March 19, 2002

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, March 19, 2002 at 6:00 p.m. at the County Office Building, 401 McIntire Road, Charlottesville, Virginia. Those members attending were William Rieley, Vice-Chairman; William Finley; Tracey Hopper; Rodney Thomas; Pete Craddock; and Bill Edgerton. Absent from the meeting was Jared Loewenstein.

Other officials present were: David Benish, Chief of Planning & Community Development; Greg Kamptner, Assistant County Attorney; Elaine Echols, Principal Planner; Scott Clark, Planner; Karl Guiler, Planner; and Michael Barnes, Planner.

A quorum was established and the meeting called to order.

Other Matters Not Listed On 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 – March 6, 2002

Mr. Benish reviewed the Board of Supervisors actions for March 6, 2002.

Consent Agenda:

Approval of Planning Commission Minutes – February 5, 2002 and February 12, 2002.

Ms. Hopper moved for approval of the consent agenda as presented.

Mr. Edgerton seconded the motion, which carried unanimously.

Items Requesting Deferral:

SP-01-060 Polo Grounds Baseball Field (Sign #83, 84) - Request for approval of a special use permit to allow a practice baseball field, in accordance with Section 10.2.2(4) of the Zoning Ordinance. The property, described as Tax Map 46 - Parcel 18C, contains approximately on 79.495 acres, zoned RA, Rural Areas and FH, Flood Hazard Overlay (Zone A-21). The site is located on the south side of State Route 643 (Polo Grounds Road), approximately ½ mile east of the intersection with Route 29 North. This property is situated in the Rivanna Magisterial District and identified as Rural Areas 2 in the Comprehensive Plan. (Stephen Waller) *APPLICANT REQUESTS INDEFINITE DEFERRAL.*

Mr. Edgerton moved to accept the applicant's request for indefinite deferral.

Ms. Hopper seconded the motion, which carried unanimously.

SP-01-065 Mosby Mountain Stream Crossing And SUB-01-280 Mosby Mountain Preliminary Subdivision Plat (Sign #82)- Request for Preliminary Plat approval to create 121 lots, averaging .51 acres, on 112.66 acres to be served by a new internal public road system. This Subdivision will utilize the cluster development bonus factor provision per Section 13.4 of the Zoning Ordinance to allow for increased density. Also, the public road system proposed with the subdivision will require approval of a special use permit (SP-01-065) to allow for earthen fill and culvert crossing in the floodplain, per Sections 30.3.05.2.1 and 30.3.6.1 of the Zoning Ordinance. The property is zoned R1 (Residential with a density of 1du/acre) and FH (Flood Hazard Overlay District) and is described as Tax Map 90, Parcel 1B. The

property is located in the Samuel Miller Magisterial District on State Route 631 (Old Lynchburg Road) across from Southwood Estates Mobile Home Park. The Comprehensive Plan designates this property for Rural Area and Neighborhood Density (3-6 du/acre) uses in Rural Area 4. (Yadira Amarante) *APPLCANT REQUEST DEFERRAL TO MARCH 26, 2002.*

Mr. Rieley opened the public hearing.

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

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

Mr. Craddock seconded the motion, which carried unanimously.

ZMA-01-017 Hickory Ridge Equestrian (Sign #73) - Request to rezone 5.02 acres from Planned Unit Development PUD to Rural Area RA to allow zoning conformity of existing stable and establish two development rights. The property described as Tax Map 30 Parcel 39 is located in the White Hall Magisterial District at 4600 Pelham Road at the northwest corner of Pelham Road and State Route 665. The Comprehensive Plan designates this property as Rural Area (RA). (Joan McDowell) *STAFF REQUESTS DEFERRAL TO APRIL 23, 2002.*

Mr. Rieley opened the request for public comment.

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

Mr. Edgerton moved to accept the staff's request for deferral to April 23, 2002.

Mr. Thomas seconded the motion, which carried unanimously.

Public Hearing Item:

ZMA-01-21 Carriage Gate (Sign #69) – Request to rezone 2.742 acres from R-6 Residential to R-15 Residential to allow apartments with a density of 14 dwellings per acre. The property described as Tax Map 45 Parcel 91 is located in the Rio Magisterial District on Woodbrook Drive approximately 1/4 miles from the intersection of Woodbrook Drive and Berkmar Drive. The Comprehensive Plan designates this property as Transitional recommended for mixed-use areas with Urban Density uses and non-residential land uses on the scale of Neighborhood Service and Office Service. Urban Density uses are 6 - 34 units per acre (if this applies) in Neighborhood 1. (Elaine Echols)

Ms. Echols presented the staff report as attached. She asked that the Planning Commission address the following questions taken from the staff report:

1. Does the design shown on the plan, in general, meet the Planning Commission's recommendations for the Neighborhood Model?
2. Should a more central amenity, located closer to the center and along the adjoining property boundary with the school, be provided?
3. Should the parking be relegated, at least in part, to the rear of the structures or is it shown adequately given the type of apartment complex requested by the applicant.
4. Should additional grading information/cross-section information be provided to better assess the differences between the redesign suggested by staff?
5. If no comparative grading information is necessary is it because the existing design is viewed as appropriate or is it because a redesign is necessary and comparative-grading information is no longer important?"

Mr. Rieley invited the applicant to speak.

Steve Melton stated that he represented the Berkmar Land Trust for the rezoning portion of the application. Other persons present to speak for the request were Tim Miller, Design Engineer of Rivanna Engineering and Surveying; and Rick Carter and his son, the contract purchasers and developers of the site. They were in agreement with the signed proffers, which were provided to staff earlier today.

Mr. Rieley asked if there was any public comment on this request.

Jack Schmidt, a resident of Woodburn Road, stated that he was happy to see a residential development in this area. He voiced concerns about the site plan, pointing out that the proposed entrance and exit to the development would be from Berkmar Drive and not Woodburn Road. He asked what the back of the development would look like and what impact it would have on Woodburn Road. He questioned what type of screening and setbacks would be required.

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

Mr. Rieley suggested that the Commission begin with the list of questions on page 8 of the staff report.

