

**Albemarle County Planning Commission  
August 18, 2009**

The Albemarle County Planning Commission held a public hearing and meeting on Tuesday, August 18, 2009, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Don Franco, Linda Porterfield Marcia Joseph, Calvin Morris, Bill Edgerton, Thomas Loach, Vice Chair and Eric Strucko, Chairman. Julia Monteith, AICP, non-voting representative for the University of Virginia, was present.

Other officials present were Rebecca Ragsdale, Senior Planner; David Benish, Chief of Planning; Eryn Brennan, Senior Planner; Wayne Cilimberg, Director of Planning; Elizabeth Moratta, Senior Planner; Glenn Brooks, County Engineer; Ron Higgins, Chief of Zoning; Scott Clark, Senior Planner; Bill Fritz, Director of Current Development and Greg Kamptner, Deputy County Attorney.

**Call to Order and Establish Quorum:**

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

**Other Matters Not Listed on the Agenda from the Public:**

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

**Items Requesting Deferral:**

**SDP-2007-00119 Shelton Property / Verizon Tower**

The request is for approval of a treetop personal wireless service facility with a steel monopole that would be approximately 111 feet tall (10 feet AMSL above the height of the tallest tree within 25 feet), with a 10'-7" high 360 square foot shelter/equipment cabinet that will be contained within a 2,400 square foot lease area. This application is being made in accordance with Section 10.1.22 of the Zoning Ordinance, which allows for Tier II wireless facilities by right in the Rural Areas. The property is 42.79 acres, described as Tax Map 87, Parcel 7E, is located in the Samuel Miller District and is zoned RA, Rural Areas and EC, Entrance Corridor. The Comprehensive Plan designates the property as Rural Area in Rural Area 3. (Gerald Gatobu) ***APPLICANT REQUESTING INDEFINITELY DEFERRAL TO A DATE TO BE DETERMINED***

Mr. Cilimberg noted that the applicant has requested an indefinite deferral.

**Motion:** Mr. Morris moved and Ms. Porterfield seconded to accept the applicant's request for deferral of SDP-2007-119, Shelton Property / Verizon Tower to a date to be determined.

The motion passed by a vote of 7:0.

Mr. Strucko said that SDP-2007-119 is deferred to a date to be determined.

**Deferred Items:**

**ZMA-2005-003 UVA Research Park -North Fork (Sign # 18).** PROPOSAL: The request is to rezone approximately 30.56 acres from RA Rural Area which allows agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots) to PDIP Planned Development Industrial Park, which allows industrial and ancillary commercial and service uses and no residential uses), for 700,000 square feet of office and research use and 534 ± Acres to be rezoned from PDIP to PDIP to amend proffers and application plan associated with ZMA 1995-04. PROFFERS: Yes. EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Industrial Service- warehousing, light industry, heavy

industry, research, office uses, regional scale research, limited production and marketing activities, supporting commercial, lodging and conference facilities, and residential (6.01-34 units/acre). ENTRANCE CORRIDOR: Yes

LOCATION: on the north side of Airport Road (Route 649) approximately one third of a mile from the intersection of Airport Road and Route 29 North in the Community of Hollymead. TAX MAP/PARCEL: Tax Map 32 Parcels 18, 18a, and a portion of 6A requested to be rezoned from RA Rural Areas; Tax Map Parcels 32-18B, 19F, 19F1, 19G, 19H, 19H1, 19H2, 19J, 22B1 and 22B2 rezoned from PDIP to PDIP to amend proffers. MAGISTERIAL DISTRICT: Rio

**AND**

**SP-2008-00015 UVA Research Park (Parking)** PROPOSED: Parking Structure in PDIP Planned Development Industrial Park ZONING CATEGORY/GENERAL USAGE: PDIP - Planned Development Industrial Park - industrial and ancillary commercial and service uses (no residential use). SECTION: 27.2.2(16) Parking Structures.

**AND**

**SP-2008-00062 UVA Research Park-Laboratories, medical, Pharmaceutical** PROPOSED: Allow laboratory uses in association with the UVA Research Park. ZONING CATEGORY/GENERAL USAGE: PDIP - Planned Development Industrial Park - industrial and ancillary commercial and service uses (no residential use). SECTION: 27.2.2(16) Laboratories, medical or pharmaceutical.

**AND**

**SP-2008-00063 UVA Research Park-Supporting Commercial Uses** PROPOSED: Allow supporting commercial uses within the UVA Research Park, not to exceed a total of 110,000 square feet of floor area. ZONING CATEGORY/GENERAL USAGE: PDIP - Planned Development Industrial Park - industrial and ancillary commercial and service uses (no residential use). SECTION: 27.2.2(14) Supporting commercial uses (reference 9.0).

**AND**

**SP-2008-00064 UVA Research Park-Hotels, Motels, Inns** PROPOSED: Allow motel, hotel or conference facilities within the UVA Research Park not to exceed 190,000 square feet of floor area. ZONING CATEGORY/GENERAL USAGE: PDIP - Planned Development Industrial Park - industrial and ancillary commercial and service uses (no residential use). SECTION: 29.2.2(2) Hotels, motels, inns (reference 9.4.2). (Rebecca Ragsdale)

***DEFERRED FROM THE JULY 21, 2009 PLANNING COMMISSION MEETING.***

Ms. Ragsdale presented a PowerPoint presentation and summarized the staff report.

- This is an item that was deferred from May to July and then to the August meeting to allow time for the applicant to address some of the issues that were identified in the staff report. This is a rezoning request that has some concurrent special use permits to add about 30 acres to the existing UVA Research Park and also to amend to what is referred to as "Area D" in the staff report and on their application plan to amend the existing Planned Development Industrial Park area to allow buildings. The Research Park is proposing to add and rezone the Rural Area properties that are in between the existing LI and the already zoned PD-IP to the west of the fire station. Some of the proffers were amended related to "Area D" for this rezoning.
- It is the area where the County fire station is existing along Airport Road and what is now Innovation Drive used to access the fire station site. This is a request for an additional 7,000 square feet in that area to be added to the 3 million square feet that is already permitted in the Research Park. They are at about 500,000 square feet in terms of the existing building within the Research Park. Area D is undeveloped except for the fire station. Part of Area D was shown for open space on the previous plan.
- The Research Park rezoning is primarily consistent with the Places29 rezoning Area D. The majority of the Research Park is designated Office/R&D Flex and Light Industrial, which are all one category in Places29. A portion of it is within in Uptown Area. Area D is recommended in the white dashed line shown on the map for a small area plan. The transportation network is shown as the applicant has provided for in terms of some additional interconnections that were not part of the 1995 original Research Park rezoning.
- The original research park was approved in 1996. There is a lot more detail on Area D because it has to meet the current date Planned Development District requirements. The whole application

plan is included in the packet with the new documents for Area D and the other old ZMA documents.

- With regard to the orientation of the buildings there are some additional features that break up the parking areas and the buildings, which was of concern at the last work session with the Commission in terms of breaking up the mass of the buildings. She reviewed the concept of the arrangement of the buildings along Airport Road and Lewis and Clark. It also provides for preservation of environmental features, which are key since the 2006 work session. Some of the parking is now provided for in a parking garage. What is going to regulate and provide the UVA Research Park flexibility is the general plan, which shows where the building envelopes are, parking areas and then central features of the plan so that the park has flexibility in terms of responding to the tenants. Right now the tenants are not known for the future users. That provides them the flexibility.
- Area D is consistent with the application plan. Area D is allowed general office, LI uses; flex uses, R & D, and supporting commercial and hotel uses. Pretty much all of the uses they are allowed in the park are allowed in Area D. There is no restriction on where those uses go in terms of the gateway district, wetland district or R & D District. The applicant has provided a commitment for buildings A and B located at the corner of Airport Road and Innovation Drive to be a minimum of two stories in height in two buildings. They would have flexibility in the rest of the park to respond to building footprints within those envelopes or provide one-story buildings for LI users if that is desired.
- With the additional 700,000 square feet the applicant also submitted the Transportation Impact Analysis along with this rezoning. The County Engineer is present to speak to any of questions related to the analysis or other environmental, storm water management type questions.
- The existing proffers are summarized in the staff report in terms of what they address. The application plan set the maximum build-out allowed within the park, provisions for storm water and environmental features, transportation improvements, recreation areas, open space and green way, landscaping and buffering, the fire station (already built) and then that the applicant would provide a progress report over three years outlining development activity in the park. The revised set of proffers incorporates the proffers from both the 1994 rezoning for the Research Park and the more recent fire station rezoning. It is now one set of proffers and application plan for all of the Research Park. That is a feature of the new proffers.
- The Design Standards were another proffer from the originals that has been completed and will apply to Area D, which is the Design Code that has been used in the rest of the Research Park. The maximum build-out requested has been updated to reflect the additional 700,000 square feet requested. Transportation improvements will be discussed later. The applicant has provided for an additional playing field that Parks and Rec is interested in. There is a new proffer on the Rural Areas zone site that is proposed to be added to the Research Park. There is a structure that dates 50 years or older. The applicant has provided a proffer to do a Reconnaissance Survey of that property.
- The transportation proffers are provided. The main point is that they are phased by square footage within the park – Phase I, II and III transportation improvements. In Phase I and III improvements the applicant has the option instead of doing the numbered improvements in those phases that they provide a traffic study which demonstrates that the Level of Service as it is written in the proffers now is the Level of Service “D” at key intersections. That is one of the changes staff recommended to be updated since the last time the Commission reviewed the proffers to reflect the Level of Service “C” at those key intersections, but to allow for individual turning movements with some of those to be at the Level of Service “D” as long as the intersection averages to a Level of Service “C”.
- The major improvements would be at the intersection of Lewis and Clark Drive with the provision of Lewis and Clark Drive all the way through from 29 to Airport Road and then a third southbound lane on 29. It would primarily be turn lane and intersection improvements at Lewis and Clark Drive and Innovation Drive, which eventually will be the Lewis and Clark Connector through to Airport Road. When the rezoning was reviewed the Traffic Impact Analysis showed that the overall trip generation was actually less using updated Land Use Codes in the TIA. The applicant has provided for some of the improvements that were requested and came out of VDOT comments and recommendations in the Places29 Plan for future projects anticipated such as the

interconnection to Northside Drive, the provision for right-of-way dedication for any further Dickerson Road improvements, and clarifications to the Route 29 proffers to include that will entail the correction of the vertical curvature on 29. There is updated right-of-way language for any improvements that the applicant is not able to obtain the right-of-way. There are the Level of Service provisions in the proffers as mentioned that have been updated to reflect that it is a Level of Service "D" for the intersection and each turning movement. Again, staff is recommending that to be changed to the Level of Service "C" as an average. The Level of Service "D" allowed for each turning movement.

