

**COUNTY OF ALBEMARLE
PLANNING STAFF REPORT SUMMARY**

Project Name: ZMA 07-04 Oakleigh Farm	Staff: Claudette Grant
Planning Commission Public Hearing: October 30, 2007	Board of Supervisors Public Hearing: December 12, 2007
Owners: George Ray	Applicant: Terra Concepts represented by Steve Edwards
Acreage: 8.82	Rezone: 8.82 acres from R-6 to Neighborhood Model District
TMP: Tax Map 45, Parcel 26A Location: 547 Rio Road West (Route 631) directly across the street from Woodburn Road (Route 659) (See Attachments A and B)	By-right use: 53 dwelling units and up to 78 dwelling units with a density bonus or other supporting uses permitted in R-6 such as schools, churches, and clubs by special use permit.
Magisterial District: Rio	Proffers: Yes
Proposal: Rezone to provide 109 dwelling units and up to 28,800 square feet of commercial space.	Requested # of Dwelling Units: 109
DA (Development Area): Neighborhood One	Comp. Plan Designation: Urban Density Residential
Character of Property: Along Rio Road the property contains an open pasture which is roughly 1/3 of the property. The remaining 2/3 of the property contains mature trees, a house, barn, bomb shelter, and a few smaller areas not covered by mature tree canopy.	Use of Surrounding Properties: Along Rio Road, Berkmar Crossing lies to the east of the property and the Garden Spot lies to the west. A small townhouse community is across Rio Road from the property. Heritage Hall is adjacent to the parcel at the back of the property and the Berkeley subdivision lies to the South. The intersection of Rio Road and U.S. Route 29 is approximately 1/3 of a mile away.
Factors Favorable: <ol style="list-style-type: none"> 1. The proposal meets most of the principles of the Neighborhood Model. 2. The applicant is proposing to preserve 39 of the existing mature trees. 	Factors Unfavorable: <ol style="list-style-type: none"> 1. Impacts on public facilities are not appropriately offset through proffers meeting the County's cash proffer policy or the provision of public improvements. 2. Timing of payment for affordable units needs to be better addressed. 3. The provision of a buffer along the common property line with Heritage Hall needs to be addressed. 4. The pedestrian connection to Berkeley needs to be addressed. 5. The limitation of square footage for retail vs. office use needs to be clearly stated in the Code of Development and be consistent with the plan and proffer.

	<ol style="list-style-type: none"> 6. An easement or agreement allowing the interconnection of adjacent property needs to be provided. 7. The proffers need technical revisions. 8. The Code of Development needs technical revisions. 9. ARB comments need to be addressed.
<p>RECOMMENDATION: Without resolution of the aforementioned outstanding issues, staff cannot recommend approval. Should the Planning Commission wish to recommend approval of this proposal to the Board inclusive of proffers, code of development, and the general development plan, staff recommends that this recommendation be based on resolution of the nine (9) outstanding issues listed above before the Board acts on this rezoning.</p>	

STAFF PERSON:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:
ZMA 2007- 004 Oakleigh Farm
Request for approval of parking waiver

Claudette Grant
October 30, 2007
December 12, 2007

PETITION

PROPOSAL: Rezone 8.82 acres from R-6 zoning district which allows residential uses and 6 units/acre to NMD - Neighborhood Model zoning district which allows residential mixed with commercial, service and industrial uses and 3 – 34 units/acre. Proposed number of units is 109 for a density of 12.3 units/acre.

