Albemarle County Planning Commission
July 8, 2003

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, July 8, 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; Tracey Hopper, Vice-Chairperson; William Finley; and Pete Craddock. Absent was Jared Loewenstein.

Other officials present were Wayne Cilimberg, Director of Planning & Community Development; Margaret Doherty, Principal Planner; Tarpley Gillespie, Senior Planner; Susan Thomas, Senior Planner; Greg Kamptner, Assistant County Attorney; and Frances MacCall, 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.

Consent Agenda:

SDP 2003-039 Mansfield Farm Site Plan Waiver - Request for site plan waiver approval for a third dwelling on 522.79 acres zoned RA, Rural Areas. The property, described as Tax Map, 49 Parcel 24 is located in the Rivanna Magisterial District on Rt. 640 (Turkey Sag Road), approximately 1.9 miles from Gordonsville Road, Route 231. The Comprehensive Plan designates this property as Rural Area. (Shea Farrar)
SDP-2003-Pantops Court Preliminary Site Plan Critical Slope Waiver - Request, pursuant to Section 4.2.5.2, to allow for the disturbance of critical slope. Tax Map 078, Parcel 73A3 - (Francis MacCall)
SUB 03-107 Braeburn Ltd. Partnership Private Road Request: Request for authorization to allow a private road to serve five lots. Tax Map 040B, Parcel 49 - (Yadira Amarante)
Approval of Planning Commission Minutes – May 27, 2003.

Mr. Rieley asked if any Commissioner would like to pull any of the items off the consent agenda. There being none, he asked if there was a motion.

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

Mr. Thomas seconded the motion.

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

Deferred Items:

SP-03-32 Albemarle County Fire Department Communications Amendment (Sign #20 & 22)
Request for a special use permit to allow the attachment of an antenna, supporting communications for the County of Albemarle's Fire-Rescue services, at 97 feet on an existing 99-foot tall tower. This application is being submitted in accordance with Section 10.2.2.6 of the Zoning Ordinance, which allows microwave and radio-wave transmission towers and their appurtenances, by special use permit. The property, described as Tax Map 109 - Parcel 60, contains approximately 111.5 acres, zoned Rural Area District (RA). This site is located in the Scottsville Magisterial District on Fan Mountain Road approximately 4.5 miles from the intersection with U.S. Route 29 South, past the University of Virginia's Fan Mountain

Observatory. The Comprehensive Plan designates this property as Rural Area 3. (Margaret Doherty) ***DEFERRED FROM THE JULY 1, 2003 PLANNING COMMISSION MEETING.***

Mr. Rieley stated that the Commission would receive further applicant and staff information since SP-03-32 was deferred from last week's meeting for additional information and clarification. He asked what new information was available tonight.

Ms. Doherty stated that staff has some additional information that the applicant, Tom Hanson, can explain in detail regarding the specifications of the tower and how the antenna would be attached to the tower. In addition, staff has revised the recommended conditions of approval to match the new specifications, which has been reviewed and approved by the Zoning Department. She noted that it was just a matter of clarifying the details since there was nothing substantially different from last week. The main issue involved how to measure the antenna and brackets and the distance from the tower.

Mr. Rieley pointed out that there was a question about several illustrations being consistent. He asked if the illustrations have been revised as well.

Ms. Doherty stated that the illustrations have been revised. She noted that staff does have better information now, but felt that Mr. Hanson should go through that with the Commission.

Mr. Rieley asked if anybody had any questions for Ms. Doherty. There being none, he reopened the public hearing on this item and asked if the applicant would like to address the Commission.

Ms. Doherty passed out packets to the Commission.

The Planning Commission reviewed the new information.

Tom Hanson stated that the only changes were to condition number two. The additional antenna will be attached only as follows.

Mr. Rieley asked if the maximum width shall not exceed thirteen (13) feet, and Mr. Hanson stated that was correct.

Ms. Hopper thanked staff for the new pictures because they really helped

Mr. Rieley asked if there were other questions for the applicant. There being none, he opened the public hearing and asked if anyone else was present who would like to address this issue. There being none, he closed the public hearing to bring the matter back to the Commission for discussion and possible action.

Ms. Hopper moved for approval of SP-2003-032, Albemarle County Fire Department Communications Amendment, with the revised conditions as recommended by staff.

(In the event that the Board chooses to deny this application staff offers the following comment: In order to comply with the provisions of the Telecommunication Act, staff requests consensus direction from the Board regarding the basis for denial of the application and instruction to staff to return to the Board with a written decision for the Board's consideration and action.)

1. The tower shall not be increased in height;

2. The additional antenna may be attached only as follows:

    a. The antenna design shall be as shown on the attached brochure, entitled "Ground Plane Omni Antenna", dated July 8, 2003;
    b. The highest portions of the antenna shall not exceed 104 feet above ground;

c. The new antenna shall be attached to the tower by two mounting brackets at 97 and 99 feet above ground. The mounting brackets shall extend no more than five (5) feet from the tower structure. The center pole of the antenna shall be mounted no further than six (6) feet from the face of the tower structure. The maximum height of the antenna shall not exceed eighty (80) inches. The height above the base plate shall not exceed 60 inches. The maximum width shall not exceed thirteen (13) feet. The antenna shall be a color that matches the tower;
d. All ground equipment related to this antenna shall be contained within the existing building; and
e. The antenna subject to this approval may be replaced administratively, provided that the sizing, mounting distances and heights of the replacement antenna is as proposed by the applicant.

3. With the exception of the safety lighting required by Federal Aviation Administration regulations, outdoor lighting shall be permitted only during maintenance periods; regardless of the lumens emitted, each outdoor luminaire that is not required for safety shall be fully shielded as required by Section 4.17 of the Zoning Ordinance;

4. The permittee shall submit a report to the Zoning administrator once per year, by not later than July 1 of that year. The report shall identify each user of the tower; and

5. The tower and all supporting facilities shall be disassembled and removed from the site within ninety (90) days of the date its use for wireless communications purposes is discontinued.

Mr. Finley seconded the motion.

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

Mr. Rieley stated that the Board would hear this request on July 9.

