Albemarle County Planning Commission
May 22, 2001

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, May 22, 2001 at 6:00 p.m. at the County Office Building, 401 McIntire Road, Charlottesville, Virginia. Members attending were: William Rieley, Vice-Chairman; Tracey Hopper, Rodney Thomas; and William Finley. Absent from the meeting were Dennis Rooker, Jared Loewenstein and William Craddock. Other official present were: Greg Kamptner, Assistant County Attorney, Wayne Cilimberg, Director of Planning and Development, Elaine Echols, Principal Planner, Joan McDowell, Senior Planner, and Michael Barnes, Planner.

Mr. Rieley established a quorum and called the meeting to order.

Other Matters Not Listed on the Agenda from the Public

Mr. Rieley asked for additional matters from the public. There being none, the meeting proceeded.

Review of Board of Supervisors Meeting – May 9, 2001 and May 16, 2001

Mr. Cilimberg stated that the Board of Supervisors approved two zoning text amendments and a subdivision text amendment previously approved by the Commission at their May 9, 2001 meeting. All were adopted as recommended by the commission.

At the May 16, 2001 meeting, the Board of Supervisors approved the ground facilities at the Crown Castle/Nextel tower as recommended by the commission. They also approved the Wood Arrowhead tower and noted that it was understood that it was a wood tower. They approved the rezoning for the Mill Creek Village homes, staff will review the capacity of the existing basin. The Zoning Text Amendment regarding the height of public towers in residential areas, as well as the considerations for Board of Supervisors approval of an appeal of a Certificate of Appropriateness decision of the ARB were both approved as recommended. Finally, the Board approved the Neighborhood Model, essentially as recommended, but with a small change to the parking facilities provision.

Consent Agenda:

Addition to Batesville Agricultural/Forestal District - Addition of one parcel totaling 40.12 acres to the Batesville Agricultural/Forestal District. (Scott Clark) ***PLANNING COMMISSION TO REFER TO ADVISORY COMMITTEE.***

SDP 94-077 The Blue Goose Final Site Plan Extension Request - The applicant is requesting an extension of final approval to allow the completion of construction on a 13,740 square foot shopping center. (Stephen Waller)

SDP 01-024 2700 Hydraulic Road Building Preliminary Site Plan – Critical Slopes Waiver Request. (Stephen Waller)

Resolution of Intent -To changes the Subdivision and Zoning Ordinance as they relate to shared driveways, alleys, and application of setbacks/yards in the Development Areas. (Elaine Echols)

Approval of Minutes – February 6, 2001.

Mr. Thomas moved for approval of the Consent Agenda as presented.

Mr. Finley seconded the motion, which carried unanimously.

SP-2001-005 Jensen (Triton PCS) (Sign #49) - Request for special use permit to allow a 69 foot high wireless telecommunications pole in accordance with Section 10.2.2.6 of the Zoning Ordinance which allows for wireless towers and appurtenances. The property, described as Tax Map 62 Parcel 91, contains 3.01 acres, and is located in the Rivanna Magisterial District on Stony Point Road [Route 20] approximately 3 miles from the intersection of Route 250 and Route 20. The property is zoned Rural Areas, (RA). The Comprehensive Plan designates this property as Rural Area. (Margaret Doherty) ***APPLICANT REQUESTS DEFERRAL TO MAY 29, 2001.***

Mr. Rieley opened the item for public comment, there being none, the public hearing was closed.

Ms. Hopper moved to accept the applicant's request for deferral to May 29, 2001.

Mr. Thomas seconded the motion, which carried unanimously.

SP-2000-52 John Adams (Triton PCS) (Sign #51, 52, 53) - Request for special use permit to allow a personal wireless facility, including a 91 foot high wooden pole, antennas, and ground equipment on a 30' by 30' lease area, in accordance with Section 10.2.2.6 of the Zoning Ordinance which allows for microwave and radio-wave transmission and relay towers. The property, described as Tax Map 59 Parcel 20, contains 140.982 acres, and is located in the Samuel Miller Magisterial District 785 Verdant Lawn Lane, west of Rt. 250 and Rt. 677. The property is zoned RA Rural Area. The Comprehensive Plan designates this property as Rural Area 3. (Joan McDowell) ***DEFERRED FROM THE MAY 1, 2001 PLANNING COMMISSION MEETING.***

Ms. McDowell presented the staff report.

Mr. Rieley asked for applicant comment.

Ms. Valerie Long, representing the applicant, pointed out that Mr. Adams, the property owner, is present. She stated that Triton is agreeable to staff recommendations, subject to SP number correction in site plan waiver. This application is consistent with those submitted by Triton PCS in the past and utilizes a wooden pole. The pole is sighted in a grove of mature trees and in a small clearing, which allows room to build the facility and install the ground equipment without removing trees. Originally the access road was around the edges of the Adams property. This provides a better solution than a gravel road. The pole is sighted as close to the tallest trees as possible, without being too close to take maximum advantage of the screening provided. One of the issues as noted by staff is sited on a large piece of property, the nearest residence not owned by a family member is 1500' away. Photos were sent via e-mail to all Commissioners. Three of the photos were taken from West Leigh Drive, one was taken from Route 250 close to the intersection of West Leigh Drive. The closest distance to Rt. 250 was 809 feet. The balloon could be seen at a distance of 1300'. There is some visibility along West Leigh Drive, but the visibility is at a great distance and the design of tree top facility minimizes the impact. There is no impact on adjacent property or highways. She said that she is not aware of any adjacent owners who are opposed to the application. There were some at first, but we have worked with them and have alleviated their concerns. One of the conditions worked out with property owner, the requirement for tree preservation, which calls for a 200' tree protection area, has been expanded to include the areas shown on the exhibit.

