Albemarle County Planning Commission
July 30, 2002

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, July 30, 2002 at 6:00 p.m. at the County Office Building, 401 McIntire Road, Charlottesville, Virginia. Members attending were Jared Loewenstein, Chairman; Rodney Thomas; Bill Edgerton; William Finley and William Rieley, Vice-Chairman. Absent from the meeting were Tracey Hopper and Pete Craddock.

Other officials present were David Benish, Chief of Planning & Community Development; Stephen Waller, Planner; and Greg Kamptner, Assistant County Attorney.

Other Matters Not Listed on the Agenda from the Public:

Mr. Loewenstein invited public comment on other matters not listed on the agenda. There being none, the meeting proceeded.

Consent Agenda:

Approval of Planning Commission Minutes: June 18, 2002 and June 20, 2002

Mr. Rieley stated that he had turned in a couple of minor adjustments to the minutes to the Recording Secretary.

Mr. Thomas stated that he also had turned in a couple of minor adjustments to the minutes.

Mr. Thomas moved for approval of the consent agenda as presented.

Mr. Edgerton seconded the motion, which carried unanimously (5:0).

Public Hearing Items:

SP-2002-026 Guaranty Bank ATM Lane (Sign #97, 98) - Request for special use permit to allow a new drive-thru ATM lane onto an existing bank in accordance with Section 24.2.2 of the Zoning Ordinance which allows for Drive-in windows serving or associated with permitted uses. The property, described as Tax Map 61 Parcel 123F, contains 0.839 acres, and is located in the Rio Magisterial District at the intersection of State Route 631 (Rio Road) and State Route 29 (Seminole Trail). The property is zoned HC, Highway Commercial. The Comprehensive Plan designates this property as Regional Service in Neighborhood 1 of the Development Area.

AND

SDP-2002-050 Guaranty Bank ATM Lane, Minor Amendment - Request for modification to allow for one-way circulation related to a new drive-thru ATM lane to an existing bank on 0.839 acres zoned Highway Commercial, HC.

Stephen Waller presented the staff report. (See the attached copy of the staff report.) He noted that the approval of this request would allow ATM customers to use the 24-hour banking services more safely without exiting their automobile. Staff's review of this request, along with the minor site plan amendment, has mainly focused on ensuring that the ATM lane could be added to this site without compromising the standards that are required for safe and convenience access and for the internal circulation throughout the site. When dealing with the minor site plan amendment that was submitted with this request, staff identified that the installation of this additional wing would result in the reduction of the 24 foot width of the travel way that is needed for two-way travel. Therefore, staff requested that the applicant should provide one-way circulation. The applicant has revised the site plan to provide one-way circulation throughout the site. The request for Planning Commission modification to allow the one-way travel way is also included in

this request. The Architectural Review Board has also reviewed this proposal with the construction work that is required for installation of the ATM machine, and they have provided some recommended conditions that have been included with staff's other conditions that are recommended for approval of the special use permit. Staff is also recommending approval of the one-way modification with one condition as well. He noted that he would be happy to answer any questions.

Mr. Loewenstein asked if there were any questions for Mr. Waller. There being none, he opened the public hearing and asked if the applicant would like to make a comment.

SPEAKER FOR REQUEST:
Roger D. Williams, Attorney with McCallum and Kudravetz PC, stated that he was present to represent Guaranty Bank. He stated that Mr. Waller indicated in the staff report why this is necessary. As staff indicated, this addition would be a safer way for the client to use the ATM machine without leaving their vehicle. Also, the one-way traffic lane will be a safer situation. He pointed out that the ARB has done its duty and there will be enhanced landscaping. He stated that the conditions recommended by the ARB have already been responded to or have already been met. He stated that Mr. Gentry was present from the Bank, but that Mr. Funk, the preparer of the plan, was absent. He stated that the Bank respectfully requests approval of the request.

Mr. Loewenstein asked if there was anyone else present who wanted to speak on this matter. There being none, he closed the public hearing and placed the matter before the Commission for action. He stated that there needs to be two separate motions. He asked that the first motion be made on the special use permit.

Mr. Thomas moved for approval of SP-2002-026, Guaranty Bank ATM Lane.