PROFFERS: Yes

EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Urban Density Residential - residential (6.01-34 units/acre) and supporting uses such as religious institutions, schools, commercial, office and service uses. Neighborhood 1

ENTRANCE CORRIDOR: Yes

LOCATION: 547 Rio Road West (Route 631) directly across the street from Woodburn Road (Route 659)

TAX MAP/PARCEL: TM: 45/P: 26A

MAGISTERIAL DISTRICT: Rio

CHARACTER OF THE AREA

The property is located at 547 Rio Road West (Route 631) directly across the street from Woodburn Road (Route 659). The portion of this property adjacent to Rio Road contains an open pasture, which is roughly 1/3 of the property. The remaining 2/3 of the property contains mature trees, a house, barn, bomb shelter, and a few smaller areas not covered by a mature tree canopy. Berkmar Crossing, a commercial property, is adjacent to the east of the subject property and the Garden Spot, a landscape business is located to the west. A small townhouse community is located across Rio Road from the property. Heritage Hall, an elderly residential facility, is adjacent to the parcel at the rear of the property and the Berkeley residential subdivision lies to the South. The intersection of Rio Road and U.S. Route 29 is approximately 1/3 of a mile away.

SPECIFICS OF THE PROPOSAL

The applicant would like to rezone one parcel from R-6, residential to NMD, Neighborhood Model District. The proposal would include the development of 109 dwelling units, and up to 28,000 sq. ft. of commercial space. The primary entrance to this development would be on Rio Road with an interconnection to the adjacent Berkmar Crossing property. At the front of the property, the applicant is proposing residential uses on top of commercial space. The remainder of the parcel is proposed to be developed with a variety of residential units in the form of townhouses, multifamily, and two single family cottages surrounding an open space/green area in which the applicant intends to maintain a number of existing stately oak trees. The applicant has provided copies of the Code of Development for the Commission to review. The Code of Development has a number of technical deficiencies that must be resolved prior to rezoning approval. (See Attachment C)

APPLICANT'S JUSTIFICATION FOR THE REQUEST

The applicant proposes to provide a mixed-use development in keeping with the neighborhood model principles within the development area that complements the existing surroundings, respects the history of the property and provides some protection to the natural features of the site.

PLANNING AND ZONING HISTORY

Prior to 1980 this property was zoned R-2, residential. The applicant has stated that the property was owned by the Nuttycombe family from at least 1897 until 2002 when Louise Nuttycombe died. This property has been parceled off over the years. A house was built on the site in 1990. After the sale of the property in 2006, a building on the site, which was the old farm house was removed by demolition.

BACKGROUND

A work session with the Planning Commission was held on June 19, 2007 in order to introduce the Commission to the project, provide an opportunity for public comment and discuss the following issues:

- The appropriateness of the applicant's proposed commercial uses
- The necessity of a buffer to screen the proposal from adjacent properties
- The need to bond trees that are proposed to be retained
- The need to investigate a pedestrian connection to Berkeley subdivision
- The proposed form and massing along Rio Road and the way that form relates to existing structures along Rio.

Since the work session, the applicant decided to provide revisions to the code of development and increase the residential units from 101 to 109. The applicant has agreed to limit the square footage of retail space to 14,400 square feet as requested by the Planning Commission and provide the balance of non-residential space for office use, bringing the total non-residential square footage in this development to 28,000 square feet. The entrance to the site has been reconfigured as requested by the Planning Commission, so that it lines up with Woodburn Rd. During the work session, the slip ramp was discussed as an emergency entrance. The applicant has provided the slip ramp for emergency situations only and the County Engineer is satisfied with this solution. The Commission asked the applicant to discuss the addition of a screening buffer with the adjacent Heritage Hall property owner(s). The revised plan shows an amenity area adjacent to the Heritage Hall property. The applicant has not indicated or provided information regarding a discussion with Heritage Hall about this issue. The Commission also agreed that the applicant should attempt to provide a pedestrian connection to Berkeley by meeting with residents of Berkeley. The applicant has not indicated or provided information regarding a meeting with the residents of Berkeley regarding this issue.

A detailed summary of questions asked of the Commission and the Commission's response is provided in Attachment D.