Mr. Edgerton asked to hear the applicant's response to these questions. Being sympathetic to staff's concerns, he felt that these questions address the pertinent issues. He pointed out that he saw nothing in the proposed project that resembled the neighborhood model principles, noting the following concerns: the tot lot in the middle of the parking lot does not seem to be in the appropriate location; the grading issue are unresolved, and parking seems contrary to what had been requested. He questioned why the applicant has not been able to provide the information that staff has asked for.

Mr. Rieley asked Mr. Melton if they wanted to address that.

Rich Carter stated that in most respects he felt that they did meet the neighborhood model principles. They wanted to get a waiver for the tot lot because of the school and Public Park Next Door. Then people within the complex would have full access to the property of the school. There is kind of a struggle between circulation versus central amenity. This is an opportunity to provide easy access for emergency vehicles and the people moving in and out. They wanted to do something special with the interior by creating a meeting place. For example, a place to go read. If you look in the back of the submission, there is an actual layout of the park. The park would be heavily landscaped and at a raised elevation to provide buffer from the street noise.

Ms. Hooper asked what were the dimensions of the park.

Mr. Miller stated that it was approximately 4,000 square feet.

Mr. Rieley ascertained that Mr. Miller was referring to Attachment D of the staff report.

Mr. Carter stated that to be more central, it certainly could be pulled to the side and work the parking around it so that it was against the school side of the project, which would tone down the circulation. That is something that could be done without too much of a problem. The only other criteria that he saw from the neighborhood model that they really had trouble with was the relegated parking. They want to provide landscaping up front with some intricate features to buffer the Woodbrook cul-de-sac from the parking. They had investigated staff's proposal of turning the building and trying to get the parking inside the project. There is a grading issue and a cost issue associated with the new layout. It became apparent that they would need a retaining wall all the way down the right-hand side. In struggling with that, they felt that this was a worse scenario--looking at the parking lot was one thing, but looking at the retaining wall was something quite different.

Ms. Hopper suggested that they lower the density, which would reduce the parking requirements and give room to shift things.

Mr. Carter stated that it probably would, however lowering the density lowers the ability to provide income to the owners of the land. By lowering that, the cost of the development does not go down. The building cost may go down a little bit, but the ability to create income off the project also goes down. That was what drives the project. Therefore, if you cannot achieve a breaking point in density, then the project does not happen.

Ms. Hopper pointed out that was not a compelling reason for the rezoning.

Mr. Carter stated that in the real world that is what drives the product.

Mr. Rieley asked if there were other questions.

Mr. Thomas asked what the elevation was at the retaining wall and how tall would the retaining wall have to be.

Mr. Carter stated that at the start of the wall, close to the first parking space on the right as it was laid out today, the wall was 4 feet tall, give or take, and runs the length of the site. All you would have to do is transfer the elevation on the current site plan to within 3 feet of the property line and then tie the grades together. That would give you the height of the wall today. They have met five different times with Planning and Engineering in trying to come up with a way to make this work. Engineering has conceded the fact that their plan may include more grading and that we might have to drop the site further. If all of the grades stay the same, the back of the retaining wall would be about 7 foot.

Mr. Thomas agreed that the elevations are much different in the back of the lot than in the front.

Mr. Miller pointed out that Mr. Carter did not feel it was necessary to develop the entire site plan showing staff's recommendation and grading when everything indicated that it was not a feasible option for this site. That is in response to why we did not submit a plan showing the grading of staff's layout. After review of the site, it became apparent for many reasons that the relegated parking would not work.

Ms. Hopper pointed that it would not work at this density.

Mr. Edgerton voiced concern that the information provided was not to scale.

Mr. Miller pointed out that although the plan is not to scale, it does show a 10-foot cut. The Commission can interpret from this that there would be an additional ten-foot cut over the site. It is a copying reduction issue, but the graph on that chart does show the grade and would be a map of that layout with a 10 foot cut.

Mr. Craddock asked what the difference in elevation is from Woodburn Road to the back of the apartment building.

Mr. Miller stated that there are actually two residential lots behind this parcel before you get to Woodburn Road. There are approximately 300 to 400 feet between the back of this property and Woodburn Road.

Mr. Edgerton stated that there was a 25 to 30 foot grade change from Woodburn Road to the back of this property.

Ms. Hopper suggested that they explore the maximum height of the building. She questioned if they could reconfigure the project in a different way in order to be able to have the necessary density and at the same time be able to move the parking. She asked if they could make the buildings higher.

Mr. Miller pointed out that he would have to research this, pointing out that the setback limits affect the height limitation.

Ms. Echols stated that the maximum height was 65 feet. Any building higher than 35 feet has to have an additional setback. They could go as high as 65 feet if they could meet the setback. There is a 2-foot setback for every 1-foot of height above 35 feet. Presently, a 35-foot building is proposed.

Mr. Rieley invited additional public comment.

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

Mr. Rieley stated that the requests made by staff are reasonable. He personally wanted to see this explored further. A request for a more detailed grading plan and how the building fits the land is not an unusual request. Particularly, when there is a rezoning and a proposal for a development concurrent with that. Saying that the plan has been looked at and the only feasible way is the way it is in the application does not meet with favor. He asked that the applicants take a step back and look at each of these issues more seriously.

Ms. Hopper concurred.

Mr. Rieley asked the applicants if they would like to request a deferral to look more carefully at these issues or if they would prefer the Commission act tonight.

Mr. Carter asked if the Commission could define what they needed for the resubmttal.

Mr. Rieley requested that they explore and address the items outlined in the staff report. The applicant needs to provide enough information so that the Commission can make an informed judgement about whether it will work. He asked for other comments.

Mr. Thomas stated that additional grading information/cross-section information needs to be provided to better assess the differences between the redesign suggested by staff?

Mr. Carter asked if they could demonstrate f the staff's recommendation for relegated parking would result in additional grading and retaining walls, would this information put the Commission in a better position.

Mr. Rieley stated that he did not think that was quite what they meant.

Mr. Edgerton felt strongly that the design needs to be reconfigured and at least an attempt is made to provide relegated parking. He stated that the design needs to be reconfigured to try to make that central amenity a little bit more appropriately sited. He stated that he was not in love with staff's alternative scenario, but they should be able to come up with another solution that works better than the one that they were looking at. This is a major rezoning request, and he could not support it with this plan.