- The Lewis and Clark Connection has been addressed and provided for in terms of limiting the square footage on Area D to 180,000 square feet unless this connection was made. It is part of the Phase II improvements. So the applicant is not able to build beyond 980,000 square feet, 180,000 of which would be limited in Area D until that interconnection is made.
- With regards to the summary and the factors favorable – Staff found that it is consistent with the Comprehensive Plan in terms of the Industrial Service designation and also the Economic Development Plan. It was providing for those additional interconnections in transportation proffers requested by staff. Staff is recommending approval with the addition of two proffer changes, one of which goes back to the phasing.
- Also in the phasing plan are provisions with each phase that limit the square footage of general office uses, which in proffer 1 staff feels should stay because it is related to how much office can access certain roadways. But that idea was carried forward in Phase II and Phase III in the proffers in terms of allowing a maximum square footage of office, which is pretty close to the total maximum square footage in each phase.
- There was a concern that was brought to staff's attention from Commissioners yesterday that prompted us to revisit this. That is a maximum square footage for just general office, but is not inclusive of the other LI or other R and D uses that they would expect and want to have in the Industrial Service areas. It was also relevant to the recent issue that some of the LI zoned land does not end up actually being true LI uses but goes to office uses. Going back and looking at that proffer it was something carried forward from the 1996 proffers.
- Staff did not see a reason to preserve the maximum build-out for general office in the proffers. So that is a new recommendation coming forward if the Planning Commission recommends approval that the proffers also be modified to eliminate that maximum square footage in Phase II and Phase III of the development as they relate to the transportation proffers. There is also the recommendation that the two proffers related to Phases I and III improvements that reference traffic studies be updated to reflect Level of Service "C" now rather than "D" and then "D" for each individual turning unit.
- There is a request that setbacks be modified, which is permitted in the Planned Development District to reduce the setbacks along Airport Road and Lewis and Clark Drive, which is consistent with the setback reduction that was approved after the '95 rezoning to allow buildings closer to the road.
- The special use permits being requested are those that are permitted in the Research Park currently. Then there is one additional for a parking structure. Staff recommends approval of all of the requests with conditions except for the parking structure there were no additional conditions with that.

Mr. Strucko invited questions for staff.

Mr. Edgerton asked if in the adjusted recommendation staff is recommending to not mandate a maximum build-out. In earlier discussions there were a lot of concerns about building out too much of Area D without the interconnection that would allow two accesses.

Ms. Ragsdale replied no, staff wants to do away with the maximum build-out that is specific to office. So the total square footage would stay the same. It is only the general office limitations staff would recommend to be removed.

Ms. Joseph suggested that it may be that general office is redefined, which might help. If Light Industrial uses, flex, research and development and that stuff is added to the definition of general office she felt it would help.

Ms. Ragsdale noted that staff considered that and thought that would be a simpler approach because that would pretty much cover all of the other uses allowed in the park except supporting commercial and hotel. There is ultimate flexibility in the other uses now. It is just that there is a maximum on general office.

Ms. Joseph suggested that they just have to come up with a name for it.

Ms. Echols noted that it could go either way. The applicant is amendable to it and it was something they could work out. If it is better to add to the general office the other uses that is fine or dropping it. It works about the same either way. If the Commission has a preference, she asked that be expressed to the applicant.

Mr. Edgerton said that Attachment D was the overall concept plan, which shows what the applicant is envisioning. Then the general plan is on the back, which shows what they want the rezoning to be tied to. He was having a little trouble and asked what percentage would be able to be built before they had to make that connection.

Ms. Ragsdale replied that this building represents 700,000 square feet excluding the fire station. It would be all of what is shown. They would be able to building 180,000 square feet before being required to connect.

Ms. Echols noted that represents the same amount that they had in their original rezoning for this particular area. That is how staff arrived at the 180,000 square feet.

Ms. Ragsdale noted that it was generally a couple of buildings in this area.

Ms. Joseph said that it was about one-quarter of the buildings they were allowed to do or 26 percent.

Mr. Edgerton questioned the traffic assessment with what traffic impacts and if there was any linkage to the square footage before the connection was made.

Ms. Ragsdale replied that it was tied back to what they had building rights to as to how that link was made. Glenn Brooks is present to answer question on the traffic analysis.

Mr. Edgerton noted that when things get clogged up on Airport Road it would be good to know when that connection would occur before they reach the build-out that they are allowed. He asked if staff has looked at it that way.

Glenn Brooks, County Engineer, replied that staff had looked at that question a lot, but the answer to the question is no. It is not driven by the traffic.

Mr. Edgerton said from a safety perspective if it gets clogged up and there is only one way in and out that becomes the issue.

Mr. Loach asked if they are proffering that the average for the two intersections be at a Level "C". If it falls to Level "D" does that institute something that would make the connection required at that time.

Mr. Brooks replied not as the proffers are written now.

Mr. Loach asked what would happen if fell to the Level of Service "D".

Mr. Brooks asked which intersections they were talking about.

Mr. Loach noted that staff recommends that the proffers be modified that specify that the Level of Service "C" average for the intersections with 29 is the standard, but the individual could be a "D". Then they go to say an average of Level of Service "C" for the intersection at 29 and Airport Road and 29 and Lewis, which he would assume was both, to maintain an average "C". He asked if the traffic falls to a Level of Service "D" what happens.

Mr. Brooks replied that particular proffer speaks to traffic studies which can be put forth by UREF in place or in lieu of doing the full improvements on 29. So it would fall back to doing the improvements that are in the proffer in that case if they could not prove that the intersections were performing at Level of Service "C". They would not have that option to get out of other road improvements.

Mr. Loach said that it would necessitate them to make that connection or do something within the proffers to get back to a "C" whether it was making the connection or put in road improvements.

Mr. Brooks said that they were not guaranteed to get back to a Level of Service "C". If the traffic on 29 gets so bad that they cannot achieve a Level of Service "C" there is really no help for that.

Mr. Strucko asked what the proffer would do.

Ms. Ragsdale noted what does trigger the road improvements as outlined in the proffers is the building square footage within the park. When they reach 980,000 square feet in Phase I they are suppose to do the road improvements specified in the proffers. There are two places in the proffers where instead of doing the improvements there are a couple of "or" scenario" such as in the third phase that instead of providing the third southbound lane on 29 if the 6 through lanes have already been constructed, then they don't have to satisfy that proffer. Or, if they can demonstrate through these traffic studies that Level of Service "C" or "D" is being maintained, then they don't have to do the improvements. But those are the only two places they would bring forth a traffic study. There won't be traffic studies that trigger any of these improvements. It is the building square footage. It is just the option that they have to get to not doing the improvements that the traffic studies become relevant.

Mr. Strucko pointed out that he did not understand that.

Mr. Loach asked whose responsibility is it to monitor the level of service. How often will it be done in order to gauge the impact of this development.

Mr. Brooks replied that it was VDOT's responsibility. These will be public roads. How often it is done he was not sure. He thought that VDOT has a program to assess its existing signals. But they take the opportunity with rezonings to have the applicant do it especially with a triggering mechanism like this where they are deciding if the improvement is needed or not.

Ms. Ragsdale noted that this particular proffer with regard to the traffic study was carried forward from the '96 proffers. They have been sort of retrofitting it. VDOT's regulations have changed and they are no longer using the Level of Service. That is what some of the emails of today from Chuck Proctor were about. With the 527 regulations they are looking at changing delay. That is some additional information to consider. They recommended the change to "C" because that is the expected Level of Service from the federal regulations with any VDOT project for 29. Right now the intersections on 29 are not "C". They received information from Mr. Proctor that 29 and Airport Road is at "F" now. So there is not the constant monitoring that they were asking about.

Mr. Brooks pointed out that it was not the entire intersection. He was saying that some of the movements are at "F". It is a big difference.

