Albemarle County Planning Commission

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, March 11, 2003 at 6:00 p.m., at the County Office Building, Room 241, 401 McIntire Road, Charlottesville, Virginia. Members attending were William Rieley, Chairman; Rodney Thomas; Tracey Hopper, Vice-Chairperson; Bill Edgerton; William Finley and Pete Craddock. Absent was Jared Loewenstein.

Other officials present were Wayne Cilimberg, Director of Planning & Community Development; David Benish, Chief of Planning & Community Development; Michael Barnes, Senior Planner; Margaret Doherty, Senior Planner; and Greg Kamptner, Assistant County Attorney.

4:00 P.M. At City Hall, Michie Conference Room
Joint Work Session with City Planning Commission on Improvements to the Hydraulic/250 Bypass Intersections of the US 29 Corridor.

Call to Order and Establish Quorum:

Mr. Rieley called the meeting to order at 6:00 p.m.

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 – January 28, 2003.

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

Mr. Thomas seconded the motion.

The motion carried unanimously (6:0) for approval of the minutes of January 28, 2003.

ZMA 01-18 Hollymead Town Center, Regional Service Area A (Sign #74) - Request to rezone 65 acres from RA, Rural Areas to PD-MC, Planned Development- Mixed Commercial to allow for a shopping center. The property, described as Tax Map 32, Parcels 42A, 42B, 46-5 and portions of 42C, 42D, 42E, 43, 43A, 44, 45 and 50, is located in the Rio Magisterial District on Route 29 North approximately 1/2 mile south of the Timberwood Boulevard/ Route 29 intersection. The Comprehensive Plan designates this property as the Hollymead Town Center in the Hollymead Community and recommends Mixed Use/Regional Service use.

AND

ZMA 01-19 Hollymead Town Center, Regional Service Area B (Sign #87) - Request to rezone 24.7 acres from RA, Rural Areas and HC, Highway Commercial to PD-MC, Planned Development- Mixed Commercial to allow for a shopping center.

AND

SP 01-63 Hollymead Town Center, "Drive-In A" - Request for special use permit to allow a drive-in window in accordance with Section 25A.2.2.1of the Zoning Ordinance which allows for uses permitted by special use permit in C-1, CO and HC districts.

AND

SP 01-64 Hollymead Town Center, "Drive-In B" - Request for special use permit to allow a drive-in window in accordance with Section 25A.2.2.1 of the Zoning Ordinance which allows for uses permitted by special use permit in C-1, CO and HC districts. (Michael Barnes)

Mr. Rieley stated that the next item ZMA-01-18 was one of five public hearing items. He asked Mr. Barnes if his staff report would deal with all of these items at once or did he want to do them one at a time.

Mr. Barnes stated that generally, he would deal with all of them as one. He stated that he planned on covering both applications in his presentation.

Mr. Rieley suggested that they hear staff's presentation altogether and that he tell them what the distinctions are for ZMA-01-18 and ZMA-01-19 since they would hear each of those separately. He stated that then they would hear SP-01-63 and SP-01-64 with ZMA-01-19. He asked that staff start out by giving them an overview.

Mr. Barnes presented the staff report as outlined in the staff report. He stated that the town center is an area by Airport Road roughly to the north and Route 29 to the east. The other boundary is the Powell Creek boundary along the western side. He pointed out the location of Forest Lakes, the Hollymead Cemetery and the Hollymead Subdivision. For the area under consideration there are four rezoning requests that cover the majority of the town center. The area should include this one and then the other ones that have color around them. The ones under consideration tonight are ZMA-01-18, Area A and ZMA-01-19, Area B with the two special use permits. Area A is shown in red. Just recently in the past several weeks, Mr. Wood expanded the shaded area to include this area that is also surrounded by red. The Dierman Realty and Regency Center application is shown in yellow. The other two applications for Area C and Area D, which is the Virginia Land Company and the Kessler Group respectively, are not under consideration this evening. This town center was based on the Hollymead Town center Comprehension Plan Amendment that was passed in 2001. A lot of that plan revolved around this masterplan that was referenced by the Comprehensive Plan Amendment which is also called the Daggett and Grigg plan. The areas under consideration tonight roughly are Area A and Area B. The pink represents the mixed use-regional service area. Due to technical problems, he switched over to the map from the slide presentation. The tan area that was referenced was the mixed-use community service, and the purple area was the high-density residential portion of the project. He excused himself for a few moments to deal with the technical problems. He pointed out the area of the town center that Mr. Wendell Wood was looking at. Mr. Wood has submitted two application plans to cover this area. The portion that the Commission previously considered was this portion down here with the town center area, which you see in this more detailed area. The area that was most recently added to the application by Mr. Wood was done because some of the requests that the Planning Commission had for the entire area of the town center to be considered at one time. The remaining portion of the application plan governed it. The Dierman portion is what you see on the plan behind Mr. Rieley. Both this section Area B and Area A are essentially shopping center areas almost completely retail both in the range of 250,000 square feet plus. The remaining portion of Mr. Wood's property that is under consideration tonight is suppose to be the mixed use zone or the center of the town center with a mixture of residential and retail uses on a multi-floor plan. The specificity on the two plans that are behind Mr. Rieley is somewhat lacking in this plan. Particularly on large rezoning applications like this, the Commission normally requires a certain level of detail. That is the question that is before the Commission tonight. If the Commission so chooses to allow this application to come back at a later date, they need to define whether the level of detail that is shown here needs to be something more in line with that and whether the generalness of this plan is suitable to meet their needs. The staff looked at these plans for their conformity with the Comprehensive Plan and the Neighborhood Model, the grading, how the uses work within the site, and how the uses are integrated with each other and with traffic. He noted that he would not get into the details of all of that since they have had several work sessions to discuss that. Also the staff report covered much of that. The other element of this analysis was the traffic study. The traffic study came back recommending 4 additional lanes along Route 29 from the south fork of the Rivanna River to just north of Airport Road. It also suggested another 3 lanes between the South Fork and Rio Road. Part of the improvements in the area that it recommended and depended upon was the improvements that VDOT will be doing on Airport Road. The study also suggested signalizing the

intersection of Proffit Road and Route 20 and the intersection of Earlysville Road and Dickerson Road. The study suggested an additional turn lane at the Rock Store intersection and another one at the intersection of Earlysville Road and Woodsdale Road with an added light, and an additional lane at Route 606 in Earlysville. At this time the applicant has provided proffers to the County for Area B, but proffers have not been provided for Area A. The proffers are in your package as Attachment 05. The proffers essentially deal with transportation improvements that the applicant is going to make. This is the applicant for Area B. The improvements are essentially the additional turning lanes at the intersections on Route 29, some of the improvements internal to the site and the new stop light at the cemetery entrance to the project. With that he would just leave that there and take any questions.

Mr. Rieley asked if there were any questions for Mr. Barnes.

Mr. Edgerton stated that the large drawing behind him was consistent with the one contained in their packet. He asked which plan they were reviewing since the layout of the other drawing was considerably different. He pointed out particularly in Mr. Wood's area.

Mr. Barnes stated that the applicant felt very strongly that they wanted to provide the best representation. Mr. Dierman, of Dierman Realty for Area B, wants essentially their portion of the shopping center to be considered tonight. That is the part shown above that drawing. He asked that the Commission disregard the area that Mr. Wood is talking about in that plan. They received that plan in the middle of last week and staff has not had time to review that. That plan does provide more detail in the layout, but the heart of it was the amount of commitment to that plan and how those details actually play out that gives staff some concern.

Ms. Hopper asked to comment on the differences between the two plans. She stated that informally she has seen that plan float around after some of meetings about the Hollymead Town Center. She noticed immediately that it was not part of the application that was before them tonight. She stated that it did not look like there were many changes at all. What they were seeing tonight is not very different from what they saw the last time, while that application looks different in some significant ways.

Mr. Barnes stated that it still comes back that it does show a little more parking than they have and it has deleted some of the buildings that are on there. He pointed out that he probably should not have allowed that drawing to go up tonight. The drawing still does not, in staff's opinion, provide the necessary information in how many floors are in those buildings, what are the uses in those buildings and what kind of commitment is going with that plan. The plan does provide you with the parking fields associated with some of those uses.

Mr. Craddock asked what the other plan was.

Mr. Barnes pointed out that was the grading plan that they have discussed previously and already provided some analysis for. The Engineering Department has provided Attachment S, which was the last thing before the index in your report on page 87.

Mr. Finley asked if this plan was the one they should disregard, and Mr. Barnes stated that was correct.

Mr. Barnes noted that between Route 29 and Area B was the section under consideration tonight. He recommended that the Commission base their decisions on the upper two plans tonight.

Mr. Rieley asked if there were other questions for Mr. Barnes. He pointed out that this was staff's overview. He stated that ZMA-01-18 would be considered separately since it was a separate applicant before the Commission. He stated that they would then consider ZMA-01-19 and the two special use permits. They would receive public comment all at one time and then take separate actions. He asked Mr. Kamptner if that would be adequate.

Mr. Kamptner suggested that they hear the rezoning public hearings separately and then the special use permits together with separate actions.

Mr. Rieley stated that the Commission would first deal with ZMA-01-18. For the record, he asked Mr. Barnes for his recommendation on this.

Mr. Barnes stated that after reviewing the two application plans for ZMA-01-18, staff believes that there are too many outstanding or unfavorable items associated with the request. Staff has requested additional information and changes to help bring this project into conformity with the Comprehensive Plan and the Zoning Ordinance. The applicant has declined at this time. Instead, the applicant has requested that the public hearing proceed. Therefore, staff cannot recommend approval of ZMA-01-18. He pointed out that portion of the unfavorable items are listed in the previous three pages.

Mr. Rieley asked if there were other questions for Mr. Barnes or other staff.

Mr. Finley stated that on page 15, you state that for these reasons staff does not believe that there is a public need or justification for this proposal at this time for this location on Route 29. He asked if that was the consensus of the staff.

Mr. Barnes stated that he prepares a draft of the staff report, which is reviewed by both the Director of Planning & Community Development as well as the Chief of Community Development prior submitting the report to the Commission.

Mr. Finley stated that there were a number of items that looked like they could be worked out rather easily. He asked why these issues are not worked out in advance by planning staff and engineers.

Mr. Barnes stated that staff has tried many times to convey the importance of that not only at the staff level, but also at the Commission level. He stated that staff was concerned if it was something not considered at this stage that it would not be a part of the ultimate project.

Mr. Benish noted that for a rezoning this information has to be identified on a plan or stated in the proffer. The complete packet does not satisfy staff that there is actually a commitment provided to address these types of items. He pointed out that time could address them, but they were requested to move forward with the public hearing with what we have.

Mr. Edgerton stated that he was intrigued on page 14 with the physical impact statement on the middle of the page. He stated that he was surprised that there appears to be no factor for the infrastructure cost that the County will suffer because of the traffic impacts from this project. He asked if that was something that they should consider.