ZMA-01-15 Martha Jefferson Hospital at Peter Jefferson Place - Request to rezone 106.92 acres from CO, Commercial Office to PD-MC, Planned Development-Mixed Commercial to allow for the Martha Jefferson Hospital and associated uses. The property, described as Tax Map 78, Parcels 20B, 20C, 20M, 31, 32, 71 and 71A is located in the Rivanna Magisterial District on Rt. 1118 (Peter Jefferson Parkway), approximately a half mile from the intersection of Route 250 West and Peter Jefferson Parkway. The Comprehensive Plan designates this property as Office/Regional Service in Pantops. (Tarpley Gillespie) **DEFERRED FROM THE JULY 1, 2003 PLANNING COMMISSION MEETING.**

AND

SP-01-56 Martha Jefferson Hospital at Peter Jefferson Place - Request for a special use permit to allow a hospital in accordance with Section 23.2.2.1 of the Zoning Ordinance which allows for hospitals. The property, described as Tax Map 78, Parcels 20M, 71, and 71A is located in the Rivanna Magisterial District on Rt. 1118, (Peter Jefferson Parkway), and approximately a half-mile from the intersection of Route 250 West and Peter Jefferson Parkway. The Comprehensive Plan designates this property as Office/Regional Service in Pantops. (Tarpley Gillespie). **DEFERRED FROM THE JULY 1, 2003 PLANNING COMMISSION MEETING.**

AND

SP-01-57 Martha Jefferson Hospital at Peter Jefferson Place – Request for a special use permit to allow a parking structure in accordance with Section 23.2.2.4 of the Zoning Ordinance which allows for a parking structure located partly or wholly above grade. The property, described as Tax Map 78, Parcels 20M, 71, and 71A is located in the Rivanna Magisterial District

on Rt. 1118 (Peter Jefferson Parkway), approximately a half mile from the intersection of Route 250 West and Peter Jefferson Parkway. The Comprehensive Plan designates this property as Office/Regional Service in Pantops. (Tarpley Gillespie) **DEFERRED FROM THE JULY 1, 2003 PLANNING COMMISSION MEETING.**

Ms. Gillespie summarized the staff report.

- This is a special use permit to allow structured parking in conjunction with the application plan for the health care campus. There are three parking garages on the application plan. Staff is asking that the Commission look at them comprehensively with the entire plan. There is one thing that the Commission should be aware of, that due to the time frame the applicant's have for the build out of this project, they have asked that a condition be attached to this special use permits SP-01-57 and SP-01-56. The condition is as follows: The special use permits do not expire, but instead remains in effect so long as the ZMA-01-15 is in effect should you choose to approve that ZMA. Staff has no problems with this special use permit and recommend approval with that condition.

Mr. Rieley asked if there were any questions for Ms. Gillespie.

Mr. Thomas stated that he had a question for Mr. Kamptner concerning the ramifications of the unlimited special use permits.

Mr. Kamptner stated that the only effect of that was that it is going to be indefinite. Usually the holder of a special use permit has 24 months to commence the use. The Commission or the Board has the authority to put a condition that extends that period, but usually it is for a specific time period. This one is a little bit different because it is part of a Planned Development zoning district. He pointed out that the parking structures are shown on the application plan and as long as the application plan is in place, he felt that it was fine.

Mr. Rieley asked if he was comfortable with the condition, and Mr. Kamptner stated that he was.

Mr. Rieley asked if there any other questions for staff. There being none, he opened the public hearing and asked if the applicant would like to address the Commission on this item.

Jim Haden, President of Martha Jefferson Hospital, stated that he had with him tonight Valerie Long, of McGuire, Woods, Battle & Booth; Mike Matthews, from Mike Matthews Development Company; and Ron Cottrell, Vice-President of the Planning Department of Martha Jefferson Hospital to answer any questions that the Commission might have. He stated that he did not have any additional information that they have not already given you in either the work sessions or last week. He asked for approval tonight from the Commission of the two special use permits and the rezoning.

Mr. Rieley asked if anyone else would like to address SP-01-57. There being none, he closed the public hearing to bring the matter back to the Commission for discussion and possible action. He stated that the public hearing had been held on all three of the items and the Commission could go back to the top of the list and take action on any or all of them.

Action on ZMA-01-15:

Ms. Hopper moved to recommend approval of ZMA-01-015, Martha Jefferson Hospital at Peter Jefferson Place, to the Board of Supervisors subject to the revised proffers as recommended by staff.

Mr. Kamptner stated that he would finalize the language of the proffers that the Commission received on July 1.

Ms. Gillespie pointed out that the proffers that she emailed to the Commission were the same ones that they had received at the July 1 meeting. She stated that they all agreed on the intention and the substance of those proffers, but there was some language tweaking that needs to occur before the Board adopts them.

Mr. Thomas seconded the motion.

Mr. Rieley stated before they voted on this, he would like to raise one issue that this is a long term project and it may be several years before the ground is broken and they probably won't be here. He felt that it would be wise for them to ask that the completed site plan come back to the Commission for review because of the importance of this project to make sure that the details are adequately addressed.

Mr. Kamptner asked that the Commission take a separate action for that request.

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

Action on SP-01-56:

Mr. Thomas moved to recommend approval of SP-01-056, Martha Jefferson Hospital at Peter Jefferson Place, to the Board of Supervisors with the following condition:

> The special use permit approvals shall not expire but shall remain in effect so long as the approval of ZMA-01-15 remains in effect.

Mr. Edgerton seconded the motion.

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

Action on SP-01-57:

Mr. Finley moved to recommend approval of SP-01-057, Martha Jefferson Hospital at Peter Jefferson Place, to the Board of Supervisors with the following condition:

> The special use permit approvals shall not expire but shall remain in effect so long as the approval of ZMA-01-15 remains in effect.

Mr. Craddock seconded the motion.

Mr. Kamptner suggested that the condition could read that the parking structure use shall commence during the period that the property's zoning is as approved under ZMA-01-15.

Mr. Rieley suggested that they stipulate that it be in accordance with the development plan.

Mr. Kamptner stated that if the application plan was amended, it would probably get a new number and this condition will need to track along. He suggested that the Commission tie it to the application plan as well. He stated that the final language could be worked out.

Mr. Rieley stated that it was important to make that connection.

Mr. Cilimberg stated that after the Commission voted, they needed to go back to SP-01-56 to make sure that the condition was clear.

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

Mr. Rieley asked that they go back to SP-01-56.

Ms. Gillespie stated that it was the intention of the applicant that the proposed condition apply to both special use permits: The special use permit approvals shall not expire but shall remain in effect so long as the approval of ZMA-01-15 remains in effect. She pointed out that the condition that Mr. Kamptner read meant the same thing.

Mr. Rieley stated that he was more comfortable with this condition because the parking garages need to be attached to the development plan.

Mr. Kamptner stated that no further action would be needed because it was just a clarification.

Mr. Rieley stated that the Board on August 13 would hear all three applications for Martha Jefferson Hospital.

Action on the Site Plan:

Ms. Hopper moved to have the site plan come back before the Commission for review.

Mr. Thomas seconded the motion.

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

Regular Item:

SDP-2003-031 - Franklin Court/Broadway Court Major Amendment - Request for major site plan amendment approval to allow the reconfiguration of three buildings for contractors offices/warehouse/shop and general industrial use (building 1 will be 8576 square feet, building 2 will be 5000 square feet, and building 3 will be 5000 square feet) for a total of 18576 square feet and move the approved entrance from Broadway Street to Franklin Street on 2.14 acres zoned LI, Light Industrial. The property, described as Tax Map 77, Parcel 40C2 is located in the Scottsville Magisterial District on Rt. 1115 (Broadway Street) at the intersection of Broadway Street and Franklin Street. The Comprehensive Plan designates this property for Industrial Service in Urban Neighborhood 4. (Francis MacCall)

Mr. MacCall stated that he had two packets for the Commission's review that contains additional photos that the Engineering Department has taken in order to get an idea of what the situation is with the location of the entrances.

