May 7, 2002

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, May 7, 2002 at 6:00 p.m., in Meeting Room 241 at the County Office Building, 401 McIntire Road, Charlottesville, Virginia. The meeting and public hearing began at 6:00 p.m. in Meeting Room # 241. Members attending were Jared Loewenstein; Chairman; William Finley; Tracey Hopper; Rodney Thomas; Pete Craddock; and Bill Edgerton. Absent from the meeting was William Rieley. Pete Craddock arrived at 7:01 p.m.

Other officials present were Wayne Cilimberg, Director of Planning & Community Development; Greg Kamptner, Assistant County Attorney; Elaine Echols, Senior Planner; and Michael Barnes, Planner.

A quorum was established and the meeting called to order.

Other Matters Not Listed on the Agenda from the Public

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

Review of Board of Supervisors Meeting – May 1, 2002

Mr. Cilimberg reviewed the Board of Supervisors actions for May 1, 2002. He pointed out that the Board held two public hearings. The first hearing was for the Mosby Mountain Stream Crossing, which was approved as you recommended. The other hearing was on the amendment to the Comprehensive Plan's land use section for the Neighborhood Model. The Board received public comment, but did not take action. In receiving comments from the public and the Board members, they asked that the Disc Two Committee review the information and provide their feedback for the Board's June 5th meeting when they will consider action. Staff will inform you of the date of the Disc Two meeting. There are two Planning Commissioners that are on the Disc Two Committee, Mr. Edgerton and Mr. Rieley. Mr. Thomas has expressed an interest in attending. There may be other Commissioners who want to attend. If we have more than two Commissioners present, then it is a meeting of the Planning Commission. Therefore, we would have you adjourn to that date for that purpose. In addition, minutes would have to be taken to have a record of the meeting. Please let staff know as soon as possible if more than two Commissioners will be attending.

Ms. Echols stated that the DISC II meeting would be held on May 20th from 5:00 to 7:00 p.m.

Mr. Loewenstein asked if anyone plans to attend, please let staff know by the end of the meeting.

Consent Agenda:

SDP-2001-081 Charlottesville Albemarle Airport Employee Parking Waiver Request – Request, pursuant to Section 4.13.2.3.4(c), to construct an addition to the existing employee parking lot which will be over five hundred (500) feet from the entrance of the use such spaces serve.

Mr. Loewenstein asked if any Commissioner wished to pull an item from the consent agenda.

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

Mr. Thomas seconded the motion, which carried unanimously. (Craddock - absent, Rieley -absent)

Public Hearing Items:

ZMA-99-13 Young America (Sign # 70) –

Requests 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.

AND

SP-99-059 Young America (Sign #67) - 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.

Mr. Barnes presented the staff report. (See the attached copy of the staff report.) He stated that this was a follow up executive summary from the May 22nd meeting last year on this issue at which time the Commission recommended denial. The Board of Supervisors took the following action:

At its June 20, 2001 public hearing, the Board of Supervisors agreed with the Planning Commission and recommended that the applicant work with staff and the Commission to provide information on the following 10 items before it would reconsider the request:

1. Provision of a 100-foot easement for the greenway trails
2. Provision of improvements to the greenway trails.
3. Mitigation of aesthetic impacts to the creek and greenway trail.
4. Restriction of all buildings (and land disturbance) outside of the waterward 50-feet of the stream buffer.
5. Allay staff's and VDOT's concerns related to traffic (by possibly revising the traffic study).
6. Place all new the utilities underground.
7. Minimize impervious cover.
8. Provide a plan for managing stormwater quality.
9. Provide a building orientation towards the street.
10. Locate the fuel canopy so that the impacts to the Entrance Corridor are minimized.

Mr. Barnes pointed out that the applicant has dealt with most of these issues. He pointed out that the new plan has been proffered and provides most of the information requested. The applicant as noted in the excerpt of the staff report as follows has dealt the issues:

In the discussion below, staff has analyzed how the applicant has addressed the Board's concerns. Attachment A is the current proffered plan of development. Attachment B contains the applicant's proffers.

DISCUSSION:

A Proffered Plan of Development:

The proffered plan and its level of detail are one of the biggest improvements over the previous concept plan shown to the Board and the Commission (Attachment A). Staff believes that the proffered plan

represents a significant improvement because the project, which still remains largely a speculative venture, will be developed in keeping with the Commission's and the Board's intent. Please note that since the parcels' development remains speculative, the ultimate user may wish to shift buildings, parking, etc. The intent of the proffers and the remainder of this report that are to list the items which staff believes are an important part of an eventual site plan. Those items not specifically listed may be altered at the site plan stage if found to be generally in accord with the proffered plan. Therefore, the Commission is encourage adding any items that may have been overlooked by staff. Finally, the applicant has also proffered a specific list of uses for the site (Attachment B). These uses are in keeping with the uses identified in the Comprehensive Plan's Interstate Interchange Development Policy.