Mr. Cilimberg noted that a way to look at this is that by the proffers that have been carried forward from the first rezoning they were obligated to undertake certain road improvements at a maximum amount of square footage. Up to that point every road in the area could be at "F" and they aren't required to do anything. It is at that point that they get 980,000 and 1,568,000 and 3,700,000 that they would then be

required to do certain road improvements. But their out was to submit a traffic study that said that their level of service was not deteriorating. Well if it is already at "F" or "D" it won't matter, they will have to do it. The trigger from which these proffers are being carried forward is hitting a certain square footage level. The conditions that exist below that won't have any bearing on what they can build. That has been the way these proffers were initially established. The one difference now is that they would proffer the square footage in this new area to be no more than 180,000 before they build Lewis and Clark Drive through. Once they get beyond 180,000 in the new area it does not matter what the conditions are anywhere else they have to build Lewis and Clark through.

Mr. Loach noted essentially they are asking that a rezoning be approved on a road that already is at times in places failing. Essentially there is nothing in this plan or in the proffers that would essentially alleviate that or even kick in a study to find out more about how they were failing until there was 180,000 square feet.

Mr. Cilimberg said basically that is correct based on the existing proffers.

Mr. Brooks noted that was not entirely correct since the traffic study did try to make a connection and propose improvements to address impacts. That is where they get the road improvements. So the impacts that they are directly connected to they have proposed road improvements to alleviate.

Mr. Loach asked in light of the situation as it stands to wait until there is 180,000 square feet of additional building and traffic before they look again to see if the road should be improved.

Mr. Brooks pointed out that it was if the road, Lewis and Clark Drive, should be connected.

Mr. Loach said that whatever has to be done to improve the level of service for the people who drive on that road now.

Mr. Brooks replied yes, that was looked at and 180,000 square feet is conservative to keep within acceptable levels of service. One of the assumptions he might be making is if they make the connection of Lewis and Clark Drive, things will improve. It is not necessarily true for all movements. They will have through traffic that will probably make things worse on Airport road as opposed to the high volume road, Route 29, where things may improve.

Ms. Echols noted that one thing to remember is that with that connection they are getting the parallel road system. Mr. Brooks is correct that there may be impacts to Airport Road.

Mr. Brooks pointed out that the connection itself has more value than just improving traffic. It made more sense to tie it to building square footage since it a lot simpler.

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

Fred Missel, Director of Design and Development with the UVA Foundation, said they have taken looking at some of staff's comments over the last month and have responded as follows.

- They have fortunately been able to accommodate those comments in the responses found on page 15. He would like to answer the questions raised and address the issue of the level of service at "C" just to make them aware that is recent information from VDOT. They have spent some time during the past several days studying the implications of that.
- They were confused somewhat by VDOT's recommendation. VDOT is actually recommending that the level service of "C" be replacing the level of service "D". As you may know the level of service "C" is more of a rural area designation. On VDOT's current maps they actually designated this area as an urban collector designation. The designation to go to "C" would move them back towards a rural designation. The designation of "D" was actually set back in 1996, which was almost 14 years ago when it was much more rural. VDOT has acknowledged that they will move towards a different standard with which to test our TIA's in the future. After reviewing the likely outcome of movement to a level of service of "C" they are amendable to changing that in their

proffers, but do remain a little confused as to why that is being changed to more of a rural designation.

- That said he would be happy to address questions relating to the phasing. He thought staff did a good job of helping to clarify that, but he would like to add a little clarification. First, as mentioned the totals within each of the phases I, II and III does not change. Those are the same as existed in the original 1995/1996 proffers. Interestingly when they reviewed the original traffic study and reran numbers the outcome of their study was remarkably the same as the first study. That showed that the background traffic that was assumed in the first study was close to what has actually happened.
- As mentioned by Mr. Cilimberg the phasing triggers the road improvements. So as they would move forward with a desire to increase their development into phase II, as an example, they would be the ones that would initiate the traffic study that would test those intersections. He wanted to make that clear since there was a question as to who would initiate that. There are many contributing factors to the potential levels of service at an intersection. They were very careful to align further requests to the County. The future Lewis and Clark Drive, which now exists as Innovation Drive that brings them to the fire station, they actually realigned that to accommodate the future interconnection through Hollymead Town Center.
- Regarding the question regarding R & D and Commercial Office and the balance on how that will play out, he pointed out that it was not intended with this rezoning to change the total mix of Commercial Office, Flex and Light Industrial. What they were told by VDOT through the process of completing a TIA is that based on the mix of uses that is currently out there, which is representative of where it may go, they gave them a designation for which to study the traffic. They used that designation to arrive at their counts and volumes.

Ms. Joseph noted that she was sensitive to the document that calls out general office mainly because this Commission has been talking about the fact that they have a lot of Light Industrial space that goes to just office uses instead of the industrial uses. She was concerned when she read that in the general document because she wanted other things other than just an office park such as some experimentation.

Mr. Missel said the bottom line is to represent the University adequately and the mission of the University. They want to maintain as much flexibility within that allowable category as they can.

Ms. Joseph pointed out she was not suggesting that they put down certain percentage in each of these for those particular uses. She suggested that there may be a way to look at how the proffers are presented or even the document itself. She recognized the act that they have a Land Use Matrix that says that these different uses can occur in different areas. She was just super sensitive to that general office comment. If there is some way to fix it that would be great.

Mr. Missel noted that one way was to call it other approved uses or something like that so that the a total is done at each phase

Ms. Joseph said that the implication is that they are going to use it for other things. She asked if they have spoke to their neighbors about connecting, etc.

Mr. Missel replied that they have not. The County has discussed interconnecting streets with the adjoining property owner. There is currently a discrepancy in where those two line up. What they had discovered through their study was the connection to the adjacent parcel as currently shown is actually connecting where there is a wetland. In their study they decided that it would be more environmentally sensitive to move that connection down. What they understood from staff was that would be adjusted to align.

Ms. Joseph asked if it would be done if and when a site plan comes in on the other property.

Ms. Ragsdale agreed.

Mr. Missel said that they are here seeking approval in order to move the request forward.

Mr. Edgerton asked for clarification on how that interconnection is going to be made. The property to the west belongs to Mr. Wood. He asked if Mr. Wood is aware of the proposed location of the connection.

Ms. Ragsdale replied that what has been platted to the west is an interconnection as Mr. Missel said that goes into the environmental features. It is platted here, but staff is now suggesting that the more appropriate location for that interconnection is further down. So when this property comes in for a subdivision or site plan staff would have to work with Mr. Wood to provide for that interconnection. But right now the one that he has approved that is called Gold Leaf Trust, which the Commission reviewed some time back, goes into these environmental features that are now shown for protection in the Research Park.

Mr. Edgerton said that they have no assurances that he will go along with this suggestion.

Ms. Ragsdale referred the question to Mr. Fritz.

Mr. Fritz noted that was part of a waiver request. The location is pretty specific. Staff could work with him to try to do it, but staff's ability to require him to relocate is going to be pretty limited. That connection may never be able to be done.

Mr. Edgerton noted that connection may never be done especially if they approve this rezoning based on preserving these wetlands.

Ms. Joseph noted that in the staff report staff has provided a list of all of the businesses in the Park. It looks like there are 19 to 20 businesses. Staff gave the build out number of 491,000 square feet.

Mr. Missel replied that number sounds within the ballpark.

Ms. Joseph noted that she wanted to get an idea where they were in the process of building out the Park.

Mr. Missel noted that there was currently one outstanding site plan that they have not build upon. It is one parcel in Town Center IV. In addition, the 491,000 captures the total that they have in place today. It is a mix of Light Industrial, Office and Research and Development.

Mr. Loach questioned if the two buildings mentioned on the plan already exist.

Ms. Ragsdale pointed out that there was a note on the plan that specifies that there will be two buildings, a minimum of two-stories, when they come in for the site plan for those.

Mr. Loach asked when they expect these two buildings to start.

Mr. Missel replied that they don't know at this point. They have applied for two site plans within the past two years and Town Center III has been built.

Mr. Strucko invited other public comment. There being none, he closed the public hearing to bring the matter before the Commission.

Ms. Joseph said that staff and the applicant have worked together and put something together that makes a lot of sense at this point in time. She would love to push forward and be very forceful and build a connecting road, but at this point it is warranted to wait until they get more development to occur.

Mr. Morris agreed. He complimented the staff on an extremely good staff report.

Ms. Porterfield suggested that the minutes should indicate that the businesses that will locate in this park have to have some attachment to the University of Virginia so the park does not necessarily solve the

problem that they have had with other entities that want to locate in Albemarle County that are not connected with UVA and are looking for Light Industrial property.

Ms. Joseph disagreed with saying that the only thing that can go in there is University property.

Ms. Porterfield asked the applicant if the tenant had to have some connection with the University of Virginia to be able to locate there.

Tim Rose, CEO of the UVA Foundation, replied that the mission of the Research Park is to serve the University of Virginia. As part of their current process any tenant in the Park is to have a relationship with the University. Having said that he pointed out that there are support facilities in there that may not look like they relate to the University. The UVA Foundation is a 501C3 corporation and this project is not a profit-making entity. It is to serve the University's needs.

Mr. Loach noted that he had some misgivings related to the transportation. One of the reasons he asked when they expect the building to begin was if it was something that he thought would bring in jobs then it would have lead him more to support it. When he hears that they already have levels of failure on that road and he could not see this proposal making anything better it gives him some misgivings since they have no transportation money. With that said, he did see in the proffers that they are going from a level of service "D" to "C" which offsets his objections. He was uncomfortable with what was said that they could sell the property, but that probably won't happen.

Ms. Joseph noted that the property could be sold in the future.

Mr. Rose replied that they have not proffered, for example, that every business in there has to have a relationship with the University. But, for their IRS status they have to adhere to their stated mission of why the Research Park is there.