Mr. Loewenstein asked if the motion would include the conditions.

Mr. Thomas amended his motion to include the recommended conditions.

Mr. Rieley seconded the motion, which carried unanimously (5:0).

SP-2002-026 was approved (5:0) with the following conditions:
1. The permittee shall continue to provide one-way circulation with an unobstructed bypass lane that allows the safe passage of vehicles that do not enter the drive-though lanes.
2. The use shall not commence until a Certificate of Appropriateness is issued by the ARB, including landscape and lighting plans.
3. One crape myrtle tree shall be added on the Rio Road side of the site to extend the existing row westward.
4. Shrubs shall be added along the frontage of Rio Road to match the existing plantings along Route 29.
5. The portion of the existing vertical wall element that extends above the canopy shall be eliminated.

Mr. Loewenstein asked for a motion on the minor amendment, SDP-2002-050.

Mr. Rieley moved for approval of SDP-2002-050, Guaranty Bank ATM Lane, Minor Amendment, with the recommended conditions.

Mr. Waller asked for the record that the condition of approval should read the minor site plan amendment dated June 10th. He pointed out that was the latest date and should have been included the packet.

Mr. Rieley asked that Mr. Waller's revised condition be included in the motion.

Mr. Finley seconded the motion, which carried unanimously (5:0).

SDP-2002-050 was approved (5:0) with the following amended condition:

1. Appropriate signage and pavement markings shall be provided in general accord with the improvements that are shown on the amended site plan, entitled Guaranty Bank ATM Lane Minor Site Plan Amendment, dated June 10, 2002.

Mr. Loewenstein stated that this matter would go to the Board of Supervisors on August 7th.

The next item was SP-2002-027, Kia Automobile Dealership.

SP-2002-027 Kia Automobile Dealership (Sign #40) - Request for approval of a special use permit, in accordance with Section 30.6.3.2 of the Zoning Ordinance, in order to allow outdoor storage and display accessory to an automobile dealership in the Entrance Corridor Overlay Districts. This proposal includes a 2,730 square foot addition to the existing 5,549 square foot building and expansion of the parking lot. The property is a portion of Tax Map 78 - Parcel 9, containing approximately 1.7 acres zoned Highway Commercial (HC) and Entrance Corridor (EC). This site is located in the Rivanna Magisterial District on State Route 250 (Richmond Road), approximately 1/3 mile east of the intersection with State Route 20 (Stoney Point Road). The Comprehensive Plan designates this property as Regional Service in Urban Neighborhood 3. (Stephen Waller)

Mr. Waller presented the staff report. (See the attached copy of the staff report.) He stated that this request is similar to the last request in that the special use permit is accessory to a by-right use that is an automobile dealership. The special use permit is needed to allow outside storage in the Entrance Corridor Overlay District. He noted that the site plan was subject to administrative approval with the approval of this special use permit. Staff's review has taken into consideration the Architectural Review Board's recommended conditions of approval. Staff recommends approval with the same conditions that the Architectural Review Board has recommended to ensure limited impact on the Entrance Corridor.

Mr. Loewenstein asked if there were questions for Mr. Waller. There being none, he noted that he had a couple of questions. He stated that condition number 4 was included in condition number 3. He noted that condition number 4 speaks to the matter you were talking about in terms to conformity with the ARB approved plan.

Mr. Waller stated that the Architectural Review Board had two sets of recommended conditions. He noted that one set of conditions was for the Certificate of Appropriateness and would have to be approved prior to its issuance. He stated that the four conditions were recommended for the approval of the special use permit.

Mr. Loewenstein stated that those aren't necessarily the only ones that will be included in the Certificate of Appropriateness when the landscape plan is approved by the ARB, since there may be other things included other than what is in condition # 4.

Mr. Waller stated that the reason for this request was because when they were reviewing the request they were also looking at what was going on beside them on the hill. Since they could only review this site, they thought that might help to soften what was going on beside it.

Mr. Loewenstein stated that being the case, he wondered if these conditions should be more precise.

Mr. Waller pointed out that they were only recommended conditions.

Mr. Loewenstein stated that the Commission might want to discuss how to make the conditions clearer. He asked what other redevelopment plans are forthcoming in that general area. He asked if the County felt this was the sort of long-range direction that they were going. He noted that there was considerable land in that area that at some time might be redeveloped.