Mr. Barnes stated that his understanding was that infrastructure costs are factored into the model. However, when you have infrastructure costs of this scale primarily for the transportation infrastructure, that model will probably not accurately pick that up.

Mr. Edgerton stated that the numbers were huge for what needs to be done. He pointed out that there was a limited amount of help offered from the developer. He suggested that they be mindful of that when they look at the cost of the physical impact.

Mr. Benish stated that the physical impact model does not look at specific demands or needs. It looks at unit cost needs based on multipliers of impact. He stated that you tend to lose on a project by project basis some scale of actual impact. There are times when it does not accurately pick up all of those things. The physical impact gives you a bigger picture of what happens with the economy with this type of development.

Ms. Hopper stated that on page 14, regarding the physical impact, it says that the County would be better off approving this. She asked what time period they were referring to.

Mr. Barnes stated that his understanding of how the model works is that you take what is on the property now and the impact cost it has to the County. Essentially, there are two homes on the property right now. The potential of the property would be 40 homes with the current zoning on the property. They would build out in 2005 only the area in this section for the Shopping Center. He pointed out that they did not have enough information on the uses at the top.

Mr. Kamptner referred to page 71, attachment M25

Mr. Edgerton pointed out that it was for ten years.

Mr. Barnes stated that physical impact adds the costs up over the time period of ten years.

Mr. Rieley asked if there were other questions for Mr. Barnes. Since there were none, he opened up the public hearing on ZMA-01-18, United Land Corporation proposal for Area A. He asked if the applicant would like to address the Commission.

Wendell Wood, stated that the request for ZMA-01-18 had been recently expanded to include Parcel E. He noted that the Commissioners had asked to see his commitment on the balance of the property that he owned. They increased that to commit to the overall road system and layout as seen on the wall. He pointed out that he worked with staff for guidance to tell him how to do that. This is one of the forms that they were committed to. They would proffer to that plan and would commit to the densities that would be developed at an 85 percent residential, and 15 – 20 percent retail office. He explained that they took it into the maximum intensification that the Commission asked for over a period of years. He felt that showed the Commission the willingness on their part to commit to do what that plan says. Mr. Barnes would probably like to see a plan submitted like the one submitted on parcel B, that is more architectural and shows the exact structures. He stated that he did not know how they could do that other than with the generalization of what they have. There is no way that he would know who that tenant would be ten years from now. He pointed out that staff has control over that in their site plan review. The lots would probably not be sold to one person. Therefore, that person might bring in block A that is right behind the Giant. Then he has to submit a detailed site plan that would conform to this general plan that they have given them that locks them into the road network and the continuity of the plan. All of the developers have agreed on the continuity of this plan that includes streetlights, signage, park benches, park areas, etc. He stated that he did this at their request to commit that they were willing to do that. He stated that if staff has a better way for him to achieve that, then he would be willing to do that. At this time, he did not know what he would put in the area behind the stores because it depends on today's market place. But, the plan will be like what is already shown on this plan. It will be the building as shown on the plan, but he did not know who the tenants were. He noted that they knew right up front that you can't bring a site plan in if it does not conform to this plan. But again, if staff has a better way to achieve it, then he was open for suggestions. He felt that this plan commits Parcel E. If staff does not feel that this plan does that, then they were willing to do that. They were willing to bind by this plan. He pointed out that he could not go into the exact details of the architecture since he only has the general architectural design that would go in. He felt that Mr. Barnes wanted him to be specific in who was going to be there, which was a little hard to do since it was a 5 to 10 year project. He noted that this would be done in phases. He felt that Parcel B has been done in that type of detail. He stated that he understood that this was not the final detailed plan. He pointed out that they would have to come back before the Commission with the site plan regardless of what the zoning is. So if they have this as an underlying masterplan, then they would follow up with a site plan for that area. It will probably come to you at a future date per block. He noted that it was 400,000 square feet and 800 dwelling units that probably will not be submitted to the Commission as one plan. The plan has to be cohesive and show the overall concept that everyone has to tie into.

Mr. Thomas stated that he remembered asking only for the road plan or the grid plan on that particular parcel.

Mr. Wood stated that he was willing to give a little bit more than that since he was willing to commit to the layouts.

Mr. Thomas requested to be able to ask Mr. Wood some questions. He asked Mr. Wood if he has worked on any of the items listed in the staff report as lacking on the plan.

Mr. Wood stated that he was not sure what they (the staff) was talking about.

Mr. Thomas referred to page 16, number 2b.

Mr. Barnes stated that the complexity of the town center is immense. For clarification, he noted that the area outlined in green was referred to as the first application plan. He stated that everything that was listed under number 2 relates to the first application plan. Everything listed under number 3 refers to the second application plan that is outlined in blue on the screen. He noted that parcel E was recently added to the application. He stated that the way that this was set up was that when you see the first point that staff is talking about it refers to the two application plans with varying degrees of specificity. Staff is worried about administering and enforcing those at the site plan stage. The second points are things that staff found to be unfavorable with the shopping center portion or the first application portion that was originally considered and fall under number 2 on page 16. These are still things that staff finds lacking from the plan's design and/or details that should be added.

Mr. Thomas asked if these were things that Mr. Wood is working on and would be willing to provide in the plan.

Mr. Wood stated yes, noting that what they have done now is to show the general plan. The difference between Areas A and B, for example, is that they have tenants for Area B. They know exactly where Target will go. Therefore, the project would not be all done at one time. He noted that this is the first phase, and that he was trying to give them what he was willing to commit to. They were willing to commit to A, but he has not given them the exact parking or the exact bike lanes because Area A may need to come back for a final site plan. They don't know who will go into each space. A potential tenant might like a particular space, but not the particular configuration since it might not meet their design. Then, that plan would have to come back to you. He noted that he was trying to give them a comfort level that he thought that they had asked him to lock into. He stated that they were willing to lock into this at this stage. Then when they have a tenant for that particular building and for those stores, then he will come back to the Commission in the same context that B is before you tonight. He noted that staff had asked him to go a step forward and submit those things to them which was what he was trying to do. He pointed out that he did not know any other way to do it than what they have done. They will commit at this level knowing that the Commission has another shot at it when they bring in a final site plan. If the Commission does not like this approach, then they need to give him another approach to use. He acknowledged that their concern was that they wanted to make sure that this is kept as a town center.

Mr. Finley asked if the stormwater basin on Powell Creek serves Parcel B.

Mr. Wood stated that it did because the grading plans for A, B, and a great deal of E flows down into this basin. That basin will be designed and built so that part of it will be done. The part which will be done now will cover the surface area of A at a later date. That part has to be done today in connection with B. The grading plan shows the regional water detention. He stated that part of B's detention; for example, goes into the pond at the intersection of Forest Lakes. The big

pond down to the left covers Parcel A which will not be built at this time, but that is part of the regional plan. He pointed out that the Commission has a site plan that shows all of that.

Mr. Finley stated that when a stormwater basin approaches on the buffer for a creek, you've advised us that this is a problem. He asked if this must be outside of the 100 feet.

Mr. Wood stated that they have already had the Wetlands Board out on the site. They have proposed a mitigation plan to resolve the encroachment, which has been submitted to the State Water Control Board. If they think the encroachment can't be done, then they will not give you a permit. He pointed out that area already has sewer going through it. Therefore, there is already an encroachment there. But, that is a permit that we have to get approved and if we can't proof that it can be done with their recommendations, then it might have to be narrowed and moved.

Mr. Finley asked if they proposed a mitigation plan.

Mr. Wood stated that he believed that he had received one today, but that there was an engineer here who could answer that. There is a permit application before them. To the best of his knowledge, he stated that they made a recommendation as to the mitigation involved to put the stormwater there. They did agree that their proposed location was the best place for it.

Mr. Finley stated that his permit would be based on meeting their requirements for mitigation.

Mr. Wood stated that they could not do it without that.

Ms. Hopper asked Mr. Kamptner if a rezoning was passed, can an applicant come back and amend the rezoning to renegotiate the proffers.

Mr. Kamptner stated that proffers could be amended and the application plan can be amended in the planned development district. He pointed out that both of those are possible.

Ms. Hopper stated that hearing that it seems that rezonings, as you know, typically are very specific because of the nature of the great changes in the rezoning. She noted that he talked about the fact that you don't have specific applicants and tenants who are looking at these parcels right now. That is a huge area of land. Knowing the details that are generally required in a rezoning, could you work this through and provide the details and proffer those to address what is needed in a rezoning or the specificity that is required in a rezoning. Then if you have a tenant that needs changes, you could always come back and ask for an amendment of the proffer. She asked if that was something he would consider.

Mr. Wood noted that it was a very expensive process. For example, to date on parcel B they have spent over a million dollars. It is a little tough to cover, but they knew that they had tenants being the Target and the Giant. It will be a little bit uneconomical on A or E to go back and lay out an exact plan. He noted that the tenants drive the market. It is really not something that they have the flexibility of doing. They can say that that does not fit their plan and it does not work. He expressed concerns over paying for designing the buildings before finding the tenants since he would likely end up having to pay again for redesigning them. He asked how he could do that without making it economically prohibited to do a final site plan and then having to come back in to do another one.

Ms. Hopper stated the level of detail was almost like an amendment to the Comprehensive Plan Amendment. It was more like the specificity of the CPA rather than like the specificity of the rezoning. She pointed out that they did not have enough details to pass a rezoning on this since it was almost more like a more specific CPA.

Mr. Wood stated that this was as close as he knew how to get there. He pointed out if they could tell him a different way to get there that he was willing to do it, short of submitting final site plans.

He noted that this was a 20-year project and he did not know what would go in the middle section 15 years from now.

Ms. Hopper pointed out that number 6 on page 17 states, " the existing transportation infrastructure will not support the development proposed for the entire town center. The applicant has neither offered to offset the negative traffic impacts associated with this proposal nor has he demonstrated that this portion of the overall town center could be supported by the existing road network in the absence of the other proposals or in advance of significant public sector improvements to the road network." She stated that this was the most significant issue with this application. Regarding the VDOT letter that was addressed that went into the more specifics, she asked what would be his response to that concern.

Mr. Wood stated that the proffers that have been made are joint proffers. On parcel A, they have a ratio of how they are splitting that. It was written up so that they are getting all of the credit for it. He stated that there is a ratio of what they are sharing in the costs for because there was road frontage on Route 29. Those proffers where it states none with A, which is technically correct in the report, but they have an agreement amongst themselves of how that is going to be distributed. He stated that Parcel A and the other parts are contributing to these road costs.

Ms. Hopper asked if he was willing to contribute more if that was necessary.

Mr. Wood stated that would be addressed later since the report is for the ultimate build-out of the entire 180 acres and not just what you have before you tonight. There are experts present that address the amount of traffic that is being generated by each portion. That is what the traffic study will show you since it covers the entire build-out. He pointed out from his standpoint; this has been before the Commission for the last four years. He stated that it looked like they have good control over what they could do.

