**Albemarle County Planning Commission**
**September 25, 2018**

The Albemarle County Planning Commission held a public hearing on Tuesday, September 25, 2018, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Tim Keller, Chair; Bruce Dotson, Julian Bivins, Jennie More, Daphne Spain; Pam Riley, Vice-Chair and Luis Carrazana, UVA representative. Karen Firehock was absent.

Other officials present were Bill Fritz, Manager of Special Projects; Megan Nedostup, Principal Planner; Tim Padalino, Senior Planner; Andrew Gast-Bray, Assistant Director of Community Development/Director of Planning; Sharon Taylor, Clerk to Planning Commission and Andy Herrick, Assistant County Attorney.

**Call to Order and Establish Quorum**

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

The meeting moved to the next agenda item.

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

Mr. Keller invited comment from the public on other matters not listed on the agenda. Hearing none, the meeting moved to the next item.

**Public Hearing Items.**

**PROJECT: SP201800007 – 1895 Avon Street Extended**
MAGISTERIAL DISTRICT: Scottsville
TAX MAP/PARCEL(S): 090000000035A1
LOCATION: 1895 Avon Street Extended, Charlottesville, VA 22902
PROPOSAL: Limousine and other motor vehicle rental service on 1.5-acre parcel.
PETITION: "Motor vehicle sales, service, and rental" per Section 26.2(a) and Section 24.2.1.25 of the Zoning Ordinance. No new dwellings proposed.
ZONING: LI Light Industrial – industrial, office, and limited commercial uses (no residential use).
ENTRANCE CORRIDOR (EC): No.
OVERLAY DISTRICT(S): Steep Slopes – Managed.
COMPREHENSIVE PLAN: Office / R&D / Flex / Light Industrial – professional office, commercial; research and development, design, development of prototypes, engineering; light manufacturing, fabrication, distribution if with a non-industrial use.
(Tim Padalino)

***AND***

**PROJECT: SP201800008 – 1895 Avon Street Extended**
MAGISTERIAL DISTRICT: Scottsville
TAX MAP/PARCEL(S): 090000000035A1
LOCATION: 1895 Avon Street Extended, Charlottesville, VA 22902
PROPOSAL: Automotive detailing service on 1.5-acre parcel.
PETITION: "Automobile, truck repair shops" per Section 26.2(a) and Section 24.2.1.2 of the Zoning Ordinance. No new dwellings proposed.
ZONING: LI Light Industrial – industrial, office, and limited commercial uses (no residential use).
ENTRANCE CORRIDOR (EC): No.
OVERLAY DISTRICT(S): Steep Slopes – Managed.

COMPREHENSIVE PLAN: Office / R&D / Flex / Light Industrial – professional office, commercial; research and development, design, development of prototypes, engineering; light manufacturing, fabrication, distribution if with a non-industrial use.
(Tim Padalino)

Mr. Keller asked if the Commission could handle the two items as one public hearing, and Mr. Herrick replied that the Commission can have a single public hearing but they need to be handled in separate votes.

Tim Padalino, Senior Planner, said the two special use permit applications involve a special exception request and he prepared a staff report presentation that covers everything comprehensively for both the two special use permits and the special exception. He said the request is for the same applicant, Albemarle Limousine and the primary contact is Mr. Mike Meyers, professional engineer of 30 Scale, LLC. The subject property is tax map/parcel 90-35A1, located on Avon Street Extended in the Scottsville Magisterial District, in Neighborhood 4 and the Southern Urban Neighborhoods. In looking at the map, the subject property identified is a 1½-acre property and it does currently contain an addressed structure, which is 1895 Avon Street Extended. The property contains some managed steep slopes in the rear of the property as shown on the critical resources map and is zoned LI, Light Industrial.

Mr. Padalino said regarding the future land use designation in the Southern and Western Urban Neighborhoods Master Plan this property is designated for Office/Research & Development/Flex/ and Light Industrial uses, which encourages professional office and commercial, research & development design, light manufacturing, fabrication and similar uses. Mr. Padalino pointed out the existing conditions on some site photos taken at the end of August on a much warmer day and that he would move through everything else rather quickly and leave space and time for questions if necessary. He pointed out the existing structure and a view of the existing site looking south down Avon Street Extended towards the intersection with Scottsville Road and Route 20.

Mr. Padalino said regarding the proposals for the two special use permit applications that SP-2018-07 would be for limousine and other motor vehicle rental services for Albemarle Limousine and SP-2018-08 would be for automotive detailing services that corresponds with Virginia Auto Detailing business. The proposal also includes a two-story addition to the existing garage structure shown a moment ago as well as a request for a special exception relating to the proposed location of about 7 parking spaces and a parking canopy within the 30' side yard setback for off-street parking spaces and within the 30' disturbance buffer. It is the same improvements and same 30' dimension. Next, is an image taken from the project narrative, a conceptual rendering, showing how that two-story addition and other site improvements would be configured and how they might look. He pointed out that they would be reusing the existing entrance with updates as will be required by VDOT and approved in reusing the existing parking lot as well of a portion of the existing structure on site. He said there are just a few more renderings and as noted, he will move through these somewhat quickly and can come back if necessary. He said next is an image of the conceptual plan submitted with the special use permit applications and he has included a slide that shows everything in more detail.

Regarding a summary of the staff review of these two special use permit applications, staff have identified the following factors of this proposal, which are favorable and unfavorable:

**Factors favorable to this request include:**

1. The proposed uses are consistent with the Master Plan future land use designation for future uses.
2. The proposed uses represent a redevelopment project within the Development Areas. The proposal would improve a previously developed, currently vacant or underutilized site; and does not require tree clearing, significant grading, or increased impervious surface area.
3. The proposed uses would generate economic activity and support job opportunities.
4. The proposed uses that would occur outdoors would be substantially or fully screened from the Avon Street Extended public right of way.

**Factors unfavorable to this request include:**

1. Although the Concept Plan shows a "Potential Sidewalk" near the front of the property along Avon Street Extended, the application materials do not explicitly contain a formal commitment to providing this sidewalk.

**RECOMMENDED ACTIONS:**

Based on the findings described in this report and factors identified as favorable, staff recommends approval of special use permit applications SP-2018-00007 and SP-2018-00008 with the conditions as noted in the staff report and as contained on the slide.

Mr. Padalino said that he would provide some information about the special exception request, again, this is relating to the 30' side yard setback requirements for off-street parking in this district as well as a 30' disturbance buffer. He said this is the conceptual plan for the special exception request – the green area shows that 30' dimension as measured from the side yard. There is a hatched area showing the existing encroachment from the previous use and improvement of the site. The darker green area shows where the proposed landscaping would go and that landscaping would be in addition to the proposed screening that would be sited along the side yard itself, so screening and landscaping are slightly different proposed ways to mitigate that requested encroachment.

Staff found that the request of the special exception as proposed has several favorable factors.

1. The side yard setback area and disturbance buffer zone has previously been developed and used by one or more prior owners, and therefore this special exception request does not require removal of any existing trees or any significant grading;
2. The proposed mitigation for this request includes the installation of a double row of evergreen shrubs along a portion of the side yard setback area and disturbance buffer zone where the existing vegetation along the southern property boundary is less than twenty (20) feet wide, as well as approximately 1,000 square feet of new landscaping visible from Avon Street Extended;
3. The proposed improvements would result in an improved site design, for the following reasons:
    a. it reuses existing impervious surface area to support the redevelopment and efficient reuse of the subject property; and
    b. it includes mitigation practices (described above) which meet the minimum screening requirements and which exceed what would otherwise be the minimum required landscaping, to an area that has previously been developed but which is otherwise unimproved; and
4. This requested special exception (as proposed in the application materials) does not otherwise constitute any harm to the public health, safety, or general welfare.

Therefore, staff recommend approval of the requested Special Exception to modify the side yard setback requirements specified in Section 4.20(b) of the Zoning Ordinance and to modify the disturbance buffer zone requirements specified in Section 26.5(c) of the Zoning Ordinance, with the conditions as listed in the staff report.

1. The development and use of the side yard setback area and disturbance buffer zone shall be in general accord with the Special Exception Request application materials (including Letter of Justification and Conceptual Plan) prepared and submitted by Mr. Michael Myers, PE, CFM, dated July 30, 2018. To be in general accord, the development and use of the property in the area of the side yard setback and disturbance buffer shall reflect the following major elements in the Special Exception Request application materials:
    a. The location and extent of the parking spaces and parking canopy;
    b. The area of re-claimed landscaping; and
    c. The double row of evergreen shrubs for screening the southern property boundary.

Mr. Padalino noted that there were several motions made available for your reference throughout the evening and separate votes are required for the special use permits and the special exception request. Mr. Padalino said that concludes my presentation and he would be happy to answer questions.

Mr. Keller invited questions for staff.

Mr. Dotson said the landscaping says evergreen shrubs for the vehicles parked in the buffer zone and asked if there are any specification about the size and other details.

Mr. Padalino responded that the only detail he saw in the application materials was a reference to an approximately 1,000 square feet but not necessarily material specifications in terms of size or other species.

Ms. Riley asked about the large screened gate.

Mr. Padalino responded that there was some information including digital renderings and the 3-dimensional models that are conceptual in nature. He said the idea discussed and shown would be a sliding gate that provides functions for security and screening. He said it is a board fence that has gate utility to it and then the idea would be to have a raised planter bed with some type of screening vegetation planted in there. He noted when distributed to other divisions for review there was some concern how viable that might be but thinks staff was planning to look at that in more detail during any subsequent planning process.

Ms. Spain asked for clarification on page 7 in Section d) gross floor area should not exceed 3,000 square feet; the proposed floor area of Albemarle Limousine is 3,700 square feet. She asked if that is part of the special use permit request.

Mr. Padalino responded that no, it is not part of the special exception request and this would be more a factor of evaluation as opposed to a legal limit. He said it is there for evaluation and you are correct it does exceed that recommended 3,000 square feet.

Ms. Spain said that it was not that far enough over the maximum to cause concern for staff, and Mr. Padalino agreed.

Mr. Bivins asked staff to provide clarity to page 8 under your recommended action condition of approval #2 – in what the difference would be between sidewalks that met the County's standard and VDOT standard. He asked if we have a preferred standard is this not the place that would say a sidewalk that meets County standard.

Mr. Padalino responded that it certainly is something we can distinguish this evening but he thinks in preparing these recommended conditions there was a comfort level with as long as it met either specification that would be okay. He said as far as actual differences in terms of width or material, he actually cannot speak to that.

Mr. Bivins said as a follow-up given Spring Hill Village is slated for the land on the southern border if it would be helpful to have a sidewalk in front of this business that would be similar in type to the sidewalk that is expected when Springhill is built.

Mr. Padalino responded that it was a good idea and suggestion to have a consistent treatment and specification.

