Albemarle County Planning Commission
January 22, 2002

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, January 22, 2002 at 6:00 p.m. at the County Office Building, 401 McIntire Road, Charlottesville, Virginia. Members attending were: Jared Loewensten, Chairman; William Rieley, Vice-Chairman; William Finley, Rodney Thomas, Tracey Hopper, Bill Edgerton and Pete Craddock. Other officials present were: Stephen Waller, Scott Clark, Joan McDowell, Nick Evans, David Hirschman, Greg Kamptner and David Benish.

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

Other Matters Not Listed on the Agenda from the Public

Mr. Loewenstein asked for other matter from the public. There being none, the meeting proceeded.

Review of Board of Supervisors Meeting – January 9, 2002

Mr. Benish reviewed the meeting. The ACE committee appraisals were reviewed and accepted. VDOT has hired a new planner, Matt Grimes.

Consent Agenda

Approval of Planning Commission Annual Report for 2000.

Mr. Loewenstein asked if any commissioner wished to remove the item from the consent agenda.

Ms. Hopper moved for approval of the consent agenda.

Mr. Finley seconded the motion, which passed unanimously.

Item Requesting Deferral:

SP-2001-038 American Tower Site No: 10109 Charlotttesville-Shadwell (Sign # 66 & 67) – Request for a special use permit to allow the replacement of an existing 296-foot tall guyed telecommunications tower with a new 260-foot tall tower, which would structurally allow the collocation of additional antennae and ground-based facilities on 3 acres, zoned Rural Areas (RA). This proposal is being made in accordance with Section [10.2.2.6] of the Zoning Ordinance, which allows for radio-wave transmission and relay towers, and appurtenances. The property, described as Tax Map 78, Parcel 51C, is located approximately one mile east of Lego Drive (Rt. 1090), nearly 1/3 mile north of the intersection with Hansen's Mountain Road (Rt. 1777), and is adjacent to the Ashcroft subdivision. This parcel is located within the Rivanna Magisterial District and the area designated as Rural Areas 2 by the Comprehensive Plan. (Stephen Waller) ***DEFERRED FROM THE NOVEMBER 13, 2001 PLANNING COMMISSION MEETING. APPLICANT REQUESTS DEFERRAL TO FEBRUARY 26, 2002.***

Mr. Loewenstein opened the public hearing on this item. There being no comment, the hearing was closed.

Mr. Thomas moved to accept the applicant's request for deferral to February 26, 2002.

Mr. Edgerton seconded the motion, which passed unanimously.

Public Hearing Item:

SP-00-74 Bartelt Office Park (Sign #36, 37) - Request for special use permit to allow residential uses within the CO, Commercial Office zoning district in accordance with Section 23.2.2.9 of the Zoning Ordinance. The property, described as Tax Map 45, Parcels 158, 159, 166 and 167 contains 2.25 acres, and is located in the Rio Magisterial District on the north side of Route 631 [Rio Road] between the intersections of Berkmar drive and Woodburn Road. The property is zoned CO, Commercial Office in Urban Area Neighborhood 1. (Michael Barnes)

Mr. Waller presented the staff report.

Mr. Thomas asked what the new ordinance was for parking, 4.5 or 5.5 and what does this come under.

Mr. Waller said he thought this was done under the old ordinance.

Mr. Waller said that in review for the cooperative parking request, Mr. Barnes was looking at some of the same things that were done with Rio Square, such as weighing the different peak times of usage for the residential and commercial components.

Mr. Edgerton asked if the applicant reduced the square footage in the building, would he be able to meet the parking requirement without a waiver.

Mr. Waller replied that he would.

Mr. Edgerton asked if he would lose two parking spaces.

Mr. Waller replied that was correct. Additionally, the loading space shown on the site plan is not required, he could gain an additional parking space there.

Mr. Edgerton asked if the loading space was going into the office building that was originally a residence.

Mr. Waller replied yes, that it was on that side of the parking lot.

Mr. Craddock verified that neither the entrance nor the exit would need a traffic light.

Mr. Waller replied that this layout was supported by VDOT.

Mr. Craddock asked if VDOT anticipated cut-through traffic.

