**Albemarle County Planning Commission**
**September 1, 2015**

The Albemarle County Planning Commission held a public hearing on Tuesday, September 1, 2015, at 6:00 p.m., at the County Office Building, Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

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

Staff present was Megan Yaniglos, Principal Planner; Claudette Grant, Senior Planner; David Benish, Acting Director of Planning; Sharon Taylor, Clerk to Planning Commission, Wayne Cilimberg, Deputy Director of Community Development and Greg Kamptner, Deputy County Attorney.

**Call to Order and Establish Quorum:**

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

**From the Public: Matters Not Listed for Public Hearing on the Agenda.**

Mr. Morris invited comment from the public on other matters not listed on the agenda. There being no public comment, the meeting moved to the next agenda item.

**Committee Reports**

Mr. Morris invited committee reports.

The following was noted by Commission members:

Mr. Keller encouraged Commissioners to review materials from the Fiscal Impact Advisory Committee for their discussion on September 22nd in room 241 at 5:00 p.m.

Mr. Morris explained the Commission will be meeting on September 22nd in room 241 starting at 5:00 p.m. They have invited the Fiscal Impact Advisory Committee members to join us around that table so they can have maximum interaction with the committee.

Mr. Keller noted the timing on that should be good since they will have the housing discussion the week previous to that, which will raise some of the proffer issues related to affordable housing.

Mr. Dotson reported the Places 29 Community Advisory Committees Northern, Hydraulic recently appointed members and Rio members will be appointed tomorrow. Those will be getting under way soon.

Mr. Dotson noted nothing new from the ACE Committee, but the PRFA is reviewing a 700 acre easement, and he will report back in the future.

Mr. Randolph noted he missed the Historic Preservation meeting.

Ms. Firehock reported the Water Resources Advisory Committee are completing final edits to the report for the Board.

Mr. Lafferty said he stepped down as Chair of the Citizens Transportation Advisory Committee because he had served in that capacity for over two years; and, not being chair means he will no longer be a member of the MPO Policy Board.

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

**Consent Agenda**

a. **Approval of minutes**: May 19, 2015 & July 14, 2015
b. **Neighborhood Model Setback Corrections** – Resolution of Intent (Ron Higgins)

Mr. Morris asked if any Commissioner would like to pull an item from the consent agenda for further review. There being none, he asked for a motion.

**Motion**: Mr. Lafferty moved and Ms. Firehock seconded for approval of the consent agenda.

Mr. Morris asked for a roll call.

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

Mr. Morris said the consent agenda was approved.

**NEIGHBORHOOD MODEL SETBACK CORRECTION**
**ADOPTED RESOLUTION OF INTENT**

**WHEREAS,** the Comprehensive Plan was amended in 2001 to incorporate principles of traditional neighborhood development (the "Neighborhood Model") which, among other things, encourages reducing building setbacks and yards; and

**WHEREAS,** in order to facilitate achieving the goals and objectives of the Neighborhood Model and the Neighborhood Model form of development, the Board of Supervisors amended the Zoning Ordinance on June 3, 2015 and established new setback and yard regulations for many of the conventional residential, commercial, and industrial zoning districts in the Development Areas (the "New Regulations"); and

**WHEREAS,** the New Regulations changed the front, side, and rear yard requirements within those zoning districts; and

**WHEREAS,** in implementing the New Regulations, staff has identified provisions requiring revision or clarification.

**NOW, THEREFORE, BE IT RESOLVED THAT** for purposes of public necessity, convenience, general welfare, and good zoning practices, the Albemarle County Planning Commission hereby adopts a resolution of intent to amend the Zoning Ordinance as described herein; and

**BE IT FURTHER RESOLVED THAT** the Planning Commission shall hold a public hearing on the zoning text amendments proposed by this resolution of intent, and make its recommendation to the Board of Supervisors, at the earliest possible date.

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**Public Hearing Items**

**SP-2015-00011 Montessori School**
PROJECT: SP201500011/Montessori Community School
MAGISTERIAL DISTRICT: Rivanna
TAX MAP/PARCEL: 07800-00-00-012A0 and 07800-00-00-011B0
LOCATION: 440 Pinnacle Place
PROPOSAL: To amend special use permits SP2006-38 and SP2009-001 for revisions to site layout, concept plan and conditions.
PETITION: Educational School on 9.18 acres under Section 23.2.2(6) of Zoning Ordinance. No dwelling units proposed.
ZONING: CO, Commercial Office which allows offices, supporting commercial and service; residential by special use permit (15 units/ acre); school of special instruction under Section 23.2.2(6) and HC, Highway Commercial which allows commercial and service; residential by special use permit (15 units/ acre).

ENTRANCE CORRIDOR: Yes
MANAGED STEEP SLOPES: Yes
COMPREHENSIVE PLAN: Urban Density Residential – residential (6.01-34 units/acre); supporting uses such as religious institutions, schools, commercial, office and service uses and Urban Mixed Use – retail, commercial services, office, and a mix of residential types (6.01 – 34 units/acre) in Neighborhood 3-Pantops.
(Claudette Grant)

Claudette Grant presented a PowerPoint presentation regarding SP-2015-00011 Montessori School, which is located at 440 Pinnacle Place or the northwest corner of the Richmond Road and Rolkin intersection.

A portion of the school property is zoned CO, Commercial Office which allows offices, supporting commercial and service uses by right and residential and schools of special instruction by special use permit.
The school recently purchased the adjacent property, which was the former American Legion parcel. A portion of this parcel is zoned HC, Highway Commercial, which allows commercial and service uses and residential by special use permit. A private school use is allowed by right in this district.