CONFORMITY WITH THE COMPREHENSIVE PLAN:

The Comprehensive Plan designates this property as Urban Density residential at a density of between 6.01 to 20 dwellings per acre, with possible densities of up to 34 dwellings per acre under a planned development approach. The Comprehensive Plan does not contain any specific recommendations related to this parcel or its immediate surroundings. The following recommendations guide the Urban Density Designation:

- *Urban Density Residential areas are intended to accommodate all dwelling types as well as institutional uses such as places of worship, public and private schools, and early childhood education centers including day care centers and preschools.*
- *Urban Density Residential designations are not intended for development at densities below 6 dwellings per acre.*
- *Developments within an Urban Density Residential area are expected to occur*

within the designated range of 6.01 to 34 dwelling units per acre and, to the greatest extent practicable, to maximize the developed density with a form in keeping with the Neighborhood Model.

- Development densities within the Urban Density Residential area should ultimately be based on environmental criteria, road function and condition, available utilities, adjacent land uses, and site requirements.*
- It is anticipated that Urban Density Residential areas will accommodate areas of nonresidential land uses on the scale of Neighborhood Service and Office Service as defined later in the Land Use chapter of the Comprehensive Plan.*

Based on the preceding recommendations for Urban Density residential, staff believes the residential component of the applicant's proposal is in keeping with the Urban Density residential designation. Specifically, the applicant is proposing a mix of residential uses (townhouse, multifamily, and condos above commercial space) at a density of 12.3 units per acre. Regarding the non-residential uses, the Comprehensive Plan recommends that neighborhood commercial-scaled uses be less than 40,000 sq. ft. and that office-service scaled uses be less than 150,000 sq. ft. The applicant proposes a maximum of 28,000 sq. ft. of non-residential space on his property for office and retail/service uses.

The following information was part of the original analysis provided to the Planning Commission. During the work session, the Planning Commission responded to the issue regarding commercial square footage by limiting the amount of square feet of retail use, and as previously mentioned in this report, the applicant has responded accordingly.

As discussed at the Planning Commission worksession, the project is proposed adjacent to Berkmar Crossing, which has a Commercial Service designation in the Comprehensive Plan and provides a total of 111,000 sq. ft. of non-residential space with 81,000 sq. ft. in office space and 30,000 sq. ft. in retail and service uses. The appropriateness of Neighborhood Service scaled commercial in the Urban Density Residential is based on the existing context and existing availability of services and general mix of uses. Further, it should also be noted that Neighborhood Model District zoning should ideally contain a mix of residential and non-residential uses. If commercial uses did not exist adjacent to the subject property, the applicant's proposal for (28,000 sq. ft of commercial with 109 dwelling units) would be an excellent response to the Neighborhood Model. The Planning Commission requested that the applicant reduce the square footage of retail to 14,400 sq. ft. because of the existing commercial uses in the area. While the applicant is providing a maximum of 28,000 sq. ft. of non-residential uses, which includes office uses with the maximum 14,400 sq. ft. of retail uses, this commitment is not consistent or clearly depicted in the code of development and plan.

Nearby neighborhood service areas include a mix of office and retail/service uses at Four Seasons, which is less than a mile away. The U.S. Route 29 corridor, also less than a mile away, contains community and regional service-scaled commercial development. Given the availability of office and retail/service uses adjacent to the site and in the immediate area, it may be that the applicant's proposal is in excess of what the neighborhood needs based on its designation.

Principles of the Neighborhood Model -- Conformity with the Neighborhood Model is assessed below:

Pedestrian Orientation	Sidewalks are provided along Rio Road and Berkmar Drive, which will provide convenient access from the Oakleigh development to other nearby commercial uses, and public transportation. Within the Oakleigh development sidewalks and pathways are shown through out the development making this a pedestrian friendly development. However, during the worksession, the Planning Commission said that the applicant should attempt to provide a pedestrian connection to Berkeley. The applicant did not provide information confirming a meeting took place with the residents of Berkeley. This principle is not met.
Neighborhood Friendly Streets and Paths	The streets in Oakleigh are primarily designed as travelways. Slow traffic speeds, low traffic volumes, and landscaped roadways with sidewalks will help to make the streets and paths neighborhood friendly. This principle is met.
Interconnected Streets and Transportation Networks	Interconnection is shown on the plan into the Berkmar Crossing development. This interconnection will help facilitate the transportation network related to Oakleigh Farm because there is a traffic signal at one of the Berkmar Crossing accesses and Rio Road. The access from Rio Road to the Oakleigh Farm development is not proposed to be signalized. Easements or agreements allowing this interconnection will need to be provided prior to the rezoning. With provision of an easement or agreement this principle is met.
Parks and Open Space	There will be a park located in the center of the development where many of the older large trees will be preserved. Benches, paths and gardens will help facilitate this space into a park like environment. Additional amenities to the site will be a tot lot for children. This principle is met.
Neighborhood Centers	The park area and commercial space within the Oakleigh development may serve as centers to area residents. This principle is met.
Buildings and Spaces of Human Scale	The correct height of the proposed buildings is not known due to discrepancies in the visionary statement and the Code of Development related to building heights. There is not enough information to determine if this principle is met.
Relegated Parking	Although some of the parking in block two will be provided underneath the residential structures and in garages, some of this parking will also be provided to the front and side of buildings. Parking is also shown in Block one in front of Building B. The applicant has taken out some of the parking spaces in front of Building B at the request of the ARB, which now satisfies the ARB. Staff believes that parking would be better relegated if Building B were adjacent to Rio Rd. This principle is met in part.
Mixture of Uses	This development proposes commercial uses in the two buildings located in block one with residential uses located above this commercial space and residential uses located in block 2. This principle is met.
Mixture of Housing Types and Affordability	The applicant proposes to provide townhouses, apartments, condominiums and single-family detached cottages. A proffer is also provided that provides cash to the County in the amount based on the County's affordable housing policy. This principle is met.
Redevelopment	Oakleigh Farm is an example of an infill development.
Site Planning that Respects Terrain	The applicant is making a large effort to preserve many of the existing mature trees on the site and do as little grading as possible. This principle is met.

Clear Boundaries with the Rural Areas	This development is located in the development area. This principle is not applicable.
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STAFF COMMENT

Relationship between the application and the purpose and intent of the requested zoning district: The purpose and intent of the Neighborhood Model District (NMD) is to establish a planned development district in which traditional neighborhood development, as established in the County's Neighborhood Model, will occur. The NMD provides for compact, mixed-use developments with an urban scale, massing, density and an infrastructure configuration that integrates diversified uses within close proximity to each other within the development areas identified in the comprehensive plan. The existing Residential (R-6) zoning district provides for compact, medium-density residential development; permits a variety of housing types; and provides incentives for clustering of development and provision of locational, environmental and developmental amenities. Staff believes that the proposal meets the intent of the Neighborhood Model District (NMD).

Public need and justification for the change: The County's Comprehensive Plan supports development in the designated development area that is consistent with use, density, and form recommended in the Plan. Oakleigh Farm uses and form are viewed as being generally in conformity with the Comprehensive Plan.

Impact on Environmental, Cultural, and Historic Resources: None of the environmental features is shown on the County's Open Space Plan, although the trees on the site are considered by many to be important resources. To respond, the applicant has provided a proffer for tree preservation as well as sections within the Code of Development regarding tree preservation efforts. Regarding historical resources, the only resources identified on the site in the Open Space Plan is the Nuttycombe farmhouse which dates to 1897. Prior to the applicant purchasing this property, a demolition permit was approved and the previous owner demolished that historic resource.

