Albemarle County Planning Commission
December 16, 2014

The Albemarle County Planning Commission held a regular meeting on Tuesday, December 16, 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 Elaine Echols, Principal Planner; Trevor Henry, Director of the Office of Facilities Development, Rachel Falkenstein, Senior Planner; Bill Fritz, Chief of Special Projects; Claudette Grant, Senior Planner, Ron Higgins, Chief of Zoning; 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.

Review of Board of Supervisors Meetings – December 3, 2014, December 9, 2014 and December 10, 2014.

Mr. Cilimberg reviewed the Board of Supervisors actions taken on December 3, 2014, December 9, 2014 and December 10, 2014.

Mr. Morris invited questions for Mr. Cilimberg.

Ms. Firehock asked what happened with the priorities the Planning Commission set earlier in the year to look at which items should be tackled first.

Mr. Cilimberg replied staff actually presented those to the Board of Supervisors. However, they have not discussed it as yet and decided to hold those for review at the end of their processes or implementation.

Mr. Morris asked if the Board of Supervisors have a target date for completion of the Comprehensive Plan.

Mr. Cilimberg replied there has been some discussion about when they can get their review completed and the final draft done for a public hearing. There has not been a definite date set for that. However, he knows that in January and February they are really focused on trying to get all of the review aspects completed with the Board of Supervisors so then the final draft can be prepared. Once the final Comprehensive Plan draft is complete the Board will review it in the final public hearing. Staff hopes it will be by the end of the fiscal year or hopefully sooner.

Consent Agenda:

a. Approval of Minutes: October 14, 2014

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

Motion: Mr. Randolph moved and Mr. 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.

Old Business

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 Drive
PROPOSAL: Request an assisted living facility on .97 acres with a density of up to 3 – 34 units per acre under Section 20.3.2.3 of Zoning Ordinance.
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.

This special use permit request for Branchlands Assisted Living Facility has been before the Planning Commission previously. It is a special use permit request to establish an assisted living facility with up to 90 assisted living units located on Branchlands Drive.

Background and Planning Commission Action:

- The Planning Commission held a public hearing on August 19, 2014 and by a vote of 6:1 recommended approval of the special use permit with the following abbreviated conditions:
  - The development shall be in general accord with the revised plan.
  - The development shall be limited to no more than 90 units.
  - Proof of licensure by the appropriate state agencies shall occur prior to a request for a Certificate of Occupancy.
  - Construction shall commence within two (2) years of approval.
  - Address traffic calming.
  - The Planning Commission also recommended the building design maximize the privacy of the adjoining property owners on Lilac Court.

Since the Planning Commission's action in August, the applicant has been working to resolve the concerns that were brought up during the public hearing on August 19th. The applicant organized a second community meeting in November and has now provided a revised concept plan. The applicant is bringing this back to the Planning Commission and the community to provide an opportunity for review and discussion over the revisions prior to talking to the Board of Supervisors for a final decision.

The following revisions have been made to the concept plan since the August 19th public hearing:

1. The footprint of the proposed building has been slightly modified so that the roughly southwest corner of the proposed building closest to 1426 Lilac Court property line is now five (5) feet farther away from the property line. Originally the distance from the property line was 15 feet, and the distance is now 20 feet, 6 inches. The other corner closest to the property line continues to be 23 feet, 7 inches away. In addition, the upper floors of the building have been setback further (a

combined distance of approximately 6 feet) from the lower floors and from Lilac Court than was originally proposed.
2. The bio-filters that were originally planned to be integrated into the wander garden have been removed. The note on the plan referring to the conceptual storm water analysis has been revised to reflect this change, and to reflect that the final storm water management design will take place during the site plan process.

The Albemarle County Service Authority (ACSA) has an existing on-site sanitary sewer easement. The applicant and the Service Authority will coordinate landscaping within the existing on-site sanitary sewer easement area. Staff believes the revised concept plan addresses the concerns raised during the Planning Commission public hearing on August 19, 2014.

The following revised conditions are provided for consideration:

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 October 20, 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, loading area 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 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. All construction traffic shall enter the site from Incarnation Drive; provided that during construction of the site, any construction vehicle may enter the site from Branchlands Drive if it is essential to allow the construction vehicle to achieve its purpose for being at the site.
6. The site shall be designed and constructed so that all employee traffic may enter the site from Incarnation Drive. Employee traffic shall not enter the site from Branchlands Drive.
7. The applicant shall provide landscaping and fencing on the south west side of the Assisted Living building between the building and the adjacent townhouses on Lilac Court to provide screening and buffering to the adjacent properties. This shall be coordinated with the applicant, the Albemarle County Service Authority (ACSA) and the Branchlands Property Owners Authority.
8. The applicant shall install signage at the entrance to Branchlands Drive directing all deliveries to the Assisted Living Facility building be made from Incarnation Drive.

The first four conditions remain as previously described. In order to address the traffic calming concerns staff is providing condition 5 that limits construction traffic to Incarnation Drive except when access from Branchlands Drive is essential to achieve its purpose. Due to the size and the topography of the existing development surrounding the site some construction related traffic may need to access the site from Branchlands Drive to construct a building. It is important to know that it will be difficult to ensure enforcement of this condition on a daily basis.

The conditions also address the loading area for the proposed building to gain access from Incarnation Drive with appropriate signage and employee traffic for this proposed building being accessed from Incarnation Drive. In closing, there is also a condition previously described relating to the Service Authority easement. There have been some discussions to ensure that they further talk about the conditions that may be further revised.

Mr. Morris invited questions for staff.

Ms. Firehock noted she had one question that would probably be better addressed by the applicant in the section that talked about the bio-filters being removed. She understands that they are not at the storm water design phase. However, since it was in there in the first place she was not clear on why it was removed. She asked if there was a concern that they can't integrate this feature or does staff know anything about why that was removed.

Ms. Grant suggested that the applicant can speak to more detail on this. However, it does have to do with the fact that the building has to be shifted a little. Therefore, she thinks the applicant felt that in order to better handle the storm water management that this was a better approach.

Ms. Firehock asked if they don't know what the likely approach is for the storm water management since it just says it will come later.

Ms. Grant replied yes, the applicant has brought their engineer who can probably speak more in greater detail of what they are thinking.

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, attorney with Williams Mullen 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. First, in response to Ms. Firehock's question she pointed out there is still a proposed bio-filter shown on the concept plan. The previous concept plan had two other bio-filters within the Memory Care Garden. On the suggestion from the project architect they actually moved two bio-filters that were right in the middle of the Memory Garden. It was his recommendation that it was not safe for the bio-filters to be integrated into the Memory Garden particularly due to the topography and the potential of people wandering off and possibly getting hurt. Regardless, the final storm water management plan will be handled at the site plan stage. However, they still show one large potential bio-filter on the plan.

Ms. Long presented several slides as points of reference during the presentation. She pointed out this evening the project site was shown with two different points of access for the building. There are small independent townhouses on Branchlands Drive that were originally independently owned. The Branchlands Manor Home and the three buildings are part of the Branchlands community. Those are all independent living senior apartments. The Manor House is essentially the dining facility and the administrative building. The project site, as they discussed previously, has always been shown on the master plan for Branchlands. There is a deeded right of ingress and egress from Hillsdale Drive. A point of reference is the Toys 'R Us building. Hillsdale Drive connects to Incarnation Drive. She wanted to show the Commission how when they talk about accessing the building from Incarnation Drive they will use this back parking lot. As discussed at the August Planning Commission meeting, there is an existing valid site plan for this same site for another independent living building. It is a five-story plus basement building that could have up to 86 independent residential dwelling units. The footprint of that building, as shown on the approved site plan, is for a point of reference.

Ms. Long referred to an image shown at the August meeting since she did not think she did a very good job at that meeting explaining how it got to this design. There were innumerous iterations before they arrived at this one. She explained that the distance from the property line is about 23' from the property line and previously it was about 15' from the back. In between the Planning Commission meeting and tonight they met several times with the representatives of the Branchlands Property Owners Association. They are very grateful for their input throughout this process. They talked with them about what specific revisions to the building design they would most want. The one that really rose to the top that they cared about the most was the distance of this corner of the building from the adjacent property line. As shown in the staff report attachments the main difference in the new proposed design is the entire wing has been moved five feet farther away; the entire top of the building was moved back; and in addition the building

area in this location was moved back a little bit. To make up for the lost square footage they did add a little bit more on in the back. She pointed out the location of the by right building and the proposed new building. She pointed out the proposed landscape area and fence all assuming that the Service Authority will let us put them there. She pointed out the concept design of the proposed fencing as well as some low landscaping that they envision.

Ms. Firehock asked which side of the fence the landscaping will be on.