Mr. Rieley stated that the benchmark was that this property has an existing zoning on it that can be implemented by right. By asking for a higher density, they were asking that the design be to the greatest extent possible and consistent to the neighborhood model. He stated that all of those five items relate directly to that.

Mr. Carter stated that the applicant requests a deferral to the next Planning Commission meeting to give them a chance to reevaluate the plans.

Mr. Rielly asked if there was room available on next week's docket for this case.

Mr. Benish stated that it would depend on what the applicant wants out of the next meeting. If it was just to determine whether the Commission can act or not, then they could hear it next week. However, if they were waiting for information to be submitted, it would depend on when that information was provided. He wanted to make sure that they allowed enough time to discuss the items.

Mr. Rieley stated that if the applicants were trying to decide amongst themselves whether to defer this, then the Planning Commission could table this item until later this evening and bring it back for action.

Mr. Carter asked if they could have a few minutes.

Mr. Benish stated that Ms. Echols has another meeting. Since this was only a question of whether they were going to defer it or not, he asked if the Commission minded if she left.

Mr. Rieley stated that that they had already asked all of the technical questions and felt that they had been provided with enough information. They were aiming for the applicant to decide whether they wanted to request a deferral.

The Board tabled the request for a few minutes until the applicants had a chance to discuss the issues and decide if they wanted to request a deferral.

MOTION:
Mr. Edgerton moved to table the request until later in the meeting.

Ms. Hopper seconded the motion, which carried unanimously.

SP-00-057 St. David's Anglican Church (Sign #89, 90) - Request for special use permit to allow a church in accordance with Section 10.2.2.35 of the Zoning Ordinance which allows for church buildings and adjunct cemeteries by special use permit. The property described as Tax Map 60 Parcel 68 is located in the Jack Jouett Magisterial District on Colthurst Drive [Route # 1001] at the intersection of Colthurst Drive & Barracks Road [Route # 654]. The property is zoned RA. The Comprehensive Plan designates this property as Rural Area. SDP-01-117 accompanies this special use permit. It was distributed on December 6. (Scott Clark)

Mr. Clark presented the staff report as attached. He pointed out that they do not propose to have a cemetery on the site. He noted that the revised plan is on wall and that the Planning Commission members received it.

Mr. Edgerton asked if that was the plan that the letter from the ARB refers to as being inaccurate.

Mr. Scott stated no because this plan is the one that corrects all of those errors.

Mr. Rieley asked if there were any questions for staff from the Planning Commission.

Mr. Edgerton asked if the applicant was aware of the proposed conditions and what response did they have.

Mr. Clark stated that the only person that he had heard back from was Mr. Melton, and he was going to respond to the first two questions.

Mr. Rieley invited public comment.

Mr. Craddock asked if VDOT had commented that this road would affect the local service.

Mr. Clark stated that VDOT's only comment on the special use permit was a request review comments provided for the site plan. Those comments stated that except for some minor calculations to be done before the final site plan was approved, VDOT's requirements had been met.

Mr. Craddock asked if that was with the speed limit of 55 miles per hour.

Mr. Clark stated that was what they had said.

SPEAKER FOR REQUEST:
Steve Melton stated that he represented St. David's Anglican Church's special use permit and the site plan. He noted that Mr. Miller was present concerning this request. Unfortunately, when they first submitted a site plan they had some errors in the elevation which caused some misinterpretations. The church was going to be about 8 feet above Barracks Road. In the last week, they had moved the detention basin closer to the church parking area to eliminate any tree cutting and further buffer of that entire end. The original plan had eight additional parking spaces, which went up to the end of the building; those spaces were removed. In our last ARB meeting, they discussed the possibility of a one-lane instead of a dual lane loop; which caused a lot of confusion. Therefore, they adapted by planting some additional shrubs to screen that area. The way the parking was designed was to allow for any future expansion of the church. Any future expansion would probably not occur for five years since the present congregation was only 30 to 35 people. He stated that they were in agreement with all the recommended conditions except numbers one and two. He requested that they be allowed to continue working with the staff and the ARB to try to resolve the parking issues and the loop pointing out that both the staff and ARB are aware of what we want and are working with them on these issues. The ARB will hear this on April 15th noting that the ARB had concerns about this being approved before they were able to comment on the building. He passed around the elevations of the building for the Commission's review, but asked that they not keep them. He stated that they could come up with a good solution for the parking situation.

Ellie Tucker, a resident of Colthurst, pointed out that she was representing the neighborhood since all of her neighbors had to leave. She stated that at their annual neighborhood meeting they had discussed this issue. They were not opposed to the church itself, but to any building of this size with these concerns. The essential concern was the safety issues regarding the entrance into Coltlhurst off Barracks Road and the blind corner. Currently it is very difficult to make a left hand turn. The site distance creates a dangerous situation. Their other concern was the scheduled 32 parking spaces when they have 50 members participating. They heard that the overflow parking was going out on Colthurst Drive, which was a very narrow road. They were worried about the traffic coming into the neighborhood.

There being no further public comment, the public hearing was closed, and the matter placed before the Board.

Mr. Thomas felt that Ms. Tucker had made a good point about the parking. He asked if they could condition it that the parking has to stay on the premises so that there would be no overflow parking on Colthurst Drive.

Mr. Rieley asked Mr. Kamptner to help them out with the question.

Mr. Kamptner stated that they could do that by making sure that there was adequate parking located on the site. The Zoning Department would enforce this if an event attracts a large number of people.

Mr. Rieley stated that their action only applies to this piece of property.

Mr. Craddock asked what is the number of cars that generates the installation of an extra turn lane.

Mr. Benish pointed out that staff could continue to pursue this issue, but their lack of information makes them presume that it was not an issue.

Mr. Rieley suggested that they allow the ARB to help solidify the site plan a little bit more before it comes back to us for the special use permit.

Mr. Thomas agreed since he felt it was appropriate to continue this matter.

