residential uses. This proposal has frontage on Avon Street Extended and Scottsville Road. The project is divided into 7 blocks, which are labeled A-G. The proposal is inclusive of a maximum of 100 residential units that could be a mix of townhouses, apartments and/or single-family residential units. Three of the 7 blocks could include 10,000 to 60,000 square feet of nonresidential uses. Roads will be a mix of public and private streets as well as alleys. A variety of open space and amenities are proposed. Located centrally in the property is a one acre park as well as four smaller pocket parks, which are located throughout the development.

Factors Favorable
- The rezoning request is consistent with the Comprehensive Plan.
- The proposal contains the principles of the Neighborhood Model.
- This rezoning request would provide additional residential opportunities for residents in this portion of the County.

Factors Unfavorable
- Technical revisions are needed to proffers, code of development, and application plan.

RECOMMENDED ACTION:

Staff can recommend approval of ZMA-2013-00017, Spring Hill Village, provided the technical revisions are made to the proffers, application plan and code of development as described in the staff report prior to the Board of Supervisor meeting.

Mr. Morris invited questions for staff.

Mr. Randolph said in looking at the diagram at the southwest corner of proposed Spring Hill Village there is a single-family housing unit closer to the property line of Mr. Johnson and then all the way in the southeast corner there are two units if they go from the bottom on Route 20 and unit #2 and #3 that are contiguous to Mr. Schickedanz's property. He asked staff for an idea of what the setbacks are on those lots. He could not find the setback distances, but they are much closer and actually there is one other building in the middle of Mr. Johnson's property that is fairly close to his property line. In other words they are not all the same distance from the property line and the setbacks are not all the same distance. Those seem to be much closer to residents Schickedantz and Johnson. He was curious what the setbacks were there.

Mr. Grant asked if he was referring to the proposed buildings in the development or existing buildings.

Mr. Randolph replied that in the diagram all of the proposed single-family units to be constructed in Spring Hill Village to the south are not the same distance from the setback. The units basically are all configured based on the driveway or the road that is running through Spring Hill Village. Therefore, they are the equal distance with a driveway to that road, and therefore they have a kind of staggered distance to the southern property line. He was trying to figure out those that are closest to Mr. Schickedanz's and Mr. Johnson's property what the distance is there.

Mr. Benish asked if he wanted to know what the setbacks are going to be for the southern boundary for the property. He should keep in mind what he is looking is an illustrative. So what is approved is more of a block plan and different blocks will allow for different types of units. However, Ms. Grant can look that up in the Code to let him know what that is.

Mr. Randolph asked if the alley construction issues have now been fully addressed that were brought up in attachment D.

Ms. Grant replied yes, that comment came from the county engineer and he is satisfied at this point.

Ms. Firehock pointed out there were a whole lot of comments in attachment D. She asked if staff was saying the county engineer was satisfied with respect to the alleys. She asked if staff is making a blanket statement that the county engineer is happy with every objection they noted in attachment D.

Ms. Grant replied the county engineer said that whatever is left outstanding can be worked out at the site plan stage.

Ms. Firehock asked if that included the steep slopes up to 12 percent in attachment D, comment #2. It appears that the application proposes internal private roads with slopes up to 12 percent. In addition, there was another request as part of #2 about the maximum anticipated traffic. There are quite a few comments in this attachment that she wants some assurance that they have been addressed, and if so how. The applicant could also be the one to address this whole attachment. She was just trying to be clear on what had been actually satisfied.

Ms. Grant explained the issues that are outstanding the county engineer feels can be addressed during the site review process.

Ms. Firehock asked if it was "can" or "will".

Ms. Grant said the county engineer is saying they can be addressed at that time and he expects that they will be. Initially there were some concerns with a road, which was originally an alley. The applicant

changed the dimensions of that to meet the dimensions for a private street. Therefore, the county engineer was satisfied with that particular issue. This area still remains as an alley and the county engineer is satisfied that at the time of site plan any concerns that he has will be addressed at that time.

Ms. Firehock asked if she was saying there are no concerns with the slopes in this development at all.

Ms. Grant replied no, she was not saying there were no concerns. She was saying that they can be worked out at the site plan stage.

Mr. Benish noted there are some slope issues, which are a factor of what type of unit gets built and what grade. So a general plan showing some general issues of grade may need further detail once the unit type is chosen and more detailed engineering has taken place. Usually when something is deferred to the site plan stage it is recognized that those issues can be addressed. However, it depends on what sort of uses in the final design occurs on that site. It is a balance between providing some flexibility and approving a very specific plan that is very detailed. The applicant can also help respond to that.

Mr. Dotson said in terms of conformity with the comprehensive plan the staff report notes that the proposed plan update, which has not been adopted, recommends the property for Office, R&D Flex uses along with residential uses. He asked do they consider this proposal to be in conformity with that proposed, but not adopted plan, or not.

Mr. Grant replied that it really is not consistent with that.

