Albemarle County Planning Commission
June 10, 2003

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, June 10, 2003 at 6:00 p.m. at the County Office Building, 401 McIntire Road, Charlottesville, Virginia. Members attending were Rodney Thomas; Bill Edgerton; William Rieley, Chairman; and William Finley. Absent were Jared Loewenstein, Pete Craddock and Tracey Hopper, Vice-Chairman.

Other officials present were David Benish; Chief of Community Development; Elaine Echols; Principal Planner; Greg Kamptner, Assistant County Attorney; and Michael Barnes, Senior Planner.

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

Review of Board of Supervisors Meeting – June 4, 2003

Mr. Benish summarized the actions taken by the Board of Supervisors on June 4, 2003.

Consent Agenda

SDP-03-008 Earlysville Fire Company Site Plan Buffer Disturbance Waiver – Request, pursuant to Section 26.10.3 to disturb the required 30' buffer between Industrial and Residential Districts. (Tax Map 31, Parcel 21F) (Shea Farrar)

Approval of Planning Commission Minutes – May 6, 2003 and May 13, 2003

Mr. Thomas moved to approve the consent agenda as presented.

Mr. Edgerton seconded the motion.

The motion carried unanimously (4:0). (Loewenstein, Craddock, Hopper - absent)

Work Sessions:

ZMA-01-07 Albemarle Place - Request to rezone 63.7 acres from HC (Highway Commercial) and LI (Light Industry) to NMD (Neighborhood Model District) to allow a 1.8 million square feet mixed-use development. The properties, described as Tax Map 61W3, Parcels 19A, 19B, 23, and 24, is located in the Jack Jouett Magisterial District at the corner of Rt. 743 (Hydraulic Road) and Route 29 North. The Comprehensive Plan designates this property as Regional Service in Neighborhood 1. (Michael Barnes)

Mr. Barnes summarized the staff report. He pointed out that this was a continuation from the Comprehensive Plan Amendment review that took place last year for the Albemarle Place project. Hopefully, the Commission is relatively familiar with many of the issues. Staff's main goal for tonight's work session is to try to deal with the internal design and layout concerns. The review has been broken into three major components:
1) Questions relating to the internal design and layout;
2) External transportation impacts mitigation; and

3) The specifics related to regulating the future build-out of the project (i.e., the Code of Development and proffers that will regulate the future build out of this project).

Tonight the Commission would deal with the internal layout and design issues. Staff hopes that the Commission can sign off on a few major principles that staff has posed as questions and any other questions that staff has not raised in this report. Those questions can either be resolved tonight or further direction can be provided to the applicant and staff so that those issues can be resolved early in the process, and then move on to the transportation issues that need to be resolved. The proposal is similar to what the Commission has seen before that includes a mixed-use, multi-floor development proposing 1.9 million square feet of retail, office and residential. The layout reflects the same sort of theme of having the retail on the lower floors and office or residential uses above. On the northern one-third of the site, the plan has the larger stores and service parking lots as seen previously. The major difference in that area is that the applicant has reduced the footprint of those stores. The applicant has tried to meet some of the language that was put forth in the Comprehensive Plan on the exterior of the project. The applicant previously had some parking decks along Hydraulic Road that have been shifted more internal to the site. The applicant has added office uses and town homes along Hydraulic Road.

One of staff's first questions to the Commission is has the applicant addressed the uses and potential problems with building massing along Hydraulic Road and is it compatible with the façade that is across the road in the City. Staff feels that it is. The next question relates again to Hydraulic Road and Route 29. There were five points given by the Architectural Review Board during their review on June 2nd. There were more points in their recommendations, but these five points relate to the important design aspects of the concerns raised by the ARB. The five points were:

1. Block G should have an additional small building adjacent to Building G5 (Attachment C) so as to screen the surface parking lots from the Entrance Corridor.
2. Blocks F and G should have more tree islands running the full length of the parking row.
3. The overall design of the project should have variation, but the variation should create a harmonious development overall.
4. The Application Plan (Attachment C), the landscaping shown along the Entrance Corridor and within the parking lots may need to be augmented in order to meet the ARB's standards for the mitigation of visual impacts.
5. Finally, the ARB recommends that the Commission and Board do not limit the ARB's ability to modify the character and/ appearance of various components at the site plan stage.

Primarily the applicant's concern was that in the northern one-third of the project that the ARB recommended adding another smaller building adjacent to Building G5. Staff referred the Commission to Attachment C of the staff report on page 16. Part of the concern that staff is hearing from the applicant with that recommendation is that they need some visibility to be able to sell the property to the potential tenants. The applicant feels that this little window was enough to meet the market concerns that they need to address. The impacts will not be very significant. The ARB is also asking for more planting islands within the northern third of the development. The third point is that the ARB appreciates some variation within the project, but they don't want too much. The ARB is concerned that the landscaping along the Entrance Corridor may need to be increased, which was something that they could work out with the actual details of the design. The ARB asks for some discretion at the site plan stage when they are issuing the Certificate of Appropriateness to ensure that the Entrance Corridor is protected. What is the Commission's opinion on the ARB's concerns, particularly with regards to the first point in how that gets weighed with the applicant's concerns?

The next question regards the 70,000 square foot restrictions on the single user on the first floor, which was a concern raised during the CPA. The applicant has responded by keeping all stores in the northern one-third of the project to less than the 70,000 square foot threshold. In the southern one-third of the project shown as Building C, the applicant has proposed a two-story

department store with 70,441 square feet on the footprint, which was in excess of that 70,000 square feet. The applicant proposes to restrict all building footprints within the development to no more than 77,000 square feet. Staff believes that a 77,000 square foot limit is in general keeping with the CPA, especially when applied to a two-story store. Therefore, staff has no objection to the applicant's request. He noted that would extend to buildings potentially in the northern third of the site, too.

Finally, they would get into the northern one-third of the site, which was one of the principle reasons for bringing this before the Commission tonight. Staff requests some clarification, which went back and forth during the CPA, on whether or not that section would even be an acceptable portion of the project. The applicant has indicated that they need this area to draw in and make the remainder of the project work since the economics and the market forces drive that decision. He asked where the Commission stands on that issue. Staff would like to see the applicant provide better street connections through the project.

Staff has accepted the applicant's argument on the stores and parking lots, but would like to see the northern third of the site reorganized to accommodate the regional transportation network and to visually mitigate the impacts of the parking lots. First, staff would like to see Fourth Street continued along the length of the project's boundary with Comdial and connect to Commonwealth Drive. Secondly, staff would like Cedar Hill Drive to continue in a straight line to allow for a possible future connection to be made through the Comdial Plant to Greenbrier Drive. Third, staff would like to see buildings G1 and G2 split to allow for a future extension of Swanson Drive through to Fourth Street (See staff's suggested road alignments on Attachment M). Finally, staff believes that the applicant should mitigate the visual impacts of the large parking lots with an appropriate combination of streetwalls and landscaping for the surface parking lots adjacent to Cedar Hill and Fourth Street.

The applicant is worried that staff's proposals will create cut-through traffic and will separate the retail stores from the parking lots with a busy road. Staff believes that cut-through traffic will be a minimal amount of the total traffic and that the connections to Commonwealth Drive and Greenbrier Drive far outweigh the risks. Secondly, staff has suggested switching the major retailer in building F1 with the parking in FP1. This would allow buildings F1 and F2 to have surface parking immediately adjacent and Cedar Hill Drive to extend straight through to Greenbrier Drive. Furthermore, staff would support traffic calming measures to reduce speed within this area. Staff has the following three questions for the Commission's consideration:

- Staff accepts the applicant's argument that the large retailers and surface parking lots are necessary to support the economic viability of the project. Does the Commission agree?
- Staff has suggested three road alignments. The applicant does not support these realignments. What is the Commission's opinion?
- Staff recommends a combination of streetwalls and landscaping where the parking lots are adjacent to Cedar Hill Road Drive and Fourth Street. Does the Commission agree?

The next question regards amenities and public space. The applicant meets the minimum set forth in the Comprehensive Plan for 15% green space and 10% amenity space. In their draft proffers, the applicant proposes $250 per residential unit, which would equate to $150,000 to $200,000 to be used for off-site improvements. During the CPA review, discussion was held about potential improvements to White Wood Park, the Meadow Creek Drainage, and/or sidewalk improvements to help people in this area get to off-site amenities. Again, other off-site green space/amenities that are a little farther away include Albemarle High School and the Ivy Creek Natural Areas. The question to the Commission is if this is enough green space. He pointed out that the site provides green space in a park amenity. The applicant is retaining the concept of a roof top amenity area, such as basketball court, for the residents of the development. The applicant has a café aspect in the middle of the parking lot. It seems that the plaza area, shown

in attachment A, has somewhat been diminished. Staff pointed out that one of the concepts that he liked in the earlier plans was the restaurant in the area around the plaza. Staff believes that the applicant should expand the plaza area in Block C to provide more civic space. Staff would be agreeable to the provision of an increased landscaped area, restaurants with outdoor seating, public art displays, or some combination thereof. Staff believes that a similar provision of amenities is necessary within Blocks A and/or B.

Staff believes that with small improvements that the project can satisfactorily provide a sufficient amount of green and amenity spaces. What is the Commission's opinion? Is the possibility of providing off-site amenities enough to provide the type of development that they were looking for?

During the CPA review, there was considerable discussion about the proposed impacts to the two severely degraded streams on the site. The project still proposes eliminating the two severely degraded streams. Staff recognizes that urban projects like Albemarle Place are in keeping with the County's Growth Management and Infill policies. In this case, the potential for this project to meet many of the Neighborhood Model Principles and other County goals coupled with the fact that these streams are already heavily impacted and degraded has lead staff, including the County's Water Resources Manager, to conclude that covering these streams is an acceptable tradeoff.

The Army Corps of Engineers and the Virginia Department of Environmental Quality (DEQ) are currently assessing the potential impacts to these streams and devising a mitigation strategy. While the mitigation plan's recommended implementations remains uncertain, staff is working with the Corps and DEQ to arrive at a mitigation strategy that will off-set the impacts within the Meadow Creek watershed.

- Staff has concluded that the benefits resulting from form and character of the proposed development outweigh the impacts resulting from the elimination of the two streams on the site. What is the Commission's opinion?

Mr. Barnes stated that he would be happy to answer any questions.

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

Mr. Finley stated that Swanson Drive was not mentioned. He asked why the applicant did not want that.

Mr. Barnes stated that the idea was to continue Swanson Drive through the site with the idea of future infill and trying to create a grid system. Obviously, there is a grocery store and another building sitting in the middle. Separating the two uses and putting the road in is not the applicant's desire. The applicant is proposing sort of a plaza area in this portion. Both of these concepts are predicated on taking down the Sperry Building, which may be something that does not happen anyhow. The applicant has proposed a plaza area where you come in on Swanson Drive and go to the west and then back to the north. He stated that it would be better to have a straight shot.

Mr. Finley asked if Fourth Street and Cedar Hill Drive would stay in.