Mr. Edgerton agreed. He pointed out that Mr. Melton did not want to be bound by conditions # 1 and 2, but was comfortable with the others. Those conditions were specifically requested by the ARB because of their concern with the impact on the Entrance Corridor and Barracks Road. He felt that the applicant should be allowed to work with the ARB to come up with some type of compromise that might be available. He noted that if the Commission approved Lot 4, Lot 5 would access directly onto Barracks Road in the future.

Ms. Hopper agreed with the comments. She suggested that there be some type of alternate signage or lights used due to their traffic concerns. There is a blind turn that is dangerous even if VDOT does not think so. She asked that they receive additional information on what options are available.

Mr. Thomas suggested that the speed limit be lowered to 45 miles per hour.

Mr. Rieley asked that the Engineering Department provide information on the site distance and the speed limit. He stated that it was clear that they wanted the applicant and the ARB to work together on these issues. He asked Mr. Melton if he wanted to request a deferral, and if staff has a suggested deferral date.

Mr. Melton asked for the deferral.

Mr. Benish suggested that they defer the request to April 30th.

Mr. Finley asked if they were speaking strictly to conditions #1 and # 2, or were there other issues.

Mr. Rielly stated that one of the issues that relate to conditions #1 and #2 that he thought would have a significant impact on the final site plan was the ARB's request that the issue of the circulation and the parking be reconsidered. That needs to be looked at more carefully before they could review it, specifically in light of the trees. That is very vague and the applicant should work that out with the ARB. t.

MOTION:
Mr. Thomas moved to accept the applicant's request for deferral to April 30th in order to address the issues outlined by staff and the Planning Commission.

Mr. Craddock seconded the motion, which carried unanimously.

Regular Item:

SUB-02-18 Barnette Family Division and Waivers - Request for the approval of the following waivers pursuant to Section 4.2.5 of the Zoning Ordinance to allow a family division resulting in two (2) lots. Waiver requests are as follows: Waiver of the provisions of Section 4.2, Building upon Critical Slopes; Waiver of Section 4.2.2, Building Site Area and Dimensions; Waiver of Section 4.2, Allowance of a drainfield outside the legal building site. The property is zoned Rural Area. The property, described as Tax Map 88 Parcel 28B is located in the Samuel Miller Magisterial District on Arrowhead Valley Road (Route # 745) approximately 3200 feet from the intersection of State Route 745 and State Route 29. The Comprehensive Plan designates this property as Rural Area 4. (Karl Guiler)

Mr. Guiler presented the staff report as attached. He passed out revised conditions of approval and asked that they disregard the ones at the end of the staff report. The revised conditions of approval are noted below:

1. Prior to issuance of a Certificate of Occupancy, all roof downspouts shall be piped if the Department of Engineering and Public Works determines that runoff from either house is creating erosion below the houses.
2. In addition to all other conservation measures required by the Department of Engineering and Public Works, the agreement in lieu of a plan shall require that the owners install and maintain vegetation required by the department to stabilize the disturbed area in order to prevent erosion and siltation.
3. The dwelling to be constructed on "Parcel X" shall not exceed a footprint of 2000 square feet.

Mr. Thomas ascertained that Mr. Barnette's son will occupy the house on a permanent basis.

Mr. Rieley asked if this subdivision would create two separate parcels whereas the previous permit would not.

Mr. Guiler stated that the initial building permit that was revoked would have created two dwelling units on one parcel.

Mr. Rieley asked if he felt it was better to have two parcels in this case than to have two dwelling units on one parcel. He asked what the mechanism was and why it was better than the other.

Mr. Guiler stated that he compared the family division or by-right option in four though 6a. Any additions to the existing house to accommodate their son would require them to grade on critical slopes behind the house. The concern was that if they built on one side of the house where the drainfield was located, that it might tamper the drainfield so that they would have to use the reserve. If they were to build on the other side of the house, there were also the critical slopes, which would be disturbed.

Mr. Rieley asked if there was a simple mechanism that they could use to grant a critical slope waiver, which would allow the process to move ahead with the permit that they previously applied for.

Mr. Guiler stated that they would have two dwelling units on one parcel and he was not familiar with any way that they could do that.

Mr. Rieley invited public comment.

SPEAKER FOR REQUEST:
Robert Blodinger, attorney for the applicants and son, stated that Mr. and Mrs. Barnett were unable to take care of themselves. Essentially, by their son doing this, he was allowing his parents to stay in their house instead of going in a nursing home. He is giving up his house in Orange in order to do this. He cannot be in both places at one time. He pointed out that originally he found that a division would have to be made once the two houses were built when he reviewed this. Once he saw the problem, he brought it to the attention of the Planning Commission. The contractors were ready to start working on the day that this hit his desk. He stated that he had read the ordinances very carefully and that the Planning Department has hit very squarely on the reasons why this should go through. The ordinance itself provides the reasons to grant this. On page 5, number 5, it states that the strict application of the requirements of section 4.2 would not forward the purpose of this chapter since the by-right alternatives for the secondary dwelling would pose even a greater threat. They took that wording almost exactly from Section 4.2.5; Modification or Waiver in paragraph B1. They did not mention B3, which he felt, was also important in this situation. It states that granting such modification would serve a public purpose of greater importance than that served by the strict application. The alternative to this was to disturb greater slopes than they would be disturbing in this particular situation.

There being no further public comment, the public hearing was closed, and the matter placed before the Board.

Mr. Thomas felt that staff's recommendation to separate the houses was a good idea.

Mr. Rieley agreed and commended staff for a well thought out staff report. He pointed out that it certainly was the intention of the family subdivision to allow families to stay together.

MOTION:
Mr. Finley moved for approval of SUB-02-18 family division and the three waivers with the revised conditions recommended by staff.

Mr. Thomas seconded the motion, which was unanimously approved with the following conditions:

1. Prior to issuance of a Certificate of Occupancy, all roof downspouts shall be piped if the Department of Engineering and Public Works determines that runoff from either house is creating erosion below the houses.
2. In addition to all other conservation measures required by the Department of Engineering and Public Works, the agreement in lieu of a plan shall require that the owners install and maintain vegetation required by the department to stabilize the disturbed area in order to prevent erosion and siltation.
3. The dwelling to be constructed on "Parcel X" shall not exceed a footprint of 2000 square feet.