- The proposed development is located at the intersection of Franklin Street, which is in the City, and Broadway Street, which is a County street. The site currently has an approved plan for three industrial buildings with an entrance on Broadway Street, which was approved back in July 2002. The applicant has proposed a major site plan amendment to change the size and configuration of buildings and to change the location of the entrance on to Franklin Street. Staff has reviewed this request for compliance with the Zoning Ordinance and has not been able to recommend approval of the plan because of what staff believes to be an unsafe entrance on Franklin Street. If the Commission does recommend approval, staff has outlined conditions that the applicant must still provide to get the amendment approved. Staff would be happy to answer any questions.

Mr. Craddock stated that he was at the site and they have a sign up that says approved site plan, but it does not have the approved site plan, but the proposed site plan.

Mr. MacCall stated that he saw that sign last time he was on the property. He suggested that they ask the applicant why they put the sign up.

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

Neal Gropen, on behalf of Neal and Lucy Gropen, stated that they were the two people that wanted to put up these buildings. He pointed out that they constructed the site sign themselves, which was just wishful thinking. The sign was not intended to imply that the sketch was approved, but only that was the direction that they would like to go in. He pointed out that they have one person who was interested in a lot regardless of the location of roadway. The second building that they were working on also was independent of the location of the roadway. If anyone is interested in the third parcel, then they will be informed where that entrance will be. He noted that there has been no misrepresentation to anyone. The project's architect, John Rhett, was present and would be able to discuss the specific points. He felt that his request was not unreasonable since they had been on site at all times of the day and the bridge was quite recognizable from all directions. Therefore, they believe it to be safe. The City, as he understands it, has approved the roadway coming off Franklin Street. For those reasons, they would also assume that it would be safe. The City says that they can put the roadway there and they do not understand why one municipality would find it safe and the other municipality would find it not to be safe. He stated that he understood that there are different Codes, but they did not intend to put an entrance where it would not be safe. He pointed out that the City has found the entrance to be appropriate.

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

Mr. Edgerton asked why they had the need to move the entrance to Franklin Street.

Mr. Gropen stated that the cut that went to Broadway Street was excessively deep and their goal was to make it in some ways more of a Neighborhood Model. They did not see tractor-trailers coming in and unloading precast concrete 50 footers on this site. The majority of the users will be small economy van service/prep vehicles. That is the nature of the buildings and the users. The original site approval required a 10 or 15 foot reinforced wall with a guardrail across the top, which did not seem to be an environmental or appropriate use of the land. The requirements for the northeast part of the project had a huge cut, which was the only neighbor that was not the railroad.

Mr. Rieley asked if there were other questions for Mr. Gropen. There being none, he asked if anyone else would like to respond to this application. He stated that there were four names on the sign up sheet beginning with Bill Emory.

Bill Emory, resident of 1604 E. Market Street, stated that he had been a resident of Charlottesville since 1987. The Woolen Mills neighborhood in which he lives borders Broadway Street to the north. It is a neighborhood with a long history of bordering Charlottesville. Woolen Mills was founded in 1830 and was a mixed-use neighborhood. It is a neighborhood where commerce and people have gotten along well together for 170 years. Being a mixed-use neighborhood is a balancing act. The application before the Commission tonight could potentially affect the residential neighborhood in the City with traffic. Routing more traffic on to Market Street was posing a threat to pedestrians using Franklin Street. He stated that if the Commission could not deny this request, then he would ask that they table the consideration of the site plan amendment until they consulted with the City Planning Commission regarding the adverse outcomes that might result from this amendment. This use would jeopardize the continuing development of Broadway. He pointed out that the property was in the view shed of Monticello. He stated that at the east end of Broadway Street was the house of H.C. March who was the founder of the Woolen Mill. He asked that the Commission takes into consideration the historic value of this building and look into creating a historic district to protect it from further industrial encroachment.

Victoria Dunham, resident of 2000 Marchant Street, stated that she has lived in the neighborhood for ten years. She pointed out that she has been through that underpass almost every day for the

last ten years and it really is a safety hazard. She stated that many children use that tunnel every day to get to the Meade pool. She pointed out that particularly at 4:30 p.m. a lot of cars speed through the tunnel. She felt that it was a foolish idea to locate an entrance at that location. She stated that the driveway needs to go on Broadway Street and they need to discourage people from using that underpass.

Judy Marie Johnson, resident of 1702 East Market Street, stated that she came this evening because she was a resident on East Market Street and goes through that underpass everyday. She asked why they were trying to make a bad solution worse. The main issue is safety. Why would you want a solution that was unsafe? The traffic under the underpass is one way with very limited visibility, there are no sidewalks and there are many people who walk there. She pointed out that she had spoken with Mr. Tolbert of the City who was not aware of this request. From her conversations she questioned whether this has been looked at from the standpoint of safety, which was the primary concern? She questioned why they would change the entrance off a road that was wide enough to handle commercial traffic. She asked that the Commission discuss this issue with the City before they approve the request.

Allison Ewing, resident of 1900 Chesapeake Street and President of the Woolen Mills Association, stated that she spoke on behalf of the neighborhood in opposing the entrance to this off of Franklin Street for the reasons stated by her other neighbors here tonight. She stated that if you look at the site plan there are 70 parking stalls which means 70 cars that would cause additional danger to that area. She pointed out that the neighborhood has been working very hard to push back on the industrial encroachment into their neighborhood. She asked that the Commission start thinking about the inappropriate industrial uses adjacent to the neighborhood and work for solutions that balance the mixed uses. In this case, she requested that they keep with the original masterplan approved that had the entrance on Broadway Street and also think towards how the traffic can be directed through Carlton Road rather down East Market Street.

Mr. Rieley asked if anyone else would like to address this application.

John Rhett, architect for this project, stated that he would like to add a few comments to the letter that he had already written to the Commission. He stated that they originally came to this property looking to rezone it to be a mixed use facility, but was told by the County that their neighborhood zoning was actually in transition and had not been approved so that we might want to wait on that. He stated that they had good intentions to start here. When they were working on the site plan they wanted to make the buildings address the streets to make them safer for vehicles and pedestrians. He pointed out that their plan did have sidewalks so that it would be safer, but their old plan did not address that situation at all. He felt that it was the County's responsibility to coordinate with the City and they did answer some of the neighbor's questions. The County did send a copy of the site plan to the City Planning Department. In terms of visibility, which seems to be one of the issues for this project, if you approach the project from the south you can see the entrance for the property from over 700 feet away. The entrance is far enough down the road that it is visible from Franklin Street when approaching from the north. He submitted two photographs that indicate those conditions. He stated that their project actually widens the road there and so it does increase the visibility for vehicles and pedestrians. He asked that they read the other comments in his letter.

Mr. Rieley asked if anyone else would like to address this application. There being none, he closed the public hearing to bring the matter back to the Commission for discussion and possible action.