Ms. Long replied the landscaping will be on the Branchlands side. The proposed fence location is where our engineer suggested is most likely to be permitted by the Service Authority. Again, it is subject to Service Authority approval and they may require the fence to be moved closer to the building. Therefore, they are somewhat at the Service Authority's mercy because of the easements there.

Continuing the presentation Ms. Long pointed out some minor wordsmithing to conditions, which is what she passed out to the Planning Commission. (Attachment A – SUP-2014-000010 Branchlands Proposed Revisions to Conditions of Approval (negotiated and agreed to with staff submitted by Valerie Long on 12-16-2014). The top sheet is a mark-up version showing their proposed revisions to the conditions. They have been discussing these with the Planning staff and Mr. Kamptner fairly extensively over the past few days. She believes she is accurate in saying they are comfortable with these revisions. She would just hit the high points of them. The second page is the clean copy, which may be easier to read without all the strikeouts and underlining. The first one is self explanatory, condition #4. They are just asking for the time period to be extended by a year to make sure they have enough time. The second one deals with construction traffic. They have said from the very beginning they will design the site so that as much construction traffic as possible will enter the site by Incarnation Drive. However, they also know there will have to be some exceptions to that and some construction traffic by definition will be required to enter on Branchlands. So the main change is rather than saying having to prove that it is essential that it be practical. They did not want to be in a situation where they have the constructor prove everyday that a construction vehicle drives on Branchlands Road that it is essential. They want it to be a practicality standard. Regarding #6, which deals with employee parking, likewise they have always said that they would design the site so that employee parking can access the new facility by Incarnation Drive. That remains the case. The clarification requested is because there are a small number of Branchlands employees who will provide help at both locations, primarily management and administrative staff. Some of them will come in for brief periods and will park in front of the manor house as they have always done. So they just wanted a clarification that the restriction on employee access only applies to those who work exclusively at the assisted living facility. Then finally number 7 is some technical revisions regarding the fence and landscaping adding a clarification that it is all subject to County Service Authority approval and then just clarifying that they will consult with the Branchlands Property Owners' Association on the landscaping and coordinate it with the County Service Authority. She was happy to answer questions.

Mr. Morris invited questions for Ms. Long.

Mr. Lafferty asked will the treatment of the fence be the same on both sides.

Ms. Long replied that she would think so. What they showed the Commission was certainly intended to be the side that would be visible from the homeowner's side. Certainly, it won't look any worse from that side, but it will be the same.

Mr. Loach asked to follow up on condition number 6 when they talk about employees that work at the assisted living facility. He asked if they were talking about changing the numbers of the practice as it was being done now. It was just for clarification.

Ms. Long replied right now the majority of the employees park in the back who work at the senior apartments. There are a small handful of employees who park in the front. But, the new employees who will work at the assisted living facility will be required by management to park in the back lot off of Incarnation Drive.

Mr. Dotson questioned why in the new condition # 7 "to provide screening and buffering to the adjacent properties" is stricken. He was curious why because it seems obnoxious.

Mr. Long replied they were trying not to make this more complicated than it was or to make anything that was difficult for the owner to comply with. The proposal to add landscaping was made by the applicant as a gesture to indicate they do care not only what the fence looks like, but what it looks like to soften it and make it look nice. They were trying to get away from strict regulations that would govern the site long term and provide lots of detailed standards that could cause problems down the road and cause us to regret having offered to include the landscaping. In discussions with staff over the past several days Mr. Kamptner indicated his inclination was to specify what the landscaping and the fence were for. Arguably they will provide some screening and some buffering. However, they were trying to avoid having strict standards that could cause technical violations of the conditions anytime in the future.

Mr. Dotson noted he had several questions for staff. Condition number 4 proposed three years instead of two years. He asked what our norm is and do they have a standard period.

Ms. Grant replied the norm is usually two years. But, they have done different things. They just had a special use permit where it was for four years.

Mr. Kamptner pointed out he had suggested at least the minimum standards for size, spacing and landscaping for condition #7. They had a program discussion about the minimum standard for fencing. The applicant will be working with the Albemarle County Service Authority and the Property Owners' Association concern about tying it down to a minimum standard that may be different from what the property owners raised. Right now the condition does not have a minimum standard. It kind of leaves it open. The applicant has agreed they will consult with the Albemarle County Service Authority (ACSA) and the Branchlands Homeowner's Association. Where that consultation leads and what it results in is still left open. They expect discussions on both sides. They also are concerned about having the applicant be tied down to agreeing to whatever the Property Owners Association demands as that being the standard. So there is still some wiggle room in that

Mr. Morris said he had one question regarding condition # 5. Knowing that some construction traffic will be going up Branchlands Drive he asked what type of traffic calming devices they have been thinking about. He asked if they have gotten to that stage yet.

Ms. Long replied that they had conversation with Nancy Hunt and other representatives of the Branchlands Properties Association Board about what various mechanisms may be. They have already been discussing traffic calming measures that would perhaps be appropriate not only during construction but perhaps long term as well. It would be things like emphasizing the speed limit, putting up more signs about the speed limit, painting the speed limit on the pavement and those types of things.

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

Nancy Hunt, President of Branchlands Property Owner's Association and resident of 1303 Branchlands Drive, thanked the Commission for hearing this request the second time. She was speaking for the board when she says they are pleased with the changes in the building structure. They appreciate the applicant's willingness to add a condition addressing employee and delivery access. They were pleased with condition #7 about the landscaping; however, if they knock out the screening that sort of changes things. So they are not happy. She asked the Commission to feel free to ask her a question about that. One remaining concern is traffic calming and speeding. Our residents and visitors do it. The Manor House residents and visitors do it. They need to improve the road. They have talked about simple traffic calming. They are hoping that it might be possible to include a condition that would ask the applicant to work with us to implement some simple and not terribly expensive measures. She would be happy to discuss that further if they wish. Finally, because ages ago an inappropriate building was approved on this site that they probably have done the best they can with this infill development. However, speaking as someone from northern Virginia Albemarle County who will experience increased infill pressures, she would encourage the Planning Commission and the Planning Department to develop requirements

regarding the appropriate relationship for infill projects with respect to smaller existing, particularly residential buildings. She knows that they are working on some of this. The Branchlands PUD did not get it right. They are ready to go forward and they would like some help.

Muriel Grim, resident of 1305 Branchlands Drive, said she was pleased with the changes that have been made. However, she still has two concerns. The first is regarding recommendations #5, #6 and #8. Actually, she now has three concerns. First, she asked can there be a penalty for failure to comply with the correct use of Branchlands Drive and construction equipment. Also, must the zoning division staff be on site or could provide photographic evidence of probable violations for submission to the zoning division for investigation by residents. After hearing the applicant's presentation she was also wondering about the practically standard that is going to be set for construction. She asked who sets that standard, how they know when they are there and whether it is going on. They should have an idea. Her second concern is there is still no way to visualize the scale of this building relative to those on either side or to the subdivision. As Ms. Hunt just said this is something that is going on now that needs to be corrected. She was still wondering if it is possible to get a rendering that shows the relationship of the assisted living building to those on either side and to the rest of the neighborhood. She would like to see it conform to the spirit of the letter of law.

Marjorie Fox, two-year resident of Branchlands, said she was a registered nurse and some of the words that she is saying are coming from the fact she has a medical background. She has heard a lot spoken by the people who are concerned about their property values and she can see why. But, she is also concerned about the human values. She thinks the Commission needs to know that a lot of residents feel the same way and she is speaking for a lot of people. Branchlands is not just an apartment building, they are a family. As such, it is very important that they be able to see their family when they no longer can live at Branchlands. When she first came outside the dining room there was one walker. Two years later there are eight. She has seen people that are real close die. She has seen people have to leave because they can no longer live at Branchlands. They need assisted living. Once these people leave unless they have transportation they are saying goodbye to our family. They cannot walk up the hill to go see them at Lady of Peace. Most of us cannot walk to Rosewood to see them. There are places that are much further away and they watch these people who have become our family leave. They might as well say goodbye to them. They need this place. It was on the news the other night that in the year 2025 in Charlottesville that more than one-half of the population will be over 50 years of age. That is only ten years from now. If they don't start doing something now for assisted living facilities they are going to be in big trouble. She knows that all of these people who have spoken feel very strongly about a fence and plantings. This is very important to them. Well it is also very important to us that our families stay together.

There being no further public comment, Mr. Morris closed the public hearing to bring the matter before the Planning Commission for discussion and action. He asked if the applicant wanted to take advantage of the five minute rebuttal.