Mr. Rieley stated that the Planning Commission would revisit ZMA-01-21 for Carriage Hill, which was tabled at the beginning of the meeting.

ZMA-01-21 Carriage Gate (Sign #69) – Request to rezone 2.742 acres from R-6 Residential to R-15 Residential to allow apartments with a density of 14 dwellings per acre. The property described as Tax Map 45 Parcel 91 is located in the Rio Magisterial District on Woodwork Drive approximately 1/4 miles from the intersection of Woodwork Drive and Bertram Drive. The Comprehensive Plan designates this property as Transitional recommended for mixed-use areas with Urban Density uses and non-residential land uses on the scale of Neighborhood Service and Office Service. Urban Density uses are 6 - 34 units per acre (if this applies) in Neighborhood 1. (Elaine Echoes)

Mr. Miller stated that the applicant and contract purchaser request a deferral in order that they can revise the site plan and come back in front of you at a later date. They would work with the staff on the timing.

MOTION:
Mr. Edgerton moved to accept the applicant's request on ZMA-01-21 for Carriage Gate for deferral as requested to allow time for revision of the site plan. The applicant would have time to address the issues outlined by the Planning Commission and staff. The date of public hearing is to be determined by staff.

SECONDED:
Ms. Hopper seconded the motion, which was unanimously approved.

Mr. Rieley stated that the next item was a work session. He stated that the Planning Commission would take a 15-minute break.

The Planning Commission recessed at 7:30 p.m. for a 15-minute break.

The meeting convened at 7:50 p.m.

Work Session:

SP-01-063 Hollymead Town Center (Sign #96) - Request for special use permit to allow a drive-in window in accordance with Section 25A.2.2.1 of the Zoning Ordinance which allows for uses permitted by special use permit in C-1, CO and HC districts. The property, described as Tax Map 32 Parcels 42B, 42C, 42D, 42E, 43 and 43A, is 24.7 acres and is located in the Rio Magisterial District on Route 29 North approximately 1/4 mile south of the Timberwood Boulevard/ Route 29 intersection. The Comprehensive Plan designates this property as the Hollymead Town Center in the Hollymead Community and recommends Mixed Use/Regional Service uses. The current zoning is RA, Rural Areas and HC, Highway Commercial. (Michael Barnes)

AND

SP-01-064 Hollymead Town Center (Sign #95) - Request for special use permit to allow a drive-in window in accordance with Section 25A.2.2.1 of the Zoning Ordinance which allows for uses permitted by special use permit in C-1, CO and HC districts.

AND

ZMA-01-018 Hollymead Town Center, Regional Service Area A (Sign #74) – Request to rezone 16.5 acres from RA , Rural Areas to PD-MC, Planned Development- Mixed Commercial to allow for a shopping center.

AND

ZMA-01-019 Hollymead Town Center, Regional Service Area B (Sign #1, 87) - Request to rezone 24.7 acres from RA, Rural Areas and HC, Highway Commercial to PD-MC, Planned Development- Mixed Commercial to allow for a shopping center.

AND

ZMA-01-020 Hollymead Town Center (Sign #80) Request to rezone 38 acres from C-1, Commercial and LI , Light Industrial to PD-MC, Planned Development- Mixed Commercial to allow for a shopping center.

Mr. Michael Barnes thanked the owner's group. Staff recognizes that this is going to be a complicated project and they are working towards trying to make a concerted effort to coordinate their efforts. Staff encourages them to continue to do so to further integrate whatever they do. Staff is dedicated to try to make this town center a reality and work towards doing that. Tonight they would be talking about the site design issues and some of the grading issues. They will review the other regional issues later. The point of this meeting is to get some input from the Planning Commission early in the process for some guidance on the site design issues to help this project along. First, we have three rezonings. The applicant for ZMA-01-018 was Wendell Wood. Wendell Wood is the owner of the property for ZMA-01-019, which has two special use permits. The property is under contract to the Deerman Realty Group. Virginia Land Company owns one parcel that fronts on Airport Road. Finally, the Kessler Group has submitted a rezoning, which does not have a plan with it. They are rather putting their hat in the ring to work with the issues about the town center, roads, grading, storm water, infrastructures and integration of the uses.

Mr. Thomas asked how far south the property would go for the rezoning that the Kessler Group has applied for.

Mr. Barnes stated that there are 14 parcels in this rezoning. Powell Creek forms the edge of the town site. The Kessler Group's parcel is shown on Exhibit A. Mr. Wendell Wood is in negotiations to purchase the Estes property. He pointed out that Mr. Wood currently does not have control over that parcel. Staff is trying to work on this project in three groups: 1) The site design elements as they come in, 2) Integration of the infrastructure, roads, storm water, grading and the uses across the entire site, and 3) The traffic impact. The traffic review is being broken into two units: 1) External review which looks at the impacts and potential mitigation strategies on the external roads, and 2) Internal roads so that the design of the streets will be more of a neighborhood character. Staff met with VDOT today to review the issues that were outlined in the applicant's scope of work for the external aspect of the road network. The internal road network document was taken from the applicant's submittal for the comprehensive plan. It was

included as an addendum to the recommendations that were adopted by the Board. The plan is on the last page of the packet. The road network in there has changed from the road network that you see on this document. The road plan on the last page is at 100 scale and this plan is at 50 scale. He pointed out that the roads that were slightly darker were the ones that were outside of the rezoning area. Those have altered in their alignment from what was originally on the comprehensive plan master plan document. That updates where we are at on the issues outside of the site design. Again, the purpose of this meeting is to try to give the staff and the applicant guidance on the layout of the buildings, the parking, the roads, etc. The actual site design features are addressed in the staff report. In the interest of time, he pointed out that he would not read the entire staff report. Staff is worried about the pedestrian orientation of the development. This includes the following: the distance between the buildings, the lack of the buildings orientated to the streets, the lack of grid type street network, the lack of what "villa streets" shown in the Daggett and Gregg document, and some serious grading issues. The grading issues are driven by the placement of the buildings on the site. Staff feels that there are alternative methodologies with working with the grade that are related to alternative building placements that have not been addressed. In the first submitted plan, along the rear of the property there were retaining walls that ran essentially the length of the property in some areas 20 feet high and other areas over 40 feet high. In the second submission, the applicants have worked on some of those issues, but still have 20-foot retaining walls. Staff believes that the intent of the comprehensive plan was to break up the blocks. The site has a major ridgeline that runs down the center of the it. That makes grading and site layout difficult, but in our opinion not impossible to overcome.