Mr. Rieley asked for Commission input. He noted that pole is to be no more than 4' in diameter

Ms. McDowell noted that this is a wooden pole, the part of the tree used is the straight part, and the tapered narrowed part is cut off. The dimensions vary with wooden poles. Metal poles have more control as they are man made. She used the maximum size.

Mr. Rieley noted that is an extraordinary large pole. He asked that since this pole is shorter than the wooden pole at Bellair, that the circumference of the Bellair pole be measured and divided by pi, and use that as a realistic benchmark for this pole.

Mr. Cilimberg stated that the Board of Supervisors indicated set diameters would be important for metal poles but realized this could vary depending on the height and the tree itself. A diameter for wooden poles would not be as important as that for a metal pole.

Mr. Rieley replied that the discussion was based on the fact that the poles that hold up the lights at St Anne's Belfield are taller and carry more weight than wooden poles. One of the advantages of metal poles would be a substantial reduction in the diameter of the poles. He agrees that having a set diameter is a good idea, but it should be based on empirical information.

Ms. Hopper asked if there are any other variables that go into determining the diameter of the pole.

Mr. Cilimberg replied that the tree itself would effect the diameter of the pole.

Ms. Hopper said that if you start with a base at 48", it would be more disconcerting if the diameter at the top was then 4'.

Mr. Finley stated that he had no problem with the recommendation of Mr. Rieley.

Mr. Thomas pointed out that a wooden pole is weaker than a metal pole and 4' is the maximum. He questioned the number of wooden poles that are 4'.

Mr. Rieley asked if the commissioners would feel comfortable leaving the diameter blank and asking staff to assess this prior to the Board meeting. He would like staff to base this upon the Bellair pole.

Ms. Hopper noted that 48 inches might not be broad enough.

Mr. Finley pointed out that if staff finds a reason where this is too small, she has the flexibility to change the diameter.

Mr. Rieley stated that he was comfortable with that.

Ms. McDowell said that she can let the Commission know this number.

Ms. Hopper said that she did not see in the conditions the alternative road that Triton worked on.

Ms. McDowell pointed out that it is in the plan.

Ms. Finley moved for approval of SP-2000-52 with conditions of staff, and a change in diameter.

1. The top of the pole, as measured Above Sea Level (ASL), shall never exceed 5.6 feet above the top of the tallest tree within twenty-five (25) feet of the facility, as measured Above Sea Level (ASL). No antennas or equipment, with the exception of the grounding rod, shall be located above the top of the pole.

2. The pole shall be designed, constructed and maintained as follows:
   a. The pole shall be a wooden pole, dark brown in color;
   b. Guy wires shall not be permitted;
   c. No lighting shall be permitted on the site or on the pole, except as provided by condition number nine (9) herein;
   d. The ground equipment cabinets, antenna, and all equipment attached to the pole shall be dark brown in color and shall be no larger than the specifications as shown on the attached plan entitled Adams Property/Triton PCS and last revised on 5/10/01.
   e. A grounding rod, not exceeding two feet above the top of the pole, and with a width not to exceed one-inch diameter at the base and tapering to a point, may be installed at the top of the pole.
   f. Prior to issuance of a building permit, the applicant shall provide a statement to the Planning Department by a licensed surveyor certifying the height of the tallest tree, as identified in condition number one.
   g. Within one month after the completion of the pole, the applicant shall provide a statement to the Planning Department certifying the height of the pole, measured both in feet above ground and also measured Above Sea Level.
   h. The pole can never extend above the top of the tallest tree, except as described in condition number one of these conditions of approval, without prior approval of an amendment to this special use permit.
   i. The diameter of the pole shall be determined prior to the Board of Supervisors meeting.

3. The pole shall be located as follows:
   a. The pole shall be located on the site as shown on the attached plan entitled Adams Property/Triton PCS and last revised on 5/10/01.

4. Antennas shall be attached to the pole only as follows:
   a. Antennas shall be limited to those shown on the attached plan entitled Adams Property/Triton PCS and last revised on 5/10/01.

b. No satellite or microwave dishes shall be permitted on the pole.
c. Only flush mounted antennas shall be permitted. No antennas that project out from the pole beyond the minimum required by the support structure shall be permitted. However, in no case shall the antennas project out from the pole more than 12 inches.

5. Prior to beginning construction or installation of the pole or the equipment cabinets, or installation of access for vehicles or utilities, a tree conservation plan, developed by a certified arborist, specifying tree protection methods and procedures and identifying any existing trees to be removed on the site both inside and outside the access easement and lease area shall be submitted to the Director of Planning and Community Development for approval. All construction or installations associated with the pole and equipment building, including necessary access for construction or installation, shall be in accordance with this tree conservation plan. Except for the tree removal expressly authorized by the Director of Planning and Community Development, the permittee shall not remove existing trees within the area shown on Attachment C. A special use permit amendment shall be required for any future tree removal within the tree preservation buffer.

6. The pole shall be disassembled and removed from the site within ninety (90) days of the date its use for wireless telecommunications purposes is discontinued.

7. The permittee shall submit a report to the Zoning Administrator one time per year, no later than July 1 of that year. The report shall identify each user of the pole and certify that the height of the pole is in compliance with condition number one.

8. No slopes associated with construction of the pole and accessory uses shall be created that are steeper than 2:1 unless retaining walls, revetments, or other stabilization measures acceptable to the County Engineer are employed.