Mr. Thomas stated that it was in the recommended actions, on the bottom of page 17, that Mr. Wood declined to provide some requested information to staff in lieu of bringing it on to the public hearing. He asked Mr. Wood if he could provide the additional information and changes to help bring the project in conformity with the Comprehensive Plan and the Zoning Ordinance.

Mr. Wood stated that he could. He asked that they show him how to do that without presenting a final site plan.

Mr. Benish stated that at a site plan level they were compelled to adopt anything that meets the minimum requirements of our ordinance. He noted that anything in addition to the minimum requirements would be required of the applicant to be part of the rezoning process. What they were trying to do in this rezoning process is to establish what the expectations are based on the impact of this development with what has been identified in the Community Facilities Plan, Comprehensive Plan and Transportation Plans to be needed in this area to support the build out. They are in the process of establishing what those needs are for the rezoning process. The rezoning process should identify those items that the applicant is willing to provide and whether we feel those are satisfactory to meet the needs of this project. The Commission will have a second crack at anything that is rezoned. Usually anything that is rezoned goes through the site plan and subdivision process. What you can require in that site plan and subdivision process, unless established in the rezoning, is only the minimum requirements of our ordinance. Our ordinance does not require bus stops to be placed on a site. It does not require landscaping beyond the minimum landscaping that is required. What staff has done, based on our long work during the work session process, is decide what they expect this community area to develop as. Staff is working with the applicant on a process to achieve that, but at this point in time they don't have that full information. Therefore, going to public hearing at this point in time, staff feels that there are deficiencies in the plan.

Mr. Wood stated that they were willing to do that, but it becomes a question of needing some guidance in how to achieve that. If it was at a minimum, he felt that they could do that. He questioned how he could achieve a final design on something that they don't have a tenant for.

Mr. Rieley asked if anyone had additional questions for Mr. Wood. There being none, he opened the public hearing. He asked Mr. Barnes to point out on the plan the area that is specifically requested in this proposal. He pointed out that a separate public hearing would be held for the second rezoning and the two special use permits before them.

Mr. Barnes stated that the area outlined in red on the plan is the area that is requested under the first application, ZMA-01-18, Area A.

Mr. Rieley asked for public input.

Tony Seaman, resident of the area for thirty years, stated that everyone wants to see improvements to the community in education, road improvements and more community services. He noted that due to the economical problems in our government, we need more revenues to be able to finance these types of things. The best way to do that is through an expanded tax base. From a professional standpoint, he has been in the banking business for 22 years, of which the last 15 years has been in commercial real estate. He pointed out that he has been involved in a number of these projects and that Mr. Wood still has a lot of hurdles to cross with the banking industry. He stated that this was a fantastic project and he was 100 percent for the proposal of both tracts A and B. He felt that the site plan was ample opportunity to get involved in the details and make sure that certain things happen.

Mr. Bobby McCauley, resident of Charlottesville, spoke in favor of Mr. Wood's project. He stated that Mr. Wood was willing to work with the County to make sure that the project was beneficial to the community and everyone involved.

Forest Hirer stated that he was primarily interested in Area B.

Bill Stokes stated that he was primarily interested in Area B.

Franklin Mickie stated that he interviewed for the Planning Commission with Mr. Martin when the position for Rivanna District became available last time. He asked me why it was important to me to be on the Planning Commission. My answer to him was that I wanted Albemarle County to remain a place where my children would like to stay. He pointed out that he moved away from Long Island, New York because the lifestyle had changed so drastically since his childhood. Development in Long Island created clogged streets and the inability to distinguish between one town and the next. He feared that would happen here. He noted that his other concern was to protect the Entrance Corridors to Albemarle County, specifically Route 29 North because it was the first impression that people are going to get. Prohibiting construction is unrealistic. But what they can control is the appearance of the buildings. He stated that he saw visions of the Albemarle Town Center publicized years ago and now he saw aspects of it in this plan. He commended the developers for that which includes the pedestrian friendly use and the multiple uses. Unfortunately, he saw shopping areas that were undistinguishable from other shopping centers in our region and elsewhere in the Country. That was what he feared. The land configuration was something else that they could control here. He suggested that they lower the parcel because the multi-story buildings on that ridge will be dominant for the entire region. He suggested that they create a buffer along the roadway. He noted that he found no need for this project due to the vacant businesses in the area. He felt that the job of this Commission was to protect the lifestyle of the people of this County.

Josh Freeman stated that he was primarily concerned with Area B.

Tom Loach, resident of Albemarle County, stated that regarding the point made about the revenue generation from the development, he felt if that were true then Fairfax and other northern areas would be paying their residents to live there. He noted that was not the case because those areas were feeling the economic crunch as well. During Mr. Barne's review of the Neighborhood Model, you find that this development fails on pedestrian orientation, neighborhood friendly streets, interconnective streets, parks and open space, neighborhood centers, building spaces at human scale, and relegated parking. He agreed with Ms. Hopper that the town center would generate significantly more traffic than the current road infrastructure can manage, and the County and VDOT do not have the revenue to construct the improvements as recommended by the application's traffic at this time. The improvements proposed by the applicant are negligible and inadequate to support traffic generated in neither Phase 1 or 2. He feared that the needs of his neighborhood would take second fiddle to when the extra four lanes are needed on Route 29. Unless there is a phasing plan for this to meet those infrastructure needs, he would recommend denial of the project.

Joseph Boo stated that he has a small business across the street from Forest Lakes called ATR Computers, which was located in Seminole Square Shopping Center. He pointed out that he was speaking for all of the small business owners in that strip in that they simply cannot wait for this shopping center.

Neil Harris, resident of Albemarle County, stated that he had lived in southern California and northern Virginia and knew that growth cannot be stopped. He suggested that the County allow this development in order to grow the tax base and keep it locally. That is ultimately what will keep the property taxes lower and how they manage the future growth. He supported the development.

Steve Dello stated that he was primarily concerned with Area B.

Mr. Hussey stated that he was primarily concerned with Area B.

Mr. Rieley noted that finished up the persons listed on the sign-up sheet. He asked if there was anyone else who would like to speak.

Charlie Trachta noted concern with the fact that no impact study has been done on the schools and how this development would affect which school the children would attend. The developer has offered no contributions to the creation of the facilities, even though his development will generate part of the needs for the facilities. He recommended that Mr. Wood meets with the community and discusses his plans.

Timothy Holden, of the Charlottesville Regional Chamber of Commerce, stated that Mr. Wood and his partners are respected investors and citizens in this community. The project that they propose for the most part meets with the spirit and the letter of the direction that this County has said that it wants its developers to go. That is to design projects in the growth area, use mixed-use models and enhance the environment that that we have here. That has been done in this project. This project creates an enormous opportunity to gain some economic opportunities, as well as the tax base. On behalf of himself and many members of the 1,200 member Chamber of Commerce, he echoed what you have heard tonight that this is a project that deserves your consideration and your approval because they have done what you have asked them to do. There may be some details that you need to work out, but this group of investors has brought the proposal this far and they deserve your favorable approval.

Donald Lawson, resident of area for 68 years, stated that in the past several years Albemarle County has lost a lot of businesses and as a result of that a lot of tax base. He stated that the people of Albemarle County need work. Albemarle County government has turned down a lot of businesses. He noted concern over the fact that lower income families have to move to

surrounding areas. He asked that they approve this plan to increase the jobs in the area and the tax base.

Jeff Werner, representative of Piedmont Environmental Council, stated that last week the Commonwealth Transportation Board and VDOT held a public hearing in this building to discuss, among other things, the solution to local traffic issues on 29 North. One thing that is clear is that there is little if any available state funding for improvements to 29 corridor in the near future. The recommended transportation improvements to facilitate these proposed rezonings – recommendations rejected by both County and VDOT staff as inadequate- are estimated in excess of $100-million. We have no idea when they might get implemented or who will pay. It's time to plan BEFORE we build. It's time to get the adequate infrastructure in place BEFORE the development, not after. Therefore, it is the position of the PEC that UNTIL the County and State have developed and begun implementation of a meaningful Regional Transportation Plan, these rezoning request should be denied. (A copy of Mr. Werner's presentation is attached.)

Ann Malleck stated that she was speaking for Joe Rinkevich who is president of Earlysville Area Residents' League and is out of town. She heartily endorsed the recommendation of the Planning staff to deny the rezoning requests of ZMA-01-18 and 19 because of their effect on the transportation system in Earlysville and the local environment. She asked that they not allow this development until the infrastructure improvements are in place. (A copy of Ms. Mallek's presentation is attached.)

Chuck Pollard, Project Leader for Southern Environmental Law Center, stated that they strongly support the concept of the Hollymead Town Center and its purpose of creating a vibrant mixed use, pedestrian friendly environment that is appropriately scaled and easily accessible and thoughtfully designed. One of the many benefits of this development concept is that if it was done properly that you can minimize the traffic that is generated by being accessible to multiple transportation alternatives or by a single auto trip instead of multiple auto trips. Therefore, the development of a true town center could effectively lower the need for construction of new roads, and the widening of the existing ones in the area of Route 29 North Corridor. As staff points out, there are numerous failures of this proposal to conform to the Neighborhood Model. The County staff and VDOT recognize that this proposal with have tremendous impacts on this region's transportation network generating more traffic than our roads can handle. There is no money in site at the state and local level to pay for a fraction of the improvements that would even begin to help alleviate the congestion that this project would cause. Despite what the physical impact summarizes, there is also a statement that staff has not assessed the impact on the schools. He felt that this increased the need for a by-pass of which they have fought very hard to stop. He asked that they not create a traffic nightmare for the County. He asked that they approve the staff's recommendation in this request and deny this request.

Bill King, native of Albemarle County, stated that he has worked on the Route 29 Corridor for the last 30 years. He stated that apparently there is no great traffic problem because they have not done any thing about the by-pass for the past 25 years. He felt that the town center would be a benefit and would alleviate some of the traffic on Route 29. He stated that he works in Ruckersville and did not feel that there is a traffic problem. He supported Mr. Wood's project and asked for a favorable vote.

Eleanor M. Breeden, resident of Forest Springs Park, stated that they need this project because currently they have to come all the way into town to shop. She stated that many of the residents in Forest Springs Park are in favor of this. She asked that the Commission vote in favor of the request because they would love to have a Target in this area.

Mr. Rieley asked if there was anyone else who wanted to speak on ZMA-01-18. He asked Mr. Wood if he had any additional comments.

Mr. Wood stated that he had nothing further to add, but would answer any questions.

Mr. Rieley closed the public hearing to bring the matter back to the Commission for discussion and possible action.

Mr. Finley stated that the majority of the issues dealt with the traffic issues and that there was no money to do anything about it.

Mr. Thomas stated that the project has come a long ways. He stated that it bothered him about the details and that Mr. Wood declined to provide the information that the Planning staff asked for. He asked Mr. Barnes to provide the specifics of what Mr. Wood declined to give.

