

**Albemarle County Planning Commission  
January 20, 2009**

The Albemarle County Planning Commission held a public hearing and meeting on Tuesday, January 20, 2009, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

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

Other officials present were Wayne Cilimberg, Director of Planning; Bill Fritz, Chief of Current Development; Patrick Lawrence, Planner; Megan Yaniglos, Senior Planner 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.

**Review of Board of Supervisors Meeting – January 14, 2009**

Mr. Cilimberg reviewed the actions taken by the Board of Supervisors on January 14, 2009.

**Consent Agenda:**

**SUB-2008-00260 Earl Lipscomb (2-Lot)**

This proposal is for a waiver to Subdivision Ordinance Section 14-404, "Lot location to allow access from lot onto street or shared driveway" in order to allow one (1) new lot. The property, described as Tax Map 126, Parcel 18, contains 4.316 acres zoned RA (Rural Areas). This site is located in the Scottsville Magisterial District on the south side of Green Creek Road [State Route #630] approximately 1800' northeast from its intersection with Eastwood Lane [private]. The Comprehensive Plan designates this property as Rural Areas in Rural Area #3. (Elizabeth Morotta)

Mr. Strucko asked if any Commissioner would like to pull an item from the consent agenda.

Mr. Edgerton asked to pull SUB-2008-00260, Earl Lipscomb from the agenda for discussion. He noted that he could not find the shared driveway on the plat, which served the two parcels.

Mr. Fritz noted that the request is to allow separate driveways.

Mr. Edgerton said that he misunderstood that there would be two separate drives going onto Route 721.

Mr. Fritz pointed out there were only two parcels since parcel 17A was an existing parcel and just happened to be surveyed with this plat. It is the residue in parcel A that is right now a single four acre parcel.

Mr. Edgerton asked if the drainfield shown on the last drawing existed.

Mr. Fritz noted that area was evaluated.

**Motion:** Mr. Morris moved and Ms. Porterfield seconded for approval of the consent agenda.

The motion passed by a vote of 6:0.

### **Regular Item:**

#### **SDP-2008-00012 South Pantops Condominiums – Preliminary**

The request is for preliminary site plan approval for construction of 125 dwelling units on 13.116 acres zoned R-15 Residential. The property, described as Tax Map 78 Parcel 20 is located in the Rivanna Magisterial District on South Pantops Drive approximately 800 feet from its intersection with State Farm Blvd. The Comprehensive Plan designates this property as Urban Density in Urban Area 4. (Patrick Lawrence)

Mr. Lawrence presented a Power-point presentation and summarized the staff report.

- The applicant requests a waiver of Section 4.2.3.2 to allow activity on critical slopes on a 13.12 acre parcel. The property is zoned R-15, which allows up to 20 units per acre. The proposal is for a 125-unit condominium project contained within 7 condominium buildings with parking underneath. The waiver request is for critical slopes in areas adjacent to where the property would be developed in the meadow regions of the property.
- Factors Favorable:
  - Design measures satisfy the technical requirements of the ordinance.
  - The County stands to gain walking trails to and from the Rivanna River.
- Factors Unfavorable:
  - Approval is inconsistent with the Pantops Master Plan.
  - The County Open Space Plan provides that critical slope disturbance in “important stream valleys” should be avoided.
  - Retaining walls on the perimeter of the project will diminish aesthetics of the natural greenspace.
  - Formal planning and maintenance of trails, trailheads and walkways has not been finalized.

- This evening Monticello has brought forth their opinion in a letter distributed to the Planning Commission that, “With respect to your specific project, we feel that its distance from Monticello, its relatively small size and low profile, and its extensively-developed setting keep it from having an impact on the view from Monticello.” (Attachment A – Letter dated January 16, 2009 addressed to Kelly Strickland, Dominion Development Resources, LLC from Natasha Sienitsky, Thomas Jefferson Foundation.)
- Parks and Recreation are working to finalize the trails and amenities along the river.
- Staff recommends denial of the request.

Mr. Fritz pointed out this area was actually shown in the Open Space Plan as a significant wooded area and shown as green in the Comprehensive Plan. Another area on site is shown as blue in the Open Space Plan, which contains major significantly important stream valleys and associated critical slopes.

Mr. Edgerton said that the area is currently zoned for 20 dwelling units per acre. The total parcel is 13 acres. He asked if they are able to count the areas that can't be built on in calculating by-right development rights for the number of units that can be built.

Mr. Fritz replied yes.