9. Outdoor lighting shall be limited to periods of maintenance only. Each outdoor luminary shall be fully shielded such that all light emitted is projected below a horizontal plane running though the lowest part of the shield or shielding part of the luminaries. For purposes of this condition, a luminaries is a complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.

Ms. Hopper seconded the motion, which carried unanimously.

Ms. Hopper moved for approval of the site plan waiver with conditions noted on page seven of the staff report, correcting #5 to "SP-00-52"

1. Approval of an erosion and sediment control plan prior to the issuance of a building permit.
2. Provision of one parking space.
3. A site plan application shall be required if activity on slopes of 25% or greater is proposed.
4. Staff review and approval to ensure that all conditions of the special use permit are reflected in the final revisions of the construction drawings, prior to issuance of a building permit.
5. Conditions of approval for both the site plan waiver and SP 00-52 shall be placed in the final plan.
6. The arborist recommendations shall be placed in the final plan.

Mr. Thomas seconded the motion, which carried unanimously.

ZMA-99-11 Clover Lawn Village (Preston Stallings) (Sign # 42) - Request to rezone 6.80 acres from R-1 Residential district and HC Highway Commercial to PD-MC Planned Development Mixed Commercial. The property, described as Tax Map 56 Parcels107, 107A, and 107A1 is located in the White Hall Magisterial District on Rockfish Gap Turnpike, Route # 250 West, across the street from the Blue Ridge Building supply at 5221 Rockfish Gap Turnpike. The Comprehensive Plan designates this property as Neighborhood Density Residential, recommended for 3 - 6 dwelling units per acre in the Village of Crozet. (Elaine Echols)

AND

SP-2001-006 Clover Lawn Village (Preston Stallings (Sign #41) - Request for a special use permit to allow residential uses in a PD-MC zone. A concurrent rezoning of the 6.80 acres is proposed from R-1 Residential district and HC Highway

Commercial to PD-MC Planned Development Mixed Commercial. (Elaine Echols)

AND

SDP-2001-016 Clover Lawn Village - Request for preliminary site plan approval for mixed residential and commercial uses on 6.8 acres zoned R-1 Residential and HC Highway Commercial. A concurrent rezoning of the 6.80 acres is proposed from R-1 Residential district and HC Highway Commercial to PD-MC Planned Development Mixed Commercial. The specific proposal includes up to 40 multi-family units and 22,000 square feet of commercial uses. (Elaine Echols)

Ms. Echols presented the staff report.

Mr. Thomas noted that staff mentioned this was in the development area.

Ms. Echols replied that this is part of the Crozet area, which is considered to be a development area. The development area boundary is Rt. 250 except for a small section, which is located south of the road and picks up Blue Ridge Builders Supply and the Food Lion site. This forms the southern boundary of the Crozet development area.

Mr. Rieley asked staff to point out Radford Lane's relationship to the proposed Food Lion access.

Ms. Echols pointed out Food Lion site, which contains an out parcel with a building and a large grocery store building. Radford Lane is a jog offset. VDOT is concerned that this should have been aligned because of the potential traffic problems. Great Eastern Management also owns this site. We are working with them to see if this can be shifted to align with Radford Lane.

Mr. Finley asked Ms. Echols to discuss the proffering of a 25' of right of way on Radford Lane. VDOT has said that setback should be measured from the 25' mark and not the centerline.

Ms. Echols said that she would have to look at that. She didn't weigh in on that issue because they didn't have any buildings close to Radford Lane. Staff was asking that there be dedication along this.

Mr. Rieley asked if the access ran along the centerline of the property line between this parcel and the adjacent parcel.

Ms. Echols replied that the property goes to the centerline, but not in the back. There is a roadway in the back that is not on the applicant's property.

Mr. Cilimberg stated that setback is measured against the edge of the right-of-way. If there were an easement it would be measured from the edge of the easement.

Mr. Rieley opened the public hearing on all three items and asked the applicant to comment.

Ms. Jo Higgins, representing the applicant, said the site plan is representative of our goal for a cohesive plan for the 3 parcels. Basically the footprints of the commercial area towards the front if oriented towards the two existing highway commercial parcels, it is in similar proportion. This has been reconfigured from the plan presented in 1999. The goal was to create a more passive area towards the residential section. We have been working through the details with staff. The main difference when talking about rural and urban is the curb, gutter, sidewalk, and drainage systems entailed. One issue is safety related, in putting pedestrians in proximity of 55-mph highway. The scale of the development, by moving it closer to Rt. 250, causes friction on a roadway. There is no book that states the number of vehicle trips per day that sends an area from rural to standard. A definition from the Highway Capacity Manual refers to the spacing of traffic signals and uncontrolled access points. They refer to highways with more than 10 uncontrolled access points per mile on one side as suburban. Between Rt. 240 and Rt. 250 where the road splits, it is 2 miles to the site. There are 13 entrances on the right, and 19 on the left side in those two miles, both under the 10 required. We believe that we can accomplish a rural character on Rt. 250, not effect the speed limit, bring people into the development, and have a streetscape that is tree-lined with sidewalks and store fronts that actually face Clover Lawn. On the issue of maximum density, the 4.2 acres of Highway Commercial is being downgraded to accomplish the residential component. The original 2 parcels could meet parking and setback requirements. We believe we have accomplished the requested specificity for commercial uses. The development is not proffered at this time as we have not determined whether the project is viable. We will be involved with the ARB, they will address the materials, colors, landscaping. Regarding recreational amenity, the original plan had 4,000 feet, the revised plan contains 25,000 square feet, and we accomplished this by putting it to the corner of the development.

This will give the people in the residential areas ownership of the site.

Mr. Finley asked if there was a slope in the back in the condominium area.