Mr. Barnes stated that part of the specifics relating to the portion that they refer to as the second application plan, as well as the general plan, were missing. The more specific plan that they did receive for the first application plan, aside from some of the form questions, that they did not go through the same level of detail that they did on Area B. Part of the way the town center was set up was that it was suppose to rely heavily on an infill strategy to get you to a higher density and a higher intensity use of the land at the time. Staff sees a lot of those things lacking in this plan. Many of the items that would be requested are in Section 8 of the Zoning Ordinance, which you see on page 843 of your report. Those items particularly in section J that are missing includes an application showing general road alignments, proposed right-of-ways, sidewalks, bicycle & pedestrian ways, general water and sewer, stormwater drainage layout, general parking and loading areas. He noted that they have some of that, but a lot of that is missing. That is all of the information that they would expect on an application plan. The fear that they have is that when they get to the site plan stage, that those elements won't necessarily be provided as part of the plan. Because of the nebulous nature of many aspects of this plan, it opens up the need for interpretation with the site plan and they don't have the backing or specificity in the site plan to require it as part of the zoning plan. He pointed out that this concept of the town center did start with the Planning Commission and not with an application that was in response to a theatre proposal that was out in that area. One of the expectations from the Commission was that the overall town center would be a mixed-use development that would mix residential with commercial. As this development breaks out in components, they have components that are not mixed, but is dependent on the whole area that is going to provide that mixed-use multiple purpose office, residential and retail mix. That is part of the more generalized area and they don't have any specificity that there is going to be an assurance at this time that when that area does develop that it will develop as a mixed-use development. In the end as they take this piece by piece, they may end up by the time the last piece comes through of not having any mixed-use at all. Again, the applicant has worked with staff and has shown some progress in providing us a picture of what that will be and has indicated some commitments. But they don't have anything fundamentally in front of us that commits that range in the mix of uses. In terms of the transportation impact, they have identified the deficiency of the system and there are different ways to handle that. The development can be phased to mitigate the impact incrementally to that system until funding for improvements can be established and put in place. No phasing plan has been submitted that would suggest a way to phase this development in any sort of way. The request before the Commission is for full approval of all of those sites. Staff cannot condition that in a rezoning. They have to respond to an offer to do that.

Mr. Thomas stated that Ms. Hopper had suggested that they come back and get an amendment later if he presented something different from the conceptual plan.

Ms. Hopper stated that if the right degree of specificity were met now, which was not in the plan that was before them, it would treat the request truly like a rezoning. She noted that this proposal does not look like a rezoning. With that commitment, staff could have some teeth when it came to site plan review time, which would make a lot more sense. Right now they have a plan that is so vague that at the site plan level there would be no way to implement it. She asked that they take a look at the proffers, which are on page 73 of the packet, with which Mr. Wood said that he was joining in those proffers. These proffers are so incredibly general that you could drive a truck

through them. The reference to specificity is to the application plan, which is a picture, and then there is some general language about the improvements to the roads. The proffers have lots of problems and do not look like proffers at the rezoning level for approval. She stated that they would be irresponsible to pass something with this vagueness. She felt that Mr. Wood has tried hard to be responsive to their concerns, and he has admitted that he does not have a tenant and has not worked this up like a rezoning. She stated that tax base was not their area because they were planning and land use. Regarding traffic infrastructure, it is correct that this will not be built out for a very long time. The commitments in the proffers will have to include commitments throughout that build out period. The amount of money will be large to support this. She noted that it was great that the public has come out and participated in this process. At the same time looking perceptively at this, it would be nice to have a Target in town. But to have the roads bogged down according to VDOT's assessment, there is no way that they can approve this.

Mr. Thomas stated that VDOT's assessment of roadways is usually overkill.

Mr. Edgerton stated that he was trying to figure out what drawing is being referenced. He pointed out that it was confusing to try to figure out what Mr. Wood would be binded to because of the large number of plans. He pointed out that there were quite a few inconsistencies.

Mr. Barnes pointed out the current plan that covered everything that was not covered by the other plans was submitted for Areas B, C and D.

Mr. Edgerton concurred with Ms. Hopper's statements about the traffic issues. He stated that he was not convinced that by approving this that they would be solving their economic problems. The proposal and plan as submitted are too vague to be considered in a legitimate way as a rezoning. Therefore, he was unable to support the proposal.

Mr. Finley disagreed with Ms. Hopper in that development does not involve the economy, jobs and tax base.

Mr. Craddock stated that the transportation issues are very significant. He pointed out that they were not sure what they are looking at. There are so many pictures up here that if something looks like what is inside the blue area; he would say that is a good idea and what we are looking for. The area in lime green is a typical shopping center that they see everywhere. He pointed out that he was not sure if they were being bound by any of them because of the number of plans. He stated that he was confused on which plan was the actual one. Not knowing what he was voting on he would vote no.

Mr. Thomas questioned if they were expecting all parcels to have mixed-use.

Mr. Rieley stated that he did not think that the CPA was ever conceived that way or did he think it would be fair to evaluate it that way.

Mr. Barnes apologized for the confusing nature of this. He pointed out the plan behind Ms. Hopper was the first application plan for ZMA-01-18. The second one is the area that is more general in nature, and the essential question is that he is not willing to give a higher degree of specificity because he does not have anything tied down for it. He asked if that was enough detail for the Commission. He pointed out that both plans are portions of this application.

Mr. Rieley commended Mr. Wood for getting the upper portion as far along as it is. If they were to try to address the inadequacy of the transportation infrastructure to handle this by phasing this project in, that piece would make the most sense to begin with. He felt that staff was quite right to point out the lack of specificity. Mr. Wood asked what he was to do to fix this. That is a good and fair question for a work session. It is not a good question at a public hearing for a rezoning. He felt that a good number of those questions were listed in the staff report. He stated that he was grateful and enthusiastic about the work that has been done on that section. He hoped to see it

moved forward and work with it as a component of this Comprehensive Plan, but there is not enough specificity in it to support it. He agreed with Mr. Craddock about the lime colored portion of the plan. He stated that if it were not for the traffic impact, he would probably support it. The applicant has been responsive to the Commission's concerns. The traffic impact as presented by the traffic study is way more than can be accommodated on the existing roadway and it is way more than anyone has the money to pay for in either the private or public sector. He agreed with Ms. Hopper that in its current configuration this is not supportable.

Mr. Rieley pointed out that they have to act on what is before the Commission, which was the area shown in red with no proposed phasing.

Mr. Thomas asked Mr. Wood if he would provide the degree of specificity that is needed.

Mr. Wood stated yes, and that he would like to try again to meet with the staff and the Commission to try to see if they can get to the comfort level that was being requested. He stated that he was willing to try to do that again. He asked for a deferral. He asked for everybody's consideration in recognizing his dilemma of trying to do detailed planning that may be 15 years in the future. He stated that he would give it his best shot to work with them to try to arrive at something.

Mr. Rieley stated that the applicant would need to request indefinite deferral in order to allow the time to work out the issues.

Mr. Cilimberg stated that an indefinite deferral would require readvertising, but that to pick a date at this time would be difficult.

Mr. Rieley asked if that was agreeable to Mr. Wood.

Mr. Wood stated that he would try to do whatever they requested of him.

Mr. Finley moved to approve the applicant's request for indefinite deferral of ZMA-01-18, Hollymead Town Center, Regional Service Area A.

Ms. Hopper seconded the motion.

The motion carried unanimously (6:0). (Loewenstein – absent)

The Planning Commission took a 15-minute break at 8:00 p.m.

The meeting reconvened at 8:15 p.m.

ZMA 01-19 Hollymead Town Center, Regional Service Area B (Sign #87) - Request to rezone 24.7 acres from RA, Rural Areas and HC, Highway Commercial to PD-MC, Planned Development- Mixed Commercial to allow for a shopping center. (Michael Barnes)

Mr. Rieley stated that ZMA-01-19, Hollymead Town Center, Area B, was now before the Commission. There are two special use permits attached to that, each of which was for a drive-in. He asked for the staff report and the comments from the public on all three of those. He noted that the Commission would take separate actions on each of those items.

Mr. Barnes stated that in the staff report on pages 28, 29 and 30, it lists the reasons that are favorable and unfavorable for this particular development. The major site design details have been worked through at a previous work session. There are a few remaining smaller ones that may have been a concern of the Commission most noticeably at the intersection of Main Street and the access road in the upper portion of the site.

There was some question about how that area was to be treated. At the moment, that was the small Pocket Park that was in the rear of the loading dock area that staff has some concerns about. He pointed out that he was concerned with the side sidewalk treatment in this area. He stated that if there were other details that the Commission would like to discuss, he would be happy to pull them out and discuss them in more detail. The biggest problem with this particular application is the one that is common with the rest of them and that is the traffic issues. At this time the proffers that have been provided for this application are very similar in nature as to what could be requested and required to a site plan process. This would include the internal access roads that provide access into the site itself. At this time, staff made a recommendation on the rezoning which was that they still believe that there are outstanding unfavorable items associated with the request, and therefore staff cannot recommend approval at this time. As far as the special use permit applications, this particular plan shows two uses here for a retail or bank use at this location and a restaurant use in the other location. He assumed that it would be a fast-food restaurant in that location. The ARB reviewed a plan for this area previously and the plan has changed. They reviewed the one you saw at the last work session, which was this portion of the plan. There is a change in both plans in the way the uses are organized along the Entrance Corridor. The ARB has not provided overview comments, which is not a requirement but has been requested by the Planning Commission previously. They have not reviewed these two in light of the recent changes. We did provide you with comments from the ARB. At that time they did review some elevations for the special use permits. They recommended that they could approve the bank, but that the fast-food drive-in had too many outstanding details at that time. He cautioned the Commission that since staff was not recommending approval of the rezoning, if they choose to adopt that recommendation for approval of the special use permits that they recognize that the zoning would not be in place for the special use permit.

Mr. Rieley asked if there were questions for Mr. Barnes.

Mr. Thomas stated that on page 29 under number 1d, it states that there shall be no pedestrian linkage across 29 to the residential area (Forest Lakes) to the east. He asked what did the Comprehensive Plan call for and how is this to be accomplished.

Mr. Barnes stated that the Commission was looking for linkages between the residential areas on the other side to the town center. This has been attached to this application, as well as the others, because none of them have satisfactorily resolved how this pedestrian linkage would be created between the residential area and the town center.

Mr. Thomas pointed out that the idea of a tunnel came up.

Mr. Barnes stated that it could possibly be done. The Comprehensive Plan shows a greenway trail coming along Powell Creek and up from the Hollymead Lake to Route 29. The CPA picks up the greenway trail and it follows Powell Creek. That might be a location for something like that. The Comp Plan also called for graded separated interchanges, which was part of the Phase 3 of the traffic study. Staff has not been able to complete the review of that portion of the traffic study. That was supposed to be taken care of in the traffic study. They have not come into resolution on that.

Mr. Thomas stated that on f, a single poorly designed fully situated green space is provided within the shopping center.

Mr. Rieley pointed out that was the one abutting the service area.

