Albemarle County Planning Commission
September 10, 2002

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, September 10, 2002 at 6:00 p.m., at the County Office Building, Room 241, 401 McIntire Road, Charlottesville, Virginia. Members attending were William Rieley, Vice-Chairman; Rodney Thomas; Bill Edgerton; Pete Craddock and William Finley. Absent from the meeting were Tracey Hopper and Jared Loewenstein, Chairman.

Other officials present were Wayne Cilimberg, Director of Planning & Community Development; Dan Mahon, County Greenway Planner; Susan Thomas, Senior Planner; and Yadira Amarante, Planner.

Other Matters Not Listed on the Agenda from the Public:

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

Consent Agenda:

Approval of Planning Commission Minutes – July 30, 2002.

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

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

Review of Board of Supervisors Meeting – September 4, 2002.

Mr. Cilimberg stated that since the action memo has not been received for September 4th, he would update the Commission at next week's meeting.

Mr. Thomas stated that there has been a request to flip the agenda and hear SDP 02-022 first.

Mr. Rieley asked if there were any objections. There being none, the first item was SDP 02-022, Pavillion At Riverbend Preliminary Site Plan.

Old Business:

SDP 02-022: Pavillion At Riverbend Preliminary Site Plan - The applicant is requesting approval of a preliminary site plan to construct a 2,770 sq. ft. building and parking for the purposes of operating a vehicle rental and maintenance facility (i.e. U-Haul) within the Route 250 Entrance Corridor. Two special use permits, (one for the allowance of motor vehicle sales and rental in the urban area as designated in the Comprehensive Plan, and the other for the allowance of outdoor storage and display within an Entrance Corridor), were recently approved by the Board of Supervisors. The property, described as Tax Map 78 Parcel 17A, contains 2.478 acres, and is located in the Rivanna Magisterial District on Newhouse Drive just off of Route 250 by the Rivanna River. The property is zoned C-1, Commercial and the Comprehensive Plan designates this property as Community Service in Neighborhood 3 of the Development Area. (Yadira Amarante)

As a reminder of last weeks' meeting, Mr. Cilimberg stated that there was the primary issue of the area of landscaping that was being shown and how the conditions of the site plan would provide for that and meet the intent of the special use permit approval. Staff has provided plans for the Commission showing the area of landscaping. These were merely as required by the Architectural Review Board. He pointed out that Dan Mahon, who works directly with our

greenway system, has been working with the applicant on supplemental landscaping for screening from the greenway and the river. Mr. Mahon can answer questions and help the Commission in making their decision.

Mr. Rieley asked Mr. Mahon to come forward to address the Commission. He suggested that he talk about the plantings in addition to those requested by the Architectural Review Board.

Dan Mahon, County Greenways Planner, stated that they have been looking at this application very closely. He stated that when this plan was submitted, he got involved looking at it very carefully from the very beginning considering the use that was proposed as well as understanding the generous dedication of the ground that the applicant and owner were giving the County. He noted that it made a significant connection to Dalton Towe as well as continuing the park system along the river. He noted that this was probably the most urban and one of the most visible sections of the greenway and the river park system that they will be developing. Therefore, they have looked at it very carefully. On the early plans that the saw, they were concerned with the visual impact of the parked vehicles, the impact of the clearing and how their supporting structures would appear in the greenway, and the Architectural Review Board's concerns dealing with the view from the bridge. After he had hiked the property with the applicant's consultant, it became very clear that it was hard to make a determination or have a clear understanding of what the impact was going to be until the leaves drop. Then, they need to get a vehicle or object to simulate the parking along that edge. He noted that there is going to be an impact and you will be able to see. He felt it can be mitigated fairly well, but they are not sure how much landscaping will be required. There is some existing vegetation, but a lot is shrubby materials. As they start managing this area as a park, they might want to replace some of the vegetation. He noted that a lot of the area was off site of the parcel that they were looking at. He stated that they had made an agreement that when the leaves drop, they would go back to the site and come up with a clear solution of plant location and plant material that would work. The note on the plan indicates that. He noted that the note was put on the plans with the understanding that was probably the area where you see the grouping or cluster of Leyland Cyprus and Uniserperk Langianna. He stated that there would be a real open view from the greenway into the site. He suggested that they might get better screening if the screening is in the foreground closer to the trail. As the County Parks and Recreation Department develops the park system, they will work on mitigating the views and doing plantings. This would compliment the applicant's efforts to ensure it looks good from the greenway.