Greenway Trails:

The applicant has proffered a plan (Attachment A) that provides for a greenway easement along both sides of Moores Creek and along the eastern side of Biscuit Run. These areas are identified in the Comprehensive Plan as potential areas for greenway trails and the development of trails in this area is of high importance. The dedication of these easements as well as the $500.00 dollar contribution towards repair of the bridges which will serve as stream crossings for the greenway are seen as positive attributes of the project by staff. Finally, the applicant is proffering to provide additional vegetation screening between the project's proposed buildings and the greenway trails to mask the development from the trails. The vegetation shown on the proffered plan is for illustrative purposes and may be shifted at the site plan stage to meet the intent of screening the development from the greenway trail.

Reduction of Stream Buffer Impacts:

The applicant has reduced the impacts to the 100-foot stream buffer by reducing the area of fill slightly and pulling all grading and construction activities (except for the greenway trails) outside the waterward 50 feet of the buffer. The encroachment of the project into the 100-foot stream buffer along Moores Creek will be offset by a mitigation plan approved by the County's Engineering Department.

Mitigation of Traffic Impacts:

The applicant remains uncertain who the eventual users will be on this property. A traffic study based on the impacts shown on the concept plan might not address the actual traffic impacts arising from the eventual users of this. Therefore, Proffer 7 (Attachment B) lays out the conditions whereby the applicant will perform a traffic study to the satisfaction of the County and VDOT. Then, the mitigating improvements, shown as necessary by the study, will be required on the site plan. The applicant is also working with the Holiday Inn to better manage traffic around the interface of these properties and 5th Street through the modification of the Holiday Inn's current two-way entrance to an "in-only" entrance. This modification will minimize traffic turning conflicts adjacent to 5th Street.

Stormwater Management:

The applicant has provided a conceptual plan for managing stormwater on the site. The Engineering Department has reviewed the applicant's proposal and believes that a viable solution can be produced at the site plan review stage. The precise location of the stormwater best management practices will be determined at the site plan stage.

The Engineering Department has also reviewed the impacts to the floodplain. The impacts to the floodplain have been deemed to be within acceptable limits by both the County Engineering Department and the Federal Emergency Management Agency.

Mitigation of Impacts to the Entrance Corridor:

The most recently submitted concept plan meets many of the concerns raised by the initial Architectural Review Board (ARB) review and the later reviews by the ARB staff. The applicant has proffered to bring the convenience store up to the setback line from 5th Street. Additionally, the store will provided a façade onto 5th Street and align the store parallel to 5th Street. The applicant is also proffering to place the fuel

canopy and pumps behind the store. The exact location of the pumps and canopy may be altered slightly at the site plan stage, but the applicant will keep the majority of the canopy's visual impacts obscured from 5th Street by placing it behind the building. Furthermore, the concept plan also shows a landscape area adjacent to 5th Street. Finally, the applicant has proffered to underground the utilities on the site. Most of these proffered items could only be recommendations of the ARB. By incorporating these items into the proffered concept plan, the ARB will have more control when it reviews the project at the site plan stage.

Mr. Loewenstein asked if there were questions for staff.

Mr. Thomas stated that he had heard a lot of concerns from the property owners west of Fifth Street on the other side about the floodwater back up. As the water comes under Fifth Street is it still able to spread out without pushing it back under the Fifth Street Bridge.

Mr. Barnes stated that Glenn Brooks of the Engineering Department would be able to address the floodplain issues.

Mr. Brooks stated that in short, yes. Fill is approved by FEMA and their criterion is that it raises the floodplain elevation by no more than one foot. He noted that from the County's perspective they had gone over and above that because they had a study which was conducted for the Moore's Creek Watershed done back in 1996. That accounted for future land development zoning and came up with actually higher elevation in the floodplain than FEMA had. We asked the applicant to use that, which they did. Staff feels that will cancel that effect.

Mr. Edgerton asked where the 100-year floodplain was located on the plan.

Mr. Brooks pointed out that the red dashed line was the new 100-year floodplain. The old floodplain is shown up by the existing parking lot.

Mr. Barnes stated that on the diagram that came out of the study, essentially the floodplain is shown in the blue and yellow. What you do is divide the floodplain into the area that during a flood the water would move through and that would be the flood way. Then the blue part is the floodplain fringe. That is the holding area more than an area of constant flow. The determination was that they could fill the area in blue and take out that volume. It was more of a storage reservoir area than an area that restricts flow. Therefore, it does not cause a net increase in flow in the floodplain elevation in the 100-year flood.

Mr. Edgerton ascertained that the entire proposed development site is in the floodplain.

Mr. Edgerton stated that if they approve this, then they would be approving a special use permit to actually build in the existing floodplain. They were redefining the floodplain.

Mr. Brooks stated that they would be altering the floodplain.

Mr. Loewenstein asked if there were other questions for staff. There being none, he opened the public hearing and asked that the applicant come forward.