Ms. Hopper moved for denial of SP-2003-031, Franklin Court/Broadway Court Major Amendment, because of the poor location of the new proposed entrance. She stated that there were too many safety issues related to the entrance. She stated that it was a nice thought to try to minimize cut and environmental concerns, but she felt that the safety issues were the larger concern.

Mr. Edgerton seconded the motion.

Mr. Kamptner stated that the motion recommended denial of part of a site plan that is proposing access onto Franklin Street. Section 32.7.2 requires that each development be provided with safe and convenient ingress and egress to one or more public roads designed to reduce or prevent congestion in the public streets, minimize conflict and friction with vehicular traffic on the public street and on site to minimize conflict with pedestrian traffic and other things with the general umbrella being safety. He noted that the Commission had the report from the Engineering Department that identified the safety concerns. The applicant would need to submit an amended site plan that does not include access on Franklin Street to satisfy these requirements and all other requirements of the Zoning Ordinance in order for it to be approved.

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

Mr. Rieley noted that the request was denied for the reasons articulated by Mr. Kamptner.

The Planning Commission took a ten-minute break at 6:45 p.m.

The meeting convened at 7:00 p.m.

Work Session:

CPA 2003-02 5th Street/Avon Street Mixed Use Complex – Proposal to change the Comprehensive Plan, Land Use Plan designation from Industrial Service to Regional Service to allow development of a mixed-use complex including community and regional level retail and service, multi-family housing, industrial service, connector road, employment, and open space and park land uses. (Susan Thomas)

Ms. Thomas asked if everyone received a copy of the map. She passed out extra copies. She stated that the request was for a Comprehensive Plan Amendment to change the Land Use Plan designation from Industrial Service to Regional Service to allow the uses described above. She pointed out that the discrepancy in the acreage resulted because there was 89.4 acres in the County with the remainder located in the City. She pointed out that the old Brass project encompassed only two parcels. The new proposal adds two new parcels that includes the Grand Piano site and the Dittmar parcel, which was on the far right along Avon Street. The acreage that they were now looking at was just about double what was previously applied for under the Brass Comprehensive Plan Amendment. At the time, staff and the Commission agreed that it would have been very desirable to be planning for the entire area because geographically it hangs together. This way staff has the ability to look from major road to major road and not artificially because of ownership patterns cutting off the review and the recommendation right in the middle. Therefore, this larger project, in staff's opinion, is a much better way to be looking at the project. About one-half of the Commissioners participated in the review of the previous proposal, which was the Brass Incorporated Comp Plan Amendment. That project was reviewed over a period of two years with nine meetings with the involvement of the City Planning Commission and staff. The review did result in recommended language in support of a redesignation in the Comprehensive Plan from Industrial Service to Community Service/Mixed Use. The language was ready for adoption as a part of the Comprehensive Plan. It was not adopted because at the last moment the applicant withdrew the application as a matter of fact. It has served as reference point, for staff in particular, during the review of this current proposal because it is really the most current and the clearest direction they have on the County side for this property.

There are a number of similarities between the original proposal and this one. They include the following:

- Regional Retail is still the desired dominant use. There will probably be one or more big box users. In this current proposal the applicant is asking for 220,000 to 240,000 square feet and last time it was 210,000 square feet. Therefore, the request is very similar.
- Some smaller commercial and service uses are included.
- The two Brass parcels on the western end closer to Fifth Street still seem to be the heart of the proposal. The parcels are undeveloped and appear to have the most useable acreage.
- The Grand Piano site would be an adaptive reuse of an old furniture warehouse by Dominion Resources. That parcel will have its own use, which was an operation center for the Power Company.
- The vision for the Dittmar property has not been very clearly articulated. Therefore, staff was not sure what the applicant was planning for the Avon Street side. Residential use has been mentioned, but there was not a clear vision in the application.
- Staff still has access issues at Fifth Street, which was certainly an element of the previous proposal.
- The connector road concept was included in the previous request. However, in this proposal the applicant is actually offering to build it. That is quite different, but the connector road issue is still in there.
- One big difference is that they have a lot more property. Some of the new property was a municipal landfill. Of course, that brings its own issues with it and requires a special type of redevelopment.
- Retention of the industrial use in the form of the Operations Center for Dominion Resources was a new element. Last time there was no industrial use retained because it was all going to be a Community Service use.
- The applicant has proposed a small amount of residential this time. It is a little bit unclear how strong the commitment to that residential is in the application.
- Again, the connector road was planned to be built by the applicant.
- Because of the new property extending all the way to Avon Street, they have the issue of the influence on Avon Street on the project and concurrently the influence that the project might exert on Avon Street. There is a whole new element on the eastern side.
- The applicant is proposing a new crossing of Moore's Creek, which was a difference in this proposal. Staff so far is not supportive of that new crossing.
- Last time Bent Creek Road was seen as the access to Fifth Street.

In staff's review for this work session she deliberately tried to focus attention on the more fundamental questions. Staff has received only general information from the applicant. In a sense she felt that was good because it forces us to talk about the building block issues, what is the appropriate land use, and does the Commission find it to be justifiable to consider the Comp Plan Amendment to change the designation. They have very specific guidance if they want to use it in the form of the previously prepared Comp Plan language, which certainly could serve for this proposal. Staff would alter the language because they now have more property and more area to consider. She noted that staff would recap the comparison of the recommended language that was the outcome of the last review of the Brass, Inc. project with this proposal. This would bring the Commission up to speed on what the similarities and differences are between what the County was prepared to adopt and what the applicant has come forward with. Then she would move on to a brief summary of the questions that she posed at the end of the staff report. She stated that she was not going to go through the body of the staff report because it was too lengthy and the Commission has it available.

The previous land use designation, which was the one that the County staff, at the Board of Supervisors and Planning Commission's direction developed with Community Service/Mixed Use. That was with the expectation that a large department or discount retailer could be developed within certain perimeters on this site. The current proposal is for Regional Service, which is the most intensive commercial designation under the Land Use Plan. The profile, which was the language that they previously developed, described the site as a series of very distinct linked components incorporating retail and office or light industrial and also requiring some Urban

Density/Residential. The applicant did not want to do residential on the site originally four years ago, but they were moving towards a new Urban/Mixed Use Form and staff felt strongly that this was a good site for housing and that there ought to be some mixed in. There was a town center described, a mandatory 5-acre preservation tract that encompassed an area that includes some specimen trees, and a beautiful rock outcropping. There was a floodway/greenway area, a 10-acre residential area and a Regional Service District. All of these areas were defined and described. There were many limitations on the Regional Service, which probably complicated life for the applicant. These limitations related primarily to building design and footprint. The total permitted square footage for mixed retail/office and retail was 250,000 square feet. A single user could not occupy more than 160,000 square feet. At that time, there were many conversations about the different big boxes around town, and Lowe's was the biggest at that time that had about the same square footage. The ground floor of the big single user could not exceed 65,000 square feet. They were looking at a multiple story smaller footprint big box user. Each floor of that facility was to be designed so that it could stand-alone. Staff was reacting with the vacancies that they have had with some of the big boxes in the County and the difficulty in using them for other users. Finally, to minimize roof and foundation areas, the language required that a minimum of the roof and foundation areas of the nonresidential buildings had to be two-stories or greater. In other words looking at the total footprint, at least a third of it had to be two-story. Staff was looking for a urban form. The Neighborhood Model was not adopted, but they were very aware of trying to achieve a more compact complimentary mix of uses. That was certainly what motivated staff. They do not know how the language would have worked because the County did not adopt it, but it certainly had a lot of thought and attention.