Mr. Rieley stated that since this was before the Commission last week, the public hearing does not have to be opened tonight. He asked if the applicant has anything to add.

Clark Gathright, of Daggett and Grigg Architect, stated that he visited the site yesterday and took a few pictures. He passed out photographs for the Planning Commission to review. After last week's meeting, he looked at making an attempt to quantify some of the existing vegetation. He noted that there were so many types of trees so close together on the site that it was hard to quantify it other than by showing the tree line. There are Cedars, Maples, Paradise trees, Mimosas, Black Locust, Sycamores and a lot of other varieties. He noted that was all that he wanted to provide this evening.

Mr. Rieley asked if anyone has any questions for Mr. Gathright. He asked for clarification in if the heavy line was the property line and the dividing line after the dedication for the greenway. He asked if that dedication has already occurred.

Ms. Amarante stated that staff was still working with the applicant on that conveyance, but is should occur any day.

Mr. Rieley stated that he raised concerns about the absence of the landscape plan which was a concern of the Commission from the beginning. He stated that he was happy to have the details of that worked out with staff as Mr. Mahon has outlined, however he was still concerned about

what is on the plan. There are only nine trees of any significance along the top slope backed up with Leyland Cyprus. He strongly urged that they not use the Leyland Cyrus because it was a bi-generic hybrid that was dying all over the Country with a fatal disease. He suggested that in this type of situation they would be much better off using native plants as the backdrop. He stated that the Virginia Cedar is an excellent source because it was on that south facing slope that would get a lot of heat from the parking lot. He stated that one of the pictures shows the winter view and shows how easily you can see the end of the Shell Station in the inter time noting those trees would do very little in the way of screening. He suggested that they establish preferably native trees. He stated that a Lance Holly would be a wonderful underscoring tree that would do well. He suggested that they leave this under Mr. Mahon's direction, but establish a higher benchmark. He asked if that sounds reasonable. He stated that he was looking to see what it would take to continue the line of red Cedars one deep. He felt that would be at least 20 trees. He suggested that they come down the slope a little and plant in the underscore area another 20 trees.

Mr. Thomas suggested staggering the trees.

Mr. Rieley stated that would not matter on the side with the automobiles, but on the side facing the greenway it should be naturalistic of a species that would blend into the existing setting.

Mr. Craddock asked if he was talking about the gap in there.

Mr. Rieley stated that the gap would be the beginning point and then plant on that steep slope.

Mr. Mahon stated that due to the fact that there is some existing canopy that is significant and will remain, the light will be different along there. He agreed that native species would work real well. He stated that the other thing that he would like to see happen is when you come around the corner instead of enforcing the boundary of that property with a formal stagger, that it would be an informal naturalizing, very integrating type of planting. He noted that there was not just one species, but that they would work very carefully with the applicant on the choices for that location.

Mr. Rieley recommended a condition that would establish a minimum number of trees in the areas between the edge of the pavement and the new property line of at least 40 to 50 specific locations and species to be worked out with Mr. Mahon.

Mr. Thomas asked if Mr. Mahon was saying that they would have to remove some of the existing trees to put those 20 trees in there.

Mr. Rieley stated that he did not think so. He stated that he thought Mr. Mahon was saying that there was some undesirable species that they would probably want to be removed, and as a part of that the replanting would be done with something that would provide better long-term screening. He stated that there were 14 trees shown there now, and he would suggest 40 to 50 trees to be the minimum amount. He pointed out that Mr. Mahon was not limited to that.

Mr. Mahon asked since the greenway does not have a design standard for the recommended size of the trees, if there will be a recommendation for the size of the trees at planting.

Mr. Rieley recommended that they have trees of at least 6 to 8 feet in height to be begin with.