Bob Smith, commercial real estate broker, stated that he represented the property owner in handling this problem and then to market the property. Other persons present were Mike Collins, representative out of Portland, Maine; Dale Ludwig, who represents the Erin Company and owns the Holiday Inn South and the Days Inn; and David Collins, of John McNair Associates, who have worked with Newbury and Davis who were the engineers two years ago that got FEMA to approve the change in the flood way. There has been a lot of work been done in the early stages. He noted that they have done everything possible to address the concerns and the questions raised by all of the County staff. They have been a little vague in their presentation because they have not been able to market this property. There isn't the kind of user that they anticipate having on that property that are going to come in and spend a lot of time to work out a

site plan if they don't think there is a possibility that they can use it. They have all backed off and said that when we get the property so that it is usable, then they will sit down and talk about this. He thanked the staff for their assistance with this matter, and noted that they would be happy to answer any questions.

Mr. Loewenstein stated that there was one person listed on the sign up sheet to speak. He asked Tom Beasley to come forward to speak.

Tom Beasley stated that he owned the property on the west side of Fifth Street in the City of Charlottesville. He noted that he was not speaking against the project, but was just concerned about the floodway and floodplain. If you check with the City, in 1984 – 1986 he spent a lot of money with the Corps of Engineers. He hoped that someone has thoroughly researched the flood way through here. The City of Charlottesville has a lot of information on this and is very concerned about the flood way. He hoped that the County was as well. He pointed out that a lady drowned in this area many years ago. That area has been under water three times since he owned the property.

Ms. Hopper asked when did the applicant purchased the property.

Mr. Beasley stated that he purchased the property in 1978. He noted that he was concerned about the floodplain and the flood way to protect his property. He pointed out that the whole hollow on the Virginia Power property has been under water.

Ms. Hopper asked what was the applicant's involvement was with the Corps of Engineers.

Mr. Beasley stated that an extensive amount of work was done on his side of Moore's Creek to widen the flood way in order to decrease the floodplain. As previously stated, the flood way is only a reservoir. The floodplain is where the water travels.

Mr. Thomas asked when he had to widen the flood way, was he filling in and building a new building on infill.

Mr. Beasley stated that he had to widen the flood way so that the water would not carry into the 100-year floodplain.

Ms. Hopper asked why he had to do that.

Mr. Beasley stated to meet the Corps of Engineers' standards. He noted that it cost lots of dollars. Therefore, he was concerned if they did not widen it that everybody upstream would suffer. David Collins, with John McNair and Associates in Waynesboro, Virginia, stated that he had been working with Mr. Smith and Mr. Ludwig since September on this project. They worked with Newbury and Davis who did a flood study. They did a combined study for the City and County for these two creek basins. A lot of that is statistics, but it is the best that they have to represent flood elevations. What we did with this study with Dewberry and Davis was to show that adding this fill to where these two creeks come together would not increase the flood elevation more than a couple hundreds of a foot. The flood way is what is carrying that water and we are staying out of that flood way. Those studies have been approved by FEMA. They have been accepted by the County. The fill that we are placing in the floodplain will not increase the elevation of the flood. He understood the concerns about the west side of Fifth Street, but thought that the impact of the flooding on the west side of Fifth Street was due more to the bridge and the road being a constriction there. He noted that he did not know what the Corps of Engineers was trying to work with Mr. Beasley on. He guessed that they were trying to make the alignment work out better for the opening of the Fifth Street Bridge. Down stream from Fifth Street Bridge the fill is not an impact to raise the flood elevations. This is based on the studies that Dewberry and Davis did that FEMA and the County has accepted.

Mr. Thomas asked if he was actually saying that there is no restriction on the lower side of the bridge letting the water out.

Mr. Collins stated that was correct.

Mr. Finley stated that Mr. Brooks mentioned that using the runoff from the data that you have received from the City and County, that your calculations show the floodplain to be a bit higher than the FEMA line.

Mr. Collins stated that what Mr. Brooks was getting at is that this is a FEMA floodplain and it is a FEMA floodplain issue. In this particular case, the FEMA flood study was done and is approved. A different study was done on the fill. The City and the County, along with Dewberry and Davis, feel that there have been changes brought about due to development. What Mr. Brooks was getting at was that the study that the City did might say that the 100-year flood elevation would be here and FEMA's flood elevation 100-year study would say it is in a different location. The study that we did about this particular fill says that regardless of whether we use this study or the other one, putting that fill in that site will not raise those elevations. He stated that it was statistically insignificant.

Mr. Edgerton asked by taking these studies into consideration if there is an appropriate response to the gentleman's comment that this property has been under water three times in the last twenty years. He noted that his personal observation was that the 100-year floodplain was really misnamed because we are getting a lot more torrential storms. Is there any accounting for that in any of these studies?

Mr. Collins stated the study that the City and the County have done attributes that to the impact of the new development in these basins. He did not think that is taken into account by the FEMA floodplain study.