Ms. Firehock commented she was pleased to see that the developer has brought the building back to the Commission and tried to make some adjustments to address the neighbors' concerns. This is not a usual thing. As they may understand, they have already approved this once before. She hears their interest in having assisted living. She certainly has taken care of elderly family all the way through the stages of life. She also hears the concerns about the massing and scale of this building next to single-family residential, but wants everyone to understand the Commission is in a difficult position because there was already a building of a large size approved for this site. Therefore, the Planning Commission is not really in the position of saying whether or not a large building can go there. They are really more in the position of saying what the design and the use are of that building. That is really what is before the Commission tonight. She thinks some of these concerns about the individual proffers can probably be dealt with. However, she wanted everyone to be clear about how much power they actually have.

Mr. Randolph complimented Nancy Hunt since her points are extremely well taken about the relationship between infill development and residential housing around that infill. It is an issue that this body will need to be much more deliberative about and probably will be seeking more policy recommendations. They

have already had that once on the crossroad project when they talked about that project proposed vis-a-vis the neighborhood and neighboring residents. Hopefully, they will talk more about that. He thought Marjorie Fox's comments about the importance of continuing care is imperative, which Ms. Firehock referenced. He had his father go through an assisted living situation. He also would like to compliment the applicant. He appreciates the applicant's commitment and willingness to work with the Branchlands Property Owners Association in addressing the construction traffic issue, the employee parking issue, the fencing, and the landscaping along Lilac Court issue. He understands the reason why condition #7 has omitted screening and buffering because automatically then they get into definitions of the degree of screening and buffering. He takes the applicant at her word that they will follow through with a quality job on the screening and buffering for the Lilac Court residents. He certainly will support this project.

Ms. Firehock commented that she had done quite a bit of work on traffic calming. The applicant mentioned things such as painted speed limits on the streets and more signage. That is not actually traffic calming. Traffic calming is lowering the design speed of the road by doing things such as narrowing the road in certain places and adding vegetation. There is a whole science to that. She did not want to get into doing traffic calming design tonight, but just wanted to encourage the applicant that they need to do a little bit more research in terms of what would work at that site. One of the challenges is that they have the potential for ambulances and other vehicles that don't do so well on narrowed streets. So that is one of the challenges. It is not an easy site, but she would like them to be a little more careful as they think about the traffic calming designs. It can make it more pedestrian friendly, add to the attractiveness of the lands of the site itself and make it safer. She suggested that more work is needed in that area.

Mr. Morris said he was sure that the applicant is aware of this since he heard the applicant say that they are willing to be working on this.

Mr. Kamptner noted the second speaker asked the question regarding the enforcement of the conditions and he would like to address that. The conditions become part of the zoning ordinance if the special use permit gets approved by the Board of Supervisors. So they are enforced by the zoning administrator and her staff. As to whether or not a zoning inspector has to be on site to observe a violation that it is typically the situation. However, if there is photographic evidence that a resident takes that is provided to the zoning administrator, they will follow up with an investigation. The process is sending a letter to the violator, which starts an administrative process. Ultimately if the violation continues they go to court to enforce the zoning ordinance. As to who sets the standard for practicability that is the role of the zoning administrator as well. Therefore, the zoning administrator and her staff will interpret that term and apply it in the particular context.

Mr. Dotson said he was probably going to be in the role of Scrooge tonight. So he would acknowledge that for the season. First, he would say he has organized his thinking the way the staff report does with factors favorable and factors unfavorable. The factors favorable that are good examples for other applicants include the applicant looking to address the Commission's concerns and the neighborhood's concerns. A factor that is favorable is the applicant meeting with the neighborhood at a time and place where they could conveniently attend. That is a plus. Another good example from this is the applicant voluntarily revising the plans to respond to these concerns and bringing them back to the Planning Commission. A fourth favorable factor example is the applicant taking the extra time and money in order to fund studies and to make the adjustments. Next are the factors unfavorable that he does not feel is a good example. He did not feel that this is a good example of infill that transitions gradually from a single-family residential area. This is not an example that he wanted to see repeated. The Board of Supervisors recently emphasized in the future of having new development compatible with pre-existing development. He did not think this is a good example. Lastly, he did not feel it is a model of how to avoid adverse legal neighborhood relations as a result of higher density. If the residential area was not part of the PUD district they would not even have this addition because it would be a much larger setback required. It is kind of a quirk that they are part of that district. For most places in the county that would be the case. Lastly he understands why the residents want an assisted facility. However, it was not necessarily that this is the best design. For that reason he intends to not to be in favor of the request.

Mr. Keller said he did not think he needs to belabor a lot of the points that have been made by his colleagues. He thinks beyond this when they talk about infill it is interesting to consider whether this is indeed an infill because it is something that has been on the plans for a long time. So technically they might think of it as an infill. But, again property owners in the smaller units have been aware that there was going to be a facility of some sort at a larger scale than the other houses for a long time. Another piece in terms of the infill discussion is that when they talk about character and making things fit the character of the neighborhood they have models all over the country of where the small scaled residential units are actually being scraped and becoming a redevelopment. So it is a very complex set of issues. His summary piece would be that he is really pleased and heartened by the outcome of community members both previously and tonight. He believes the numbers of people who have spoken to both sides of the issues have really had an impact on the process and changes that make this move towards a more positive solution. He thanked the applicant and members of the community.

Mr. Lafferty seconded what Mr. Keller said that it is not usual that they see the cooperation that they have seen in this project. The Commission is grateful for the additional information.

Motion: Mr. Randolph moved and Mr. Lafferty seconded to recommend approval of SP-2014-00010 Branchlands Assisted Living Facility with the conditions outlined in the staff report, as amended.

Mr. Kamptner asked for clarification that the motion was with the revised conditions 4 through 7.

Amended Motion: Mr. Randolph moved and Mr. Lafferty seconded to clarify the motion was with the revised conditions as presented by the applicant.

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 October 20, 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, loading area 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 construction of any structure required for the use shall commence on or before ~~two (2)~~ three (3) years or the permit shall expire and be of no effect.**
5. **All construction traffic shall enter the site from Incarnation Drive; provided that during construction of the site, any construction vehicle may enter the site from Branchlands Drive if it is ~~essential to allow~~ not practicable for the ~~construction~~ vehicle to ~~achieve its purpose for being at~~ enter the site from Incarnation Drive.**
6. **The site shall be designed and constructed so that all employee traffic may enter the site from Incarnation Drive. ~~Employee traffic~~ Employees who work exclusively at the Assisted Living Facility shall not enter the site from Branchlands Drive.**
7. **~~The~~ If permitted by the Albemarle County Service Authority (ACSA), the applicant shall provide landscaping and fencing on the south west side of the Assisted Living building between the building and the adjacent townhouses on Lilac Court ~~to provide screening and buffering to the adjacent properties~~. This shall be coordinated with the ACSA, and the applicant~~, the Albemarle County Service Authority (ACSA) and~~ shall consult with the Branchlands Property Owners ~~Authority~~ Association on such landscaping and fencing.**
8. The applicant shall install signage at the entrance to Branchlands Drive directing all deliveries to

the Assisted Living Facility building be made from Incarnation Drive.

The motion passed by a vote of 6:1 with the revised conditions. (Mr. 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. He thanked the applicant and residents for coming to the meeting.

Public Hearing Items

CPA-2013-00001 Comp Plan Update – Solid Waste
Modifications to existing and 2013 Planning Commission recommendations related to solid waste as part of the Community Facilities chapter of the Comprehensive Plan. (Elaine Echols)

Ms. Echols presented a PowerPoint presentation on CPA-2013-00001 Comp Plan Update – Solid Waste.

In October, 2014 the Planning Commission got the resolution of intent from the Board of Supervisors asking the Commission to look at something different from what they had originally recommended in the Comprehensive Plan recommended to the Board in August of 2013. Basically, the Board of Supervisors sent back to the Commission a new objective that they felt should be the objective for solid waste management. They also sent the changes from the Solid Waste Long Range Advisory Council. They brought things to the Commission to look at. The Commission generally said this looks fine and to make a few changes. The Commission also provided the opportunity for that committee to make a few more tweaks to what they had previously presented. They finished their work, brought it back and staff looked it over and it appeared to be in keeping with what the Commission had asked for. Staff now has the amendment before the Commission.