The Pantops Master Plan designates most of this property as Urban Density – Residential, which allows 6 to 34 units per acre and supporting uses such as religious institutions, schools, commercial, office and service uses. There is a small portion of the property that is designated Urban Mixed Use that allows retail, commercial services, office, and a mix of residential types.

The applicant is requesting to amend special use permits SP-2006-38 and SP-2009-001 as they intend to merge and improve the two parcels into a campus with a more cohesive continuous layout. The revised concept plan shows vehicular, pedestrian and landscape improvements. Specific details regarding the improvements can be found in the staff report.

**Factors Favorable**

1. There are no anticipated detrimental impacts to the use or on adjacent property resulting from the proposed revisions to the special use permit conditions.
2. The proposed revisions will provide a more cohesive physical layout of the site that will enhance vehicular and pedestrian connections.

**Factors Unfavorable**
There are no unfavorable factors.

**Staff's Recommendation**

Based on the findings contained in the staff report, staff recommends approval of SP 2015-00011, Montessori Community School with the conditions listed in the staff report.

- The first condition is related to the amount of students not to exceed three hundred (300) students.
- The second condition has to do with the special use permit being in accordance with the conceptual plan.
- The third condition has to do with the allowable time for construction of the improvements, which is three (3) years in this case.

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

Wendy Fischer, Head of School at Mountaintop Montessori, said they were happy to be here and she would be happy to take any questions.

Eugene Young, principal of Water Street Studio, said they were the consultants on the project.

Mr. Morris noted there was no presentation and invited questions for the applicant.

Mr. Keller said at the Pantops Community Advisory Committee meeting (PCAC) meeting and your previous time here he thinks much of the discussion was focused on the stacking ability and the changes that are being made by integrating the new property and having the longer drive through the property. At the PCAC there was a bit of a discussion about some previous issues with the stacking of cars for parents coming to pick up children on Rolkin Road. He asked if that is going to be alleviated by this new design concept.

Ms. Fischer replied that I feel very confident that it will be. We are probably more than doubling the space that cars can take up to stack along as they wait to pick up children versus now where they flow all the way down the driveway into the road in front of Rite Aid. So I have no doubt that this will alleviate that problem.

Mr. Keller asked will you have some accessing from both directions or is it just going to be a flow in one direction.

Ms. Fischer replied it is just going to be a flow in one direction. However, the access takes people all the way around to what was formerly the American Legion Building. So it brings people all the way around and then out again.

Mr. Randolph asked with the proposed exit next to the Car Max Super Store he would hope that you will have signage there indicating no left hand turn.

Ms. Fischer replied yes, they will have signage. She pointed out they already make that very clear to our employees and parents.

Mr. Randolph said they hope parents will follow that. They don't always follow signage as we noticed in other locations further out on 250.

Ms. Fischer said they have discussed quite a bit actually building some sort of structure that will make it difficult to do a left hand turn. It would structurally make it obvious that is the only way to go.

Mr. Randolph asked does the school reserve the option to put parents in detention if in fact you find them in violation.

Ms. Fischer replied they are a Montessori School and would want them to intrinsically find their inner motivation to do the right thing.

Mr. Randolph said a less punitive approach may be coming in on a Saturday in helping to clean up the ground.

Ms. Fischer noted it could mean to clean the chicken coop.

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

Mr. Randolph commended the Board, Head and the staff of the Montessori School for their foresighted planning and the work they have done to come back with a much more realistic proposal and better proposal.

Mr. Morris asked if anyone would like to make a motion on this.

**Motion**: Mr. Randolph moved and Mr. Keller seconded to recommend approval of SP-2015-00011 Montessori Community School with the conditions outlined in the staff report.

1. Enrollment shall not exceed three hundred (300) students;
2. Development of the use shall be in general accord with the "Mountaintop Montessori School, Sheet 2, entitled Master Plan", prepared by Water Street Studio, dated February 17, 2015, revised June 15, 2015, as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the plan, development shall reflect the general size, arrangement, and location of buildings, the Amphitheatre, playgrounds and ball fields, wooded natural area, and parking areas. Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance; and
3. Construction of [e.g., for example "building identified as the New Upper Elementary & Laboratory Space shown on"] the "Master Plan" referenced in Condition 2 above shall commence by three (3) years from the Board of Supervisors approval date or this special use permit shall expire.

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

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

Mr. Morris noted that SP-2015-00011 Montessori School would be forwarded to the Board of Supervisors with a recommendation for approval at a time to be determined.

The meeting moved to the next agenda item.

**SP-2014-00016 Canaan Church**
PROJECT: SP201400016 Canaan Christian Church
MAGISTERIAL DISTRICT: Rivanna
TAX MAP/PARCEL: 08000000002100
LOCATION: 860 Hacktown Road
PETITION: Request for a special use permit for a 150 seat church in the Rural Areas. Church had a previously approved special use permit that has expired (SP2002-056). No residential uses proposed.
ZONING: RA Rural Areas- preserve and protect agricultural, space, and natural historic and scenic resources/ density (0.5 units/acre in development lots). Churches by special use permit in accordance with 10.2.2.35
ENTRANCE CORRIDOR: Yes
COMPREHENSIVE PLAN: Rural Areas in Rural Area 2
(Megan Yaniglos)

Ms. Yaniglos presented a PowerPoint presentation regarding SP-2014-00016 Canaan Church.

This is a request for a special use permit amendment for a 150 seat church in the Rural Areas.
The church was previously approved in 2003, but that special use permit has expired. The property is located at 860 Hacktown Road.

The church is proposed to be one story and 5,500 square feet with 50 gravel parking spaces.
As stated, this church was approved in 2003. The location and size of the church has been modified slightly from the original approval. The entrance has been located further south on the property so that it did not impact an existing driveway while still maintaining the required VDOT site distance. Previously, it was located combining the entrance of this existing driveway. Also, the parking has been modified so that it provides for better pedestrian and vehicular circulation. Since the approval, Hacktown Road has also been paved.