Mr. Waller stated that in their discussion of the site plan as a whole, Mr. Barnes pointed out that he had seen some preliminary plans for a road behind this property. One of the things that they have worked out in reviewing the preliminary site plan was that some notes would be included and approved on the final site plan that the applicant agrees to provide access from this site to this rear road. One of the other things that Mr. Barnes has been looking at is the possibility of having one point of access to this parcel onto the road. He noted that was again not knowing what is going to happen in the future with the hotel use next door.

Mr. Loewenstein stated that this was an automobile dealership and that there were a number of them in this area. He stated that he was thinking about development in the whole area over time. He asked if there were other questions or comments.

Mr. Rieley asked if there was a reason that the access that you described could not be a condition of this special use permit.

Mr. Waller stated that they discussed this and could not find a way to tie the access in the rear of the site to the special use permit that was just for outdoor storage and display.

Mr. Benish stated that they were sort of in a planning stage as they work through the Luxor property. They were in the stage of trying to get a rear access in and connected. As the adjacent properties are planning for that development, they want to consolidate access on Route 250. They are trying to connect that access to the internal street system. He pointed out that they don't have any definite plans in our Comprehensive Plan yet to say that there is specifically a location here that it should be tied to.

Mr. Rieley asked that in the absence of a definitive alignment for language in the special use permit that allows this use, what is the mechanism to ensure that when there is an alignment that there is a way to ensure that the access will be available.

Mr. Waller stated that again at this time what they have discussed and asked for is to have a note provided on the plan. The note would be carried over to the final plan saying if and when a future road along the rear or the property is constructed, that this site will have access to it. We've also discussed this with the applicant and they are willing to move the dumpster from the current location and bring the road as it comes off of Route 250 back into that portion of the site. There was also some discussion regarding a future subdivision plat. In the beginning, they were showing new property lines for the site. If they do a subdivision plat, then they would look to have some form of cross access easement put between these two parcels at least at the point where the new boundary lines go.

Mr. Rieley asked if the conceptual regional storm water BMP facility is to be constructed as a part of this, and if it is something that will have to be done before the parking is done.

Mr. Waller stated in speaking with the Engineering Department, one of their conditions before the approval of the final site plan is that either the basin would have to be built, bonded or they would have to provide on-site drainage. He noted that with the speed they were going and the fact that the Avemore preliminary site plan has been indefinitely deferred, unless this applicant is willing to look into some indefinite delays before the final site plan is approved, they will have to provide some type of on-site detention.

Mr. Rieley stated that because of the fact that there is residential development on the opposite side of Route 250, that there are a couple of issues he felt that needed to be addressed at some

point. He stated that the pond should be designed in such a way that it can be an amenity to the adjacent residential area in addition to the storm water detention function by being designed with a lovely walkway around the outside that allows access to it. Also, because of the fact that there is an area that will be developed residentially, he felt that the impact on the critical slope where the 200-foot rip rap channel is coming from the outlet into the pond seems inappropriate. He stated that it was more than a 30 percent slope and 200 feet of open riprap channel. He asked to raise the issue of keeping that in a pipe until you get it down to the level of the storm water detention facility. He noted that it was not something most people would like to look at in a residential area.

Mr. Loewenstein stated that it was a long drop.

Mr. Edgerton asked if it would be appropriate to add a couple of conditions.

Mr. Loewenstein suggested that they discuss this with the applicant. He opened the public hearing and asked if the applicant would like to speak.

SPEAKER FOR REQUEST:
Bob Cantrell, of Virginia Land Company, stated that he was present to represent the special permit. He noted that they were taking the existing building and transforming it into a better building for this use. He asked if they received a copy of a letter from Al Carver. He stated that they have been working in close contact with the recommendations of the Planning staff and the Architectural Review Board. He pointed out that he understood Mr. Rieley's concern about the open riprap channel and he was sure that they could accommodate that. He stated that they would follow whatever was requested.

Mr. Thomas asked if he knew the volume of the water and what size pipe would it take.

