Joint Albemarle County Planning Commission/Disc II Meeting
June 6, 2002

The Albemarle County Planning Commission held a meeting and a public hearing with the Development Area Initiatives Steering Committee II (DISC II) on Thursday, June 6, 2002 at 5:00 p.m. in meeting room #235, at the County Office Building, 401 McIntire Road, Charlottesville, Virginia.

Those members present from the DISC II Committee were: Bill Edgerton, Marilyn Gale, Tom Loach, Steve Runkle, William Rieley, Eric Strucko, Chair; Sherry Buttrick, Bob Watson and Jeff Werner. Absent were Katie Hobbs and Steve Von Storch.

Planning Commission members attending were: William Rieley, Vice-Chairman; Rodney Thomas, and Bill Edgerton. Absent from the meeting were: Jared Loewenstein, William Finley, Pete Craddock and Tracy Hopper.

Staff present were Elaine Echols, Senior Planner; David Benish, Chief of Planning & Community Development; and Wayne Cilimberg, Director of Planning & Community Development.

Other members of the public present were Marcia Joseph, Cliff Fox, and Chuck Rotgin.

Mr. Rieley, Vice-Chairman called the meeting of the Planning Commission to order at 5:15 p.m.

Mr. Strucko, Chair, called the meeting of Disc II to order at 5:15 p.m. He noted that since three Planning Commission members were present that it was a joint meeting. He apologized for missing the last work session, but understood that they went back and considered a lot of the elements and works that was done at the first meeting. He stated that they left off on page six where he referred to Ms. Echol's memo of May 14th. He stated that they would touch on each topic at least once, and then they could go back and consider some of the language changes. The minutes of the first meeting will be passed out at the end of the meeting. He noted that they would have to have another work session to look at the language changes as a whole so that they would have some tangible items to pass to the Board of Supervisors. He asked what the new Board date was.

Ms. Echols stated that if they could get the information together, the hearing would be on July 3rd. If they don't make the deadline, then the Board would hear it sometime in August.

Mr. Strucko stated that they already made comments on relegated parking, interconnective streets and the development area boundary all found on page five. On page six, they talk about mixed uses, green space amenities, ect. He noted that section was very lengthy and would probably take up a lot of their time, but pointed out that Ms. Echols had an outline which broke this section down to help navigate them through it.

Ms. Echols passed out the outline concerning the mixed uses and green space amenities.

Mr. Strucko stated that the first questions were "Are the Planning Commission recommended percentages for mixtures of uses, green space, and amenities appropriate for the different categories." If not, should any land use designation not require a mixture of uses? Should green space and amenities be combined into a single percentage and revert back to the "open space" designation? It was established that the Commission reviewed this section adequately and made appropriate recommendations. They believe that the percentages are realistic, however additional information is needed and a separate meeting is needed to obtain comments. He noted that Mr. Runkle had some concerns with those percentages and asked if he had any other comments.

Ms. Echols stated that she would like to give an overview of this that might answer Mr. Runkle's question. She noted that she took the land use categories and gave the Planning Commission's recommendation for mixed use, green space guidance, amenity guidance and suggested mix of uses and Mr. Rotgin's proposal. As you can see, there are changes in just some places. She tried to introduce at the very beginning a neighborhood density and urban density that they were going to have some nonresidential uses in these residential categories. After that in neighborhood service, community service and regional service, to talk about if you have a larger area than the amount of area that was suggested for a land use designation area. She emphasized that this was different from the zoning district and will be in almost all instances. She noted that they were talking about the land use plan and the general land use categories, which were shown in color on the map. She stated that if you have a larger area than what the land use plan calls for, then it is suggested that you have a certain mixture of uses. There is a suggestion in some places about the minimal level and in some places maximum level. She noted that there may be a time that there is too much and they don't want that whole area that is shown for a certain use to be taken over by another use. That is why they have put in some suggested percentages. Open space and amenities are the confusing thing about this. Ms. Gale sent an email saying that she did not say anything in here that it is not cumulative. That was something that the Board had asked for, but staff did not get it in before they got this draft out. She pointed out that these were not cumulative figures. Amenities are the sort of open space value and green space is just that and it is vegetative. Mr. Runkle asked last week where we got our numbers. Staff started at ten- percent amenity value because they based it on this area in downtown Charlottesville. When the Planning Commission was reviewing Albemarle Place, they were looking for some guidance on how much amenity and how much green space ought to be in that particular development. There is not a whole lot of guidance around on that type of thing. We went to a place that we knew, and the City very graciously prepared this for us and told us that those amenity places are at about nine percent of that whole area in pink. That is where they came up with the ten percent figure that they think is the minimum amenity value that there ought to be on any development. The Zoning Ordinance currently is written so that it does not make a great deal of distinction between green space that has an amenity and green space that is that left over which includes around the perimeter or in the storm water basin. One of the things that the Planning Commission determined when they were reviewing Albemarle Place is that projects should have a certain amount of green space that is fifteen percent. That figure actually comes from the Engineering Department telling us that in a regular strip commercial center you have at least fifteen percent green space in that kind of space. Staff thought that would be the minimum that they would want. That is where their lower end of the figures came from. Right now our land use categories deal with the intensity of uses. Mr. Runkle asked a question last week about the intensity of uses. Staff has tried to match the amenities and the green space with the intensity of development in a particular designated area. She stated that was the overall picture of what this was.