Mr. Edgerton noted that what the applicant is proposing is considerably less under that interpretation even though a very small portion of the property is not in critical slopes.

Mr. Fritz replied that was correct. He pointed out to achieve the 20 units per acre they would have to take advantage of the bonus provisions, low to moderate cost housing, preservation of wooded areas and use a variety of different standards to get to the bonus levels. The by-right level is 15 units per acres.

Mr. Edgerton said that proffers were noted as yes, but there was a suggestion of some trails that have not been finalized. Therefore, they don't have any formal proffers.

Mr. Fritz noted that there were actually no proffers. If the Commission chose to approve the waiver they could place conditions on it that were directly relevant to the granting of the waiver to mitigate the impact of activity on the critical slopes.

Mr. Morris said that they were looking at a by-right authorization to go to about 195 units as opposed to 20 units per acre, which would be 260 units.

Mr. Fritz said that there were 125 units proposed as shown on the plan. If they wanted more units they would be looking at a different plan, which would be back before the Commission in a modified request. The property is zoned R-15 and staff tries to provide the maximum theoretical development on the property using the bonus provisions.

Mr. Edgerton noted that the staff report indicates that if any of this site was developed that it would be in conflict with the Pantops Master Plan.

Mr. Loach asked what percentage of the site was recommended for green space in the Pantops Master Plan.

Mr. Fritz replied that it includes the entire parcel.

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

Kelly Strickland, of Dominion Development Resources representing the applicant, passed out a Critical Slopes Exhibit dated 5/28/08. (Attachment B) He presented a PowerPoint presentation and explained the proposal. He pointed out that there were a couple of discrepancies in the staff report. In the second paragraph of the critical slopes modification it talks about 22 percent of the 6.76 acres of the site proposed for disturbance being in critical slopes. But, it is actually 13 percent.

Mr. Fritz noted that it was correctly shown at the bottom of the page.

Mr. Strickland agreed that it was shown correctly in the table on the bottom of the page. The map shown did not show their parcel, but the river corridor that continues down to the Riverbend area. The site in reference here is about a quarter mile further up South Pantops Drive.

Mr. Fritz noted that the parcel is shown on page 13 of the staff report.

Mr. Strickland continued his presentation.

- One of the comments was that the disturbances of the critical slopes identified in the County Open Space Plan is major and locally important stream valleys, adjacent critical slopes and Pantops Master Plan Parks and Green Systems Map should be avoided. One slide shows the stream valley that is on the downstream side of the site closest to the State Farm Insurance property. That stream valley is proposed to be completely undisturbed. The Neighborhood Model recommends that development conform as best possible to the existing terrain where the extensive grading is needed. To achieve other principles of the Neighborhood Model large expansions of 2:1 regraded slopes are to be avoided was another staff comment. He pointed out there was more detail in the map they were presenting.
- What they are proposing is not so much grading of the critical slopes, but actually cutting in the garages underneath the buildings. The engineering department had no conflicts with this plan. By cutting the buildings into the slopes they are actually stabilizing those slopes a little more. They have a storm water facility at the lower point of the site. The slopes are shaped so that there are approximately 24 pockets of critical slopes in the area they propose to disturb. The retaining wall would essentially be invisible with some evergreens planted at the base.

- While this plan is not coming before the Commission as a rezoning application with proffers for affordable housing it is a condominium plan showing 7 buildings with a relatively simple lay out of buildings that would provide 125 condominium units. By definition there is going to be a proportion of affordable units in this site plan. In addition, it is going to have moderate housing that is going to be needed for the Martha Jefferson Hospital.
- In regards to the view shed from Monticello, they did get a letter from Monticello saying that this was in conformance with what they were looking for. In regards to constructing greenways along the Rivanna River it is substantial to note that this is a critical element. Dan Mahone, of Parks and Rec, is present to address concerns about the greenway connections. It will provide opportunities for river oriented development. This is a site where a bridge would be built across that main tributary as part of the Neighborhood III Plan.
- They are in support of all four major conclusions as noted in the staff report as reasons for the Commission to support the critical slopes waiver and approve it.

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

Ms. Porterfield asked if the Commission could agree with two affordable units per 7 buildings making a total of 14 affordable units.

Mr. Edgerton replied that he was not interested in allowing the applicant to provide less than 15 percent affordable housing because the applicant could place buildings on the site by right if they stayed outside the critical slopes area. He noted that the Board of Supervisors has set 15 percent affordable housing as the standard and the Planning Commission should not vary from that.

