Albemarle County Planning Commission
July 15, 2003

The Albemarle County Planning Commission held a work session on Tuesday, July 15, 2003, 2003 at 4:00 p.m., at the County Office Building, Room 235, 401 McIntire Road, Charlottesville, Virginia. Members attending were William Rieley, Chairman; Rodney Thomas; Bill Edgerton; and Pete Craddock. Absent from the meeting were Jared Loewenstein, Tracey Hopper and William Finley.

Other officials present were David Benish, Chief of Planning & Community Development; Greg Kamptner, Assistant County Attorney; David Hirschman, Water Resources Manager; Kim Cameron, Engineer; and Elaine Echols, Principal Planner.

Mr. Rieley called the meeting to order at 4:00 p.m. He stated that although a quorum was not present, the Commission would hold the work session, but not take any action. He asked that they continue their work session on North Pointe from the previous meeting. He pointed out that the applicant had requested this type of meeting format so that they could take a more active role in the conversation.

Work Sessions:

ZMA-002-09 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)

David Hirschman, Water Resources Manager, presented a visual presentation on the existing streams on the property. He pointed out the location of the streams, whether perennial or intermittent, and where there were any changes in the quality. He started with the development area of Hollymead, then up to the Flat Branch system and the North Fork of the Rivanna. Flat Branch comes up and splits with one branch going through the North Pointe property and the other branch through the North Fork Research Center. He pointed out the basis layout of the streams. As some of you know, staff has done a comprehensive stream assessment study project, and all of this is getting wrapped up in a storm water master plan. Basically, this project involved walking all of the streams in the development areas. Staff did a habitat evaluation and an inventory of all of the features they saw along the streams including the erosion and pipes coming into the streams, and then staff entered all of this information into the computer. During the review of rezonings and special use permits, staff receives questions about the value and quality of the streams. Staff wanted to be able to provide some type of framework for looking at streams in the development area and how they compare with each other. A measure called percent comparability refers to the habitat quality, which is basically the potential of these streams based on the habitat features to support a healthy eco-system. He pointed out that was what was measured in the graphic. Percent comparability refers to the way that each stream site compares to an ideal stream in a development area. They define an ideal stream by looking at all of the different habitat metrics and comparing it with the scores of each stream. In other words, one of the stream segments came out as poor because its habitat score was in the lower range of all of the streams in the development areas. This had to do with a lot of different habitat features both instream and in the repairing area, the integrity of the stream banks, the nature of the vegetation, as well as a lot of other habitat features.

Mr. Riley stated that it was interesting and a little surprising that the downstream portion of this drainage seems to be in worse shape than the upstream drainage.

Mr. Hirschman stated that when he went through the photographs he would tell them some of the reasons why that is. He stated that the presentation would start downstream and then he would work their way upward on the property. He pointed out that the best quality stream located on this site is not even mapped on the USGS map. He stated that each picture had a map referencing where you were on the property. Starting at the bottom of the property, he pointed out that the reason that section was rated poor was that there was a streamline that meant that the stream had been channeled. When Route 29 was constructed the stream was channeled. The next photograph showed where the old pond had been breached and blown out. That area has the most significant area of erosion along that stream. The pond filled with sediment, then the pond breached and the stream cut down through all of the accumulated sediment, thus creating a very erosive area.

Mr. Thomas asked if there was a structure behind that area.

Mr. Hirschman stated yes that there was an old house or two behind this area. Basically, this whole drainage area was relatively undeveloped, but there was a house or two and a couple of stream crossings back behind there.

Mr. Edgerton asked if the photograph showed the guardrail of Route 29, and Mr. Hirschman stated that it did.

Mr. Hirschman pointed out that the old pond site had quite a bit of illegal dumping along it, which included a vast area of dumped tires. He pointed out that moving up into the stream valleys, the woodlands become a more mature type of forest. This section of stream has less erosion, more rivals and more habitat quality than further downstream. Moving further up the stream channels it starts to narrow. Basically, from this point up there is a lot of continuous erosion because the stream gets so much uncontrolled runoff from businesses up on Profit Road and Route 29. There are other dumps sites up through this area. Next, you get in to the other section that rated poor because it had real thick undergrowth. Then as you move up into the headwaters, there is a stream and you can see basically the place where the runoff has eroded the land down to the point that it has intercepted the water table. During a normal time you would probably have a little trickle of flow in there.

Mr. Keeney asked how deep was the trench.

Mr. Hirschman stated that the banks were probably 3 to 4 feet high with the stream being about a foot across at that point. He pointed out one location where a storm pipe comes up, noting that it has created a canyon of erosion there that was about 25 feet deep. He noted that it was a real urban stormwater mess.

Mr. Rieley asked where the pipe came from, and Mr. Hirschman stated that it probably comes from 84 Lumber Company and includes runoff off of Route 29 as well.