As stated in the staff report, there have been some concerns raised by citizens including traffic and privacy. VDOT has reviewed the proposed entrance and identified no concerns with the location of the entrance or the amount of traffic generated by this use. The applicant has proposed evergreen screening along the existing driveway to help address the privacy concern, and staff is recommending additional screening be added as well in condition #6. The staff report said condition #5, but it is actually condition #6. It would be located along the rear property line along the tree line.

**Factors Favorable**:

- No significant changes have occurred since the prior approval for the special use permit for a church in this location;
- No significant impacts would be created by the proposed church;
- The proposed church is consistent with the criteria set in the Comprehensive Plan.

**Factors Unfavorable**:
None Identified

Staff recommends approval of SP-2014-016 Canaan Christian Church with conditions.

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

Robert Williams, engineer for the applicant, said on behalf of the church they would like to thank the Commission for hearing our case this evening. He could not add much because the staff report has pretty much covered all of the issues with the site. He was available for any questions along with the pastors as well as members of the congregation.

Mr. Morris invited questions for the applicant.

Ms. Firehock noted that a traditional storm water pond was proposed to deal with the runoff from the parking lot.

Mr. Williams replied not necessarily pointing out it is a BMP device that would meet the state regulations which encourage infiltration. So conceptually that is what we are looking to provide.

Ms. Firehock asked are you talking about doing a bio-swale, bio-detention or something like that when you say BMP device.

Mr. Williams replied that it may be a bio-detention or bio-rotation basin or something to that effect.

Ms. Firehock pointed out it looked like it was a long trail.

Mr. Williams replied they wanted to locate it away from the main property. If the church chooses to expand in the future they did not want it to be an obstruction. So they put it to the rear near the water course that it would be tying into, which allows for any sort of future plans.

Ms. Firehock said it was a channel that leads to perhaps a bio-filtration or bio-retention basin.

Mr. Williams replied right now as it is shown it is more like a diversion, but it is sort of like a channel. We are trying to minimize the amount of land disturbance.

Ms. Firehock pointed out she was always a fan of that because she hates wasting good land for storm water management.

Mr. Williams said he was of the same opinion.

Ms. Firehock suggested maybe that is something you could look into. She realized they were not doing an engineered site plan approval here; but, it might be possible that you could treat the majority of the runoff directly in the bio-swale and not even have to carve out that large site at the end.

Mr. Williams agreed that it is very possible because there are a lot of methods approved by the state that allow us to try to treat that storm water.

Ms. Firehock said good luck with doing something progressive since that is what she would like to see.

Mr. Morris invited further questions.

Mr. Randolph said he had several question. The first, we are in receipt of a letter that had no date that was sent to Ms. Yaniglos from the Andersons. He asked if the Andersons were in the audience.

Mr. Anderson replied yes.

Mr. Randolph said he would follow up with them later. One of the points the Andersons raised in their letter regarded the parking number. This is a closely knit congregation, which is obvious from just walking in and having opportunity as I did to greet some people outside. Knowing that it is a close knit church if a member of that congregation were to die or on the positive side as well if a member of the congregation were to have a child in all likelihood all of the congregation would turn out because it is a congregation that views every member as part of their family. Therefore, also neighbors, friends, colleagues and workers who are not in the church would also want to come to that special event of a marriage, funeral, birth, baptism or whatever it might be. Yet what has been submitted to us has been a figure of 150 people for parking. What is your plan if, in fact, there is going to be need for parking for more than the number of cars that would be appropriate to 150, which he would assume would be somewhere in the neighborhood of maybe 85 parking spaces. Where would you put these cars in that situation for a special event?

Mr. Williams replied that it was my understanding in speaking with the church that they have access to larger churches for events such as that and would have those types of ceremonies off site.

Mr. Randolph asked if there would not be those special events on site, and Mr. Williams replied that was my understanding.

Mr. Randolph said Mr. Anderson and his wife also raised a very good point and something that we have looked at very closely. Earlier when the Commission had an application regarding a potential change for a piece of property where there was a desire to have a golf course some individuals were concerned about the impact on the aquifer. He asked have you put in a well on this site.

Mr. Williams replied no, sir.

Mr. Randolph asked in terms of initial analysis what would be the expectation as to how far down you have to drill before you are going to get a percolation on this.

Mr. Williams replied that he was not familiar with what is needed for that. He believed the adjacent homes are a couple hundred feet. The water demand for this church is probably equivalent or maybe even less than a single family home. Even though they have a large group it is for a short duration and 80 percent of the time the church will be vacant. So it does not have that constant water demand that you would see from a single family residence.

Mr. Randolph said he had a question about that because he was not sure because every church has a variation in terms of its set length of the service. Some services are short in some churches and some services are almost a whole day affair in parts of Albemarle County. It strains my credibility that you could have 150 people there and have a service and not have extensive water use because you can't have people on a church site for two to four hours and not have people not want to use a bathroom at some point. So there is going to be pretty extensive water use. One hundred fifty people is a lot of people using the toilet. He asked how long the service is expected to be at the church.

Mr. Williams replied that his understanding is two hours.

Mr. Randolph thanked Mr. Williams and noted it was very helpful.