Mr. Thomas asked staff to elaborate on that a little bit.

Mr. Barnes stated that the plan calls for a dumpster in this location with the loading docks. He stated that the proximity of that does not really integrate itself into this site. He noted that it was

questionable if Main Street comes down if it would integrate there. He pointed out that it was 60 feet by 60 feet.

Mr. Rieley supported that wording.

Mr. Craddock asked on the back of the property up to Ridge Road what you would be looking at. He stated that if this project gets approved and then the other projects don't, then you would be looking at a tremendous wall. He asked if all of that area would be graded.

Mr. Barnes stated that at this time the concept as he understood it best was that the grading off the top of the hill to accommodate some of that will be used for fill for this project. To the west of this project is the ridgeline that runs north/south to the site which would be lowered. There is still an elevation difference that would require a 10-foot retaining wall. The applicants are grading this portion down significantly to try to match it up with the backs of the stores in that area.

Mr. Edgerton asked what assurances would the Commission or the public have that anything other than this phase would be built.

Mr. Barnes stated that at this time they have no assurances.

Mr. Barnes stated that right now the proffer plan calls for this arrangement of buildings and this square footage. Any additional square footage or infill would require another rezoning.

Mr. Rieley asked if there were other questions for Mr. Barnes or other staff. There being none, he opened the public hearing and asked the applicant to address the Commission.

Steve Blaine, representative for the applicants, Regency Center and Dierman Realty for ZMA-01-19 for Parcel B, stated that they were the Target and the Giant Food. The area in question is outlined in red on this plan. This is a current version of the plan that is being proffered as part of the application plan. This is a larger version of that plan and shows additional detail, which was included in their packet. They have responses to the staff report, but to make the best use of time he was willing to answer questions. He pointed out that this process started 37 months ago with the comprehensive plan amendment that the Commission initiated. It was interesting to hear the characterizations of that tonight because he recalled that the recommendation from this Commission was a .75 FAR for the entire Hollymead area. They looked at what the reality would be for developing that and found that to be unrealistic and very dense. In fact, they argued for a less aggressive FAR. It is interesting in hearing the characterization of infrastructure and the contrast in your characterization of what the vision was for the County and how we see it today. In contrast to the last application, they have specific tenants and have worked with the Commission in work sessions. He noted that they were very appreciative in the appointment of the sub-committee that worked with them in three work sessions to address the design issues. They feel that the issues that are left are fairly minor in design. They worked with the sub-committee and changed the orientation of the building, provided some relegated parking and some shared parking. They changed the entrance road to provide an allay to provide orientation as you enter the center to look at the focal point of the façade of the Target. They put emphasis on street trees and were willing to provide sidewalks on both sides of that area. They beefed up some of the uses to provide a focal point at the end of that main street area. In terms of the open space area, that was in response to a comment about how to provide a focal point at Main Street. The previous plan showed an edge of a building there. He noted that they could go back to that. They have provided parallel parking along the façades of the retail centers. They provided a bus stop. They provided grade breaks in this area to address the change in grade on the parking area. He pointed out that some of the parking was centralized parking which was what the Comprehensive Plan called for in this area. He pointed out that in contrast to the last application, they have tried to work with the Commission and staff in work sessions. He acknowledged that they have to go back through the ARB process for a Certificate of Appropriateness. He noted

that they could provide additional street trees to address their landscaping requirements. They would contrast that with the last application.

Ms. Hopper asked what the cross-hexed was on the front.

Mr. Blaine stated that was an attempt to put a plaza or a courtyard to provide a focal point at the end of Main Street. He pointed out that these were ideas that Mr. Edgerton and Mr. Thomas brought up.

Mr. Blaine stated that with the mixed use what they hoped to have is less emphasis on transportation needs and requirements. That was really the genesis of our traffic study. The traffic study was to do more than measure the impacts of each application. They had objectives to provide a planning tool for projecting future transportation in this area. He pointed out that in one of the first meetings with Jim Bryan, resident engineer, he kept saying that they wanted to view this as a planning tool and not just for the Commission. They need to understand what the recommendations are. The recommendations are based upon the criteria of VDOT's. It was a negotiated process, but really that VDOT imposed. The recommendations were to meet certain levels of service. To meet the level of service C, and given the back ground traffic that they project and given the traffic generated from this site, one of the options that you would be faced with would be to build an additional four lanes for 29 for this roadway segment. That is part of the planning tool for this study. That is not to say that the County has to choose that option. There has also been, and the staff has put some effort into this, efforts to look at alternative corridors for transportation. That is just a little tiny segment of that, but that is really the rationale or benefit of having this Ridge Road. He recognized that for that to make a measurable impact on 29, it would have to be extended beyond our project. The traffic study was not saying that for this application to be approved you have to build four lanes on Route 29. That is not what it says. It takes all of the contemplated uses in Hollymead Town Center of 180 acres and tries to project the traffic generation into the future. They were not able to address the traffic study in a way that recognizes the benefit of a mixed-use. They talked a little bit about this at a work session in things like internal trip factors, which were ways that mixed-use projects reduces the traffic generation outside of the project for trips that would otherwise pass by this site and go to another destination. This was referred to as the 15 percent pass by factor that was used for the study, which meant that 85 percent of the traffic in this measure would only go to this location. He stated that they all knew that was not the case. He stated that the people in the Hollymead area will not have to drive into Charlottesville and that diverted link impact is not contemplated or incorporated in this traffic study. Therefore, he felt that the big numbers of vehicle trips were overstated. In retrospect in just representing this applicant of 198,000 square feet, what he should have advised his client to do was to use the old fashion way. That way would involve using the trip generation calculation from the permitted density under the existing zoning, and then using the trip generation calculation after the zoning is approved. The County has provided the density for the trip generation basis in the physical impact statement. The County has provided retail provided by right of 246,000 square feet. What they propose is 189,000 square feet. He stated that the difference in the vehicle trips was marginal.

Mr. Rieley thanked Mr. Blaine for his presentation. He pointed out that he would be given another opportunity to speak at the end. He stated that he would go back to the sign-in sheet and ask Forest Hyler to come forward to speak.

Forest Hyler, resident of Albemarle County since 1975, stated that he lived near the 29 Corridor in Northfields. He stated that he was in favor of the Hollymead Town Center because he did not think it would make a big impact on the traffic. He pointed out that the people in Hollymead and Ruckersville would not be coming all the way into town to shop.

Bill Stokes, resident of Albemarle County, spoke in favor of the project. He stated that the Hollymead Town Center would help the tax base and provide jobs for the area. He pointed out

that Giant makes contributions to the schools. He asked that the Commission vote favorably for this project.

Josh Freeman, resident of Albemarle County, stated that he was in favor of the proposed project both professionally and personally. As a banker, he felt that a project like this should stimulate sensible growth to provide jobs and encourage consumer spending to increase the County's tax base.

Steve Dello stated that he lived just north of this project on Route 29. He expressed his support for the project because it would be a great benefit to the citizens of this County and for the other reasons already stated.

Andrea Cushney stated that she lived on Route 29 North and was in support of this project. She presented a list of 25 signatures of other persons who were in support of the project.

Tony Seaman spoke in favor of the proposed project. He asked the Commission to consider the fact that the traffic studies are difficult to understand the true impact that the traffic will have. He pointed out that most traffic studies give the worst case scenario and project way out in the future.

Tim Kaczmarek, resident of Albemarle County and a small business owner in town, stated that he was for the project. He pointed out that his family makes monthly trips out of the area specifically to go to Target. He stated that he had not experienced the traffic as being that much of a problem on Route 29. He asked that the Commission vote for the project.

Jamie Goodso, resident of the Briarwood Community, stated that she as well as all of her neighbors was in support of the proposal. She asked that the Commission approve the request.

Timothy Holden, of the Charlottesville Regional Chamber of Commerce, stated that Mr. Blaine made a very persuasive presentation. He stated that Mr. Blaine did a good job of reviewing the design in general terms. He acknowledged that the economic impact was not the Commission's job, but pointed out that the economic consequences will clearly involve jobs. He asked that the Commission vote in favor of the project.

Charlie Tractor stated that this part of the dual application is more specific, but it still does not address the traffic. He stated that he wanted a Target Store, but did not like the way that the entire development was being presented. He asked that the Commission carefully consider the traffic problem in this area.

Bill Howard stated that he has been a realtor for 30 years and a commercial realtor for 16 years. He pointed out that he was not involved with this project, but was involved in the Forest Lakes area. He stated that there was no available retail space in the Forest Lakes area. He encouraged the Commission to support this proposal.

Ann Malleck reread the statement for Joe Rinkevich who is president of Earlysville Area Residents' League who is out of town. She heartily endorsed the recommendation of the planning staff to deny the rezoning requests of ZMA-01-18 and 19 because of their effect on the transportation system in Earlysville and the local environment. She asked that they not allow this development until the infrastructure improvements are paid for and in place. (A copy of Ms. Mallek's presentation is attached.)

Chuck Pollock, of Southern Environmental Law Center, stated that the core concerns are the same as those expressed in the previous application. He stated that you can not wish away the negative traffic impacts as this is currently designed. He pointed out that as this is currently designed it is not a mixed-use. He stated that this week there was a design process going on trying to develop new alternatives for improving the 29 Corridor and to improve the traffic that they have. Those improvements would be completely overwhelmed if they don't pay attention to

the traffic generation of projects such as this. He noted that this project will have major traffic impact and he urged them to send it back to the drawing board. There are some merit to this project, but as currently configured the traffic impacts is just too severe.

George Mahanes, resident of Ivy, stated that he was a substitute speaker here tonight speaking on behalf of his wife, her bridge club, Sunday School class, the neighborhood and her co-workers. They have all expressed a strong desire to have a Target Store in the area. He pointed out that a lot of people in the area travel to the Richmond area to shop. He supported the applications.

Chris Webster, resident of Forest Lakes South, spoke in favor of this development. He felt that the addition of the Target Store and Giant would add to the northern end of Albemarle County. He stated that this development was perfect for this area. In regards to traffic, he felt that the hurdle had been addressed with the expansion of the bridge crossing the Rivanna River. He emphasized his support for this project.

Neil Harris echoed his comments in his previous discussion. He stated that in all this talk about traffic, in the 20 years of being a retail executive before he came to Charlottesville, that through these same kinds of developments he has never in hindsight seen traffic match up to what some of the projections were. More importantly, he has never seen a good template that lays over real retail periods with traffic periods. They are just typically at different times of the day. There seems to be a very large misconception that retail store peak periods do nothing but add to the peak of the traffic problem. He noted that it actually was opposition. If anything, retail peak periods get traffic off already congested roads because it gives people a break to do something on their way to work or on the way home from work.

Teresa Hayslett stated that she had just recently moved back to Albemarle County and would love to see the revenue stay in the County. She stated that this town center was needed in this area because they did not like to drive all the way back to Charlottesville to shop. She felt that this would upgrade the County and is very beneficial.