Anticipated impact on public facilities and services:

Streets: Although this project will increase traffic to an already high volume traffic road and area, as shown in the traffic study the relatively small to medium size of this project will not add any more impacts to this already high impacted area. (See Attachment E)

Water and Sewer:

Despite follow-up requests to the Albemarle County Service Authority, the only information staff has been given regarding this property from the Albemarle County Service Authority is provided in Attachment I. This attachment relates to a by-right proposal (Oakleigh Townhomes) located on the same tax map and parcel as the Oakleigh Farms proposal. This attachment is dated June 29, 2005. (See Attachment I)

Schools:

Children from this development would attend Agnor-Hurt Elementary School, Burley Middle School and Albemarle High School. This development is expected to generate approximately 13.7 elementary school pupils, 7.23 middle school pupils, and 6.2 high school pupils.

Fire, Rescue, Police:

The Seminole Trail fire - rescue station serves this site. Albemarle County 5th Street Office Building contains the County's Police Department, although the police patrol all areas of the

County. Current policy of police services recommends an average response time of 10 minutes for all Development Areas. No impact to these facilities is expected.

Stormwater Management:

The applicant proposes managing the entire volume of storm water from this development through underground detention and storm water management ponds. In general, this approach is acceptable in the County's urban areas. The general development plan indicates the applicant will address storm water quality and quantity through the system proposed. Engineering has no objection with the management concepts proposed.

Anticipated impact on nearby and surrounding properties: The residential and commercial aspects of this project are very much in keeping with the existing surrounding properties, which are also comprised of residential and commercial uses. However, this property is primarily wooded, which adds a particular characteristic and level of privacy for the adjacent properties. As previously mentioned in this report, during the Planning Commission work session, the Commission discussed the provision of a buffer along the common property line with Heritage Hall. Most of the Commissioners agreed with staff that a parking–driveway setback of 10 feet and a continuous screening buffer would allow for screening in the future should the existing wooded areas on the Heritage Hall property be eliminated. The Commission asked the applicant to discuss this issue with Heritage Hall. The applicant has not indicated if this discussion has occurred.

ARCHITECTURAL REVIEW BOARD COMMENT

The proposed Oakleigh Farm development falls within Rio Road Entrance Corridor, therefore, this project was reviewed by the ARB on September 17, 2007. (See Attachments F and G) In summary:

- The ARB suggested revised proffer language in order to address replacement/compensation for existing mature trees in the event that they die.
- The ARB felt revisions should be made to the code of development regarding landscaping along the eastern property line, east of Buildings B and D.
- At the ARB meeting the ARB requested the Architectural Standards required for the code of development be submitted for their review. The applicant has since revised the code of development to include this information; however, the ARB has not reviewed this information as yet.

CODE OF DEVELOPMENT

There are many technical changes needed to the code of development; however, they are things that do not require Planning Commission involvement and staff believes the applicant can address them before the Board of Supervisors hearing. Staff believes the following substantive issues need resolution before all changes to the Code can be made.

- Whether a buffer along the common property line with Heritage Hall should be provided.
- Whether a pedestrian connection to Berkeley should be made.
- Confirmation that the applicant will have only 14,400 sq. ft. devoted to retail since it is not clearly stated within the code of development and consistent with the plan.
- An easement or agreement will need to be submitted prior to the rezoning that allows the interconnection to occur between Oakleigh Farm and Berkmar Crossing.

PROFFERS

Proffer 1. Affordable Housing: The applicant will contribute cash in the amount of \$19,100 for each affordable unit to the County. Sixteen units or a cash equivalent should be provided for 16.35 units. The total cash will be provided for 15% affordable housing units and should reflect the portion of an affordable unit. Also the applicant has proposed 16 payments over the course of the project. Staff believes that having the cash provided in four payments would be preferable.

Proffer 2. Cash for Capital Improvements Program: The applicant proposes a cash contribution to the County in the amount of \$3,204.59 for each dwelling unit for the mitigation of impacts from the project for schools, libraries, fire, rescue, parks, transportation or any other public use serving Neighborhood One. Staff believes that, to mitigate impacts, this amount should reflect the County policy of:

- \$17,500 per single family detached (sfd) unit
- \$11,900 per townhouse/condominium
- \$12,400 per multi-family/apartment.