Mr. Bivins replied that he did not know how we do that but he would like that to happen.

Mr. Keller opened the public hearing and invited the applicant to come forward.

Mr. Mike Myers with 30 Scale said he was representing Albemarle Limousine tonight in regards to the special exception that Tim did such a great job in summarizing that he would give a quick presentation and answer questions. He said Albemarle Limousine currently operates on 175 South Pantops in an existing office building and being the owners of this property are looking to move their office to this site. The applicants are proposing to redevelop this site by cleaning up the existing block building and the addition next to it. Mr. Myers said because it is a redeveloping site and making use of a site not being currently used they think it is a great project. He said there were a couple other advantages and things to note - there will be very little traffic generated by this use and there is very low traffic volume; and it is probably in order of 20 vehicles per day by the ITE trip generation charts traffic generator.

Mr. Myers said one of the questions that came up was about the shrubs and pointed out that during the site plan they will propose actual species for those shrubs. He said they vision those to be part of the 3' to 6' high Arbor Vitae type shrubs that would provide screening for the headlights from the cars that are parking underneath the canopy facing towards the Spring Hill Village project and that would block the headlight glare. He said there was a question about the fence and that it is proposed to be some sort of wood board on board fence that would actually provide adequate screening for some of the busy vehicles that would be parked in the rear of this site that would be screened from the folks driving along Avon Street.

Mr. Myers said regarding the sidewalk question that they found when looking at the sidewalk construction that this project is industrially located right next to Snow's Garden Center as well as other industrial uses along Avon Street Extended; going north there is no sidewalk for a half mile on Avon Street Extended on our side of the street from Avinity and the final plans for Spring Hill Village have not been submitted. Mr. Myers pointed out that was why we put on the plan potential sidewalk since we were thinking that may be something especially without a sidewalk at this time that might not be the best idea since it is not connected to anything and it may not in the near future. He said the sites to the north are developed so they would not individually come in and build sidewalks and that was one of our concerns moving forward with the sidewalk requirement. Mr. Myers asked that to be considered and brought up during the site plan stage of the project and let the county engineer make that final decision and he would be happy to answer any questions.

Mr. Keller invited public comment. Hearing none, he closed the public comment and invited the applicant to come back for questions.

Ms. Spain asked do you have an estimate of about how much it would cost to construct that sidewalk, and Mr. Myers responded that he had not done an estimate on that and would believe it would be in the neighborhood of thousands and that the sidewalk would also be the construction of curb and gutter and curb ramp construction.

Ms. Spain said she was trying to get a sense if would be less than $25,000 but it sounds like it is going to be less, and Mr. Myers responded perhaps and if you are trying to separate out the sidewalk.

Ms. Riley said just a follow-up question about the sidewalk that the communities in the area have been working on a Corridor Study that we just had funded but for many years, we have been working on multi-modal ways for both pedestrians and bikes to connect throughout the area. Ms. Riley said the sidewalks are an important component of that and so she was hoping you are open to the condition of sidewalks as part of this.

Mr. Myers responded that he thinks we would be open to have it as a condition for that reason and pointed out another issue that there is an existing bike and pedestrian trail on the other side of Avon Street Extended that extends all the way across to the Mill Creek residents and development. However, if part of your requirement we would be fine with it and do not want to hold it up for that. He said although, we are not 100% in agreement with it, but can live with it

Mr. Dotson said thinking ahead to the residential element next door that he was trying to envision the residents next to the proposed use and the thing that comes to mind is the 12 to 16 vehicles that have those annoying backup noise. He asked what the typical pattern is when they come to the site; do they back into their space and are the beeping back up sounds not heard. He asked what kind of vehicles park on the carport closest to residential.

Mr. Myers responded that the way he understands it the larger cars that have the beep would be in the back and those are the larger 47' and 32' long, which are the only ones that have the warning signal. He noted that those are used so infrequently that maybe once per day because those vehicles are usually taken on long trips or go out of town. He said the use of the larger vehicles would not be a whole lot happening and for a certain length they are required to have that.

Mr. Dotson asked what kind of vehicles would be on the carport.

Mr. Myers responded that there was also the detailing shop associated with it and the limousine service also has sedans and Mercedes or regular car type vehicles and those would detailed and kept perhaps underneath that carport. He said it would not be the vans but just the typical vehicle.

Mr. Dotson said that one of the graphics made it look like when the large vehicles return home they back in and he would assume that would be at the end of a day's work and during the morning when it might be most disturbing to the neighbors perhaps they would just simply drive out.

Mr. Myers responded yes, that is a great point and the way that he believed that it is done. He said the way we modeled it was to have the cars come in and back up at the end of the day and then the next day it was easier to pull out with the situation we have.

Mr. Keller said as a follow-up are you doing wedding venues and bringing the vehicles back late after bringing folks back to town possibly after mid-night and if the vehicles with the backup sounds are backing up close to those houses.

Andrea Sidharth, representative for the applicant, responded that it would be after midnight and they back up just a short way and end up parking on the side that is closest to Snow's as opposed to the residential. She said regarding the kinds of vehicles that would be parked underneath the overhang that would be sedans and SUV's.

Ms. Riley said at the CAC meeting there were some questions about the detailing operation and we were under the impression that all of that activity would take place inside the buildings. She asked will there be detailing on the exterior outside in the driveway and the yards and when would that activity take place.

Ms. Sidharth responded that would all happen during daytime hours and if there is any work that takes place outside it would be a quick spray down with water and then it goes inside where all the work is done in the garage bays.

Mr. Keller closed the public hearing to bring it back for discussion and action. He suggested that they handle each of these items separately for our discussion tonight. He said for the folks in the audience we apologize for having some technical difficulties there is a hesitation in picking up speakers. He said the first item was SP-2018-0007 and invited comments.

Mr. Bivins said moving forward that he would like a change to condition #2 that says the County or VDOT specification after keeping with the Spring Hill Village sidewalks so there can be a placeholder that can be there during the site plan for this project so at one point in time there will be sidewalks contiguous to this project. Mr. Bivins said given our previous conversation about Biscuit Run and if in fact whatever X years that is going to become an additional thoroughfare to an open park space, then it is clear that the things that the people pass as they get there should have a level of curb appeal.

Mr. Keller invited further discussion.

Ms. Riley moved to recommend approval of this special use permit with the recommended conditions of approval as outlined by staff in addition to condition #2 that stated that the consistency of the sidewalk be with that of the sidewalk of Spring Hill Village.

Mr. Herrick noted that the only complication with that of course is that other sidewalk does not yet exist so if this sidewalk were constructed first perhaps the condition would be imposed on the other parcel to ensure consistency with this parcel.

Mr. Keller said since we have a VDOT representative here this evening it might behoove us to hear what they would recommend as the standard. He said we have a roadway that is building out at a pretty fast pace so the questions really for us on the Planning Commission is about the continuity of that edge treatment, curb and gutter as well as sidewalk.

Adam Moore, Assistant Resident Engineer for the Charlottesville Residency, said the sidewalk in this corridor he would say is most likely not to fit a textbook section because if it is going to be complete it is going to have to connect the dots in front of the existing parcels regardless of redevelopment. He pointed out that what you see is a certain amount of flexibility in the arrangement of the sidewalk to the edge of the road or most often curb and gutter. He said without knowing the specific drainage situation along this frontage it is hard to say what would be necessary

to make curb and gutter as well as a sidewalk work in this small section. Mr. Moore said that he also does not remember exactly what is called for in the Springhill Village Plan as we mentioned. He said if there is a desire to have a sidewalk across this frontage there is a certain amount of flexibility to be able to fit it in with minimal lateral offsets from the edge of the road. He said typically we like to have at least 3 feet between the edge of the road and the sidewalk and in some very constrained instances especially in redevelopment projects you could work with less.

Mr. Keller invited questions. Hearing none, he thanked Mr. Moore.

Megan Nedostup, Principal Planner, said she just wanted to mention that the Springhill Village Initial Site Plan actually came in this week. She said they had a previous initial; they are resubmitting revisions but she just looked up what the standard was for a sidewalk that they had previously approved and it was an 8' wide sidewalk along Avon Street and would just offer that information.

Mr. Keller asked how much setback from the curb and gutter to the sidewalk, and Ms. Nedostup responded that she did not see that dimension and staff would have to figure that out.

Ms. More said we have a motion on the floor and she was comfortable with it the way it was but asked if you want to add anything. She said it says it is meeting County and VDOT specifications so what we heard from VDOT is not knowing this specific site that they would have to evaluate that for drainage. She said therefore she was comfortable with #2 the way it was.

Mr. Herrick said one alternative would be to leave # 2 the way it is and another alternative might be to have #2 but to say that it shall meet County or VDOT specifications and allow for interconnection with adjacent parcels or something to that effect if that is the concern.

Mr. Bivins said that he liked the modification offered by council having it be consistent with any planned development along the sidewalk; he did not want to have a disconnection there.

Mr. Keller said there would be direction for staff at this next stage.

Mr. Dotson asked staff to put back up the picture showing the existing condition looking from the driveway across the street at the church.

Mr. Padalino replied yes, that was the slide showing the edge condition.

Mr. Dotson asked where would the parking area be and if the existing trees would be removed to put the carport in.

Mr. Padalino replied that it was a little tough to say because the entrance would be modified and will actually be restricted a little bit to meet commercial entrance standards and he was going to cross reference this photo with the special exception request plan.

Mr. Dotson pointed out in just looking at the photograph it looked like there was some evasive kudzu or something else growing up the trees. He said if those trees are to be part of the buffering then there should be a commandment on the part of the property owner to do whatever you do when you have an evasive species so those trees that are intended to be preserved are not killed.

Mr. Keller asked if the motion made needs to be fine-tuned.

Mr. Herrick responded that there would need to be a friendly amendment made and accepted by the initial mover.

Ms. Riley replied yes, she was interested in the friendly amendment and asked how it would read.

Mr. Herrick responded that the language he suggested which Mr. Bivins seemed to find acceptable was a sidewalk meeting County or VDOT specifications and allowing for interconnection with adjacent parcels shall be constructed as shown on the conceptual plan prior to the issuance of the Certificate of Occupancy as the language of condition #2.

Ms. Riley said yes, that now there was an additional friendly amendment potentially regarding the buffer and the preservation of the existing trees as a buffer.

Mr. Dotson said that he was not offering that as additional condition but was hoping to call it to staff's attention to follow up that if those are important trees they be treated in a way to preserve their life.

Mr. Herrick noted to Mr. Dotson that your comments would be taken into account on the special exception request that would be up for a motion and vote later.

Ms. More seconded the motion made with the friendly amendment.

Mr. Keller asked for a roll call.

The motion passed by a vote of 6:0 (Firehock absent).

Mr. Keller said the Commission would move on to the second piece of this. He asked if there was any further discussion on the vegetation.