Mr. Cantrell stated that he could not imagine any increase in the flow. He stated that they could use retaining walls to be able to divert some of the water and decrease the erosion for that area. He stated that they were trying to separate the water from the proposed site from the Town and County site. He noted that this was a part of the Town and Country parcel. He stated that they could bury and asphalt the 200-foot open channel.

Mr. Loewenstein asked if there was anyone else present to speak. There being none, he closed the public hearing and put the matter before the Commission for action. He asked to clarify the comment about conditions 3 and 4 that were really intended to clean up the language and make it simpler. He stated that he did not have issues with the condition itself. He stated that he did have a copy of the letter. He noted that he did not have suggested language at this point. He stated that the original connection was between the landscaping approved by the ARB and the additional landscaping issue in condition number 4. He suggested that they tie the two conditions together somehow.

Mr. Benish suggested that they add an addition to condition number three above on condition number four.

Mr. Loewenstein stated that would make it much clearer.

Mr. Rieley asked that they consider an additional condition that stipulates that the open riprap channel will be replaced by a very high specific design and that you bury the intended run off subject to the approval of the Engineering Department.

Mr. Thomas stated that he would agree that the piping would be good. He asked which would be the most efficient, the riprap or the piping. He asked what could the negatives be if it could be piped.

Mr. Rieley stated that the one issue that has to be addressed is the voracity because the water moves faster if it just runs straight down a slope in a slick round pipe than in a rocky channel. Normally what is done is that the pipe is run more horizontally and it drops into a series of manholes and that is why he said with Engineering approval. He stated that the big advantage is that it is all underground and you don't see anything on the surface. He asked if it was a reasonable addition to tie in the fact that this storm water BMP facility or basin should be designed as an aesthetic amenity that is compatible with the proposed residential development. He stated that the idea was that this would be developed jointly.

Mr. Waller stated that part of the required application plan for the rezoning of Avemore shows trails around them. He pointed out that Avemore is required to provide them as a recreational amenity.

Mr. Rieley stated that they should add a condition that reiterates that so that everybody is tied to the same thing.

Mr. Thomas agreed with Mr. Rieley on the accessibility for the looped road.

Mr. Rieley stated that he wished that they could nail that down.

Mr. Loewenstein stated that would be very hard to do without a proposed alignment.

Mr. Rieley stated that the note would serve that purpose.

Mr. Benish stated that the road would be aligned through other parts of this parcel. He stated that At the site plan level they could require access to the adjacent properties. He noted that a lot would be dictated when VDOT will permit this entrance onto Route 250.

Mr. Finley moved for approval of SP-02-027, Kia Automobile Dealership – Outdoor Storage and Display with the conditions as modified and added to.

Mr. Benish asked that they summarize the amended conditions.

The conditions were summarized as follows:
1. Vehicles shall not be elevated.
2. Vehicles shall be displayed only in the areas indicated for display as shown on the site plan.
3. The use shall not commence prior to the issuance of a Certificate of Appropriateness by the Architectural Review Board. This shall include approval of landscaping and lighting plans.
4. In addition to the landscaping required by condition three, the applicant shall provide trees along the interior drive 40' on center, 2 ½" caliper, at the bottom of the slope. Provide a mix of screening trees, screening shrubs, and ornamental trees throughout the slopes to soften its appearance.
5. The open riprap channel to be replaced by a buried pipe of significant design to carry subject run-off to the satisfaction of the Engineering Department.
6. The storm water BMP facility will be designed as a recreational amenity compatible with the adjacent residential development.

Mr. Rieley stated that condition number 6 means that there shall be access and a safety bench underneath the water.

Mr. Thomas seconded the motion, which carried unanimously (5:0).

Mr. Loewenstein stated that he had two dates for the Board of Supervisors to hear this request being August 7th and August 14th. He questioned which date it would be.

Mr. Kamptner stated that the latest draft stated that the meeting would be held on August 14th.

OLD BUSINESS:

Mr. Loewenstein asked if there was any one else present to speak concerning old business. There being none, the meeting proceeded.

NEW BUSINESS:

Mr. Loewenstein asked if there was any one else present to speak concerning new business. There being none, the meeting proceeded.

ADJOURNMENT:

With no further business, the meeting adjourned at 7:05 p.m.

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V. Wayne Cilimberg, Secretary

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