Mr. Strucko invited other comments.

Mr. Loach noted that he had some misgivings that have to do with the transportation. One of the reasons he asked when they expect the building to begin was if it was something that he thought in this economy that was going to bring in jobs, then it would have lead him more to support it. But when he hears that they already have levels of failure on that road already and he could not see this proposal making anything better that given they have no transportation money it gives him some misgivings. With that said, he did see in the proffers that they are going from a level of service "D" to "C", which offsets his objections. He was uncomfortable about the whole thing in light of the present transportation situation in the County.

Mr. Strucko noted that his understanding was that the 180,000 square foot trigger stays within the current road capacities. Whatever metrics they use to calculate it is the additional square footage beyond that in the study's best estimate would warrant what would create a burden that would take the traffic impact beyond its current level. He asked staff is that was correct.

Ms. Ragsdale replied that the trigger is still 980,000, but the amount that can be built in Area D is limited to 180,000. But, the 180,000 in Area D will not by itself trigger the interconnection.

Ms. Echols noted that there was one point of clarification and that is she did not believe the applicant is willing to proffer the Level of Service "C". She asked if that is correct.

Mr. Missel replied that they are willing to comply with the Level of Service "C" as it is written in the staff report.

Mr. Strucko echoed what Ms. Joseph said that it was a fairly complex proposal that was well organized in the report. He thanked staff for the good report. At this point it seems that there is a general agreement with this proposal.

Mr. Kamptner noted that the motion for approval of the rezoning was subject to the attached proffers with the additional changes made to proffer 5.

**Motion on ZMA-2005-003:**

**Motion:** Mr. Morris moved and Ms. Porterfield seconded to recommend approval of ZMA-2005-003 UVA Research Park - North Fork with the attached proffers with additional changes.

- Proffers 5.4.A and 5.4.C(3) modified to specify that LOS C average for the intersections with Route 29 in those proffers is the standard and that the individual movements may be LOS D, as long as the average is LOS C at that intersections with Route 29.
- Proffer 5.3 Phases of Development-Modify or delete Maximum total build-out for General Office in Phase II and Phase III to be inclusive of all other approved uses

The motion passed by a vote of 7:0.

**SP-2008-0015-Parking Structure- *APPROVAL with no conditions***

- Staff recommends approval of SP2008-0015-Parking Structure with no conditions of approval.

**Motion on SP-2008-00015:**

**Motion:** Mr. Morris moved and Ms. Porterfield seconded to recommend approval of SP-2008-00015 UVA Research Park - North Fork concurrent with ZMA-2005-003.

The motion passed by a vote of 7:0.

**Motion on SP-200800062-Laboratories, medical or pharmaceutical:**

**Motion:** Mr. Morris moved and Ms. Porterfield seconded to recommend approval of SP-2008-00062 UVA Research Park - North Fork concurrent with ZMA-2005-003 with conditions.

1. Laboratories shall be subject to Section 4.14 Performance Standards of the ordinance and a Certified Engineers Report is required pursuant to Section 4.14.8 of the Zoning Ordinance.
2. Laboratory buildings shall not be less than 30 (thirty) feet from the perimeter buffer areas to adjoining properties not located within the development, unless modified by the Director of Planning.

The motion passed by a vote of 7:0.

**Motion on SP-200800063-Supporting Commercial Uses:**

**Motion:** Mr. Morris moved and Ms. Porterfield seconded to recommend approval of SP-2008-00063 UVA Research Park - North Fork concurrent with ZMA-2005-003 subject to the condition recommended by staff.

1. In addition to proffered limitation not to exceed five (5%) percent of total floor area, commercial uses shall not exceed ten (10%) percent of total floor area at any time during phased development.

The motion passed by a vote of 7:0.

**Motion on SP-200800064-Hotels, Motels, Inns:**

**Motion:** Mr. Morris moved and Ms. Porterfield seconded to recommend approval of SP-2008-00064 UVA Research Park - North Fork concurrent with ZMA-2005-003 subject to the recommended conditions.

1. Not more than one hotel, motel, or inn shall be permitted. Such hotel, motel, or inn shall not exceed two hundred fifty (250) lodging rooms.
2. Conference facilities (other than those as may be provided by individual occupants) shall not be required to locate internal to nor on the same site as the hotel/motel/inn, but total gross floor area of lodging and conference facilities shall not exceed 190,000 square feet.

The motion passed by a vote of 7:0.

**Motion on Modification to Setbacks:**

**Motion:** Mr. Morris moved and Ms. Porterfield seconded for approval of the setback modification to Section 26.6 to allow a setback reduction to allow for buildings, including those exceeding 35 feet in height, to be reduced from 50 feet to 10 feet along public roads, including Airport Road and Lewis and Clark Drive.

The motion passed by a vote of 7:0.

Mr. Strucko said that the ZMA and four special use permits for UVA Research Park would go to the Board of Supervisors at a date to be determined with a recommendation for approval. The modification to the setbacks was approved by the Planning Commission.

**Regular Items:**

**SDP-2009-00004 Elledge Property (AT&T CV313) Preliminary**

The request is for approval of a treetop personal wireless service facility with a steel monopole that would be approximately 103' 2" tall (7 feet above the height of the reference tree), within a 20 x 30 foot lease area. This application is being made in accordance with section 10.2.1(22) of the Zoning Ordinance, which allows for Tier II wireless facilities by right in the Rural Areas. This application includes a request to modify Section 4.2.3.2 to allow activity on critical slopes. The site is located at 415 Key West Drive [State Route 1445] approximately 2,600 feet from its intersection with Northwest Lane [State Route 1447]. The property, described as Tax Map 62B1 Parcel E-11, is 3.4+/- acres in size, is located in the Rivanna magisterial district and is zoned RA, Rural Areas. The Comprehensive Plan designates the property as Rural Area in Rural Area 2. (Elizabeth Marotta)

Ms. Marotta presented a PowerPoint presentation and summarized the staff report.

- The proposal is to allow a Tier II treetop personal wireless service facility at 7' above the reference tree and a critical slopes waiver is required. This application is unusual in that it has two parts. There is a critical slopes waiver that proposes a 408 square foot disturbance. In addition there is a Tier II wireless facility request for a 103' 2" tower that is 7' above the reference tree.
- Staff has concluded that the visibility is minimal and the applicant has mitigated any potential impacts to adjacent property owners. In 2004, the Board appointed a bio-diversity work group that presented a report to the Board of sites to protect. This report specifically identified the bluffs at Key West as important habitats for bio-diversity. She noted that the map shown in the report identifies this area.
- Staff has reviewed the critical slopes request and the Tier II application against applicable Codes. While the Tier II application meets all of the technical requirements, the critical slopes waiver is required. While the critical slopes waiver also meets the technical requirements set forth in the ordinance, staff found both favorable and unfavorable factors including the bio-diversity work group's identification of this area as important to native plant habitats.
- Therefore, staff recommends denial of the critical slopes waiver request and denial of the Tier II application. Should the Planning Commission approve the critical slopes waiver, staff would support approval of the Tier II application.

Mr. Strucko invited questions.

Mr. Fritz noted that this is the first case staff was able to find where they have included any reference to the work of the bio-diversity work group. Typically staff uses the open space plan as their primary tool in evaluating modifications for critical slopes. It is not staff's only tool, but is their primary tool. In this case staff identified the bio-diversity work group. When staff has cases where there is new data that they have not used before they tend to be very conservative. This is around 450 square feet, which is relatively a small area. The Planning Commission has approved many waivers associated with critical slopes for wireless facilities before and staff has cited that as a favorable factor. Staff recommended denial of the critical slopes waiver.

Mr. Morris asked what action was taken by the Board of Supervisors on that study and when was it done.

Mr. Kamptner noted that it was accepted by the Board in November, 2004. Staff presented a presentation to the Board in March, 2005 and explained how the report and the National Heritage Committee would function.

Mr. Fritz said that it is not an adopted policy and not part of the Comprehensive Plan nor amended to the open space plan. It was just additional information that they have.

Mr. Loach pointed out that the Commission has approved a number of towers. He asked if there has been any measureable negative impact on bio-diversity from the prior sites that have been reviewed and approved.

Mr. Fritz replied that he could not answer the question regarding using the measures of the bio-diversity work group. For the sites that have been developed he was not aware of any adverse impacts that have been created by the disturbance of critical slopes.

Ms. Joseph noted that it looked like there were about 19 lots that were within this important site area. She asked what would stop any of the owners of the other 18 lots from destroying the habitat.

Mr. Fritz replied that there were no ordinance provisions that would prohibit them from tree cutting because it is zoned Rural Area. Therefore, the property owners could do tree cutting and disturb the area. The disturbance of the critical slopes would be prohibited for any activities involving a building permit. For example, if they wanted to put a shed on critical slopes they would not be able to do that without getting a modification. But, they wanted could timber because it is zoned Rural Area. Those types of by-right uses would be allowed.

Ms. Joseph asked Mr. Kamptner if there is any mechanism within the waiver request that could require this parcel to stay intact aside from the disturbance they are proposing within the important site area.

Mr. Kamptner replied yes, the Commission could impose a condition to protect the remaining portion of the property as a condition of the critical slopes waiver.

There being no further questions, Mr. Strucko opened the public hearing and invited the applicant to address the Commission.