Mr. Keller noted the Commission might have addressed some of these issues coming forward prior to him joining the Commission. However, he had a question about the philosophy that is encouraging access from Route 20 as well as from Avon Street Extended. He questioned if Route 20 is pretty much a rural road and if from this point down do they want to be encouraging more traffic on it or not.

Mr. Benish replied staff finds that it is better overall traffic management to be able to distribute traffic to multiple roadways. Route 20 is also a road they recommend for upgrading. So while it is rural they would want to develop it in a rural character. They recognize that it at least partially serves one-half of it. It is within the development area and they would want to balance those traffic impacts along with those available roadways instead of overtaxing any one particular road.

Mr. Cilimberg pointed out Mr. Benish had been more involved in some of the discussions at the level of MPO with the city about transportation in the southern urban area. The real interest was in making sure they get as many interconnections that can avoid sending traffic to the city that wants to go east/west. Therefore, having interconnection between Avon and Route 20 as well as at some point hopefully between Avon and Fifth Street has been a great interest for the overall networking for transportation.

Mr. Keller noted that was helpful.

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

Mr. Vito Cetta, architect and developer, thanked Ms. Grant for doing a wonderful job. They agree with the staff report and are prepared to comply with all of the recommendations. He will answer a couple of those engineering questions. He can also tell them the process of getting anything to this stage requires dozens of meetings. On the pre-application they met with VDOT ten times, which is just part of the process. They have all of these departments that they have to satisfy. That is part of the game and they do it. The Commission can see they have a lot of support here. He explained the proposal in a couple of drawings pointing out the left side of Avon is pretty much all built out mostly with residential. There is a little bit of industrial. They had this gigantic park, Biscuit Run, which will be a wonderful asset to this community and anything in the neighborhood. He noted they had spent their time on the conceptual drawing, and the block plan was developed from it. The site slopes 9 percent. It is a 100' drop from Avon down to Route 20. Therefore, the road pattern was very critical and because they have small pieces was

able to absorb the grade. It is certainly not a site that they want to do any kind of large buildings because there is just too much slope.

Mr. Cetta presented a video of the proposal and noted the following:

- The affordable units back up to Route 20. There is a commercial section that is also along Route 20. There is big central park, which they are very proud. There is a combination of single-family homes, townhouses that are front loaded, rear loaded townhouses, surface parking, affordable townhouses, community garden, four different parks, a bus stop, park and a small garden right off of Avon. Some townhouses are entered from the rear and others are entered from the front. The parking in one area will serve both the affordable units as well as the commercial building. There is a combination of public streets and private streets. There is a beautiful mountain view. They are trying to get VDOT to reduce the speed limit on Route 20 to 45 miles per hour, which will help. There is a community garden.

- There was a question about whether they should have a bike lane. They will address that in a moment. The homes all have a front porch that projects out beyond the garage door. Again, everything has sidewalks and green strip with some parking on the road. They increased the size of the alley because they did not have street frontage. That was an engineer concern. There is guest parking. There is a little park with a cluster of trees. They require porches on the townhouses as well as the single-family dwellings. There is a lot of slope, which is a big part of this solution. There are some front loaded garages and some and rear loaded. Some of the buildings are three stories. There is a little walkway going back to a community garden. He pointed out the community garden at Parkside Village worked out very well. There is a piece land that is adjacent to that house they were talking about that is fairly close to the setback. There is a bit of an opening in our site that protects him, which he thinks that was intentional. The park is very meaningful to us.

Mr. Morris invited questions for the applicant.

Ms. Firehock said he was talking about a community garden similar to the one at Parkside Village. She asked if he would actually be building raised beds for it since she noticed that it seemed like it was on a slope.

Mr. Cetta replied that they had not thought about it. In Parkside Village essentially they gave the land to the community and they built it themselves. However, he did not have any plans for it yet.

Ms. Firehock said she was not suggesting that he should, but was just wondering because it appeared to be on a slope. She suggested they need to terrace it or do something to prevent it from being the community erosion problem.

Mr. Cetta noted what they did in Liberty Hall, which is now a completed Neighborhood Model community, was have a community garden space that the neighbors decided not to do it. In Parkside Village they did do it. In fact, they collected rain off of a garage they left there and they use that for watering. They can certainly step it up. The grade across that is about 9 percent, and they can certainly work that out.

Ms. Firehock said she also realized at this stage of the proposal they are not required to show us extensive plans for storm water management. However, she would have loved to see in that rendering bio-swales and that kind of thing. She guessed that was not the usual thing to include in such an illustrative video.

Mr. Cetta noted a lesson they have learned is they can do conceptual plans to get approved here, and then go into the detail. The policy has changed in that they really are approving this block plan and not the concept plan, which they have to work it out. However, they have very much worked it out with the engineering department and know exactly where the storm water management is located. They know

what it looks like downstream. They have that worked out because you have to and he would be happy to show her where it was.

Ms. Firehock replied that she would like to see that.

Mr. Cetta pointed out the location of the storm water right along Route 20.

Ms. Firehock asked if that was in a bio-swale.

Mr. Cetta replied no, it is all buried and underground. Again, it is more extensive but they have done that in most of our projects. A pond does not look particularly attractive.