Mr. Barnes stated that staff's opinion was that the site might be reorganized to accommodate a road going from Fourth Street with Cedar Hill. He asked if the Commission feels that is an important thing for the applicant to do to organize their site to accommodate that.

Mr. Thomas asked if that was a continuation of Swanson Drive from the City.

Mr. Barnes stated that the applicant has carried the street names from the City into the project.

Mr. Thomas asked if the grocery store was not there and the road went straight through the property, what would be left in front of the Comdial property?

Mr. Barnes stated that of the three roads, which he had suggested, Swanson Drive might be the least important. If staff prioritized, Cedar Hill Drive straight through to Greenbrier Drive is an important connection, as is the Fourth Street connection.

Mr. Thomas stated that if Cedar Hill Drive had a connector all the way through, it would give you a straight shot into Angus Road.

Mr. Barnes stated that had potential impacts to the City and staff was intentionally trying not to get into that. He stated that a meeting has been set up next week with the City staff to discuss that very issue and how to address ways to mitigate the traffic impacts. He noted that there has to be something that can be done.

Mr. Finley asked what he meant by variation in item 3 of the ARB's comments.

Mr. Barnes stated that item 3 of the ARB's comments meant trying to find a careful balance between every building looking like a carbon copy of the one next door without having so much variation in architectural differences between the buildings that there is no commonality between them.

Mr. Thomas pointed out that he had no problem with the maximum square footage of buildings being 77,000 square foot.

Mr. Barnes stated that the applicant came with a power point presentation tonight if the Commission allows them a chance to make a short presentation.

Mr. Edgerton asked what the ARB's concern was in item # 5.

Mr. Barnes pointed out that both Marcia Joseph and Katie Hobbs, who were members of the ARB, were present if the Commission has any questions.

Mr. Barnes stated that the concept was that usually proffers state that the development would be in general accord with the plan as shown here. He asked how much the proffers locked the applicants in regarding moving the buildings or parking since the ARB wants some discretion to be able to move things around without putting the applicant in jeopardy.

Mr. Rieley asked if the Commissioners would entertain a short power point presentation from the applicant.

It was the consensus of the Commission to allow the short presentation from the applicant.

Frank Cox, on behalf of Albemarle Place's managing partners, asked to embellish the remarks that Mr. Barnes has made regarding a series of changes and studies that they have undertaken since this project kicked off in April, 2001. After the Commission got them through the CPA back in the early fall; they carried it on to the Board of Supervisors. At that point, they began working with staff to try to finalize a series of modifications that arose out of many discussions and information provided by the Commission as part of the CPA review. There are a number of comments in the CPA that made the applicants reevaluate some of the issues. He presented a few of the slides that reflect those changes to add to Mr. Barnes comments. The Neighborhood Model was what precipitated all of this. As they went back to the challenge, they recognized that there was a new paradigm, but they also had to mix in some issues of the reality of the market

place. The matter of how to best treat that north sector was certainly included amongst those as they moved ahead. One of the things that the CPA affirmed basically was that the location of the property was the center of gravity of a regional population and its transportation activity, which was adequate for public services. The applicants did a market analysis to support some of the inquiries that they would be taking business away from others and that it might cause other businesses to go out of business. He noted that the strengths of both their market analysis and of the County's have offset that concern. Being the last prime infill site in this particular part of the Route 29 Corridor regional shopping area, they felt that this plan was a part of the CPA. Once the plan was refined with the ZMA, hopefully it would take the pressure off of some of the other regional sites that were under pressure to develop prematurely.

The key issues that the Commission and site brought to us to challenge at the CPA, and going forth with the ZMA, related to Hydraulic Road and the land use compatibility. In regards to the limitations to building footprints and scale, they show the 77,000 square foot footprint. They have a department store that has expressed an interest and, in fact, have agreed to being in the new Main Street Town Center, but they have a footprint of about 75,000 square feet. They request that when the Commission considers the ZMA that they allow a ten-percent increase in the 70,000 square feet applicable to two-story structures. The issue of public space amenity and parks was emphasized as well as making sure that this did not turn into a Lowe's retaining wall exercise.

The ARB reviewed the request and was really interested in the compatibility of design and that the applicants would have a Code of Development that integrated good architectural principles. What they tried to do in presenting the package was to include a set of proffers and phasing representations that they hoped would participate with the regional corridor solution with a range of solutions appropriately and without over committing the Albemarle Place owners to preserve certain amounts of land that they could find to be appropriate to accommodate a feasible solution for Hydraulic Road/Route 29 intersection.

Lastly, they have provided a set of proffers that are included in the Commission's package. The new ZMA master plan has a number of adjustments and enhancements. One of the City's concerns was the realignment of Angus Road or the realignment of the new Main Street so that if there was any opportunity in the future to ever connect through to Angus Road that it could be done. The second reason was to make sure that if ultimately a design for Route 29 that either elevated 29 higher than it is now with a bridge or a Hydraulic Road underpass, which was ultimately what the MPO came up with, that they would have the necessary land available. They wanted to make sure that the necessary grading accommodations could be done within the Route 29 right-of-way without injuring their opportunity to have a new Main Street entrance onto Route 29. By moving it slightly to the north and using VDOT criteria for proper grading, they can accommodate this entrance for right in and right out regardless of whether the Rt. 29/Hydraulic solution is a bridge under or a bridge over for Route 29. The grading studies were done and they presented detailed drawings to the City, MPO and staff for consideration. They have met with the City and VDOT many times to discuss the impacts. They were at the point now after working with VDOT and the County where VDOT feels comfortable that a solution can be achieved. VDOT is studying Harrison's MPO recommendations, and they will continue to look to an impact analysis to determine what engineering and physical consequences it would render to our property. They feel that the new Main Street alignment will accommodate the future corridor concepts. Another thing that has been done is relocating the parking deck interior to the property. One of the comments from the Commission was that they did not like the parking decks being visible from Route 29. The applicant has responded to those concerns. The applicants have introduced the residential uses as Mr. Barnes indicated. Other nonresidential uses that provide more of a street front orientation have been provided. They have tried to address the City's concern that they not introduce traffic into the neighborhoods to the south, and also that the uses be mutually compatible with the existing uses on the south side of the Hydraulic Road right-of-way. Due to the change in grade on Hydraulic Road and the grade on the parking lot, the property would not be very visible. They have worked on reorganizing the parking by adding to the parking and

landscape islands. Several street front buildings will alleviate some of the concern for views into the buildings in the rear. They have looked at some of Mr. Barnes' comments regarding the Commonwealth/Comdial access, and of course the ARB was very concerned with the view into the site and the potential of any adverse aesthetics resulting from that. The revised master plan re-establishes the new Main Street. They maintain a mixed use in the entertainment area. The theatre site will be moved to the southwestern sector of the site. They were not abandoning the idea of cafes and civic spaces along Main Street. At the front of the site they maintain the hotel location with flanking restaurants. This is the area where VDOT and the MPO have the most concern for reservation of land for future right-of-way improvements all along Hydraulic Road. The applicants are in a study process and were committed with VDOT and the County's engineers to do whatever work is necessary to refine the designs that have been brought forward. This will certainly be a subject of a future work session. This will be retained as a primary residential neighborhood, but the applicants will have retail along the street. He proposed neighborhood traffic solutions instead of regional traffic solutions. Therefore, they may resolve this intersection with a roundabout of sorts and could maintain this as the four-lane intraproject by-pass improvement. The applicant has no problem with Mr. Barnes' suggestion to provide for a connection to tie into Greenbrier Drive, but would like to have a two-lane facility. There is an opportunity from Hydraulic Road to extend into the Sperry site if at some future time when Sperry develops or goes through a revitalization process. Similarly, there is an opportunity within Sperry to make a connection all the way through to Comdial. He pointed out that they do not have the opportunity to develop the land with those two pieces. The last part of the interconnectivity piece, as it relates to a second connection up to Commonwealth Drive, would be extending a street that they already have in place. Their proffers maintain a willingness to reserve all land necessary at this location as well as the possible extension at this location. They have done preliminary studies of both locations to make sure that proper geometrics could be reached to make those connections feasible.

The last piece was the one that would create an intersection that was highly desired. They have made a substantial effort to secure the required land from the Sperry landowners when they purchased the property. They have made some effort on establishing access to the property on the north/south basis. They have been rebuffed at all of their attempts with the Sperry folks. The phasing plan is something that they refer to in the proffers. The applicant's desire is to do the new town center in the first phase, and they are not proposing to do big boxes or grocery stores in the first phase. They have proffered that the infrastructures and as many buildings that are economically feasible as a part of the new main street development will be included in the first phase of the development. However, given that there will be continuing concerns and questions about transportation, they want to make sure that there is adequate transportation circulation from Route 29 North. As a first phase proffer they are proposing to build their interior connector road that would link Route 29 to the Post Office to Hydraulic Road at this location. The applicants have had a number of discussions with the City. He stated that their transportation scheme is not relying on cut-through traffic nor do they want to contribute to that if in fact the City wants to shut that down. He spoke with Angela Tucker of VDOT and she made some comments about traffic calming and phasing that could take place. The applicants plan on reserving the same amount of land this year that VDOT asked for last year. Last year they had a deal they thought was cut with VDOT on at-grade transportation improvements. They had a commitment to fund and build those improvements. During June, July and August of 2002, there has been the reemergence of the concept of regionalism between the City and County and doing Route 29 transportation improvements. They will continue working with the County on what is the appropriate amount of land to preserve. They don't want to put a building in that would have to be condemned at a later date. They have submitted to the staff an 80 to 90 page Code of Development that addresses the basic tenants regarding the architectural and landscape criteria. Blocks F and G have some changes in them. The landscape buffers are addressed in the Code of Development and have been changed from the original plan. At the front of the property they have been working on a system of enhanced stormwater management of the BMP's that would probably correct some of the ills in this watershed. The property really does not have any upstream stormwater management of BMP's that are functioning properly.

Another concern was not having adequate visibility of these buildings from Route 29. Obviously, the Commission wants little or no view from Route 29, but there has to be a compromise. The department store and parking deck have been relocated so that they will not be located adjacent to Hydraulic Road. He pointed out that City Place was very similar to this proposed development. They feel that there is a substantial opportunity for success in this development. The set of zoning proffers supports the regional approach. They were committed to proffers that clearly state a desire for interconnectivity with Commonwealth Drive, Comdial and Sperry. They have a phasing plan. The signalization proffers have been made. Cash proffers for off-site transportation improvements have been included in the proffer statement. They are providing for on-site green, open and civic space that exceeds the guidelines and the platform that was established as a part of the CPA. They have also made a cash contribution proffer that can be used at the discretion of the County for enhancements of nearby parks and open space. They have been asked to do a range of transportation improvements. He pointed out that one project could not finance the ultimate solution for the entire Route 29 Corridor. Our group is familiar with TIF and CDA financing mechanisms and has indicated a real willingness to be a part of such a solution should the County, City and State decide to move ahead with that.