Mr. Edgerton asked if any of the impervious surfaces were taken into account by either of the floodplain studies. He asked if they considered that dirt or asphalt was going to be filled in the surface shown in blue on the plan because that would make a significant difference in the amount of water that would run off this property.

Mr. Collins agreed that would make a difference, but that when they get to the site plan stage there will be soil/water retention structures put into place that will take care of the run off.

Mr. Edgerton asked if the actual study addressed that. It seemed to only address how much the floodplain can be reconfigured without creating an impact.

Mr. Collins stated that it did not. If all you were looking at was this one site, it is pretty insignificant relative to the entire basin. He noted that it was one more piece, but the water from this site will actually be gone before the floodwaters from the entire basin get to the property.

Ms. Hopper asked if the FEMA study assumes that the surface is all dirt.

Mr. Collins stated no, because when the FEMA flood study was put together, he thought that the Corps of Engineers would have determined the run off from different sites. They would have considered the run off from roofs, pavements, fields, or whatever. The study that Dewberry and Davis did for the City and the County combined did take into account increased development over the last twenty years. Mr. Brooks might be able to address that better. In that study, because of the increase in run off that the entire basin indicates, they have asked us to raise our site a little higher so that a flood would have no impact.

Mr. Thomas asked if this site would affect anything up stream or cause any back flow.

Mr. Collins stated no, that the back up west of Fifth Street is really due more to the Fifth Street bridge. Once you get below the bridge, there is a cleaner sweep.

Mr. Thomas stated that the bridge was just too small to handle the water.

Mr. Finley stated that since the run off of your site is so insignificant, you probably wouldn't be required to

have a detention area.

Mr. Collins stated that would depend on what the County Engineer will accept. Due to the proximity to the creeks, the detention area will not be required, but water quality will be. He noted that the water quality issues would inadvertently address some of that. We will use structures that water will go in to and soak in to the soil, filter and then run out at a slower pace. There will be storm water quality issues that we will need to address. This has not been designed at this point. We have been trying to leave space to account for it.

Ms. Hopper asked if the change in the property would affect other sites.

Mr. Collins stated that according to our study it should not. We would not be raising the elevation of the water surface at all.

Mr. Loewenstein closed the public hearing.

Dale Ludwig stated that he has been associated with the property for 15 years. The last time it flooded was late November 1987. It flooded on the west side of the bridge on Fifth Street. The reason it flooded was that all of the debris washed down on the west side and got caught in the bridge that backed to the Virginia Power site. Our property did not affect that. He noted that he has not seen it flood since 1987. All of the other issues will be addressed in the site plan. He noted that they were just looking for approval for the fill area.

Mr. Edgerton stated that in addition to the flood issues that they had talked about, another concern is the marked 100-year stream buffer that runs along Moore's creek. He pointed out that is being violated by this plan along the north side. There is a lot of grading in that area that will not leave the 30-foot buffer. He noted that about a third of the buffer along that stream would be lost.

Ms. Hopper asked Mr. Barnes to update them on this.

Mr. Barnes stated that actually the red line on this plan shows 50 feet from the top of the bank.

Ms. Hopper asked if that would be 50 feet on each side.

Mr. Barnes stated that the original plan did not show all of the 100-year floodplain, which was one of the problems. They showed a 50-foot buffer off the creek and the impact. They did not have a mitigation plan. On the plan submitted for tonight, they are filling down into the floodplain up to the fifty-foot line. They are leaving enough room to get equipment in there. Mr. Edgerton is correct that they are encroaching on that part which is allowed under the Water Protection Ordinance if they have a mitigation plan, which has been accepted by the Engineering Department. He stated that it was about 40 feet into the 100-foot buffer.

Mr. Loewenstein asked for other comments. He noted that they would take two separate actions. The first action would be for the ZMA.

Mr. Finley made a motion for approval of ZMA 99-13 with the proffers as submitted.

Mr. Thomas seconded the motion.

Ms. Hopper noted that she shared Mr. Edgerton's concern about encroaching on that buffer. She felt that her questions about the floodplain were well addressed. The reason she was going to vote for approval of this application is because it does meet the goal of infill, higher density and doing what they have been talking about. It is a difficult parcel to achieve infill because of the floodplain issues. For that reason, she was going to vote for approval.

The motion was approved (4:1) (Edgerton – No) (Craddock – Absent, Rieley – Absent)

Mr. Loewenstein asked for a motion concerning SP-99-059.

Mr. Thomas moved for approval of SP-99-059 for Young America.

Mr. Finley seconded the motion.

The motion was approved (4:1). (Edgerton – No) (Craddock – Absent, Rieley – Absent)

Work Session

ZMA-02-01 Fontaine Avenue Condominiums (Sign #64,65) – Request for a work session with the Planning Commission to discuss the proposed rezoning of 12.606 acres from Highway Commercial (H-C) to Residential (R-15) to allow 124 two-bedroom units in five buildings. The property, described as Tax Map 76 Parcels 12A and 12G are located in the Samuel Miller Magisterial District on the north side of Fontaine Avenue [Route 702] approximately .25 miles west of the intersection of Fontaine Avenue and Route 29. The Comprehensive Plan designates this property as Neighborhood Service, in Neighborhood 6.