Ms. Firehock pointed out it wastes valuable acreage.

Mr. Cetta pointed out there is a new standard with the county and they have to comply with that about a bio-filter. They have not quite worked out that detail. However, they know where the water is being stored and where it is going out. In response to the question about the engineering he noted Mr. Brooks had a question about a particular area. What he does not like he recently changed his mind on. If they have a road and they are coming across a right hand turn they use to accept it, but now they discourage that. That is what they had in one area on the plan. So they have added a stub here and there. They have not reviewed that with Mr. Brooks yet, but think they can work that out.

Mr. Tim Keller noted the movie was just to give a sense of what the project looks like. However, he thought they were getting away from snout houses, which had the garages sticking out in front of pedestrian zones. He noticed there were several areas where there were garages that were coming forward of the front porches and that sort of thing.

Mr. Cetta replied that the code of development requires that the porch be in the front of the garage door.

Mr. Tim Keller said the other question he had as they are all trying to come to grips with affordable housing was if it was a funding decision that forces a block of affordable housing instead of affordable housing being distributed throughout. Even the way he said it the affordable housing will be on Route 20 and that is where the high noise is. He asked what the reason is.

Mr. Cetta replied first it is in the most prominent location on the site. They built affordable housing across the street at Avon and they were all in one building and look exactly the same as everything else. He understands his point as can they distribute the affordable housing. The affordable housing units have to sell for $211,000 and they cannot afford to put a garage in a unit like that. So they are dealing with building types of townhouses with an alley behind them with a two-car garage and front loaded townhouses with a one-car garage and parking on the apron. You cannot afford to build an affordable townhouse, which is three-stories, with a garage. He would guess they could perhaps redistribute them or distribute them around the project. But, it is a different housing type to sit on a flat piece of land that has a rear yard. He understands his point, but suggested that they just do the math. This is a 40 million dollar project here. The last thing a builder or developer wants to do is create something that is not attractive. Those townhouses are located in the most important spot opposite the park and they have to look good. They will make sure they look good.

Mr. Lafferty noted Mr. Cetta he had said he would mention bike lanes. He realized the grade is pretty rough for a biker.

Mr. Cetta asked Mr. Mark Keller to address that.

Mr. Mark Keller, with Terra Concepts, said he had a small role in laying this project out. He did get a little warning yesterday that this might come up and did a little analysis. He thought at first they were talking about bike lanes and how were they going to connect to the shopping center in Mill Creek, the schools and all of that. So he was doing an analysis of Route 20 and Avon Street., but now understands they are

talking about internal to the site. Because the two tie together, they actually have roughly 8' of asphalt and in some cases as it approaches subdivision intersections it transitions the concrete path on the west side of Avon Street as it comes all the way down to within almost 300' of the northwest corner of this property. So they are also proposing on our side of the street a continuation of that through the whole frontage. Now they have to work out how one would cross the road so they can make the connection and also to maybe start discussions with the neighbor to the north, which he thinks may be Duane Snow. The logical thing to do would be to continue our trail up across a small portion of this property, but they also know they need to involve VDOT in that discussion because right there the road starts to curve. Therefore, they might have some sight distance issues. Should this proposal be moved forward and eventually approved he would think it would be remiss to have merely a mile of trail and 300' of just disconnect there. So that is something they have been encouraged to pursue and they would intent to do if they felt like they had a winning proposal before the Commission.

Mr. Keller noted regarding the Route 20 bicycling he thinks is a little sketchy. There is really not much shoulder there right now and the road side ditches are very close to the edges of pavement. However, he would leave all of that to the people that do a lot of road biking to direct us in that regard. Internal to the site there is a couple of options. They could see using the main road that connects Avon and Route 20 and placing a bike lane or bike lanes on that road to serve as a connection. That would be easy to do. There is another alternative to save them from having to widen the road 3' or 4' on both sides. It does not make sense in his book to have the bike lanes going productively with the traffic and the other half potentially going counter-productive. Since they have sidewalk on both sides and one side of this is largely parks they have a lot of room on that side that they could actually take one of the sidewalks and make it more of a promenade so that it accommodates both bike traffic as well as pedestrians. There is ability to conveniently pass. One of the reasons he has been leaning in that direction is that he did not see a lot of people on road bikes cruising through their neighborhood as much as preschool, elementary and middle school kids wanting to ride smaller bikes. He suggested if you are going to accommodate that it could be off the vehicular pavement pattern and may be off set a little bit and integrated into the park system. He asked if anyone was interested in a discussion about the parks and pocket parks because he was prompted that may come up as well.

Mr. Morris invited other questions for the applicant.

Mr. Loach asked where the parking was for the commercial building shown in the video.

Mr. Cetta replied there were a couple of answers to it. One, is they would share the parking in the front of the affordable units. They could also use the area designated as commercial, which could be surface parking as well or structured parking. He pointed out the last building built in Liberty Hall is live/work townhouses with commercial below it. It has worked out well and they share a parking lot with the residential. They have businesses operate from 9 a.m. to 5 p.m. with the residents there at night and it works. Sharing residential and commercial parking works in other situations.