Mr. Rieley ascertained that as an example of this not being cumulative, Lee Park would be both an amenity and a green space and would count towards the fifteen- percent of one and the ten-percent of the other.

Ms. Echols stated that a storm water basin that does not have any aesthetic value and therefore its functionality is that nobody can get to it or enjoy it, would be green space.

Mr. Runkle asked for a clarification on the fact that the total area of Lee Park would be counted towards both. He suggested that they make that exceedingly clear that something could be counted as both. He noted that there were many different ways that they could apply that principle. He asked what the mall itself would be counted towards.

Mr. Rieley stated that it would be an amenity but not necessarily as green space. He noted that this clearly would take some interpretation.

Mr. Runkle stated that his comments were that the area that circled in pink, how would you define that in terms of your land use categories. He asked what type of service that would entail.

Mr. Benish stated that it would be community regional service.

Mr. Runkle questioned if you have guidance expressed quantitatively does it really need to change between those land use categories. If it does, then does it need to change within that category as a mix of uses. He asked in the southwest corner of the plan how you translate from the Comp Plan to the project.

Ms. Gale asked if previous developments have not gotten to that level does he have to make up for it.

Mr. Werner felt that what they were doing should be instructive to zoning.

Ms. Echols pointed out that was exactly what this was going to be used for is being instructive to zoning. They have a neighborhood model district that staff was hoping to met with Mr. Runkle on next week. What they have in there is the suggestion in the zoning district because they don't have it as a requirement. That is quite deliberate that it is not a requirement in the neighborhood model district that they were proposing because they were looking for guidance from the Comprehensive Plan. The word guidance provides a lot more flexibility than a requirement in the Zoning or even a requirement in the Comp Plan. She pointed out that the words are should and not shall and are advisory or general ballpark to see what it is they are trying to achieve. Staff noted that this was one-half of the picture here, and the other part was that they were looking for guidance here.

Mr. Werner stated that they should have a contributing project and a comprehensive project. A contributing project would a project that was inset in something. He referred to the Loudon County Plan that addresses a lot of this according to how large the project is.

Mr. Runkle stated that his final question was if it has been taken into consideration whether it is a private, public or designated open space. He noted that would have a tremendous impact as the mix of uses changes. He stated that there was a lot of judgement involved in this consideration. He stated that his concern was if they made it too specific to provide guidance translates ultimately into specific requirements.

Ms. Gale noted concern if percentages of amenities in open space are based on the land area, then on fifty acres; ten percent would be five acres. But when you are talking about the percentages of uses, you may only be actually covering 10,000 square feet of commercial, but you might have 20,000 square feet of commercial and another 20,000 or 30,000 square feet of residential or office. It makes for a bit of confusion on how those percentage work in whether you are looking at the land or whether you are looking at the building and the uses and trying to match those. She asked to see this applied in a prototype.

Ms. Echols stated that should not matter because you are talking about gross land area in relationship to the open space, amenities and green space. The mixture of uses is another thing. They way you have a mixture of uses would not apply to you percentage of green space amenity.

Mr. Runkle stated that the implication was that you are measuring on the basis of land surface area. The percentages are based on the gross surface of the land relative to whatever category you have in the service area.