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

Mr. Edgerton stated that in the phasing plan you mentioned reserving a certain amount of land for dealing with the intersection of Hydraulic and Route 29. He asked if any land in that box was controlled by the owner, since it appears to only include the little Seven Eleven site.

Mr. Cox stated that the land that they proffered would not include Seven Eleven, and it would only include the land that VDOT asked them to include as a part of last summer's discussions.

Mr. Edgerton asked if the setbacks they saw for the buildings in that area would restrict what VDOT may be doing.

Mr. Cox pointed out the reservation lines. He stated that they tested that with the split grade plan as well as the plan that was brought forth by the Southern Environmental Law last year. Short of that, they have not tested any further options.

Mr. Edgerton asked when they would anticipate building the northern section that they argued that had been so important for the economical viability of the project.

Mr. Cox stated that he would anticipate that would go in the day after the new Main Street goes in. He stated that more of the larger format retailers were interested in the north sector of this project. Mr. McCloud would be able to express this a little better because he has been negotiating with over 100 different retailers that have expressed an interest.

Mr. Edgerton asked if the proffer to do the Main Street development as Phase One would only include the actual road commitment.

Mr. Cox stated that it would include both, but the market would determine the number of the buildings.

Mr. Barnes stated that staff purposely did not comment on that. Staff is trying to tackle this request in three parts. He pointed out that the timing of the project would be the third part. What is the phasing? What are the elements of the Code of Development that are important? The second part will be the traffic. He acknowledged that it was really hard to integrate them out.

Mr. Edgerton stated that he was struggling as one who was opposed to the big box component of this project. He stated that he was really excited about the rest of the project, and frankly, he was very pleased with what adjustments had been made especially along Hydraulic Road. He felt that

some real sensitivity had been shown in the design of that. But what he was hearing and reading in the staff report was the need for that piece which they left out of the CPA. The applicant's did not include the maximum square footage of the footprint as part of the CPA, and the project does not work without it. The applicants have already enlarged the footprint once from 65,000 square feet to 70,000 square feet, and now they want to bump it up to 77,000 square feet. One of his concerns was that certainly there was a market for big boxes, but that the whole effort on behalf of the County was to try to change that model. If the big box is going to get built and then because the market does not support the rest of it, then the rest of the project does not get built was something that he was struggling with. He asked for some help on that from staff. He stated that they were talking about a rezoning and a specific layout and design, which made it hard not to visualize this from the hard lines. He noted that it would be unfair to the developer, the County and the community at large for the Commission to look at this and say it is all right and then come back and say no we did not mean that.

Mr. Barnes stated that they would be left holding the bag because then you would get the northern one-third and then you don't get the rest of it. Staff is aware of this and will work through to make sure that it does not happen.

Mr. Cox pointed out that Mr. McCloud would like to briefly respond to the question.

Mr. Rieley asked Mr. McCloud to address the Commission.

Bruce McCloud stated that he heard a few concerns about sequencing and what is going to get built, and he would like to clarify it. He pointed out that the point that Mr. Cox was making about sequencing was that they were agreeing to start with the Main Street development and not start with any other part of this project. That would be the first phase. He stated that they would not start the north without the south, but they could start the south without the north physically. He noted that it would not work from the merchandising point of view. This project on Main Street only has one large anchor. The northern retailers are in part the total merchandising offering. At the present time, the one large building on the north is actually three tenants and not two. The one large building that was 130,000 square feet is now actually three tenants with 110,000 square feet. He noted that the square footage was originally 65,000 and they took it to 70,000 because we thought the tenant had a 70,000 square foot footprint, but it was actually 74,000 square feet plus. He pointed out that they could live with just an exception for that one building on the Main Street and not have the north side piggyback on that exception. He noted that it was a specific exception for a specific tenant.

Mr. Edgerton asked if he was talking about the department store.

Mr. McCloud stated that was correct because the department store meets the 74,000 square feet because that is their prototype and it is hard to get them to change that. He suggested that they leave the 70,000 square foot limitation on the north part. He stated that their frontage on Route 29 was a long narrow strip that would appear as a long narrow parking lot, but it was as workable as they could make it.

Mr. Edgerton stated that they were talking about the major department store developing the infrastructure as far as roads, plazas and pedestrian access for the southern end, but at the same time the northern end would go in as well.

Mr. McCloud stated that was correct. He pointed out that in reality these projects only work where they have to build most or the entire Main Street in one shot. This was not somewhere that you could sequence the buildings one at a time because you don't have any critical mass. In reality that entire Main Street back to the movie theatre is going to get built in one shot. That is a project and the northern part is a project, but they really need to go together.

Mr. Edgerton pointed out that he would find it less objectional if the applicants provided some shielding of the huge parking lot from Route 29 North. He stated that if the view shed were not going to be affected by an additional structure along Route 29 as requested by the ARB, then he would not have any problem with that.

Mr. McCloud stated that he did not think they would be able to lease these stores if there was a building in here blocking all the view from Route 29. Those tenants want to have a little visibility from Route 29.

Mr. Rieley stated that there was a question, page 3, # 5 at the top of the page about the request of the ARB. He asked Ms. Joseph if she would weigh in on this issue.

Mr. Barnes pointed out that there was an attachment in the Commission's packet that had the ARB's total drafted comments.

Marcia Joseph stated that the ARB reviews the pieces of this puzzle as the project comes together as they look at some of these specific drawings. She pointed out that the ARB receives and reviews sketches and perspectives as a part of their approval process. As some of these things become part of the approval for the rezoning, it means that those are the kinds of buildings that will be built there. She felt that the ARB did a preliminary review of this and were not at the stage now where anyone feels comfortable. The thing that the ARB would like to see was some continuity throughout it. The difficulty is that some of these buildings will not be visible from the Entrance Corridor, and that is the only thing that the ARB looks at. The existing Design Guidelines say that the buildings should align up with the roads. One of the concepts of the Design Guidelines is to have an edge to the road. Because this is such a large and important project, she asked if the Commission would consider if they have another work session, to have the work session with the ARB. She noted that she felt a little uncomfortable representing everyone on the ARB. She felt that it was a very important project and would probably change the way that they do a lot of the development in this County. She felt it would be good for all of them to set down together before it gets approved.

Mr. Barnes referred to pages 20 and 21 in the packet, where there were two perspectives showing views into this site from the intersection into the northern one-third of the site. Attachment H shows the closest corner to Sperry where the stormwater pond is located. Attachment I shows another view in to the property.

Ms. Joseph stated that the difficulty was how was the detention pond going to manifest itself. She asked if you would see the dirt and the sides of the slope or is it going to be built with block. She pointed out that they don't know what will be visible. She felt that if the two groups could get together, then they could make their desires clearer.

Mr. Rieley stated that it was a good suggestion. He stated that this obviously was not a public hearing, but they have given the applicant and the ARB a chance to speak. He asked if the Commissioners would object if they allowed other interested parties to weigh in on what they have heard so far. There being no objections, he asked if there was anyone else present to speak on this topic. There being none, he brought the conversation back to the Commission. He stated that the Commission would go through each question that staff has posed to them and give feedback on all of them. He asked that they begin with the design issues and the issue of the frontage along Hydraulic Road. The staff report says that staff is satisfied with the uses and potential building mass passing along Hydraulic Road and believes the façade to be compatible with the opposing development in the City. What is the Commission's opinion?

Mr. Thomas agreed with staff noting that it was entirely better than it was originally.

Mr. Edgerton stated that he had previously stated that he liked it. He stated that he wanted to be convinced that those surface parking lots would be appropriately screened from Hydraulic. He

pointed out that he could not tell from the information that has been provided since there was no topographic figures to be able to tell if it was below the street level.

Mr. Rieley agreed with the comments that had been expressed. He felt that it was a substantial improvement and he was appreciative of the change. Relative to the row of buildings, he felt the Commission should see an overlay of Thomas Jefferson Planning District's Study as a transparency to go directly over this site. Then they could see what the implications of the grade separated interchange and the round-abouts that are associated with it in the degree that will change, if any, in the configuration that is shown here.

Mr. Barnes stated that there is the need for not only reserving the amount of right-of-way for the road itself, but potentially for the construction of the road itself. But, what you may end up with is something that extends into the site and that the buildings ultimately built may actually sit back. He pointed out that in Harrison Rue's design, the traffic circle was sort of depressed in the corner. Staff is working on this and as long as they try to stay faithful to the tenants that are being proposed here and the Commission is comfortable with them, then they can use that as a spring board to try to work on the design issues.

Mr. Rieley agreed and felt that it was time to put those two things together.

Mr. Barnes pointed out that staff would bring that information back to the Commission.

Mr. Rieley recognized that there was no finalized design for that or commitment for funding, but they have to begin somewhere. He stated that seems to be something that they should at least be looking at.

Mr. Finley asked when this would be brought forth.

Mr. Rieley stated that the work that has been done to date is remarkably detailed for the level of study that exists. The County Board of Supervisors has endorsed that study and it seems that while it is still in the study stages that so is this review.

Mr. Barnes stated that he felt the pressure to get that information to the Commission as quickly as possible.

Mr. Rieley stated regarding Entrance Corridor issues, the ARB said that they felt that Block G should have an additional small building adjacent to building G-5 for screening purposes. The applicants have asked not to be required to do that. The ARB felt that:

- Blocks F and G should have more tree islands running north/south and east/west, the overall design of the project should have variation and the variation should be harmonious overall,
- the landscaping plan along the Entrance Corridor and within the parking lots may need to be augmented in order to meet the ARB standards for mitigation for visual impacts,
- The ARB recommends that the Commission and Board not limit the ARB's ability to modify the character and appearance of the buildings.

It is Ms. Joseph's suggestion that they have a joint meeting to talk about ways in which that might work harmoniously to everybody's benefit to achieve that goal. Staff has asked the Commission's opinion regarding this list of concerns. He stated that the first four items are fairly specific issues relative to the design issues and that the larger issue of not limiting the ARB's capacity to modify the plan is a separate one that they could meet on. He suggested that they provide feedback on the first four issues.

Mr. Thomas agreed with all four of the concerns including the joint meeting of the ARB.

Mr. Barnes noted that the first concern was the most important for the applicant.

Mr. Thomas asked to go back on question # 1 since he actually agreed with the applicant about leaving the building open.

Mr. Finley pointed out that they were trying to screen the parking.

Mr. Rieley stated that the whole north end of the project is a pragmatic transitional piece, which from the beginning has been argued for as a mechanism that will help the rest of it succeed. The entire configuration is less like the south side of it that they would like to see. Since this was in a transitional area, he felt that it was in the County's interest that it succeed in allowing 175 feet of view across the parking lot of buildings a long distance away at the other end, particularly if they agree with numbers 2 and 4 that it will have a substantial amount of parking. It seems that is a reasonable surmise and he agreed with Mr. Thomas and Mr. Finley.

Mr. Barnes pointed out that if they increase the tree plantings, then the square footage would be decreased.

Mr. Rieley stated that he was confident if they could work out the big block of this to everybody's satisfaction that they could work out the tree locations. He asked Mr. Edgerton about number one.