Mr. Dotson said he was interested in the non-residential uses and the fact that the proposed plan looks like it is primarily residential and it has some non-residential. The plan envisions non-residential possibly with some residential. So it is kind of a flip of emphasis from the proposed plan. However, he thinks it is useful to point out in the permitted uses the plan says Office R & D Flex and he does have financial institutions, a variety of business services, laboratories, medical center, professional offices, research and development activities, and so forth. He thinks it would help him in presenting this to emphasize that while the balance of residential and non-residential may be different than what is in the proposed plan it does have some of it and does allow for it. It is more a comment than a question. The question would be realistically do you think this is going to be almost all residential.

Mr. Cetta replied he knows residential and developed commercial in California, but has not done any here. He knows residential better. He pointed out Susan Stimart has been a big influence and has taken us to two or three potential users. They have designed buildings for them. It something he knows little about, frankly. In fact, it has been quite productive. Ms. Stimart is obviously interested in getting the businesses into this area because they think access to I-64 is good here. The last buildings they would

build in a residential area would be where they designated commercial could be. So they will focus on the residential portion. They won't build where the commercial will be and they will wait to see. They can't go out and try to sell that land because they don't have an approval. However, they will now and will learn something soon enough. Frankly, he did not know. He would guess it would probably end up looking something like this.

Mr. Dotson said he thought they were all in a learning process on that, too.

Mr. Morris invited public comment.

Roger O. Schickedantz said he lived in the house to the southeast corner of the site at 1858 Scottsville Road. As many of you know, he has spoken many times before the Commission trying to prevent light industrial development on this site. So he is welcoming this plan and feels the amount of residential is appropriate and scaled well to the adjacent residences. Neighbors had asked for some mixed use including the possibility of a small café in the office building portion of the development. He noticed in the current development proposal there is prohibition of any retail. He would suggest that if that could be relaxed the neighborhood would welcome that. He has a recent concern in that he had noticed 40 units are allowed in Block B, which currently shows 19 units. He would be concerned that if for some reason the 100 units were not all built because the northern portion was developed as commercial instead of residential that those 100 allowable units would be relocated on the site and there would be no more density than what is shown here. He supports the current plan as shown. One of his major concerns is with the speed limit of 55 miles an hour on Route 20. Currently VDOT is saying that a very long turn lane is required, a speed up and speed down lane, is requiring the widening of 20 in front of his property.

Mr. Schickedantz pointed out Mr. Cetta has offered to replace the stone stairway that may have to be replaced if that occurs. What no one has really recognized though is that it would require cutting back the bank further into his property. There is a very steep bank on the front of his property that is in an easement. In order not to cut into his property line it would probably require a retaining wall. So he is requesting that proffer #4 include a condition for the stairs specifically, which shows on the drawings, but to be written in the proffer for the stair and the retaining wall to be added. He would say if they can get the get speed limit reduced he would encourage that because they would avoid all of this. Neighbors have also spoken of a concern for a traffic light at Avon and 20, which he thinks would also alleviate the problem. One of his neighbors was hit by a car while crossing the road to get her mail. There is a family that lives on both sides of the road right there. He did not want to see Route 20 widened at all because traffic is going too fast through there already. The traffic on the road should be slowed and the road not widened so the traffic can go faster. (Attachment – Letter dated August 19, 2014 from Roger O. Schickedantz to Albemarle County Planning Commission in reference to review of ZMA-2013-00017) (Attachments available in the office of the Clerk with minutes)

Linda O'Connor, President of the Avon Park Homeowner's Association, pointed out that Avon Park is actually situated across the street from Spring Hill Village. She said they also support Roger Schickedantz heavily in opposing the re-designation of this particular lot in the proposed comp plan to light industrial. However, they are very pleased with the current plan, which is the Neighborhood Model plan, as opposed to urban density that it is now zoned at. They think this is an excellent compromise. They also like the idea that it presents a nice transition from a residential area going over to light industrial. They would like to see that actually on both sides of the light industrial area. They are quite pleased with this and thank Ms. Grant for the community meetings as well as Mr. Cetta for having listened to us. On the point that Mr. Schickedantz brought up about a café or having some kind of restaurant, she said if there are office buildings there is not too many eating places around. It really is something that is needed. The current residents would love to see it even without Springhill Village. So if it is at all possible to allow for that in the Springhill Village they would really appreciate that.

There being no further public comment, Mr. Morris closed the public hearing and the matter was before the Planning Commission. He asked if the applicant wanted five minutes for rebuttal.

Mr. Cetta replied that he did not have a rebuttal.

Mr. Morris noted there being no rebuttal, the matter was before the Planning Commission for discussion and action.