Ms. Gale noted that percentages are used in two different places. The percentages as far as the uses are based on the actual square footage of the structures.

Mr. Runkle stated that a multi-level structure has some public spaces on multi-levels. He assumed that you count all of those, but what do you relate them to, the building square footage or the gross square footage of the land. As you get more urban, you will have more questions like that. He suggested that they stated that these are guideline numbers.

Mr. Rieley stated that was exactly what they were intended for. He noted speaking from the Planning Commission's perspective since they wrestled with this for a long time during a couple of very specific proposals until it made them get specific with it. He stated that it seemed that the numbers that were arrived at were based upon what they felt were reasonable for each of those two categories. There was acknowledge that this was comprehensive plan level and that specific projects will yield all kinds of proposals that might have lower numbers and still be acceptable. If a proposal was right next door to a 200-acre public park, then the percentage of open space could be lower. He noted that this was a place to start and they felt very reluctant to have this go forward with no beginning to the discussion. That is what these numbers were intended for.

Mr. Edgerton stated that his recollection of their struggle was that he sees these as targets. He stated that Mr. Runkle's concerns was that if they put these numbers out there and they were adopted by zoning and then they become a part of set numbers. He stated that long before that happens they will be finding out how applicable these numbers are. He pointed out that the numbers would be different if you drew the lines in different places.

Mr. Rieley stated that this was a way to get a handle on the mix of open space in a place that we all know as a way of coming to understand whether these numbers seem reasonable and have a reasonable beginning point.

Mr. Strucko noted that Mr. Rotgin's comments included some quantities in some of the language changes. He noted that they could all agree that there will be a presence of amenities and green space, but how we quantify those is where the tricky part is. The Planning Commission noted that the first attempt to provide quantities were just to provide a reasonable minimum. He asked if there were any language changes in the text to make that very explicit.

Mr. Werner deferred to Mr. Rieley's comments.

Mr. Edgerton stated that it was a good start as a target and they had to start somewhere.

Mr. Runkle stated that the guidelines, however applied, suggest there should be in combination more as the intensity of the sound of the land use designation decreases. He noted that neighborhood service and community service should have more of this than regional service. He stated that the development requirements for small uses are such that the land use in effect becomes almost more intense for a small use than it does for a large use. He asked if the perception that it should have more, particularly if it has a higher proportion of residential, and yet the development requirements as it relates to parking and building and so forth effectively go up. It will be harder to meet whatever the requirement is. He pointed out that it seems like a double whammy. He was curious if what was driving that is the sense that you really should have a lot more open space and amenity per capita as the scale of the use goes down. He questioned if the actual language's notion was really the notion.

Mr. Rieley stated that it was geared to the anticipation of the proportion of residential use and more open space attached to that.

Mr. Strucko stated that the neighborhood model gives a degree of flexibility so the Planning Commission and Board of Supervisors can look at the amenities and what happens around the property. He noted that they were always talking about a park in a neighborhood and not a detention pond. That does not serve as open space or a recreational use. He pointed out that they had actually drawn this in the neighborhood model essential green where an actual

community could gather and actually use. That would not be privately owned, but possibly owned by a homeowner's association where the community could congregate and use. They had wanted to build in some flexibility in the language.

Mr. Rotgin stated that originally he could not tell that one could count for the other. He felt this might be a difficult thing to achieve. He stated that if they could overlay it, that it would be fine as long as you have a very clear understanding of what qualifies for the requirements. He asked if you could count the outside dining and park benches on the mall as green space and amenities.

Mr. Rieley stated that he did not think that was the intention of the Planning Commission. The distinction was the percentage of impervious area that paved surface is an amenity, but doesn't do the same thing as open space with grass trees and pervious area. He hoped that one of the things that came out of this was people trying to maximum amount of overlap. If you had a storm water detention requirement, that you make it into an open space amenity that you can enjoy rather than putting a chain link fence around a bathtub. He felt that would be to everybody's advantage. He asked to make a couple of suggestions since it seemed that the Board has asked for clarification in the language about the cumulative effect of this. He noted that would satisfy a lot of the concerns that had been raised. He suggested using Mr. Strucko's term "reasonable minimums" to characterize what these numbers mean because they are not intended to be formative at this stage of the game and was too general. In other words, if someone has a development that was adjacent to a high rise residential development and a large public park. They certainly have a legitimate that they don't have to have 20 percent open space in addition that to serve the needs of that development. It should be clear that this is viewed in a more realistic way than every piece of property needs to satisfy each of these requirements regardless of what goes on around it. He pointed out that the point of where the line was drawn was germane to that.