- Going on to the new issues, she stated that because of the additional properties staff has the opportunities to consider some new issues such as the land fill. Should it be developed, and if so how and what are the appropriate uses for an area that once was used for a municipal dump.
- Other issues include the connector road alignment, the design and the engineering, the intersection location and traffic impacts. Staff was very involved with talking about a connector road, but last time they talked about it primarily as it related to the intersection with Fifth Street. Since they only discussed reserving the right-of-way, they did not get down to the engineering of it.
- The reuse of the Grand Piano site and the relationship of the future power company operations center to the rest of the site were an issue.
- The fact that they now have a Neighborhood Model Comprehensive Plan Amendment as an element of our plan and they refer to that in our review of projects like this and other legislative acts.
- Finally, the City has done a very extensive City Corridor Study that does talk about Fifth Street. She noted that the staff report includes an excerpt from the Corridor Study. She pointed out that there is a meeting scheduled with the City staff on July 16. Staff plans to discuss the Corridor Study in addition to lots of traffic and land use issues. Staff will have more information to bring back to the Commission from the City at the next meeting.

Staff will briefly summarize the questions for the Commission as follows:

- Does the Commission want to consider the Comprehensive Plan Amendment modifying or amending the Comp Plan to consider a designation other then Industrial Service? If you do, staff has drafted a resolution that just simply says that you will undertake the amendment. It does not say that it has to be Regional Service.
- How should the Neighborhood Four Profile language previously developed for the Brass, Inc. project be considered as a part of this amendment request or should it be considered at all? In staff's opinion, there are many similarities and it offers some useful guidance. She felt that they have come a long way since then and they understand and have adopted the Neighborhood Model and have worked with it a little bit more. Sometimes a new urban/mixed use form works well on a site and sometimes you have more of a special district that is dominated by a single use or a couple of uses. Therefore, staff has learned that not all sites

in a development area are created equal or should be handled in the exact same way since there is no cookie cutter approach. There are also areas within the designated development areas that have unique characteristics and that is the reason, of course, for the principle that says site planning that respects terrain. She felt that on this site they have the opportunity to preserve some of those features with careful site design. There are so many areas within the development area that they do not have natural features remaining that have that kind of value. She felt that part of this site was unique in that sense.

- Can this amendment be adequately reviewed with the submitted information, or do we need more to complete the review. Staff feels that more information is needed. She felt that at this stage they had adequate information to talk about fundamental issues, but she did not think they could go too far without more information.
- Is regional service-level retail appropriate and, if so, what form should it take in terms of what scale, how should the parking work and what design should be used? Staff does not have any recommendations on that.
- Should a redesignation from Industrial Service to Regional Service be evaluated for its implications on employment potential, both here and elsewhere? Staff feels strongly that it should. She felt that they were converting a lot of previously designated Industrial Service sites to essentially retail sites that is probably a sign of the times in a certain sense. She noted that they do not want to forget that employment is very important. Therefore, she suggested that they at least talk about it.
- What is the appropriate mix of uses that should be provided as part of the amendment to the Comprehensive Plan for this area? Staff feels that needs to be determined, but does not have any guidance on that.
- What role, if any, should this area play in implementing the City's fifth Street Corridor Plan? Staff suggests that where feasible, this site should support the corridor plan due to the fact that the City is so committed to the plan.
- What should the relationship of this site be to Avon Street corridor? With its wide range of uses, the Avon Street corridor offers the eastern part of the site many possibilities. They certainly want to enhance the positives on Avon Street and introduce some other positive change. She pointed out that there was a lot of frontage and visibility on Avon Street because the land was completely flat. She noted that it would have impact no matter what they do.
- What is the Commission's position on redevelopment of the former landfill? What types of uses would be appropriate? Staff advocates redeveloping the landfill, considering it to be valuable property given its size and location close to the City and County's urban area. Employment-generating uses might be located there, where structures with smaller footprints may be more practical to build given the unconsolidated state of the fill material beneath the surface of the land. Under certain circumstances you could probably do the big box there. If we were a typical city where land was in short supply, that would be a very valuable site for a redevelopment. The County might not be at that point, but she imagined that it has been done some where. Because of the environmental factors related to the former landfill use, it does not seem appropriate for residential use, nor would the existing uses near it on Avon Street seem to enhance the residential experience.
- Are there any Architectural Review Board/Entrance Corridor questions related to the development of this site? Staff feels that there will be many questions related to the Entrance Corridors, particular given the probable visibility of large retail structures from two corridors. She felt that this would probably come a little bit later in the review. Although as you think about the organization of uses on this site, we should be thinking about the impacts on the Corridors too because some uses are much harder to mitigate than other uses.

Staff stated that was a brief review of the summary questions. The Commission has some early comments from other reviewers in the packet. Staff anticipates getting many more detailed comments from some of those same reviewers as additional information is supplied.

Mr. Rieley asked if there were questions for Ms. Thomas.

Mr. Thomas asked if the property abutted right up to Avon Street and if it would be a good spot for the location of a big box.

Ms. Thomas stated that it did abut Avon Street and would be a location for a big box. She pointed out that the applicant did not want to use that area for the big box. She stated that in some circumstances a big box could be done on a site like that. If you are in a situation where land is in short supply or if that appears to be the best place, there are technical ways of making that happen even on a former landfill.

Mr. Rieley asked if there were other questions. There being none, he stated that he understood that the applicant has a brief power point presentation that he would like to share with us. He asked the secretary to allow the applicant ten minutes for the presentation.