Motion: Mr. Randolph moved and Ms. Firehock seconded to recommend approval of ZMA-2013-00017 Spring Hill Village provided technical revisions are made to the proffers, code of development, and the application plan as recommended by staff prior to the Board of Supervisors meeting. In addition, a request that language be added to proffer #4 regarding improvements to Scottsville Road and Avon Extended that specifically include the additional provision of a potential retaining wall be added to avoid erosion and/or cutting further into the property of Mr. Schickedantz at 1858 Scottsville Road and secondly to urge VDOT to consider 45 mile per hour speed limit between Mill Creek to Avon/Route 20 intersection.

Mr. Morris invited further discussion.

Mr. Keller said he was particularly uncomfortable with two of the retaining wall formulas that are being used consistently in our community. One is the prefabricated stacked concrete faux stone. It is his understanding they are not engineered to last as long as concrete or concrete that is faced with stone. He thinks the rural vocabulary on the other side since this is rural area that they hope the line will be held on the other side of Route 20 and that the materials of that retaining wall should reflect that vocabulary. There are stone walls on houses down Route 20 from Charlottesville to Scottsville. He would encourage that higher finish not just a concrete wall or a series of concrete stones.

Mr. Morris agreed that was a good point. Since it is on the Entrance Corridor it is something he thinks they ought to take up with the Architectural Review Board, too, because they can put some teeth into it.

Mr. Cilimberg pointed out the Architectural Review Board will review a retaining wall.

Mr. Morris asked for a roll call.

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

Mr. Morris noted that ZMA-2013-00017 Spring Hill Village would be forwarded to the Board of Supervisors with the following recommendation for approval on a date to be determined.

Mr. Cilimberg said he would imagine that the Commission, although they did not speak to this, would not be concerned if the applicant decided to include some level of café like retail as a use in some of the blocks. He thinks that was suggested by the public as something they might be interested in.

Mr. Morris agreed.

Mr. Lafferty agreed because that would keep traffic off Route 20 and Avon.

ZMA-2013-00016 Avinity II
MAGISTERIAL DISTRICT: Scottsville
TAX MAP/PARCELS: 091000000016A0, 091000000016C0, 091000000016E0, 09100000001400(portion)
LOCATION: 2085 Avinity Loop which intersects Route 742 Avon Street Extended; Rezoning also includes properties adjacent to Route 20 Scottsville Road
PROPOSAL: Rezone a total of 11.886 acres to permit development of 102 maximum residential units, including townhouses and attached and detached single family. Avinity I Phase portion proposed to be amended to replace 24-unit condominium building with a maximum of eight townhouses.
PETITION: Rezone 11.886 acres from R1 Residential zoning district which allows residential density (1 unit/acre) to Planned Residential District (PRD) which allows residential (3-34 units/acre) with limited commercial uses. Also, request to amend the section of the application plan for Avinity I Phase IV from approved ZMA2006-005 zoned PRD. 102 maximum residential units proposed for a density of 9 units per acre.

ENTRANCE CORRIDOR: Yes
PROFFERS: YES
COMPREHENSIVE PLAN: Urban Density Residential (6.01-34 units/acre) and supporting uses such as religious institutions, schools, commercial, office and service uses in Neighborhood 4.
(Megan Yaniglos)

Ms. Yaniglos presented a PowerPoint presentation on ZMA-2013-00016 Avinity II and summarized the staff report.

Proposed Application Plan

- Request to rezone 11.886 acres from R1 Residential to Planned Residential Development (PRD). Propose a maximum of 102 units, single family and townhouses for a density of 9 units per acre.
- Request to amend the application plan for ZMA-2006-005 Avinity I zoned PRD to replace a 24 unit condo with six to eight townhouses. This will reduce the density in Avinity I from 124 to 106-108 total.
- Request for approval of three modifications
  - Approval of private streets
  - Variation of the planting strip requirement
  - Modification of the building separation requirement (Recommendation to the Board of Supervisors)

The site is located off of Scottsville Road (State Route 20), and Avon Street Extended. Avinity I is adjacent to the parcels proposed to be rezoned and will be the main access into the development. Cale Elementary, the Kappa Sigma Fraternity, and single family residential, as well as a church are also adjacent to the site. Along with the residential units, the applicant is proposing a tot lot, dog park, pavilion, and passive recreation park as amenities.

Access to the site will be through the existing Avinity development, adjacent to Avon Street Extended. An emergency only access will be provided out to Route 20 south. Public connectivity to Route 20 is not being provided due to topographic and entrance spacing issues. The applicant looked at possibly making a connection to Route 20 but they would need a spacing exception from VDOT because of the proximity to the entrance for Kappa Sigma. While this is not ideal, the applicant has provided an opportunity for future connection to an adjacent parcel. All the streets within the existing Phase I development are private, and the applicant is requesting private streets to be approved with this new development.

Associated with this request is an amendment to the approved application plan for Avinity I (ZMA-2006-005, Avinity). The applicant is proposing to revise a portion of the plan by replacing condominium/multi-family units with six to eight townhouses units, reducing the total number of units from 124 units to 106-108. By eliminating this building, there will now be no multi-family residential within Avinity I. Avinity I was approved providing two unit types, townhouse and condo/multi-family. If approved, the combined Phase I and II will provide three unit types, townhouse and single family attached/detached (no commercial).