Mr. Edgerton stated that he agreed with the ARB's recommendations. He stated that if they were talking about that much sensitivity in the beautiful rendering of Blocks F and G, then he could be persuaded to go along with the applicant.

Mr. Benish stated that the way that area was set up, particularly with the willingness to establish the road system they want, that it allows it in the long term to be retrofitted with buildings later as the roads become public streets. The concern of visibility solely from Route 29 may be emphasized.

Mr. Rieley stated that was an important point that Mr. Benish raises because it rationalizes supporting this kind of pattern in the northern piece. With the street network as it was proposed, it does leave open all kinds of alternatives for redevelopment that could eventually make the northern part look more like the southern part does. He stated that they have an agreement for flexibility in not filling that missing tooth in along the street with a caveat that it is connected to number 2, the issue of the trees and the overall visibility. He stated that the Commission agreed with number 2 and the general principal of number 3. He stated that the illustrations that accompany this, in fact, show that kind of level of variation and harmony. Those are subjective terms and people could interpret them differently. He stated that if what got executed is what is illustrated here, in his opinion that would meet those objectives.

Mr. Edgerton and Mr. Thomas agreed.

Mr. Rieley stated that in number 4 that the landscaping shown along the Entrance Corridor may need to be augmented. He stated that the Commission all agreed that was in the ARB's venure. Regarding number 5, the Commission has no intention of limiting the ARB's capacity to do their job. He felt that Ms. Joseph's suggestion for a joint meeting in the future was a good one. He asked if anyone disagreed with that.

Mr. Edgerton stated that he would welcome the opportunity for a joint meeting and suggested that they discuss the issue about the extra building for visibility.

Ms. Joseph stated that if the renderings are approved as part of the rezoning process, then that will get built. She pointed out that was part of what they were talking about because if this is part of the Neighborhood Model, then renderings are suppose to become part of the approval process.

Mr. Rieley pointed out that their language always says in substantial accord with the spirit. He noted that there was the matter of interpretation at some stage of the game, but he did not think anything that they have approved based on sketches has ever looked exactly like the sketches.

Mr. Barnes stated that they could be cognizant to make sure they don't tie into aspects of the architecture if that is what it is.

Ms. Joseph suggested that Mr. Kamptner provide language to allow for the possibility of the relocation of the buildings. She stated that she was just worried about that confusion.

Mr. Rieley agreed and suggested that they clarify that. He stated that it was not in the authority of the ARB to insist that a building be placed where there is not one on the plan. He felt that was the Planning Commission's role. The next issue is the 70,000 square foot footprint restriction. The applicant requests a 77,000 square foot footprint limitation on a single user. Staff has no objection to the applicant's request. What is the Commission's opinion?

Mr. Thomas stated that he heard the applicant state that this would be the only building of 77,000 square feet. Therefore, he supported the applicant's request.

Mr. Finley agreed with Mr. Thomas.

Mr. Rieley agreed with the concept since that specific limitation on that particular building could be justified. He asked that it be for that specific location.

Mr. Edgerton asked if they could reduce it to 74,000 square feet as the applicant had stated.

Mr. Rieley suggested using 75,000 square feet.

Mr. Edgerton agreed with Mr. Rieley.

Mr. Thomas stated that since the applicant has agreed to not ask for it anywhere else that he felt that the applicant should receive 77,000 square feet.

Mr. Rieley stated that regarding the northern third of the property; the staff accepts the applicant's argument that the large retailers and surface parking lots are necessary to support the economic viability of the project. Does the Commission agree? He stated that he had already addressed his feelings. He felt if this project was mostly that kind of proposal, then he would not take that view of it.

Mr. Edgerton agreed with Mr. Rieley that they were making a huge concession.

Mr. Thomas agreed.

Mr. Rieley stated that staff has suggested three road alignments that he felt warranted some discussion. The applicant's do not support these realignments. What is the Commission's opinion?

Mr. Barnes pointed out that it sounded like there was a change in some of those tonight.

Mr. Edgerton stated that he found himself to be more persuaded by staff's argument more conventionally than the applicants until he saw the long-term solution that the applicant proposed tonight. He noted considering the uncertainty of the Sperry and the Comdial buildings; it was hard to know where these connections should be. As Mr. Cox pointed out, it was hard to draw lines through a property that you don't have any control over. With the plan as it exists, the abbreviated grid going through the Sperry property and perhaps going through the Comdial building at a later time, he felt left open a lot of interconnectivity that was part of what they were

trying to do. He felt that it was absolutely critical that there be the connection up through Fourth Street. He noted that he heard that the applicant was comfortable with that. The applicant suggested another possible connection with Commonwealth Drive.

Mr. Barnes stated that the applicants had mentioned Third and First Street. He pointed out staff's concern about the replication of the Kmart cut-through.

Mr. Rieley stated that in the CPA there were three north/south corridors and only two in the current proposal. He asked if that was troubling to staff?

Mr. Barnes stated that as long as there was one, then it would be fine.

Mr. Thomas questioned what it would do to this piece of property if the one that goes into the Comdial property provided connectivity into it.

Mr. Benish stated that access would go into the back of the existing Comdial building. Therefore, you have to come off of that and around the building. He noted that staff would provide a bigger grid that shows how all of the roads would interconnect when they discussed the transportation issues.

Mr. Cox stated that Comdial has a sketch that shows how this might be accommodated to the right-of-way that Mr. Thomas is speaking of.

Mr. Barnes stated that staff would take that into consideration before returning to the Commission with their final traffic report. He noted that staff would provide a better map and plan.

Mr. Rieley stated that it was a clear example of how these things interrelate, the internal circulation and the bigger picture. He asked that the minutes reflect the fact that the potential connections that Mr. Cox talked about tonight were more consistent with what staff had addressed as issues then he thought from just reading the previous document.

Mr. Edgerton stated that there was a fairly significant difference between what he heard from the applicant this evening and from what staff was recommending regarding Cedar Hill Drive. He felt that they should talk about that for a minute. The applicant was concerned with Cedar Hill Drive being a major cut-through here for fear that would separate their retail from supporting parking. Despite of the fact that he was not wild about this form of retail, he thought that there was a legitimate argument there. In looking down the road when this becomes the less desirable form of development, he thought that an experience like this would give the opportunity for infill development later that would allow that parking to still serve that but at the same time create the main circulation for the site following that pattern. He personally was convinced from what he was hearing that they don't need to continue this through as a major four-lane highway. He noted that he heard some concerns expressed from the applicant this evening that was really the major conflict. They do want circulation through here, but not the major circulation if he was not mistaken.

Mr. Rieley stated that he did not hear any suggestions to the contrary. He noted that Mr. Cox had made it clear in his presentation that this would be two lanes.

Mr. Edgerton stated on page 3, it says that certainly staff would like Cedar Hill Drive to continue in a straight line to allow for a possible future connection to be made through the Comdial Plant to Greenbrier Drive. He asked if that connection was all right if it was just two lanes.

Mr. Barnes stated that staff's concern was not really two-lanes or four-lanes. Part of the reason that you would have a four-lane street would be to allow the stacking of vehicles at lights or stop signs and that kind of thing. The Harrison Rue Study recommended only having the two-lane segment here and placing traffic controls at the intersections with roundabouts as a design

concept. Staff has no problem with two lanes there. He noted concern with the friction points from the traffic islands.

Mr. Rieley stated that staff recommends a combination of streetwalls and landscaping where the parking lots are adjacent to Cedar Hill Drive and Fourth Street. Does the Commission agree?

Mr. Thomas stated that he had no problem with that.

Mr. Edgerton stated that he was comfortable with that.

Mr. Rieley stated that next was public space and amenities. Staff believes that with the small improvements that the project can satisfactorily provide a sufficient amount of green and amenity spaces. What is the Commission's opinion? He stated that personally they had a percentage in the CPA that staff believes can be met with this general configuration. One area that he would like to see pushed on as hard as possible is utilizing the tops of some of these parking structures to get on-site recreational facilities such as basketball courts, tennis courts, etc. This would include anything that lends itself to the kind of paved surfaces that are going to be up there. While he felt that the contribution to off-site recreation was great, there was no substitute for having on-site recreational facilities. That was an opportunity that should not be missed.

Mr. Barnes stated that the Parks Department has been discussing an open gym type of facility.

Mr. Rieley stated that would be an asset.

Mr. Edgerton stated that it would be wonderful if the applicant could find ways to include recreation on site. He questioned whether having recreation on top of the building would cause conflicts with the residential units on the second floor.

Mr. Rieley stated that the last category was stream impacts. Staff has concluded that the benefits resulting from form and character of the proposed development outweigh the impacts resulting from the elimination of the two streams on the site. What is the Commission's opinion?

Mr. Finley stated that the County's Resource Manager has concluded that the piping of the streams was an acceptable trade-off because they are already seriously degraded. He stated that he agreed.

Mr. Thomas agreed with Mr. Finley. He stated that the water would be cleaner going into Meadow Creek if the stream was covered and piped rather than getting all of the runoff.

Mr. Rieley stated as a matter of principle he hated the idea of putting a stream in a pipe with the acknowledgement that these are in fact right at the headwaters. He felt that there was more drainage ditches than streams since they were badly degraded and were eroded. He suggested that they receive some input from Engineering on this. When they do something as drastic as putting an open stream into a pipe, that they should look at mitigation that is way over and above what their normal ordinance requirements are. He felt that was a big step to do that and they should be compensating in ways that go beyond normal stormwater detention because the trade-offs are larger than that. There are wild life habitat and the effect on the ecology of that particular area. He suggested that they also look at the water quality issues such as the cleanliness of the water and the oxygen levels and see if they could end up with an improved condition.

Mr. Finley supported keeping the stream open if they could improve the water quality.

Mr. Edgerton concurred with Mr. Rieley. He stated that a lot of vegetation would be cut down and replaced it with asphalt, particularly in the northern section. He suggested that there be some mitigation in the parking lot to try to recharge some of the groundwater in that area. He urged staff

and the Engineering Department to keep an open mind if there were ways that they could minimize the amount of additional impact from this sort of development.

Mr. Rieley stated that they needed to limit the environmental impacts of the development.

Mr. Thomas stated that a drainage ditch does hold dirty water.

Mr. Edgerton stated that in the long-range plan it would be nice not to contribute to it.

Mr. Rieley noted that all they could do tonight was to raise that as an issue.

Mr. Barnes stated that what he had heard tonight was that the design issues that they have left to tackle are relatively minor. There were a couple issues that may be impact and design, but in the major share of the project there seems to be agreement and the issue seems to be somewhat settled. He asked if that was a fair characterization.

Mr. Rieley stated that was correct with one big caveat in his case. That is how this is going to work with the solution of traffic at the intersection of Hydraulic and Route 29. He pointed out that could change a lot of things and it has to work together.

Mr. Edgerton agreed with Mr. Rieley noting that he continues to be concerned about not only this project, but also some of the other projects. He stated that the County has a responsibility to address this transportation component that is going to be critical for the future viability of our community, and also with the economics for any of these projects.