Mr. Hirschman pointed out the character of a couple of the side tributaries. He noted that they were very small and that some people might call them springs. Moving over to the other stream, he pointed out that stream showed a little bit of headcutting. He pointed out that the photograph showed where the stream goes into the North Fork. He noted that bigger trees characterize that stream valley. At this point, it was basically an undisturbed small Piedmont stream. There is a little bit of erosion there and you can see that because of the headcutting from the North Fork, but it was more of a product of being close to the North Fork than its own erosion. He stated that there was a big head cut here and then it was a very clear and delineated stream. He noted that

stream was small and went several hundred feet into the valley. He pointed out that ended his virtual tour. He stated that he had other photographs and GIS letters.

Mr. Rieley asked what mechanisms would improve the poor sections of the stream and the character of the district.

Mr. Hirschman stated that it probably was a combination of things. He pointed out that two things would have to be done to improve the stream in the stream valley. First, basins would need to be placed in strategic places to manage the uncontrolled runoff. Quite a bit of stream bank restoration would need to be done that would include grading back hundreds of feet on either side of the bank. There would be a lot of the forest and mature trees lost. Often in the fixing of the streams, it was a tradeoff between the grading involved and whether that was worth losing significant trees. He noted that was a value judgement. The rate of flow would have to be controlled to fix the erosion spots. He stated that a comprehensive approach to improve this property would include concentrating on the areas where the old pond bed erosion was located. He felt that would be the highest priority if you had a pot of money to spend on that watershed.

Mr. Rieley asked if any of the Commissioners had questions for Mr. Hirschman.

Mr. Edgerton asked if most of the runoff comes from Route 29.

Mr. Hirschman pointed out that every time one of the tributaries crosses Route 29 that it is getting the run-off from the road. There is a lot of runoff coming from 84 Lumber Company, which was built before the days of storm water management.

Mr. Edgerton asked if the floodplain was identified on the drawings.

Mr. Keeney stated that the floodplain was shown on the large map with a very heavy dark line, which comes through the pipe and up the creek bed.

Mr. Hirschman pointed out that the floodplain comes up the creek bed to about the old pond bed.

Mr. Rieley asked if there were questions for Mr. Hirschman. There being none, he thanked him for a good presentation.

Ms. Echols pointed out that Kim Cameron was also present from the Engineering Department to discuss any topographical questions.

Mr. Rieley asked Ms. Cameron to address the Commission.

Ms. Cameron stated that overall the existing topography has about a 150-foot elevation difference over the entire site. The commercial area has the most grading proposed. There is massive grading proposed here with a lot of fill that is mainly due to the fact that on all four sides of the perimeter they have to tie into the river, the Rural Areas, the commercial development to the South of Route 29, and Route 29. The applicants placed the spine road to help with the connections between Route 29 and to bring it out to Leap Road. It is mainly a 4-lane boulevard through here, which was due to some discussion with the Engineering Department and VDOT. The critical slopes are along the streambeds that David mentioned. The road grades right now are all less than 10 percent. She pointed out that the main questions she had was about the grading in this area and she was not clear on the finished floor elevations of the building. There are some 30 to 35 foot differences in the rear of those buildings and it was not clear on whether that was going to be retaining walls or how that was going to be accomplished.

Mr. Thomas asked if the buildings would be pushed into the hill, and Ms. Cameron stated that it would be in this one area.

Mr. Edgerton questioned the amount of fill.

Ms. Cameron stated that in the worse case it would be about 30 feet, which was sort of in the middle. In order to have flat parking, they were going to have some significant fill. The rest of it is minimal grading as far as the road goes. She questioned whether the clustering might result in mass grading as well. Until they get a contractor to do all of this complex work, they don't know if any of these trees could be saved. Staff had the applicants make some additional interconnections and pointed out that there may be possibilities for some more. She stated that if the Commission had any specific questions that she did bring a plan, a scale and a calculator. She pointed out that she did not see anything that could not be worked out. Regarding drainage, staff has not received a master plan for that and therefore has not evaluated that yet.

Mr. Rieley stated that the staff report had some specific questions listed for the Commission to address. He asked Mr. Rotgin if he had a presentation.

Chuck Rotgin, representative for Great Eastern Management, stated that he did not have a presentation.

Ron Keeney, architect, stated that they had some screened views of North Pointe, but that everything they had was duplicates of what staff already has.

Mr. Rieley asked staff to review the background of the staff report.

Ms. Echols stated that the Commission had the first work session on this project in June. In the first part of the staff report, staff tried to capture the statements that the Commission made. She asked if there was any place that the Commissioners felt that it was not recorded accurately that they let staff know. During the work session staff asked the Commission questions about the uses and the design, the mixture of uses, environmental resources and the grading. The items listed were the things that staff picked up on the Commission saying. From staff perspective, there are a lot of large issues that need to be spoken to before any kind changes to the plan should take place so that it does not have to keep happening over and over again. Staff met with the applicant's representative a couple of times to discuss their ideas about redesign. One of the important things clarified through their conversations was how committed the applicants were to this particular plan. From the proffers, it appears that the applicants are committed to the general ideas as shown on the plan. The applicant's representative has said that they are committed to this plan and the uses as outlined in the table. She asked that they launch into the questions outlined in the staff report.