Mr. Edgerton moved for approval of SDP-02-022, Pavillion At Riverbend Preliminary Site Plan subject to staff's recommended conditions and that they add a condition that a minimum of 40 to 50 native trees at least 6 to 8 feet in height at planting to be provided for screening as determined by the applicant and the Greenways Coordinator. The 40 to 50 trees will run along the edge of the pavement and the new property line to protect the greenway experience from the parking lot and the vehicles that will be parked there. He added to the motion that an alternative solution be developed for the riprap.

Mr. Kamptner stated that his notes suggested that condition one adds at the end “and the conditions of the special use permit.” He noted that was not formally added last week.

Mr. Rieley asked if they wanted to add that to the motion.

Mr. Edgerton accepted the amendment.

Mr. Thomas seconded the motion as modified, which carried unanimously (5:0) with the following conditions as modified:

The final site plan shall not be signed until the following conditions have been met:

1. A landscape plan in conformance with Section 32.7.9 of the Zoning Ordinance and the conditions of the special use permit.
2. Provide standard water and sewer general plan notes on the cover sheet.
3. Provide plumbing fixture information for sizing the water meter.
4. Provide a note stating that a backflow prevention device is required on the domestic water service.
5. Reference the SP numbers on the site plan and note all conditions of the SP's on the site plan.
6. An erosion control plan, narrative and computations.
7. A completed application and fee for erosion control and stormwater management.
8. A stormwater management/BMP plan and computations. Computations must include water quality, and detention routing for the 2yr and 10yr storms.
9. A completed stormwater management facilities maintenance agreement and fee.
10. Drainage computations.
11. Retaining wall plans and computations certified by a professional engineer for walls over 5 feet in height.
13. A minimum of 40 to 50 native trees at least 6 to 8 feet in height at planting to be provided for the screening as determined by the applicant and the Greenways Coordinator. The 40 to 50 trees will run along the edge of the pavement and the new property line to protect the greenway experience from the parking lot and the vehicles that will be parked there.
14. An alternative solution shall be developed for the riprap.

Mr. Thomas asked if they would review this item again.

Mr. Rieley stated that this was the preliminary site plan review. He stated that they could call the final site plan back on the request of any Commissioner.

Mr. Cilimberg stated that if they called the site plan back, there would have to be a full final site plan fee paid by the applicant and the adjacent owners would have to be notified again. It would be the same process as the preliminary plan review under our ordinance. He noted as an alternative, they could simply provide the result of the plan or any additional information to the Commission on the consent agenda. He stated that they would have to take that action tonight.

Mr. Rieley asked if anyone feels strongly about that. There being no response, he stated that the Commission would not take that action.

Mr. Cilimberg stated that when they get a copy of the landscape plan that the Planning Commission would not have an action that they could take except to review it for informational purposes under the consent agenda.

Mr. Rieley stated that he would be comfortable with this action with the one clarification in the motion that it be a minimum of 40 to 50 trees and not in the range of between 40 and 50 trees.

Work Session:

SP-2002-023 White Gables Condos (Sign # 56, 57) - Request for special use permit to allow development of 76 condominium dwelling units in accordance with Section 23.2.2.9 of the Zoning Ordinance which allows for R-15, Residential use in a CO, Commercial Office district. The property, described as Tax Map 60 Parcels 26 and 26A, contains 7.097 acres, and is located in the Samuel Miller Magisterial District on the north side of Ivy Road (Route 250 West) approximately 1/4 mile west of the intersection of Ivy Road and the 29/250 By-pass. The property is zoned CO, Commercial Office, and EC, Entrance Corridor. The Comprehensive Plan designates this property as Office Service in Neighborhood Seven. (Susan Thomas)

Ms. Thomas presented a copy of the action memo for the Architectural Review Board's meeting of last week.

Mr. Edgerton asked if this was different from the one sent around by email, and Ms. Thomas stated that it was the same one.