Ms. Echols reviewed the distinctions with the proposed amendment for Solid Waste, as follows:

- Add "sustainability" to "efficient" and "cost-effective"
- Emphasizes waste hierarchy
- Strengthens the education component of solid waste management
- Acknowledges the need to study best practices to improve the current program (It does not presuppose that there were decisions that are made. It was important to the Commission that there was no conclusion being provided with the Comprehensive Plan right now since the study is still going on.)
- Recommends exploration of a regional approach to solid waste management since the City, University and the County are managing solid waste differently.
- Recommends expansion of the Household Hazardous Waste Program
- Study Ivy Materials Utilization Center (MUC) potential uses for solid waste program. It is to be closed, but there may be other uses available for it. The Planning Commission had some discussion about that and the way it came out was to study it for possible uses.
- Develop program for electronics recycling and drug disposal (Part of that development of the program may rest with the private sector or working with the private sector. It is not presupposing that the County will be responsible for that. However, there needs to be something better than what exists right now.)
- Acknowledges Solid Waste Long Term Strategic Advisory Committee (SWLTSAC) work may extend past Comprehensive Plan adoption. If there are any new recommendations they will come back through the Comprehensive Plan process.

That really is what the strategies are in the attachments to the executive summary. Attachment A is the recommended changes to the Comprehensive Plan Draft dated January 23, 2014, which is the clean version. Attachment B is the track-changes for Planning Commission 2013 Recommendations for Solid Waste.

Recommendation:

Staff recommends the Planning Commission recommend approval to the Board of Supervisors of the modified language for solid waste in the proposed Community Facilities Chapter of the Comprehensive Plan when the Board adopts the Comprehensive Plan.

Ms. Echols noted that the Board of Supervisors is really trying hard to be done with this in the spring. Staff plans to be done with our part, which is bringing back all of the changes, in April. As Mr. Cilimberg said, it really depends on how the Board responds to the changes they have requested once they look at them to see how quickly they can advance it. However, there is a very strong commitment to finish it as soon as they can. She pointed out staff has sent out notifications to interested parties, but they have not heard from any of them.

Mr. Morris invited questions for staff.

Ms. Firehock asked if the interested parties would be the waste haulers or recyclers.

Ms. Echols replied yes, it included all of them.

There being no further questions, Mr. Morris opened the public hearing for public comment. He invited public comment.

Liz Palmer, member of the Albemarle County Board of Supervisors and Samuel Miller District representative, thanked the Commission for taking a look at their proposed changes. There is one small petition that she did not get a chance to mention. However, she did let Mr. Randolph know about it. In the current version there is a reference to the Thomas Jefferson Planning District Commission (TJPDC) Solid Waste Management Plan and also to the County Environmental Management Policy. She requested to have both of those hyperlinked to the actual document rather than just have it in the reference. She also would like there to be some wording, if possible, to make sure that the public when they are reading this understands that the County Environmental Management Policies is more than a document. When she first got on the Board and started to read all of these documents she thought that was a broader policy than what staff later explained it actually was. So she did not want anyone else reading it to make the same assumptions and wants it to be clear.

Mr. Morris asked staff if there is a possibility of doing the hyperlinks before it goes to the Board.

Mr. Randolph noted that was really a question for Ms. Echols, but something that the County definitely has the capacity to do. It would be advisable because the one concern they would have is for people not to be aware of what that particular environmental management policy means. He thinks Ms. Palmer's point is very well taken that they need to be proactive and prevent people from misunderstanding that policy.

Ms. Echols agreed noting they will be doing that with the Comprehensive Plan throughout. Therefore, they will prepare the draft for the Board of Supervisors in that format with those hyperlinks in there. There will be many other hyperlinks once the Comprehensive Plan is in its final form.

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

Mr. Dotson said he noticed they had stricken the reference to the Keene and Ivy Landfills in the third paragraph on #7. The only reason he raised the question is those are unfinished business. He did not want them to forget about those businesses since they still need attention. Our philosophy is sort of cradle to grave and they are not in the grave yet. He was wondering why that wording was stricken. He suggested they could create 7a that adds something like exercise oversight over the proposed landfill in Keene and Ivy or something along those lines to remind us that we are on our way. He asked if staff could answer that question.

Mr. Lafferty pointed out that he thinks the state will let us know certainly at the Ivy landfill. However, the Keene landfill has open cells and he didn't know if they required them to do any remediation.

Ms. Echols said she did not know the answers to these questions. She suggested that Mr. Cilimberg or Mr. Randolph might know the answers.

Mr. Cilimberg pointed out that both have closures, which was required by the state.

Ms. Firehock noted the site was no longer in service, but the County is continuing to monitor their closure plan.

Mr. Dotson suggested adding something along those lines.

Ms. Echols agreed that staff could add a statement in one of these sections that basically says this is what is going on.

Motion: Mr. Dotson moved and Mr. Keller seconded to forward a recommendation to the Board of Supervisors to adopt the December 16th version of the modified language for solid waste in the proposed Facilities Chapter of the Comprehensive Plan draft, as amended, with the condition of continued oversight of the closure of the Keene and Ivy landfill site.

Mr. Kamptner asked if it also should insert the hyperlinks of the notifications of the standard policies.

Amendment to Motion: Mr. Dotson agreed to the suggested amendment to the motion, which was seconded by Mr. Keller.

The motion passed by a vote of 7:0.

Mr. Morris noted that CPA-2013-00001 Comp Plan Update – Solid Waste would be forwarded to the Board of Supervisors to be heard on January 13, 2015.

CPA-2014-00002 Colonial Auto Center Expansion (Borches)
MAGISTERIAL DISTRICT: Rio
TAX MAP/PARCEL: 04500000017300
LOCATION: East side of Berkmar Drive (Route 1403), 400 feet northeast of intersection with Rio Road (Rt 631)
PROPOSAL: Request to allow expansion of Colonial Auto Center onto adjacent property.
PETITION: Amend Comprehensive land use designation on 3.53 acres from Urban Density Residential which allows residential uses at 6-12 units/acre and supporting uses such as religious institutions, schools, commercial and office to Office/Research & Development/Flex/Light Industrial which allows commercial, professional office; research and development, design, testing of prototypes; manufacturing, assembly, packaging.
ZONING: R-6, Residential up to 6 units/acre.
ENTRANCE CORRIDOR: Yes
AIRPORT IMPACT OVERLAY: Yes
(Rachel Falkenstein)

Ms. Falkenstein presented a PowerPoint presentation on CPA-2014-00002 Colonial Auto Center Expansion (Borches).

Background:

- 4/15/14 – Planning Commission held a pre-application work session and at that work session recommended the applicant come back with their proposal in the form of a Comprehensive Plan Amendment (CPA).
- 4/24/14 – Places29 Advisory Council expressed support for the proposed land use.
- 9/2/14 – CPA application submittal date.

- 10/7/2014 – BOS directed Planning Commission to review CPA and make recommendation by 1/15/2015.
- 11/11/2014 – Planning Commission adopted Resolution of Intent.

The subject property is Tax Map 45, Parcel 173 with 3.53 acres; fronts on Berkmar Drive; and is located directly behind the current Colonial Auto Center property. It is also adjacent to the Rio Hills Shopping Center. It is the former site of the Greenfield Mobile Home Park, which has since closed. The site is now vacant.

The existing land use of the property is Urban Density Residential, which is a density of about 6 to 34 units per acre. The proposed land use is for Office/R&D/Flex/Light Industrial, consistent with the land use of the current Colonial Auto Center property. The zoning of the property is R-6 Residential. Most of the adjacent properties are zoned for commercial use.

The applicant's proposed use for the property is sort of in two phases. The applicant's desired use of the property in the short term is to provide a backdoor entrance to the Colonial Auto Center off of Berkmar Drive to help mitigate impacts of the Rio Road/Route 29 intersection improvements. The construction will impact some of Colonial Auto Center's existing parking areas along Route 29 and the applicant also plans to use the parcel to restore lost parking and inventory storage during the construction process. The exact long term use of the property is still unknown, but the applicant expects it will be an expansion of the Colonial Auto Center current sales and service business.

As can be seen on the concept plan there are some transportation issues with the property. These concerns were discussed in a work session in April. The concept plan shows for accommodation of the future expansion of Berkmar Drive. It is the four-lane boulevard that is called for by the Places29 Master Plan. There is also the discussion of a potential extension of Myers Drive, which currently goes to the back of the Rio Hills Shopping Center. The concept plan does not show for an extension of the road here. As they can see it does not necessarily foreclose on an extension as the area adjacent to Myers Drive is mostly parking.

Summary:
Factors Favorable:

1. The proposed land use change potentially will allow for the expansion of an existing business and creation of 20 - 30 new jobs. This is in support of the County's economic development goals.
2. The proposed land use will allow for infill and redevelopment in an area that is served by public utilities.

Factors Unfavorable:

1. Developing the site for commercial uses rather than the recommended residential uses reduces the capacity for residential growth in the Development Areas and the surrounding neighborhood; however the land use change to Office/R&D/Flex/Light Industrial does permit residential as a secondary use.