Ms. Higgins said they are proposed as two story, there would be a terrace between the commercial and residential area that drops 8-12' and would be above the cars. On the western edge there is no grading along Radford Lane. We have minimized the disruption around the borders as much as possible.

Mr. Finley asked the distance from the property line in back to Radford Lane.

Ms. Higgins stated that the property line goes right up the middle of Radford Lane, goes around the corner and perpendicular between two parcel. We have tried to isolate Radford Lane, and have alleviated traffic by consolidating the parcel along Radford Lane into the commercial area.

Mr. Finley asked if you dedicate right-of-way to Radford Lane, does your property line come to the edge of Radford Lane.

Ms. Higgins said it goes right down the middle. Alignment issues would have to be addressed.

Mr. Finley asked if you were to dedicate 25' of right-of-way, would you have to shift the buildings towards Rt. 250.

Ms. Higgins replied that there are no setback issues in that section.

Ms. Hopper asked Ms. Higgins to describe meetings with neighbors and others who are interested.

Ms. Higgins stated that she had gone to the Crozet Homeowners Association on two occasions, the Rt. 250 Committee, and has met with the property owner of 7 acres to discuss joint needs on access. She has been working with the lodge representative for more than a year because the extension of public utilities will occur across the front of the lodge property. She has not had meetings with the adjacent property owners. We have had such a mixed and evolving plan, it is tough to go into a meeting and not know if it's going to be accepted. We have tried to consider the buffering and passive units.

Ms. Hopper pointed out that one of the things in this application, which is complicated, is the question of whether the streetscape should look urban or more rural. DISC talks about master planning and community visions. How do we want this area to look? This is a development area and while it has 9 access points to Rt. 250 now, there may be 16 in the near future.

Ms. Higgins said they have been struggling with that. You have more opportunity to consolidate entrances as development occurs. We are doing this on this proposal. We put DISC principles into play as much as possible.

Ms. Hopper stated that she is not clear if we want this strip to have more accesses. What is the vision for this area.

Ms. Higgins said that they have shown, from the entrance to Clover Lawn an additional lane, we have not shown an additional lane from the entrance to Radford Lane. VDOT wants full frontage improvements to widen roads. We gave up an entrance, and designed one side with an additional lane.

Ms. Ellen Waff, an adjacent property owner, commented that Highway Commercial on RT 250 is to be limited to existing commercial land only. This development is not part of Crozet and is not in keeping with the Crozet Community plan. Scenic 250 hammered out a resolution from the Board of Supervisors stipulating no widening of 250 and reiterated their position on Highway Commercial. This attempt for rezoning is nothing short of a plan for a strip mall. It would set a precedent and doom Rt. 250 to needless ugly buildings and increased traffic and noise. The impact on Crozet must be weighed into a realistic vision for our rural community. Staff's report and attention to the stormwater facility, lack of lighting information, the small size, the lack of prospective drawings, the unspecific proffers, point directly to a denial. If this plan resurfaces in the future she suggests neighborhood advisory input from the initial planning stages on an ongoing basis, and consideration with an architect to enhance our rural neighborhood model.

Mr. Rick Middleton, representing Scenic 250, provided comments. This is a complicated situation and we are interested in

working with the developer and the staff. At this point, we oppose this plan. The basic points are a need for a vision for this growth area. This is a designated growth area, not an urban area. The Crozet growth area is a huge area and will have different elements. We would like to have a meaningful downtown commercial zone, high density zoning in appropriate places, open space and parks, and other amenities with an infrastructure that ties it all together. We think it is inappropriate in this situation. Because of Food Lion, and other highway commercial already designated, the applicant says this should be a high-density residential cluster. We favor the DISC principles, but we think it's a misapplication and a misinterpretation to take a six or seven acre parcel, and try to create a DISC model within that small space. We think that this should be an area that is principally rural, not a high-density type of development. It is inappropriate to the character of the area. There are a number of things going on here at the same time, and your decision has the potential to drive other decisions. We strongly urge that the overall commercial zone along Rt. 250 be minimized.

Mr. Bob Cross gave the position of the Radford Lane Homeowners. From our perspective, we think this is a significant happening, and would like any approval of this site to be contingent on aligning Radford Lane with the Food Lion site, as this is a safety issue. The Food Lion site is a legal site plan, and Mr. Stallings is the owner of both properties and should be responsible for this alignment. You would have entrances at one point so traffic could be controlled. Staff says it would be preferable but they did not want to make it part of the zoning request. A road should be provided to Radford Lane from Clover Lawn. Our concern is that the Food Lion will bring significant traffic to the area. What happens if we want to develop along Radford Lane, we can't do it because of safety problems. We want to expand this proffer to the use of everybody on Radford Lane. VDOT said it was an error, they pointed out that Radford Lane was not on the plan approved for Food Lion. He is not sure the Board of Supervisors was aware of that.

Ms. Hopper asked if Mr. Stallings owned the property that Food Lion is on.

Ms. Echols replied that he is the property owner.

Ms. Hopper asked if Mr. Stallings had some leeway to make those two entrances align.

Ms. Echols said she did not know the answer to that question. Mr. Stallings has said that while he owns the property, Great Eastern Management has the site plan and it is their business arrangement.