Mr. Thomas ascertained that it was approximately 70 feet difference in the elevation to the crest of the ridge from Route 29.

Mr. Barnes stated that the original comprehensive plan document recognized that and it stated that the design block was made for 200 to 300 feet. In places where the topography or certain other elements prohibited that, then they could go up to maybe 500 feet. Right now, they were talking over 1,000 feet between these two. They have a few connections, but those were more like drive isles and parking lots as opposed to real roads. That kinds of gives up some pause. As we work through the grading issues and move towards the grading plan for entire town center, he thought that they would be able to revisit other possible connections in this area as the top of the ridge line gets graded more flat. Staff sees that this plan was going to be a high intensity use for the property and probably will necessitate a significant amount of grading. That is one point where they have requested guidance on. In conclusion, in some of the conversations with the applicants they have said that they really thought that they have given us what we wanted. Perhaps there has been a failure to communicate. He pointed out that he would take the responsibility for that in part because he thought that they had been clear on expressing what staff wanted from this application as far as design issues. Staff has tried to outline those in the report.

Ms. Hopper stated that he should not take responsibility for this because this process has been going on for over two years. The neighborhood model has been going on for over three years.

Mr. Barnes asked for guidance regarding the site design from the Planning Commission to adjudicate between the differences of what the applicant feels is necessary and what staff is trying to get the applicant to do. This would be very helpful.

Mr. Rieley asked if the applicants have a presentation that they would like to give. He invited public comment.

Katurah Roell, representative for Dr. Hurt, stated that they have looked at bits and pieces of this plan for quite a while. He pointed out that their goal tonight was to learn as much as possible on how you see what they have envisioned to this point. He hoped to get as much understanding about it so as they get further into the studies and details that they hopefully are on the right track and can make progress with the Board and the Commission. He acknowledged that the traffic studies were going to reveal many things and clarify some issues. There will be some impact on the road crossings. If you look back at the original approved road master plan, those main long streets across there are very similar to main long streets shown there. The only thing suggested by those arrows was some parking lot entrances and

some travel ways, not necessarily from streets, but internal access. Short of that, in his plan he tried to demonstrate literally as much as possible coming up Timberwood West the buildings fronting streets where ever possible with street trees and bike lanes, center islands with trees and so forth. There was not much green shown in the mixed development, but there were places for lots of plantings. He pointed out that he would appreciate any comments or feedback on that.

Ms. Hopper asked if he remembered some time ago when they met in Mr. Rieley's office with Mr. Runkle, and they talked about various layouts. She asked if he could explain the evolution from that point until now.

Mr. Roell stated that they talked at that point about lining streets with buildings. They discussed the planning design such as tree lined streets. As far as the regional area to the left, he would reserve not to speak on that particular area because that was out of their context of land. He would be happy to let them speak on that portion. We are regional detention and dealing with storm water in three major points. There were some concerns with that. There would be lots of green space. They were trying to tie in some residential uses mixed in there. That would happen in the back half of that site a little further away from Route 29.

Mr. Thomas asked if there would be any residential on the front half.

Mr. Roell stated that they do not see residential any more than Forest Lakes has residential fronting on the opposite side.

Mr. Thomas asked if it would two-story, and Mr. Roell stated that those would actually be multi-story buildings there and then there would be multi-story residential in the back above the retail buildings on the rear. They saw the thorough road as the separation between the regional, shopping, retail development in the mixed use commercial and residential. The bulk of the residential would be back along the green way backing up the existing neighborhoods.

Mr. Rieley asked if there were any other questions.

Mr. Steve Blaine, representative for the Deerman Realty Group for ZMA-01-018, stated that there was a question regarding the building orientation that he was prepared to respond to. The original plan that the developer had developed was the traditional buildings along the back of the parcel with the parking in the front of the buildings and Route 29 North. Then, they got involved with the CPA process together with Mr. Wood, Virginia Land Company and the Kessler Group. That process was some ten months with working with the staff in arriving at this master plan document that was also referred to as the Daggett and Gregg document. We identified a mix of uses in the town center. The area fronting on Route 29 was designated regional service, mixed use, and it contemplated specifically in the master plan the uses that are reflected in the ZMA. With respect to the design or the lay of the buildings, you will notice in the master plan, there is a figure 14a that contains not just the road grid layout but actually some pads in locations and even some rough estimates of square footages. The concern of the staff and what we heard in that process was obviously screening, parking, large parking areas that would be visible from Route 29, and trying to enclose the site more with buildings. On page five of the master plan, there was a specific reference to the large building being orientated away from Route 29 or perpendicular to Route 29 and facing inward. The plan that has been developed is reflective of that. There was, as Mr. Roell said with respect to the Virginia Land Company plan, an evolution to the process. They understand that staff's comments are a way or a method to enhance pedestrian orientation and they would be open to means to enhance the plan for pedestrians. The building footprints, at least with respect to that portion of the plan, is largely dictated by the user. We plan to build a grocery store and a large discount department store. The merchandising and the way the buildings work on the inside have a lot to do with how they are designed and located on the site and on the outside. We want to be sensitive to the issues that are raised by staff. We are prepared to address those in ways that are not contradictory to the way the buildings have to be designed for the users. But there really are not a lot of options, again, with the respect to that portion of the plan that we have for building orientation and be responsive at the same time to the CPA that we developed during the ten month process.

Ms. Hopper asked if he was referring to ZMA-01-18, and Mr. Blaine stated yes/

Mr. Barnes stated that in order to make clarification, he asked Mr. Blaine if he said 18 which was the southern most property and if he actually meant 19 which was the property in the middle.

Mr. Blaine stated that he meant 19.