Recommendation: Staff recommends the Planning Commission recommend approval of the proposed land use change from Urban Density Residential to Office/R&D/Flex/Light Industrial and recommend inclusion of the following text in the Places29 Master Plan (in accordance with Attachment G of the staff report):

<u>Pages 4-15 through 4-17 (Rio Road/US 29 Sub-Area)</u>
Until the Small Area Plan can be completed, development along Rio, Berkmar, and Route 29 should promote adequate right-of-way for the future road improvements shown in this Plan.

<u>Page 4-20 (The Rio Road and US 29 Intersection Study Area)</u>
A potential extension of Myers Drive to Berkmar Drive as an interconnection between Route 29 North and Berkmar Drive should be studied in conjunction with the Small Area Plan. If development is proposed near Myers Drive or Berkmar Drive prior to completion of the Small Area Plan, land for potential road

connection(s) should be kept free from impediments so that an extension of Myers Drive could be made in the future, if deemed appropriate.

Mr. Morris invited questions for staff.

Ms. Firehock asked would the small area plan definitely be done since she knows some of our planning efforts are not being funded. She asked if that is absolutely definite.

Ms. Falkenstein deferred the question to Mr. Cilimberg.

Mr. Cilimberg noted that it was not actually funded in the CIP. However, that does not mean it can't be done. It may have to be done through other funding means. They have always envisioned it would be a primary part of the Places29 update and is to occur in the next year or so after the completion of the Comprehensive Plan. It is one of our master plans due for an update, and that small area plan would be a very quick part of that. He could not say where the money or the assistance of doing that work will come from. It is part of what needs to be addressed in the budgeting. But, it is something they have put on the front burner.

Mr. Randolph pointed out when Trevor Henry presents the CIP if they add up all of the proposed plans recreational or planning for purposes such as this it comes to about 1.5 million, which is a penny on the existing tax rate. So that is what they are looking at, which is an ongoing issue. He would urge the Commission to bring that up again when Mr. Henry does his presentation.

Mr. Dotson asked if the question of Myers Drive would be addressed through reserving and not putting buildings in the right-of-way. He asked at any point if the applicant would be dedicating that right-of-way and how does that work.

Ms. Falkenstein replied with the rezoning the applicant would ask for a proffer of conditions to keep that area green, but it would not be dedicated right-of-way. Then, once a determination is made if the extension is deemed to be appropriate, it would have to be worked out with the property owner about some things the County would purchase and other things.

Mr. Cilimberg pointed out the timing of that is with the rezoning and also depends on how they ultimately rezone the property.

Mr. Dotson asked if it would normally be the case that an applicant would dedicate the right-of-way.

Mr. Cilimberg replied that it can be. However, first it happens in the zoning process reflecting what has been called for by a plan.

Mr. Morris noted that they have not gotten to the plan.

Mr. Cilimberg pointed out the plan has not defined the connection here.

Mr. Loach noted on page 9 it says in a rezoning the sidewalk and streetscape is expected. He asked is that required.

Ms. Falkenstein replied that would be up to the Commission. Staff would certainly recommend that those be included as requirements.

Mr. Loach said it should be a condition, and Ms. Falkenstein agreed.

Mr. Cilimberg pointed out it would be taken up with the rezoning. Just as a reminder, this is kind of setting the stage for what some expectation would be on the design of that property.

Mr. Randolph said it would certainly be essential they make sure on this project moving forward that this is not the stage to make the final determination that this project had the sidewalks and the proper planning to ensure attractive landscaping at Berkmar. That is just bottom line. He could not approve this project without feeling that is going to happen in the future. He would be surprised if the applicant did not also feel that it is in his interest to make those improvements.

Mr. Lafferty said he was a little concerned this would hold up the person requesting this if they don't have a small area plan that defines where the road is. That grade separated interchange is going in fairly soon and the connection to Berkmar will be paramount to their business. He would want to make sure that the applicant was not tied up because they have not defined the road for Myers Drive.

Mr. Cilimberg noted again that is part of what they take up with the rezoning. The rezoning application has been made. So this is kind of just to get through the Board establishing that they are intending to amend the plan to reflect what would be necessary. The Planning Commission is making that recommendation.

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

Pete Borches, with CMA Properties and Colonial Auto Center, said he was present tonight to discuss the CPA necessary for our existing business. It is a contiguous property intermediately to the west of Colonial Auto Center. Due to the pace of the fast moving destructive transportation construction on Route 29 they are seeking to utilize this property for inventory storage and backdoor access for associates, vendors and customers. Colonial Auto Center was first developed in 1986. It consolidated several other automobile dealerships and service centers around the county to this one auto center. They continue to grow. Colonial Auto Center currently employees 115 full time people and supports countless other supplier and vendor relationships. The sales department reports nearly 2,000 retail sales a year. In 2014 it will be 30,000 repair orders. Access to our operation is vital to Colonial Auto Center and our customers.

Mr. Borches noted in anticipation of the pending construction on Route 29 they are coming to the county with a specific solution to help them adapt to the change in the road. In order to compensate with the substantial construction and easements anticipated by VDOT they are requesting the ability to stage and store vehicles on this contiguous property. This along with an access drive is shown in phase one. They have been asked by the Planning Commission and the Board of Supervisors to show any future building and additional development that may occur. They have done their best to show what this might look like in phase two, which at this moment they do not have any plans. In April of this year they stood before the Commission and discussed this change in a work session and whether it could be supported. There was much constructive discussion. In the end there seemed to be a general support amongst the Commission for the proposed change. There was more concern about the process in which it would happen. Now nine months later they are back with a formal application for a comp plan amendment. With the support of the Board of Supervisors they have also been allowed to file a required rezoning request simultaneously. It is now on file with the County. Tonight they are asking the Commission to act on the previous support for the plan and to work with us to prepare for and survive the upcoming road construction. The use of this contiguous property in this manner is natural to the surrounding uses. It supports the local economy by allowing a local business to grow in place. He thanked the Commission for their time.

Valerie Long, representative for the applicant, said she wanted to touch briefly on a couple of the proposed suggestions in the staff report. There were essentially two sections of text that were proposed to be added. The first one was a sentence that says in essence that any future development along those three roads shall provide adequate right-of-way for the future improvements to those roads. Our concept plan already shows a 30' strip across the Berkmar Drive frontage of the property for future sidewalk, future road widening, landscaping and all those things. So they would be comfortable with that language with two revisions. One is to include a reference that would be the width of that right-of-way to be provided not to exceed 30' since that is what they have proposed. They are not comfortable with sort of a

blanket amount that they could not predict in the future. The second suggestion is less important to us, but they thought they would raise it. This is a stand-alone comp plan amendment application that they understand applies only to this parcel. So they were a little hesitant to get into recommendations that deal with properties along Rio and Route 29 as well. Their main concern is clarifying that the width would only be 30' along the boundaries of this parcel.

Ms. Long pointed out regarding the issue about Myers Drive and leaving the area free of obstructions, such as buildings, that the concept plan does show where they propose the building. They did try to anticipate future areas. They have heard a lot about Myers Drive extension over the past few months. They went to the Board of Supervisors for a work session on this very request to change the Comp Plan in October. There were several members there who expressed skepticism about whether Myers Drive really made any sense given the changes that are proposed that are moving so quickly along 29 and Rio Road. VDOT has indicated they would mostly likely not accept that road into the public system. There is not a location for the connection that makes sense that is far enough away from the Rio Road intersection. Frankly, they have no comfort level that the small area plan will be able to be prepared in a timely fashion. The current Places29 Comprehensive Plan or Master Plan states very clearly a small area plan shall be prepared and put into place before the improvements to the Rio Road/Route 29 intersection. That obviously is not happening and won't happen before that work commences. It is already overdue. They are concerned based on the comments that have been made that there are questions asked about where the funding will come from for that and the timing. So they are hesitant to be kind of held in limbo on this issue especially given the impact that can have on the future development potential. So they are willing to discuss that issue more with the Commission. However, they are at this point fairly uncomfortable with the proposed language for those reasons. She pointed out the concept plan that was put on the screen was not the current concept plan. However, they do have one that is very similar. The current concept plan is more detailed.

Ms. Long pointed out another point of clarification is when they went to the Board of Supervisors in October on the work session for the Comp Plan amendment change the Board did signal its support for the change as well. The Board also endorsed them going ahead and submitting the rezoning application for the property prior to final action on the Comp Plan. So they have already submitted a rezoning application on October 20th. They just received the first round of staff comments last week. So the rezoning application is under review. They are very grateful for the Board on their appreciation for the timing issues that they are dealing with, which Mr. Borches expressed earlier. So again they are happy to discuss any comments. Also, if there are any comments from the public they would like an opportunity for a short rebuttal.

Mr. Morris invited questions for the applicant.

Mr. Dotson asked if the zoning on the current Colonial Auto property is Highway Commercial.

Ms. Long replied that is correct.