Mr. Waller replied that it was probably a possibility, but he does not anticipate that.

Mr. Benish stated that the easiest cut-through would be from Berkmar Drive to Hydraulic Road westward. There will probably not be a lot of cut-through.

Mr. Loewenstein asked if there was any likelihood that the oaks would be damaged during construction.

Mr. Rieley said he had the same question. He pointed out that there is a good deal of grading and construction in the drip line.

Mr. Loewenstein asked what impact there might be on those two trees.

Mr. Waller said he is not sure how far the parking lot would go into the drip line.

Mr. Loewenstein said the applicant might know in more detail.

Mr. Waller stated that the applicant wanted to save those trees.

Mr. Benish said that there are other ways to minimize that impact, in addition to closing the entrance.

Mr. Thomas asked if the state erosion regulations would be enough to cover the silt going into the Woodbrook and Carrsbrook areas.

Mr. Waller replied that the best way to catch any other problems is by inspection. He said that the engineering department would be the best ones to answer that question.

Mr. Edgerton asked if VDOT would establish engineering guidelines for the parking area.

Mr. Waller replied that they would not.

Mr. Edgerton suggested that the use of porous paving under the parking spaces might be a way to allow more water to recharge under the drip line of the trees.

Mr. Waller replied that was something that we could pursue.

Mr. Loewenstein opened the public hearing and invited the applicant to address the commission.

Mr. Mark Keller, of McKee Carson Engineering, said that the staff report was very thorough. We have hammered out a very reasonable and sensitive compromise. This property should be treated as a transitional piece between existing commercial and residential areas. In reading the staff report, where it refers to townhouses, those are actually apartments, which are two-level, attached. These should be considered affordable housing. We had previously proposed a 4 or 5 parking space and loading space installation to occur in the area that presently shows the circular drive. VDOT was concerned that the entrance was so close to the entrance on the adjacent property. Once we starting moving that entrance away from Resorts, we began conflicting with the oak trees. What we had a problem with was creating enough accessway on the most minimal amount of entrances. In our discussions with staff, we actually realized that because we have a mixed-use, cooperative parking could work. The reason we didn't recoup all four of those spaces is that by adding the other two spaces, it increased the connecting grade to over 12%. He said that they would endeavor to lay the sidewalk out on top of the existing grade. They hope that by removing some of the paving, we would offset some of the concerns about the impervious areas. They will also try to avoid cuts and favor fills in the root zone of those trees. The applicant could come in and completely remove those trees, but the applicant resides on the property and would like to retain them. He does not want to adversely affect those trees.

Mr. Loewenstein asked Mr. Keller to comment on Mr. Edgerton's question about the pavement surface.

Mr. Keller replied that they have used porous paving on previous projects and are willing to explore its use for this project.

Mr. Finley asked if Colonial Auto is using an existing detention pond.

Mr. Keller replied that it is a regional pond and should that deal fall through, we can provide facilities on the site.

Mr. Finley asked if they used the regional pond, would they still put the bio-filter on their site.

Mr. Keller replied that he did not think that a bio-filter is part of the concept at that pond, but only staff can answer that question. We would be prepared to do that if necessary, but would want to compare the costs of both options.

Mr. Finley asked if there was a storm sewer that already leads to the pond.

Mr. Keller replied that there was.

Mr. Finley asked if the County would be taking over the maintenance of the pond.

Mr. Benish replied that it was. He said that he did not think that the acquisition was complete.

Mr. Hirschman stated that he thought the County already owned it.

Mr. Rieley asked the applicant if he could you make use of additional reduction in the number of parking spaces. He asked if we still had an inflated number of parking spaces due to the shared use.

Mr. Keller replied that that was possible. That is an adjustment we could make.

Mr. Rieley stated that in recent applications, we have taken the posture that we want to give applicants the maximum amount of flexibility in reducing the number of parking spaces.

Mr. Keller replied that they would have no objection to that. It is easier to suggest that we could live with fewer in an apartment situation.

Mr. Loewenstein asked if staff had a suggestion on how to pursue this.

Mr. Rieley said that he is trying to remember how we worded it in Rio Square.

Mr. Benish stated that the commission could just set a direction in the minutes.