Ms. Diane Berry stated her opposition to the development. These apartment units will bring many new children to the area. Currently, the local school system is experiencing overcrowding on the buses. There are no more buses available to alleviate the problem. Our children currently sit three to a seat. Brownsville is not under capacity, the classrooms are small and there is already a mobile unit on the site. Benefits to the existing children would be compromised. The land that is designated recreational is on a slope. Playing on slope area is not acceptable. Children need room, this development does not provide safety. She urged the commissioners to vote against this proposal

Mr. Robert Johnson, County resident believes that the fact that comments are similar indicates that people have the same ideas. Crozet is ideal for developers, it has a through road that goes both ways. The development should be at Crozet. Developers have been working for grandfathered zoning into strip zoning development on Rt. 250. Commercial development should be in the Crozet area, this is a completely different development area than Crozet and is inappropriate for development. He stated his opposition to the plan. He believes we should minimize the amount of commercial development on Rt. 250. The County should not allow this kind of large scale development in this area.

Mr. John Jackson, representing neighbors against Clover Lawn Village, filed a position paper with 25 signatures, including all of the contiguous residential property owners. He appealed to the commission to reject the application.

Mr. Finley pointed out that the present zoning would allow highway commercial and read what businesses would specifically be permitted.

Mr. Jackson replied that Mr. Stallings has not stipulated exactly what would be in these commercial buildings.

Ms. Cindy Jackson expressed two concerns: (1) it does not work with the existing neighborhood. This development is too dense for both the commercial and residential use. It should have more of the rural feel. We need proffers for retail that is not available in Crozet at this time. We would like to have storefronts that would close by 6:00 p.m. to ensure quiet for the residents. Corey Farms is nearby, but it does not allow for bike or walking paths for those families. There has been no

consideration of the local property owners in this design concept. (2) The second concern is the amount of pollution that could be created in this rural area. These need to be well planned because of possible effects on the neighbors.

Mr. John Sinclair lives on Morgantown Road. He stated that safety and traffic congestion are the major issues of concern. He would like to know how these issues are compatible with a new application by Faulconer Equipment Company to make a heavy truck corridor out of Rt. 250. How is this compatible with all the issues that have been addressed today. It is directly pertinent to the citizens of western Albemarle County to preserve scenic and environmental integrity.

Mr. John Marston realizes that this is Highway Commercial and is there because it is a grandfathered situation. Crozet was built up along Rt. 250, which has now been changed to Rt. 240. Do we want Crozet to be like downtown Charlottesville? We already have vacant buildings in downtown Crozet, vacant commercial places and vacant industrial places. Urge you to consider this and deny this request.

Mr. Max Cole, lives on Radford Lane. We have been living with this growth plan since 1981 and we should stick with it. We should not increase the density, unless we do it in Crozet.

There being no further comments, Mr. Rieley closed the public hearing.

Ms. Higgins responded to the comments from the public. This development is of a scale such as the Commonwealth Drive apartment buildings, they are not geared for children occupancy. They are geared more toward young professionals and singles. The residential component is for people who operate or manage the businesses. We do not look for a large child commitment in this development. The ordinance does address lighting issues. The ARB will address landscaping and buffering. We believe this is a service area to nearby neighborhoods and alleviate traffic on Rt. 250. There has been much more activity in the area, we are not looking to starve Crozet, but to provide a service to people in the area. This development would save trips in the long run. The look and feel and scale of development will be addressed. Until the viability of the development is in some certainty, we will remain in the preliminary planning stages.

Mr. Thomas asked if Ms. Higgins viewed this development as an extension of Crozet or as an entity of its own on Rt. 250.

Ms. Higgins said that recently, Mr. Marshall tried to get the developers together to discuss all of the plans that are in progress. This is existing zoning and we believe it is the best use of what we have. The level of service needs to keep pace with the growth in the area. Can all of the needed service be provided in the village of Crozet. The market drives this plan.

Mr. Finley asked if the people she spoke with were interested in development.

Ms. Higgins said that one of the subjects that keeps coming up is the 240/250 connector. She believes that is a viable and interesting concept. This is a designated growth area and if you don't develop within the growth area, then you have to find other land outside of that area.

Ms. Hopper asked Ms. Higgins to respond to the access issue. She asked if Mr. Stallings would be willing to correct this for aligned access.

Ms. Higgins pointed out that the Food Lion has been through the development process twice. It was approved most recently, 3 ½ years ago. Radford Lane was not shown on the plan, but by the same token there was a lot of turnout.

Ms. Hopper asked if Ms. Higgins and Mr. Stallings would be willing to work on correcting this

Ms. Higgins replied yes and no. Great Eastern Management has met with the county to begin working out details. They have expressed a willingness to cooperate. Mr. Stallings does not own Blue Ridge Homebuilders, but he is willing to cooperate with Great Eastern Management's plans.

Ms. Hopper asked how long it would take Great Eastern to make a decision.

Ms. Higgins replied that there are issues to resolve that may take some time.

Ms. Hopper asked if Ms. Higgins would agree to a deferral.
Ms. Higgins said that she did not have an answer to that at this time, as the issues have not yet been addressed.

Mr. Finley stated that staff may be the ones with an answer. He asked for clarification of the VDOT letter.

Ms. Higgins said that this proposal has been in front of VDOT showing two entrances, it has never been shown with the entrance from Radford Lane. There was an existing entrance. VDOT was supportive of this development lining up with the second entrance to the Food Lion. If you bring everybody to one point, you bring up signalization.

Mr. Rieley brought the matter before the commission for discussion.

Ms. Hopper stated that she believes it is premature for us to act on this issue tonight. There is not enough information currently. Staff will need to talk with Great Eastern Management for feedback on the alignment issues. A rezoning deserves extra special consideration. It is especially necessary to have community input. The idea of a neighborhood advisory committee is an excellent one. We need to look at the vision issues and determine what the community wants this area to look like. She said that she would vote for denial, or if the applicant is willing to work with the county, then consider deferral.