Mr. Dotson asked if in the rezoning they are applying for a Planned District.

Ms. Long replied actually they were applying for Highway Commercial as well. The zoning is two different things. The zoning proposed to be changed on this parcel is from R-6 Residential to Highway Commercial. That is the precise zoning designation that the staff directed us to pursue in the rezoning application. Tonight's application is the Comp Plan amendment. They are proposing to change the Comp Plan designation from Urban Density Residential to Office/R&D/Flex/ Industrial.

Mr. Dotson pointed out he only asked because there were several references in the attachments and he thought they had changed it.

Ms. Long replied they actually did initially start with a Planned District application. However, at the staff's suggestion they modified the request to Highway Commercial.

Mr. Randolph noted one thing he would find helpful if they do come back to the rezoning is that in the Economic Development section there is no analysis of the comparison between the property taxes that would be generated if in fact this site remains R-6. There would be 42 units and if one expects that each lot there could pay somewhere in the neighborhood of $2,500 per lot in property taxes that would generate over $100,000 a year. He thinks it would be valuable to have a comparison to direct apples to apples that if this is utilized and rezoned commercial what the commercial property tax bill would be on this. If rezoned commercial they need a comparison here before sacrificing residential property in this area to know how it stands to benefit the County.

Mr. Lafferty pointed out the applicant owns this land and he can determine whether he wants to do residential on it or not.

Mr. Randolph noted that he would find it useful to see the comparison. The applicant owns the land, but currently the land is zoned R-6. So if he was going to use the property in the future he would have to build R-6 housing if they don't provide this change. So he thinks it is useful for the Commission to know what the difference would be. He thinks it is a reasonable request.

Mr. Keller said he had a question for Mr. Borches. Last time when Mr. Borches was before the Commission he spoke about innovative things that he had done in different dealerships. Just in terms of future planning he would be interested in the philosophies of his corporation in terms of where automobile marketing is going. Would it be the internet with large urban showrooms that don't have a great number of cars? He wonders if there is still indeed a need for the large paved parking areas with hundreds of cars on them of today.

Mr. Borches replied that the strength of the business has grown extensively over the last five years. Having the inventory readily accessible puts us at an advantage. That being said, they recently developed Nissan on 29 with a 200 car parking deck. So they looked at the opportunity to put the inventory out of sight above the existing lot. So they do look at that and the efficiencies on the lots themselves. They are restricted on the row along Berkmar Drive because of the trucks that deliver parts and cars. With respect to the size of the facilities a lot of times a lot of our business is in the shops turning wrenches. So having that capacity is very important. They are seeing some change. He thinks what Mr. Keller sees in terms of dealerships is not very customer friendly in the long run. That model is yet to be proven because it does not quite work particular with test driving the cars. They are still seeing that they need the space. In some locations they have off-site storage, which the County does not like.

Mr. Keller said it is important they understand what they are looking for ultimately as well. Obviously, there are all over the United States former dealerships with the large parking lots that are growing up with grass where there are no cars. He certainly can see in terms of hail damage and storms to be able to display in foul weather that a parking garage has some benefit. It is interesting to hear a car dealership talking about a parking garage. He appreciates the different ideas the applicant has shared during both of these sessions.

Mr. Lafferty asked the applicant would the requirement of extending Myers Drive from Route 29 to Berkmar Drive be a deal breaker.

Mr. Borches replied he was very concerned as Ms. Long has shared with the open-endedness of that restriction. He had very frank conversations with VDOT, the Board of Supervisors and several other interested parties. He did not know if it was really even feasible. They only own one-half of it. So there is another factor there on the portion that is developed. They are talking about a 3.5 acre site in this parcel. After they get done with the water treatment facility at the southern half and they add this road functionally they will be taking 3.5 acres to probably 1.7 acres. That does not function for what they are trying to do. He would be very nervous about if it was more defined in timeframe and if it was not done in a year or two years since the plan that they show does not put a building in that area. So he would be open to that.

Mr. Lafferty noted from a transportation point of view these connecting roads are very important to the County. They have to go all the way down to Woodbrook to make a connection to 29 now or stay on Rio Road. He asked if they can work out some kind of language.

Mr. Cilimberg pointed out that would be the kind of thing if they wanted to reserve the possibility for Myers Drive. In the event it is identified as being a road that is necessary to be connected that could be part of what is considered with the rezoning in terms of any timeframe for the reservation. However, that is not what they would put in the Comp Plan. The Comp Plan is just identifying that there may be a need and they don't want to preclude the need until they have had a chance to study what that need is.

Mr. Randolph said the question is how comfortable would it be for the Commission to indicate that small area plan must be completed within two years of the Board of Supervisor's approval. That would indicate that the clock would start running once the Board signed onto it. It would give the County a total of 24 months to get the small area plan done in terms of justification to accomplish what Mr. Lafferty has set out.

Mr. Cilimberg pointed out the Commission could certainly indicate in their recommendation that they believe it should be done within two years. However, that would not be language in the plan, but be part of the condition.

Ms. Firehock referred back to what Ms. Long said earlier about other planning requirements having to be in place before they did this new interchange and all the work. Since it is not she feels very reluctant given the County's history in not getting these plans done, the state of the CIP, and understanding the point about the penny. However, they are not in the driver's seat on whether a penny gets added. She would rather put in language that they desire for this to occur. However, she did not want to hold the applicant up because the County is not going to be able to do a small area plan in a timely fashion.

Mr. Cilimberg said he was hearing the recommendation would be telling the Board that this needs to be done within two years because they should not expect the applicant to wait.

Ms. Firehock said if not that the applicant could then not proceed because they had not done the plan.

Mr. Cilimberg said the applicant is saying they don't want to be tied down an undetermined amount of time. He thinks what he is hearing here is the amount of time that has been identified.

Mr. Loach asked if 30' is acceptable.

Mr. Cilimberg replied at this point in time they don't know if even 30' would be necessary. The adequate right-of-way was just to proviso in along all of those frontages for the ultimate planning of those roads for any kind of improvements that there is right-of-way to accommodate that. He thinks that it is very relevant to the rezoning. He did not know that they could say that 30' is going to be needed along every one of those frontages. This is referring to Rio Road, Berkmar Road and Route 29. It is not something they would recommend for the Comp Plan. However, it is certainly something that they are going to commit to in their rezoning. He did not think they have a basis today to say that is not enough.

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

Mr. Dotson said he was comfortable with the recommendation.

Motion: Mr. Dotson moved and Mr. Loach seconded to recommend approval of CPA-2014-00002 with the proposed land use change from Urban Density Residential to Office/R&D/Flex/Light Industrial with inclusion of language in the Places29 Master Plan as outlined in the staff report.

The motion was approved by a vote of 7:0.

Ms. Firehock said she remains confused because she did not see how they have addressed this concern about dealing with the Board of Supervisors on a preferred timeline. She asked if the timeline was a concern to other Commissioners.

Mr. Dotson said he did not think they want to put that in the Comprehensive Plan. If they approve this, then he would ask the staff to communicate about the two years.

Mr. Loach suggested that they also include it as part of the discussion in the CIP.

Mr. Cilimberg said if the Commission follows the motion, staff will communicate that in making the motion and including the language on page 4-20 that the Commission believes that the applicant should not be held hostage to that language for an undetermined amount of time and that a small area plan really needs to be done in two years or less.

Mr. Morris asked if the motion is sufficient.

Mr. Kamptner replied the motion is sufficient for the CPA itself. He suggested the Commission go ahead and take a vote on that. Then they can have a second motion for a recommended timeline for the small area plan.

Mr. Morris asked for a roll call.

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

Mr. Morris noted CPA-2013-00001 Comp Plan – Solid Waste would be forwarded to the Board of Supervisors with a recommendation for approval on January 13, 2014.

Mr. Dotson asked to make a motion as stated by Mr. Cilimberg.

Mr. Cilimberg noted the recording secretary has that language.

Motion: Mr. Dotson moved as a follow-up to recommend that the applicant not be held hostage to the amendment language referencing the potential Myers Drive extension for an indeterminate amount of time. The Planning Commission recommended that the Small Area Plan referenced in the amendment be completed in two years or less.

Mr. Lafferty asked otherwise if it is not completed in two years do we give up on the restrictions.

Mr. Dotson said he thinks that is implicit in the language they are approving for this.

Mr. Cilimberg noted that is something that can be very directly addressed as part of the zoning map amendment. He thinks the Commission has expressed an interest and kind of a sense of urgency.

Mr. Loach noted there were other outstanding plans. He suggested the Commission table it until they get to the CIP discussion and make a stronger statement that will include this small area plan. But, it will also send a message to the Board that they would like to see the master plan small area plan.