Mr. Herrick noted that SP-2018-08 is actually the special use permit for the auto detailing service and the buffers would be taken into account in the special exception request.

Ms. Riley recommend approval of SP-2018-08 for 1895 Avon Street Extended.

Mr. Dotson seconded the motion.

Mr. Padalino recommended that the same modification recommended with SP-2018-07 condition 2 happen with SP-2018-08 condition 2; however, it is a little bit odd because it is two uses and two permits for one project but the language for both of those conditions should be modified.

Mr. Herrick suggested that it would be simpler to administer all the conditions from SP-2018-07 that were also carried over into SP-2018-08 including the modified condition for #2 plus all the other conditions as originally proposed.

Mr. Keller asked if we need a friendly amendment to add those in and Mr. Herrick responded yes, unless Ms. Riley was already including that as part of her motion.

Ms. Riley said she would be willing to include that as part of my motion.

Mr. Dotson seconded the motion.

Mr. Keller invited further discussion. Hearing none, he asked for a roll call.

The motion was approved by a vote of 6:0 (Firehock absent).

Mr. Keller asked for discussion or a motion on the special exception.

Ms. Riley moved to recommend approval of the special exception with the note to the staff about the interest in preserving the trees in the buffer area.

Ms. Spain seconded the motion.

Mr. Keller invited further discussion. Hearing none, he asked for a roll call.

Mr. Herrick asked before the roll was called if that includes all of the conditions that were recommended in staff report, and Ms. Riley responded yes.

The motion was approved by a vote of 6:0 (Firehock absent).

Mr. Keller noted the request would go forward to the Board of Supervisors at a date to be determined with a recommendation for approval.

The meeting moved to the next item on the agenda.

**PROJECT: ZTA201800005 – Section 35 – Fees**

ZTA 201800005 - Fees The Planning Commission will hold a public hearing on September 25, 2018 at 6:00 p.m. in the County Office Building, 401 McIntire Road, Charlottesville, Virginia 22902, to receive comments on its intent to recommend adoption of the following ordinance to amend Chapter 18, Zoning, of the Albemarle County Code: (1) Amend Section 18-35.1 (Fees) in order: (i) to delete the fee for a citizen-initiated zoning text amendment; (ii) to delete the fee to defer scheduled public hearings at the applicant's request, but to extend existing notice fees to the re-advertisement and notification of a public hearing after advertisement of a public hearing and a deferral is made at the applicant's request; (iii) to require applicants to pay calculated notification and legal advertisement costs for citizen-initiated zoning map amendments solely pertaining to proffers that do not affect use or density, when the board of supervisors authorizes alternative application and procedural requirements under Section 18-33; (iv) to add a fee of $1,770 to reapply for a zoning map amendment or a special use permit that is substantially the same as a withdrawn application, when authorized by the Board of Supervisors; (v) to add an Initial notice fee of $435, to be provided in conjunction with application, for preparing and mailing notices and published notice, except for uses under Sections 18-5.1.47 and 18-5.2A, or applications submitted under Section 18-30.7.6, for which there would be no fee; and (vi) to add a notice fee of $220 for farmers' markets for published notice under Section 35.1(c)(7); (2) Amend Section 18-35.2 (Calculation of Fees in Special Circumstances) to limit the availability of the reduced fee when there is a simultaneous review of an application for a zoning map amendment or a special use permit and a site plan or subdivision plat to only when an application for a special use permit for outdoor display and sales is reviewed simultaneously with a site plan; (3) Amend Section 18-35.3 (Mode and Timing for Paying Fees) to allow zoning application fees to be paid by credit or debit card; (4) Amend Section 18-35.4 (Fee Refunds) to allow initial notice fees to be refunded if a zoning application is withdrawn within 70 days after the date the application is officially submitted; and (5) Amend Section 18-35.5 (Pre-Existing Use Fee Waiver) to eliminate pre-existing use fee waivers for zoning text amendments. The proposed fees and fee increases are authorized by Virginia Code §§ 15.2-2241(9) and 15.2-2286(A)(6). A copy of the full text of the proposed ordinance amendments 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)

Bill Fritz noted that Elaine Echols had wrote the repair and did all the hard work and so he gets none of the credit here. This is a zoning text amendment to amend the fees to catch up with the recent amendments to Section 33 and it:

- removes the fee for the zoning text amendment;
- changes the notice fees to be a flat fee;
- adds a fee for re-advertisement and re-applications;
- eliminates the fee for deferral;
- changes the fee calculations for when a site plan is submitted in conjunction with a rezoning and special use permit;
- adds credit and debit transactions; and
- Includes a refund for projects that are withdrawn within 70 days of the official submittal.

Mr. Fritz pointed out that after the ordinance was written he found very few mistakes and they are all because of the renumbering within Section 35 or the changes to Section 33. He said those changes could be made before we go to the Board because it is not substantive at all; it simply points you to the right number and he can go through and tell you what those are.

Mr. Keller invited questions for staff.

Ms. Spain said in Section C, second page F3 zoning clearance for tourist lodging that is not the Airbnb type lodging that we have been discussing.

Mr. Fritz replied that is the existing ordinance that deals with up to five rooms.

Ms. Spain said the tourist lodging would be an established B&B not transient lodging, and Mr. Fritz replied yes.
Ms. Spain said then under 5f, this is my personal interest zoning clearance for temporary funding activity. She asked if raising funds for the Girl Scouts in my garage then would she need to apply for a zoning clearance, and Mr. Fritz responded that he did not administer that so can't answer that question of whether a zoning clearance would be required for that.

Ms. Spain said she would imagine that most people do not realize that it is a requirement.

Mr. Fritz responded that to my knowledge it is only done when they are making use of commercial sites; however, since he does not administer that section so he is not 100 percent positive.

Ms. Spain said she would expect the Girl Scouts do not apply for those since they sell outside of grocery stores but since it is no loss of revenue it is okay. She said the final 10, 11 and 12 at the bottom are 11 and 12 the variation or exception and is that supposed to be indented and apply to the floodplain impact plan or are they separate.

Mr. Fritz replied that 11 and 12 are their own thing and if you are asking for a variation or exception from one of the provisions in Section 32 and there are a couple of different sections. He said however when you have a site plan and you are going through it is a provision of the ordinance.

Mr. Bivins said he had a question on 35.5 on the last page because he had a hard time understanding a. since the use applied for does not conform to the zoning prescribed for the district in which the use is situated so therefore there is no fee because the use is not an allowed use. He said so we are not going to charge you to tell you no you cannot do this thing there.

Mr. Fritz responded no, what he believes that is saying is that if you have a nonconforming use and that actually you would not be applying for anything.

Mr. Bivins agreed.

Mr. Fritz replied that he would have to follow up on that one because he did not know the answer and it may no longer be necessary because that may have applied only in the case of zoning text amendments.

Mr. More said she had a question for Attachment C on the second page, number 12 the deferral of scheduled public meeting at applicant's request and that is struck through and just wondered if you could clarify is that after advertisement of a public hearing has occurred.

Mr. Fritz replied that we got rid of that because we are collecting the notice fee up front and then we are adding a re-advertisement and if they defer we need to re-advertise that; there is now a re-advertisement fee.

Ms. More said so that would take care of the time when we have had an advertisement and then a deferral the Commission still had to convene and staff is here, nothing happens but we are required to because we advertised.

Mr. Fritz pointed out if we had to do a re-advertisement yes, but with the other changes that are going on that kind of situation should be much more infrequent and due to some circumstances beyond control.

Mr. Keller invited further questions.

Ms. Spain pointed out on the first page on the staff report and this is a wordsmithing issue as Commissioner Dotson calls it on the fourth bullet point down that says provide a fee and she made this point on the draft and it was supposed to be changed and she thinks it should just say "include a fee". She said that the other ones all are include, remove or add a fee so provide is not consistent with the other uses and confusing to me.

Mr. Fritz agreed to the correction and that it should be included.

Ms. Spain said also we have talked here in the past about the additions to the orientation materials for new Planning Commissioners and she thinks this chapter with the fees would be important for commissioners to understand just how expensive it is for applicants to apply and reapply but also to know when the fee would be waived. She asked is there a way to make that request.

Mr. Herrick responded that we certainly could include this in the orientation materials.

Mr. Fritz pointed out that all of the fees are scheduled for reevaluation next year so we should have better numbers about what the actual costs of review is so that when we are working with the County Attorney's Office we will have better numbers.

Mr. Keller opened the public hearing and invited public comment. Hearing none, he closed the public hearing to bring the matter back for further discussion and action.

Mr. Dotson moved that the Planning Commission recommend adoption by the Board of Supervisors of ZTA-2018-5 Section 35 Fees.

Ms. Spain seconded the motion.

The motion was approved by a vote of 6:0 (Firehock absent).

Mr. Keller said the ZTA-2018-5 Fees would be forwarded to the Board of Supervisors to a date to be determined with a recommendation for approval.

The meeting moved to the next item on the agenda.

**PROJECT: SP201800004 – Peabody School Amendment**
MAGISTERIAL DISTRICT: Scottsville
TAX MAP/PARCEL(S): 076M1000001500
LOCATION: 1232 Stony Ridge Road, at the intersection of Stony Ridge Road and Southern Parkway
PROPOSAL: Amend Special Use Permit (SP2012-030) to expand enrollment of a private school to increase maximum number of children from 210 to 240 (30 additional students) within a proposed addition to the existing school. Also, proposed are two special exceptions from ZMA1995-019 and ZMA1996-021 to allow a disturbance of the buffer along Southern Parkway for an egress only access to Southern Parkway; and to allow disturbance of the conservation area for a sports court. No residential units proposed.
PETITION: 20.4.2 and 23.2.2(6) School of Special Instruction; 8.5.5.3 Special Exceptions
ZONING: PUD- Planned Unit Development-residential (3-34 units per acre), mixed with commercial, service and industrial uses (ZMA1995-019 and ZMA1996-021).
OVERLAY DISTRICT(S): Managed Steep Slopes; Airport Impact Area
COMPREHENSIVE PLAN LAND USE/DENSITY: Industrial – manufacturing, storage, distribution, office and commercial activities related to industrial use and research and development.
(Megan Nedostup)

Ms. Nedostup summarized the staff report for SP-2018-00004 Peabody School and pointed out the location of Southern Parkway, Mill Creek Subdivision, Peabody School, Stony Ridge Road, and Foxcroft Subdivision. She noted the trailers which are going to be replaced with a permanent one-story addition that will include classrooms, a fine arts studio, a science class, a library and media center to total an approximately 7,195 square feet. She noted there is an interesting open area that will have an addition of an amphitheater and a sports court and you can see the parking circulation that goes through.