Mr. Thomas stated that it was critical for both sides.

Mr. Rieley thanked the staff and the applicants for addressing their prior comments and suggestions.

In summary:
The Planning Commission held a work session to conclude the major outstanding issues related to the first portion of the review – internal design and layout issues. Staff believes that once the major design issues are settled that it will be easier to resolve the remaining issue areas. The Commission was asked to provide the applicant and staff with a definitive list of comments and concerns related to design and layout. The Commission held a discussion and provided comments and suggestions, but took no formal action.

The Planning Commission took a break at 8:13 p.m.

The meeting reconvened at 8:31 p.m.

Mr. Rieley asked staff to start the work session with a staff report.

ZMA-00-09 North Pointe - Request to rezone 269.4 acres from RA Rural Areas to PD-MC with special use to allow a mixture of commercial and residential uses with a maximum of 893 residential units, approximately 664,000 square feet of commercial and office space, a 250-room hotel, and approximately 177,000 square feet of public/semi-public uses. The proposed residential density allowed by this rezoning would be approximately 3.31 dwelling units per acre (gross). The property, described as Tax Map 32, Parcels 20, 20a, 20a1, 20a2, 20a3, 22h, 22k, 23, 23a, 23b, 23c, 23d, 23e, 23f, 23g, 23h, 23j and 29I is located in the Rivanna Magisterial District north of Proffit Road, east of Route 29 North, west of Pritchett Lane and south of the Rivanna River. The Comprehensive Plan designates this property as Regional Service, Office

Service, Urban Density (6 - 34 dwelling units per acre) and Neighborhood Density (3 - 6 dwelling units per acre) in the Hollymead Community. (Elaine Echols)

Ms. Echols stated that the Northe Pointe Community Plan is located on the wall behind the Commission. She stated that reduced copies of the plan were provided in their packets. She stated that she would go over the things that have changed since the Commission last reviewed this plan. Then, hopefully, the Commission can address the four big topics that have been outlined in the staff report. There are other topics that need to be discussed, but these topics seem to be the most important and can possibly frame some of the other items to be discussed. The following items to be discussed include:

- Uses/Design
- Mix of Uses
- Environmental Resources
- Grading

The last time that the Commission saw this plan:

- the northern part of the plan looks as it does now,
- the central part has provided a few more interconnective streets,
- the eastern part has reduced the size of a lake, and
- the southern central area has a school site and senior living center shown.

The school site, as is with other items, has been put on here as possibilities. These are things that they will want to discuss tonight. The plan calls for the statistics that are shown on the plan. The roads are generally to be provided as shown. Other than that, they need to work on what is fixed and what is flexible. Before getting to that, she asked to take the Commission through the four topics.

The first topic is Uses/Design, which was the most important topic about this particular development. It is certainly different from the last work session discussion. This development shows on the southern most end a very large shopping center area. Going north, there are a lot of residential uses. It is fairly segregated, but does have a mixture of uses. Staff would like to ask the Commission three questions about the uses and design:

1. Do the uses appropriately relate to the Comprehensive Plan?
2. Is the overall design in accordance with the Comprehensive Plan?
3. Are the locations of residential and non-residential uses appropriate?

Mr. Rieley stated that they would begin with the first question.

Ms. Echols pointed out that the applicant was available if the Commission has any questions.

Mr. Rieley asked staff to elaborate on her statement, “Because the design does not reflect an integration of uses and because several of the principles of the Neighborhood Model are not reflected in the development, staff believes that the overall design is not in accordance with the Comprehensive Plan.”

Ms. Echols stated that actually speaks to the second question. Staff believes that we are looking at a fairly conventional development that has a fairly large segregation of uses. The plan shows residential uses that are pretty separate from the commercial uses. Although there are sidewalks shown on most of the roads, she felt that the likelihood of the residents living in the farthest north residential areas to actually walk to a regional shopping center is kind of minimal. Many of the principles of the Neighborhood Model are not met in the design. She noted that the applicant has provided, which is at the back of the staff report, how they believe the plan is in conformity with the Neighborhood Model. The mix of uses is appropriate. The relegated parking is one of staff’s favorite topics. While there might be questions about how to relegate the parking on Route 29,

the parking is not relegated through the central part or the spine road. Staff does not know much about the buildings and spaces of human scale because the applicants decided to wait on that until they deal with the Architectural Review Board. Those are some of the key instances that staff feels are not in keeping with the Neighborhood Model. Staff stated that there were limited opportunities in the northern part for interconnectivity because of the terrain. The interconnections are best made in the middle in terms of how you interconnect the different types of uses. The terrain in the northern part of the property is very rough and there are slopes that go down to the Rivanna River. There is floodplain and wetlands in some of these areas. There is much more difficulty in the northern part. By and large, staff does not have much difficulty with the northern part because it is just a difficult piece of property or area to design sensitively. Staff thinks that there needs to be a more sensitive design for the apartments down towards Route 29.

Mr. Thomas asked if that area was sitting on a hill, and Ms. Echols stated that it was and that a road would have to be cut into it.

Mr. Rieley stated that the answer to the question relative to the uses appropriately relating to the Comprehensive Plan is a fairly straight forward one in that they in a diagrammatically sense do correlate with the general categories that are shown in the Comprehensive Plan. He stated that an important caveat to that is that the Comp Plan is a twenty-year vision and that an important part of what they do is determining what portions of that long term vision are appropriate to be executed at a given time, in particular in light of the existing infrastructure. He felt the Commission needs to look at how it relates to this project and also within the context of other proposals in the area. He stated that he was extremely concerned about the intensity of the development in the regional service area and their capacity to absorb anything approximating that scale soon.

Mr. Edgerton concurred that diagrammatically if they were comparing the general layout of what they see here with the land use plan from the Comp Plan, if that is all they are looking at, yes it is consistent with that. He stated that he had a little trouble with that question because the first and second questions overlap a little bit. Whereas this diagrammatically shows very distinct zones of proposed land use, the desire to integrate some of these land uses through the Neighborhood Model needs to be reviewed at the same time. He stated that he was in total agreement with staff's opinion that there is little integration here and frankly looking at the project, the fact that one development is bringing in all of these different activities suggests an overture to the Neighborhood Model, but when you look at it you can draw very distinct lines of the regional service, office and the residential which had all been done very traditionally. There does not appear to be an effort to try to change the patterns. He pointed out that he saw a traditional regional service development, a traditional residential development and a mixture in the middle of institutional and office, but he did not see any effort to integrate except through a spine road, which was what was intended in the Neighborhood Model.

Mr. Thomas agreed that there was not enough integration and it did not reflect the Neighborhood Model.

Mr. Edgerton asked for clarification on page 2, "At the southernmost part, moving the road east might provide better opportunities to create a pedestrian environment by allowing buildings to relate more to the street. . ." He asked if she was referring to the spine road?

Ms. Echols stated that was correct and it was something that they explored as they were looking at relegated parking. How can you best relegate parking where you have a fairly high intensity set of commercial uses? Staff thought if the quantity and location of the commercial space were appropriate, then there were some legitimate reasons why it might be appropriate to have the highest intensity use at that end of the development. Then how could you have your buildings create a better face to the road, have your parking relate better to the buildings and create a more pedestrian friendly environment. She pointed out that they played around with some road alignments which pushed that spine road in the commercial area back a little bit bringing those

commercial structures up closer to the road and then putting some parking back behind. Staff looked at those and talked to the applicant about it a little bit. That is one of those areas that there needs to be more discussions about. Staff and the applicant are working from two different places in terms of what they feel needs to be done there.

Mr. Rieley stated that it seemed that the suggestions that you've made are actually fairly modest ones. He suggested that one might go farther in trying to get this mix of uses and the configuration of this in general in to a better pattern.

Ms. Echols pointed out that one of staff's first thoughts about this was that the regional shopping center should be more centrally located on the site. Staff talked to David Hirschman about the location of Flat Branch in front with its streams and tributaries. Mr. Hirschman felt that the front location would probably have the worst effect on the stream if you were going to have a lot of runoff that takes place from a highly intensely developed area. If the surface parking is what is used, then it makes sense to try to detain that and do some of the filtering before it gets out of that lake and then has more opportunity to filter as it goes on down to the river. That told us that there might be some other legitimate reasons not to put the regional service right in the middle and build around it for the sake of the stream. The stream is proposed in that particular development to be piped like something you have already spoken about tonight. She asked the Commission to discuss how things could be moved around and what their priorities are in terms of where you think the uses ought to be since definitely a greater mix of use is important within buildings if they were taking the first step. To get the pedestrian orientation, it would require bringing the buildings closer to the spine road.

Mr. Thomas asked where the stream was to be piped. He asked if was down between the office buildings?

Ms. Echols stated that it would be underneath the parking lot. The stream itself is not a very well defined stream. It is mostly the run-off from some of the run-off from other developments that don't have stormwater management and also some of the run-off from Route 29 that sort of blasts through that southern part that starts creating crevices that really becomes more of a stream. She thought it was right around where the lake was located. She pointed out that it was fairly hilly in the section where the shopping center was proposed. That stream starts to become more well defined right near the lake. Then the stream is well defined from the lake all the way down to the river. She referred the Commission to Figure F, Phase One Commercial in the back of the booklet that the applicant provided that show the streams that are starting on this property. Staff could provide David Hirschman's stream assessment information if they felt that would be important.

Mr. Rieley stated that would be very useful information.

Ms. Echols stated that staff would bring that back to the Commission next time. She pointed out that the wetlands have also been identified on the plan.

Mr. Rieley asked to get back to the list of questions to make sure they give staff some responses. He stated that regarding question # 1, he felt that they have given a qualified answer from a diagrammatic respective of yes. Question # 2, is the overall design in accordance with the Comprehensive Plan? He pointed out that a couple voices agree with staff's position that it is not in accordance with the Comp Plan. He asked if anybody wanted to add anything to that?

Mr. Finley stated that he would have to agree, but asked what they could say specifically here.

Mr. Rieley stated from his perspective, this project does not need to go back to the drawing board.

Mr. Rotgin asked if they would give them an opportunity for some dialogue.

Mr. Rieley stated that not right now, but in a few minutes. The next question is the location of the residential and non-residential uses appropriate.

Mr. Thomas stated that question almost goes back to the integration question.

Mr. Rieley stated that it did because somewhere there is a disconnect in his view between the literal diagrammatic reading of the Comp Plan and the objectives that are set out in the twelve principles of the Neighborhood Model that the County has adopted. In light of the latter fact, he would say no.

Mr. Thomas pointed out that not every principle of the Neighborhood Model could be met on every project.

Mr. Rieley stated that they were not equally applicable on every project.