Mr. Rieley asked if any Commissioner had concerns about the first section or thinks that the staff did not convey the sense of the meeting accurately.

Mr. Edgerton stated that the only item he had questioned dealt with the issue of mixed uses. In the fourth bullet it says, "Some of the PC members agreed that the big box should be limited to a 70,000 square foot footprint; however, there did not appear to be a consensus on the size of the big box footprint. Having a big box use is not problematic." He pointed out that he wanted to give a clear signal that he favored the restriction on this project just like he tried to do with the other projects.

Mr. Thomas stated that it was too restrictive to the developer to restrict them to a 70,000 square foot footprint.

Mr. Rieley stated that they had been fairly consistent with that number on several projects, and he would continue to support it. He noted that there continues to be a range of opinions.

Mr. Craddock stated that he was not at the last meeting, but that he would concur with Mr. Rieley.

Mr. Rieley stated that in Albemarle Place and Brass, Inc., the Commission showed some flexibility and did not limit the total square footage, but just the footprint. He stated that they have a consensus, but not unanimity, concerning the footprint square footage. He asked that the Commission concentrate on the new questions in a slightly different order and give the applicant a chance to weigh in on some of these issues. The staff report has framed the issues from staff's perspective and then asked some pinpointed questions. He stated that they would read the question first, hear a summary on staff's position, and then ask the applicant to address those issues. Then the Commission would discuss the issues amongst themselves and try to give as clear of an answer to these questions as possible. The first issue relates to the location of the school site. He read the questions as follows:

- Is the location of the school site appropriate relative to the road network?
- Is there a better location for the school, with or without a modified road network?
- Is the proffer to provide half of the cost for an ungraded school site along with the 4-year sunset for start of construction adequate to cover the impacts generated by the proposal?

Ms. Echols stated that the applicant has shown staff a school site on the property. The applicant has worked with the School Board on trying to find the best location, which has been somewhat of a challenge because the Neighborhood Model suggests having primarily Neighborhood Schools, but our schools do serve the Rural Areas as well. Staff favored getting the school off of Route 29 and into the neighborhood. Therefore, the school site has been pushed back from Route 29 to have good access to the central entrance to the site. There are probably other locations on the site that the school could be placed. The school was not designed to our School Board's specifications. The School Board wants at least 12 acres. The 12 acres could be pulled out of that area if it was taken out of the stream buffer, which was why it was important to understand the stream methodology through there. Currently there was about 10 acres shown for the school. The School Board endorses the general location. Although this impact is significant for a single development, only half of the value of the land is proffered. If the development generated 400 to 600 elementary school students, it would be appropriate for the applicant to proffer not only the land but also the construction of a 12-acre school and its associated improvements. She asked the Commission how they feel about this location, how it relates to the road network and the proffer itself for only a portion of it.

Chuck Rotgin asked that they leave the proffer issues out because they have indicated the desire to do a lot of things differently and would prefer to address them at one work session instead of in a piece mill fashion.

Mr. Rieley stated that it was a good question, but it was something that they were going to have to talk about.

Mr. Rotgin stated that they would do more and would like to address the proffers at the proper stage. He asked Mr. Keeney to address the Commission about what he has discussed with the School Board.

Ron Keeney, architect, stated that he has met several times with Al Reasor. He pointed out that the box fit a square that was about 75,000 or 80,000 square feet. He is hopeful to be able to do that in two stories and to have a walk out basement, which would make this square 20 percent smaller than that, which would essentially give us the give and take on site that staff was looking for in the staff report. Staff pointed out that everything was on the plan, but it was pretty tight and left no wiggle room. He noted that they were bringing access in off of Route 29 by bus. A bus loop and parking loop would be provided the way that Mr. Reasor had suggested for entering a single site in the front with a walk out to the ball fields behind it. They have requested as one of their seven or eight items that has value to them to have access to nature trails and a natural area. Therefore, they have deliberately tried to establish this trail to go down and under to the bridge so that there is an access down to the streams below so that the redesigned element stops here at the school and that valley would be a natural streambed. He stated that there was a discrepancy between the 12 acres and the 10 acres, but noted that the streambed was not

counted because it was not useable for the building site. He felt that Mr. Reasor was convinced that the central location was good because it was far enough off of Route 29 to allow buses to come in and settle in and located far enough off Route 29 that the pedestrians can walk from the neighborhood down to it. Whereas, if they moved the school site to the middle, then they would be bringing the buses in through the residential area in a way that he found uncomfortable. He pointed out that they were hoping that they could find a middle ground so that you could walk to it on one side and bring the buses in from the other side. Presently a third of the students are expected to come out of North Pointe. Two–thirds of the students will be bused in from off site.