Eleanor Breeden, resident of Forest Springs Mobile Home Park, spoke in favor of the Target Store because they could walk over there. She pointed out that everybody in the park was in favor of the proposal.

There being no further public comment, Mr. Rieley closed the public hearing and placed the matter before the Commission for discussion and action.

Ms. Hopper asked for a few minutes to read through the information handed out by Mr. Blaine.

Mr. Rieley stated that the Commission would take a few minutes to read the letter submitted by Mr. Blaine. (A copy of the letter submitted by Mr. Blaine is attached.)

Mr. Rieley invited Mr. Blaine to address the Commission for his rebuttal.

Mr. Blaine asked to put aside the issue of economics because he agreed that their primary role was as planners. He stated that initially they were going to use the traffic study as a planning tool, but now it is being used to club us over the head. The traffic study's aim was to measure all of the combined impacts of the Hollymead Town Center. It should be no surprise if you apply the level of service that VDOT imposes for what they regard as a rural segment level of service C, that you would have a projected need for additional lanes. That is really what VDOT was saying in their 1979 Corridor Study for the widening of Route 29 into 6 lanes. That is also what they were saying in their 1993 Corridor Study when they did the base case for the segment up through the river. The same types of projections were given. It said that by the year 2010 there would be 54,000 vehicles on that segment, and therefore it warranted 8 lanes. Similarly our study shows that if you take in to account the background traffic and project the growth that you will have

55,000 vehicle trips per day. So if you apply the VDOT logic that they have used in the base case, it would call for 4 lanes. He noted that they don't think that you have to necessarily agree with that. They have heard the staff and others in the County talking about why should we just keep making 29 more and more lanes. Why shouldn't we look for alternative approaches? He pointed out that the Commissioners are the Planners and asked how was a developer with a projected development that is contemplated in the Comprehensive Plan suppose to address it when we don't have a plan. In fairness if you told us that we had a plan, then it should be part of the Comprehensive Plan. What we have is a Comprehensive Plan that shows the uses that are depicted on these maps before you. We don't have a phasing plan in the Comprehensive Plan. We all know that infrastructure follows development and you don't necessarily want to build 8 lanes for Route 29 if you don't need 8 lanes. It is a waste of public resources and public capital. He pointed out that they have been accused of being conventional for the infrastructure to follow the development. He stated that he would be happy to answers any questions.

Ms. Hopper stated that the staff report said that Phase III of the traffic study has not been completed. She asked what that would entail.

Mr. Barnes referred the question to Glenn Brooks of the County Engineering Department.

Mr. Blaine asked to reserve a moment of time for later.

Glenn Brooks pointed out that Randy Kemp was present and could also speak to the study since he was the author of the study. He stated that as he understood the study, it was suppose to evaluate the internal roads to the development. Staff has not gotten to the point that they were sure enough of the layout to rely on it and do an evaluation of the study that they feel would be accurate. Staff has not even gotten into the study.

Mr. Barnes stated that the other element that was suppose to be addressed was that the Comprehensive Plan lays out the need potentially for grade separation as part of a concept along Route 29. It would provide a connection between Forest Lakes and this area that would be dealt with by grade-separated interchanges and a grade separated crossover. That was to be taken up in this portion of the study so we would know what kind of right-of-way would have to be reserved for that kind of thing to happen. This is suppose to be a mixed-use development where people can walk, live, shop and have all of the uses that they need. If this is developed by itself, you don't get that benefit. He pointed out that they have not gotten to this point in their assessment of the town center. They don't know how this will integrate into the other parts of the town center and Forest Lakes.

Ms. Hopper stated that she would like to know or have proposals or alternatives about how other communities handle these large rezonings. Often there is a large packet of proffers that go along with a large rezoning to give back to the community. She pointed out that was brought out in the staff report with contributions to libraries and to the traffic infrastructure. Mr. Blaine in his memo brought up that they have already offered to contribute $500,000. She asked staff how much does this application need to contribute or they need to consider asking for to contribute for these types of interconnections that they are talking about such as grade separated interchanges and road improvements. She asked staff what we are asking for in the range of alternatives. She noted that she did not need the answer tonight.

Mr. Barnes stated that they are fitting this proposal in the Comprehensive Plan and it needs to fit into a network of transportation that supports this. Staff tried to report to the Commission last year that the land use plan transportation component is not supporting what is called for in Comprehensive Plan at this time. Staff suggested a series of parallel roads and other improvements and the CHART Committee is looking to do that. He stated that they needed to determine what the form is and then they need programs for improvements. He stated that if you put in a regional use such as the town center and don't have the transportation network to support it, then you are going to get a flow of people from the south coming to this regional

destination which will overwhelm not only Route 29 but also the rural roads that run parallel to it. He stated that was their biggest concern in regards to the transportation issues.

Mr. Blaine stated that there was a question about the Phase III traffic analysis that was submitted on January 10. The traffic analysis was submitted again at the request of VDOT. He pointed out that the County was interested in knowing what impacts if any a grade-separated interchange at Timberwood Boulevard would have. It was submitted three months ago. The conclusions were that grade separated interchanges would not provide a benefit because of the turning movements that would be needed from vehicles exiting this center here and having to make a weaving motion getting back into the traffic. The storage requirements on Route 29 at both Airport Road and Timberwood Boulevard can be accommodated under signalized conditions, an interchange arrangement that does not appear to have any significant benefits on the traffic on Route 29 North. That is in the foreseeable future. If we look at 50 to 75 years in the future, perhaps it will. The other happy news from the Phase III, which staff did not mention, we did want to have a sense that the sizing of some of these roads that are interior to the center had some relevance or relation to the actuality in terms of trip generation. The happy news is that the designs for Ridge Road, for example, there were some desires expressed that could be a boulevard design street, and that can be accommodated. Once staff has a chance to review that, they will report that to you. Phase III is a red herring in the sense that they were asked to do an additional study for way into the future planning purposes. It does not have an impact on this application for 298,000 square feet that is on a regional corridor. It is a gross overstatement that it is going to overwhelm this road segment here based on the densities that they talked about earlier. It is a gross overstatement to say that it is going to overwhelm the rural roads five miles from this site because that is not what the facts show in the study. It shows that it is about 8 percent additional traffic generated from the entire Hollymead Town Center, which is 180 acres. He pointed out that they were about 10 percent of that overall trip generation. He felt it was important to go through the traffic study as much as they need to, but they need to get the facts.

Ms. Hopper asked if the applicant has considered a more generous proffer packet regarding the amenities that she talked about before and more contributions to the traffic infrastructure. She noted that they were talking about macro-planning as well and while the applicant is going to be developing this within a shorter timeframe, then it is going to be impacting a greater area and they need to factor that in.

Mr. Blaine stated that the developer has tried to identify those improvements that are substantially generated by their project. That is the CUP case and the established precedence in Virginia. They found it very obvious that the improvements that are generated from this project are the additional left turn lanes and signalization at the cemetery. This entrance road that would provide access to both this area as well as Area A and to the future development of the core of the town center as well as frontage improvements for it. Those were the obvious ones.

Ms. Hopper stated that she understood that there was a bare minimum and what she was asking was they willing to do more than that.

Mr. Blaine stated that he would say that they would be if the improvements were presented that are substantially generated by this project. But it is a little bit like negotiating against yourself by saying perhaps there are some other improvements, but they don't see what they are. The traffic study shows that these improvements to Route 29, as we have known for 10 years are needed. They were needed before we came along. So there is not a direct link to what is substantially generated by this project. He stated that if she had any suggestions that they would listen to them.

Ms. Hopper stated that she did not want to undercut the macro planning that needs to be done and staff not having enough information. But in order for Mr. Blaine not to have to negotiate against himself was her question about having a request for more might be helpful. She stated that as a Planning Commission for them to be able to examine the rezoning application and

having the ARB's comments is very important as well as other issues, would the applicant consider a deferral to talk more about the fine tuning of this.

Mr. Blaine asked if she was referring to the site design elements that are identified in this staff report. He stated that they frankly felt that those were types of things that they could address at the ARB. They have attempted to address those items that you identified in the work session. He stated that he did not know if they were set in stone if they felt that an additional continuance or deferral to discuss those is needed, but they were fairly minor.

Ms. Hopper stated that this was a great improvement and she could see the work that they did with the committee.

Mr. Rieley stated that he felt that a deferral was premature at this time since they wanted to hear from all the Commissioners on the larger issues.

Ms. Hopper stated that other than design issues, she did not have anything else.

Mr. Rieley closed the public hearing to bring the matter back before the Commission for discussion and possible action.

Mr. Thomas pointed out that there were other items that were missing for the rezoning and special use permit. He asked if the applicant was willing to commit to the infill strategy and the police and fire protection.

Mr. Edgerton stated that one of Mr. Blaines's comments was right on target. It was that our responsibility is as planners. As a planner, his judgement is that the model being proposed is a bad model. The model being proposed is to let the market, in this case Target and Giant, plan for our community. An alternative model, which he would hope to see someday, is for our community to develop a plan and then engage the market into it. A lot of effort has gone into developing the plan for our community and he would have hoped that this town center would have been more consistent with the CPA. This is exactly the type of development that they have experienced for the last thirty years. This is a typical big box development shopping center. We have no assurances that we will ever see a town center or a mixed-use both mandated by the CPA. The inability of our current transportation system to support this project with no relief in sight mandates that he could not support in good conscience this project. In his opinion, the community has far more to lose than we would gain from the convenience of Target.

Mr. Finley stated that it seemed that the people out that way have seen something that they want out there. He asked what their goal was here. He asked if a deferral would right any wrongs we have and come back and try to settle this matter. He asked what the big hang up was at this point.

Mr. Rieley pointed out that they were going around the table to hear each person's opinion.

Mr. Finley stated that some of the matters are quite small and that the planners and engineers should be able to resolve most of them without holding another Planning Commission meeting. He stated that he would wait for a motion and vote accordingly.

Mr. Craddock stated that this project is a great improvement over what they have seen in the past on this same piece of property. They have done a lot of work in trying to place buildings appropriately and there is a lot of infill that they have talked about. There was a design that had some infill on it that he felt was a good idea. He pointed out that his concern was if this gets approved and nothing else, obviously the whole shooting match will work unless all of the pieces are there. He felt that with some work this could be approved. He stated that he would like to see where they go from there.

Ms. Hopper stated that throughout Mr. Blaine's report he talks about the different infill conceptual plans that have been discussed and presented to staff. She would like to see as part of approving this is a commitment to that in saying that this is the conceptual plan and having it a part of the rezoning. Then if the plan has to be amended, it will have to be brought back. At least that would give a commitment to the type of infill and the human scale.

Mr. Finley asked exactly what they were committing to or what commitment were they suggesting.

Ms. Hopper stated that the commitment that she was talking about was the phasing plan so that when the infill happens that it will be marked out so it will happen to the level of detail to a rezoning. Then when the actual phasing happens if there have to be changes to that of having to come back and getting an amendment to the rezoning. It would be having it firm enough so that there is a true commitment and not just a conceptual idea out there. That was what she was talking about.