Mr. Edgerton stated that he had read the applicant's justification for having met the principles and for a number of them there has been a re-interpretation on the principles as far as what they mean. He stated he was of the opinion that they will probably have to start over again, especially looking at the phasing plan because it looks like there would be a shopping center built, which will have severe environment impacts on the site, and then the rest of it may or may not develop is what he saw happening. The property was developing in a very traditional way. The cul-de-sacs, which the developer argues that are neighborhood friendly streets, and under that it says cul-de-sac which says no through traffic, which should be no through traffic encourages an internal Neighborhood focus insuring safe, secure and convenient living environment. He stated that his interpretation of neighborhood friendly streets is not that at all since this is the old path. The County has taken a fairly strong position that they don't want this because it is forcing all of the traffic back out onto Route 29, which is a huge part of the problem.

Mr. Thomas questioned if the topography had something to do with the way it was designed.

Mr. Edgerton stated that he hoped so, but that it was hard to tell.

Mr. Rieley stated that he would like to give the applicant a chance to weigh in on these issues. He asked if anyone objected to doing that now. Since there were no objections, he asked if the applicant wanted to address the Commission.

Ronald Keeney, of Keeney and Company, Architects, stated that he was responsible for the plan, which was in front of the Commission. He stated that they were asking a lot of questions that he may be able to answer. There are three elements that have driven the plan in front of them that allow them to get as close as they could to the Neighborhood Model, but there are elements on the site that keep them from getting all the way there. The first one is the spine road is being pressured through this site, in their opinion, by VDOT as an alternate to a Route 29 road use. It is intended to go across to Forest Lakes in an area there. They feel that they are going to have a substantial large amount of traffic through this that is not generated within the site. That cleavage tends to divide us a little bit and tends to break the pedestrian elements up a little bit and give an outside traffic flow through here that they are having to deal with. Obviously, that was not a part of the Neighborhood Model, but it was an element that they need to deal with. The second thing is that the topography, particularly in the northern two-thirds is quite extreme. The upper cul-de-sac is naturally graded at about 530. The creek bed here is at less than 430. They have 100 feet of vertical rise across the school site and the spine road in that particular spot. The segregation that has occurred is due a lot to the topography. If they preserve the streambed from this point down, then all of this structure would have to work its way up the hill. That cul-de-sac is at 510 and is about 50 feet above this roadway across here.

Mr. Rieley stated that the 100-foot grade change he was referring to was over 1,500 to 2,000 feet which means that overall grade change in that area is in the range of 5 to 7 percent, which was not that much. He asked if he was suggesting that there was something about that 5 to 7 percent grade change over that distance that precludes doing a design that is sympathetic to the Neighborhood Model?

Mr. Keeney stated yes, noting that an excellent example here is the school site in the middle. The original site that you looked at in December was a school site of about 2 acres. In working with Al Reasor they found that they need a site that is nearly level and that 5 percent was not acceptable to them. They have come back with a ten-acre site and were trying to make that whole site come within 15 or 20 feet vertically of itself because of what the school system wants. If they do that, because of creating the large flat spot in the land, they would end up with extreme grades above it and fairly steep grades below it because they have benched that 5 percent slope from the creek bed. Up to that point, they have had to bench it to get a flat site on which to put the school. They have had that problem all the way through this. There is no 2 acres on this site that are level enough to support a school. Therefore, they are going to have to make one.

Mr. Rieley stated that he was suggesting that this was not a very good site for a lot of great big buildings and great big parking lots.

Mr. Keeney stated that he believed that this site was large enough that it could occur here, but he was suggesting there were distinct areas of this site that are very poor for big buildings and parking lots. That is one of the reasons that they have segregated things in the large flat portion in front of the commercial buildings.

Mr. Rieley pointed out that you are the one that put the school on that site.

Mr. Keeney stated that they have moved the school to that site at this point. Because the creek bed in the existing terrain underneath of the parking lot essentially is the poorest area of naturally development that they have on the site at this moment, they feel that is the most appropriate place to develop something flat with asphalt. As you move further north, they are trying to separate pavement and not pave it to the lake.

Mr. Edgerton asked why this was the poorest area for the development.

Mr. Keeney stated that the stormwater run-off that has occurred from four or five different areas through here has left a large section of that eroded very badly. They are completely uncontrolled at this point because of the stormwater run-off. They have been working with Mr. Hirschman to develop the end of the lake. They were essentially trying to collect the four or five points of run-off together and stop the run-off by using the lake as the buffering point to let all of that settle and calm. Then the run-off could be restored and come back to an original streambed at that point and then be carried to the rest of the site. The real answer to your question is that the upper section of this is so steep in grade (a 7 percent roadway to get to that point) that no one is trying to do anything with the northern third of this. They are able to put a roadway down the spine, but they have to keep the houses close to the top of the hill.

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

Mr. Keeney stated that Mr. Rotgin has asked me to point out that Pritchett Lane is actually the high point of the site across the top so that they slope from the streambed all the way up towards Pritchett Lane. They were not accessing that. That one driveway isolates the upper northeast section. The topography is limiting what they can do up there.

Ms. Echols pointed out that the Engineer, Kim Cameron, who has been working on this project is here. She may be able to give the Commission additional information on the water resource

aspects of this and the grading since she has done extensive review of the grading. She asked that the Commission rely on her if they need her.

Mr. Thomas asked to hear some comments on the stream and the sediment that was going down that stream now.

Kim Cameron, with the County's Engineering Department, stated that David Hirschman has done some work with the stream assessment in this area. Mr. Keeney is right that some of the streams are already degraded at the southern end. She stated that she would be happy to answer any particular questions.

Mr. Thomas asked if it would be a better situation if the streams were covered.

Ms. Cameron stated that it would be piped as compared to a stream that was already eroded right now. She pointed out that Mr. Hirschman felt that it would be better to have the lake more towards the point of impact than where it was. She stated that would be at the southern end of the site to catch it, slow it down and to get some of the sediment out of it before it gets to the pipe.

Mr. Edgerton stated that even with the piping, there was going to be a lot more run-off from this large expanse of parking and from the building roofs. He asked if anyone had looked at the sizing of this lake. He stated that he was hearing from Mr. Keeney that this was basically being treated as a collection basin. He asked if that was an appropriate size.

Ms. Cameron stated that she had not looked at it in that much detail. She pointed out that they have requested a master plan due to the size of the site and they would like to see the drainage areas and the BMP worksheets to see if this lake would be adequate. It was downsized mainly due to some concerns they had of putting a roadway over top of the dam, which they did not feel was appropriate. That is something that has not been evaluated because they don't have the information.

Mr. Edgerton asked if she was in general agreement with Mr. Keeney's statement about the grade forcing the lack of interconnectivity. He stated that was a very critical issue as far as the way the plan works.

Ms. Cameron stated that they have worked with Mr. Keeney in a couple of previous meetings and managed to get a couple more interconnections, but yes as far as the further north end those streams are in pretty good shape and she did not think environmentally that they would support interconnection for the sake of sacrificing the environmental details.

Mr. Edgerton stated that he meant in the middle where they have these cul-de-sacs.

Mr. Rieley stated that clearly there was some topographic change here, but if one starts from the perspective that you want to achieve a configuration that is more sympathetic to the Neighborhood Model and has fewer cul-de-sacs, it seems that there are opportunities to do that.

Ms. Cameron stated that was possible. In some discussions, he was concerned with saving some trees and so forth in that area. It is pretty much going to be mass graded if you look at clustering, but she did not think you were going to save that many trees.

Ms. Echols stated that the applicant did offer to provide some other information on the storm water in between the Board's meeting and this meeting, and she had asked them to please wait. She noted that this was something that staff was working on with the applicant, but they did not want to add information to the mix before the Commission talked about the design.

Mr. Rieley stated that was right because they were not at the stage where they need something in great detail because there were larger issues that need to be resolved first.

Mr. Thomas stated that they were trying to get to the point to determine whether the Neighborhood Model could be applied more thoroughly than it was.

Mr. Rieley asked if there were other questions for Ms. Cameron.

Mr. Keeney stated that he needed to correct one point. The topography shown is at 530 and the cul-de-sac was at about 475. There is a 55-foot grade change going up that pedestrian path. The number immediately below the bottom of the circle was even that after they do the final grading. That cul-de-sac is actually lower than that. He stated that he did not want to leave them with the impression that it was nearly level.

Mr. Rieley stated that 50 feet over 400 feet is about 12 percent and with a little grading was not an impossible connection. He asked that the Commission move on to the mix of uses. The proposal calls for under 600,000 retail/commercial space, 80,800 square feet of office space and a potential for a little less than 200,000 square feet for a library, senior living center, daycare, school and church. The question is the combination of commercial to office uses appropriate to the site. He stated that the office space was a little less than 14 percent of the commercial space. He felt that there should be more office space and less retail space, which resulted from looking at the plan and the potential impact.

Mr. Finley asked what was the ratio.

Ms. Echols stated that she had calculated the square footage but not the ratio.

Mr. Rieley stated that the Commission should not be in the position of dictating a certain percentage, but this combination seems to be lopsided.

Mr. Thomas noted that it depends on what people want to rent and what the market demands.

Mr. Edgerton suggested that the applicant make more of a commitment in trying to figure out a way to have more of a mixture of uses and to integrate them together.

Mr. Thomas agreed.

Mr. Benish stated that it was really how the uses relate to one another that they were trying to deal with.

Mr. Edgerton pointed out that staff has pointed out that the uses are only potential and that no commitment has been made by the applicant.

Mr. Rieley stated that the next question is the quantity of commercial space appropriate if rezonings closer to Charlottesville are approved. He pointed out that no would be his answer. It seems that if they were getting a larger amount of commercial space, like the Albemarle Place for example and particularly with the Hollymead rezoning, is adding a large amount of commercial space at this time, then that is a responsible thing for them to do.

Mr. Edgerton stated that the Commission was not in the real estate business and that was really outside of their domain. He felt that they have a responsibility in all three of the large projects of making sure that the infrastructure of the community can support what is being proposed. He felt that it was in the developer's domain to determine whether the community or the region can support this, but the Commission does have the responsibility to make sure that in that support that they are not burning our systems, specifically roadway systems, in this situation which was his greatest concern. He stated that they would be bringing more traffic onto an already congested roadway. He suggested that they look at it on that level. He stated that they don't want any more commercial development if it is going to impound our community's infrastructure.

He stated that issue cannot be addressed at this point, but it has to be at some time. He pointed out that the preliminary information that they have received is that the Route 29 Corridor cannot support either one of them. Then the question is how do we deal with that.

Mr. Rieley stated that he was not suggesting that they try to predict in minute detail what commercial and real estate pressures are and react directly to those. He felt that they have to be cognizant of that fact. He agreed with Mr. Edgerton that the key issue is the capacity of the infrastructure to support it and that is the main point at which the relationship between the commercial forces and public responsibility come together.

Mr. Thomas stated that sometimes if something is put in, then the road will be constructed and somebody would come up with a way to make the roads carry more traffic. He stated that he was not saying that this should go in with the way the roads are currently. What he was saying was that if nothing is ever done, then no road is ever going to be built.

Mr. Rieley stated that it was quite true that development usually precedes the transportation improvements. There are two issues here. One is simply being realistic about our capacity to do that. He felt that the improvements that were recommended by VDOT relative to only the Hollymead proposal would have used up more than half of the total transportation funds that are coming to this area in the next 25 years. He stated that you could argue that VDOT's criteria was not good, but you could also argue that even if you could build enough lanes on Route 29 to bring everybody up to this destination point would that be a smart land planning decision.