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

Levi Anderson said I actually just built a house on the property that is directly behind the proposed location for this church. My driveway is an easement through that property. We did not want to give them permission to use that just because at that point it would be us asking them permission to use that driveway. Whereas, right now we have the right-of-way so they did not want to give that up. I have a petition here from the community. The community is generally isolated and they kind of have this slice of the country that they like to stay in and don't really like to get involved in things. But, I was surprised that every single house that I stopped at signed the petition and was adamantly opposed to this. The chief concerns are traffic. They are saying they have parking for 50, but their goal is to expand. It is a business and it is a church. Basically, right now they are claiming to have only 150 people and they are approved for exactly 150 people. On their website they are advertising expansion I believe from the Spanish that I am able to read. So that tells me that intermediately this is going to be over capacity. That is a major concern for me and my family because they just spent about $300,000 building the house behind this property specifically for the privacy factor. We have always lived in the city. We moved to this location to get away from public buildings such as this. That is what this comes down to. They are not opposed to the church or their mission in any way. It is specifically any public building and that is really what everybody who signed this petition agrees with. They want to keep that area the way that it is now as far as being residential. It is a beautiful piece of property.

Mr. Anderson pointed out this neighborhood is at a critical point. There are $700,000 houses being built less than a mile away. The population here is aging, lots are going up for sale, and it is an ideal place for people to come and build high end homes. It is right in between Keswick Hall and Glenmore and a great location close to town. We spent more money than I have ever spent on anything to build this house. I can see this community growing. If the church was here at that time I would not have built my house here and I can't image that I will be able to sell it. What is great about this neighborhood is you have some elbow room from your neighbors, but you are still pretty close to town and there are not any public buildings. They say there is not going to be any problem with traffic, but with 50 to 80 cars trying to get into one spot at any given time we are going to likely be waiting to get in and out of our driveway at times. That is a major concern for us. If you would like to see the petition I printed out copies for you. (Attachment A – Petition entitled "Opposition to rezoning parcel number 08000-00-00-02100 860 Hacktown Road Keswick, VA 22947" submitted by Mr. Anderson – Available with written minutes in the office of the clerk)

Mr. Morris asked for a copy of the petition for the record.

Ms. Firehock asked how many people signed the petition.

Mr. Anderson replied that at least 35 people signed the petition out of probably 45 houses. The only people that did not sign it were people who were not home. If I had done it sooner they actually said they would have come if they knew because this was yesterday.

Mr. Randolph asked Mr. Anderson to identify which property you now have because we don't have your name on our map. Did you buy the Lorenzo Barrett property?

Mr. Anderson replied yes, it was 856 Hacktown Road.

Mr. Randolph asked if it was TM 80/21B, and Mr. Anderson replied yes.

Mr. Randolph said he just wanted to be sure that was the property.

There being no further public comment, Mr. Morris closed the public hearing to bring the matter before the Commission for discussion and action.

Mr. Keller asked staff to outline the community involvement process.

Ms. Yaniglos replied when the application came in one of the comments back was that they needed to hold a community meeting. I gave the applicant a list of a quarter mile radius of the adjacent owners from the property and they notified them by certified mail about the community meeting. The community

meeting was held in January. As stated in the staff report, this was actually prior to Mr. and Mrs. Anderson finishing up building their house. So the builder failed to notify them of the community notice. They held the community meeting and only one community member came to the meeting. Then a couple of months ago Mr. and Mrs. Anderson contacted me. After that Mr. Anderson came and sat down with church representatives and staff to talk about concerns. That is when they revised their plan to move that entrance away from their driveway

Mr. Keller said he appreciated it. He knows it was in the staff report, but just thought for the record and discussion purposes it would be good to have that stated.

Mr. Loach noted on the proposal it said that this is because the other permit had been timed out. But, there was an approval for a church on this site of the same amount. He asked what the original date was of that application.

Ms. Yaniglos replied it was in 2002.

Mr. Loach pointed out this property has existed with that permit for some time and this was known.

Ms. Yaniglos agreed that was correct.

Mr. Morris invited other questions or comments.

Mr. Dotson said in staff's recommended conditions he sees that the lighting of the play area would be prohibited. He asked if that was correct in that there would be an outdoor play area but no lighting.

Ms. Yaniglos replied that was a holdover from the prior special use permit that staff included as well into this one. They have not identified a play area on the concept plan, but that is not out of the purview of them adding one

Mr. Dotson asked would the building itself possibly be lighted for security purposes and are there provisions in the ordinance that they would have to comply with in terms of not shining lights onto neighboring properties and so forth.

Ms. Yaniglos replied yes, there is an outdoor luminaire ordinance and anything over 3,000 lumens has to be full cut off. However, the applicants have indicated that they are not going to propose lights. If the Planning Commission would like that as an additional condition, I don't think the applicant would be opposed to a condition for no lights. However, I am not sure at this time if they are going to have lighting on the property.

Mr. Dotson pointed out sort of where my questions are coming from is asking about ways that the residential qualities that Mr. Anderson was speaking of in the neighborhood could be preserved. So one way would be to limit lighting. He noted that staff mentioned screening and it is not clear to me on the diagram where under the existing recommendations the screening would be. I can see it along the driveway, which looks like two rows of perhaps white pines or something like that.

Ms. Yaniglos replied that was correct they are proposing to add some evergreen screening. I also recommended along the tree line in the back of the property that additional screening be planted of the same requirement.

Mr. Dotson pointed out the implication of that is the trees in back to the right on the diagram would be preserved.

Ms. Yaniglos agreed that they are already shown as preserved. In pictures of the site she pointed out the driveway existing now and to the left the open area. She pointed out the existing buffer or tree line towards Mr. Anderson's property. The tree line is pretty substantial and is existing so I thought some evergreens to supplement that during the winter months would help with the privacy.

Mr. Dotson said continuing along these lines in the long sort of snorkel to get back to the VMP facility that would go through an area where I believe where there are trees currently.

Ms. Yaniglos noted it is open and there are some trees, but then there is an open area that goes in the back that it would go through, and then the BMP would be about in that location. However, I will say it is conceptual and engineering may have input. But, the Commission might have a condition.