Mr. Werner agreed with Mr. Reiley and felt it ought to be added to the plan.

Mr. Rotgin asked if he was saying that they were not cumulative and that one can overlap the other as part of the language also.

Mr. Rieley stated that was correct.

Mr. Rotgin noted that they were discussing green space and amenities and did not talk about the suggested use.

Mr. Strucko stated that Mr. Rotgin's proposal would make a mixture of uses optional in all categories.

Mr. Rotgin noted when he read through this, the word may was used in the terms of mixed uses, but when you get to regional it said a portion of residential square footage or nonresidential square footage should be at least 25 percent. He read that to say that in neighborhood service and community service there was no requirement that there be residential, but in regional service there was a requirement of residential. He felt that was a little tough. He stated that was on page three of the chart.

Mr. Rieley stated that this was the mix of uses and not the relationship to the open space and amenity.

Ms. Echols stated that she would separate these things out so that they would not get confused.

Mr. Strucko asked Mr. Rotgin to describe a regional service. He asked if he was talking about Wal-Mart.

Mr. Rotgin stated that would be a big retail area that does not draw people from a five-minute walk, but from a five to fifteen minute drive. He stated that he was talking about a strip mall like Barracks Road and Fashion Square Mall. This would be the type of uses that would be located away from the Hydraulic Road area to give people shopping alternatives in neighborhoods as opposed to having to get on Route 29. He noted that the term form would be a different debate. He noted that he liked the term mixed uses, but he might like them in the same building. He struggled with getting some of the major grocery stores to come to the area if they have to have residential above the store. He noted that across the street was a different story.

Ms. Echols noted that this started with Albemarle Place and looking at a regional service category where mixed use was being provided and there was not a lot of residential.

Mr. Rieley stated that this was a matter that the Planning Commission felt very strongly about in that when there was commercial activity at a scale that was likely to occur in a regional service that a significant amount of residential is essential to build a neighborhood that serves a broader market rather than a shopping center. He felt that was the basis of the conclusion. He noted that the point is to bring people living in those areas and the qualities that residential life to an area to those regional service areas.

Mr. Rotgin stated that it makes sense on paper, but in reality it just does not work. He stated that the population base was not large enough for some of these concepts. He feared that their long term vision would lead to ordinances which leads to the inability to have a regional use which forces these uses to go across the County line to develop.

Mr. Thomas suggested the change in the language to, “a mixture of urban density residential uses and community service is encouraged and may be anticipated within this designation.”

Mr. Loach stated that originally they wanted to have enough definition to make the process easier. When you start watering down the words, we make it less in that if something is by right, then we make it impossible.

Mr. Watson asked if some flexibility could be added in the verbiage. He pointed out in community service the terms may be as high as was used, but in regional service it has should be as high as 25 percent.

- Mr. Strucko stated that Mr. Rotgin’s language took out “should be at least” and replaced with “may be as high as” 50 percent. He noted that this boils down to can a residential presence be on the same site as a regional service enterprises.

- Mr. Rotgin noted that if you have a big enough site you could have both. He stated that there was an inconsistency because it stated that in a neighborhood community you may have residential and then in a regional it states that you should have residential. He felt that you would want residential in the neighborhood.

- Mr. Rieley stated that should is stronger than may be, but does not say shall.

- Mr. Strucko asked if anyone had any objections to the insertion “may be higher than 50 percent in this section. He asked if the goals would be achievable with that language.

Mr. Rieley stated that of course not since that language would essentially remove residential from regional service. He stated that Mr. Rotgin made a good point that the insertion of 25 percent from the residential standpoint, could be multi-story or single-story, was not something that could be inserted reasonably or comfortably to the existing regional service model that they have around here. He noted that he could not imagine townhouses in the middle of Fashion Square Mall. The point is that this is one of the mechanisms that change what that model looks like so

that people do regional shopping that was fundamentally different from an area where people reside.