Mr. Craddock arrived at 7:01 p.m.

Mr. Loewenstein noted that this was not a public hearing and that the matter will not be open for public comment tonight. Public comment will be entertained at future meetings.

Ms. Echols presented the staff report. (See the attached copy of the staff report.) She noted that the purpose of this work session is to discuss the big picture issues. The applicant is seeking direction from the Commission as to the proposed rezoning and its associated density uses on off-site improvements and layout. The Comprehension Plan shows this area as Neighborhood Service, which includes neighborhood, scaled commercial specialty shops, professional and office uses, retail, wholesale and businesses within a community. It also includes urban density residential uses as a secondary use. At the end of the report staff has outlined several questions that needs to be answered at this work session. Is non-mixed use development appropriate at this location given the Comprehension Plan designation? Is a residential development appropriate at this location given the Neighborhood Service designation? Is the parking appropriately relegated? Is pedestrian access shown appropriately? From talking to the applicant today, it appears that a solid surface for pedestrian access can be achieved. We also talked with the applicant and VDOT about the separate crossing over Morey Creek to provide a separate crossing for walkers. Staff is working with VDOT to flush out some more options. Are the interconnections appropriate? Should provisions be made for mass transit? Since the staff report was written, staff has researched the options for mass transit at the site. UTS has declined to extend service to the site because they do not go to apartment complexes unless there is a critical mass. For CTS to extend service to this area, it would cost the County between $65,000 and $75,000 to add another bus. Staff is now concentrating its efforts on bike lanes to try to get bike lanes to connect to the ones at Fontaine Research Park. Do the perspective drawings adequately address the human scale principal? Does the site plan appropriately respect the terrain? The topography is shown on the plan behind Ms. Hopper. Staff notes that there will be some need for retaining walls. With those questions in mind, Ms. Echols finished her staff report and asked if there were any questions. Glenn Brooks was present to represent the Engineering Department to answer any questions about the floodplain or storm water.

Mr. Loewenstein ascertained that the applicant was present and that the Commissioners could address questions to the applicant.

Mr. Finley stated that staff mentioned that provisions needed to be made for mass transit. He asked what

that would entail.

Ms. Echols stated that it could be a number of things such as a bus shelter, bus pull out, a bus turn around or an opportunity for a bus to come through the complex and turn around. The most critical features for mass transit are the turn around area and whether there is sufficient area. There are other aspects of getting mass transit there.

Mr. Loewenstein stated that they were going to use this for a lot of residential development, which would take a lot of neighborhood service out of retail and other commercial use. He asked if she had any other comments about that or if she had those percentages. The other two parcels are designated neighborhood service. This one is how large in relation to those? What percentage of that entire area will be lost?

Ms. Echols stated that the whole site is twelve acres and only six acres are developable. She noted that the other two were considerably smaller, but she did not know the exact size.

Mr. Thomas asked if the buildings could be moved closer to the street and the parking lot put in the back? What would happen to the property in the back going down to the ponds?

Ms. Echols noted that the three units that are sited sort of parallel to the ponds are about the best that they could be for this particular use. The two other units might be reoriented; but the terrain does not lend to itself to move the buildings. Relegated parking is something that needs to be discussed.

Mr. Loewenstein asked that the applicant come forward.

Larry Burnett, applicant and co-owner, spoke for the request.

Mr. Thomas asked if he had any conversations with the residents of Buckingham Circle. He asked if they requested that the parking lots be hidden by the building.

Mr. Burnett stated that he had numerous conversations with them, but they have not gotten into specific details.

The following comments and suggestions were made:

- Residential use of the property is appropriate.
- Explore mass transit. Make sure adequate area is available for bus or fire/rescue truck turn around.
- Explore the option of the buildings moved forward with the parking in the rear.
- Address pedestrian access better. Firm surfaces should be used.
- Explore ways to minimize visibility from roads and Buckingham Circle.
- Provide plans showing contours and topography of the site.
- Work on ways to deal better with the architecture and terrain.

The Planning Commission adjourned at 7:30 p.m. for ten minutes to meeting room 235 for the continuation of the joint County/City Session on Albemarle Place.

The meeting convened at 7:40 p.m. in meeting room # 235.

Mr. Loewenstein called the meeting to order at 7:40 p.m.

Continuation of Joint County/City Work Session – Meeting Room #235

The Albemarle County Planning Commission and the City of Charlottesville Planning Commission held a joint work session on Tuesday, May 7, 2002 at 7:30 p.m. in Meeting Room 235, County Office Building.

City of Charlottesville Planning Commission members present were Nancy Damon, Vice-Chairperson, Eldon Wood and Herman Key, Chairman.