Ms. Nedostup said they are proposing a right-out egress only onto Southern Parkway that we have heard many concerns about, and we can discuss that further. As part of that egress there is a special exception request for disturbance of a 10' existing buffer along Southern Parkway here. Their proposal is to amend their existing special

use permit to increase the maximum number of students from 210 to 240; replace the existing trailers on site with a permanent one-story addition also including an amphitheater and a sports court, the egress only access way right onto Southern Parkway and a special exception for that access way along Southern Parkway.

Ms. Nedostup said the next slide shows the concept plan that shows the existing trailers where the expansion addition is and the amphitheater is located west of that and the sports court. As you can see, their proposed egress is located along Southern Parkway. The next slide is an enlargement of that egress because there is going to be questions and discussion around that and she can go back to that graphic as well. Next is the vicinity map that shows Southern Parkway, the highlighting of the site, as well as Avon Street and Mill Creek Drive that has the signalized intersection. Ms. Nedostup said staff recommends approval of both the special use permit and the special exception with conditions and wanted to leave time because there are a lot of concerns and questions about the egress and additional exit on to Southern Parkway.

Mr. Keller invited questions for staff.

Ms. Spain asked if the Commission received an email today saying that there has been some consideration of this egress which is why the VDOT representative is here

Ms. Nedostup replied yes, VDOT can speak to this more clearly but the summary is that previously they were considering Southern Parkway a collector road which has a different spacing standard and so they were requiring the right turn egress only out. However, upon further review of a future plan for Southern Parkway, they believe it could be looked at as a local street that has a different standard for access and spacing standards so they thought it could be a full access entrance there.

Ms. Spain asked for both left and right turns, and Ms. Nedostup responded yes.

Commissioner More, said currently the access without that exception we are looking at tonight is a roundabout with a drop off and then they come back out to Stony Ridge Road, and Ms. Nedostup responded that is correct.

Commissioner More said then they come to Southern Parkway and can go left or right and Ms. Nedostup replied that is correct.

Commissioner More asked is there a signalized intersections at Southern Parkway and Avon.

Ms. Nedostup replied there is no signalized intersection at Southern Parkway and Avon and pointed out the location of Peabody School and Stony Ridge Road. She said they would come in and come out and can go either left or right and if they went right, they would go down Southern Parkway, take a left onto Grist Mill, come down, and take a left onto Mill Creek Drive, which would then get them up to the signalized intersection at Mill Creek Drive and Avon Street. If they took a left, they would get onto Southern Parkway and get in a left turn lane but there is no signal there at the intersection of Southern Parkway and Avon Street.

Mr. Carrazana asked was the initial issue with the proximity to the intersection and is that why they are recommending a right only and Ms. Nedostup replied yes.

Mr. Carrazana asked what is that distance, and Ms. Nedostup replied it was 250' for a collector road and asked what the standard for a local feed is – it is 50'.

Mr. Keller asked the VDOT representative to come up and speak.

Adam Moore, Assistant Resident Engineer for the Charlottesville Residency, said as Megan said when we first looked at this we considered Southern Parkway to be a collector road and it is how it was designed and how it was intended to be used when it was first constructed. Mr. Moore said the development plans have changed so at this point it is probably not likely for that road to extend much farther; and therefore thinks because the design officially is classified as a collector road that it can be viewed as a local road. He said that therefore we are applying local street spacing standards that is 50' from the ends of the radii.

Mr. Bivins asked Mr. Moore if he could open up what that means in what kinds of possibilities can happen on the property and how that might impact both entrances.

Mr. Moore replied that most likely this means that people exiting through the proposed entrance will be able to go up and take a left and go directly towards Avon or cut through the neighborhood and go right. He said without a study on this subject it is hard to say how many would choose to go which direction and it had not been studied.

Mr. Keller asked Mr. Moore to explain the fact that in counties in Virginia, the roads are the state roads and so therefore, if a subdivision's road has been accepted into that system those neighborhood roads are state roads rather than subdivision roads.

Mr. Moore said that is true but how would you want that to be expanded on.

Mr. Keller replied that we are trying to grapple with this all of the time. He said our citizens in neighborhoods where changes are occurring on the edges grapple with whether their roads are indeed their roads or whether they are everyone's roads.

Mr. Moore responded that he thinks in general, there is an effort and we talked a lot about connectivity with the new proposed plans. He said what that means is distribution of traffic and the presentation of options for the traveling public to be able to find the route that best suits their origin and destination. He said in this case some students will live in the neighborhoods nearby, some parents will cut through the neighborhood and some will choose to go up to Avon and turn right and maybe U-turn but those options distribute traffic more evenly and allow the intersections to operate as best as possible.

Mr. Keller said that you are speaking to flow and another aspect of that would be that if these were actually the subdivision's roads then the HOA fees would most likely be higher because they would have to be paying for the maintenance of those roadways as well as opposed to the tax distribution for the cost of maintenance.

Mr. Moore responded that is correct.

Commissioner More said with the current traffic pattern when people are leaving the school and they turn right onto to Stony Ridge Road they can still turn right and cut through these neighborhoods to get to the signalized intersection.

Mr. Moore replied that is right.

Commissioner More said that might be happening already, and Mr. Moore responded that there is some portion of the traffic that is already doing that.

Commissioner More said a secondary access to Southern Parkway would seem to benefit only the potential flow within the parking lot itself.

Mr. Moore responded that is right and that is a common challenge that we try to assist the schools with public and private is site circulation finding a place for the many parents that come to drop off students and allow the waiting for the drop-off and the pick-up to impact the surrounding roadways as least as possible.

Commissioner More noted that currently people with what is available to them could be taking that right and using that shortcut, and Mr. Moore responded yes.

Commissioner More asked if a driver wanted to turn left onto Stony Ridge Road is there an option for them if they are trying to get to Avon Street and having trouble making that left off Southern Parkway to leave the school and turn left onto Stony Ridge Road and somehow access.

Ms. Nedostup replied no, it actually ends in a cul-de-sac.

Mr. Bivins said so your new evaluation of the proposed entrance says that it can be a right in, left in.

Mr. Moore responded that full access would mean right in, right out and left in and left out with no restrictions.

Mr. Bivins said given that does it also mean that a condition could be right in, and Mr. Moore responded yes.

Mr. Bivins said that would then answer some of the questions that people are proposing, and Mr. Moore responded that is right.

Mr. Bivins asked could you tell us a little bit more about the traffic flow on the property and he would like to have a bit of an appreciation of what your guidance was for the Peabody School.

Mr. Moore replied without having reviewed this site specifically that for their own circulation site specific should be asked of the applicants. He said in general with school circulation or any site circulation we would like people to be able to limit the amount of difficulty in turning around and that is why you can see this site having two loops. He said clearly it is easier for people to cycle through and it provides space for a defector waiting line, a que, for parents dropping off and picking up students.

Ms. Riley asked Mr. Moore to describe a little more what studies have been done or what problems have already been identified at the Southern and Avon Street Extended intersection.

Mr. Moore replied that he thinks the most pressing study is the study currently being undertaken by the County, the Corridor Study of Avon, looking at multiple intersections and not this intersection alone. He said in the past this intersection has been evaluated for potential signalization and it has not met warrants and spacing with other intersections. He said it has been problematic but he does not think that has been done in the very recent past and is why we are waiting to see what the results of the Corridor Study are and what options that may provide for future projects to change and improve intersections.

Ms. Riley said she believed that Avon Corridor Study probably would not be completed for 9 to 12 months, which means we will be waiting for any potential recommendations let alone actual changes for quite a bit of time. She asked Mr. Moore to speculate because she was under the impression that there was not an ability to signalize the light at that intersection given its proximity to Mill Creek. She asked Mr. Moore to explain whether the signal at Mill Creek was possible or not and what other possibilities such as a roundabout or a more minimized roundabout. She said that ultimately the long-term solution was to dispersing traffic and moving it general in this area since some kind of improvement needs to be made at that intersection.

Mr. Moore replied that he hesitates to speculate on a study that is just getting started and thinks that what we see now is the frequent success in projects being funded for alternative intersection designs. He said that part of the hindrance of this intersection specifically is its spacing to another signalized intersection so if that situation were to change then perhaps some more options than the existing intersection design are available.

Ms. Riley said that she was not sure she understood that answer.

Mr. Moore replied like perhaps if Mill Creek is no longer signalized in the future but it is an alternative intersection design that is not a traditional 8-phase signal with traditional turn lanes and so forth but maybe it a roundabout, R-cut or something like that which operates more efficiently than a traditional signal.

Mr. Dotson said the additional egress or possibly ingress and egress was something that the applicants sought or was that something that the County or VDOT thought would be necessary in order to have smooth functioning and safety.

Ms. Nedostup pointed out that was a request of the applicant.

Mr. Carrazana asked are you looking at warranting the intersection or what is the scope of study.

Mr. Moore replied that he believed that the County is doing a study.

Mr. Gast-Bray pointed out that the County is undertaking an Avon Corridor Study that is looking at intersection treatments all up and down that segment of Avon and with a view to multi-modal connections, with a view to improving intersections, and with a view to doing a better job of managing traffic. He said that he did not remember the exact expanse from where to where but it includes this section which is included in that discussion.

Ms. Riley noted that it would be from the City line all the way down Route 20.

Mr. Keller asked if there were other questions for staff or VDOT before we open the public hearing and hear from the applicant. He asked did staff consider a sidewalk along this property boundary for both streets encompassed by this.

Ms. Nedostup replied no there are no additional sidewalks planned for this area and thinks it is more focused on Avon and so we did not consider asking for a sidewalk here.

Mr. Keller opened the public hearing and invited the applicant to come forward to speak.

Valerie Long, attorney with Williams Mullen representing the applicant Peabody School, said we have a number of members of the project team here tonight who can help answer questions. She said we also have Rob Orlando, Head of School; the school's Board Chair Mr. Robert Orlando, our traffic engineer Bill Wench; our civil engineer Scott Collins with Collins Engineering and a few other board members in the audience as well and she would go ahead and address a few of the questions that have been raised. She said Ms. Nedostup's presentation covered many of her slides so she did not want to be duplicative unnecessarily. She said one clarification to Mr. Dotson's question about the proposal of the new exit, and for what it is worth that originally we did not propose that when we came to the pre-application meeting for the special use permit. She said it was actually a VDOT representative, not Mr. Moore, but another VDOT representative that attended that meeting who suggested that we should consider that. She said so we did hear that feedback and not hearing any objectives to it at the time we did propose it and we would of and still do prefer that it be a full access exit. She said we are very happy to learn this morning about VDOT's new analysis with regard to Southern Parkway and so if it is the preference of the Commission to recommend approval if that is a full access intersection we are more than happy to accommodate that and we think that will help the situation.