Mr. Dotson said keeping the photo up is useful. There is a considerable green buffer on Mr. Anderson's property as well as perhaps some remaining on the applicant's property. The other area, which is where the septic system would be, there is a house closer to the road than that. Do you know, or perhaps this may be a question for the engineer, whether that is the site or whether a site that is perhaps more central to the property might work just as well or even better. Recently we had another case in Stony Point where there was a church and the issue was where that septic field might be placed in order to preserve trees. So I am wondering if that was the same kind of thing here.

Ms. Yaniglos replied she did not know and whether the engineer can speak to that.

Mr. Williams replied the septic field location as shown are conceptual. Again, we were looking to put it in a remote portion of the site to allow the church the opportunity to expand if they choose to in the future. When they originally had their special use permit approved in 2002-2003 they did pursue a septic design and there is an approved design. It happened sort of in that neck area between the two parcels. Again, thinking to the future, if they elect to expand and they need that area for an outbuilding or parking that septic area would limit their access to the rest of their property. So in final design we would have to weigh all of those options in the clearing of trees in trying to find the best suitable location for the septic field and allow the church utilization of all of their property rather than just a portion of it.

Mr. Dotson said it occurs to me just looking at the topography that it is in an area that has slope to it. There are other areas that are gentler and generally better for septic systems. One other question for the staff, again, was just thinking in terms of being good neighbors and thinking of noise impacts. We have an ordinance that addresses noise, but on occasion they have also with some kinds of activities that have events prohibited amplified sound for instance on the exterior. Is that something that was considered here?

Ms. Yaniglos replied no, it was not considered.

Mr. Dotson suggested that was something we might consider.

Ms. Firehock said she was still curious and thought perhaps the minister could answer this. She was just wondering about how extensive the programing will be here. Commissioner Randolph talked about church services. She was wondering if they have plans in the future for coming back to ask for daycare or other events. Having lived next to several churches in my life she could say they were actually pretty quiet. They came in and quietly went to church, sang inside the church and came out. So it was not a problem. Sometimes they had bells. However, if they have a lot of outdoor activities or amplified music she just does not have a sense of that. She did not know what their weekly regiment is and how intensively they plan to use the facility.

Mr. Morris asked Mr. Williams to address the question.

Mr. Williams said my understanding is that they have services on Wednesday evenings, Friday evenings and Sundays each for two hours. There is no daycare. I believe Bible study occurs during those times as well. So two hours three days a week is their normal usage.

Ms. Firehock noted and then perhaps the occasional church picnic or something outside. They have a beautiful piece of semi-rural property and she would expect they would want to do something outside at some point.

Mr. Williams agreed. He asked to address Mr. Dotson's concern.

Mr. Morris asked Mr. Williams to hold the question for a moment so they can get all of the comments so he can hear everything. Then he was going to invite him back up for a five minute rebuttal.

Mr. Randolph said he like to reiterate that the proposed church will be in conformance with those uses permitted by right in the rural areas. He said Mr. Anderson, you need to communicate that to your neighbors that this is a legally exercise right for a church to be in this location. So we have to obey the law here and we are under that legal obligation. He just wants to clarify that this is something that can be in conformity.

Ms. Firehock asked to add to that one comment. As I understand it this is a special use permit that expired and they are now back again. So technically if I was a resident buying property in the rural area, which I have done, I would look up what was pending or possible on all the adjacent properties. One potentially would have found that there was a standing special use permit issued for a church at that site. So knowing your zoning is pretty important.

Mr. Randolph said he was going to bring that out as well that in terms of due diligence here an attorney would have served you well to have indicated that there had been a permit for this site. It was not exercised, but that did not mean that it was inactive and void and could not be resubmitted in the future. So these people are following the law and they have a right to do so, which they also have an obligation to respect here. He would like to make one other comment. I think no matter how we decide this evening I think one of the first steps here will be for the church with all of you as members to try to get together with the neighbors who signed that petition. One of the first gulfs that need to be resolved here is the gulf between the community and the church members become you are going to become part of the community. That is going to be an important step for you as a congregation. The Commission has recommended that before. He remembers at a church up on the north end that as being an important first step. I think it will be a first step here in terms of Christian outreach to really try to enable these neighbors to get to know you personally, where you are coming from, what you are trying to achieve, and that you are going to be very good neighbors to them. We hope and expect in turn that they are going to be very good neighbors to all of you as a result if this application is permitted here this evening and also by the Board of Supervisors.

Ms. Firehock asked to add some more questions in as you call the rebuttal. The last time this did not go forth because there wasn't funding in place, and it was indicated in the staff report that now there is funding. But, I would like to hear a little bit more about that and does this definitely have the funds needed.

Ms. Yaniglos replied yes, that was my understanding. However, she would ask the applicant to answer the question.

Mr. Morris invited Mr. Williams to come forward for a five minute rebuttal.

Mr. Williams said overall the church would like to be a good neighbor and it has always been their intent to be a good neighbor. Until tonight we did not realize how people felt because they did not attend the community meeting. When they did find out that Mr. Anderson had some concerns about the property we reached out to him, met with him and tried to address his concerns. They have actually modified the plan as a result of that meeting to try to mitigate any impact it would have on him and his family. The parking on the top side of building was actually on the bottom side of the building adjacent to the driveway when they initially had a combined entrance. They moved that away to try to avoid any head light shine going into Mr. Anderson's property. I checked with the pastors with regard to outdoor speakers and they have no objections to prohibiting those. At this point they have no intention to have them. As far as funding, it is my understanding that under the previous leadership it was just hard economic times for everybody. They have new leadership and funding is available. He did not know if he hit all of the questions, but I am available for any more.

Mr. Morris invited questions for the Mr. Williams. He thanked Mr. Williams.