Mr. Rieley stated that they don't zone to let in a Target or a Giant. They zone to allow a certain amount of square feet in a certain configuration and that goes with the land. It does not matter if Target goes somewhere tomorrow and it does not matter if that turns into a used clothing store. We are establishing land use and that it is all they are doing. He thought it was clear and that Mr. Blaine had done a tremendous job of explaining these disastrous traffic figures, but this was five years from now as projected by their consultants according to methodology that they agreed upon in advance. All of the red bars show the distance above a failing level for the intersections. It is a disaster. Now granted that this is not a disaster that applies to only one or two buildings that are related to this application. This is an analysis of the entire property. But what this demonstrates is that the transportation infrastructure is not anywhere near adequate to handle that traffic that this proposal is going to generate. That makes it enormously clear that this CPA cannot be executed all at once. Because there is no phasing written into the Comprehensive Plan to would suggest or imply that you have to approve the whole thing immediately, which is nonsense. That is not what Comprehensive Plans are and that is not how they work. We are working towards a target that has been established as part of the Comprehensive Plan. They have to work towards it responsibly. We cannot approve more than our system can handle. He felt that the staff has done a fabulous job of articulating the reason why they cannot do all of this right now in this location. He read one paragraph from the staff report because it really puts the finger on the issue. It says, " after pointing out that with all of the proposals for additional commercial space, it exceeds by almost fifty percent of the current demand. Good economic planning would suggest that the market should not be over saturated with commercial space. Good land use planning would suggest that needed regional scale commercial space be built first at the core of the population center rather than on its fringes. Good transportation planning would suggest that regional scale development should be located for where existing infrastructure is already in place or where scarce transportation funding can provide the most beneficial improvements for the entire road network. Finally, good urban planning would suggest that the County favor projects that best provide the form of development espoused in the Neighborhood Model."

Mr. Finley asked if the inefficient use of land was talked about in that paragraph as well.

Mr. Rieley stated that it was and that he agreed with that as well. He felt that what this suggests and urges us to do is to regard the CPA as a long-term target and to work towards those pieces that we can approve now and to work towards the pieces that will not overwhelm the existing transportation infrastructure. It is true that development generally precedes the infrastructure. It is a sad but true fact. But when it overwhelms to this extent as shown in this traffic study, it would be totally irresponsible for us to allow this to happen to Route 29. So what he proposed is that they move ahead with the pieces of this that they can move ahead with and continue to work with this in the context of the CPA. From his perspective, this does not fit that and should not be one of the first pieces in, and of itself will have too huge an impact on the transportation. He stated that he was not in favor of minor improvements. The real issue is that this is at the wrong place at

this time. When some of these parallel roads start to come along and some of the improvements of Route 29 come along, then this piece of the puzzle could be put into place. He did not think that it could be put into place now.

Mr. Finley stated that he had stated that they wanted specificity and at least they knew what they were getting with a Target.

Mr. Thomas asked how this project had gotten this far.

Mr. Rieley stated that because they did not have the traffic figures.

Mr. Thomas noted that the developer has spent over one million dollars on this.

Mr. Rieley stated that he made it clear in the last application that it was the pieces towards the west that he wanted to go forward.

Mr. Thomas stated that they were not before us. He stated that he would like to see the minor changes and the additional information provided to address some of the concerns listed in the staff report. He stated that the applicant should commit to the infill strategy.

Mr. Rieley stated that they have to decide what the infrastructure can handle and approve those pieces and not approve those that don't.

Mr. Finley stated that he agreed with Mr. Thomas that they should do whatever was needed to move this on.

Action:

Mr. Thomas moved to recommend approval of ZMA-01-19, Hollymead Town Center, Regional Service Area B, with the proffers.

Mr. Finley seconded the motion.

The motion for the recommendation of approval for ZMA-01-19 failed by a (3:3) vote. (Craddock, Finley, Thomas – Aye) (Hopper, Rieley, Edgerton – No) (Loewenstein – Absent)

Mr. Rieley stated that this was a tie vote and ZMA-01-19 would go to the Board with a failed (3:3) vote. In light of that, he stated that they needed to make comments on the two special use permits.

SP 01-63 Hollymead Town Center, "Drive-In A" - Request for special use permit to allow a drive-in window in accordance with Section 25A.2.2.1of the Zoning Ordinance which allows for uses permitted by special use permit in C-1, CO and HC districts. (Michael Barnes)

Action:
Mr. Finley made a motion to recommend approval of SP-01-63, Hollymead Town Center, "Drive-In A".

Mr. Thomas seconded the motion.

Mr. Rieley asked if there was any discussion.

Mr. Barnes pointed out that the applications don't necessarily reference one use or the other.

Mr. Rieley stated that these are two generic drive-in windows. He pointed out that the applications have not been to the ARB in their current configuration.

Mr. Barnes concurred that they have not.

Mr. Kamptner clarified that the recommendation for approval would be contingent upon the approval of the zoning map amendment.

Mr. Barnes stated that on page 28, in the last paragraph under the heading of will the use be of substantial detriment to the adjacent property, it states that the ARB can support the request for the drive-through bank. But it states that the ARB cannot support the request for the drive-through restaurant at this time when the issues regarding the appearance, signs, and equipment are not resolved. The ARB has the same concerns that are addressed in the staff report under staff's recommendation.

Mr. Thomas asked if he needed to add a condition to require that they receive additional information from the ARB.

Mr. Kamptner stated that the request has to go to the ARB anyway to obtain a Certificate of Appropriateness.

Mr. Rieley asked for a role call vote.

The motion for the recommendation of approval of SP-01-63 failed by a (3:3) vote. (Craddock, Finley, Thomas – Aye) (Hopper, Rieley, Edgerton – No) (Loewenstein – Absent)

SP 01-64 Hollymead Town Center, "Drive-In B" - Request for special use permit to allow a drive-in window in accordance with Section 25A.2.2.1 of the Zoning Ordinance which allows for uses permitted by special use permit in C-1, CO and HC districts. (Michael Barnes)

Action:
Mr. Thomas made a motion to recommend approval of SP-01-64, Hollymead Town Center, "Drive-In B".

Mr. Finley seconded the motion.

Mr. Rieley asked Mr. Kamptner if there were any conditions on this.

Mr. Kamptner stated that the ARB would have to review the request for a Certificate of Appropriateness regardless.

Mr. Rieley stated that it was obligatory. He asked for a role call vote.

The motion for the recommendation of approval failed by a (3:3) vote. (Craddock, Finley, Thomas – Aye) (Hopper, Rieley, Edgerton – No) (Loewenstein – Absent)

Mr. Cilimberg stated that the Board of Supervisors would hear this matter on May 7th.

Mr. Finley left the meeting at 10:00 p.m.

Mr. Cilimberg stated that he had a question that he might want to ask of the County Attorney with the Planning Commission based on the (3:3) votes that they had. In going back to the Commission's Rules of Procedure where a tie vote shall defeat the motion voted upon. It was stated that it was going to the Board with no recommendation. He questioned if it was actually going with a recommendation for denial.

Mr. Kamptner stated that the legal effect was that it was denied.

Mr. Rieley stated that the motions did not carry. He pointed out that he concluded things by saying that the motion was defeated only to be corrected to say that it will go to the Board with no recommendations.

Mr. Cilimberg stated that this was for the benefit of the Recording Secretary because she has to report through the minutes what that vote represented. He pointed out that he wanted to get the record straight.

Mr. Rieley stated that it was correct to state that the motions failed on a (3:3) vote.

Mr. Cilimberg agreed that was the best way to term it.

Work Session

ZMA-02-10 Sandy Lane Residential Village (Sign # 24, 54, 69)- Request to rezone 68.96 acres from Residential (R-1) to Residential (R-6) to allow up to six units per acre. The concept plan shows two phases of development. The first phase is 416 residential units in apartments and townhomes designed for university students. The property, described as Tax Map 76, Parcel 24 is located in the Samuel Miller Magisterial District at 400 Stribling Avenue Extended. The property is bordered on the north by the Norfolk Southern Railroad, on the west by Interstate-64, on the east by Moores Creek on the south by Sunset Avenue Extended. The Comprehensive Plan designates this property as Neighborhood Density, recommended for 3-6 units per acre, in Neighborhood 5 and 6. (Margaret Doherty)

Ms. Doherty presented the staff report. She stated that the Planning Commission held a work session on this item in October. There were several outstanding issues preventing the Planning Commission from recommending that the applicant pursue a rezoning. The applicant has asked for this work session tonight to discuss mainly the core issue of the last work session which were transportation improvements. The applicant prepared a traffic impact analysis, which has been reviewed by the Engineering Department, the transportation planner and VDOT. She pointed out that Glen Brooks was present if there were any questions. The applicant has also submitted a special use permit for the stream crossings, a revised master plan and a memorandum responding to our comments and to the work session. The crux of the issue last time was that there is an Area B Study underway now for this part of the County between the joint study of the pack of the University, the City and the County to study transportation and land use improvements here. Staff recommended that the rezoning not be pursued until that has been completed. The Planning Commission agreed. The applicant has decided to try to do some of the traffic study themselves and present that information in hopes of being able to pursue a rezoning in lieu of waiting for the Area B Study to be completed. She pointed out that the applicants have a presentation, but she would be happy to answer any questions that they might have. Staff continues to recommend that no action take place on this proposal until the Area B Study is complete and the other issues have been resolved.

Mr. Edgerton stated that this was a work session and not a decision-making session.

Mr. Rieley stated that was correct.

Mr. Kamptner stated that if all goes well the Area B Study should be starting in April.

Mr. Rieley asked the applicant to come forward to make their presentation.