Mr. Edgerton asked if there was any concern in having the school face the commercial section.

Mr. Keeney stated that he did not know if that had been addressed yet. He pointed out that they have not looked at the orientation of the building towards things off site other than highway access. He pointed out that Mr. Reasor had told them that they wanted a fence around the site. He pointed out that they felt that the ballpark ought to be on the residential side and the parking on the commercial side.

Mr. Craddock asked how far that building was off of Route 29 and was it at the same elevation as Route 29.

Mr. Keeney stated that it was 10 or 15 feet below the grade of Route 29 at this point and that distance was about 500 feet. He stated that the finished floor area of the school was 500 to 600 feet.

Mr. Rotgin stated that as Ms. Echols stated, there are places where the school could go, but there was no places on the site that were 10 to 12 acres that were reasonably level.

Mr. Rieley asked if the location of the school site was relative and appropriate to the road network. He stated that he felt a little uneasy talking about the details of last week when staff stated that it was not in accord with the Comprehensive Plan. He pointed out to get this plan in order that there are larger issues to address and several fundamental changes that are going to have to be made. In the course of making those changes, the location and the interaction of the school site and the rest of the site could be very different. He acknowledged that any developer who was dealing with a school site was dealing with a difficult and complex issue because the School Board and staff were not yet on the same page as the Planning and Engineering Department. In many ways the applicants were in a difficult position to walk between those two. There were a couple of things that were problematic. One of the most problematic issues was this suburban school model with the one story school with a bunch of parking in front, which is basically the strip development version of a school. He felt that this was a strip development plan as it stands now. He felt both of those issues have to be fundamentally challenged. He felt that the school's relationship to the stream was very good. As Mr. Keeney articulated, this provides the opportunity to have children be able to move to get to the water as it comes out of this new upstream storm water improvement facility that will help with the streams downstream. He felt that was terrific. He favored the school being set back off Route 29, but pointed out that 500 feet was not that far when it comes to sound.

Mr. Thomas stated that he liked the idea of a two-story school to cut down on the size of the footprint. He pointed out that he had visited several schools around Virginia Beach that had three to four story schools that really helped to save space.

Mr. Craddock stated that he had questioned the distance of the school from Route 29 and the school being situated right across from the shopping center. He voiced concern with the delivery trucks coming along that boulevard right next to an elementary school.

Mr. Edgerton concurred with the proposed two-story solution for the school. He suggested that the school be moved towards the residential neighborhood rather than the commercial area. He asked to see more integration of the school towards the neighborhood for a unifying effect.

Mr. Rotgin stated that they have made a significant effort through Al Reasor to talk about a two- to three-acre site for a three-story school to try to make it neighborhood friendly, but they will not consider that. He pointed out that Mr. Keeney has prepared a study of the Torti-Gallas plan. He pointed out that it was important for everybody to recognize that Torti-Gallas laid this out and did not do so with the idea towards the existing topography. He stated that it was made clear that they could do that, but to do that they would have to go in and cut all of the trees down, strip the land, cut all the lands and fill in the valleys. Those are the trade-offs. He pointed out that he thought that they could do it better than that.

Mr. Rieley stated that the next bullet was "Is there a better location for the school, with or without a modified road network." He felt that the question could not be answered without an alternative plan to evaluate it. He asked if anybody disagreed with that. The next bullet was "Is the proffer to provide half the cost for an ungraded school site along with the 4-year sunset for start of construction adequate to cover the impacts generated by the proposal." He stated that everyone had heard Mr. Rotgin say that they can do more.

Mr. Craddock, Mr.Thomas, and Mr. Rieley all answered no to the question.

Mr. Rotgin concurred that it was not enough and that they could do better.

Mr. Edgerton agreed with staff's position as stated in both bullets that the applicant should do the entire school site.

Mr. Rieley stated that the next issue was the proposed trail system for pedestrian access. The questions that they have been asked to addressed:

- Are the paths shown appropriately on the plan? In the northern section adjacent to the Rivanna River and following the stream valley? Connecting neighborhoods where streets do not make the connections?
- Does the Commission have any strong opinion about public vs. private paths in this development?

Ms. Echols outlined the key issues of the trail paths, which did not include the sidewalks that were adjacent to the streets. The biggest improvement that could be made as it relates to the pedestrian paths would be some coordination with the County's Parks Department. She stated that having paths in the natural areas would be an attribute. Some of the paths as shown are problematic because staff does not want to have paths in those locations. She pointed out that she had discussed this issue with the applicant's representative concerning what they were looking for regarding the path at the toe of the slope. She asked if it was an appropriate way to deal with interconnections to have paths connecting neighborhoods without street connections. Staff tends to think that pedestrian paths within the neighborhoods are more about the neighborhood's path system, and those paths around the school area and the lake, if such a fixture continues to be shown on a plan, ought to be more of the public paths in the development.