There being no further discussion, Mr. Morris asked for a motion.

**Motion**: Mr. Randolph moved and Mr. Loach seconded to recommend approval of SP-2014-00016 Canaan Christian Church with the conditions outlined in the staff report.

Mr. Randolph agreed to amend the motion to include Mr. Dotson's recommendation regarding lighting.

Mr. Kamptner noted that it also included outdoor amplified music.

Mr. Randolph agreed to amend the motion to include outdoor amplified noise.

Mr. Kamptner said staff will finalize the language before it goes to the Board.

Mr. Benish asked if it was just amplified music or amplified music and lighting.

Mr. Randolph agreed the motion included amplified sound and lighting, and Mr. Loach agreed.

Mr. Morris asked for a roll call.

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

Mr. Morris noted that SP-2014-00016 Canaan Church would be forwarded to the Board of Supervisors with a recommendation for approval with the following conditions at a time to be determined.

1. Development and use shall be in general accord with the conceptual plan titled "Special Use Permit SP2014-016 Canaan Christian Church" prepared by Williams Enterprises Incorporated Land Development Design and dated June 2015 (hereafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in accord with the Conceptual Plan, development and use shall reflect the following major elements within the development essential to the design of the development, as shown on the Conceptual Plan:
    a. *location of buildings and structures*
    b. *location of parking areas*
    c. *location of entrance*
    d. *landscape screening*

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

2. The area of assembly shall be limited to a maximum of one hundred fifty (150) seat sanctuary;
3. There shall be no day care center or private school on the site without approval of a separate special use permit;
4. Health Department approval of a well and septic system shall be required prior to the issuance of a building permit;
5. Commercial setback standards, as set forth in Section 21.7 of the Zoning Ordinance, shall be maintained adjacent to residential uses or other Rural Area zoned property;
6. Screening in accordance with Section 32.7.9.7 shall be provided along the tree line on the west/rear of the property to screen the parking and church from the adjacent property;
7. Right of way dedication of thirty (30) feet from the existing centerline of Hacktown Road (Route 744) along the entire property frontage shall be required prior to the issuance of a building permit.
8. The use shall commence on or before five (5) years from Board approval or the permit shall expire and be of no effect;
9. The outside play area activities shall be limited to only take place during daytime hours. Lighting of the play area shall not be permitted. The play area shall be located as far away as possible from the adjacent residential properties, but in no case shall the play area be located closer than seventy-five (75) feet from any adjacent property line. The outside play area location shall be depicted on the site plan;
10. **Add condition regarding outdoor amplified music and lighting. (Language to be worked**

**out by staff before Board of Supervisors meeting.)**

The meeting moved to the next agenda item.

**Work Session**

**CDD CIP Submittals** (David Benish)

Mr. Benish presented an overview regarding the Community Development Department Capital Improvements Program Project Submittals for FY 2017-2021 in a PowerPoint presentation.

As background,

- **Capital Improvement Program consists of two components**:
  - Capital Improvement Plan (CIP years 1-5)
  - Capital Needs Assessment (CNA, years 6-10)
- Planning and implementation tool for the acquisition, development, construction, maintenance, and renovation of public facilities, infrastructure and capital equipment.

**Capital Project Defined**

A capital project is a planned expense for a facility or physical item requiring a minimum expenditure of $20,000, having a useful life span of 10 years or more (except for technology projects), and meeting one or more of the following definitions: Involves the acquisition or construction of any physical facility for the community; Involves the acquisition of land or an interest in land for the community; Involves the acquisition or construction of public utilities; Involves the ongoing acquisition of major equipment or physical systems, i.e., computer technology, radio systems, major specialized vehicles etc.; Involves modifications to facilities, including additions to existing facilities, which increases the square footage, useful life, or value of the facility; and/or Capital maintenance or replacement projects on existing facilities, as defined below.

**FY 17 Process**

- The Capital Improvement Program reviewed on two-year cycle:
- YEAR 1: Development of both the CIP and the CNA.
- YEAR 2: Updates/modifications to the CIP only, new requests as deemed critically necessary.
- This is a Year 1 review
- Project Requests Due September 3, 2015
- Series of Reviews by: OFD, OMB, FRC, TRC, Boards, OC , PC

**Summary of Projects**

- Resubmitted projects for Community Development
  Transportation Revenue Sharing – Reflects Board's Transportation Solid Priorities
  Sidewalk Construction Program - Updated project list deleting funded projects and adding recommended projects. (Also includes some bikeway improvements.)
  Rivanna River Corridor Design Plan, Pantops – no change, priority pending County/city discussion on implementation
  Crozet Plaza and Parking Study - no change, funding request for 2020
  ACE Program - No change from last year, requesting $1.0 million annual funding
  Solid Waste & Recycling Solution – request is still under development at this time. Board decisions still pending on new transfer station

- New projects
  **North Town Trail** – Design and construct the section between Belvedere and Berkmar Drive Extended. Will be a commuter and recreational multi-use trail connecting Hollymead to downtown Charlottesville.
  **Hillsdale Drive Pond Amenity Improvements** – Improvements for relocated pond as part of the extension of Hillsdale

**Rio Road-Rt. 29 Intersection Small Area Plan Implementation Funding** - Request funds to begin implementing priority recommendations for capital project improvements from the upcoming Small Area Plan, once adopted.

Mr. Benish noted the sidewalk project list and the County's transportation priorities that the Board adopted is available. With that he would close and answer any questions or take comments.

Mr. Morris invited questions for staff.

Mr. Keller asked where it would be appropriate early on in the process, year one, for the Planning Commission to weigh in with projects that it feels are important that staff may not have thought were important. He asked is the Commission's role just to be the advocates for what staff is coming forward with or do we have an opportunity to propose projects or early on hierarchy of the projects that staff has proposed.