Ms. Long pointed out the context in a map, which was very similar to what Ms. Nedostup showed. She said there was a little information on the next slide that was included in the staff report or some of our other materials. She said the school has grown over the years and we are asking for a modest increase of 30 students. She said we have a variety of diverse student body from a number of surrounding areas in the community and they have specially trained teachers to address the unique mission of the school. She said the school has a very small class size of 10 to 16 students. She said we have a number of nationalities represented and about one-third of the students receive financial aid.

Ms. Long said to clarify one other issue that even with the proposed right-out exit the idea was not to restrict the use of left turns off Stony Ridge Road, in fact, that is probably how the circulation pattern would continue to work. She said parents would still be able to turn left to go directly to Avon or turn right to go that way. She said there are a hand full of students who live in the Fox Croft Subdivision and the Mill Creek Subdivision. She said that the circulation pattern is with the drop-off and pick-up. She pointed out as the cars come in here the students are either dropped off or picked up here and then cars come around and some of the older students are dropped off and picked up in the lower loop and then they come back and go back around, come out and then they go one way or the other.

Ms. Long said if this were a full access intersection such that left and right turn exits could be made that would actually help because it would mean that the traffic flow through the parking lot would just be one-way circulation. She said cars could then come out, either go right or left, and we think that is actually a better situation. Ms. Long said as Ms. Nedostup and Mr. Moore explained with the difference in the way Southern Parkway is categorized by VDOT as a collector road we barely had enough distance from here to here and it was just at the 250-foot minimum to have even a right-out exist. She said with the re-categorization of Southern Parkway as a local road the distance requirement, as she understands it, is only 50 feet to have a limited access and with the distance of 250 feet it would qualify for full access and was happy to talk about this at any point.

Ms. Long pointed out the existing trailer that would be replaced with a new building addition. She pointed out the proposed addition, new sports court and images submitted that the architects proposed showing conceptually how the new addition would relate to the existing building and fit in with the land. She said next is a conceptual floor plan for the new space performing art center, stem classrooms, pre-K rooms and a library and media space. She pointed out the egress and images from our traffic study showing how the circulation patterns work and the sort of two different pulses that we are describing in the study based on the drop-off and pick-up times. She said our traffic study did say that the proposed exit only access onto the parkway would increase the efficiency of traffic flow and avoid congestion. Ms. Long said she was going to show you the same routing that Ms. Nedostup showed you about the way that it is currently possible to exit the site and access the signal. She said the conclusion of our traffic study is that the increase in the school enrollment at the site will provide adequate parking and traffic and it would circulate in and out of the site without adversely affecting the adjacent roadway.

Ms. Long said knowing there would be many interesting questions about the Avon intersection we asked our traffic engineer to take a quick look at this to see what impact the additional 30 students would have, if any, on that intersection. She said essentially it is detailed in our report that in sort of the worst-case scenario we would have an additional 22 vehicles at the site from the additional students and that is in the morning peak. She said it was 22 in and 20 out because some of those are teachers so they do not leave right away in the morning. She said the conclusion was that the overall intersection delay would be less than one second longer than the existing delay and that the overall cueing length will not be more than an additional car occasionally. She said so that was consistent with VDOT's rough findings or at least the statement in the staff report that indicated that both the County's transportation planner as well as VDOT were of the opinion that the proposed increase in enrollment would not have any type of significant impact on that intersection.

Ms. Long said we certainly acknowledge there are challenges with that intersection and the school is happy as everybody to hear that the Corridor Study is going to be beginning soon and hopes that there will be a good solution arrived at and constructed. She said but the good news is that at least our preliminary analysis is that the additional 22 trips that the worst-case scenario will not have a material impact on that intersection and it will not make it any worse. She said those are all the questions but she does have a few other data points from our traffic study that she was happy to answer questions about but would hold that until after the other public comments are made and then address any additional questions.

Mr. Keller turned the public comment over to Vice Chair Riley.

Ms. Riley invited public comment and requested the first person signed up, Ben Whitner, to come forward.

Ben Whitner, member of the Mill Creek Home Owner's Association, said that first he wanted to thank you for all the questions that you posed to the various constituents and it shows your concern and interest in our community. He said from the board's perspective our primary concern was with the right-only egress and not the incremental students, not the change in the structure terms but the right-only egress and the potential for all the additional traffic that could float through because they would be essentially incentivized to make that right versus now they do have that option. He said if the traffic flowed in the way that it was presented it seemed as though it would then funnel indirectly into our community. He said if the full access intersection is something that would be considered he would hope the Commission would give us the opportunity to go back to our communities and let them re-evaluate that in how it could impact our community but formally our concern was with the right-only egress.

Rob Finley, Vice-President of the Mill Creek Homeowner's Association, asked if he could assume that you all have received the written comments that we provided in an email yesterday to the Commission members. Mr. Finley said he was the principal author of that document so you have a clear picture of our concerns as a Homeowner's Association. He said again to clarify more specifically and he sees this here in the material this evening, we have no concerns with the special use permit since our concern relates to the special exception for ZMA-1995-019 and ZMA-1996-021, which are the exceptions to allow the egress that was proposed. Mr. Finley said in summary he will not read the letter but will simply say that we are concerned that the egress as proposed appears to have the intent of funneling a significant amount of traffic to the western Southern Parkway with the result that traffic would exit to Avon Street Extended using Grist Mill and Mill Creek Drive. He said those streets are neighborhood streets, state highways, to make sure they are numbered as state highways; they are 20' wide with no centerline and relatively narrow with the mailboxes very close to the edge of the paved right-of-way. He said we have had already

significant increases in traffic through that area and we have issues with speeding on Mill Creek Drive particularly during the morning rush hour. He said so our concern relates to the geometric as is currently originally proposed in the plan, which would serve to funnel traffic to the west on Southern Parkway with the only egress then to Avon Street Extended would be through the Mill Creek neighborhood. He said to the best of our knowledge there was no outreach to our neighborhood by the Peabody School in proposing this approach and we would take respectful exception to the staff's conclusion that there would be no detrimental impacts to adjoining properties. He said our concern is with the geometry of that roadway and those concerns are outlined in the letter that we wrote. Mr. Finley thanked the Commission for their consideration.

Blair Carter, resident of Mill Creek, said she was here because of the concern about the right turn only egress and was thrilled to hear from Ms. Long that there is a good possibility that can be taken care of. She said that Peabody School actually then would be a good neighbor but that rather freaked me out especially because she went through the numbers. She said having gone through the numbers and the on-site traffic and circulation analysis and if every single car that comes out of Peabody School is routed down the Parkway to Mill Creek based on the actual cars counted and the encapsulated cars counted, we could have between 245 and 280 extra car trips in our neighborhood every single weekday. She said that would be overwhelming. She said Ben and Rob have done a good job of covering points and wanted to point out if you don't know the Mill Creek neighborhood we have no sidewalks, which means our joggers, runners, cyclers, family with their kids, parents pushing strollers and dog walkers – we are necessarily in the street with our activities. Ms. Carter said as Rob pointed out the streets are not super wide and that is where we have to go to do our outdoor activities. Ms. Carter said she was happy to hear that Peabody School asked for that particular egress because it was suggested to them and that they are not necessarily wed to it and she would ask the Commission to approve this special use permit but not to approve the right-only egress. Thank you.

Miles Weiss, resident of 1279 Gristmill Drive in the Mill Creek subdivision, said he was opposed to the special use permit for the Peabody School primarily for the additional traffic that would be funneled through my neighborhood and my neighbors' neighborhood. He said at the risk of being redundant but brief we have narrow streets, walkers, dog walkers, bicyclists, kids getting on school buses and he fears that the additional traffic would be a problem. He said as relates to that this staff report states that there are no factors unfavorable to the Peabody School request and he was not sure with all due respect how staff reaches that conclusion when traffic with the right-turn only egress will clearly be forced through our neighborhood and will be detrimental to our quality of life. He said finally he was not sure that with all due respect to the Peabody School that they acted in good faith because they never approached our homeowner's association, never alerted us to this request, and he did not think that is fair.

Ms. Riley invited David Golladay to speak, and it was noted that he had left the meeting. She invited other public comment.

Susan Shaw, resident at 73 Mill Creek Drive, said she was alerted to the proposal for the right lane egress for the Peabody School and certainly enjoys the school as a neighbor so that is not an issue for me. She said however, as one of the regular walkers and joggers through Mill Creek that she cherished that morning time on a regular basis but without sidewalks had to walk down the middle of the road. She said it is very concerning that there would be an increase in traffic coming through Mill Creek because as others have said these are small streets that really add to the character of Mill Creek and thinks you will find that most folks live there because of the small streets. She noted that because of the lack of sidewalks, we do not have streetlights; it feels rural but close to Charlottesville and so that is one of its charming aspects. Ms. Shaw said she was curious and wondering why the traffic pattern could not be reversed where people go in where the egress is proposed and then the traffic for Peabody through the parking lot would funnel out and come out to the larger intersection as opposed to the reverse.

Hunter Mccardle, resident of North Garden and parent of 2 students at Peabody School in the 5th and 7th grade, said we have been there since first grade for each of those kids. He said Peabody School has been a gift for us as far as allowing exceptional academic, emotional, and social support for our kids in the needs that they have that we could not find at any other school. He said through our time of 7 years at the school we have seen it grow thankfully and we have met the needs of that growth through various additions and infrastructure improvements. He said this particular proposal is critical for our school at this point because it allows us to be economically sustainable, which is very difficult, as you know a lower school to achieve. He said it also allows us to expand our infrastructure in our classrooms to become more relevant and competitive in today's school in the area of classroom needs. He said as you can see the biggest challenge we have had over the year is being able to grow within a very constrained site; we

are bound to the east and the south by two roadways; and to the north and the west by steep slopes and several easements. He said we have to be very creative in a very small box so to speak.

Mr. Mccardle said that he could assure you that the egress proposed is not meant to funnel traffic by all parents into the Mill Creek neighborhood by any stretch of the imagination. He said it was a recommendation in our pre-application meeting by VDOT and he thinks it is a very good solution to have the option of left and right turn out as opposed to just right. Mr. Mccardle said he did not drive through the Mill Creek neighborhood and it is a little more convoluting and time consuming and most or our parents don't even do that or are even aware that is an option. He said the whole idea of that egress was essentially to be a much more efficient and safe internal flow of traffic for our pick-up and drop-off particularly where you have kids moving throughout the site. He noted there are other commercial activities adjacent to Southern Parkway that are moving throughout the neighborhood including tree services and Fed X so we are not the only traffic impact associated with this. He thanked the Commission for their consideration and we look forward to your vote.