Mr. Edgerton asked for clarification of the first question if she was asking if this was an adequate substitution for the interconnectivity because the plan shows the traditional dead ends at the cul-de-sac. Personally, he did not think that it did because they were trying to get away from that.

Mr. Rieley asked the applicant to weigh in on this issue.

Mr. Keeney stated that they have argued that the extreme terrain, particularly on the north, makes it difficult to make the interconnections. He argued that making those interconnections by automobile would limit you to a certain slope. Rather than bulldoze the high and lows together,

they were willing to do a pedestrian path down in the valley and back up the other side as a way to compromise and get the interconnection through the neighborhood. Therefore, the interconnections would not be at the expense of the trees and the terrain.

Mr. Edgerton asked Ms. Cameron if what he just heard was contrary to what she had said previously.

Ms. Cameron stated that Mr. Keeney was probably speaking to the critical slopes to the north, and the Engineering Department does concur with protecting those. She pointed out that she had been talking more about the mid-section of the property.

Mr. Thomas supported the paths because the more paths they have the more cars that they would keep off the roads.

Mr. Rieley felt that having lots of paths independent of the sidewalk systems was a good thing. He stated that they should put the slopes in perspective. He noted that a trail could not be any steeper than 5 percent for the disabled or handrails have to be put in. If the trail is steeper than 11 percent, then steps have to be put in. He pointed out that a car could easily go up to 16 percent. There are lots of streets greater than 16 percent. He pointed out that to say that you could go steeper with a path than with an automobile is a little bit misleading because it depends on what type of trail, who is suppose to walk on it and if there are steps. The larger issue was should these connections substitute for connections that should be done by vehicles. He felt that they should strive for the maximum amount of interconnectivity that they can reasonably get. He pointed out that nobody would suggest grading over a cliff to get a connection from one area to another. He suggested that they take the existing plan and try to find connections with the cul-de-sacs and then find road networks from that. He suggested that they look for some alternative approaches.

Mr. Keeney asked for some clarification on when he was referring to interconnectivity in that statement if he was referring to the vehicular interconnectivity.

Mr. Rotgin pointed out that in order to get that interconnectivity, it was going to require some substantial grading, which would require the stripping of some trees.

Mr. Rieley stated that there were places where those trade-offs come into play and that was why he said reasonably. Last week the Commission saw a plan for a connection proposal for a site plan to bring a major roadway in about 25 feet from a tunnel that did not have any site distance. The neighborhood was up in arms about the proposal. The justification that was given for doing that was to avoid grading on the large road that was adjacent to it so that they could very safely and easily make the connection. He pointed out that it was a cost issue. He suggested that they keep their eyes open while dealing with these trade-offs. Often they have to look at a trade-off between a beautiful forest and the opportunity for clear connectivity in a neighborhood, and they have to make some tough choices. He pointed out that they would not start off by saying that they were going to save every tree.

Mr. Edgerton clarified that he was enthusiastic about having as many pedestrian paths as possible. He concurred with Mr. Rieley's comment that rather than trying to fix this by starting with a model that they were trying to get away from, he would rather see the interconnectivity be part of the design program to start with. He felt this would achieve a closer Neighborhood Model experience than what they see here.

Mr. Rieley asked what the others felt about the "public" versus the "private" paths.

Mr. Keeney stated that Ms. Echols has pointed out that were some liability issues. If this pathway was being promoted for the public good, then it should be adopted and maintained by the County with the liability issue to fall on the County at that point, but the other paths in the subdivision

would still be owned by a neighborhood association. He stated that they would have to work out the details as far as where the line would be drawn on what would be publicly maintained and what was maintained by the association or even by the property owners themselves if the path crossed their piece of property.

Mr. Rieley stated that one of the gray areas of this was if they have a trail system that links to the river and comes up next to the school.

Mr. Keeney pointed out that staff has essentially suggested that they remove the trail along the river because they don't see that as part of an overall trail system at this point. The next rendition probably won't have that line across the edge because staff does not see it as being a part of the interconnecting link at this point.

Mr. Thomas asked if they would include that as a future possibility.

Mr. Keeney stated that they have included a buffer that could be built on.

Ms. Echols pointed out that Mr. Hirschman would like to speak to that.

Mr. Hirschman stated that due to site conditions, the applicant would not be able to build this section very easily because of the floodplain area. In other areas it would almost be physically impossible to build that because it is precipitous along that bend there with rock outcrops.

Mr. Rieley stated that the proposal in the staff report suggests that the applicant proffer for a "blue way", which essentially was a boating corridor, and would allow access by boat but not by land.

Ms. Echols stated that the Parks and Recreation Department would like to see the floodplain proffered and dedicated if at all possible. That way it would be both preserved and left as an opportunity in the future if there was ever the ability to put a trail in on a portion of it. By dedicating the floodplain it makes it available to the public.