Valerie Long, representative for the applicant AT&T, explained the proposal in a PowerPoint presentation. According to staff they are saying that they do meet all of the requirements of the Wireless Ordinance. She asked that the Planning Commission approve the critical slopes request. There are several favorable factors that need to be taken into consideration for both issues, as follows:

- They are using an existing clearing in a densely wooded area for the pole and ground equipment. There are two small understory trees to be removed, which are not trees that would be relied upon for screening.
- They are using a metal platform instead of a concrete pad to avoid disturbance around the platform where there are critical slopes.

- There is minimal visibility from adjacent parcels, which will be further reduced with the addition of the proposed landscaping at least at the ground level of the equipment.
- They are using the existing driveway for the vast majority of the access road since it is a relatively short extension to reach the lease area.
- Two notes are on the plans committing to not using blasting or any other explosive devices for the construction of the facility. This was an issue brought to their attention by Mr. Morris and several adjoining neighbors early in the process due to the rock located in this area.
- Critical slope waiver – Two-thirds or about 60 percent of Ms. Ell edge's lot is critical slopes. They worked hard to find the appropriate location. It is a very small critical slopes disturbance of 408 square feet, as noted on a GIS map with the critical slopes located right on the edge, which includes the bend in the access road, of about 109 square feet, and the area around the platform of about 299 square feet.
- The technical performance standards require the applicant to demonstrate that the proposed disturbance will not lead to adverse impacts. The reason the ordinance discourages critical slope disturbances is that sometimes it results in adverse impact, which includes: large-scale movement of soil and rock, excessive storm water runoff, siltation, and loss of aesthetic resources. The staff report addresses each of those criteria individually and concludes that none of the adverse impacts that are the basis for the critical slopes regulations will result with this application. For instance, there is no loss of aesthetic resources because these critical slopes are not on the Open Space Plan maps. It says that there will not be any excessive storm water runoff. Because the rest of the area will be maintained and vegetated that the runoff will be quickly absorbed. That entire criterion was addressed by staff and the County engineering staff. They say that none of the adverse impacts associated with the disturbance of the critical slopes will occur; thus they have satisfied the technical performance standards which is part one of the test.
- Part 2 of the test, which is the finding section, says that the waiver can be granted if they make four findings plus one more from the group. They have to be able to demonstrate that the waiver will not be detrimental to the public health, safety or welfare; detrimental to the orderly development of the area; detrimental to adjacent properties; or contrary to sound engineering practices. The staff report comes to the conclusion that all four of those criteria are met. They certainly agree with that and provided staff with written comments for the record addressing each of them.
- In addition they have to satisfy at least one of the four requirements. They contend that they satisfy all four criteria even though only one is required. The most obvious is #2 that states alternatives proposed by the developer would satisfy the intent and purposes of Section 4.2 to at least an equivalent degree. The purpose of Section 4.2 says don't create any of those adverse impacts. The staff report and the technical experts have said those technical impacts because of the proposal the measures used on the plan will not occur. Therefore, they are not going to create the adverse impacts, and thus have provided alternatives that will satisfy the goals and purposes of that ordinance at least to an equivalent degree.
- In addition, condition #4 has been met. With regard to the tree clearing issue, Mr. Kamptner clarified in the RA zoning district there are no requirements on the property owner for tree clearing. If they grind the stumps, Mr. Fritz has advised that does constitute disturbance which requires a critical slopes waiver. Technically Ms. Elledge could cut the trees on her property as long as she did not grind the stumps to trigger the need for a critical slopes waiver.
- However, if the Planning Commission grants the waiver and thus the Wireless application, the existing provisions of the Wireless Ordinance require that no trees except those shown on the plan within 100' of the facility can be removed except with the County's permission. At a minimum that will provide a 100' radius around the facility of trees that cannot be cleared. That will reach all the way to the Clem property on the south side and about one-half of the way to the other side of the property. There was discussion about perhaps adding additional conditions to preserve the rest of the area. They would be comfortable with that. She asked that the Planning Commission approve the request.

Mr. Strucko invited public comment.

The following members of the public voiced opposition to the proposal and asked the Planning Commission to deny the request:

Kent St. Clair, resident of 417 Key West Drive, noted that he was representing 11 persons that live adjacent to the proposed site.

- He asked all persons from Key West to stand who had signed written oppositions to going forward with this. He distributed a packet of information containing several letters, which included a letter from Mr. R. Michael Erwin, Chairman of the Natural Heritage Committee. The letter recommended denial of the waiver by AT&T on this site because this area is one of the highly sensitive areas identified by the County's Biodiversity Work Group several years ago and one that should be strictly protected.
- If this goes forward, he questioned if it was permissible for a homeowner that already has a home on this site along with their agent, AT&T to make this application.
- He questioned the statement that only a portion of the area was in critical slopes. In the contours of 415 Key West Drive submitted in his packet it indicates that the entire lease area is all within the critical slopes. He felt that the disturbance amount was not accurate because of the proposed fences, paving and grading. There has not been a study by staff of the impacts on the neighbors in allowing the cell tower.
- Finally, the last four pages relate to the financial detriment or major negative impact in regards to appraisals to the neighboring properties. There is a financial detriment that has not been considered. He asked that the request be denied.
- (See Attachments –
  - Letter dated August 14, 2009 addressed to Albemarle County Planning Commission from R. Michael Erwin, Chairman, Natural Heritage Committee
  - Letter dated August 16, 2009 addressed to Albemarle County Planning Commission from Ruth A. Douglas, botanist and Key West resident.
  - Letter dated August 15, 2009 To Whom It May Concern from Tom Dierauf.
  - Comments in official file for this application by Scott Clark, Senior Planner and GIS Contour Map prepared June, 2007
  - Letter dated August 14, 2009 to Mr. and Mrs. James Ewing from William W. Bailey, Associate Broker regarding the negative visual impact of cell towers
  - Homeowner Declarations from seven property owners regarding reduction of property value
  - Appraisal of property – 417 Key West Drive – Mr. Kent Sinclair by Betsy T. Critzer, Certified Appraiser
  - Appraisal of property – 413 Key West Drive – Mr. John Clem by Betsy T. Critzer, Certified Appraiser

Rich Gregory, adjoining property owner, spoke in opposition to the request due to the potential runoff problems, financial detriment and loss of aesthetics in the neighborhood.

Amelia Goldsmith, a Key West resident, expressed serious concern about the health risks of living in close proximity to a cell phone tower. She grew up with a mom with breast cancer.

Maria Olson, mother of Ms. Goldsmith, noted that there is a definite risk to their financial welfare and a safety risk. She asked for consideration of the potential health effects from the cell tower. She was concerned about the decrease in their appraisal due to the cell tower's visibility from their homes. She felt the tower could not be screened adequately. If allowed, this cell tower would set a dangerous precedent. She asked the Commission to deny this request for the neighborhood, children and County.

Dave Clem, adjacent property owner for ten years, voiced opposition to the request. He agreed with Mr. St. Clair that there would be visibility problems and impacts on their property value.

Neil Williamson, with The Free Enterprise Forum, noted that they did not take a position on this issue. But, they have a position on the process. They have been critical of the bio-diversity work group over the

past five years. The work product being referenced here has not been peer reviewed and received public review. It should be set forth in the ordinance first.

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

A discussion was held with the Planning Commission, staff and the applicant's representatives on the proposal.

Mr. Edgerton moved for denial of the critical slopes waiver request for SDP-2009-0004, Elledge Property (AT&T CV 313) Preliminary based on the staff report.

Mr. Loach seconded the motion.

Ms. Porterfield noted that staff's recommendation is not based on County policy.

Mr. Edgerton pointed out that they have evidence in front of them that this application will have a detrimental effect to adjacent owners. Therefore, he felt the Commission has the right to deny the critical slopes waiver based on the bio-diversity work group's recommendations. He felt that Mr. Williamson's comments were appropriate. If the bio-diversity group's report is not part of the planning process he felt that it should be. This decision could be appealed to the Board of Supervisors.

Mr. Morris noted from the beginning he agreed with staff because it was supported by the balloon test. However, after looking at the impacts he agreed with the neighbors. He had not seen this type of information before Mr. St. Clair's presentation on the diminished property values.

Mr. Franco noted that there had been some concerns expressed about the appraisals. He noted that it was typical in the real estate business to have more than one appraisal. He thought that it was unfair to base it on just one appraisal. If they are going to use this report in the future for some of their decision making he felt that it would be helpful if staff would also ask them what kind of mitigation measures might have been appropriate in this case.

Ms. Joseph asked Ms. Long if she would be interested in deferring this item and get some appraisals and come back.

Ms. Long noted that this appraiser was working for the land owners. She agreed to defer the request to the next available meeting to allow for proper public notice. She noted that it sounds like the opinions as adverse was based on one appraisal and has not been reviewed. Regardless, it is being used to oppose the tower and not to oppose the critical slopes waiver. She did not think it be legally appropriate as Mr. Kamptner had described it. They will engage in the review of the appraisals referred to or get an appraiser to do it.

Mr. Franco requested an amendment after the presentation of this information to staff to bring some kind of official contact from The Natural Heritage Committee about potential mitigation measures that would be appropriate for this particular impact.

Ms. Porterfield requested that the actual map line showing the critical slope area be more definite.

Mr. Kamptner noted that there was a motion and a second. If the maker of the motion and second could consent to withdraw those motions in order to get the motions off the floor, then they could move on.

Mr. Edgerton withdrew his motion since the applicant has requested a deferral.

Mr. Loach withdrew his second to the motion for denial.

**Motion:** Mr. Morris moved and Ms. Joseph seconded to accept the applicant's request for deferral of

SDP-2009-00004 Elledge Property (AT&T) Preliminary to the next available date based on the applicant's submittal with the following condition.