Tobias Dengel, Chairman of the Board for Peabody School, said first of all he wanted to apologize to anyone from the community that felt we acted in poor faith for this thing that we are trying to do. He said we obviously are a volunteer board and we do a process like this once every eight or ten years and does not think there is more than one or two people that were on the board the last time. He said we apologize for that and thinks Valerie can take us through the process we went through to try to communicate with everyone. He said the second thing is we did not think about how to do this egress until we met with VDOT and it was suggested to us that adding an egress would help internal flow. He said at that point we requested that we would have a two-way egress, which at the time given the designation of the roadway did not seem possible. He said having learned today that it is possible that we will have strong internal support to have that two-way egress, which hopefully solves the major concern around the community and allows us all to move forward on this. Thank you.

There being no further public comment, Mr. Keller invited Ms. Long back for rebuttal.

Ms. Valerie Long said she had just a few clarifying points – one, she wanted to echo Mr. Dengel's comment about the outreach and that we did hold a community meeting as required. She said we came to the community advisory committee meeting a couple months ago, we did sent written notices or invitations to a large number of residents and worked with staff on that in terms of the appropriate radius of folks to invite. Ms. Long said she did not know whether an invitation went directly to the homeowner's association representative but we certainly sent invitations to a large number of residents and other adjacent owners as required by the County's process and then made a presentation at the Community Advisory Committee and fielded many good questions that evening.

Ms. Long said just for clarification because there was a comment from a member of the public that the special exception request is for the proposed exit and the special exception that we have also applied for is actually to disturb an existing buffer that is along Southern Parkway. She said we do need to disturb that buffer in order to construct the proposed exit regardless of whether it is right-turn only or both turns permitted. Ms. Long said there was a comment about a large number of additional trips that were projected to go through the neighborhood if this were approved. She said there was a reference to over 200 trips per day every week and for clarification as stated in our traffic study the most trips is 22. She said it has been broken down in the morning peak hour that there would be 22 additional trips from the increased enrollment coming to the site and an additional 20 trips leaving and in the afternoon the numbers are even lower – there are 14 trips coming during the peak hours and 15 trips leaving during the peak hours. Ms. Long said she just wanted to clarify that for the record and would be happy to answer additional questions.

Mr. Keller invited further questions for the applicant.

Mr. Bivins asked Ms. Long to go back to the slide that has the proposed interior for the new construction and to share with which classrooms are already in existence in the temporary structure, and Ms. Long pointed out the existing trailer that was used for classroom space.

Mr. Bivins asked which are new classrooms to this because he was trying to reconcile in a couple of places people said that new students will come because they already have siblings attending the school and so that is not a new trip but another body in a car. He said there was another section that said that administrators, teachers and staff would

also have the opportunity to bring their students to the school. He said he was trying to get a sense of what is the true delta as far as new families that will come to the school and that it sounds like it is 30 or 40 but he did not think that there are 40 new families coming to the school.

Ms. Long replied that is correct, but just for clarifying that she would ask Mr. Orlando to specify if our request is to increase enrollment for a total students by 30 and how many new families that would equate to be.

Mr. Robert Orlando, Head of Peabody School, said to get back to the first question that currently the trailer houses our two pre-school classrooms and we would be building nice new spaces for them. He said we have the need to add two general education classrooms for our current enrollment and the performing arts space and technology lab. He said we currently have smaller spaces for those programs right now and they are value added programs for our current students and any perspective families that we might attract to the school. He said that in terms of increased enrollment we do not admit every student that is interested in Peabody School currently because of the 210 cap on our current enrollment. He said our statistical data based on our inquiries and folks looking at the school has prompted us to ask for the additional seats. He said we feel like there are children we are not serving currently in the area that could be students at our school, but we cannot go over the 210 number. He said in terms of 30 additional students it would not equate to 30 additional families, which was your question. He said over the next 5 to 10 years he could not project what that number would look like, but it is pretty much in line with the car trips that the parking study came up with so maybe 20 new families give or take 10 percent depending on the year. He said that is helpful obviously, because you are not adding 30 new families or 30 new cars since we have kids riding together. He asked if that answered the question.

Mr. Bivins replied that it did because he was trying to get a sense since the statement was made in the community meeting and then in the document that we were providing opportunities for families who already had a child in the school. He said also the piece about providing an opportunity for staff and the faculty to have their children there so he was assuming the person has to come to school anyway because they work for you and he was trying to sort of drill down to what really is the marginal increase in cars from this property. He said if it was ten cars then why we are putting in another exit.

Mr. Orlando replied from my perspective there are some good comments made by VDOT around the flow of traffic on the property. He said if we go back to the outline of the current property it would be my hope since we currently run arrival and dismissal without this egress just fine that from a safety perspective if this is an option he would agree if it were an all access exit that would be amazing. He said the school would just have one-way traffic coming in so cars would enter one way and then exit that way as we described. He said right now cars come in, drop off, and then wrap back around and you can see that we also have a very narrow lane here so we have cars going in this direction and that direction at the same time with cars coming in and going out. He said from a safety perspective and a flow perspective it would be great to have a one-way approach to our arrival and dismissal where cars are coming in one way and going out another. He said could we do it without it, absolutely because we are currently doing it.

Mr. Bivins asked could you do it if the primary entrance was on the proposed area.

Mr. Orlando replied that his only concern about that would be cars coming this way interfacing with this intersection and having the cars come in the way we currently do, it gets the cars out of this intersection off the road and onto our property quicker because we have more space here to bring them in. He pointed out when the cars come in right on the curb we have staff members waiting out and it just makes sense to unload in that direction. He said without seeing this in action because we do not have this option right now we would create a backup of traffic here versus actually mediating that. Mr. Orlando said he had not considered that and would have to think about that to actually confirm or deny that; however, our preference would be to keep the current flow of traffic going this way. He said our neighbors to the left, the lumberyard, ambulance depot, Fed X and if we had cars entering and exiting this way he would think we would have a longer cue here on this road. He said that any vehicle trying to come from this direction down here by the cul-de-sac coming out that there would be more of a backup here at this intersection. He pointed out there was also a bus stop for Mill Creek right at this intersection so the value of bringing cars out of here down to here again for safety reasons is compelling to me. He said that currently our parents do a good job when they are coming out of here stopping when the stop sign comes out for the bus stop but that would just clean that whole situation up if we were coming down this way. He said my goal as the head of the school is to get the cars off

the road as quickly as we can so we are not impacting traffic.

Mr. Keller invited further questions for the applicant.

Commissioner More asked if you were able to have this other access and it was left or right out you are suggesting that this would become all one way, and Mr. Orlando replied yes it would become one way internally.

Ms. Riley said this is good new information that VDOT is willing to consider this road as local and not a connector and that therefore that is all pretty new information for you all because you may be have some other options available to you now that you did not before when you proposed a right-out egress only. Ms. Riley said she appreciates that you are looking out for the safety of your students and for an efficient flow of traffic for your families that then also impacts the traffic on Southern Avon, Mill Creek or the whole surrounding area. Ms. Riley said today she had heard from a lot of constituents today primarily concerned about safety for them and they are residents in the area. She asked have you considered any possibilities in addition to routing traffic what other private schools have done which is either identifying off-site location where parents can drop their kids off that can then be bused to the site, such as Field School. She said or in the case of Tandem, which is another local school, has hired a traffic cop to manage the traffic at least at the a.m. drop-off and maybe at the p.m. too because there is such congestion at these intersections. She said egress has changed to become both right and left turning and/or if you change the entrance to be as currently proposed egress there is still going to be a snarl in this intersection and the bigger traffic question is you can't get out onto Avon through Southern. She said that is why the residents' concerns are as great as they are. She asked have you considered other options like the two mentioned of busing and/or traffic cops as a way to manage the traffic.

Mr. Orlando replied that they have been looked at and he would ask Bill to speak to this as well. He said that both of those options for us that we are priced out of both of those options. He said the Tandem situation and site that he conferred with their head of school and they share that traffic guard with Monticello High School so the cost for them is half of what we would have to cover. He said it would cost us close to $20,000 a year to hire a traffic guard since they have a minimum amount of hours they have to be there which for us means two hours a day. He noted that information was from last June. He said in terms of busing there is an increased cost for us in terms of bus maintenance and to hire additional personnel and those are two items that cannot be worked into our budget. Mr. Orlando said one of the reasons for trying to increase our enrollment is to reach that financial sustainability model so he was not saying we cannot look at those things but that is rather where we are at this second. He said if we could financially make that kind of move, we are willing to look at that in the future. He said that it looks like the impact would be minimal with the increased numbers we are looking at in our traffic study.

Mr. Keller asked Ms. Long to wrap up the rebuttal.

Ms. Long said the only issue she would make one final comment on is the consensus seems to be of VDOT, the County Transportation Planner and our traffic engineer that although there would be additional vehicle trips resulting from our proposed enrollment increase that it would not have an impact on the surrounding roads when you look at the data. She said likewise at the intersection at Southern and Avon is a very low number of additional trips that are added that would not increase the delay or cueing behind a nominal amount.

Mr. Keller closed the public hearing to bring this back for a discussion and action.

Mr. Dotson said thinking along the direction that Commissioner Bivins mentioned in terms of perhaps no access to the Southern Parkway given the number of students and the traffic analysis but there is another reason that he does not believe it is good policy to base a decision maybe VDOT will classify this road. He said that apparently came up very recently but we do not know that if will happen and thinks we ought to be aware that there could be unintended consequences of a reclassification. He said that many times when roads are reclassified it is a cost savings effort and that might mean less snow plowing, less maintenance after all it is no longer a collector but only a local street, less concern and attention in general and just does not think it is good policy without having investigated and that reclassification going through the process to base a decision on it. He said if we do not base a decision on that only then the option would be the right out and that is the problem. Mr. Dotson agreed with Commissioner Bivins since he was not sure that any added access to the Southern Parkway is needed.

Commissioner More said she tends to agree with that statement and was a little confused if the intention of VDOT suggesting this and hearing at this last minute there might be a way to not just have it be a right out but the whole idea was to create different options. She said if on site it becomes one way then she did not see how we have created alternatives because everybody was having to come in one way and go out one way not disbursing traffic and tends to agree that with the added trips having that access is necessary or really provides safety or alternative routes.

Ms. Riley agreed with Commissioner Bivins' suggestion as well and it seemed to be that the new egress was the largest concern with the community in this proposal.

Mr. Keller said he feels strongly that there should be a sidewalk or a bike ped along the full frontage of this property. He said we do not know what is going to happen with the Southern Parkway since we do not know whether it is going to be vehicular but if it is not vehicular, there is a good chance that it might be a pedestrian connection in the future. He said that it is important that be provided along this parcel. He said the response would be that Stony Ridge has built out but he thinks we can project with the redevelopment that is happening in our greater community that at some point there will be a redevelopment scheme for Stony Ridge given the valuable property and location of that property. He said that supports the argument of a sidewalk along that as well. He said then learning that there is a public school bus collection point across the road it seems that everything that we have been talking about with all of the new subdivisions is trying to provide connectivity along the fronts of them – and yes this might be one tooth that is replaced before the other implants occur but it will be in place and it should happen now.