Mr. Morris asked if there was a second to the motion.

Mr. Randolph seconded the motion.

Mr. Morris invited further discussion.

Mr. Keller said he would like to reiterate what Mr. Loach just said. If they are going to make a motion on this and if they see that there are others they just heard about on 29, then he thinks that after the CIP

discussion they need to make another motion that relates to this. If they do the two that are linked together he is comfortable with this.

Mr. Morris asked for a roll call.

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

Mr. Morris noted that they would also be looking at this during the CIP discussion. The following action would be forwarded to the Board of Supervisors on January 13, 2015 for a Comp Plan work session.

The Planning Commission recessed at 7:39 p.m. and the meeting reconvened at 7:48 p.m.

STA-2014-000003 Subdivision of 50 or fewer lots
The Planning Commission will hold a public hearing to receive comments on its intent to recommend an ordinance to amend Chapter 14, Subdivision of Land, of the Albemarle County Code. This ordinance would amend Chapter 14 by implementing a 2014 amendment to Virginia Code § 15.2-2260 to no longer require a preliminary plat for subdivisions resulting in 50 or fewer lots (Secs. 14-213 General, and related Secs. 14-217, 14-227, 14-308.1, 14-409, 14-410, 14-413, 14-422); requiring notice to abutting owners and others when a final plat is submitted in the first instance (Sec. 14-226 Submittal of final plat; determination of completeness); and establishing fees for submitting a final plat in the first instance, which are the current combined fees for preliminary and final plats: (i) two lot subdivision as described in section 14-232(B)(2) or if all lots front on an existing public street: $790.00; (ii) 1 to 9 lots: $2,150.00; (iii) 10 to 19 lots: $2,250.00; (iv) 20 or more lots: $2,380.00 (Sec. 14-203 Fees). This ordinance also would amend Secs. 14-225 Effect of approval of preliminary plat on other future and pending approvals, to conform to the requirements of Chapter 17 as to when grading and other permits may be issued; 14-231.1 Period of validity of approved final plat, to require that an approved plat be recorded within 1 year after its approval; 14-404, Lot location to allow access from lot onto street or shared driveway, to expand the exemption from the substantive requirements of that section to subdivisions in accord with an approved and valid zoning map amendment, special use permit, or site plan. This ordinance also would add requirements to certain classes of subdivisions (Secs. 14-207 Rural subdivisions, two lot subdivisions, subdivisions following final site plan approval, and subdivisions creating one special lot and one residue lot (access); 14-208 Family subdivisions (access); 14-208.3 Plats creating a special lot and one residue lot (topography)); when requests for variations, exceptions, and special exceptions must be requested (Secs. 14-203.1 Variations and exceptions, 14-203.3 Special exceptions (added); authorize the agent to consult with the board of supervisors and other bodies (Sec. 14-200 Designation of agent; powers and duties); and add, amend, and delete definitions of certain terms pertaining to storm water (Sec. 14-106, Definitions). Lastly, this ordinance would update cross-references to other provisions of the County Code (Secs. 14-101, 14-202.1, 14-222, 14-232, 14-302, 14-303, 14-305, 14-307, 14-308.1, 14-417, 14-429). The fees that would be established by this ordinance are authorized by Virginia Code § 15.2-2241(9). A copy of the full text of the ordinance, and the statutory documentation pertaining to the proposed fee being imposed, is on file in the office of the Clerk of the Board of Supervisors and in the Department of Community Development, County Office Building, 401 McIntire Road, Charlottesville, Virginia. (Bill Fritz)

Mr. Fritz presented a PowerPoint presentation on STA-2014-00003 Subdivision of 50 or fewer lots.

SUBJECT/PROPOSAL/REQUEST:
Amendment of the Subdivision Ordinance to allow submittal of subdivisions involving 50 lots or fewer to be processed as a final plat without preliminary plat approval and to make technical changes and correct omissions made in prior text amendments.

BACKGROUND:
An amendment to the Code of Virginia removes the ability of the County to require the submittal of a preliminary plat prior to the submittal of a final plat for subdivisions of 50 lots or fewer.

Subdivisions involving 50 lots or fewer.
- May be submitted as a final plat prior to approval of a preliminary plat.

- Reviewed by Site Review Committee.
- Notice to abutting owners is retained.
- Updates various provisions to allow for waiver requests. There are a lot of waiver requests that say during the review of the preliminary plat they request this waiver. Therefore, staff had to update that and say during the review of the preliminary or if it is a subdivision involving 50 or fewer lots. It is a very mechanical change and there is nothing substantive there.

Other Changes

Last year they made some pretty significant changes to the Subdivision Ordinance. Since then staff has found some mistakes and are trying to correct those.

- Subdivision plats use to expire one year after signature, and they inadvertently removed that language. However, staff had no intent to take that language out. The proposal reinstitutes the requirement that signed plats must be recorded within one year.
- Clarifies the Agent may consult with a wide range of people such as the PC, BOS, Site Review Committee and other state and federal authorities. That is simply a clarification in the ordinance.
- Updates Control Point Definition, which is information that is contained on a plat that gives the latitude and longitude. There was a change in the state and federal reference as to how that information is provided. They are simply making the changes that occurred in the world.
- Updates to reflect changes that were made in the Water Protection Ordinance (WPO).

Mr. Fritz pointed out that Mr. Butler is going to speak to the Commission on one change where there is an issue about whether or not they have changed the ordinance. Our intent is not to change the ordinance either to expand or contract the regulations as they apply to grading on Sections 14.2.5. The language may expand the amount of grading that could occur with the preliminary. However, staff was not sure it does. They think it belongs with the Water Protection Ordinance. Staff is going to go back and take a look at that.

There is one other change he just discovered late this evening. In Section 14-208b, which is the section that deals with family subdivisions, it makes 2 lot subdivisions subject to Section 404 (Single Point of Access). Family divisions have never been subject to that section. They don't propose to do that and would like to remove the reference to Section 404 and amend it. They did correct some other changes that were made to 2 lot subdivisions, which use to always be subject to Section 404. In 2013 they inadvertently removed that and they are putting that back in.

RECOMMENDATIONS:
Staff recommends that the Planning Commission support the proposed amendments and forward STA-2014-000003 to the Board of Supervisors with a recommendation of approval that includes the removal of the 404 requirement for family division and staff will clarify Section 14.2.5 to ensure that they are neither expanding nor contracting the ability to do grading.

Mr. Morris invited questions for staff.

Mr. Dotson noted under the fee section there is reference to a groundwater assessment. He asked what that is.

Mr. Fritz replied the Water Protection has been in the ordinance for quite some time. There are four tiers to a groundwater assessment. The first Tier of the assessment is done at the time the building permit is issued. They actually run a test on the ground water quantity. Then there is a Tier II, which is actually something that is done automatically. This is the well information to determine what the water supply is within an area. Then there is another one or two more Tiers where more advance studies are done where they actually do geologic testing. It requires them to drill a well and the flow test.

Mr. Dotson noted the idea is that there is some evidence there is water there to support the use.

Mr. Fritz explained other than the Tier I, which is with a building permit; they have to actually demonstrate they have water before they can get a Certificate of Occupancy. All of the other ones, the Tier II and so on, are for information gathering. They are not regulatory in any way except that in Tier 3 it is used when there is a special use permit analysis for consumption of more than 400 gallons per acre. It is incorporated into the special use permit review and is discretionary.

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

Morgan Butler, representative for Southern Environmental Law Center, said Mr. Fritz brought up a question he had raised earlier regarding a concern that specifically relates to early or mass grading. There is a provision in the Water Protection Ordinance. A provision in the current Subdivision Ordinance seems to limit early or mass grading in the subdivision context to eliminate land development districts. Some of the language that is being proposed to be changed appears to expand that to all conditional districts. Mr. Fritz was kind enough to meet with him today to discuss this. They are continuing to work through it. Mr. Kamptner has agreed to join us for the next round of conversation. However, he just wanted to flag the concern for the record and hopefully they can all get on the same page with that and resolve it. He just wanted to make that point. Finally, he just wanted to wish everyone a happy holiday season.

Ms. Firehock noted she had a really hard time deciphering the paragraph that was referenced. She understands about the early mass grading, but asked if he would give them a little more detail.

Mr. Butler replied he would refer first to the Water Protection Ordinance provision in Section 17-4-12.b. which says an application may be approved for early or mass grading upon approval of a preliminary plat for a subdivision within a planned development district. It seems to limit it to just planned development districts. Section 14-2-25 in the current version also includes the language planned development districts. If you look at the revised version of 14-2-25 it says planned development districts and all conventional zoning districts or something to that effect since he did not have it in front of him. His question was are we intentionally or inadvertently expanding the permission to do early or mass grading for a broader array of subdivisions. This language just limits it to planned development districts.