CPA-01-04 Albemarle Place – The proposal seeks to amend Tax Map 61W, Parcels 19A and 19B Comprehensive Plan designation from Industrial Service to Regional Service to support an eventual rezoning from LI, Light Industrial to PUD, Planned Unit Development, for the purposes of creating a mixed residential, office, and commercial development. The properties consist of approximately 62.24 acres and are located in the Jack Jouett Magisterial District and in Neighborhood 1.

Michael Barnes presented the staff report and a slide presentation. He focused on the following issues:

- Global effects of a land use change.
- Integration of Albemarle Place into surrounding uses.
- Aspects of the neighborhood model.
- Open space and parks.
- Stream impact.

Mr. Loewenstein asked that each person state their name before they speak. He asked Mr. Barnes to present the staff report. He noted that they would try to end the meeting around 9:00 p.m.

Michael Barnes, Planner, stated that they would cover five basic topics of which they wanted to get some responses and comments on. The first topic was the global effect. This covered whether this was the right land use and location. The next one was how does this project integrate itself with the surrounding uses and the super block with the aspects of the neighborhood model. Most of those issues have been kicked out to be addressed later in the rezoning stages. The next topic covers the open space issue and whether there is a sufficient amount for this project. He asked for responses on whether some of the open space could be addressed off site. The last topic covered the stream impact.

In general, the question was if they wanted this to be a mixed-use property. He asked if this would become a center for Neighborhood One and Two. Staff was working with the developers on the integration of this project with the Sperry and the Comdial plant. They sold this property to these folks. Staff recognizes that they are important employers in the community and their needs must be taken into consideration. There needs to be a buffer around them and the parking lots need to be integrated into whatever system eventually comes into place. Staff has not gotten with the applicant about the grading, but noted that it was very important that the wording of the CPA address the integration of the topography with the surrounding uses. That same theme carries along with the townhouses that are along the back of the project along Commonwealth Drive. One way or the another, whether with a retaining wall that is done respectfully, the grades reduced, or screening with vegetation these uses need to work better together. The previous plan had a lot of office uses in the back, but by adding more residential to residential the plan was working better with the additional of the townhouses.

In the previous plan along Hydraulic Road, they had a lot of surface parking lots and few buildings. Staff told the applicant that they needed to bring the project out to integrate it with Hydraulic Road. They have done that to some extent. They have brought more of the mass of the development out, which includes an office building, as seen in the slides. The question arises in how this is going to interact with the City's properties on the other side of Hydraulic Road. Staff was trying to accomplish three things: 1) brings the project out to Hydraulic Road, 2) provide some kind of face, and (The parking garage could integrate some of the uses off the street.) and 3) the massing of the buildings up on the road. Staff did not want to overwhelm the buildings across the street in the City. If the Commission likes these approaches, then they should draft the language to incorporate that. They need to put off the rezoning and make general comments now in the comp plan stage. He noted that once the Planning Commission points out what they like and dislike about the project and how this fits in the Neighborhood Model, then staff could draft some CPA language. He suggested language that they prefer a mixed-use project that follows the neighborhood model and then numerate more of what you want.

The final question was about the open space. The slide shows the open space in the plan of City Place in Florida, which was a plan that the developer had done in Florida. He noted that this plan was compromable to what they were planning at Albemarle Place. He pointed out that they do not have large blocks of green open space. He suggested that more open space could be obtained by using the rooftops on apartments, courtyards and plaza areas, not for green space but a place for people to congregate. There is not as much open space as they had discussed in October of 10 percent open space. This project does not have that type of greenspace. He suggested that through creativity maybe we could try to identify additional green space. The applicant has proposed on top of parking garage of adding some recreational amenities such as a swimming pool, tennis courts and that type of thing. Staff does not fill that the applicant has proposed thirty- percent open space is actual green space. He pointed out that it was hard to apply a percentage without a clear definition of what we want since it depends on the actual design of the project. He questioned whether there were any close places that could be used as off-site open space.

The final point is the stream impact. The plan as shown would pipe the pipes. In the weighing of the conditions, one of the land use goals and what are the environmental goals and aspirations that we have. It is hard for staff to yes; you should pipe the stream. The existing conditions that they have found so far is that the southern stream is the better of the two. Under the existing conditions, the southern stream has a better runoff rate. This is the watershed boundary and the development up here is eroding the stream. Both the Corps of Engineers and the County have visited the site and determined that there is little to no life in the aquatic stream and it is severely eroded. Portions of the stream are already piped. The portion that runs under the road and the whole portion under Seminole Square Shopping Center are piped. These streams are classified as intermittent streams and are not protected by the Water Protection Ordinance. Therefore, it if was a by-right development it would not have to protect the streams. He pointed out that the northern stream might be a perennial stream.