1. Staff to provide information from The Natural Heritage Committee about potential mitigation measures that would be appropriate for this particular impact.

The motion passed by a vote of 7:0.

Mr. Strucko said that SDP-2009-00004 Elledge Property (AT&T) was deferred to the next available meeting based on the applicant's submittal.

**The Planning Commission took a break at 8:42 p.m. and the meeting reconvened at 8:53 p.m.**

**Public Hearing Items:**

**CCP North Fork Pump Station/Sewer Line Compliance w/ Comp Plan Review**

Review for compliance with the Comprehensive Plan for a proposal to construct two pump stations and sewer line (force main) to replace the Camelot Sewer Treatment Plant. (David Benish)

David Benish presented a PowerPoint presentation and summarized the staff report.

Staff has identified the following positive aspects of this proposal consistency with the Comprehensive Plan:

- Improvements are needed to replace the Camelot WWTP which is at capacity and cannot be practically upgraded.
- Replacement of the Camelot WWTP is recommended in the Comprehensive Plan.
- The properties impacted are within the designated Development Area, along US 29 where urban scale improvements and redevelopment of the frontage of US 29 is anticipated.
- The ARB has reviewed the proposal regional pump station and approved the proposal, with conditions addressing the landscaping of the site and building.

Staff has identified the following unfavorable aspects of this proposal as it relates to its consistency with the Comprehensive Plan:

- Some of the improvements are located along the frontage of the US 29, a designated Entrance Corridor. However, the impacts will not be significant or will be mitigated through site design and landscaping efforts.

Staff opinion is that general location, character and extent of the proposed public facility (two pump station and sewer line) is in substantial in accord with the adopted Comprehensive Plan.

**Recommendation:**

Staff recommends that the Planning Commission find the North Fork Regional Pump Station Project, including the location of two new pump station and the general location of the sewer line as shown on the project location map and plan (Attachments A and B of the staff report), is in compliance with the Comprehensive Plan, provided the conditions of the ARB are met.

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

Representatives from the Albemarle County Service Authority, Gary Fern, Director and Tom Garrison, Engineer were present.

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

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

**Motion:** Ms. Porterfield moved and Mr. Morris seconded that the Planning Commission finds that the North Fork Regional Pump Station project as proposed to be consistent with the Comprehensive Plan.

The motion passed by a vote of 7:0.

Mr. Cilimberg noted that the Board of Supervisors is not required to take an action on the determination and will just receive a report.

**SP-2008-00009 Animal Wellness Center**

PROPOSED: Veterinary Clinic for small animals. ZONING CATEGORY/GENERAL USAGE: DCD Downtown Crozet District-variety of commercial uses including office, retail, service, and civic uses; residential uses if mixed use (up to 36 units/acre); light industrial uses by special use permit. SECTION: 20B.2.E.17 Veterinary offices and animal hospitals. Veterinary office and hospital; 5.1.11 Commercial Kennel, Veterinary Service, Office Or Hospital, Animal. Hospital, Animal Shelter. COMPREHENSIVE PLAN LAND USE/DENSITY: Community of Crozet, CT5 Neighborhood Center in the Crozet Master Plan which allows for a mix of uses and residential types at net densities of up to 12 units per acre; up to 18 units per acre if in a mixed use setting and CT 1 Development Area Preserve. ENTRANCE CORRIDOR: Yes. LOCATION: 1100 Crozet Avenue/Route 240, approx. 400 feet south of the intersection of Jarmans Gap Road and Crozet Avenue. TAX MAP/PARCEL: 056A2-01-00-00700. MAGISTERIAL DISTRICT: White Hall (Rebecca Ragsdale)

Ms. Ragsdale presented a PowerPoint presentation and summarized the staff report.

This is a request in Downtown Crozet for a veterinary clinic on a site that was rezoned to Downtown Crozet District. There is some existing vegetation along Route 240. The existing building proposed to be used for the reuse of the vet is setback from the road. There is an existing driveway.

Staff found that this use was consistent with the CT-5 Urban Center Designation in Downtown. Powell Creek and storm water easements are located to the rear of the property.

The entrance will be relocated to meet safety and sight distance requirements for VDOT. There will be some parking for the vet use, which is required to be relegated. There are provision the Commission to waive or modify that requirement. In this case because of the existing building and features on the site staff supports that modification.

There is another modification that goes along with this special use permit under Section 5.0 Supplemental Regulations for Veterinary Uses in the Zoning Ordinance. Because of the proximity of the existing building to the residential zoned property line there is a modification to the setback requirement that is requested. The applicant provided a sound test that demonstrates that the sound proofing requirements in the ordinance can be met. Staff supports that request.

This property is located in the Entrance Corridor. The Design Planner has reviewed it for impacts to the Entrance Corridor. This property is also located in the potential Crozet Historic District. Based on that perspective it was preferable not to provide the new entrance and disturb it, but that was necessary for VDOT approval and access to the site. So there are recommendations for mitigating those impacts with a landscaping plan. The applicant will have to meet the site plan requirements and landscaping requirements of the Architectural Review Board.

In summary, staff found that this was consistent with the Crozet Master Plan and Land Use Plan and was a business that would be a new business in Downtown Crozet supporting the goal for Downtown as the commercial center in Crozet. There would be no detrimental impacts to adjoining property owners.

Staff did not find any unfavorable factors and recommended approval of the special use permit SP-2008-00009 Animal Wellness Center with the conditions outlined in the staff report along with the approval of

the two modifications with regard to Section 5.0 and allowing the alternative parking location provided that landscaping screening requirements are met.

Mr. Strucko invited questions for staff. He asked if staff received comments from the adjacent property owners.

Ms. Ragsdale replied that she had not.

Mr. Cilimberg noted that the adjacent owner letter was sent to all adjoining property owners.

Mr. Loach asked if the easements been worked out for the storm water project. He noted that the staff report said that the county has not begun discussions with the applicant regarding the future greenways as an emphasis and focus on working with the county storm water project. He asked what the status of the easements is.

Ms. Ragsdale replied that the county does not have signed easements regarding the storm water project. But the project managers have been in discussion and going over the design of the project so that it met the property owners concerns. Those easements would be for the drainage channel that runs along the northern property line and then the drainage channel in back for channel improvements to the adjoining what will hopefully be the county owned property for the storm water project. So the easements were not in place yet.

Ms. Joseph noted that she had a question about the entrance. The concern was that they have an historic district and it would be better to keep the entrance where it was. If this was not a special use permit and someone came in and wanted to use this property under the existing zoning category would they require them to move that entrance?

Mr. Cilimberg replied that if a site plan was involved yes.

Ms. Joseph said if they were able to meet the parking requirements, etc. would they need a site plan. If someone has been using the property as a commercial use and someone else came in to use it as another commercial use that did not require a site plan they would not need a site plan. She was amazed that they needed sight distance because this is an urban area. She was trying to figure out what is the speed limit out there that they need to move this entrance to get the sight distance.

Mr. Cilimberg noted that there are certain elements of site development that kick the requirement for a site plan in. The establishment of parking is one of those. Once a site plan would be required then they are dealing with construction that is not permitted by for adequate sight distance and such for entrances.

Ms. Joseph said that they are not dealing with a recommendation, but a requirement from VDOT.

Ms. Ragsdale replied yes. VDOT reviewed the concept plan and provided those comments, which would be their requirements as part of the special use permit review. The property was previously used for residential as apartment buildings. Although the property has been zoned commercially, C-1, for some time she did not know that there has use of that building commercially to date. It may not have come up before.

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

Dr. Hillary Cook, representative for the request, offered to answer any questions.

Mr. Loach noted that the operating hours was listed as 7:30 a.m. to 6:00 p.m. He questioned if they would want any emergency hours.

Dr. Cook replied no, that there were veterinary emergency clinics in town. She would probably carry a pager for her clients.

Mr. Strucko invited public comment.

Joan Meyer, a Crozet resident, supported the practice being moved to Crozet. She has kept animals as part of her family for about 25 years. She is the first vet who has ever heard her concerns about how her animals are taken care of. Rather than just throwing drugs at a condition she has successfully determined what the root cause of a problem may be. She noted that after eight months of pain and infection she has a dog that is happy and healthy. She will look forward to visiting the veterinary clinic with the rest of her family in Crozet if this request is approved.

Anne Dagner, resident of 1122 Crozet Avenue which three doors down from the proposed site, spoke in support of the proposal. She agreed with staff's recommendation that the veterinary use is a business that fits with the Crozet Downtown District Development Plan. As a side she and her husband were both veterinarians and would be happy to have a veterinary office down the road and don't see any problems with that at all.

There being no further public comment, the public hearing was closed and the matter before the Planning Commission.

**Motion on Special Use Permit:**

**Motion:** Mr. Loach moved and Mr. Morris seconded for approval of SP-2008-00009, Animal Wellness Center with staff's recommended conditions.

1. Development of the use shall be in accord with the concept plan, entitled "Animal Wellness" prepared by TCS Engineering Co., LLC and last revised July 14, 2009, as determined by the Director of Planning and the Zoning Administrator. To be in conformity with the plan, development shall reflect the following elements only and all other elements of the plan may be modified during site plan review and approval: entrance relocation, general location of parking areas, and outside area for walking animals. Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.
2. This special use permit applies to the existing building and any new buildings for the veterinary use will require a new special use permit.
3. No overnight boarding use, other than for those animals under medical care shall take place at the veterinary hospital.
4. The building shall be sound-proofed in accordance with Section 5.1.11(b) and air-conditioned.
5. No outdoor exercise area shall be permitted. However, walking of animals is permitted and shall be separated from access by the public and limited to the area behind the building as identified in Attachment D.
6. Use shall not commence until the building is served by public sewer.