Frank Cox stated that he was representing Coran Capshaw and New Era Properties on this property that the former applicant would prefer that you not refer to as Brass, Inc. He stated that it was now being referred to as the Fifth Street/Avon Street Project. As they have had a chance to work with New Era Properties over the last seven or eight months, they have had a rewarding planning opportunities because they have been able to get together with both VDOT and the County and work on some things. Due to technical difficulties with his computer, Mr. Cox stated that he would have to save the slide show until next time. While they were reviewing pieces of the former applications that took place in the 1998/1999 period, they tried to pull together a project to challenge all of us from a planning perspective. They needed to decide whether or not it was advisable to move towards a Regional Service designation on this property. The areas of Neighborhood IV and V really do in fact if you look at it at a macro scale represent a Neighborhood Model. The only thing that is missing in the area is a center. One of the graphics that he hoped to show them was some fairly clear representations of the amount of significant infill land use that has occurred since the last time the Comprehensive Plan's growth area boundaries for this area were adjusted. What they have seen over the last a half a dozen years in particular have been three or four major apartment projects that have gotten underway. This was really the last undeveloped piece of property that was unzoned in the area that does not have a fairly significant zoning designation to it other than the Granger property. This piece of property, the 89 acres, was comprised of three principle properties – the Brass site, the Grand Piano site, and the Dittmar property. In unison they afford us the opportunity to do some things that they did not have the ability to do five years ago when they began a platting process for Brass when they were proposing a Walmart on the property. The graphic behind you shows the general organization of the major transportation elements that would be implemented as a part of this. He stated that they could call it the last remaining piece of the southern parkway if you want or give it another name. This plan would provide a way to provide an Avon Street/Fifth Street connection, which in the event for what ever reason the extension of the southern parkway through the Mill Creek Subdivision never comes about, then this would be a very significant improvement to benefit regional transportation. He pointed out that they have developed a fairly transportation analysis, looked at the regional impacts, and evaluated intersections further to the north and in the City that are now suffering the consequences of having no real connection through to Fifth Street or the University area until you get into the City proffer. Therefore to have an opportunity to participate and provide a right-of-way as they do their planning on this, he felt that the applicant's ability to pull these three properties together under a unified control is fairly significant. The real issue is that of to be or not to be for the big box. When they visited this issue last time, the staff and he agreed to disagree. The Commission recommended adopted language that would restrict the gross first floor square footage on buildings to significantly less than a big user would demand. One of the things that they have done over the years has been to sample the attitudes of shoppers in this neighborhood as well as adding Fashion Square Mall. They found that a significant portion of those surveyed that are now shopping at Fashion Square, Walmart and Kmart felt that from a time and distance standpoint from their place of residence, that this site would be as easy to get to as any other site. That gives a bit of a subjective market argument to promote the notion that they really want to get to the bottom of and that is whether or

not the County feels that this is an appropriate regional service site. The market analysis supports it. Based on the demographic and population growth alone there is going to be a demand between now and 2012 for upwards of 1.8 million square feet of significant retail space for stores from anywhere from 3,000 to 180,000 square feet in size. These stores will have a measured desire to get into this market place. He pointed out that he knew of 50 to 80 stores that were playing one site against the other trying to locate at essential locations in and around the region. This is certainly a site that they have no end users except for Dominion Power that they were bringing to the table tonight. This is a site that would serve well to have on the north side of the proposed connector piece a community level center of roughly 100,000 square feet that would provide an upscale grocery, drug and community level support that would undergrid the spaces that are now in the Foodlion Center and on the south side the interest has been in a large format building up to 160,000 square feet. Without painting a specific picture of how the lines would be drawn on the page, the image of this 89-acre site is not one of a pristine Neighborhood Model, but it was being presented as a regional service model. The committed use is that of Dominion Power under the existing Light Industrial zoning. They have submitted a site plan and are proceeding through under the current zoning and conventional site plan review process. Dominion Power plans to support the employment goals in this neighborhood by providing as many as 100 to 120 employees at this location. The site is going to be for Dominion's consolidation of their operations at Hydraulic Road as well as in Orange for a maintenance yard, an operations center and a communications center that will provide a maintenance facility for all power operations in and around Albemarle County. That is one use that the applicant is moving ahead with. This application is a regional service request and was a request that would introduce the ability to achieve a right-of-way that they understand the County would like. They feel that in order to best represent the highest and best development potentials of this property, the program that they have outlined in the Comprehensive Plan Amendment is the one that they would like for you to give careful consideration to. Given the fact that they have submitted a near concurrent zoning amendment application with this and how that correlates to Susan's request for more information, the applicant would be more than willing and able to provide a very detailed master planning package on it if there was a way to bring the CPA and the ZMA process in to concurrency. At this stage, they wanted to get the Commission's direction as to what the most appropriate uses would be in this area. In addition, they wanted to tackle the issues of building size irrespective of what market demands might be and how to best introduce a fairly important transportation issue. He stated that Susan's inquiries are very appropriate and they would like to hear some of the answers.

Ms. Hopper asked why he asked for regional service designation this go round instead of community service/mixed use.

Mr. Cox stated that you could not do big boxes in Community Service.

Mr. Thomas asked on the road going through the property if Virginia Power would require access from both directions to Avon Street and Fifth Street.

Mr. Cox stated that dual access was highly desirable to Dominion Power.

Mr. Thomas asked if the road would be put in before anything else would be changed.

Mr. Cox stated that the site plan that they have submitted for Dominion will utilize the existing road and bridge that was constructed in order to provide access to what was described as a regional industrial center 25 years ago. The principle approach that Dominion has submitted would be along the existing road.

Mr. Finley stated that he talked about the survey that was made that indicated that the average shopper in the south would be well served here.

Mr. Cox stated that given the growth in the southern growth areas and all but one or two of the major southern urban tracts in Neighborhood IV and V are filling in or have plans on the boards to fill in that area. Then the population density was going to be fairly significant and it could be one of the denser areas in the County over the next 10 to 12 years. He stated that their evaluation of this seven years ago examined the demographic influences from Fluvanna, Louisa and Augusta Counties for regional level shopping opportunities. There was a very direct correlation between this site and the ability to capture shoppers from those areas. He stated that since the Comp Plan was reviewed for this area, outside of the Rural Areas density, and is going to support a certain level for regional shopping demands for this site. Within the County's growth area there are several thousand units that are planned in this area that were not on the table five or ten years ago.

Ms. Hopper asked what designation was used for Albemarle Place.

Mr. Cox stated that Albemarle Place was regional, but applicant agreed to the smaller footprint.

Mr. Finley asked what he meant when he said upscale on the north side.

Mr. Cox stated that he was referring to the upscale grocery store, which would be larger than the existing one at that Food Lion Center.

Mr. Edgerton stated that the alignment of the road and the numbers were not on the topo. It appears that that center or traffic circle is almost on the absolute top of the hill. He asked if he could tell him roughly how that corresponds to the topography of I-64. He asked if this road would actually enter but appears that center or traffic circle is almost at the top of the hill.

Mr. Cox stated that they have developed sections through the site that show the relationships.

Mr. Edgerton asked if there was a reason for going up to the top of the hill that he was missing.

Mr. Cox stated that the top of the hill was going to be coming down a bit in order to accommodate the earth work requirements. He stated that the existing VDOT right-of-way along the southern property boundary was very heavily treed at this point. During nine months of the year there are very few penetrating views into the site. That is what the sections that they have developed would show. He stated that it would be a mistake to represent that there would be no views into the property.

Mr. Edgerton asked where the 5 acres of critical environmental areas located.

Mr. Cox stated that the area would be along the stream channel.

Mr. Rieley pointed out the location of the preservation site.

Mr. Cox pointed out that there was over one mile of frontage along Moore's Creek as well as the influx at Biscuit Run. He noted that there was a stream enhancement habitat project currently being pursued that they planned to have some discussions with the group. He noted that the stream had some deterioration from section to section not from the dumping from the City but from some individuals.