Ms. Thomas stated that staff was uncertain of the timing on when this request should be brought before the Planning Commission for a work session item. The temptation between the applicant and staff is to work out the factual questions first, but yet there are a lot of bigger fundamental questions that must be addressed first. These unanswered questions include the road alignment, residential use, scale, massing and arrangement of structures and private road alignment as an alternative. They decided to come forward now. One of the big issues is how to deal with the access. A big issue for this project is how to gain access onto this section of Ivy Road which affected many persons including the adjacent property owners. The plan for access is to go through the Kappa Sigma property creating a new entrance to align with Birdwood Golf Course with the potential of serving other properties in the future. The Kappa Sigma property has been owned by the Memorial Foundation which thought that they owned the land and leased the improvements to a fraternity. The two entities got in a legal argument and went to Court. The local Judge in July ruled that they were one organization with 158,000 stockholders. They held an annual meeting on August 31 with 186 members present. The Memorial Foundation has challenged the Judge's ruling that the Virginia law requires 10 percent of stockholders in attendance to establish a quorum. Therefore, they were unable to vote on the road issue. She noted that this was not due to the applicant's lack of effort. The adjacent property owners have other issues that delay the issue. Ted Lang, a representative of Kappa Sigma Memorial Foundation of Fort Worth, provided this information. She summarized the Architectural Review Board's comments as follows:

1. The development shall maintain the existing character of the site of broad lawns with mature trees as viewed from the EC. Destroyed trees shall be replaced with new trees that compensate for the loss with increased caliper and increased quantity.

2. The scale of pavilions VII and VIII should be reduced. The front of pavilion VIII shall align with the front of pavilion VII.

3. The stone wall at the front of the property shall be maintained. If the existing entrance will be closed, it shall be closed such that the stone wall is extended in a manner consistent with the existing appearance. The new entrance and driveway shall also be consistent with the existing appearance. A stone gateway and iron gates shall be created.

4. Any signs proposed in the future shall not overpower the stone wall at the front of the property and shall be compatible with it.

5. The driveway shall be located such that no trees will be removed from the site or the parcel adjacent to the EC. (Note: Conceptual and has not had a lot of Engineering Review.)

6. The renovation of the residence into a community building shall maintain the existing historic appearance of the building.

7. Townhouse basements and garage doors shall be oriented away from the EC to eliminate visibility.

8. Grading shall respect the natural slopes at the front of the property between the existing building and Route 250. Retaining walls and berms are not appropriate in the front of the property.

9. The motor court/parking area shall be removed.

Staff pointed out that there was some information missing at this point.

Mr. Rieley noted that the ARB comments were right on target and hit on the fundamental issues.

Ms. Thomas stated that under the Neighborhood Model, she posed the question if the pedestrian facilities on the site are adequate. A side walk would be required along Ivy Road. The linkage to other parcels would be along Ivy Road due to the railroad track in the rear. She noted that the bicycle and pedestrian access would be used a lot due to the heavy pedestrian travel in this area, but supported preserving as much of the front lawn expanse as possible.

Mr. Rieley supported the sidewalk being put in at the beginning stage, but that the plans be designed very carefully.

Mr. Edgerton suggested that the sidewalk design have a more gentle approach instead of creating an additional edge along Route 250.

Ms. Thomas supported the private road approach.

Mr. Rieley suggested using an urban cross-section road design. He stated that it was the consensus that the road be minimized with the least amount of visible impact as possible.

Mr. Edgerton stated that it was mentioned that the applicant had offered the opportunity to the legal research group to access their property on this. He questioned whether that additional access would force this road to be greater than the Commission would want it to be. He noted that some of Ms. Pollock's traffic issues raised in her letter would be addressed by having one access point for all three properties which would make it safer for everybody.

Ms. Thomas stated that it might be complimentary in terms of times of heaviest traffic, but it could affect the engineering design of the road. She stated that there has been no confirmation from the adjacent properties concerning this issue. She noted that it was a huge issue for the corridor as it stands now. She stated that pedestrian access is a good thing, but she supported the road being kept as narrow and as impact free as possible.

Mr. Rieley suggested creating a reservation for a future easement for pedestrian access.

Mr. Cilimberg suggested that they make sure that area is graded so that feature could be added later.