The motion carried by a vote of 7:0.

Mr. Loach pointed out that this is another success story of the Crozet Master Plan.

Mr. Strucko noted that SP-2008-00009 would go before the Board of Supervisors with a recommendation for approval on a date to be determined.

**Motion on Two Modifications:**

**Motion:** Mr. Loach moved and Mr. Morris seconded for approval of the two recommended modifications of Section 5.1.11.b and the critical slopes waiver as recommended by staff.

The motion carried by a vote of 7:0.

Mr. Strucko noted that the modifications were approved as noted below and did not go to the Board of Supervisors.

**Request for modification of Section 5.1.11.b - Approval**

- By a vote of 7:0, the Planning Commission approved the modification of the minimum 200 foot setback requirements with the condition that additional soundproofing around the existing windows be provided or for new windows they provide for adequate sound dampening. (Condition #4 above)

**Waiver to allow alternative location of parking area - Approval**

- By a vote of 7:0, the Planning Commission approved the waiver to allow alternative location of parking area, provided that the parking is screened in accordance with the DCD requirements and recommendations of the ARB.

**SP-2009-0016 Music Festival**

PROPOSED: Special Use Permit to allow a special event at the Misty Mountain Camp Resort  
ZONING CATEGORY/GENERAL USAGE: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots). SECTION: 10.2.2.50 Special events  
.COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (.5 unit/ acre in development lots)

ENTRANCE CORRIDOR: Yes. LOCATION: 56 Misty Mountain Road, approx. three-quarters of a mile west of 64E junction. TAX MAP/PARCEL: 0710000000300. MAGISTERIAL DISTRICT: Samuel Miller (Eryn Brennan)

Ms. Brennan presented a PowerPoint presentation and summarized the staff report.

- The applicant is requesting a special use permit for a special event that would allow one three-day music festival per year. The festival has already been scheduled to be held this year from October 2 – 4.
- The 47 acre parcel where Misty Mountain Camp Resort is located is bifurcated by Misty Mountain Road. The camping area is located in the northeast portion of the parcel closest to Rockfish Gap Turnpike. The Community Building and bathhouse are located in the northwest portion of the parcel, also along Rockfish Gap Turnpike. A large, open field is located south of the Community Building and bathhouse. Stockton Creek passes through the property approximately 70' south of the field. The entire parcel south of the Creek is densely wooded, and large swaths of critical slopes exist adjacent and perpendicular to the Creek in this area. The properties surrounding the campground are designated Rural Area in the Comprehensive Plan, and are included in the Rural Area Zoning District. These properties are generally characterized by large farms and single-family residential lots. Several parcels north of Rockfish Gap Turnpike are under conservation easement, and the parcel directly northwest of Misty Mountain Camp Resort is located in the Yellow Mountain Agricultural/Forestal District.
- The concept plan shows the layout of the location of the stages, vendors, parking areas, entrance, emergency access, gates and portable toilets. This concept plan will be tied to the conditions of approval for the special use permit. The primary stage will consist of a semi-truck that converts into a stage and it would be located in the open field south of the proposed parking area as shown in the concept plan. A building permit would not be required for the temporary stage. The second temporary stage would be located inside the community building.
- The applicant is asking that the special use permit limit the number in attendance of the music festival to 500. However, this number is in addition to the approximately 600 people allowed on site with the campground use of the property. The applicant is also requesting a waiver of the number of people allowed to attend this special event in the Rural Areas, which is 150. They are also requesting a waiver from the noise restrictions which limits the noise limits in the Rural Areas to 55 decibels at night.
- The Virginia Department of Transportation has determined that the proposed use would not detrimentally impact traffic in the area because the event is temporary and would only constitute a

three percent increase in traffic. However, some increase in traffic is anticipated over the course of the proposed three-day event.

Staff has identified the following factors favorable to this application:

1. The proposed use would minimally impact the character of the site, given that the festival is a temporary special event and no permanent structures or improvements would be constructed.
2. There are no anticipated detrimental impacts on adjacent property resulting from the proposed use.

Staff has identified the following factors unfavorable to this application:

1. The use does not directly contribute to the goals outlined in the Rural Areas section of the Comprehensive Plan.
2. The use would increase traffic in the area during the three days of the festival.
  - a. Staff recommends approval of Special Use Permit 2009-016 Music Festival with the conditions listed in the staff report.

Mr. Strucko invited questions for staff.

Ms. Porterfield asked where the other 600 people would park.

Ms. Brennan replied that the other parking will be included with the campground special use permit. The campground activity already has parking accounted for 600 people and the cars associated with that.

Mr. Cilimberg pointed out that the campground was approved with camp sites where the campers will park.

Ms. Brennan noted that the proposed parking areas are not normally parked in and would solely be used for the music festival. The temporary parking was allowed on the grass, but the area would have to be reseeded after the event.

Mr. Strucko noted that there could be 600 people camping with an additional 500 to attend the music festival and the 600 campers could attend the music festival. Therefore, there could be 1,100 people allowed on the site.

Ms. Brennan said that there would be a total of 1,100 people allowed on the site.

Mr. Loach asked if this event was similar to the 2007 event.

Ms. Brennan replied yes noting that the 500 tickets are how staff determined it.

Mr. Cilimberg noted that if 300 campers wanted to go to the concert, then they would have to buy 300 tickets that would be out of the 500. It was assumed that there would be 500 at the concert and 600 campers who were not going to the concert to get a maximum.

Mr. Strucko noted that the maximum ticket sales would be 500, and Ms. Brennan agreed.

Ms. Joseph noted that there still could be 1,100 people on the site.

Ms. Brennan agreed that 1,100 would be the maximum, which was larger than the 2007 festival. In 2007 they had about 250 the first day and maybe 300 the second day. The applicant is asking for 500 because they would like to allow the possibility to expand. The applicant has indicated that they would not feel comfortable with more than 500 people on the site just from a management type of perspective. But they are asking for more than what they have had in the past.

Mr. Cilimberg pointed out that one of the conditions was that the applicant was starting out with a two year permit basically to allow us to see how it goes and then it would be their responsibility to come in for continuation of the special use permit through a reapproval.

Ms. Porterfield questioned condition 11 regarding the minimum 20 security persons. She asked if that was 20 at any one time or is that 20 over the entire event.

Ms. Brennan replied that it was 20 at any one time.

Ms. Porterfield reiterated that they must have 20 security persons at any one time for the entire time that the festival is operating.

Ms. Brennan replied that is correct, which would be from the hours of 12 noon to 10 p.m.

Ms. Porterfield noted that at 10 p.m. the security would still be needed to get them out of the parking lots and back onto the main highway. Therefore, she assumed that staff would not leave at 10 p.m.

Ms. Brennan replied yes, that is correct because staff would be there to assist the people leaving.

Mr. Edgerton asked if staff had heard any concerns from the neighbors.

Ms. Brennan replied that she had spoken to two neighbors who were present to speak this evening. She also spoke with another set of neighbors. The primary concern expressed from the neighbors has been the noise.

Mr. Edgerton pointed out that from the previous application he remembered that two dogs barking was 110 decibels. Therefore, he was trying to figure out how they were limiting this to 65 decibels. He asked if 65 decibels was reasonable.

Ms. Brennan replied that staff considered 65 decibels because that was what was allowed during the day in commercial areas. Staff also considered 65 decibels from adjacent property owners understanding that music as measured from the stage area festival area or perhaps even the entrance to the site would exceed 65 decibels, but given the distance from the adjacent property owners the decibels would be measured from the adjacent property owner's property. She asked if the Commission wanted to tailor that condition to their front door step or to their parcel lot line, which is something that can be discussed. She noted that Ron Higgins did some great work on decibel levels and the average music festival measured at about 110 decibels near the stage. With every 20' to 30' the level significantly decreased. At 40' it dropped down at least 20 decibels. She noted that Mr. Higgins' research is more accurate than her memory. But that is the suggestion that staff came up with, which is open to discussion.

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

Mike Leal, property manager at Misty Mountain Camp Resort, said that the first concert was held last year. From their standpoint it went off without a hitch. They had no traffic concerns, public drinking concerns or issues of any kind that were brought to their attention by the law enforcement or fire department. They want to do the festival as a community event for the local businesses in their area. Most of the proceeds from the festival are for the rescue squad. That is what they want to continue to do with this festival each year. They do not want to exceed the maximum of 500 people due to the topography of the land and the layout of the facility and parking. The 500 people would be the maximum number they would ever want for that type of festival. He would be happy to answer questions.

Mr. Strucko invited questions for the applicant.

Ms. Porterfield asked if they had a full campground when they held the last festival.

Mr. Leal replied that the campground was approximately 70 percent occupied at the time of the last festival. He noted that October is typically a busy time of year for the campground.

Ms. Porterfield asked how that works with the existing traffic flow.

Mr. Leal replied that the festival traffic is immediately diverted to the west when entering the property into the parking area. All of the other registered guests proceed straight ahead to either the lower camping area or across the bridge to the upper camping area. There are 65 camp sites located across the bridge on the west side of Misty Mountain Road in the dense forest area. There are only about 35 camp sites in the lower park area. A lot of the camping is past Stockton Creek.