Mr. Edgerton agreed with Mr. Rotgin in a sense that this was not going to happen with the normal model of what retailers want to do in a community of this size. He noted that we may lose some to Greene County if we try to tighten these up, but he was an optimist in the sense if they were successful in getting a retailer to work with us and try to integrate residential with a regional shopping center, that they would see a much better product.

- Mr. Strucko stated that the consensus was that there would be no change in the language of this section. He noted that Mr. Rieley and Mr. Edgerton were both members of the DISC II Committee. He asked if there was any objection to no change in the language of this section.

Mr. Runkle noted confusion when they talk about land sizes and what happens in situations where there may be infill. He asked if there would be some flexibility.

Mr. Rieley stated that not only the scale to the category was considered, but also clearly the adjacent uses are a consideration.

Mr. Runkle asked if there were uses in the regional service that would not mix well with residential. He stated that he did not think that this DISC process addressed very well all the given uses that don't mix well and you treat those uses.

Mr. Werner asked if the regional service has a certain amount of minimum acreage.

Mr. Edgerton pointed out that the Land Use Plan indicated 30 acres or more.

Mr. Werner noted that everyone envisions Route 29 as being all regional service. He asked what the scale was of this discussion.

Ms. Echols pointed out that was not true.

Mr. Rotgin stated that Mr. Rieley's points were well taken. He asked if there was any consideration given to adding language that there were instances where the surrounding areas should be considered in regional service.

- Mr. Strucko stated that they always consider the surrounding area for any use because that was always the major theme of the DISC project.

- Mr. Rieley suggested that this language should be included in the general language that applies to everything, as is the point that Mr. Runkle made fragments.

Ms. Echols stated that it was important to remember that they were talking about land use here and we should not be talking about individual projects for individual zoning. She noted that they were talking about large areas by and large instead of a single site project. In knowing that, staff's and the Commission's analysis of a rezoning would give a context of a land use designation that will consider that entire designated area and not just that one site.

Mr. Edgerton noted that it was hard to deal with the abstract.

Mr. Strucko stated that they knew that section was going to take some time. He asked that they move on to the bottom of page seven, the consideration of to Add a new Ad Hoc Advisory Committee to review and Development Regulatory Changes. Staff believes that the project is appropriate and further committee will further delay development and implementation of needed

regulatory changes. If additional review from a committee is need, staff believes DISC II should provide that function.

Mr. Watson pointed out that they have a consultant's report that shows a list of the current conflicts and the necessary regulatory changes that are necessary to start addressing those. He agreed that they had a competent group to address those changes.

Mr. Rotgin stated that there was a question of asking someone in the development community who understands in real life what it takes to make a project work. He noted that it leaves a lot of unanswered questions open. He reiterated that it was important to have a member of the development community present during the group's discussion to offer guidance.

Mr. Rieley noted that these meeting are public.

Ms. Echols pointed out that staff has used the public process for amendments by taking the issues out to the development community for a focus group discussions to allow anyone a chance to provide comments. Staff brings those comments back to the Planning Commission. There are opportunities available to the public for comment. She noted that staff works with the County Attorney to draft language changes which is brought back to DISC. She stated that staff feels that DISC II should provide this function due to time constraints.

Mr. Cilimberg suggested that the DISC II committee attend the focused group meeting.

Mr. Rieley stated that the Planning Commission appreciates any comments from the public, but they would also like to expedite moving this along as quickly as possible. He supported dovetailing the two together to cut down on staff's time and still address the issue.

- Mr. Strucko acknowledged that there was consensus to support no change.

Mr. Strucko stated that moving on to page eight, Adding Particular Uses to Land Use Categories. He asked should the uses stated above be added to the identified land use categories? Staff sees no problem with adding the uses, with the exception of the "sports related fields and buildings" in the Regional Service and Institutional categories. If "sports related fields and buildings" are added as in the Rotgin proposal, distinctions will be needed between commercial and non-commercial sports related.

Mr. Rieley stated that there should be some provision for this use by special use permit. He asked if the existing Zoning Ordinance has a zoning category that allows this by special use permit.

Ms. Echols stated that there was a provision for commercial recreational use in the Highway Commercial.

Mr. Werner noted that if they had a sports arena that they would have a transportation issue to make sure the mixed use was appropriate to the infrastructure and transportation issues.

Mr. Strucko asked if there was a zoning category for fire/rescue buildings.