Mr. Benish replied that input from the Planning Commission is always welcomed. However, what we are guided by primarily are the adopted plans. So we rely on those plans that have gone through a process that includes the Planning Commission and Board approval and has established priorities within those plans. Therefore, that is what we look to and what particularly guides us in creating this list. We are open to suggestions for other projects, but those suggestions have to be weighed against other priorities that have been set in those adopted plans. We can certainly come to the Commission earlier in the process in the future so that so that we can give the Commission the opportunity to ask questions about projects that you might have and whether they are prioritized in other plans or need to be considered or added.

Mr. Keller said he was not uncomfortable with the list, but was wondering if the Commission could have an opportunity to weigh in early enough to have an impact on staff thinking about it or whether as in the past would just rubber stamp what staff has done and then try to advocate for these areas within the bigger CIP/CNA process. That is a conceptual issue that the Commission needs to address.

Mr. Dotson suggested if they have ideas to put on the table in addition to this list a meeting like this would be the appropriate place to do that. However, it is a little late with this going in on Thursday. If it were a month ago he would say this would be appropriate.

Mr. Keller asked that the Commission have an opportunity to be part of the creative process even though they would most likely be agreeing to 95 to 99 percent of what staff is doing.

Mr. Loach suggested the Commission should have it done it when they did the priorities and tie those projects to the priorities that they picked within the comp plan. He noted to some extent the Commission did that because several projects, such as ACE, are on the list.

Mr. Benish pointed out staff relied on those adopted plans. The Neighborhood Master Plans have an action plan agenda with them, which provides a 5, 10 and 20 year time frame. So what we look at are those projects that have been identified as guidance. However, he thinks certainly conditions change so input from the Planning Commission is useful. We can try to work that process in a little bit sooner in the process. Staff got notified in mid-June of this process when it began. In the future staff can prepare for an earlier discussion with the Commission at least to get your input before we finalize our list.

Mr. Dotson suggested on ACE that an additional sentence that says the Planning Commission recently gave this its highest priority recommendation among the comp plan strategies just to make that link explicit. He has three points. First, the CIP and CNA go out 10 years, but the comp plan goes out 20 years. Do we have to create a new acronym LRCNA, Long Range Capital Needs Assessment, that is years 10-20 so if somebody wanted to look at what are the capital improvement implications of the comp plan that we've just recently adopted we could see we need this many schools, this many miles of sidewalk, this much library additional space, etc.

Mr. Benish noted the way the CIP is structured it is focused in on that 10 year period. From his experience reviewing agencies believe that there are projects in the longer term and if there is concern

that they may be needed in the shorter term he thinks they are conservative and probably would advance that and put that into the 10 year cycle. However, we don't have a process that is based on a 20 year analysis other than the comprehensive plan itself, which again they have tried to establish an action agenda for implementation of that plan based on a 20 year time frame.

Mr. Dotson pointed out he raised the question partially anticipating the meeting on the 22nd with the Fiscal Impact work. He asked how far do we look ahead to judge what the capital needs are for expanding capacity that is envisioned under the plan. He suggested this may be something they will come back to and talk some more about on the 22nd.

Mr. Keller suggested that they need to continue to discuss the model.

Mr. Kamptner noted that part of the pressure in not being able to reach out 20 years for your capital planning is that it can be addressed by the fact that the comp plan is supposed to be reviewed every five years. So even though it is reaching out 20 years there is a periodic review that does take place. He was not sure the extent to which that five year review ties in necessarily to the CIP and the CNA since that is on the two year cycle.

Mr. Benish pointed out the every other year of the major review gives us a chance to reassess. For our comprehensive plan within the next two one-year cycles or the next four years they will have readopted hopefully at least a couple masterplans. So there may be new priorities that are reestablished in those areas. The every other year cycle gives us a chance to keep up with our constant updating of the comprehensive plan. However, the transportation projects list he thinks in part that we are trying to identify. He only gave the Commission the description of the project, and there is a justification section where they will add things such as the Planning Commission's priorities. They want to particularly cite the transportation priorities in attachment 1. That spans improvements that probably goes past 10 years. Staff wanted to acknowledge that there is a long laundry list of needed improvements and try to establish what those potential costs are. So at least the comprehensive plan information documents all those needs.

Mr. Dotson noted that he could use a refresher of what are developer obligations according to Code when they are doing by right development since there are some capital needs items they may be providing internal to the project or border on external. He did not understand that any more. He asked what the process is for cash proffers that would relate to that. Again, he was trying to have the Commission as a body understand a bit more about the foundation of our fiscal impact work coming up. He was wondering on September 15th if they could have a half an hour where a knowledgeable staff member kind of walks us through what is the normal developer contribution by right if it is a rezoning or special use permit just to help us understand that and give us a chance to ask questions. The last point since this is the big review where we go back to year one is there any chance of reviewing the criteria. He thinks it has been observed in the past that public safety and education projects tend to get the bulk of the money. He was not saying that was wrong; however, the community development projects tend to have to wait because those others are higher priorities. He wonders at what point the criteria get reviews. He would expect there is a lot of reluctance to do that because that is opening a can of worms. But, looking at it from the point of view of community development projects it looks like we have a long wait.