Mr. Thomas agreed with Ms. Hopper that it is premature. It is in the growth area and probably leaning toward the type of development the County desires. There is just not enough information. He would also deny it tonight.

Mr. Finley stated that this may be the lesser of two evils. This is valuable land, they have the right to do those things noted for Highway Commercial.

Mr. Rieley said that when this came to us previously, as a proposal for the residential component, we asked the applicant to come back to us with a comprehensive plan for all three parcels. The applicant has made a good faith effort to work in the direction, which we requested. There is existing commercial zoning on the property, which allows for strip development. He could not agree more with the statement that the County should minimize commercial development on Rt. 250. In addition, this proposal has several laudable aspects: cooperative parking, and the mixed use is correct and a big move in the right direction. It seems that the density in scale of this proposal is isolated in a setting in which it does not fit. He agrees with Ms. Hopper and others that this plan can be improved through a dialogue with the neighbors. He believes it is appropriate to limit the commercial uses to those that serve the Crozet area. We don't yet have a proposal that is specific enough to warrant the rezoning, it does not acknowledge the adjacent conditions well enough. He does think the commission should review each of the nine issues listed in the staff report.

1. Should a rural or urban streetscape be provided along Rt. 250?

Mr. Rieley asked if the DISC model was applicable in this case. We need to look at 250, not only as it passes along the edge of Crozet area, but from Afton Mountain to Charlottesville. We need to maintain Rt. 250 as a consistent roadway, in fact, a rural cross section is right.

Mr. Finley said that he agreed. He asked, if you go to urban section does this mean the buildings must come closer.

Mr. Thomas replied that according to the DISC plan, in the town centers the buildings would be closer. He agrees that it should be rural on Rt. 250.

Mr. Finley asked if the location of parking made a difference.

Ms. Hopper said that being on a rural byway and faced with a sea of parking is not conducive to a rural byway.

Mr. Rieley stated that if this is a rural cross-section, and if there is an access point that is compatible with Blue Ridge Homebuilders and Radford Lane, then it seems that buildings that have some buffer from 250 would be appropriate.

Mr. Thomas pointed out that the parking lot would not have to be visible from the road, it could be buffered with trees.

Mr. Rieley said that this application showed the majority of parking on other side of building.

Ms. Hopper stated that she would like to hear from the community. She said that she still has a problem with parking as it is currently located. It does not seem compatible in keeping with a rural cross section. She asked if the County was moving toward making 250W another Rt. 29.

Mr. Rieley asked if we had consensus that the Commission favors a rural cross section on Rt. 250 and that we would like to see parking that's visible from Rt. 250 minimized.

The commissioners agreed.

Ms. Echols asked the commission to weigh in on this issue as is effects pedestrian access.

Mr. Thomas asked what kind of pedestrian access could you have with a 55 mph highway there.

Ms. Echols said they anticipated a reduction in the speed limit as you approach Miller School Road with the shopping center on the other side of the street.

Mr. Rieley stated that there are two kinds of pedestrian activity likely to happen: (1) people walking from Radford Lane, across Rt. 250, to get to the other side, as a crossing. The character of the Rt. 250 frontage has been set with the setback, this is not an urban street in which we are collecting people. This property is on the edge of the growth area and should be a transitional area. The eventual signalization of the intersection would do more to provide pedestrian access than curb and gutter.

Mr. Cilimberg said that he thought that Mr. Rieley was saying that the focus for this edge of the development area of Crozet should preserve Rt. 250 as it is and internalize some of the features of the neighborhood model in the developments that occur. Pedestrian access would come from any developing internal roads, rather than from Rt. 250.

Mr. Rieley replied yes. He said that he would like to see Rt. 250 thought of as a rural corridor. We will have a different model of development on one side of it, but we would hope that the development would be centered in Crozet, rather than along the highway.

Mr. Thomas asked if this should stay as a rural road, or should we start preparing now for upcoming development.

Ms. Echols said the shopping center is across the street. This is the only commercial zoning along this stretch of Rt. 250.

Ms. Hopper asked if there was any more Highway Commercial along the 250 Corridor.

Mr. Cilimberg replied that there was a commercial area at the corner of 250/240. There are one or two spots west of 240 as you get towards I-64. This is all spot Highway Commercial left over from the 1970's.

Ms. Hopper suggested having the streetscapes on both sides of the development.

2. Should the buildings be brought closer to Route 250?

Mr. Rieley said there is room to do that, but it depends on how it relates to the other issues.

Mr. Cilimberg stated that the commissioners had expressed the desire to minimize the visibility of any parking along Rt. 250.

Mr. Rieley said that he did not think we could have a commercial building facing a rural cross-section without parking in front of it.

3. Should a maximum residential density be allowed along with 22,000 square feet of commercial use?

Mr. Rieley said that using up all of the commercial potential for this property, and layering the total amount of the residential development that would be allowed on top of it, is too much. This looks like an isolated urban piece in an area

that has a rural character.
Mr. Finley said that there was some concern expressed with affordable housing. Are these condos really affordable?

Mr. Rieley said that we did not have the legal authority to tell the developer how affordable the housing should be.

Mr. Thomas stated that if we limit the density that would mean the rent would be higher.

Mr. Rieley said that achieving lower cost housing at the cost of density that this plan has is not appropriate. The residential density, particularly on the margins, needs to be lower.

4. Should the access easement along Radford Lane be reserved for dedication?

Mr. Rieley said that he would add to that the issue of realignment of Radford Lane should be part of this discussion. We can strongly suggest that a plan is unacceptable without it. There is really no excuse for not fixing this before it is built. Dedication should be part of this as should the alignment of Radford Lane and the adjustment of the internal site plan to make it work with the new alignment.