Mr. Thomas stated no because the remedy would be to have more parallel roads rather than widening the lanes on Route 29 all the way up. He feared that they would get totally away from pedestrian friendly roads. He pointed out that you couldn't cross Route 29 on Emmett Street now because of the eight lanes.

Mr. Rieley stated that they also have to evaluate this in the context of the existing Comprehensive Plan that has identified this as regional service, but it still leave the issue of timing to us.

Mr. Thomas pointed out that the phasing would be most important.

Mr. Finley stated that if you ask him how he feels that he would have to say that it was too much. He noted that they have three major developments and they have to approach all of them from the same beginning point. In other words, if Albemarle Place and Hollymead are going, then you can't go. He asked how they could say that this much commercial space is not appropriate since they are looking at the same ordinances for all three projects and they have to treat them all three equally. He asked at what point, not taking the highway into consideration, could this be done.

Mr. Rieley stated that he did not how many hundreds of acres are in the County designated as regional service. What if everybody came in on the same day with an application to rezone all of them for regional shopping center? Would it be the responsible thing to say yes to all of them?

Mr. Kamptner stated that the Commission has the ability in considering a rezoning application to consider studies that evaluate the current and future needs of a particular land use. If the Commission determines that the study shows that there is too much industrially zoned land or commercially zoned land you could rely on that and decide whether or not to "approve a particular rezoning application." The key is that there should be studies that show that, and identify Albemarle's current and future needs.

Mr. Edgerton stated that it was really not for them to determine what the market may or may not bear, but your point is well taken because they were being asked for a rezoning here. He noted that there was a huge difference from what they were seeing here from what could be done by right.

Ms. Echols pointed out that staff had provided some physical impact analysis with the original staff report not dealing with whether it was a positive or negative income generator or tax revenue generator on the site, but what the possibility for absorption is and how much time it would take to absorb X amount of additional retail space. If the Planning Commission wants, staff can reprovide that for you.

Mr. Rieley stated that would be helpful in light of the conversation they were having. The next question was should there be any restrictions on building size in relation to commercial space? Staff pointed out that they have two CPA's that used the limitation of 1 to 65,000 square feet and the last one of 1 to 70,000 square feet.

Mr. Edgerton stated that staff is unsure of the direction of the Commission in this regard. He stated that his understanding of the reason that they did not put a size limitation on the Hollymead Town Center is that we did not have a chance because it had already been determined by the original masterplan by the Board of Supervisors. He stated that he felt strongly that there should be the same limitation put on this that would void the opportunity to do at least two of the structures shown here.

Mr. Thomas asked where the big retail merchants would go if they don't go on pieces of property that are zoned regional service like this that are designated for the larger stores.

Mr. Rieley stated that there were no places that would prohibit limiting the total square footage at all, but only when it is the total footprint.

Mr. Edgerton stated that every one of these companies have a different model than the one that they have been offered. He felt that they have a responsibility as a community to say if you want to come into our community then you have to be respectful of our community and give us your two-story structure. The argument that he hears is that they just won't come. If it was important enough for them to come, then he thought that they might be respectful to the community. If they don't want to be respectful of the community, then they don't want them.

Mr. Thomas felt that they were doing a disservice to the public if they don't allow the stores to come here that the public really wants. He stated that he could go along with the smaller footprint, but he felt that the public wants the larger footprint.

Mr. Rieley stated that nobody knows the answer to the question yet because they have never drawn a line for the most part. He stated that most of the standard retailers have a version of their plan that was multi-story, but it was not their preferred one.

Mr. Edgerton stated that the question that staff is asking us is should a similar restriction in building size be applied to this project. We just had this conversation in the last work session. He felt that he had given enormously because of the benefits in saying yes we will allow them to have the big box on that site, but the benefits on the rest of the site are so significant that it becomes a trade-off. Personally, he pointed out that he did not see the trade-off here because he did not see the Neighborhood Model that they were trying to get and he did not see a mix of integration of use.

Mr. Rieley stated that it was the same limitation that was already on that property.

Mr. Edgerton stated that to go with this square footage because that happens to be before us is wrong because he did not see the principles of the Neighborhood Model or a mixture of uses. They were proposing a large commercial shopping center with two building footprints of 118,000 square feet and 78,750.

Mr. Finley stated that they said that for the department store that there would be 77,000 square feet.

Mr. Rieley stated that it was for a 77,000 square foot footprint and no limitation on total square footage.

Mr. Finley stated that they were saying that there should be a limitation on the size of the footprint.

Mr. Rieley suggested that the footprint size be less than 70,000 square feet, other than the one store that was very specific and would be exempted for a slightly higher number because of its very specific location and condition. He felt that if they had a similar very specific proposal here that he thought they would make the same exception.

Mr. Edgerton stated that if they had a good reason for an exception that they should be open to hear it.

Mr. Finley asked what was the amount approved for Hollymead.

Mr. Finley stated that it was approved for 140,000 square feet.

Mr. Edgerton pointed out that amount was approved as part of the master plan.

Mr. Rieley stated that it was the Board's position that they wanted to get the town center and were willing to give up some square footage on that building in order to achieve that.

Mr. Benish stated that for the record on the Hollymead Town Center, the Planning Commission had recommended limiting that to 65,000 square feet, and the Board actually amended that when they adopted the CIP. That CIP was not brought back to you. That amendment essentially says it is desirable for the building sizes within the town center not to exceed 65,000 square feet, but it was recognized that in the regional service area that there would be buildings larger than that. There actually is a reference to a restriction to building sizes in part of the town center, but not in the regional service.

Mr. Rieley stated that the Planning Commission would be perfectly consistent in applying a 65,000 or 70,000 footprint because they have done it consistently.

Mr. Finley stated that from the beginning he has not agreed with limiting that size. He stated that suppose they do go back and get some trade-offs that they were willing to reconsider as they did on Albemarle Place. He asked if there would be consideration.

Mr. Rieley stated that it would be just as it was there.

Mr. Benish stated that he sensed that the Commission was split on this issue, but that they were missing three of the Commissioners tonight. He suggested that the way to remedy that was to look at the exception in the context of the other modifications that might pertain to the plan. He asked if that was enough of a conclusion tonight.

Mr. Rieley stated that was the best that they were going to do tonight.

Mr. Edgerton asked Mr. Finley he was willing to look at some modifications before they enlarge the footprint, and Mr. Finley stated that he was.

Mr. Rieley stated that it was an ongoing conversation and they would wait for the other Commissioners.

Mr. Edgerton stated that he would be willing to keeping his mind open to some flexibility there if he saw a good reason for it in the plan.

Mr. Rieley asked if the fluidity in terms of the mix and match of uses appropriate given the anticipated buildout period. He asked Ms. Echols for clarification.

Ms. Echols stated that there really are no commitments to when different commercial uses will be built because it was kind of a mix and match. The list contains all of the uses that are possible, but they don't know what and they don't know when. She asked if this mix and match possibility appropriate especially since there is not a commitment to these sort of institutional, public, semi-public uses. She felt that the applicant has stated previously that they want to go in and do the commercial first and then gradually build north with the residential over a twenty-year period.

Mr. Rieley asked Mr. Rotgin to come up to the microphone.

Chuck Rotgin, with Great Eastern Management Company, stated that there would be a dual start with a portion of the commercial area that will start along with the residential area that would come off of the spine road. They plan to do the center part of the residential area first.

Mr. Finley asked what the anticipated build out period was.

Mr. Rotgin stated that there were probably some other people present who would have a better idea, but his guess was that there was a tremendous demand for the single-family portions immediately. At this time next year Hollymead and Forest Lakes will be completely built out and there may not be ten lots in the northern part of the County that are available. That is the reason that the single-family is designed to be first. He stated that the residential, not the multi-family portion because that would take longer which made up 50 percent of the residential, would take four to five years outside to do all of the single-family and townhouses. The commercial would probably be a 5, 8 to 10 year total build out because they have two tenants who are ready to go in. The portion of residential in the center section would start first and a portion of the commercial would start at the same time. The proffers are difficult to read through and they agree that they need some work. The proffers speaks to the road phasing that reflects this type of development pattern that he mentioned. To address Mr. Edgerton's previous comment about infrastructures, he felt that if they look at the proffers throughout the Route 29 North improvements you will find that they correspond with what VDOT had recommended. He stated that this was the beginning of a journey, which was going to take some time, but he hoped that they would understand that this was a very difficult site that had some very significant topography. He pointed out that they have some bio-filter devices in the parking lot to help replenish the groundwater. When you consider that is a four-lane spine road going through the middle of that property that VDOT is almost mandating, and you consider that they have the desire to protect the streams, and they have steep bluffs that Ms. Echols has done a nice job of working with them on and they have respected all of those, plus they have the limitation of no access on to Pritchett and therefore they have some very difficult challenges. He stated that he was happy to take any suggestions. There has been a tremendous amount of work done since that drawing was put together. They agreed with staff that they would not provide any additional information until after this meeting. He stated that they understood the Commission's concerns, but pointed out that they have some concerns from the marketing standpoint. He stated that they would submit some additional information that would address some of the issues that have been discussed. He pointed out that they have traveled the East Coast to find examples of this type of development. He pointed out that there was a lot of office space available right across Route 29 and the office market in the Charlottesville area is the weakest of all of the real estate area. Ms. Echols made a point, that if five years from now they start on this and the office market turns around, then they will be right back in front of you asking can we replace the motel with office space. He stated that this was a working process and they hoped that the Commission would consider this as their first step.

Ms. Echols asked if the Commission agreed there needs to be some commitments to certain things that they talked about and what you are doing where. Also, if there needs to be some commitments to timing. She felt that they agree that the applicant has made that clearer than she

had ever picked up on because she never caught that. She pointed out that she could get that one squared away.

Mr. Rieley stated that the next question was if the quantity of residential to non-residential uses was appropriate. Once again, in the non-residential use category the quantity and character of the commercial retail and its complete segregation from the residential troubled him.

Mr. Edgerton agreed because he saw a traditional pattern of commercial one place and residential another which was a lack of integration.

Mr. Thomas pointed out that Mr. Rotgin had spoke about some mixed use on the buildings.

Mr. Rieley stated that the next question is the mixture of housing types appropriate.

Mr. Thomas stated that they were back in the marketing again.

Mr. Rieley stated that there was more than just housing types. There is the relationships and how you put them in. He stated that the whole stretch from the shopping to Route 29 you could probably find it in the Neighborhood Model under what not to do.

Mr. Edgerton stated that it was particularly in the relationship of the parking to the townhouse units.

Mr. Rieley suggested that area should be designed to create neighborhoods instead of tracts of townhouses in his view. He stated this is the reason that they have the Neighborhood Model.

Mr. Finley asked if some of the commercial should be moved down to segregate the uses more.