Mr. Keeney pointed out that the floodplain was directly above the path. He pointed out that they had included a buffer line across there anyway, but it was a detail of that proffer. He stated that it had been his attitude that people were going to walk or try to get down to the river somehow and it seemed to him that they ought to try to make the best thing that they could.

Mr. Rotgin asked if the County would prefer to have that land dedicated to the County so that the County actually owns it.

Ms. Echols pointed out that was what the County's Park and Recreation Department suggests. She felt that just having Mr. Keeney sit down with Dan Mahon would help facilitate those understandings a little bit more.

Mr. Rieley asked that they move on to the next section, Boundary with the Rural Area. The bullets include the following questions:

- Should any street connections be made to Pritchett?
- Is a reservation appropriate or is construction needed?
- Is the 30' buffer appropriate in width to allow for vegetation that can create a rural edge along Pritchett?

Ms. Echols pointed out that there were several residents of Pritchett Lane present to express their concerns. She pointed out that all of the residents that have contacted staff have indicated that they do not want any connections to Prichett Lane, and that is certainly what the Comprehensive Plan says right now. There are different ways that you can deal with the Rural Areas development area boundary. Having that along a public road can be particularly difficult to deal with because the applicant would have to either establish something that either looks rural along that same

roadway or you have interconnections. In this particular design, the applicant would have the backs of the houses along the roadway or you have some interconnections in there that starts to play with the character of the road. She stated that is probably one of the hardest issues that they have to deal with in terms of what should the rural area boundary look like when it abuts a street that serves both the Rural Area and the Development Area. Staff has talked about a compromise, noting that the residents along Pritchett Lane would say otherwise. Staff feels that at least one connection needs to be made to Pritchett Lane, but that right now might not be the time that the road connection should be made. She suggested that there be at least a reservation of land for one or two future road connections. She stated that this was a tough point particularly since the Comprehensive Plan says no, but we are about interconnections and there was a little bit of a conflict there. She asked what the Commission felt about this and the buffer, which was 30 feet wide with the words heavily, vegetated written on the plan. As this progresses, it needs to be very clear on what heavily vegetated means. She asked if the Commission feels that a 30 foot buffer was large enough to create an edge along there.

Mr. Rieley asked if any of the residents of Pritchett Lane would like to weigh in.

Cindy Parry, resident of Pritchett Lane, opposed the connection to their quiet neighborhood because of the disturbance that would be created by the additional traffic and the safety issues due to the narrow line of site.

Mr. Keeney stated that their only real issue since they were actively planting in the buffer now was for some guidance on what to put in the buffer. He pointed out that it had been indicated that the residential area could be built out in 6 to 7 years. He stated that they have already planted some pine trees in this area to help mitigate the impact.

Mr. Craddock asked if the plantings would be in the common area.

Mr. Keeney stated that they have not decided that yet.

Mr. Rotgin stated that it certainly could be common area.

Mr. Thomas stated that there should be at least one or two reservations for a connection to Pritchett Lane since it will probably be needed in the future. He asked if the residential area would have access onto Pritchett Lane.

Mr. Keeney stated that they thought that they would restrict that by deed restriction since it was his understanding that they could not put driveways in to those backyards. He asked if pedestrian access should be encouraged or discouraged in this area. Also, he asked if emergency vehicle access should be allowed across that reservation, even if the roadway does not exist.

Mr. Edgerton stated that he was sympathetic with the concerns of the residents of Pritchett Lane, but did believe that there should be one or two connections on the plan. He questioned whether the connections should be installed right away. He asked that they urge the developer to provide connectivity in the plan. One of the issues is the lack of Route 29 being able to support a development of this magnitude without a tremendous amount of work being done on Route 29. He felt that the only relief for that was some series of transportation networks to support local traffic off of Route 29. Therefore, the interconnectivity would be important in that way. He stated that the 30-foot buffer was not substantial enough to give the kind of buffer that he would like to see.

Mr. Keeney asked if he would consider a two stage buffer where they would have a true planting buffer and some additional building setback so that they would have 30 feet of a true backyard.

Mr. Edgerton pointed out that if the property lines do go to that road, then you would have to be very clear about what could or couldn't happen in that area.

Mr. Craddock asked if there was a connection put on there does the Land Use Plan have to be changed or could they just put in a reservation. He opposed the connection because they were going to lose a lot of this area to start with if you put this shopping center in, but the folks on Pritchett Lane are going to lose the most from it. He suggested that if they vote to make a reservation that was fine, but it should have a sunset on it that if the County does not use it, then they lose it. At this point, he was not in favor of the connection.

Mr. Rieley stated that the redesigned plan should acknowledge that these streets have to eventually knit together. He stated that it can not and should not be done with the existing conditions of the existing geometry of the horizontal cross sections. He felt that they should make provisions for four connections. The connections should be done over time with plenty of time for adjustments to be made. He agreed with Mr. Craddock about the sunset on the reservation so if this was not going to serve the public's interest then it could go away.