Based on 2 single family detached units, 91 single family attached/townhouse units, and 16 multi-family units, the total expected amount would be \$1,316,300. The total amount provided in the proffers is \$349,300.00

The applicant disagrees and believes that the Board of Supervisors intended that credit should be given for 52 units that could be built by-right,. The applicant also believes that credit should be given for preservation of some of the trees on the site. Staff does not believe that the Board intended for credit to be given in either of these two circumstances. If cash proffers are provided, the total that addresses the impacts of this project on public facilities based on County policy is \$1,316,300.

Proffer 3. Annual Adjustment of Cash Proffers: The amount of each cash contribution required shall be adjusted annually until paid. This is based on the Consumer Price Index. This language will be revised to be consistent with other similar proffers to the County.

Proffer 4. Tree Preservation: The applicant proposes in the Code of Development a tree protection plan for thirty nine (39) trees within Oakleigh Farm. ARB Staff has suggested some additional language regarding this proffer. (See Attachment G)

Proffer 5. Limitation on Retail use of Commercial Space: This proffer limits the non-residential space within the project to Buildings A and B on the Application Plan and limits the square footage of non-residential space for retail uses. The Code and Plan need to be consistent with each other and the proffer.

Proffer 6. Emergency Accessway: The applicant shall design and construct an emergency accessway into the project in the northwest corner for emergency use only. At this time, staff is unclear whether this commitment is necessary as a proffer but will advise at the Planning Commission meeting.

Proffer 7. Pedestrian Easement: This proffer directs the Homeowner's Association to grant a pedestrian easement over all walkways, which directly connect with property outside of Oakleigh Farm.

In addition to these comments, the proffers are in need of technical and language revisions. (See Attachment H)

WAIVERS

Staff does not have the necessary information regarding the parking calculations in order to determine a recommendation for the parking waiver request. Therefore, the parking waiver request cannot be recommended for approval until the parking calculations are corrected in the Code of Development.

SUMMARY

Staff has identified the following factors, which are favorable to this rezoning request:

1. The proposal meets most of the principles of the Neighborhood Model.
2. The applicant is proposing to preserve 39 of the existing mature trees.

The following lists substantive and technical issues, some of which regard the proffers that are still outstanding and unfavorable to this rezoning request:

1. Impacts on public facilities are not appropriately offset through proffers meeting the County's cash proffer policy or the provision of public improvements.
2. Timing of payment for affordable units needs to be better addressed.
3. The provision of a buffer along the common property line with Heritage Hall needs to be addressed.
4. The pedestrian connection to Berkeley needs to be addressed.
5. The limitation of square footage for retail vs. office use needs to be clearly stated in the Code of Development and be consistent with the plan and proffer.
6. An easement or agreement allowing the interconnection of adjacent property needs to be provided.
7. The proffers need technical revisions.
8. The Code of Development needs technical revisions.
9. ARB comments need to be addressed.

RECOMMENDATION

Without resolution of the aforementioned outstanding issues, staff cannot recommend approval. Should the Planning Commission wish to recommend approval of this proposal to the Board inclusive of proffers, code of development, and the general development plan, staff recommends that this recommendation be based on resolution of the nine (9) outstanding issues listed above before the Board acts on this rezoning.

ATTACHMENTS

ATTACHMENT A – Tax Map

ATTACHMENT B – Location Map

ATTACHMENT C – Code of Development

ATTACHMENT D – Planning Commission Final Action Memo, dated June 19, 2007

ATTACHMENT E – Electronic Mail from Joel Denunzio-VDOT, dated October 23, 2007

ATTACHMENT F – Letter to Mr. Edwards from Margaret Maliszewski, dated October 8, 2007

ATTACHMENT G – Memo from Margaret Maliszewski, dated October 17, 2007

ATTACHMENT H - Proffers, dated September 4, 2007

ATTACHMENT I – Memo from Gary Whelan, dated June 29, 2005

**Albemarle County Planning Commission
October 30, 2007**

The Albemarle County Planning Commission held a work session, meeting and a public hearing on Tuesday, October 30, 2007, at 4:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Calvin Morris, Vice-Chairman; Marcia Joseph, Chairman; Duane Zobrist, Bill Edgerton; Jon Cannon; Bill Edgerton and Pete Craddock. Bill Edgerton arrived at 4:10 p.m. Absent were Eric Strucko and Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia.