Ms. Firehock noted it has added convention.

Mr. Butler pointed out there are some confusing layers involved and that is what they were talking through. If the Commission approves it tonight he won't get a chance to return it to the Planning Commission, but something he does plan to talk to the Board about it if they are able to resolve it or not.

Mr. Kamptner asked to explain why the language was revised and why it says what it does. However, they are going to meet with Mr. Butler to clarify it. He pointed out the driving force is the Water Protection Ordinance under the new Virginia Storm Water Management Program. That now dictates when this activity can happen. What was important to him when he drafted that section was this section has to be in perfect harmony with the Water Protection Ordinance (WPO). They were a little out of synch. All our pre-development ordinances, the Subdivision, Zoning and Architectural Ordinances, have been adopted and amended at different times. So this was to bring it into harmony. The subdivision law does not really care what the underlying zoning district is. The lots have to meet the zoning. The distinction between a plan in a conventional district as far as water protection is concerned is it is kind of an artificial distinction. However, they will work with Mr. Butler to address the concern.

Ms. Firehock asked if the Commission adopts this tonight as it is presented if staff would work with Mr. Butler on it prior to the Board of Supervisors and then come back with some amended language.

Mr. Kamptner replied they could do it either way and bring it back to the Commission just so they can see if any change is made.

Mr. Fritz pointed out since the goal here is no change and making it be in conformity that the STA seems to be able to just go straight to the Board.

Mr. Kamptner noted the objective would be just to further clarify without a change in the substance.

Mr. Keller asked if timing is an issue here.

Mr. Fritz replied that timing is not necessarily an issue. However, it could become an issue because right now if someone presented a 49 lot subdivision and said he wanted this processed as a final without having a preliminary they would have to do so. The Subdivision Ordinance right now says we can't accept the application until you have an approved preliminary. So how do we do that? It only says you have to go to the Site Review Committee and notify the abutting property owners for a preliminary. They would have to create some process that they don't have and it could become awkward depending on the willingness of the applicant to work with us. So the answer is no there is no urgent need to do this, but if they get an application tomorrow there might be.

Mr. Kamptner pointed out if in fact our ordinance lags the State Code requires us to comply with State Law and that overrides. However, there are some processes if a 49 lot plat came in and the applicant wanted to process the plat they would advise to go ahead and process it as a final plat. Then they would approve it through the processes.

Mr. Fritz pointed out they could process it and make sure it met all the requirements of the ordinance ultimately in terms of the content of the plat, the design of the lots and the layout. However, it may not follow all the notification processes and public involvement the County would like until they enact this.

Mr. Keller pointed out the reason he was asking the question is if this is the sort of thing where it could be worked out and then it come back to the Commission at the next meeting. Then staff could say this has been cleared up and the Commission can vote on it.

Ms. Firehock said she does not want it to come back with the Board saying they did not do a complete and thorough job in their analysis.

Mr. Cilimberg said he did not know enough about this to tell them whether this is something that is significant for them since it is kind of late breaking. He would yield to Mr. Kamptner and him answer the question.

Mr. Kamptner said to the extent that there is any substantive change that they are thinking about they could bring it back. Perhaps the Commission prefers not taking action until this is resolved. Then they could bring it back to the Commission the first week in January. However, they may be seeing the exact same ordinance on this issue. But, that is one way to get the STA to the Board by February.

Mr. Fritz agreed.

Mr. Morris asked would they want us to table it. He would be very comfortable with recommending approval on the STA this evening and asking Mr. Fritz to come back and brief the Commission during new business on January 13.

Mr. Loach suggested the only caveat would be if they found that during the discussions that something was substantial, and then it would come back.

Mr. Kamptner noted that even that in an advisory capacity the Commission could look at it and provide some comment to the Board even though they have already made their recommendation. It is another way to deal with this. Substantively they should be ending up with it in January.

Mr. Keller said he was comfortable with this in just looking at the head nods.

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

Motion: Mr. Lafferty moved and Mr. Loach seconded to support and recommend approval of the proposed amendments for STA-2014-03 50 Lot Subdivision as recommended by staff with an amendment to Section 14-208. Any substantive changes will be brought back to the Planning Commission in January.

Mr. Kamptner said that was with the correction to 14-208 that would take that section out of the ordinance.

Mr. Morris agreed along with all the other changes that Mr. Fritz has already identified.

Mr. Lafferty agreed.

Mr. Kamptner noted they would report back to any change to Section 14-225 in January.

Mr. Morris said he would appreciate that.

Mr. Keller said his assumption is that Mr. Butler would then come back to the Commission if he is not comfortable with what has happened for the comments to the Board at the beginning of the Commission meeting to let us know.

Mr. Loach noted that he would define substantial.

Ms. Firehock pointed out that she knows that her Supervisor will be asking for an explanation.

Mr. Morris asked for a roll call.

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

Mr. Morris noted that STA-2014-03 would be forwarded to the Board of Supervisors with a recommendation for approval on a date to be determined.

Presentation:

FY2016-2020 CIP
(Trevor Henry)

Trevor Henry, Director of the Office of Facilities Development, presented a PowerPoint presentation to explain the FY2016-2020 CIP as recommended by the Oversight Committee. He provided an update to the Planning Commission to highlight some of the discussions in what has changed from what they saw a month ago. He acknowledged there were some questions raised earlier about funding. However, what he would focus on tonight is what is in the recommendation from the Oversight Committee. The County Executive Office is working on this budget now and it is due to the Board of Supervisors by February 19. (See PowerPoint Presentation)

Mr. Morris invited questions for Mr. Henry. The Planning Commission asked questions and provided comments.

Planning Commission Discussion:

Ms. Firehock asked to go back to the Planning Commission's earlier conversation about not funding the small area planning and other master planning processes. As they push this up to the next level she wanted to remind the Board of Supervisors that if they want to encourage people to live in the urban ring

they need to do good planning so that people won't run from it. She thinks they are going to have to invest into some plans to actually make that place function.

Second, she thought it was great that staff found a way to include trails and green way planning. However, she sees that parks are still lacking. She asked to cite a couple of statistics. Having a park within 1,500 feet of a home increased its sale price between $845 to $2,262. That is from a study called the Economic Benefits of Recreation Open Space Recreational Facilities and Walkable Community Design published in 2010. She brings that up because if they look at the CIP as costs, then they have to absorb some of it, etc. However, if they make some of these investments they will pay us back. Our parks are another thing that is really integral to encouraging people to live in the urban area. It can't just be the urban area and then everything else is rural. The larger of the park the more significant the property value increase has been found. In fact, parks that are less developed and large natural areas have greater impact on property prices than urban parks, developed parks such as playgrounds, skate parks or golf courses. So again, she just wants to remind the Board that if they are willing to make some of these investments in our green spaces that the county will benefit in the increased property values. She would really support this. They may even have to add another penny to the tax rate or look at a service district as they have been talking about.

Mr. Henry encouraged the Commission to include that in their recommendation.

Ms. Firehock replied that she will and also will write them a memo on the topic.

Mr. Lafferty said the same thing is true with bike trails since it increases the sense of security and the property values.

Mr. Dotson asked if there was no action requested.

Mr. Henry replied there was no action other than it leaves the opportunity for the Planning Commission to provide a reaction and/or comments to the Board of Supervisors.

Mr. Dotson agreed with Ms. Firehock's comments about good community development planning on items such as the small area plan study and other items such as ACE. Just as they have approved the transportation planner he questioned if an Urban Design Planner could be added to staff that could do the Places29 Small Area Study and the Crozet Plaza Study. He questioned if they could have a person taken out of the CIP and display some other work place programs. He questioned if that is a way to get it done easier. He also brought up the following: how to fund the small area plans, ways to leverage consultants, adding staff in lieu of consultants, service districts, proffers and other projects.

In summary, the Planning Commission provided comments to the Board of Supervisors about the need for small area plans, etc. as noted in the minutes. No formal action was taken.

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.

- 2015 Planning Commission Meeting Schedule distributed
- Distributed flowchart of Commission to BOS process and Commissioners asked to review and bring back for discussion at next meeting.
- *THE PLANNING COMMISSION DOES NOT MEET ON DECEMBER 23, 2014, DECEMBER 30, 2014 or JANUARY 6, 2015.*

- *THE NEXT PLANNING COMMISSION MEETING IS SCHEDULED FOR JANUARY 13, 2015, TO BE HELD IN ROOM 241.*

There being no further new business, the meeting proceeded.

Adjournment

With no further items, the meeting adjourned at 8:56 p.m. to the Tuesday, January 13, 2015 Albemarle County Planning Commission meeting at 6:00 p.m., Room 241, 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)