Illustrative Plan
Staff pointed out the illustrative plan to provide an idea of what the blocks might develop out to be.

Major Concerns/ Outstanding Items

1. The existing (Phase I) and proposed (Phase II) streets will need easements to allow public access for future development.
2. The existing streets in Phase I are currently not adequate to carry the traffic generated by Avinity II or future development.

While a public interconnection to Route 20 is not being provided at this time, accommodations for future connections have been provided. However, the existing (Phase I) and proposed (Phase II) streets will need an easement to allow public access for future development, since they are proposed and existing

private streets. The easement for Phase II can be dealt with during the subdivision plat process since a condition of approval for the private street is that the easement be created. However, the applicant needs to address the easement for Phase I prior to the approval of the rezoning from the Board.

Also, the County Engineer has found the existing roads in Avinity I currently are not adequate to carry the traffic generated by Avinity II or future development. There are potential mitigations measures (traffic calming, directional changes) that can be done in order to mitigate these impacts. To date, the applicant has not addressed these concerns. The applicant elected not to receive comments after the last resubmittal and just come straight to the Planning Commission. Therefore, these measures will need to be addressed before the approval of the rezoning, as they are off-site improvements and cannot be addressed during the site plan process.

Factors for Consideration:

Factors Favorable:

- The density and housing types proposed for the development of the property is consistent with the land use recommendations in the Comprehensive Plan and the goals for development in the County.
- Future interconnections are shown to the adjacent properties.

Factors Unfavorable:

- While a public interconnection to Route 20 is not being provided at this time, accommodation for a future connection has been provided. This minimally meets inter-connectivity goals of the plan, but due to topography and entrance spacing issues is acceptable to staff.
- The County Engineer has found that the existing roads in Avinity I are currently not adequate to carry the traffic generated by Avinity II. Improvements are necessary to mitigate the impacts and need to be addressed by the applicant before the internal road system can be found adequate to serve the proposal.

Staff Recommendations

- Staff can recommend approval of this proposal provided certain changes are made in the application plan and proffers:
    1. Improvements necessary to mitigate the impacts from Avinity II onto Avinity I roads need to be addressed by the applicant in coordination with the County Engineer.
    2. An easement for Phase I for future public access on the existing streets needs to be addressed.
    3. Technical revisions should be made to the proffers based on comments received by the Deputy County Attorney and the Housing Director.

Mr. Morris invited questions for staff.

Ms. Firehock asked why the variation of the planting strip is being requested as shown on page 8 of the report.

Ms. Yaniglos suggested the applicant probably would be better to speak on why they are requesting this waiver. The existing Avinity I has the same design, and she thinks that is the main reason they are requesting the waiver. They are just moving the planting strip to the other side of the sidewalk instead of in between the sidewalk and the curb.

Ms. Firehock said she would wait to hear from the applicant on their considerations. She was generally not a fan of that because it puts the person walking closer to the traffic. Sometimes residents have been known to not recognize they are supposed to be maintaining that and mowing down whatever is there. That is a minor question. She has other questions, but she would wait for the applicant to report before she asks them.

Mr. Dotson said he was curious about what the county engineer's findings are about the roads in Avinity I currently not being adequate and what would make them adequate. When he drove out there today and looked at it he thinks someplace in here traffic calming is mentioned and that did not strike him as likely to be an issue. So he asked if she could summarize it.

Ms. Yaniglos replied what she provided in the report is what the county engineer had provided to her. She did not include his comments because she just basically copied what he had put in his comments. She did not want the Commission to get bogged down by additional comments and things that had already been addressed. But, the county engineer said they are going to have to work with him. The county engineer suggested the traffic calming measures as speed bumps and there has been talk about directional changes. The county engineer has met with the applicant. Therefore, the applicant might be able to speak to that as well as what has been discussed with him.

Mr. Benish noted that it was not engineering issues in terms of base of pavement or anything like that. It is really managing the additional traffic flowing through Avinity I he thinks is the primary concern. But, it is not an engineering issue with the roads.

Mr. Dotson noted it was more of a safety issue.

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

Alan Taylor, with Riverbend Development, distributed a flyer on Avinity. (Attachment – Flyer on Avinity – Available upon request in the clerk's office with the written minutes) To summarize they have been working with the residents of Avinity for the last year, which is a community that Riverbend Development created over the last couple of years. It has been really great to get to know everybody in the community. A lot of times they end up developing a site and don't get to know the people who live there. However, throughout this rezoning process and working with the residents they have gotten to know a lot of them, which has been a really good experience. It seems like everybody really likes living there.

Mr. Taylor noted two things come up when they start talking to the community. One is what are you proposing and how is this going to make it a better community. Two, is what about traffic. As Ms. Yaniglos went through earlier they are trying to add amenities to the existing community as well as propose to create what they think is going to be a really great place to live. There will be a fitness center, Dog Park, open air pavilion, and a stocked fishing pond, which were the things that percolated to the top. Another one that he thinks was a little bit glossed over was the fact there is an emergency access. However, it is also going to be used for construction access. As they all know when these communities are being developed construction activities are somewhat disruptive. So they are going to use that access off Route 20 for all construction and those vehicles to use that solely.