Mr. Rieley said that they could also modify this one. Obviously there is no requirement that the applicant drop to that level, but it would give them the capacity to do so.

Mr. Kamptner pointed out that there is a draft parking ordinance with a formula. Staff may want to look at that.

Mr. Thomas asked if we used that formula for Rio Square.

Mr. Kamptner said he was not certain.

Mr. Thomas said that it seems that there was some responsibility that went back to the developer if the parking was not enough.

Mr. Benish replied that that requirement was removed.

There being no further comment, the hearing was closed.

Mr. Thomas stated that this is a workable way to utilize the infill in the growth area.

Mr. Rieley said he would like to discuss adding conditions that would address those two issues. The first is that the pavement outside of the travelway should be constructed of porous pavement. It seems to be reasonable to request information about specific building techniques that would allow air to the roots of the trees. He suggested adding a condition that the applicant shall use construction techniques, approved by the Planning Staff, to provide adequate aeration to the existing oak trees.

Mr. Rieley moved for approval of the Special Use Permit with conditions as amended.

1. The applicant shall provide recreational amenities, such as a picnic table, grill and/ or benches, in the southeastern portion of the property. These amenities shall be shown on the final site plan and installed with the construction of the townhouses.
2. The applicant shall landscape the reconstructed slopes behind the townhouses and 10,000 square foot office building with screening trees, small shrubs and groundcover, as approved by the County's Landscape Planner.

3. The pavement outside of the travelway shall be constructed of porous pavement
4. The applicant shall use construction techniques, approved by the Planning Staff, that provide adequate aeration to the existing oak trees.

Ms. Hopper seconded the motion, which passed unanimously.

Mr. Edgerton moved for approval of the Critical Slopes Waiver, Parking Lot Travelway Grade Waiver and request for Cooperative Parking with the suggestion that staff reexamine the parking requirements to obtain further reduction.

Work Session:

Groundwater Study – Part 2. (Scott Clark)

Mr. Hirschman presented the staff report.

Mr. Michael Collins, of ENSAT Corporation, gave a presentation on the Mechum's River and Ivy Creek watershed study.

Mr. Evans gave a presentation on groundwater.

Mr. Rieley asked how the fracturing was determined from aerial mapping.

Mr. Evans replied that the aerial photographs were examined and lineaments were drawn. Those were digitized and analyzed in terms of frequency of (inaudible) in the area and numbers of intersections. The original data came from multiple sets of aerial photos.

Mr. Collins pointed out that all of those were normalized for the watershed area. They represent a degree of fracturing concentration.

Mr. Collins pointed out that the yellow areas on the map are areas in which we did not find any major fracturing. The clear areas are where there are moderate concentrations. Red is the highest.

Mr. Evans stated that fracture trace analysis is a proven technique for prospecting for water.

Mr. Thomas asked if the recording of well drilling would help in maintaining the County's groundwater database.

Mr. Collins replied that a permit was not required until 1990. Approximately 5,000 wells were drilled prior to 1990. We are missing a lot of dry holes in the database. Since 1990, the driller's reports are being turned in, but the quality of the information is not as useful as it could be.

Mr. Thomas asked if that was because they don't have the proper information from the County or authorities.

Mr. Collins replied that many times it is a function of the driller not taking the time to properly complete the report.

Mr. Finley asked at what stage could the identification of the recharge areas be made.

Mr. Collins replied that he was referring to recharge for individual public wells. The County already has existing public wells. It is a rather inexpensive process to identify the recharge areas for existing public wells.

Mr. Edgerton verified that all of this data was developed from 1,400 wells.

Mr. Collins replied that the total number of wells in the database is about 5,000. There are 1,400 wells in the

Mechum's/Ivy area. Groundwater depletion reports from previous decades have helped to complete the database.

Mr. Loewenstein said that given that the figures were taken over some period of time, the continued development in rural areas has probably depleted the aquifer and affected the yield rates. He asked if that was taken into account.

Mr. Collins replied that it was not.

Mr. Loewenstein said that we should assume that these are probably high figures.

Mr. Collins replied that the yields have surely been affected to some degree.