Mr. Cilimberg said he has worked with the Technical Review Committee and it actually has the criteria for how you evaluate projects in the scoring system and the relative need. They have had some discussions about whether the criteria are reflecting overall the comparative importance of projects. He had brought that up on a couple of occasions because he was the Community Development person, but was not the only one contributing. There have been some adjustments over time. He did not know that for this year there is anything that has been significantly adjusted that he is recalling that came out of last year's process. Of course, the Technical Review Committee is not the last stop. Ultimately, the Planning Commission is seeing it after the Technical Review Committee. There is the Oversight Committee that Mr. Randolph has served on who sees it after the Technical Review Committee. Then the Board has to make the decisions as to what relatively is most important. But, he would say the place where the criteria plays into the project evaluation is with the Technical Review Committee. He will once again mention to them that based on how these projects tend to fall out there is still that concern that Community

Development projects that may not have the same safety or education elements might not be getting a fair shake. He will make sure that is again discussed.

Mr. Randolph said that is the ongoing problem, which is essentially in terms of that technical assessment and the quantification that results from it that the kinds of projects that this body considers critical to the growth and the future direction of the community are given a lower value. That is an ongoing frustration and concern. The only way to resolve it he would submit is that we have to look at more creative ways in doing our funding because the CIP is failing to provide those funds currently that are critical for future planning and assessment of where the community needs to go.

Mr. Cilimberg pointed out a committee was put together at the Board's direction to evaluate funding alternatives for the future particularly connected to the capital program and capital facilities because of the demands and the needs that we knew exists and how the program very honestly has become primarily a maintenance capital program rather than a lot of new capital projects. That committee is meeting on an ongoing basis to make recommendations to the Board about funding alternatives and mechanisms that might fund projects or at least might be put to the electorate to consider as a package in the future. He concluded that there is a general acknowledgement that funding of the capital program has needs that need to be addressed. He thinks it is hoped that primarily a citizen committee with people who have some knowledge in various areas of finance and so forth might be able to make recommendation that the Board feels they can pursue and we will see what happens.

Mr. Randolph said he would like to bring up some comments on attachment A, page 1. On 250 and 29 pedestrian bicycle crossings thank goodness for public safety because how many more people have to die on 29 before we get safe pedestrian and bicycle crossing. On 250 east widening he would advocate this in the CIP to create two eastbound lanes. The major issue is that VDOT just redid the Buckingham Bridge and had the opportunity to build that bridge with three lanes in it and they turned around and built it with two lanes. It would be great to have three lanes there with the capacity to change the lane visually electronically due to capacity. The big issue is who is going to fund that bridge when VDOT just paid to replace it. He did not have an answer.

Mr. Lafferty asked if the expansion of the lanes was in the LRTP, Long Range Transportation Plan.

Mr. Benish replied that it was. He agreed that they should have widened it while they had the opportunity; but, he thinks there were some constraints about the funding that they were using. They had to use maintenance funds, which only allowed them to upgrade to its existing alignment because it was in such a deteriorated state. However, it was sort of short sighted. He has talked to Joel DeNunzio at VDOT about it and they are looking at it. However, his description does identify a three lane alternative as an interim alternative, which actually may not require too much capital investment. That is why it was mentioned sort of as an interim improvement to the ultimate improvement. However, they are looking at those options to better utilize three lanes.

Mr. Randolph noted that would definitely also improve where 22 comes in at Shadwell. That remains a huge issue because 95 percent of the people that drive in Virginia do not know what the word yield means or how to operate in a round-about. He applauds on page 3 that the Rivanna River Corridor Design Plan is included. He assures members of this body that he will advocate actively in support of that and try to get funding with the CIP. That has been a priority for me and this body from the beginning and we would like to see that happen sooner rather than later. He would also advocate for the one million dollars for ACE. If they can't get one million he would like to get close to it $900,000, but let's do better than one-half million dollars per year. He would like to recommend on the Crozet Plaza Downtown Parking Study that really this is a proffer opportunity extraordinaire. He hopes that is something the developer would be willing to provide since there was a precedent set in Rivanna Village. He thinks it is great about Solid Waste and Recycling Solution, which the Board is looking at tomorrow and will vote on it on the 8th. Hopefully they were going to see that the Ivy Landfill becomes the Ivy Transfer Station Recycling Center and will set up a model facility that will enable people to have a full recycling process and facility at hand.

Mr. Morris invited public comment. There being no public comment, he asked if there were other comments to pass on to Mr. Benish. There being no further comments, he thanked Mr. Benish for the excellent briefing.

Mr. Benish said he thought it was a good thought about coming to the Planning Commission sooner. The other thing to keep in mind is there is a lot of other submitting agencies that make requests besides us. So they actually do a fairly small chunk of it. Therefore, it might be useful in that earlier process to have a little more vetting of Parks and Rec and also providing for some of those improvements called for in the plan to have them come in play. They will think about that next year.

Mr. Lafferty suggested setting up an annual meeting on the calendar to address this.

Mr. Morris asked Mr. Benish when during the year would that be good to have and if May/June would be a good timeframe.

Mr. Benish suggested talking to the Technical Review Committee because they are the agencies that do the first round of reviews. But, most of them are a submitter of some form. He would take the Commission's request to see the CIP a little earlier in the process and see what problems he is not thinking about in doing that and what opportunities there are. Next year will be an off year review so it is really only looking at the 5 years anyway and would be a good time to try something.

**Old Business**

Mr. Morris asked if there was any old business. There being no old business, the meeting proceeded.

**New Business**

Mr. Morris asked if there was any new business.

- Request for staff report for future Housing discussion on September 15, 2015.
- No Planning Commission meeting on September 8, 2015.
- Planning Commission meeting on September 22, 2015 will be held in room 241 beginning at 5:00 p.m.
- The next Planning Commission meeting will be held on Tuesday, September 15, 2015.

There being no further new business, the meeting moved to adjournment.

**Adjournment**

With no further items, the meeting adjourned at 7:29 p.m. to the Tuesday, September 15, 2015 meeting at 6:00 p.m. at the County Office Building, Second Floor, Auditorium, 401 McIntire Road, Charlottesville, Virginia.



David Benish, Secretary

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