Mr. Taylor continued noting there were some issues with parking. They are going to increase those parking spaces. However, the major issue is traffic. He thinks that was brushed upon with the roads. Just recently, as yesterday, they were speaking with some of the residents. He believed what they would do, if it was okay with everyone, is to add a diversion technique so when they are exiting out of the proposed Avinity II that all outbound traffic will be forced to take a right-hand turn. He thinks that should solve the traffic issues that Glenn Brooks, the county engineer, was speaking to. Those are really the highlights. He was happy to answer any questions. The proffer package is as proposed. It is about 1.5 million dollars in proffers. Affordable housing is 15 percent as is in the proffer policy.

Mr. Morris invited questions for the applicant.

Mr. Keller asked will the affordable housing be in a block or will it be distributed.

Mr. Taylor replied they have not made that determination yet because it is more of a schematic plan. However, in all honesty they don't build the houses. So what they have done in the past is just make a cash contribution to the affordable housing.

Ms. Firehock said she had already asked this question of the attorney, but she just wanted to ask it in public so that it can go on the record for the benefit of everyone. She asked him to say a little more about the concerns that were in the staff report. On page 6 it was about using the private roads to get to the second development and it not being adequate to handle the existing traffic volumes. There was also a request to have a development that does not actually have frontage on a public street and having to go through Avinity I. There are a number of concerns listed by staff that she knows there have been conversations since they submitted this. It would be useful to have an update on how those traffic concerns were resolved since the applicant did not really cover all of them.

Mr. Taylor asked staff to put up the slide on that information. He pointed out what he could see with this exhibit was inbound traffic can flow freely through into Avinity II. However, if exiting they will be forced to take a right and that way it distributes traffic evenly. He thinks that was the providence of Glen Brooks's comments that all of that traffic could if they wanted to just go straight. On the southern part of the property they will have 100 percent of the new traffic added. In working with the community it just did not seem like that was terribly fair.

Ms. Firehock said she just wanted him to add additional clarification for the benefit of everyone.

Mr. Loach said he wanted to follow up on Mr. Keller's question about affordable housing. He asked if he was not building any affordable housing units in this development.

Mr. Taylor replied that he did not know because they were not the home builders. Therefore, the home builders might end up building affordable housing. It is a negotiation they are going to have with them. In all honesty, in Avinity I what they ended up doing was just making the contribution.

Mr. Morris opened for public comment.

Paul McArter, resident of 2012 Avinity Loop, said our situation is they have a developer run a HOA. Somehow he has the loudest voice and he ended up representing the residents. First, he wanted to thank Mr. Randolph for helping them out through this process as they have worked with the developer. He did not know how many times Mr. Randolph and he have gone back and forth. He also wanted to thank Mr. Taylor of Riverbend Development for not just hearing what they are saying, but actually listening to it and implementing it into the plan. They have had at least three community meetings, not to mention multiple phone calls and emails separate from the community meetings, and some community only meetings that they had between meetings with the developer. He feels very comfortable standing up here and saying that he can represent the opinions of the vast majority if not all the residents currently in Avinity. The residents fully support Avinity II. They are excited about the new amenities being added. They are excited about the addition of the single-family and detached homes, which make it feel more like a neighborhood. They are also very excited about the multi-story condominium building being adjusted to townhomes that fit the neighborhood that they currently have. He has not received any negative unresolved negative feedback from any of the residents. Obviously, they have the people who want a pool or they want whatever crazy stuff out there. However, everything has been for the most part resolved, such as the traffic issue Mr. Taylor mentioned. He would end with saying there is full support from the Avinity community and they see no reason to delay the project any more.

Jasdeep Heim, resident of 2050 Avinity Loop, said her parents own 2074 Avinity Loop. She wanted to second what Paul McArter said and reinforce how much the residents have appreciated working with Riverbend Development and Alan Taylor on this project. They have very much listened to us. This has been a long process. From the beginning they asked what the residents would like to see in the neighborhood. There is a lot that is happening in this plan they are going to get the benefit of. As they talked about earlier in the evening they all sign on to purchase a piece of property based on what the master plan is at that time. They all knew about the condo building. They knew there were not a ton of amenities. However, they really liked this neighborhood and they are happy there. She could say that a lot of the residents are glad they have made this investment now that there are going to be additional amenities and additional parking as they mentioned. She reinforced they made sure they could find any

parking spot that could exist that would still meet the aesthetics of what they are looking for in the neighborhood that would help us. They knew what they were signing up for. However, what they are getting now is better. She just wanted to say that they appreciate that because not everything goes that way. She has been part of many other things that have not gone that way. However, they do appreciate all that has gone into this and look forward to it getting underway.

Mr. Morris invited further public comment. There being no one, the public hearing was closed and the matter before the Planning Commission. Mr. Morris asked the applicant if he would like to take an additional five minutes for a rebuttal.

Mr. Taylor said he had no rebuttal.