Mr. Evans said that he has played with this data for years. He said that almost universally, the older wells had higher yields than the newer wells.

Mr. Evans stated that there are tools that are enabling us to do a lot more now in terms of defining what is going on in the subsurface.

Mr. Finley asked how long will it be after this study before enough is known that amendments can be made.

Mr. Collins replied that they are sensitive to the concerns about analysis paralysis. The technologies that exist are generally not useful at the basin scale. The watershed scale is a size that can be planned around.

Mr. Hirschman said that one of the things to think about is how this information interplay's with what's in the groundwater committee report.

Mr. Thomas asked if we would ever be to the point that we can curtail development in a certain area according to capacity and contamination levels.

Mr. Collins replied that yes, in two different contexts. If you undertake the watershed scale studies they could tell you where areas that are analogous to your best location for groundwater capture and release are. We would then be able to preserve those critical systems. At the site level we should be able to know where we should put the wells and what they will yield.

Mr. Hirschman said that we can get too far down the road in thinking about how this leads to development patterns. The intent of the study was not to encourage more or less development or different densities. There are a lot of unused development rights. Groundwater demand will increase in the rural areas. The question is how do you use this information to create a sustainable use of the resource.

Mr. Loewenstein said that we need to think about what we are going to do with what we have. We may want another worksession just to discuss the committee's recommendations.

Mr. Hirschman suggested that the commission could put their emphasis on items 4 and 5, which are particularly difficult to deal with. He said that at some point we have to determine how we will present this information to the Board.

Mr. Loewenstein stated that a number of these will be issues for the Commission in terms of implementation. How do we proceed from here?

Mr. Hirschman stated that we have basically downloaded information in the last two sessions. It is not easy to digest this much information. He said that another work session for discussion would be helpful.

Mr. Edgerton said that the area on good development processes lists water use, reuse and recycling. If we could capture some of the water that comes in the form of rainfall and use it to reduce the need for using groundwater, incorporate that into the planning process, it would help us address the water needs of this

community in a more sustainable way.

Mr. Rieley suggested that that initiative should come from somewhere.

Ms. Hopper said she agreed about fleshing out some of the recommendations, particularly 3, 4 and 5.

Mr. Loewenstein suggested selecting a time for a third session to focus on the recommendations and plans for implementation.

Mr. Hirschman said that staff would provide a copy of tonight's presentation.

Mr. Loewenstein said that this is the time to incorporate this information into the planning process due to the pace of development.

Mr. Benish said that he would try to schedule another work session for mid-February.

Mr. Hirschman asked the commissioners to let him know if they don't have a copy of the full report.

Mr. Rieley asked where does all this stand contractually.

Mr. Hirschman replied that it depends on the budget for '02-'03. If we have the money, we can renew it for Phase II (Earlysville) and Phase III (Eastern part of the County).

Old Business:

Planning Commission Committee Membership.

The Commission reviewed committee assignments for 2002.

Committee membership for 2002 shall be as follows:

ACE Committee
Bill Edgerton

Bypass Design Committee:
Will Rieley
Pete Anderson

CIP Technical Committee:
Pete Craddock

Charlottesville Albemarle Regional Transportation Advisory Committee (CHART):
Rodney Thomas

City/County/University Planning & Coordination Council (PACC Tech):
Rodney Thomas
Pete Anderson

Court Facilities Study Committee:
Jared Loewenstein
Pete Craddock (alternate)

Development Area Initiatives Steering II Committee:
Will Rieley
Bill Edgerton

Eastern Planning Initiative Advisory Committee:
Rodney Thomas

Fiscal Impact Committee:
Tracey Hopper

Historic Preservation Committee:
Jared Loewenstein

McIntire Park Committee:
Tracey Hopper

Meadow Creek Parkway Design Committee:
Bill Edgerton

Metropolitan Planning Organization (MPO) Tech Committee:
Rodney Thomas

Rural Area Transportation Study (RATS):
William Finley

Design Standards Handbook Committee:
Will Rieley

New Business

There being no further business, the meeting adjourned at 8:30 p.m.

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V. Wayne Cilimberg, Secretary

Recorded and transcribed by Lynda Myers, Recording Secretary