Mr. Wendell Wood stated that he wanted to give a little bit of the background of the complexity of the landowners. He pointed out the difficulty of trying to get, in this case 17 parcels of land with different ownership, and the road access through someone else's property. It took several months for the owners to get together. One of the properties included the Estes property, which was the piece of property directly behind the VDOT road. The reason it was called the VDOT road was that at one time VDOT was going to build that road all the way parallel to Route 29. As you are aware, they are no longer going to build that road. Without the cooperation of all of the landowners, it was like who was the lucky person who gets to build the roads, silt ponds and the sewer lines when there is a commonality development. How do you get the property graded when the ridgeline needs to be taken down about 20 feet in order to meet VDOT standards? That bleeds from one piece of property to the next. You cannot achieve that without every property owner being available to agree to that. Obviously, meaning that none of us has the power of condemnation. We cannot force the next party. In doing that, Virginia Land Company, Deerman Realty and the Kessler Group well agreed to it. One of the members of the Estes family is in the audience tonight. It was not fair to say that they have agreed to this. At this point, it is 15/18 of them that have agreed to do this. That has just happened within the past few months. Without that coming to the table, we have no right to go on their property and commit to this road system. It is a complex arrangement. When sorted out, it seemed to be an impossible task. Everybody could go do their thing on each individual piece of property. He felt that they have met the intent of what the comp plan was. He spoke with Mr. Barnes this past week about the VDOT road that has those buildings placed along it. To achieve the appearance of what he requested, those buildings are actually two-story buildings with one side facing VDOT Road and the other side facing the shopping center. They were trying to give the appearance of having a building on top of a building of which staff wants. He pointed out that this was discussed over two years ago to get the residential component in the regional. You have a letter from Target regarding this, which was not going to happen. They have not found any retailer or hospital that would allow this. By bringing the Estes property into this and sliding that road back, they would have more room to reduce the retaining wall. This was not on the table a few months ago because it was not a possibility to come in and design something on someone else's property. This change would eliminate more of the retaining wall and gives you more of a residential office component mix.

Mr. Finley asked if they would have a single work plan with everybody trying to coordinate. He asked how that would work.

Mr. Wood stated that the road and drainage plans have been agreed to by all of the owners of the property.

Mr. Thomas asked concerning the road pattern, if he was speaking about the main street alone or all of the roads.

Mr. Wood stated that all of the street alignment, drainage, and major roads had been agreed to. The roads cross everyone's property. Without the control of the property, they were not able to proceed with the project.

Mr. Finley stated as far as traffic on Route 29, he asked if they were presuming anything about the by-pass.

Mr. Wood stated that they have hired Randy Kemp to do a traffic study. He pointed out that the County gave them a perimeter to study 17 different intersections. The preliminary study has been completed,

and the final study will be submitted when completed. The study will be done as the property will be fully developed.

Mr. Steve Runkle stated that by the time that this plan was developed, the neighborhood model had been adopted. Therefore, we attempted to incorporate the principles of the neighborhood model into that plan. There are different colors on the plan, which represent the land use components. It was very clear in our document that while each of those things could be mixed use or all of it could be residential. It was exclusionary in the sense as you move to the west there were less intensive uses allowed. In that document we indicated despite that that there were, certain areas that they would expect to be exclusively one kind of use. For instance in the middle parts of the community service that might be mixed use community designation. While that was the designation, we felt that the vast majority of that particular southern half of that would be residential in character. The other thing that I would say about that, and Mr. Wood mentioned it, this plan was driven by the location of the VDOT road. It may have been different had that not been the location of that road. But that was the guidance which we were given and was an integral part of this plan. Those arrows shown that indicates the block network were clearly indicated that they would not cross public streets because the grades would not permit it. You cannot connect that at a 200 foot interval on the terrain that exists out there even with a significant amount of cut and fill. Those were the things that they were trying to balance. As they have tried to work through this process, they have been driven by the comments of the owners as well as many others. They have agreed to this road network as an owner's group, but we don't know if this road network is agreeable in the general sense. He pointed out that he was ready to present a rezoning on what would be largely a residential component of this, but he could not do that until he knew what the road network was going to be. Some of his agreement was predicated on the design of that road if it goes through the residential area. They needed to be able to proceed, but they had to be focused on the road network issue.

Mr. Rieley invited further public comment. Since there was none, he stated that this is a process in its early stages. There are a couple of visions that have been placed before us. One of them was the applicant's conviction that this is very much in the spirit of the comprehensive plan amendment. Staff feels that it has a long way to go. This is like reading the Bible because it depends on which verse you read and where you put your emphasis. In reviewing the neighborhood model or the CPA, which was passed by the Board, he did not feel that the submitted plan addressed them. This is a little awkward for because they were looking at a comprehensive plan amendment that they did not have anything to do with. However, it was their obligation to treat this as they would treat any other CPA and operate within both the spirit and specifics. Some of the things that staff has mentioned like the relationship between the scale of the buildings and the space for pedestrian orientation, the distance between the buildings and the grading and so forth, he found to be right on target. He was surprised to see the proposal driven by a conventional big box, and automobile served development. His understanding from reading the comp plan amendment was that they were striving for a development that was more mixed use and more pedestrian oriented than what they have before them.
He expected something more sympathetic to the neighborhood model in this application.

Mr. Thomas agreed with Mr. Rieley. He stated that the most important concern was the master plan of the road to get started. The other issuance of major importance was the matter of human scale. He pointed out that a lot of work has been done on this project for the last two and a half years. He thanked the developers for all of the time that they have put into and felt that they have come a long way. He suggested working on hidden parking and putting in as much greenery as possible.

Mr. Edgerton agreed strongly with the points that they have made. He pointed out that he has not been working on this plan for 2 ½ years. Frankly, he was shocked when he read the comprehensive plan amendment, reviewed the plan, and listened to the applicant's discussion. The proposed development does not even come close to representing the neighborhood model. Perhaps Target and Home Depot would not be interested in this property under the neighborhood mode. However, when he went to the Daggett and Gregg plan and then look at the proposed road alignments that they have agreed on, they don't resemble the same thing. He was sympathetic with staff's concerns since the focus on the pedestrian and the mixed use seem to be total lacking in this proposal. He hoped that there was an opportunity to incorporate more of it in it.