Staff noted that there has been a lot of debate in what kinds of options we give the applicant. Piping is not the same thing as protecting. If you don't want to have run off from the site, then you will have to do something about these streams. There are three categories: 1) water quality, 2) water quantity and 3) habitat. Maintaining a viable habitat is going to severely influence this project. We have talked about this idea of armoring the channel and giving it a 20-foot buffer in urban park setting. You could possible do those nicely, but there are severe constraints to that due to the topographic and the narrowness of the parcels in what is being disturbed. He noted that the last option is the pipe.

Ms. Hopper asked if water quality would be protected.

Mr. Barnes stated depending on how the stream was restored; it was never going to function like a natural stream. He noted that they were in a lot of grey area. It is impossible to give you definite information. If you looked at that two streams need to be improved water quality and habitat. He noted that the County is doing a stream assessment right now. He stated that it was a heavily impacted stream and probably is contributing to the degradation of water quality because of uncontrolled run off. The volume of water and whatever pollutants have caused damage. There are so few BMP's in the area. It is based on water quantity and not water quality because not getting much retreatment of that waste.

Ms. Hopper stated that regardless of what is done at the site, scrutiny of stormwater management would improve the situation instead of it being left alone.

Mr. Cilimberg noted that the wooded site is not correcting the problems up above.

Mr. Loewenstein stated that it was important to remember that they were working towards a CPA and not on a site plan. He reiterated that they needed to consider the following:

- Is this the right land use,
- Does it integrates well with the surrounding uses,
- Does it ascribe to the principles of the Neighborhood Model and how well we want it to do that,
- Open space issue and the stream impacts.

Ms. Hopper stated that she did not feel this was a big box issue, but rather the issue of design. In the old urban neighborhood the old shopping department stores that use to have two floors. They did not look like big boxes because they were streetscaped and integrated in a design that fit the area. That example of a "big box" seems appropriate in the CPA and should have the parking around it. By contrast to the right, the one floor much larger big box with seems completely contrary to the Neighborhood Model that they have been talking about. She stated that she was not saying that amount of square footage could not been be accommodated somewhere on the site. She asked what the buzzword was for this type of structure.

Mr. Barnes stated it was a power center.

Ms. Hopper asked if there was another way to design that to be more appropriate with the overall site so that it does not appear to be attached.. She felt that a parking lot would be appropriate there. She asked that the CPA make it clear that was not what they were looking for.

Mr. Thomas stated that along the same lines, the two-story building in the left corner, the City Place has a Macy's. When you walk down the street, you cannot tell there is a big Macy's because it is camouflaged with other buildings and around it there are two- to three- story apartment buildings mixed in with the residential area. He noted that he had no problem with the big box, but would like to see the big box moved so that the road would go through to Sperry. He stated that the property had quite a grade at that location.

Mr. Barnes noted that there have been some changes on the plan related to grading. You cannot get away from the fact that there is a significant grade change along the back portion. The applicant has been working to make up some of the grade change on that portion of the project. He pointed out that he might have misled them last time about this area and the retaining wall. Potentially there is a way for some type of vehicular connection up through Comdial.

Mr. Thomas suggested that they make the connection at the end of Commonwealth Drive.

Mr. Craddock suggested making a connection to Comdial parking lot.

Mr. Barnes encouraged the Commissioners to talk to the applicant directly since he was only relaying what they have told me.

Mr. Thomas stated that they had talked about the three-story building on Hydraulic Road that was adjacent to a parking garage. He asked where the Sprint building was in relationship to that building.

Mr. Loewenstein noted that the right hand of the model is what was done in the past; the left-hand side of the model shows the Commissions' intent. The big box with the retrograde slope parking adjacent seems to be erected very stiff and not only inappropriate in general terms as look we look at the Neighborhood Model, but also imbalance in this particular design. He noted that he was not convinced that could be further dealt with more due to the sharp contrast.

Mr. Barnes stated that he thought the CPA needs to make the statement that the development will have an urban tone. If the applicant came back at the rezoning stage and gave you that, then you were forced to consider why should we accept this. He asked what the argument would be that says that. He felt that the applicant had been saying that it was an economical issue. He asked what kind of information the Commission needed.

Mr. Loewenstein noted as they moved towards the comprehension plan language, how much of this parcel should reflect the Neighborhood Model. One of the points staff made was the integration of the site with the surrounding uses. He stated that the current plan does not integrate with itself from A left to right. That was why he was bringing that up because the point could be transferred to the CPS. It seemed that that there was a whole range of ideas presented on this one parcel and that does not seem to integrate very well.

Mr. Craddock stated that this was similar to what was in Hollymead. Airport Road was more like the left-hand side and as you were down to the southern 29 you got more of the parking lot. A good analogy for the department store in the top left corner is the Old Miller and Rhodes and Leggett's downtown that kept downtown together. Then on the right hand side was like the Kmart site.