Mr. Finley said he thought they were talking about access so that you come out of Radford Lane and turn left into Clover Lawn.

Mr. Rieley stated that he thought this was simply the dedication of that portion of the right-of-way. The realignment and the dedication need to be considered at the same time.

Mr. Cilimberg said that in order to reserve the right-of-way that it would be necessary to widen Radford Lane to create a public road and to fix the off-set intersection. The second item cannot be made a condition. There might be some conflict with the water resources plan.

Ms. Echols said that water resources has been on the site, but they have not made a decision yet. There may be some opportunities to play with the site plan.

5. Should greater specificity be provided for commercial uses?

Mr. Finley asked how that could be done.

Mr. Cilimberg said that the commission could take the example of other rezonings in Crozet. There was a fair detailing of appropriate and non-appropriate uses.

Mr. Rieley said he thought that was exactly was needed to happen. Those ideas should come from the meetings with the community as they know what will serve this area and not detract from the area

6. Should more commercial uses be proffered out?

Mr. Cilimberg stated that the answer to this would probably be as necessary based on #5.

Mr. Rieley agreed.

7. Should building perspective drawings or elevations be proffered or referenced in the proffers?

Mr. Rieley said that the commission had been clear over the years that vague assurances of good intentions don't go far as this property can be sold to somebody next week. Whatever this is going to be, should be agreed upon by all.

Mr. Finley said this would help a lot in communicating with the community.

Mr. Kamptner asked if there was a plan for development.

Ms. Echols replied that the site plan was serving as the plan for development.
Mr. Rieley said it was in general compliance with the plan that the elevations were not proffered.

8. Is the parking shown appropriate in quantity and location?

Mr. Rieley applauded cooperative parking as it holds down on impervious areas. There is a lot of pavement between the two areas of buildings associated with the buildings in front. There really is a huge amount of parking on this small site. This could be addressed if the number of units is revised to make it more compatible.

Ms. Hopper said that was her reaction as well. She thinks there should be less parking out front.

Mr. Thomas stated that he thought the location of the parking lot will be buffered from the highway.

Mr. Rieley said it is somewhat connected to item #9, he agrees with staff's position that the recreational amenities should be more centrally located and should be a part of the design.

Mr. Finley pointed out the parking quantities are pretty much set by ordinance. They are not putting in more parking than required.

Ms. Echols said that what they have given to the County is their schedule of parking. Without knowing the specific commercial uses such as retail, we are unsure what the required parking would be. Using the PDSC zoning plus the residential units, there is more parking shown on the plan than that would require. They are asking for input on the parking issue.

9. Is the recreational amenity appropriate to the development?

Ms. Hopper said that she thought this item would address some of the issues of parking.

Mr. Thomas pointed out the Ms. Higgins had mentioned that the recreational area was located to provide a buffer to the residential areas.

Mr. Rieley said that he believes the consensus is that additional work needs to be done, and while we are grateful to the applicant, it still has additional work that needs to be done. There is not a sentiment to approve this item tonight. The question comes back to the applicant to request a deferral.

Ms. Higgins did request a deferral, but asked for a timeframe.

Mr. Rieley pointed out that the commission would like to see substantial community development.

Mr. Cilimberg suggested setting a date for the deferral.

Ms. Echols said that staff needed a minimum of two weeks before a public hearing. She said that she would like to talk about six weeks, but two months would be okay.

Mr. Rick Middleton of Scenic 250 said that realistically, during the summer, sixty days will not provide adequate time for input.

Mr. Thomas said it was a two-way street between the neighborhoods and the developer.

Ms. Higgins said she would be amenable to an eight week date.

The applicant requested deferral of these items to July 24, 2001.

Finley move to accept the applicant's for deferral of all applications to July 24, 2001.

Ms. Hopper seconded the motion, which passed unanimously.

ZMA-99-13 Young America (Sign #98) - Request for a zoning map amendment of approximately 3.50 acres to allow for HC, Highway Commercial uses. The properties are located on approximately 9.099 acres zoned LI, Light Industrial and an unzoned, abandoned highway right-of-way. The property is described as portions of Tax Map 76M1-Parcel 1 and is located on the east side of Fifth Street Extended just north of its intersection with Interstate 64. This property is located in the Scottsville Magisterial District and is designated for Industrial and Regional Service uses in Neighborhood 5 as identified in the Comprehensive Plan. (Michael Barnes)

AND

SP-99-59 Young America (Sign #95) – Request for Special Use Permit approval of approximately 4.00 acres for fill of the floodplain of Biscuit Run at its confluence with Moores Creek. Property is located on approximately 12.897 acres zoned LI, Light Industrial and HC, Highway Commercial. It is described as portions of Tax Map 76M1-Parcel 1 and Tax Map 76-Parcel 55A and is located on the east side of 5th Street Extended just north of its intersection with Interstate 64. This property is located in the Scottsville Magisterial District and is designated for Industrial and Regional Service uses in Neighborhood 5 as identified in the Comprehensive Plan. (Michael Barnes)

Mr. Barnes presented the staff report.

Mr. Finley asked about the statement that the BMP can't be in the floodway. Is this for quality? Is there concern about runoff going into the floodway.

Mr. Barnes the concern is the quality not quantity.

Mr. Thomas asked if there was any comparison to the floodplain fill at the North Garden firehouse.

Mr. Barnes said that any site would have to treat its impervious cover. The fuel tanks are not an issue as the site would be above the floodplain. The site would not come under floodplain regulations once the site is graded above the floodplain.

Mr. Rieley pointed out that the North Garden fire department had extremely specific plans.