Mr. Craddock questioned if there were 20-foot retaining walls, why couldn't they put in a two-story parking garage with an upper and lower exit with some type of buffer. He noted that if it was regional that it was going to draw in many cars which would create the need for parking. He suggested that something be done to reduce the massive parking.

Mr. Rieley asked if the CPA stipulated a percentage of retail space as opposed to other spaces. He pointed out that he did not see it, but it did discuss mixed use/regional.

Mr. Benish stated that the emphasis for mixed uses was primarily looking at the town center in total. The comments that were generated with what the Planning Commission began with was the notion that we were looking at an integrated town center of 117 parcels or 180 acres. Nothing necessarily requires these particular parcels to have a mix of uses. They were looking at implementing the intent of the vision of the whole 180 acres of the town center and how they could get a mixed use component in. It has been suggested that perhaps to deal with some of the issues mixed use may be an opportunity to deal with some of the issues. However, there is no particular number that drives a certain percentage of uses needs to be commercial or residential within any of these particular sections. It is a general intent.

Mr. Rieley stated that he expected to see a proposal that incorporates or retains regional service into a urban configuration. He felt the way that was done was through design. This layout strikes appears to be one that could have been done by any of the big boxed developers themselves without any input that was concerned with the overall context.

Mr. Finley pointed out that feasibility has to be considered.

Ms. Hopper questioned if the neighborhood model applies to this application.

Mr. Benish stated that it does apply as the third bullet indicates.

Mr. Edgerton noted that he had trouble finding how this plan adheres to any of these principles. If the residential component was to the west, and they did not know what it was, then how could they see how it working in.

Ms. Hopper stated that in reading all of this and the fact that the CPA the Board adopted was different, then she was still working on trying to completely understand. The allowance of the big box in the mixed use/regional service was being met by this application. However, all of the other design principles and principles in the specific CPA and the broader CPA of the neighborhood model, she did not see addressed. She asked that they address this at the next work session at which time she would be able to specifically say exactly how each one in it are hit and how this is not in compliance with the CPA, if this was the same thing that they received next time. Considering all of the work they had put into having discussions about this, she was very disappointed. She pointed out that particularly 18 and 19 don't meet what they have been talking about for three years and certainly did not meet the certain zoning either.

Mr. Thomas pointed out that they had a different understanding of mixed use now than they did previously. This is mixed use when you start with the regional in the front and then you move back into the town center with the residential use. That was originally what they all talked about as mixed use. Then it involved into the neighborhood model where the commercial use and townhouses were mixed. He stated that originally it filtered back into the residential use.

Ms. Hopper disagreed.

Mr. Benish stated that the Planning Commission recommendation envisioned the mix of the use on the property. It did recognize that there was going to be a commercial core in the front, but he did not think there was a limitation on the square footage size before it went to multi-story. There were statements that were speaking to the town center as one site. The vision was looking at perhaps a concept that an overall

picture of how 180 acres works and it could make complete sense that given the scale of the impact of large scale development, there does need to be some level of segregation. That was where the Commission was. The Board tried to recognize the concern of the timing of the market to allow for some ability if this development came in sooner to recognize some of the constraints to what was provided by the Planning Commission as a long term vision. He stated that .75 FAR was where the commission had it, multi-story large scaled development. They tried to recognize the need for the market to be and the comp plan to recognize opportunities to do something on a different timing. He noted that it did not necessarily separate it from the intent of trying to implement the neighborhood model or trying to implement a mixed-use development over the whole town center. He felt that intent was still there.

Ms. Hopper stated that was not what the words say.

Mr. Rieley stated that on page 14, the staff gives outlines some questions. He pointed out that they wanted to give the staff and the applicant as much information as they can. At the beginning, staff was concerned with three categories of issues: The site design and layout, the integration of infrastructure and the grading for the entire town center, and traffic. They further bullet considerations as follows: that they should be looking to decrease the distances between stores to improve pedestrian orientation, improve the streetscapes and pedestrian orientation by providing sidewalks on both sides of the street, orienting buildings on to the streets that are of appropriate human scale, provide street trees and/or landscaping, bumper strip, etc., better define the grid system of streets within the mixed use/regional service area by using the cross sections found in figures 3-6 of the Daggett Gregg document, relegating parking towards the rear of the building, screen the parking where this is not feasible, use design solutions which minimize the use of retaining walls and limiting the impact for drastic grade changes to interconnections. He asked if anyone disagreed to any of those recommendations.

Since there was no disagreement, Mr. Rieley stated that they agreed with the staff's recommendations.

Mr. Finley stated that it was hard to look at what is on the wall and say it decreases the distance. He suggested that if possible or feasible, then they should decrease the distance.

Mr. Rieley stated that there was one change to the recommendations that they should be decreased if possible. He stated that the following paragraph says that the integration of infrastructure for the entire town center and the following issues were essential components of integrating the infrastructure. See the attached copy of the staff report for these issues. He asked if anyone was in disagreement with about the need for a traffic study for the next level of this.

There were no disagreements stated.

Mr. Rielly stated that in addition to those were a number of concerns raised throughout the staff report, which he found to be perfectly valid. He hoped that we can make progress before the next work session. He complemented staff on their interpretation of this.

Ms. Hopper agreed that he had hit on many important fine points throughout the report, but it was just too much to tackle all at once because there were so many things to address.

Mr. Barnes asked what things they were they missing. He wanted to be as fair as possible to the applicant and make sure we incorporate those things now so that they don't pop up later.

Mr. Rieley stated that subjectively the plan lacked design. He asked that the plan be integrated. He asked that staff set up another work session with the applicant.

Ms. Hopper stated that the design issues are so huge that it is hard to give points.

Summary of Work Session:
The Planning Commission held a work session to receive information from staff and discussed issues. The Planning Commission indicated a desire to have an additional work session.

New Business

Mr. Benish noted that the Planning Commission's agenda for 3/26/02 contained a large number of items and suggested that the Commission begin their meeting at 4:00 p.m.

After discussion among the Planning Commission, the Commission unanimously decided to meet at their regular meeting time of 6:00 p.m.

With no further business, the meeting adjourned at 9:00 p.m.

V. Wayne Cilimberg, Secretary

(Recorded and transcribed by Sharon C. Taylor, Recording Secretary.)