Mr. Cilimberg stated that they were purely by right in every district. He noted what was stated here was the idea that they would separate out the particular kind of athletic facility and probably should specify that it will be appropriate in certain land use categories and when they decide whether it is by rezoning, special use permit or complies with the plan that they have something to go by.

Mr. Rotgin asked if motel/hotel conference facilities would be covered in this category, and Mr. Cilimberg stated that it had already been covered in Regional service.

- Ms. Echols noted that the bottom bullet on page 31 of second group of land use items to add in “commercial” in front of sports related fields and buildings.

Mr. Rieley noted that most of these items are already covered in other areas.

- Mr. Strucko asked if anyone has any problem going with the language as Mr. Rotgin suggested.

Mr. Cilimberg asked that the Committee acknowledge the facts and then allow staff to work on the language.

- Consensus was reached by the Committee to allow staff some flexibility to work on the language. Mr. Rieley asked if it would be a reasonable approach to ask if staff could review these since there was not point in reiterating the ones that are already allowed and expand them expand it just a little.

Mr. Cilimberg noted that this information would be provided back to the Board in summary form.

Mr. Strucko noted that the next section was the Discussion of the Rooker comments. He asked that each person briefly scan through the section and see if there are any objections.

Mr. Rieley and Mr. Edgerton found this section to be reasonable.

- Consensus made that the mapping objection for the inventory of vacant parcels needs to be expanded and updated and not gotten rid of.

Mr. Strucko stated that the next section was “Fiscal Impact Analyses.”

- Mr. Rotgin asked that they not limit it to the County’s fiscal impact model because nobody knows what is in the County’s black box, but include all physical impact models.
- Mr. Loach noted that if there was a problem with the County’s software, then it ought to get fixed.

Ms. Echols asked if the sentence should be removed.

Mr. Werner stated that the data should only be considered as a piece of information.

Mr. Runkle suggested that they only use the information when it is reliable.
Mr. Rieley stated that he did not think that it was useful in the rezoning process.

Mr. Cilimberg noted that when the fiscal model was first used, it was recognized that the model itself was representing a certain set of variables and was located on a big spreadsheet. The spreadsheet assumes values for residential development based on the type of residential. It assumes pupils per household based on what was the average and provides very general information. It was assumed that staff would always run a standard model of the project and any customizing could be done. He pointed out that it does not give precise numbers, but was updated yearly with what is going on with the County’s budgetary issues. He stated that there were some elements being developed operated on such as reports for major land use changes in the comprehensive. He noted that it was never intended to be the decision point for any project. The value of the fiscal model was intended to give a value or relative comparison in what a project may result in compared to what the land use is now. He noted that it essentially was a piece of information for the rezonings.

- Mr. Strucko stated that consensus had been made that both sentences would be kept as proposed on page 24 with the changes.

- Consensus reached on middle left side of page 9 of Ms. Echols comments to leave the language as it was.

- Consensus to leave as it is on page 9 on the left hand side of the page which says Page 28 – "Urban Density Residential designations are not intended for development at . . . "

- Consensus to leave Page 30 – "The County's Economic Development policy indicates the desirability of a wide range of business and employment opportunities . . . " as it is.

Mr. Rotgin asked if staff felt there should be an affirmative statement in the Comprehensive Plan that relates to the necessity of always having adequate amounts of various categories of land use designations.

Mr. Cilimberg pointed out that when they have done the Land Use Plan updates they have done that analysis to see if they have adequate amounts, which was reviewed every five years.

Mr. Strucko moved on to Page 19 – Regarding the green frame around Villages, should the green space be inside or outside of the Village?

Mr. Cilimberg pointed out that the Neighborhood Model addresses the edges.

- Consensus reached to delete the section on Page 19 regarding the green frame and refer to it in the Village Infill.

- Consensus with staff to agree that on page 10, Page 21 – That "mixed-use" should be added to the recommended strategies for infill.

Mr. Strucko noted that the first item on the agenda for the next meeting would be Pages 28 & 29 Attachment A (page 26 Attachment C) since so many members had to leave.

The meeting adjourned at 7:25 p.m. to their next meeting on June 20th at 5:00 p.m.

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Eric Strucko, Chairman

(Recorded and transcribed by Sharon Taylor, Recording Secretary)

(June 6 PC & Disc II draft)