Mr. Finley said that the County does allow fill in the floodplain if you meet the design conditions.

Mr. Thomas asked if there was a preliminary site plan.

Mr. Barnes said that the plan supplied in the packets is what staff has received thus far. The applicant applied a site plan with no topography.

Mr. Rieley asked the applicant to address the commission.

Mr. Bob Smith, representing the applicant, has been working for 3 ½ years on this project with the staff. Staff had asked us to put the two applications together. The owners engaged Dewberry & Davis to conduct a study on Moores Creek and were able to get 1 ½ acres out of the floodplain, which was approved by FEMA. We hired Roudabush & Gale did a study and came up with 3 ½ acres, the owners bought an additional 8 acres that is currently zoned LI. VDOT abandoned a small strip of road that went off of 5th Street Extended and dead-ended. VDOT deeded this over to the owners. The owners currently control the full 3 ½ acres. We went back to Dewberry & Davis with the plan from Roudabush and got it approved by FEMA. FEMA allows you to increase the flow by a foot, but Albemarle County says zero. The study said it was about a quarter of an inch, there is no raise on other people's property. We have had a traffic analysis and a wetland delineation report done. A conceptual site plan has been provided. Potential users want to know that it is zoned for the use before they will consider the property. Following approval, a firm site plan showing stormwater detention, and VDOT requirements will be shown, will be provided. We will have to meet with the ARB. We don't know the cost at this time. The County currently collects $639 in taxes on property that cannot be used.

Mr. Thomas asked if the property across Fifth Street is filled in.

Mr. Smith replied yes. He said that the applicant is anxious to move forward.

Mr. Thomas verified that 3 ½ acres would be outside the floodplain when the filling is done.

Mr. Smith said that they would probably only get about 3 acres of usable ground because of the required slopes.

Mr. Thomas verified that the building next to Moores Creek is in the incorrect area on the drawing.

Mr. Smith said that could be moved back.

There being no further comment, Mr. Rieley closed the public hearing.

Mr. Thomas stated that he would like to see as much of the property rezoned as possible. It is not close to residential areas so it will not infringe on the communities.

Mr. Finley asked if the engineers have concluded that they can meet county engineering requirements.

Mr. Smith replied yes. They have met several times. They have agreed that what is approved by FEMA is doable. There are a lot of procedures that we have to go through once the rezoning is approved.

Mr. Finley pointed out that they would be within the 100' stream buffers.

Mr. Smith verified that they can get within 50' of the stream with mitigation. That mitigation has not been verified.

Mr. Rieley stated his concern about the number of unanswered questions. The primary issue of the floodplain seems to be addressed, but there are others that have not been addressed. Rezoning is a major threshold for us. We need to know what it is before we rezone. This property is in an entrance corridor and in a highly visible location. He would like to see a plan that deals with mitigation, and includes a concrete proposal for layout of property. It would be inconsistent with what we have done with other properties to rezone without seeing a concrete plan.

Ms. Hopper agreed. She asked staff about the floodplain fill in that it seemed that the ordinance requirements were met.

Mr. Barnes said it sounds like the ordinance speaks to several different requirements. There are other issues including the fill shelf cover.

Mr. Rieley pointed out the issues of the stormwater detention and the water quality.

Mr. Barnes added that the mitigation plan tremendously on the proposal. He is not sure if there is room for mitigation on site.

Ms. Hopper said it sounds like the two applications are necessarily interlinked, and it is hard to grant one without the other.

Mr. Thomas asked if the special use permit could be approved without the rezoning.

Mr. Finley said that the engineers need to reach agreement on the four points on page eight.

Mr. Smith stated that their engineers said there were no problems with the third and fourth items, the fifth item had to do with the building being shown in the incorrect area.

Mr. Finley said that if the engineers are agreeing that you can meet the requirements, it seems like you could come back with specific users.

Mr. Smith said that it is a very difficult situation to market in the state that it is currently in. He said that until we know the layout, there are things that cannot be addressed, such as mitigation.

Mr. Rieley said that Mr. Smith expressed his concerns exactly, in that without further specificity, they can't tell how these issues will work out.

Ms. Hopper responded to concerns about fairness to the property owner. They have purchased land in a floodplain, knowing it was in a floodplain, and knowing the development restrictions on land in a floodplain.

Mr. Thomas asked how the applicant would get someone to purchase the land unless it is out of the floodplain, which requires a ZMA and an SP.

Mr. Rieley agreed with Mr. Thomas that this property can be developed. He said he would hate to deny this application, as there is 1-year waiting period after denial by the board. He would like for the applicant to request and indefinite deferral to work on buyers.

Mr. Smith stated that part of this is zoned industrial, he asked if there was any industrial use shown.

Mr. Rieley said that Mr. Smith needed to come with a proposal showing more specificity.

Mr. Thomas said he thought that the County engineering department could make it work.

Mr. Rieley pointed out that there were three potential courses of action, approval, denial, or accept the applicant's request for a deferral.

Mr. Smith said he would rather not defer.

Ms. Hopper moved for denial of ZMA-99-13.

Mr. Finley is reluctant to vote for it, but the project could be approved with adequate information.

Ms. Hopper said that this plan is not adequate.

Mr. Thomas seconded the motion, which carried by a vote of 3-1 with Mr. Thomas voting no.

Ms. Hopper moved for denial of SP-99-59.

Mr. Thomas seconded the motion, which carried by a vote of 3-1 with Mr. Thomas voting no.

With no further business the meeting adjourned at 9:40 p.m.

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V. Wayne Cilimberg, Secretary

Recorded and transcribed by Lynda Myers, Recording Secretary