George McCallum, attorney for the applicants, stated that their issue for this evening is to see if there is a basis upon which they could proceed with consideration by the Commission of this zoning map amendment without waiting for the Area B Study to be complete. He presented a

handout to the Planning Commission. He stated that in the handout is their recollection and notes of the Area B Study update time line. As of this time, he did not know if the contract had been signed with the consultant. The next page has a summary of the Sandy Lane Village land use time line starting with the Comprehensive Plan Amendment submission of September 2001. What they contemplate or project is an Area B Study adoption time line, which would take it out to April 2006 which was three years from now. That would be when they would be able to submit a zoning map amendment request with the Area B in play and with the Comprehensive Plan Amendment having been adopted. My client is Doug Caton who is the sole owner and the manager of the applicant, Sandy Lane LLC. He pointed out that with him today were Mr. Granger, owner of the property; Mr. Stegman, project manager; Frank Cox and Mike Fenner, both of Cox and Company. They have been working on this prior to the September 2001. There was a contract done with Mr. Granger about six months earlier. The time frame in which this contract can remain has an end to it. The end to it is closer than two or three years away. There is a need from Mr. Caton's standpoint if he is going to be the developer of this, that there needs to be a way to proceed with this zoning map amendment so that they would have a basis to acquire this property from Mr. Granger. This zoning map amendment is really a follow up to what Doug desires and that is the higher density of 15 units per acre, which requires the Comprehensive Plan Amendment that was applied for in September 2001. That process became involved in the Area B Study because it was a zoning map amendment to increase density. The Comprehensive Plan supports the R-6 density, which was part of this request. The zoning map amendment was filed within the current Comprehensive Plan to establish a zoning density where Doug could physically and financially see fit and go forth and acquire the property knowing that he had some density that he could use. But what he would like to do is to fulfill an understanding of a higher density. He thought the Commission and the County is seeking a higher density in an infill area. This piece of property as you suspect is ideally suited for this as an infill high density and the challenge is getting access to it. There has been wrapped into this the fact that there is an unsatisfied need that may be seen through the Area B Study. What they were asking was to try to find a basis so they can proceed within the next 2, 3, or 4 months with a zoning map amendment to provide for density for a project that would be workable at a later time. This would allow Mr. Caton to go forward and acquire the property. Frank Cox can speak to the public road. With this project at this density, Doug cannot afford to build a public connector road to go from Sunset Avenue Extended to Stribling Avenue Extended going under or over a railroad or however. They cannot afford to do it at this density. Frank Cox advises me that in his analysis a public road that is wholly within this property would greatly diminish the development potential of the property. The area that could possibly be used for a road alignment for some connector in here would run to the north of the power line that crosses the property. The power line is down by the stream and part of that land is within the Granger property and a part of it is not. Cox prepared this handout and Company shows a location of a connector that Frank says if VDOT were looking at this as a way to sweep through. He pointed out that their property line was not involved in that at all. Doug would be willing if they could go forward to offer a proffer for part of the zoning map amendment and site plan to dedicate the land that lies to the north on this drawing if the land was in some ultimate alignment that was going to be built, but he was not in the position to build it himself. For this project to be held unacted on or nothing occurring until they get through the Area B process is something that may cause Doug Caton to not likely be the developer. They were asking in this work session to see if they could come to a basis of proceeding further with consideration of the zoning map amendment with in the next several months. They were not trying to deal with the transportation details, CHARTS and the traffic counts in this meeting tonight when the Commission is worn out. He pointed out that he would be happy to answer any questions.

Mr. Thomas stated that he had a question about the connector road that was not even on their property as to how they could even propose something like that.

Mr. McCallum stated that their thought was that when the Area B Study looks at the topography of this particular Granger site and looks at where the road was going to be built that the alignment would not be on the Granger property. The purpose is just to show, as Frank Cox believes where

the alignment would be in a perfect world. In an imperfect world, the alignment might fall along the stream. Mr. Cox indicates that they would have to cross the stream and would be in the flood plain. He pointed out that his clients would offer land if an alignment comes down at the stream. They would still have a developable piece of property, but other lands would be needed from property owned by others.

Mr. Rieley stated that it was true that they look to make good use of the land in the development areas and at as high a reasonable density that they can. It is also true that they try to achieve a mixture of uses and hope that this increased density also comes along with adherence to the Neighborhood Model. He noted that his reservation about this from the first time they saw it was that it was too much like a student warehousing projects and not enough like neighborhood mixed development. Since that time it has lost mixed-use and is exclusively residential. Relative to the Area B Study, he felt that the only way that he would support this in its current configuration were if it went through the Area B Study and the study recommended this type of monolithic use for some reason that he did not understand now.

Mr. Thomas agreed that the Area B Study needs to look at it for the first time and make a recommendation. He noted that they could not predict where they will say that the road should go at this point. He agreed with the topography because this would probably be a logical place, but that is not his property. Therefore, he did not see how he could proffer or propose anything over on that side of the line.

Mr. Rieley stated that the other pertinent thing relative to the Area B Study was that the area was kind of a funny shape like a three-sided weapon and had a key position in the study. It does have implications for the County, City and the University. He noted that he was sympathetic with the time restraints.

Mr. Thomas stated that the most important thing about the Area B Study at this time was the connector road. He stated that it was going to be very important where the connector goes and how it goes through. He pointed out that there were some other important issues as well.

Ms. Hopper stated that the area needed the benefit of that study, but it was unfortunate that it was going to take so long.

Mr. Rieley asked if there was any room to tighten up Mr. McCallum's time line.

Mr. Cilimberg stated that the first two dates starting in April and ending in March of next year would follow along with what the contract calls for. Beyond that he would certainly hope they were not talking about one year for PACT to adopt that study. He noted that he has never experienced that amount of time for PACT to act on any other study that they have gotten out of a process like this. Usually it is a matter of several months. Currently it is also shared with the Commissions of the City and the County, the Master Council of the University and then goes on to the Boards for a Comp Plan Amendment that simply notes that the study has been done and recognizes it as a guide. He would hope that they were not looking at one year and then an additional time for the CPA's because the intent of the Area B Study is to address those issues that a CPA address.

Mr. Rieley stated that should not be shorter than a normal CPA.

Mr. Cilimberg stated that he could not tell the Commission the exact date beyond the finishing of the consultant's work next year, but he really did not think that they were looking at two years after that before the applicant could proceed with the ZMA request. He noted that the applicant was trying to get their okay to move forward with the ZMA, but staff has recommended that not happen. He pointed out that if they choose to do so that they can do that because they don't need the Commission's concurrence at all. The ZMA is properly before the County. The applicant can move on with that. The message is out there on how the staff would view that and he

thought they were looking for the Commission's input as well as to how you would view it. He stated that was something that they could make the choice to do.

Mr. Craddock felt that the Area B Study would be great. It appears to him that the road was still going to come out on Stribling Avenue Extended. With the proximity of this project to the University, it is not going to be single-family homes. He stated that it was going to be some type of student housing. One of the things from driving back through there a number of times that railroad underpass is not much different than the one on Ivy Road.

Mr. Rieley stated that the one out there was 13' 4".

Mr. Thomas stated that it was little bit better than the one on Ivy Road. He pointed out that they were going to redesign that bridge to get it wide enough for buses.

Mr. Craddock stated that it would be beneficial to have the Area B Study.

Mr. Edgerton stated that looking at the topo that Mr. Cox has made a good guess on where the road might go, but it was an academic process. He pointed out that he would like to know of a way to expedite the process. From a planning standpoint, the Commission needs to have the information before they can make a wise decision. He asked if there was any way to expedite the study.

Mr. Cilimberg stated that the contract was a one-year contract.

Mr. McCallum stated that it was originally submitted as a mixed-use, but the current Zoning Ordinance does not allow mixed-use and so that was taken out to make it compliant with the current Zoning Ordinance. What they would like to do is a mixed-use.

Mr. Rieley stated that makes you wonder if this is the right zoning destination for it. He pointed out that next week they might have another one available to us.

Mr. Cilimberg stated that the application is for R-6. He noted that there were other districts that could be applied for that were mixed-use. He pointed out that in a planned development you could do mixed-use.

Mr. McCallum pointed out that this was not just for students, but for other University people who are not necessarily students but associated with the medical center. He stated that they wanted to have something that can go forward into the next stage of Planning when the Comprehensive Plan and Zoning Ordinance will permit what he really wants to do. This is a stopgap.

Mr. Cilimberg stated that if this moves forward as a rezoning, the one thing that they will do as they have done on others, is that they will be sharing the rezoning proposal in whatever form that it finally lands with the City and the University for their input.

Mr. Rieley stated that if the applicant chooses to move forward without the Area B Study that the Neighborhood Model District might be a better avenue for your proposal than the R-6 if it gets passed next week. He stated that it was the consensus of the Commission that they would rather review this after the Area B Study has been completed. The other issue is the specific design of the site itself. On that, he felt that it was clear that the Neighborhood Model would serve both of their interests better. He stated that nobody was recommending that you go ahead with the project in advance of the Area B Study. They hope that when it comes back that it will come back as a Neighborhood Model rezoning rather than an R-6.

Mr. Cilimberg stated that he has not given a date for the Comprehensive Plan change that would ultimately be adopted. He stated that the Area B Study was to be finished within one year starting by April 1st or sooner because they were basically looking for the University to sign off on

the contract. At that point of time it was immediately before not only PACT but also the City and County for approval in reference as an amendment to the Comprehensive Plan. So they were talking normally about a matter of months after the completion of the Area B Study was adopted. He stated that he did not think that it would be over two years after the Area B Study was finished. He noted that he would not try to pinpoint a date or how many months after the Area B Study was completed.

Ms. Doherty asked if they pursued a rezoning of some type, would the Commission agree with staff's recommendations about the type of road that would serve a mixed-used development on this site that was stated in the staff report. It was restated in this staff report about being a public road that connects from Fontaine to Sunset and they would either improve the tunnel or build a bridge over the railroad. It would connect at the intersection of Ray C. Hunt Drive and Fontaine and not at Stribling which were the transportation type of recommendations made in the staff report.

Mr. Cilimberg stated that in lieu of the Area B Study, this is what staff believes would then has to happen.

Mr. Craddock stated that he would perfer to see them have their own separate road.

Mr. Rieley stated that would be really tough and environmentally damaging to put a public road along there.

Mr. Thomas pointed out that it would probably be an improvement to the stream due to the large amount of trash around the stream.

Mr. Rieley stated that he was worried about the impact of the road on the flood plain and stream since there was just not enough room.

Mr. Cilimberg stated that the Area B Study process builds in participation. It is not going to conclude and not reflect what is approvable by the City, County and the University. There will an advisory committee that will consist of staff and the Planning Commissioners that are on PACT and representatives of the area and there will be public meetings and there will be presentations to the Planning Commission for the City and County. This will not be outside of that venire. He stated that it would not be a cold study delivered to you to take action on.

In summary:
The Planning Commission held a work session on ZMA-02-10, Sandy Lane Residential Village. The Planning Commission took no formal action. The applicant asked if there was a way that they could proceed with their zoning map amendment without the Area B Study being complete. It was the consensus of the Commission to agree with the staff's recommendation that no action take place until after the completion of the Area B Study and the other issues resolved. If the applicant would like to pursue a rezoning, the Commission recommended that they incorporate mixed use and follow the recommendations of staff regarding the public road to serve the site.

Work Session:

2003/04 – 2012/13 Capital Improvements Program – Overview.

Roxanne White, Assistant County Executive, presented an overview of the FY 2003/04 – FY 2007-08 Capital Improvement Program and FY 2008-09 – FY 2012/13 Capital Needs Assessment. The County's Capital Improvements Program serves as a planning guide for expenditures for major capital facilities and equipment. This incorporates a long-range capital need assessment and a multi-year planning process. The Planning Commission took no formal action.

OLD BUSINESS:

Mr. Rieley asked if there was any old business to discuss. There being none, the meeting proceeded.

New Business:

PLANNING COMMISSION HAS NO ITEMS SCHEDULED FOR TUESDAY, MARCH 18, 2003.

Adjournment:

With no further items, the meeting adjourned at 11:10 p.m. to their next meeting on March 25, 2003.

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V. Wayne Cilimberg, Secretary

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