Ms. Yaniglos asked Ms. Firehock if she wanted to ask the applicant about the sidewalk planting strip issue.

Ms. Firehock replied since staff said the reason was to keep the sidewalk planting strip in the conformity with the prior design that she figured the applicant had nothing to add to that since they did not.

Ms. Yaniglos noted she just wanted to make sure that was covered.

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

Mr. Randolph noted often times as they saw earlier this evening it is not unusual for an adversarial relationship to develop over a new project coming into a community. He really wants to commend in this case not only the developer, Riverbend Development, but also the leadership and the participation of the residents of Avinity I. He walked into a meeting of those residents back in December and they put together a pretty extensive laundry list. He thinks there were 8 or 9 items that were issues and concerns and they kicked it around. He was struck by the fact this was a group that really knew what they wanted. They sat down and had dialogue with the applicant. He thinks they have moved clearly from a negative some gain situation scenario to a real positive situation with some gain for a win/win for both sides. He hopes the development community feels positive about this because they heard very clearly this evening that the residents were overwhelmingly in favor of it. He thinks it will make Avinity II along with Avinity I a very attractive place for people to live. It will just add value as a result of that. Therefore, he enthusiastically supports it.

MOTION - Zoning Map Amendment:

Mr. Randolph moved and Mr. Dotson seconded to recommend approval of ZMA-2013-00016, Avinity II with the changes in the application plan and proffers as recommended by staff.

Mr. Morris invited discussion on that motion.

Ms. Firehock said she was a little confused because of staff's recommendation in #1 regarding the improvements necessary to mitigate the road impacts. She was confused whether those have been addressed now or do they still need to recommend them.

Ms. Yaniglos replied they still need to work on those, which would be included in the application plan or proffers.

Ms. Firehock noted they would still include that recommendation.

Mr. Cilimberg pointed out the process has started it seems and the Commission is just verifying they want that to be completed.

Mr. Morris asked for a roll call.

The motion passed unanimously by a vote of 6:1. (Loach voted nay)

Mr. Loach voted nay due to the lack of affordable housing based on his opinion that cash in lieu of construction was not a commitment to affordable housing. The comment that 15 percent of the units will be affordable as described in Albemarle's Affordable Housing Policy is not true

Mr. Morris noted that ZMA-2013-00016, Avinity II would be forwarded to the Board of Supervisors with a recommendation for approval on a date to be determined with the changes in the application plan and proffers as recommended by staff.

1. Improvements necessary to mitigate the impacts from Avinity II onto Avinity I roads need to be addressed by the applicant in coordination with the County Engineer.
2. An easement for Phase I for future public access on the existing streets needs to be addressed.
3. Technical revisions should be made to the proffers based on comments received by the Deputy County Attorney and the Housing Director.

PLANNING COMMISSION MOTION—Modifications/Variations:

MOTION - Private Street:

Mr. Randolph moved and Ms. Firehock seconded to approve the private street request associated with ZMA-2013-00016 Avinity II, with the conditions and reasons listed by staff, as follows.

1. An easement be established, and
2. The streets remain open for public use.

The motion passed unanimously by a vote of 6:1. (Loach voted nay)

Mr. Morris noted the private street request associated with ZMA-2013-00016 Avinity II was approved with conditions.

MOTION - Planting Strip:

Mr. Randolph moved and Mr. Dotson seconded to recommend approval of the modifications for planting strip requirement associated with ZMA-2013-00016 Avinity II, with the conditions listed by staff, as follows.

1. An easement be established (a 6' landscape easement be established on the back of the sidewalk), and
2. The streets remain open for public use.

The motion passed unanimously by a vote of 6:1. (Loach voted nay)

Mr. Morris noted it will go forward recommending approval to the Board of Supervisors at a time to be determined.

MOTION - Building Separation:

Mr. Randolph moved and Mr. Lafferty seconded to recommend approval of the building separation modification request associated with ZMA-2013-00016 Avinity II, with the conditions and reasons listed by staff.

1. The applicant shall submit a revised subdivision plat that shows an eight (8) foot maintenance easement between structures to allow residents to maintain their units.

2. The minimum building separation shall be ten (10) feet with architectural features and building overhangs allowed to encroach into the setback no further than one foot.

The motion passed unanimously by a vote of (6:1). (Loach voted nay)

Mr. Morris noted that the building separation modification request associated with ZMA-2013-00016, Avinity II and applicable modifications/variations will be forwarded to the Board of Supervisors with a recommendation for approval on a date to be determined.

Old Business

Mr. Morris asked if there was any old business. There being none, the meeting proceeded.

New Business

Mr. Morris asked if there was any new business.

- Request to have workshop to discuss urban design issues.
- No PC Meeting August 26, 2014, September 2, 2014 or September 9, 2014.
- Next PC meeting on September 16, 2014

There being no further new business, the meeting proceeded.

Adjournment

With no further items, the meeting adjourned at 9:46 p.m. to the Tuesday, September 16, 2014 Albemarle County Planning Commission meeting at 6:00 p.m., 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)