Ms. Porterfield asked if any of the campers wanted to buy tickets to attend the festival would they have to move their cars.

Mr. Leal replied no because most campers would just walk down to the festival and leave their cars at the camp site. When checking in last year they told the campers to leave their cars at the camp site.

Ms. Porterfield asked how many employees they normally have in operating the campground.

Mr. Leal replied that there were approximately 10 employees during normal operating times and at the festival there would be approximately 25. Out of the 10 employees only 5 handle the office and ground site work. The other 5 employees are mainly for security and management personnel and would be part of the 20 persons for the event.

Mr. Strucko invited public comment.

Kelly Strickland, resident of Crozet, said that he was a big supporter and fan of the festival and had attended the last two festivals. He loved what they were doing for the community and Crozet. He thought that this is a great spot for it. He was present to show his support.

Jim Rovnyak said that he and his wife Virginia have a few words to say. They live at 6861 Castlebury Court. Their property shares a boundary with Misty Mountain. They thank staff for their careful work and safeguards. They support the conditions and think they are important particularly for possible future additions of the music festival. Noise is their greatest concern. Their home is a haven and they enjoy the rural atmosphere very much. They think that this concern has been addressed in the staff report provided that the activity for the festival takes place in the area shown in the concept plan that is west of Misty Mountain Road and north of Stockton Creek. They don't find in the staff report an explicit statement that says that the activities of the festival shall be located here. The plan for the moment appears that they would be. They would feel more comfortable and ask that this be made explicit. Along with that he suggested that for future events there be no amplified sound system placed outside of the specified area. If these conditions were met, they would agree that the impact on their property and the other properties on Castlebury Court would indeed be minimal.

Virginia Rovnyak noted that they do get noise sometimes from the campgrounds. The campground has a haunted house in the fall and they hear amplified organ music, screams and so on. There are other times that they get noise from the campgrounds. They hope very much that the Commission will add these two conditions to the special use permit. One would be that all festival like activities be confined to the area north of Stockton Creek and west of Misty Mountain Road. The concept plan pins down a few locations, the stages, the parking, the vendor area and the portable lavatories. But the concept plan does not say the activities must be all in this area. They would be very happy if the Commission would simply add that requirement as a condition and specifically underline that all sound amplification must be restricted to that area. The event as planned now seems to be very nice, but it is attached to the land and the land could be sold, the music festival could run out of money and somebody else might come in. So they are looking down the road. There is nothing in the special use permit that limits the kind of activities that could take place or the kind of music. Someone could have a festival featuring hog calling, acid rock, etc. There is no guarantee of the kind of music nor does it list or restrict the type of activities that could take place.

Obviously they don't want to specify the kind of music or make a list of allowed activities. Therefore, their request is that they contain whatever is going on to this area west of the road and north of Stockton Creek.

Dan Hunt, an abutting property owner to Misty Mountain Campground, pointed out that they had just heard some good comments from his next door neighbors. Misty Mountain has been a great neighbor and it sounds like they are doing a great thing in helping some organizations with their fundraising. The music festival sounds like a great idea. He would join his neighbors in their comments to say that the concept plan should explicitly detail where the activity should occur. They want to avoid having 500 people running through the woods doing whatever they want to on Sunday afternoon after three days of music and being served alcohol. That would be his only comment. He said that in general he felt that it was a good idea.

There being no further public comment, the public hearing was closed and the matter before the Planning Commission.

Mr. Loach noted that the Commission needs to craft the two conditions.

Mr. Cilimberg noted that Ms. Brennan had some additional language that could be used as part of the condition.

Ms. Brennan noted that staff checked with zoning who said the language in condition #2 says in conformity with the concept plan which would tie this concept plan to this special use permit. Staff has crafted some additional language to add prior to the sentence, "Minor modifications may be allowed. . ." to state "All activities related to the music festival shall take place within the area of the site bound by the Rockfish Gap Turnpike, Misty Mountain Road, Stockton Creek and the western parcel boundary."

Mr. Strucko asked if the emergency service access was for fire/rescue, and Ms. Brennan replied that was correct.

Mr. Loach questioned if it would be possible to add the second change to limit all the amplified music to the stage area.

Mr. Cilimberg replied that it was all covered because the condition says all activities related to the music festival shall take place within those boundaries, which would include amplified music.

Mr. Loach asked if 65 dBA would cover the amplified music.

Mr. Cilimberg replied yes, that the noise level would be measured from the neighboring properties. This would apply in the case of the people who spoke whose property was some distance away.

**Motion:** Mr. Loach moved and Ms. Porterfield seconded to approve SP-2009-0016, Music Festival with the recommended conditions as amended by staff.

Mr. Kamptner asked staff if the decibel level of 65 dBA listed in condition #14 exceeds the standard in Section 4.18.04.

Mr. Brennan replied yes, it exceeds the decibel limit by 10 decibels.

Mr. Kamptner asked if a modification was requested and noticed.

Ms. Brennan replied yes, that a modification was requested to the Noise Ordinance in the Rural Areas.

Mr. Cilimberg pointed out that it was a modification of the decibel limit and the number exceeding 150, which are both noted in the conditions.

Mr. Strucko asked that the staff report be corrected to note that the property is in the White Hall District and not the Samuel Miller District.

The motion passed by a vote of 7:0.

Mr. Strucko said that SP-2009-00016, Music Festival would go to the Board of Supervisors on September 9, 2009 with the recommendation for approval with the following conditions.

1. The use shall conform to any existing applicable special use permits, including but not limited to SP 1994-30, whose terms are hereby incorporated by reference.
2. Development of the use shall be in conformity with the Concept Plan entitled Misty Mountain Camp Resort SP2009-16 Music Festival, prepared by Albemarle County Office of Geographic Data Services, and signed by Mike Leo and dated August 6, 2009, (hereinafter, the "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator.

To be in conformity with the plan, development shall reflect the following central features within the development essential to the design of the development:

- location of temporary parking areas 1,2, and 3
- location of temporary stage

All activities related to the music festival shall take place within the area of the site bound by the Rockfish Gap Turnpike, Misty Mountain Road, Stockton Creek and the western parcel boundary. Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

3. A music festival special event shall be permitted once every twelve (12) month period, for a maximum of three (3) consecutive days consisting of one week day and two weekend days. Any increase in the number of special events shall require an amendment to this special use permit.
4. A maximum of fifteen (15) vendors shall be allowed to operate on any given day during the music festival.
5. Written approval from the Police Department, Fire and Rescue, and the Health Department shall be required each year prior to the issuance of a zoning clearance to allow the special event use.
6. No tree removal, grading, or disturbance shall take place within the driplines of the trees as shown on the Concept Plan prepared by Mike Leo, and dated March 25, 2009. Any grading or disturbance within ten (10) feet of any dripline shall necessitate submittal of a "Tree Protection Plan" in accord with section 32.7.9.4 of the Zoning Ordinance. No grading or disturbance within ten (10) feet of any dripline shall be permitted until a) a survey and fencing have been completed and b) the Planning Director approves a plan which shows the grading or disturbance and the surveyed dripline of the existing trees.
7. Hours of operation for the music event shall be between 12:00 p.m. and 10:00 p.m.
8. Off-site parking shall not be permitted.
9. The maximum number of people allowed on the site for the special event on each day shall not exceed 500 persons.
10. A maximum of 224 vehicles shall be allowed to be parked on site on any given day of the music festival.

11. A minimum of 20 private security, parking, and traffic control staff members shall be required on site each day of the music festival.
12. Overnight camping outside the designated camping areas shall be prohibited.
13. All outdoor lighting shall be only full cut-off fixtures and shielded to reflect light away from all abutting properties. A lighting plan limiting light levels at all property lines to no greater than 0.3 foot candles shall be submitted to the Zoning Administrator or their designee for approval.
14. The maximum level of noise shall not exceed 65 dBA as measured from an adjacent property.
15. The applicant shall reseed and restore the parking area site(s) as required by the zoning administrator within 30 days of the last day of the special event.
16. The site shall be restored and cleared of all trash, debris, and temporary structures associated with the special event within two days after the final day of the special event.
17. Special use permit 2009-16 shall be valid until June 30, 2011.

**Old Business:**

Mr. Strucko asked if there was any old business.

Mr. Cilimberg noted as a follow up to consideration of the tower tonight in the discussion of the National Heritage Community on the biodiversity work, staff has scheduled in the work plan program to bring the Comprehensive Plan to the Commission next year in 2010 for a total review. That would be one of the items they would bring to the Commission that would be essentially a policy consideration. He just wanted to let them know that it will be coming. The Commission expressed some interest earlier in furthering what was originally recommended. He felt that is where it would be appropriate to do that if the Commissioners so chose.

Ms. Porterfield asked if staff has scheduled the meeting with the community on Places29.

Mr. Cilimberg replied that he did not have the dates at this time, but knew they were being scheduled. The dates have not been finalized at this time. The schedule will be sent out within the next few days.

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

**New Business:**

Mr. Strucko asked if there was any new business.

- There will be no Planning Commission meeting on Tuesday, August 25, 2009 and Tuesday, September 1, 2009.
- The next Planning Commission meeting will be on Tuesday, September 8, 2009.

**Adjournment:**

With no further items, the meeting adjourned at 9:49 p.m. to the Tuesday, September 8, 2009 meeting at 6:00 p.m. at the County Office Building, Second Floor, Auditorium, 401 McIntire Road, Charlottesville, Virginia.

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V. Wayne Cilimberg, Secretary

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