Ms. Spain said she concurred with my colleagues particular Mr. Keller's comment about the sidewalk since we just requested the sidewalk be built in front of the Albemarle Limonene Service and that is arguably more isolated than the Peabody School.

Mr. Bivins said that there is a broader traffic analysis that is going to take place in that area and so it would seem that if there were a way to rather pause that, wait, and see what is going to happen before we support a level of flow complication that area cannot sustain. He asked to add that to my comment that he would have not supported a right only exit but he might have supported a left only exit.

Mr. Carrazana said he believed there was an internal circulation challenge and thinks that has been shown and VDOT recommendation to provide that exit would help; however, he wondered if there were any other options looked at for other opportunities to widen those lanes. He said it seemed like you do have a little bit of a landscape buffer but not sure if even adding a few feet would help you in your internal circulation. He said if you do not have an exit onto Southern Parkway that could still improve your internal circulation but he did not know if that had been looked at. He said the other question for VDOT regarding the condition of that intersection are there some opportunities to improve that intersection as we consider not only improvements of sidewalk but is there roundabouts or other ways of improving that intersection to minimize traffic not only now but also in the future. He noted it was the Southern Parkway intersection and Stony Ridge.

Mr. Keller invited the VDOT representative to respond.

Mr. Moore, VDOT representative, said he thinks improvements to that intersection are a large part of what is hoped to be determined by this study the county have initiated. He said that at this point he could not speculate as to what results will show or what different types of changes or improvements would have specific secondary consequences. He said that Corridor Study would specifically look at operations of the intersections both along the Corridor and through traffic up and down Avon Street but also improving the efficiency of access to the side streets Southern Parkway being one of the larger ones and it was access to Avon Street in both directions.

Mr. Carrazana said the traffic study never included, as he understands it cars exiting onto Southern Parkway and then the impacts of those cars onto that intersection. He asked is that correct.

Mr. Moore replied that was right that with this application, you would have to ask Ms. Nedostup about the traffic study and he would say it is limited in scope based on the proposed increase in traffic. He said it had been discussed by something like 11 percent in the peak hour was not deemed necessary by the staff to require a traffic study of a

larger scope.

Commissioner More asked if the bus stop was at the intersection of Stony Ridge and Southern Parkway.

Ms. Nedostup replied that it was on the other side where there is a small subdivision with no sidewalks, and she did not consider it because of the industrial uses there but thinks it is a good suggestion for that area.

Mr. Keller noted that he could see that the applicant would like to weigh in.

Mr. Bivins asked that the VDOT representative tell us what the process is and how that road will change.

Mr. Moore, VDOT representative, replied that may be a misconception since it is a local road now. He said initially it was considered from a design perspective to be a potential future collector and so looking at how it was designed is how it may be classified as a collector in the future. He said we are not talking about a down classification because right now, it is a local road and for the near future, we expect it to remain that way.

Mr. Keller said this was in the future plans to connect over to the Fifth Street area, and Mr. Moore replied that is correct.

Mr. Keller said that was the argument that he was making that regardless of what kind of connection occurs there is the potential for that pedestrian connection and the walkability that we are all so concerned. He said the interconnections between neighborhoods and communities it is still a possibility and that would be the argument for sidewalks and sidewalks for ped/bike if not sidewalks but some kind of connectivity. He said it is an opportunity lost if we do not act now.

Ms. Riley said having been through the whole master plan process that occurred five years ago that there has been repeated concerns that Southern Parkway was not identified as a road that should have sidewalks where it is clearly currently used quite a bit for biking and pedestrians. She said that regularly we hear at the CAC that they want to see sidewalks built on Southern Parkway.

Mr. Keller said it was a bit out of order but wanted to give the applicant a chance to respond on the transportation/traffic.

Ms. Long said that Bill Wench our traffic engineer could address more specific concerns to clarify the internal circulation currently functions just fine; it would be improved with this additional exit onto Southern Parkway no doubt just as Mr. Orlando explained. She said that it currently functions just fine and they can make that work, however we do think it will be improved and thus safer. She said our traffic engineer also noted in the traffic study that the additional exit would be a benefit for public safety vehicles, ambulances and things like that if needed. She said it is a full access and you could bring emergency vehicles in even better. She said that with regard to the sidewalk we certainly understand your perspective and suggestions but would just add for the same reason staff did not originally propose it. She said Stony Ridge is an almost entirely industrial or commercial area with lots of trucks and so forth and we understand it was not built out that way it just seems like a large burden for a non-profit school to bare to build sidewalks when there is none other that exists now.

Ms. Long said she could be comfortable if she may suggest a condition that if in the future sidewalks were built on either end that they would then build a sidewalk that could connect to it. She said we would be happy to consider that since that is often a mechanism that is used so that you do not miss the opportunity if it comes forward but at the same time, you do not require a landowner to build a sidewalk to nowhere without having any idea whether the connections on either end will ever occur. Ms. Long said we think this is an improvement; again, we can live without it because we were told that it was a collector road, which is why we showed it as a right out and would have preferred it to be full access from the beginning. She said maybe if we had been provided that information we would have shown it as a full access exit and entrance and probably no one would have become alarmed and we certainly understand and appreciate why the Mill Creek residents were concerned especially those who thought that we perhaps were going to not allow left turns off Stony Ridge. Thank you.

Mr. Keller invited further discussion.

Mr. Dotson said he had a question of the two commissioners who mentioned the sidewalks, are you speaking of along the Southern Parkway or also Stony Ridge.

Mr. Keller replied that my idea is that we would require as we are requiring with other special use permits that there be sidewalks in its entirety and could live with the alternative that Ms. Long presented if our director tells us that it does have strength. He said that it seems like Southern Parkway might end up being a more creative bike/ped solution than a standard concrete sidewalk in the future and so having the option to put something in that is in keeping with what would be proposed along there would be okay with me. He said as far as Stony Ridge that he was disappointed that we do not have sidewalks there since he believes in pedestrian access along the way that he would like to see it there.

Commissioner More asked staff or council for help with language that does not require the sidewalks until there are other connections or something like that.

Mr. Gast-Bray said that he did not have any examples where we have done that kind of requirement with that flexibility which he would encourage because as Chairman Keller did suggest we do not want to lose the opportunity.

Mr. Herrick pointed out there are transportation improvements that have delayed effective dates they are just obviously more difficult for staff to track and more prone to get sort of lost in the shuffle if those are conditions that are made10 to 20 years out or if they are contingent on some other event taking place first. He said that obviously that is more difficult for staff to administer and to track those sort of conditions.

Ms. Spain said she believed in the Pantops area that this issue arose and the landowner was able to submit a letter of guarantee that he would build the sidewalk once the connections were made and the County accepted that.

Mr. Herrick said that it was a letter of credit perhaps but he was not familiar with the specific example that you raise but he could image something like that.

Ms. Valerie Long said she could provide another example, the Charlottesville Catholic School, maybe 20 years ago it was a condition of approval that they build a sidewalk once the parcel to the south was redeveloped and if they built a sidewalk then the school would connect to it. She said the property to the south is under construction right now and so as part of that will be required to build the sidewalk. She said that they posted a bond or some sort of security to ensure that there is payment in the future and it worked very well and there is a sidewalk there now. She said they did not have to spend that money up front without knowing if there was ever going to be a connection there and so that was what was helpful.

Ms. Riley said it would be helpful to have some clarification about the ownership of the adjacent parcels because Foxcroft is the neighborhood south of Peabody School and they would be the entity that would connect the sidewalk along there. She said it would be a neighborhood HOA making the decision about that land because there was not going to be any redevelopment of Foxcroft. She said the land north of Peabody she was not entirely clear about the ownership of some of those industrial parcels since most of those parcels are currently being used as light industrial and could redevelop over time. She said the interest for the community for multiple people who have expressed this in meetings is that they really want to see a connection from the residential areas, Foxcroft and Mill Creek, up to Avon where the whole Corridor Study is attempting to create multi-modal possibilities from Mill Creek down to the City. She asked that the parcels be clarified adjacent to Peabody School.

Mr. Keller said there are two pieces that we have to act on and asked if someone was prepared to make a motion.

Ms. Riley said she would attempt some language and will look to council to see if this is appropriate. Ms. Riley recommended approval of SP-2018-04 with the staff conditions, as amended, with a couple of changes: Number 1 remove the egress onto Southern Parkway and add to that condition a sidewalk on Southern Boulevard.

Mr. Keller said so you would go as far as the sidewalk not be and the other option that we have been discussing the letter of guarantee.

Ms. Riley replied that my proposal is for a sidewalk on Southern Parkway only and not on Stony Ridge.

Mr. Dotson seconded the motion and then had a question for staff in condition #3 that addresses the landscape buffer and would that condition go away in light of the fact that the egress is not being proposed, and Ms. Nedostup replied yes.

Mr. Keller asked wouldn't it be affected by that given the slope there and wouldn't the sidewalk affect that.

Ms. Nedostup replied that she would not think so and in some photos that she took that it appears that there is plenty of room along Southern Parkway to put that sidewalk in and the buffer starts way back here.

Ms. More said she wanted to support the special use permit but did not support the language about the sidewalk and would be more agreeable to support something like what we have discussed. However, she did not know how it would be worded somewhat as was described with the Catholic School with some sort of letter of promise or guarantee for the future, however, she was not inclined to make that a requirement but otherwise was inclined to support the special use permit.

Ms. Spain concurred with Ms. More.

Mr. Dotson asked Ms. Riley to clarify are you speaking of a sidewalk concurrent with the addition to the school or a sidewalk at such time.

Ms. Riley replied that my proposal was to be concurrent with the development and if somebody wants to make an amendment regarding as such time then he or she need to do that.

Mr. Keller asked would you consider a friendly amendment.

Mr. Herrick said Mr. Chair that would be to propose a friendly amendment and he thinks Ms. Riley has indicated that she is not open to friendly amendments at this point.

Ms. Riley replied that she would be open to a friendly amendment, but just has not heard one yet.

Ms. More suggested a friendly amendment but would like the right words.

Mr. Herrick said he had drafted some language that addresses both the egress issue and the sidewalk issue modeled on the language that was used in the prior special use permit that was before the Commission. He said that would be an additional condition stating, "a sidewalk meeting County or VDOT specifications and allowing for interconnection to adjacent parcels shall be constructed along the Southern Parkway" and then two alternatives – "prior to the issuances of a Certificate of Occupancy for the proposed school addition (that would be similar to the condition you saw in the previous one) or within one year of completion of sidewalks on adjacent parcels." He noted that we might need to fine tune that last condition if that is what the Commission is interested in, but he thinks those are two timing conditions if in fact a sidewalk is anticipated.

Mr. Keller said he would like to ask Andrew a question does the sidewalk imply the concrete sidewalk or is that generic enough for a different pedestrian alternative.