Other officials present were Rebecca Ragsdale, Senior Planner; David Benish, Chief of Planning; Wayne Cilimberg, Director of Planning; Amelia McCulley, Director of Current Development & Zoning; Bill Fritz, Chief of Current Development and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

Ms. Joseph called the meeting to order at 4:04 p.m. and established a quorum.

Work Session:

Crozet Downtown Zoning

A review and discussion of the Crozet Downtown Zoning project, with a focused discussion on a recommendation for a single Downtown Crozet Zoning District and the zoning regulations to be established for that district, including building setbacks, building height, land uses, the requirement for mixed use, parking requirements, sidewalks, landscaping, buffer/screening requirements. (Rebecca Ragsdale)

In summary, the Planning Commission held the third work session on Crozet Downtown Zoning. The primary purpose of the work session was to focus on the actual zoning regulations. The slide show presented by staff reviewed the following zoning requirements: building and parking setbacks, building height, parking, land uses, the requirement for mixed use, sidewalks, landscaping and buffer/screening requirements. The Commission discussed the zoning requirements, made comments and provided feedback and answered the questions posed by staff. Public comment was taken. No formal action was taken. An additional work session will be scheduled in the future to discuss implementation and a possible comprehensive zoning map amendment initiated by the County

The Planning Commission made the following comments:

- The proposal for shared parking through use of trading agreements should be modified. The goal is to make shared parking easier to achieve; however, if an owner loses parking spaces as a result of a change in an agreement, both the owner and the County need to be protected. It was agreed, however, that the viability of the businesses and mixed use over time will rely heavily on the adequacy of parking. Since the proposed regulations require fewer spaces than under current ordinances, the Commission asked staff to address any potential problems due to the lack of parking for the downtown area.
- The Planning Commission suggested that the minimum number of parking spaces for 2-bedroom residential uses should be 2.0 instead of 2.5 and that staff should look at the minimum number of spaces for other uses to see if they can be further reduced.
- Regarding the land uses, the main goal is to allow flexibility to achieve the mixed use. The proposed regulations from the consultant would require that each building have a mixture of uses. Members of the public were concerned that requiring all buildings to have mixed use would be too onerous. Planning Commissioners were concerned that commercial and residential uses might not be achieved in the downtown without some requirements.

LOCATION: Tax Map 56, Parcels 97A, 97A1, and 97 (only a .833 acre southwest portion of the property as shown on the General Development Plan) along Radford Lane near its intersection with Rockfish Gap Turnpike (Rt. 250 W)
MAGISTERIAL DISTRICT: White Hall
(Rebecca Ragsdale)

Ms. Long, representative for the applicant Weatherhill Development, said that staff summed up all of the issues very well. It was essentially a technical amendment to the proffers to provide additional flexibility for the affordable housing to be for rent units in addition to for sale units and also to expand the types of units that could be provided as affordable units.

Ms. Joseph asked that they expand the affordable housing proffer so that it includes the option to offer cash in the event that the County prefers cash to a housing unit at the time of site plan approval because a potential buyer has not been found.

Ms. Long replied in the affirmative.

Action on ZMA-2007-00014:

Motion: Mr. Strucko moved, Mr. Morris seconded, for approval of ZMA-2007-00014, Liberty Hall Amendment, as amended, to include the additional proffer language offered by Ms. Long.

The motion passed by a vote of 7:0.

Ms. Joseph stated that ZMA-2007-00014, Liberty Hall Amendment will go before the Board of Supervisors with a recommendation for approval on December 12, 2007.