Mr. Thomas preferred not to sunset this section, but only the lower section due to the growth.

Mr. Rieley stated that this issue would have implications to where the parallel road would go. He stated that the next issue was relegated parking. He suggested that they break here for next time due to the time. He thanked everyone for his or her participation. He stated that staff would set up another work session for next week.

In summary: The Planning Commission held a work session to discuss the proposed rezoning and the following nine outstanding issues: a potential school site, the proposed trail system and greenways, the boundary with the rural areas, relegated parking, affordability, internal street character, physical design of buildings, Route 29 impacts, and proffers. Due to time restraints, the Commission only discussed the first three issues. David Hirschman, Water Resource Manager, made a presentation concerning the general layout and quality of the streams located on this property. Kim Cameron, Engineer, reviewed the overall topography of the site and noted that there was a 150-foot elevation difference present over the whole site. She noted that the plan proposed massive grading and a lot of fill. The Commission discussed the design of the development, the proposed uses, the environmental resources, and the proposed grading. The Commission provided comments and suggestions concerning staff's questions, but took no formal action. Another work session will be scheduled next week to finish the discussion in the future.

The meeting adjourned at 5:50 p.m. for a dinner break.

The meeting reconvened at 6:00 p.m. for the regular meeting in the auditorium.

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, July 15, 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; William Finley; Pete Craddock and Tracey Hopper; Vice-Chairman. Absent was Jared Loewenstein.

Other officials present were David Benish; Chief of Community Development; Greg Kamptner, Assistant County Attorney; and Tarpley Gillespie, Senior Planner.

Call to Order And Establish Quorum

Mr. Rieley called the meeting to order at 6:10 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.

Work Sessions:

ZMA-02-011 Pantops Ridge, SP 2002-052 Pantops Ridge Multi-Family Dwellings, SP 2002-054 Pantops Ridge Parking Structure, and SP 2002 055 Pantops Ridge Townhouses - Request to rezone 37.75 acres from PD-SC Planned District Shopping to PD-MC Planned District-Mixed Commercial to allow up to 800 dwelling units and 50,000 square feet of commercial space. This rezoning is accompanied by 4 Special Use Permit applications: SP-2002-52 to allow multi-family dwellings, SP-2002-53 to allow cluster development, SP-2002-54 to allow a parking structure and SP-2002-55 to allow townhouses. The property, described as Tax Map 78, Parcel 53, is located in the Rivanna Magisterial District in the north east quadrant of Rt. 250E (Richmond Road) and Rt. F179 (Hansens Mountain Road). The Comprehensive Plan designates this property as Urban Density Residential and Neighborhood Service Commercial, recommended for 6 to 34 units per acre in the Pantops Neighborhood. (Tarpley Gillespie)

Ms. Gillespie summarized the staff report:

- The application is for a rezoning and associated special use permits for a mixed-use development at the site on the corner of Hansens Mountain Road and Route 250 East. The proposed use is for 200 to 250 townhouses, 200 to 250 assisted living units, 300 to 400 apartment units, and 10,000 to 50,000 square feet of support commercial uses as well as several parking structures. The plan at this point is not detailed. All of the details of the plan have not yet been fleshed out.

- The Comprehensive Plan designates about 80 percent of this property for Urban Density – Residential and the remaining 20 percent for Neighborhood Service uses. There is an existing application plan for a Planned Development – Shopping Center on this site. The plan was approved back in 1980 for a shopping center called the Gazebo Plaza, which was to be the twin to Albemarle Shopping Center on Route 29 North. As it stands today, that is the only approved zoning for this site.

- There is a single point of access serving the property from Hansens Mountain Road. All of the traffic would go from the site to Hansens Mountain Road and then onto Route 250. VDOT has advised that the current Hansens Mountain Road/Route 250 intersection is at capacity and really any development on this site is going to really stress that intersection. Because of its location and its close proximity to Interstate I-64, it is not an appropriate location for a stoplight. Therefore, they were faced with the situation of how to deal with the traffic. VDOT advises us that any development on this site would result in a right turn in/right turn out condition between Hansens Mountain Road and Route 250.

- The applicant has contemplated two future connections on his plan. One is on the north portion of his plan, which would create a secondary route to Hansens Mountain Road. Then more significantly a connection over to the Glenorchy property where there is a planned stoplight going in conjunction with the development over at Peter Jefferson's Place.

- There are several questions which staff would like the Commission to contemplate and provide some feedback on tonight in light of the difficult traffic situation out here. Those questions are:

1. Do the positive improvements of this application plan over the approved application plan for Gazebo Plaza merit consideration of this rezoning by the Planning Commission?

2. Is this plan premature given the single access via Hansens Mountain Road? Would it be more appropriate to pursue this zoning and application plan in conjunction with alternative connections such as the connection to Glenorchy or Sarah's Road via Ashcroft?