Mr. Gast-Bray said that he was going to change that to say a sidewalk or equivalent would be fine with me but he has to make sure that is okay with our council. He suggested one thing he would suggest perhaps slightly in support of Ms. Riley's suggestion would have the connection be on one side or the other. Mr. Gast-Bray said he could foresee a connection going from the school to Avon as a part of that context and then later something else going in. He said we would want to extend wherever these things are going because there are already active pedestrians and users of this so we might as well take advantage of that as soon as there is a connection - not necessarily having to connect on both sides to start with.

Mr. Keller said that we need a second to the friendly amendment.

Mr. Herrick replied no, it would be subject to the acceptance or rejection of the original mover.

Ms. Riley asked to hear the actual language given what our Director has just recommended.

Mr. Herrick asked if you are suggesting a sidewalk or equivalent pathway meeting County or VDOT specifications in allowing for interconnection to adjacent parcels shall be constructed along the Southern Parkway within one year of the completion of sidewalks on adjacent parcels.

Ms. Riley said yes, she would accept the friendly amendment.

Mr. Herrick said there would be some additional language that he would suggest in terms of if the consensus of the board were to not allow other ingress or egress through the right only and asked staff to put up the other conditions. Mr. Herrick said if he understood Ms. Riley's motion correctly that we would be looking to strike the right turn egress only access onto Southern Parkway from the first bullet point and the third conditions would also be rejected. He said if the Commission was inclined not to allow for the ingress and egress they would need to go one-step further and say, "That notwithstanding the application plan dated July 16, 2018 all direct vehicular access from and to the site shall be limited to Stony Ridge Road."

Ms. Riley accepted the friendly amendment as stated by Mr. Herrick.

Mr. Dotson seconded the motion.

Mr. Keller asked for a roll call.

The motion was approved by a vote of 6:0 (Firehock absent).

Mr. Keller asked for a motion on the special exception.

Mr. Herrick said he believed that there should be a motion to address this special exception request as well. He noted that it could be a motion to recommend denial, but one way or another there ought to be a recommendation of the Planning Commission made to the Board of Supervisors whether it be approval or denial.

Ms. Riley moved to recommend denial of this special exception request for SP-2018-00004 Peabody School Amendment because we have now decided under conditions that there will be no ingress/egress off Southern Parkway into the school.

Mr. Dotson seconded the motion.

Mr. Keller invited further discussion. Hearing none, he asked for a roll call.

The motion to recommend denial of the special exception request was approved by a vote of 6:0 (Firehock absent).

Mr. Keller thanked everyone and the community for coming out and expressing their views to the Peabody School for providing this wonderful educational service to our community and for a thoughtful discussion and deliberation in this process. He said this request moves forward to the Board of Supervisors.

Ms. Spain noted that the public should recognize the difference that you made in this decision tonight since your input and that of your neighbors allowed us to rethink the application and come up with a solution that sounds like it will be more acceptable to the neighbors.

The meeting moved to the next item on the agenda.

**Committee Reports**

Mr. Keller invited committee reports.

Daphne Spain reported:
- Places29 North CAC met last Thursday and it served as the community meeting for the request by the Montessori School on 29 for expansion.
- Pantops CAC met last night with two major issues – the Commonwealth Senior Living Center request for removal of parking spaces to allow for consolidation of offices from Downtown to the County and pulling together the Pantops Master Plan. The Pantops Master Plan is on our schedule for November 20 and that means we are going to have to hold another meeting to be able to come to terms with the final plan.

Mr. Gast-Bray noted that was a tentative date.

Julian Bivins reported:
- The Long Range Transportation Plan is hold an open house on October 17 from 5:30 to 7:00 p.m. at East Water Street at TJPDC for public input on how to improve and enhance pedestrian and bikes.
- Places29-Hydraulic CAC met last week and there was discussion about the Charlotte Humphries Park on Whitewood Road in how we can bring other people to take care of the street space.
- He thanked the director, Andrew and two individuals from Zoning being Bart Svoboda and Keith Bradshaw who came and spent some time helping people to understand a zoning approval that took place around the Roslyn Farms property. He said there were a number of people who wanted to understand the difference between an administrative approval and then a legislative approval and it was very helpful.

Tim Keller reported:
- The Steering Committee for the Rivanna River Corridor Plan Phase One had a meeting and update last week with a presentation. He encouraged Commissioners to go to the Thomas Jefferson District Planning Commission website and look at the Phase 1 report. There were many comments from the various members of the Steering Committee about things that we felt had been discussed that were not necessarily showing up on that draft so the draft is being revised as we speak.

Jennie More reported:
The Crozet CAC met last week. She did not attend but watched the video.

Tim Keller reported:
The Rivanna River Renaissance Conference this Friday beginning at 10:30 a.m. and the Urban Land Institute has been thinking about the Rivanna River also.

Mr. Gast-Bray asked that any Commissioner interested to let staff know so we can pay for your membership so you would be considered as members.

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

**Review of Board of Supervisors Meetings** – September 5, 2018 and September 12, 2018

Mr. Gast-Bray reviewed the actions taken by the Board of Supervisors in September.

The meeting moved to the next item.

**Old Business**

Mr. Keller invited old business.

Mr. Dotson said he would bring up hopefully for the last time the resolution of intent action that the Commission took and just state briefly that the evolution of that was on the resolution that we adopted that indicated that it was to go to the Board of Supervisors with a request that they adopt a resolution of intent. He said our amendment to our bylaws said that should be forwarded to the Clerk and to the Chair of the Board within a week and that only applies to resolutions where we specifically say they need to go to the Board of Supervisors. He said for instance last week Andrew reported that you had forwarded to the Board, no problem in it, but the resolution of intent that we adopted

on fees that we acted on tonight we were not asking the Board to adopt a resolution of intent but just clarify that the only time you need to do that is when our resolution specifically says we are requesting that the Board do something. Mr. Dotson said just a general comment is a resolution is just a form of a communication it is almost like a memo and has recitations, whereas and be it resolved and we can use that for anything. The State Code allows us to as we did for the fees adopt a resolution of intent. He said really what our action all it was trying to do is say when we want it to go to the Board it needs to happen within a week. He said that he wanted to bring that up again to make sure we are all on the same page.

Mr. Gast-Bray said in that context to distinguish because in past it had gone on in the action memo as well but you also want a separate mention of that.

Mr. Dotson replied yes, the action memo happens on all action so this is a specific communication to the Clerk and Chair providing them a copy of the resolution requesting Board action.

Mr. Herrick said to clarify and he would echo what Mr. Dotson said what the nature of a resolution is; a resolution is simply a formal statement of a majority of a body and it can be about any subject matter in particular. He said the State Code does allow both the local governing body and the Planning Commission to initiate rezonings and the specific language of the Rule of Procedures that was adopted was, "The Commission may adopt resolutions to request the Board of Supervisors to adopt resolutions of intent to initiate Comprehensive Plan Amendments, Zoning Map Amendments and Zoning Text Amendments. Upon adoption of such a resolution the secretary shall provide a copy of the resolution . . ." and it goes on from there. He said so upon the adoption of such a resolution refers back to resolutions to request the Board of Supervisors to adopt resolutions of intent to initiate and so forth. He pointed out that he understands Mr. Dotson what you are saying this evening. He noted that the secretary and I inferred about this before sending it out and we are erring on the side of caution but now that you have clarified that, the only resolutions that you would like shared under this provision are resolutions requesting the Board of Supervisors adopt resolutions of intent and he thinks we are clear on that. Mr. Herrick said we certainly could take that in account going forward.

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

**New Business**

Mr. Keller invited new business.

Mr. Dotson said that he assumed Will Cockrill would be with us on October 30 about the Long Range Transportation Plan and read in the TJPDC News Brief of a Pilot Study that TJPDC had completed and shared with the Board, which is a Pilot in Neighborhood 7 of doing a community infrastructure inventory. He said we are all interested in infrastructure and knows in thinking about the CIP it is important and so my thought was if Will is going to be with us anyway why don't we ask him also to share the results of that Pilot Study because it sounds interesting in terms of our planning not just for land use but infrastructure. He asked are the Commissioners in agreement that we would like the staff to ask Will to talk about that since he will be with us on the 30th anyway.

Mr. Bivins asked to add that Siri Russell who is a staff member did a similar kind of infrastructure study in the area that is going north off Georgetown Road and so it may be helpful to hear about that.

Mr. Gast-Bray replied that he thinks you are talking about the same thing because the TJPDC was the actual feet on the ground that did that and Siri then framed it and packaged it.

**Items of Follow Up**

Luis Carrazana, UVA Representative, said Commissioner Bivins had brought some questions in an email about Emmett/Ivy and so he is happy to answer some specific questions or provide the information that he had.

Mr. Keller asked Mr. Carrazana to speak on the topic.

Mr. Carrazana said that he had a couple points of clarification in that the physical plan and landscape framework plan had been approved for Emmett/Ivy and he is hopeful that the Commission has seen that in some format at the MPO and PACTECH. He said there was quite a bit of involvement with the City and he did not know how much there was or was not with the County; however, what is being now moved forward under President's Ryan's guidance is emphasis on a program plan, which to some degree could be equally if not more important primarily in terms of academic program, but there are programs that could have both town and ground implication whether it was art programs or some kind of hospitality hotel or conference. He said there have been conversations around that and so all those program amenities will be talked about at this Steering Committee. He said they will be reaching out to not only broad constituents but also outside the University and as it was stated that both the City and County will be reached out for ideas on this parcel because obviously it is a link to the City and the County. He said that is the intent and Beth Meyer is the Chair and, in fact, he had a conversation with Alice Raucher, University Architect, and if she had any conversation with Beth on how they intend to engage the City, County, and she had not heard. Mr. Carrazana said that they may not have thought about it in a lot of detail or it is opportunities to inform and how that takes place and he would be happy to take some of those recommendations back and anyone could call Beth.

Mr. Keller said the Commission should think about this and respond at our next session.

Mr. Bivins asked for a link to the package so that we have something to inform the discussion.

Mr. Carrazana said that the framework plan was on the website and they could set up a presentation here if that was useful and the information would be made available for Commission access.

Mr. Keller said the Commission would appreciate that information.

Mr. Keller announced:

- There will be no meeting on Tuesday, October 2, 2018.
- The next meeting will be on Tuesday, October 9, 2018 in the Auditorium at 6:00 p.m. Mr. Keller noted that several Commissioners would be absent including Ms. More, Ms. Firehock and possibly himself.

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

**Item for follow-up.**

There being no items for follow-up, the meeting moved to adjournment.

**Adjournment**

There being no further business, the meeting adjourned at 6:58 p.m.

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Andrew Gast-Bray, Secretary

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

| Approved by Planning Commission |
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| Date: 11-20-2018 |
| Initials: sct |