ZMA-2007-00004 Oakleigh Farm (Sign # 62)

PROPOSAL: Rezone 8.82 acres from R-6 zoning district which allows residential uses and 6 units/acre to NMD - Neighborhood Model zoning district which allows residential mixed with commercial, service and industrial uses and 3 - 34 units/acre. Proposed number of units is 109 for a density of 12.3 units/acre.

PROFFERS: Yes

EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Urban Density Residential - residential (6.01-34 units/acre) and supporting uses such as religious institutions, schools, commercial, office and service uses. Neighborhood 1

ENTRANCE CORRIDOR: Yes

LOCATION: 547 Rio Road West (Route 631) directly across the street from Woodburn Road (Route 659)

TAX MAP/PARCEL: TM: 45/P: 26A

MAGISTERIAL DISTRICT: Rio
(Claudette Grant)

Motion: Mr. Craddock moved, Mr. Zobrist seconded, for denial of ZMA-2007-00004, Oakleigh Farm, as recommended by staff for the reasons stated in the staff report as unfavorable conditions.

Discussion:

Staff noted to the Commission that the applicant had agreed to address the following items that had been identified in the staff report:

1. Timing of payment for affordable units.
2. Provision of an easement to the adjoining property.
3. Making the proffers and Code of Development consistent with regards to limitations on the amount of retail square footage that would be available in the development (14,400 square feet)
4. Correcting wording problems in the proffers.
5. Correcting the Code of Development as requested by staff.

The Commission agreed that the applicant had appropriately addressed the issues related to pedestrian access to Berkeley by contacting the adjoining owners.

Regarding the recommendation for denial, Mr. Cilimberg asked if it was based on the unfavorable factors identified by staff that had not been committed to by the applicant. There were some things that the applicant said at tonight's meeting that they would address. In addition, he asked if the Commission's recommendation was also based on the lack of a provision of affordable units physically located in the project.

Mr. Zobrist asked that Mr. Strucko's concern be added about the fact that there is no policy in place for protecting the rural areas as opposed to the development areas. He does not want to overload the development areas until there is a current policy to protect the rural areas.

Mr. Strucko agreed, but questioned if that was part of the motion or the sediment of the other Commissioners.

Mr. Cannon noted that he felt the same way, but it was not part of his vote on this.

The Commission agreed with Mr. Cilimberg's summary.

The motion for denial passed by a vote of 7:0.

Ms. Joseph stated that ZMA-2007-0004, Oakleigh Farm will go before the Board of Supervisors with a recommendation for denial on December 12, 2007. The recommendation for denial was based on the following reasons:

1. Impacts on public facilities are not appropriately offset through proffers meeting the County's cash proffer policy or the provision of public improvements.
2. The provision of a buffer along the common property line with Heritage Hall had not been provided
3. The lack of affordable units to be physically located in the project.

The Planning Commission took a 10 minute break at 7:26 p.m.

The meeting reconvened at 7:37 p.m.

Work Sessions:

ZMA-2007-00016 Watkins 250 Rezoning

PROPOSAL: Rezone 3.0 acres from R1 - Residential (1 unit/acre) to HC Highway Commercial which allows commercial and service uses; and residential use by special use permit (15 units/ acre) for a Landscape Contracting business

PROFFERS: No

EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Community of Crozet; CT-3 Urban Edge: single family residential (net 3.5-6.5 units/acre) supporting uses such as religious institutions and schools and other small-scale non-residential uses

ENTRANCE CORRIDOR: Yes

LOCATION: 5168 Rockfish Gap Turnpike/Route 250 West, east of Radford Lane & adjacent to Clover Lawn

TAX MAP/PARCEL: Tax Map 56, Parcels 107C & 98D

MAGISTERIAL DISTRICT: White Hall
(Rebecca Ragsdale)

In summary, a work session on ZMA-2007-00016, Watkins 250 Rezoning was held by the Planning Commission. In a power point presentation, staff summarized and provided an overview of the