Mr. Craddock asked if the part through the City between Moore's Creek and Fifth Street was in the floodplain.

Mr. Cox stated that it was in the floodplain.

Mr. Craddock suggested that the old trees be protected and that the Meadowcreek Parkway follows the contours of the creek.

Mr. Cox stated that it was safe to say that in the area outside of the green that there will be very little opportunity for significant vegetative preservation. He pointed out that in order to have any retail development, whether it is a neighborhood community or a regional center, there would need to be fairly extensive excavation on the property. The contention that they have with staff's opinion is that they feel that the bridge crossing at that point would be environmentally detriment, but he felt that there were some ways to mitigate that. The primary reason that they selected that as an entrance location was that in prior years the City was not particularly keen on the notice of them using Bent Creek Drive. Staff's recommendation is to use Bent Creek Drive as the primary entrance. He stated that either entrance could be improved to the extent that it would satisfy any future VDOT recommendations as far as how transportation improvements would be implemented.

Mr. Rieley asked if there were any further questions for Mr. Cox. There being none, he asked if it would be helpful for the Commission to go through the questions for consideration raised by staff. He pointed out that since the information was very general, he felt that the Commission's comments should remain fairly in general as a result. The first question is does the Commission want to consider amending the Comprehensive Plan Neighborhood Four Profile designation for this property. Staff recommends that the Commission proceed to consider an amendment. Staff has gone so far as to prepare a resolution to that effect. He asked if they would agree with staff's position. He pointed out that when the Commission first started reviewing the Brass, Inc. amendment, they felt that the industrial service designation was not necessarily the most appropriate use for this property. He stated that he still feels that way. He asked if anyone not think that they should consider amending the Comprehensive Plan. There being none, he asked that they mark question number one off of staff's list and note that the Commission would come back to adopt the resolution before they leave. The second question is how the Neighborhood Four Profile language previously developed for CPA-97-05, Brass, Inc., could be considered as a part of this amendment request. Staff has articulated that there are many elements of that language that they feel is still appropriate. Staff has learned some things in the intervening six years and certain circumstances have changed a little bit. He asked how the other Commissioners felt about that.

Mr. Thomas stated that they would be really useful as a guide, but he would like to see them as Commissioners massage it quite a bit.

Mr. Rieley stated that reflected his view of that. He felt that it was a excellent place to begin. He stated that he thought about that often when they have reviewed other projects. He pointed out that he caught himself looking back to the discussions that they had then and he felt that they remain pertinent.

Ms. Hopper pointed out that they actually pulled the language from that proposed CPA to consider those other projects. She stated that what they have learned from the language of the other projects would be helpful when they look at this.

Mr. Rieley asked if there were any other points. He stated that number three, can this amendment be adequately reviewed with the submitted information or is additional information necessary to complete the review. If additional information is necessary what information is desired.

Mr. Thomas stated that he would not want to require any additional information to go through the resolution. He asked if anyone had any ideas on what they thought it might need.

Mr. Rieley stated that they feel comfortable with the resolution of intent. The information that they have was close to a blank sheet of paper since it is a little green and a little pink with no design. He felt that they have a number of examples that have been required in the past for CPA's. One example is Albemarle Place. The issue of the CPA not going to the design level without a

concurrent ZMA is not one that he was personally sympathetic. They need to resolve some of these issues at the CPA level and then resolve them further at the ZMA level. He stated that he did not see any reason why this CPA should be treated any different than the others since they have almost always been accompanied with a masterplan.

Ms. Hopper noted particularly on the recent ones.

Mr. Thomas pointed out that he heard Mr. Cox say that they would present that to us.

Mr. Rieley stated that the difference is that when they get to that level of specificity they want to link the special use permit and the ZMA. Staff has been resistant to that and so has the Commission. He stated that the answer to number three is a lot more information is needed. He noted that they need the design of this and need to be convinced that this is a proposal that will function and work well.

Mr. Finley stated that the last part of question # 3 included the alternative approach. He asked if that should occur after the information has been received.

Mr. Rieley stated yes.

Mr. Finley stated that the developer should be involved with expectations and finding other perimeters.

Mr. Rieley stated that was a good point. He stated that staff has articulated that there are things that are different from both the size of the project and the adjacent conditions including many other things since this came to us in its scaled down form previously. Therefore, we can begin to articulate the language that would address what those changes are during the time that a more specific proposal is being put together. That would be completely appropriate. In other words, these are not necessarily mutually exclusive.

Mr. Edgerton stated that the response to the second question addresses that. The lessons learned in the previous exercise should be applied since it would be unfair to the applicant to hit him with a lot of concerns after the fact. It would be developer and the staff working together to come up with the language that would be appropriate.

Mr. Rieley stated that question # 4 was is regional service-level appropriate, and, if so, how should it be provided in terms of design, scale, parking, etc.

Ms. Hopper stated that regional service is appropriate if the level of detail in the CPA is specific enough. She felt that was one of her concerns that if the ZMA was abandoned and you were left with a very general CPA that designated retail service, then you could have planning effects that you would not want to have. She felt that if the design issues are resolved enough for the CPA level, that regional service could be appropriate. She pointed out that it would not just be the design issues, but the whole package.

Mr. Thomas, Mr. Craddock and Mr. Rieley agreed that was a good way to put it

Mr. Rieley stated that it could be appropriate, but it depends on all of the other associated things, particularly design. He stated that # 5 was should a redesignation from Industrial Service to Regional Service be evaluated for its implications on employment potential, here and Countywide. He stated that Ms. Thomas persuaded him that the overall effect of this was an important issue that he would like to know more about.

Ms. Thomas stated that they would want to look at other existing employment opportunities or reservoirs in this area. But also they should include within the greater designated development area because they have so many things occurring at the same time that are all converting

industrial to some kind of retail or other use. She pointed out that the new economy did take a different form, and therefore she felt that their discussion would benefit from digging in a little bit.

Mr. Rieley stated that it was an important piece of the puzzle and was one of the things that they do not know enough about yet.

Mr. Thomas pointed out that County wide they may need more Light Industrial rezoning so that they can act rather than react when someone comes on board that needs some industrial property.

Mr. Rieley stated that the next question is what is the appropriate mix of uses that should be provided as part of an amendment in the Comprehensive Plan for this area. He felt that this was a difficult one to put your finger on. He noted that he would like to put this in context with a couple of things that Mr. Cox said earlier. Mr. Cox mentioned that Neighborhoods IV and V essentially constitute a neighborhood, but that the center is missing. He felt that it was a good point. He stated that there was a lot of residential development that has occurred within that area and that there is more that will likely occur. The commercial and business element to support that residential was an appropriate context to evaluate this proposal. He pointed out that it is important to remember that they have been within DISC identifying neighborhoods that are essentially walking distance, which would draw a much tighter circle around these. Nevertheless, when they were talking about the mix of uses and the residential component of this, he felt that they should have it. However, he also felt that they should take into account the fact that it was surrounded by a lot of existing residential both in the City and the County. He asked if they have a consensus that it should be.