Mr. Strucko noted that they could do fewer buildings without having to disturb critical slopes.

**Motion:** Mr. Edgerton moved and Mr. Morris seconded to grant the request for the disturbance of critical slopes as shown on the plan for SDP-2008-00012, South Pantops Condominiums – Preliminary with the following condition.

1. Fifteen (15) percent of the units shall qualify as affordable housing as described in Section 18.4.3.

Mr. Kamptner suggested for the record that the Commission state that the condition allows the Commission to make the finding that the waiver with conditions would serve a public purpose of greater import than would be served by strict application of Section 4.2.3.

Mr. Edgerton agreed with Mr. Kamptner's suggestion. He noted that if the applicant did not agree with the condition to provide 15 percent of affordable housing that they would have to either come back with a different design or appeal the decision.

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

Mr. Strucko said that SDP-2008-00012 South Pantops Condominiums – Preliminary was approved with conditions, as follows.

**Conditions of Approval - SDP-2008-00012 South Pantops Condominiums - Preliminary**

1. Fifteen (15) percent of the units shall qualify as affordable housing as described in Section 18.4.3.
- With the addition of Condition 1, above, the Commission made the finding under Section 4.2.3(a)(3) that the waiver would serve a public purpose of greater import than would be served by strict application of Section 4.2.

**Public Hearing Item:**

**SP-2008-00028 BB&T Crozet**

The request is for a special use permit to allow for a drive-in window for a bank in accordance with Section 24.2.2 of the Zoning Ordinance which allows for drive-in windows serving or associated with permitted uses within HC [Highway Commercial] zoning. The property, described as Tax Map 56, Parcel 110 contains 6.189 acres, and is zoned HC, Highway Commercial and EC, Entrance Corridor. This site lies within the Whitehall Magisterial District and is located on the southern side of Rockfish Turnpike [State Route 250 West], approximately 1/2 mile east of the intersection with State Routes 240 and 635. This Comprehensive Plan designates this property as Urban Center [CT 5] in the Crozet Community. (Megan Yaniglos)

Ms. Yaniglos made a power-point presentation and summarized the staff report.

- The request is for a special use permit to allow for a drive-in window for a 2,400 square foot BB&T bank on Outparcel D in the Blue Ridge Shopping Center.
  - Factors Favorable:
    - The proposed development complies with Zoning Ordinance Section 31.2.4.1.
    - The Architectural Review Board has recommended approval with conditions.
  - Factors Unfavorable – None
  - Staff recommends approval of Special Use Permit SP-2008-028 with the conditions listed in the staff report.
1. Development shall be in general accord with the site plan titled “Grading, Site, and Utility Plan for BB&T”, dated September 12, 2008.
  2. The reduction in the required number of stacking spaces is limited to one (1) space, which was approved by the Zoning Administrator. Further reduction will require an amendment to the special use permit.

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

Richard Shank, architect, pointed out that the project's architect from Winston Salem did not see the need to come tonight based on the recommendation by staff. Therefore, he was representing him. He offered to answer questions.

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

Mr. Loach pointed out that he visited the site for the Fire Department today to do pre-fire planning for Harris Teeter. He took a look at this site and agreed with staff that there was nothing unfavorable.

**Motion:** Mr. Loach moved and Mr. Morris seconded to approve SP-2008-00028, BB&T Crozet with the conditions as recommended by staff.

1. Development shall be in general accord with the site plan titled "Grading, Site, and Utility Plan for BB&T", dated September 12, 2008.
2. The reduction in the required number of stacking spaces is limited to one (1) space. Further reduction will require an amendment to the special use permit.

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

Mr. Strucko said that SP-2008-00028 BB&T Crozet would go to the Board of Supervisors on February 11 with a recommendation for approval.

#### **Old Business:**

Mr. Strucko asked if there was any old business.

- Mr. Cilimberg noted that the administrative waivers were approved by the Board of Supervisors last week.
- Mr. Fritz noted the Board of Supervisors had a meeting and discussed the Subdivision text amendment for the single point of access and private streets. The Board asked staff to set up a Round Table, which has been scheduled for February 26. Notices will be going out to interested parties tomorrow.

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 meeting on January 27, 2009. The next meeting will be February 3, 2009.

- Staff indicated that packets would be delivered no later than Thursday, January 29.

**Adjournment:**

With no further items, the meeting adjourned at 7:04 p.m. to the Tuesday, February 3, 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)