Mr. Rieley stated that some of the housing types don't have to be completely segregated into huge tracts.

Mr. Finley stated that as far as the cul-de-sacs and steep grades, is there anything else practical.

Mr. Rieley stated that there were limitations clearly that are imposed by the grades, but he felt that they have to work hard to overcome those and accept a cul-de-sac here and there as an alternative. What he worries about is having the topography as being an excuse for a cul-de-sac community rather than working with the topography and ending up with a few cul-de-sacs as a last resort.

Ms. Echols pointed out when they get into the environmental section; they could talk about where those things work out and get some more input from them on that item.

Mr. Edgerton stated that he was struggling with the lack of any attempt to relegate the parking at all or to try to create any sense of a pedestrian community in any of the townhouses. He agreed with Mr. Rieley that he would rather see a more sympathetic reaction to the topography rather than just trying to force an established pattern onto the topography.

Mr. Rieley pointed out that a good example was Rivanna Village that holds together with a cohesive design and he felt that was what was lacking in this project so far.

Mr. Thomas stated that the roads have to be designed for the topography and Rivanna Village does not have a lot of critical slopes on it until you get on the back side.

Mr. Rieley stated that they would move to environmental resources. Staff outlines a number of things like banks of the Rivanna, the floodplain along Flat Branch, and the steep slopes as

environmental resources that should protected including wetlands. Staff asks what environmental resources should remain undisturbed and which ones may be modified.

Ms. Echols stated that it would helpful for the Commission to Attachment A, page 6 because that is the best graphic depiction of the slopes, the floodplain and the river. The open space plan talks about the most northern part of the property where the Rivanna River and North Fork are located. The slopes that are adjacent to it in the northern most part are what staff is mostly concerned with. The applicant has shown staff some plans that show that they are planning to keep off of those slopes. She pointed out that the applicant understands the importance of this and is willing to go ahead and modify the design in order to respect those slopes in the northern part. They also have some ideas about the central part and those slopes that come down in that area where the cul-de-sacs are located. They would like to respect those slopes a little bit more because of the location of the wetlands in that general area. The applicants understand on the northern part the importance of the slopes.

Mr. Rieley stated that one area that he would give some ground in order to achieve better connectivity, a better street system, and fewer cul-de-sacs is crossing some critical slopes. From his perspective that would be unlike protecting the big blocks above the river and the floodplains associated with it. He thought they all acknowledged that they were not going to achieve connectivity without some grading in places and they have to cross a 25 percent slope in order to do that from time to time. He pointed out that was an area in which he had some flexibility.

Mr. Thomas concurred with that.

Ms. Echols stated that in the terms of that, staff was looking at the ones in the northern most part because they were identified in the open space plan and also because they were in the stream assessment survey. The northern one ranked so high that staff was encouraging them to protect them. The ones that were further east staff felt like had the ability to be modified to try to make those connections.

Mr. Edgerton stated that he was confused by looking at the plan because it appears that the developer has tried to respect some of these slopes in the layout, but there seems to be a lot of inconsistency in the center section. He asked if this was an older map because where the townhouses were it appeared to be a lot different road layout and parking. The units don't appear to show up.

Ms. Echols stated that they would be replacing this section. She noted that page 6 does not show the multi-units on there, but only shows the parking lots. Therefore, you cannot see where those units are in relation to the grades. In the center section is where staff felt were not interfering with any of the water resources. To modify those made sense to staff to get the connections.

Mr. Rieley stated under the general category was how is the undisturbed area to be protected. He stated that it was not a very good picture, but one of the things that he was struck by is that it seems that most of the open space is either associated with the river or very steep slopes or streams and in other words was left over space that has some trails and pedestrian trails associated with it. Positive open seems to be lacking. That is good land that is devoted to open space and to semi-public use so that the kinds of things that the Neighborhood Model is full of squares and greens and courts and parks is not in evidence in this plan. He stated that this was an area that needs some work. He stated that the open space should not just be the area that you cannot develop.

Mr. Edgerton stated that he was concerned with the amount of development that was being attempted on the entire site. It appears that the programmatic approach was to see how much you could get on this site. He stated that he had trouble seeing what was going on this site without seeing a massive clearly of a heavily wooded topographically challenged site. He hoped

that it would not happen when they go back and read the CPA language and it talks about trying to be respectful of the site and the existing vegetation and some of the mature trees on the site that you have to be respectful of before you even get around to developing it. The intent here was to clear-cut it and he was afraid if this project was developed with the intensity as proposed there will be no choice but to clear-cut a great portion of the site. He stated that he would welcome a plan that would truly be more respectful of the existing topography and vegetation. He stated that he did not know if there was any desire on behalf of the applicant to do that, but he would certainly be more inclined to work with the applicant under those circumstances.

Mr. Thomas stated that he was not in favor of cutting all of the trees down, but if the density is not up there then how affordable are the houses going to be.

Mr. Rieley stated that the next questions were is the location of the lake appropriate, is the treatment of the stream acceptable, and what characteristics should the lake have to be an amenity. He stated that he was persuaded by Ms. Cameron's comment that Engineering would prefer to see this farther to the south. He felt that the advantage to that is that it really could be an amenity for a scaled back commercial component. He asked if others have thoughts.

Mr. Thomas stated that VDOT wants them to put the highway in. He asked what that would do to that part of it. He stated that they could possibly build around it.

Mr. Finley asked if they did a study to reduce the size of the lake.

Mr. Rieley stated that the second question was is the treatment of the stream acceptable. He pointed out that Mr. Edgerton said earlier that it would be better not to bury the stream and if they have to it should be in order to get something that was very good.

Mr. Edgerton stated yes. He noted that the other thing was the applicant told us earlier that there was a lot of highly eroded area, but they don't have the information in front of them concerning the existing condition there. If moving the lake further south as Engineering has suggested to us would be beneficial to the collection, he would like to see some experimentation in trying to use the lake or an extension of the lake for the water. He stated that he did not know the formula that was used to cover every part of the commercial strip, but there might be an opportunity to soften some of that with a water feature that could be put in. By moving the lake south it might help with the stormwater.

Mr. Thomas stated that it seemed that the lake being where it is would be a better retention pond there than it would be further south because it would be catching more water.

Mr. Rieley stated that would depend on all kinds of things.

Ms. Echols stated that this might be something that staff can give them more information on before you actually come down on something as far as the decision goes. They could discuss this when they talk about the water quality because she thought that the idea of putting the lake more in the area where the parking lot was right now was something that they needed to talk with Engineering about. Staff will get back with the Commission to give more stream and lake information.

Mr. Rieley stated that they talked a little bit about piping the stream to accommodate the large surface area parking. From his perspective based on what they see here, he did not believe that it was justified.

Mr. Edgerton agreed with Mr. Rieley.

Mr. Thomas asked where is the Flat Bridge.

Mr. Edgerton stated that it was under a parking lot.

Mr. Thomas asked if it was a stream and if they were piping the drainage off of Proffit Road.

Mr. Rieley stated that they would have to rely on Engineering to get you some more information.

Ms. Echols pointed out that they have some photographs that might help.

Mr. Rieley stated that there were three questions that relate to grading. Is grading shown for the site appropriate? How should grading relate to the overall design of the development? Should reconstruction of 2:1 slopes and the use of retaining walls be minimized? He stated that he did not feel comfortable trying to answer question number 1 because the site relates to the overall configuration and he did not feel that they have arrived at a configuration that can get to the point of being tested against the grading.

Mr. Thomas pointed out that question number 2 went with number 1.

Mr. Rieley stated that clearly the grading is integral to the overall site design. He stated that they have presumed that if we can get a good dense development on parts of the site that preserve large portions of the site elsewhere that he thought that they have to acknowledge that those areas are going to be graded heavily in order to achieve that.

Mr. Keeney asked for some clarification. He asked if they should grade gradually even if it takes up the natural grade at the top of the hill that they were talking about with the cul-de-sac. The other extreme was should they grade certain levels flat and come up abruptly and use the natural terrain. The real issue to them and the question that Ms. Echols and he have been battling over is trying to balance the natural terrain and how much to leave versus how much you grade out in order to get the slope that you want.

Mr. Rieley stated that he did not think they could give a pact answer that would answer all conditions. He stated that he felt that it was often a mistake to grade too steeply simply trying to catch up quickly and that often it was better to disturb a larger area that are more sympathetic land form and acknowledge the fact that in doing that you are going to lose more trees and grade a larger area. He stated that was often the case.

Mr. Thomas agreed with that.

Mr. Rieley stated that you have to take it on a case by case basis.

Mr. Edgerton stated that it was how you look at a design problem. If you are going to make a specific function occur on a site and you have to make the site work with that structure and if you start with the structure, then you end up doing the flattening, the retaining wall and then the flattening. As Mr. Keeney pointed out, the County school wants a flat site. So if that is the starting point and that is the design program then you don't have any choice but to use retaining walls, then you would have to hurry up and catch up as you work your way up the hill. Personally he would prefer starting with the site and he thought that the Neighborhood Model addresses in its effort to be respectful of the site. He would rather start with the site and then decide what should go in a certain location and try to accommodate them.

Mr. Rieley stated that they have been through the list and hoped that they had given some good comments and suggestions.

Mr. Rotgin stated that he did not want the Commissioners to leave without the consultant's layout of this property in mind. He pointed out that it was really difficult to hear the Commissioners unless they held their microphones in their hands. He stated that he viewed a work session sitting around a table where they have an opportunity to give their viewpoint as they discuss

these issues. Sometimes you go on a tangent when they could say something that might bring you back and help the situation a little bit. He asked if they could have the next work session in the other room so that they could sit around the table and that there can be dialogue.

Mr. Rieley thanked Mr. Rotgin. He stated that one of the next steps that he would like to follow up on was Mr. Kamptner's suggestion that they assemble whatever studies that they have available so that they can put the amount of commercial that is being proposed for this site into a broader context because it seems that lots of the problems with this relate with the intensity of the regional service component of this.

Mr. Kamptner stated that the inventory of developed land in the various zoning districts is in this report this evening.

Mr. Rieley stated that was a starting point.

Mr. Benish stated that staff could redo the land use inventory that would be easier as part of the database with the new GIS system. They will provide some of the studies that would include a table of a very detailed assessment of the parcels with the true acreage that they have designated.

Mr. Rieley stated that he was appreciative of Mr. Rotgins acknowledgement that they were at the beginning of a process here because he felt that this project has a long way to go. He stated that he was confident that they could move this in a positive direction.

In summary:
The Planning Commission held a work session on ZMA-00-09 North Pointe to conclude a review, refinement, potential modification, and recommendations as per the request by the Board of Supervisors. The Commission concerning the design of the development, the proposed uses, the environmental resources, and the proposed grading held discussion. The Commission took comments from the applicants. The Commission held a discussion and provided comments and suggestions, but took no formal action. Another work session will be scheduled in the future.

Old Business:

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

New Business:

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

Adjournment

With no further business, the meeting adjourned at 10:20 p.m. to June 17, 2003.

V. Wayne Cilimberg, Secretary

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