Mr. Edgerton stated that Mr. Cox's point is well taken that there would be some relief from having some type of retail experience between these two neighborhoods. He pointed out that he was having a lot of trouble seeing that as part of the Neighborhood Model because that was more focused on sustaining the Neighborhood. The proposal would be retail focused on the regional level. Therefore, in addition to supporting Neighborhoods IV and V, it is going to be bringing in traffic from the entire central Virginia area. That will have a very positive economic effect in certain ways. He felt that it was more of a suburban sprawl model. He stated that DISC has been trying to direct the development patterns. There would be no way to take these neighborhoods and reconfigure them at this point into the Neighborhood Model. So may be this is an appropriate response, but at the same time they need to have their eyes open that the attractiveness of this market is not just for the Neighborhoods IV and V because the retailers will be bringing in a lot of people into the community. He pointed out that their decision would have a tremendous effect on I-64 and all of the roads in this area.

Mr. Rieley stated that was a good point. He stated that he was happy to concede the point that Mr. Cox made that this is not a particularly appropriate site for a pure Neighborhood Model. The other side of the coin is that neither is it a site for a pure regional service designation.

Mr. Thomas stated that what they want to have is regional service, and then if they could mix in community service in with the regional and gradually bring it back to maybe some residential. He stated that the regional service would benefit the City and surrounding Counties. He felt that if the Regional Service were mixed a little bit that it would be appropriate.

Mr. Rieley pointed out that they all had opinions about what that mix of use should be. The next questions were what role, if any, should this area play in implementing the City's Fifth Street Corridor Plan.

Ms. Hopper and Mr. Craddock agreed with staff.

Mr. Finley stated that it would be more feasible.

Mr. Rieley stated that he was happy with that. The next question was what should the relationship of this area to be to the Avon Street Corridor. He stated as articulated there is a wide variety of things that could work well on that side. He noted that he did not know the technical issues and challenges of developing on top of an old landfill. He stated that they were formable, but thought that there was a range of things that can happen there, which would all depend on how it was designed and how it fits together. He noted his struggle with the Avon Street Corridor and the transportation pattern in general. He stated that the connection between these two properties should be not perceived of as a parkway, but as an urban boulevard. The boulevard is going to serve not only people coming form all kinds of directions who may live on this property who come here to shop, but it will also serve as a major road as a way to get around within this area. He pointed out that he would use this road to take his children to Monticello High School. He felt that there was going to be a tremendous amount of use of this major connection, which was one of the chief benefits of this proposal. Therefore, he felt that it should be perceived as a major connection from the very beginning. The next question, # 9, was what is the Commission's position on the redevelopment on the former landfill and what types of uses would be appropriate. He stated that they do not know enough yet to know.

Mr. Edgerton stated that because of the increased concern about this, there are people who specialize in what can and cannot be done safely. He pointed out that there was an environmental group in town that does this all over the world. He stated that personally he was worried about residential being incorporated on this because of problems in other areas.

Mr. Finley asked how many acres were involved.

Ms. Thomas stated that the Dittmar parcel was about 22 acres. She pointed out that at first the landfill went all the way south of the interstate and encompassed the Regional Jail Facility. She pointed out that the County learned some interesting things about the landfill when they were building the jail. She noted that she had discussed this with Ron Lilly, Project Manager for the Jail, and found that the outcome was quite good from our standpoint because we were able to develop the jail on the property partly because they already had a jail facility there. They were able to scoop the fill out where the jail building went and compact it under the parking lot associated with the jail. Mr. Lilly had indicated that everybody was surprised how well it compacted at 95 percent.

Mr. Edgerton pointed out that he was worried about the health impacts.

Ms. Thomas stated that her point was that it turned out to be a usable site at the southern end. After talking with Mr. Hirschman, she found that the most hazardous material that they found on that was medical waste, which was literally a physical hazard.

Mr. Rieley stated that question # 10 is are there Architectural Review Board Entrance Corridor questions related to the development of this site. He stated that clearly there would be a lot of questions and issues related to the Entrance Corridor. He stated that the applicant was going to have to wrestle with the question of what is the scene that they would be left with from I-64. He feared that they would see the loading docks of a big box. He asked if there were other general thoughts that anyone would like to pass on. He stated that he agreed with the comment that Mr. Cox made about the significance of bringing these three parcels together. He stated that gives us a tremendous opportunity to have a success for everybody including the community. He stated that he looked forward to see what happens at the next level of resolution to this. He pointed out that they have a resolution before the Commission to consider changing the land use designation. He asked that they take a few minutes for everybody to read the proposed resolution before they voted on it.

Mr. Thomas moved for approval of the resolution of intent with the recommended alterations as follows:

RESOLUTION

WHEREAS, the Development Area Profiles section of the Comprehensive Plan, Land Use Plan sets forth recommendations related to land use, public utilities, transportation, public facilities and other elements related to land development within the designated Development Areas of Albemarle County.

WHEREAS, upon a request by the County or a property owner, the Comprehensive Plan may be amended by the Board of Supervisors, acting upon a recommendation by the Planning Commission, in response to criteria first adopted by the Board of Supervisors on April 17, 1985, and amended December 11, 1991, effective April 1, 1992;

WHEREAS, under the above-referenced criteria, the Planning Commissions finds that a change in circumstance has occurred relative to property located within Neighborhood Four, a designated Development Area, described as Tax Map 76M(1), Parcels 2A, 2B, and 4A, and Tax Map 77, Parcel 11;

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good zoning practices, the Albemarle County Planning Commission hereby adopts a resolution to consider amendment of the Neighborhood Four Profile, a portion of the Comprehensive Plan, Land Use Plan.

BE IT FURTHER RESOLVED THAT the Planning Commission will hold a public hearing on a proposed Comprehensive Plan Amendment, and make its recommendation to the Board of Supervisors.

Ms. Hopper seconded the motion.

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

James Savage, of 1203 Foxhorn Court, spoke in opposition to the big box being located off of Fifth Street because of the significant impact on the traffic in the area. He suggested that the development be respectful of the historic elements of the community.

In summary, the Commission held a work session on CPA-2003-02, 5th Street/Avon Street Mixed Use Complex. The Commission discussed the issues involved, discussed staff's list of questions and took action to approve a resolution of intent to consider amendment of the Neighborhood Four Profile, a portion of the Comprehensive Plan, Land Use Plan.

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.

Mr. Cilimberg stated that the Planning Commission would have a joint meeting with the Board of Supervisors tomorrow at 3:30 in Room # 235 to discuss the Crozet Masterplan.

There being no further new business, the meeting proceeded.

Adjournment

With no further business, the meeting adjourned at 8:20 p.m. to the next meeting on July 9, 2003.

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V. Wayne Cilimberg, Secretary

(Recorded and transcribed by Sharon Claytor Taylor)