Ms. Thomas stated that she felt that parallel and curvilinear parking seem appropriate on this site with the one-way circulation. She pointed out that the ARB eliminated the curvilinear parking in front so that only the turn around was in the front. She felt that creates the need for parking on the back of the site, noting that there was certainly room for it.

Mr. Rieley stated that since this was on the interior of the site, he did not think it was a major

issue. He stated that he would expect a rector lineal instead of a curvilinear road system.

Ms. Thomas expressed concern over the sequence of construction on the site due to the large size of the buildings and the marketing conditions. She supported that it be done in an orderly arrangement. She suggested that they have a sequencing plan due to market demands.

Mr. Rieley suggested that they start building in the back and move to the front. He noted that the building to the east was very close to the front structure. He noted that it was not uncommon to sequence the construction if there was public interest in doing this.

Mr. Edgerton suggested that they reduce the scale of the buildings and use some type of buffering. He stated that this plan does not work very well unless the buildings were made a lot smaller. He favored phasing the development of the site.

Ms. Thomas stated that one of the positive aspects of this plan was that both parcels were involved with a master plan. She noted that the first plan that came in only involved the back parcel. The applicant was not involved with the front parcel. There were many requests for what would happen on that front parcel. She suggested that the front buildings be constructed first to establish the use of the property. The next question is in some ways the hardest one to wrestle with. That is are the proposed scale, mass and organization of the structures appropriate for the site. She noted a point that Margaret Maliszewski made which was that when the ARB talked about scaling down further the front two buildings to be more in keeping with the house and the corridor, even if that mean capturing the density at the rear of the lot. They felt it was important that those front two buildings be further modified to be downsized. These buildings have been downsized once, but the ARB wanted more.

Mr. Edgerton stated that he felt strongly that the scale was too large. He stated that they were trying to get too much on one piece of property. He suggested reducing the pavilions at least in half.

Mr. Thomas agreed with downsizing the front buildings only.

Regarding the appropriateness of the residential use, Ms. Thomas supported it.

Mr. Rieley asked if there was anyone else present to speak.

Vito Cetta, owner of Weatherhill Homes, was present concerning the request. He stated that his engineer, Mark Keller, was present to answer any questions.

Mr. Edgerton stated that the issue of scale was what he was most concerned with. He suggested that the applicant explore making the pavilion a little smaller.

Mr. Rieley stated that in summary he heard that there was a general concern for the scale and for the fit with that corridor. One of the very positive aspects for the corridor is that it has a small end towards Route 250 which he felt was important. He stated that the Architectural Review Board's comments were right on target and he agreed with Mr. Edgerton that some adjustment needs to be made within the units to add more variety and that variety should come by some reasonable adjustment to the square footage. He agreed with the ARB that the taller buildings on the back of the property will have far less impact than the ones on the front. He stated that it would be interesting to see the next level of resolution. He stated that from his perspective that it was very important that they have something finite in that they are in agreement about footprints and facades before the special use permit is granted. If market conditions shift and changes have to be made, that there is a process for making those changes. He stated that they needed to know what they were going to be approving because it is an enormously significant piece of property.

New Business:

- Mr. Cilimberg stated that on October 1st that they might need to have a 4 o'clock worksession on the Neighborhood Model District. He suggested that the Commissioner note this on their calendars.

- Mr. Cilimberg stated that there would not be a Planning Commission meeting on October 15th due to the trip to Burlington.

- Mr. Rieley asked Mr. Kamptner to update the Commission on the affordable housing's recent enabling legislation at an upcoming meeting.

Old Business:

Mr. Cilimberg stated that the Crozet Masterplan was moving on with different task groups and different subject matters. He asked Ms. Thomas to make sure that Mr. Edgerton and Mr. Rieley are being apprised of what is going on. He hoped that the Planning Commission will get involved as they reach the more critical points. He stated that Ms. Thomas would update the Planning Commission on this matter at an upcoming meeting.

Adjournment:

With no further items, the meeting adjourned at 7:40 p.m.

_____

V. Wayne Cilimberg, Secretary

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