Mr. Edgerton agreed with Ms. Hopper's comments. He pointed out that it was a design issue. He noted that it was a commitment to the automobile and getting out of the car. It cost more money for a developer to do parking structures to get the pedestrian from the car into a pedestrian spirited shopping center. The urban fabric of the downtown America was developed when fewer people were in automobiles and more walking. Our friends in the City know how difficult how difficult it is to get people from their parking space into a store to spend their money, especially on a rainy day. It is a bit of a commitment. If the market is here, they should be able to get the reasonable return in infrastructure to get the people out of their car into the shopping center and to integrate all of these mixed uses. He felt very strongly that they were going to send a very ambiguous circle or signal to development community if they approve a site plan amendment. He opposed allowing the applicant to go away thinking that they were happy with both models, one of which he was unhappy with and then come back several months later feeling that it was alright.

Ms. Hopper questioned how to create the CPA to allow for both of these uses on the northern part of the site.

Mr. Edgerton suggested that they could approve one that says that there are some places that this is appropriate and some that it is not.

Mr. Finley questioned if they were back to where this type of infill was acceptable. He asked if the building on the right would be the biggest big box in town.

Mr. Loewenstein stated that Lowe's was bigger.

Mr. Barnes pointed out that the Comdial plant was bigger than that one. He noted that it might not be the biggest building, but was probably the biggest retail use.

Mr. Finley asked if they wanted to consider big boxes or not?

Ms. Hopper questioned the order of the phrasing. She asked if they knew the order in which it would be built and when.

Mr. Barnes stated that they had discussed it, but that it was something they would do at the rezoning stage.

Ms. Hooper asked if this allows for mass transit.

Mr. Barnes stated that they could incorporate mass transit into this project.

Mr. Cilimberg noted that as opposed to the plan heard earlier tonight, this one was definitely on transit.

Ms. Hopper stated that the building in the right-hand corner could be considered a big box. She noted that it was not the square footage, but rather the design and the parking.

Mr. Barnes noted that staff has that message.

Mr. Loewenstein asked the Commissioners if they felt that there was enough open space laid out.

Mr. Thomas asked if there was a definition for open space. He asked if the side area or concrete could be considered open space.

Mr. Cilimberg pointed out that the Commission should look at this in terms of what they feel is reasonable considering the kind of project and land use they were talking about here. The pedestrian orientation as Mr. Edgerton mentioned and the kind of project that was intending to actually provide for people who have gotten out of their cars and not just drive their car right up to the business.

Mr. Barnes noted that they have to consider the people coming to the store as well as the people who live here.

Nancy Damman, City Commissioner, stated that if this was a pedestrian oriented development, then the open space should not consider open space on the other side of the road. She noted that the water management needed to be explored because the streams would be degraded when the asphalt was added.

Eldon Wood, City Commissioner, stated that the green space issue was a concern because there is a reason for open space. He opposed considering using the open space on the other side of the road. He pointed out that he was previously on a committee that studied Route 29 pedestrian concerns. In order to get across the street, workers at Sperry to get in their cars to go to lunch.

Mr. Cilimberg stated that issue needs to be addressed whether this project is developed or not.

Mr. Kidd, City Commissioner, noted concern with the proposed use of regional versus industrial.

Ms. Dammon, City Commissioner, stated that Sherry Lewis was unable to attend the meeting due to the City election. She asked that I mention that she liked the mixed uses, but felt that the area is overbuilt in office space.

Mr. Cilimberg pointed out that the office space could be converted to another use.

Frank Cox, consultant for the owners of the project, spoke concerning the project.

Bruce McCloud, one of the developers from New York, was present concerning the request.

The Commissioners made the following suggestions and comments for staff to use in drafting the CPA language to minimize and improve the situation.

- Apply development characteristics of the southern portion of the plan to the northern portion of the plan.
- Better integrate/soften visual impacts of surface parking lots.
- Review potential traffic impacts to adjoining roads and address how they will connect.
- Ensure integration of Sperry and Comdial plant.
- Minimize potential environmental impacts to site
- Minimize the mass of the buildings and the parking to integrate with the surrounding uses.
- Explore ways that stormwater management can lessen the impact on the streams and improve the water quality and quantity situation. Engineering Department to address broader issues.
- Explore ways to improve open space and provide more green area.
- Have comp plan language reflect the Neighborhood Model and how this proposed development integrates with the surrounding uses in the area.
- As previously noted on April 30th, the City and County staff with assistance from VDOT, need to work together on a process and a strategy to address the U S 29N Corridor traffic problem. They tasked staff to get together and come up with recommendations that could be considered as part of this CPA.

Staff to present the proposed language for the Comprehensive Plan Amendment to the Commission for comments and suggestions at a work session.

New Business:

Mr. Cilimberg pointed out that the Planning Commission will have no meeting on Tuesday, May 14, 2002. Therefore, the next regularly scheduled meeting is Tuesday, May 21, 2002.

Adjournment:

With no further business, the meeting adjourned at 9:15 p.m. to the Disc Two Meeting on May 20th at 5:00 p.m.

V. Wayne Cilimberg, Secretary

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