- In addition to rezoning this property in 1980, in 1989 the County changed the Land Use Plan designation for this property with the current designations that you have today. The intent of that redesignation was to encourage uses different from the existing zoning for the Gazebo Plaza Shopping Center. The proposed development would generate between 5,300 and 5,800 vehicle trips per day. The by-right plan for the Gazebo Shopping Center would generate 9,400 vehicle trips per day. Staff advises that in evaluating this proposal that you should take that contrast into consideration.

- Early in the review process staff and the applicant identified that a connection from Pantops Ridge to Glenorchy would be a better arrangement from a traffic standpoint. However, because Glenorchy is an established residential neighborhood and under private ownership, the applicant has expressed to staff the inability to implement that connection. The applicant's plan shows a future connection through the Glenorchy subdivision to the planned traffic light on Route 250 at Peter Jefferson Place. Neither staff nor the applicant can predict if or when such connection may ever occur in the future. Currently Hansens Mountain Road serves a single access for residents of Ashcroft. There is a secondary emergency access for Ashcroft along the western side of Westminister Canterbury property leading to Sarah's Road. At a work session on July 1st, the Planning Commission was shown a conceptual map for roadway connections in the Pantops area that was donated by staff. The map showed two possible future connections that could relieve some pressure on the Hansens Mountain Road/Route 250 intersection. One, connecting this property to Glenorchy and the other providing access for Ashcroft residents by Sarah's Road. The County must decide whether or not it could support a mixed-use development of this scale at this site.

- Staff is seeking your input on the two questions previously stated. Staff hopes that the Commission will look at those questions within the context of the following considerations.

    - The existing access at Hansens Mountain and Route 250 is at capacity.
    - The proposed plan will generate significantly fewer vehicle trips per day than the approved by right use of this property.
    - As part of the rezoning process, the Pantops Ridge proposal could be designed to reflect some objectives of the Neighborhood Model, while Gazebo Plaza Shopping Center, in staff's evaluation, is designed as a conventional shopping center that does not comply with the Neighbohood Model.
    - There are no current plans to provide alternative connections at Glenorchy or Ashcroft to relieve pressure on Hansens Mountain Road.

- Before proceeding with a detailed review of the application plan, both staff and the applicant are seeking the Commission's guidance on whether, given the existing contextual constraints, a mixed-use development of this scale could be appropriate for this site.

- Staff recognizes that, from a traffic standpoint, this proposal would generate a lesser impact than the approved by right plan for Gazebo Plaza. Therefore, staff encourages the applicant to pursue an alternative connection to Glenorchy Drive through a proffering process.

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

Mr. Edgerton stated that the Gazebo Shopping Center was approved in 1980. He asked how does the applicant vest in this approval.

Ms. Gillespie stated that it was a PD-SC, Planned Development-Shopping Center which was created by a rezoning process and what ultimately became the approved site plan became the application plan and essentially the zoning for that property.

Mr. Edgerton asked if he could start building this tomorrow.

Ms. Gillespie stated that he really could. She pointed out that the site plan expires and that the applicant would probably have to have the site plan amended. She noted that the plan was the approved application plan for the site itself.

Ms. Hopper stated that if the Glenorchy connection were made, would that alleviate the traffic situation enough that there would not be a concern to staff. She asked how much pressure that would take off of the traffic situation.

Ms. Gillespie stated that would eliminate the safety concern that staff and VDOT have because when you have a situation where people are waiting to turn out onto a busy road and they are waiting for a long time, then they start taking chances and pull out. If they were waiting at a stoplight it would essentially be a safe movement. Therefore, it would eliminate the safety concern. She stated that it would still create more vehicle trips filtering out on to Route 250, but the bulk of their concern would be alleviated if they could get the people to a light.

Mr. Rieley asked if the applicant would like to address the issue.

Richard Spurzum, property owner, stated that he purchased this 37 acres on Pantops from the Worrells, which was originally, part of Peter Jefferson Place. It was always thought that this property would provide the housing for the people who worked in the office park at Peter Jefferson Place. He pointed out that it was important to look at this in that context. Nothing could be done to this property until the pump station had been built for sewage for Peter Jefferson Place. That is the only reason why the shopping center was never developed through all of these years. Once the pump station was built, it opened the door for this parcel to be developed. His proposal was primarily for a residential development that he felt meets the objectives that the County has set forth in the Comprehensive Plan. He noted that the highest urban density allows 34 units per acre, and they were well below that. The property is in the growth area, located on a major thoroughfare, meets most of the principles of the DISC report, and has all of the things that the County says that they want. He acknowledged that there is some traffic concerns here that he would like to point out. When they were told to go and get a traffic study, the traffic engineer got together with VDOT and part of what they established was how many intersections they actually had to go out and analyze for this development. VDOT's rule is if an anticipated development would possibly affect more than 15 percent of the traffic at a particular intersection, then you would have to go and analyze that intersection. As a result of that meeting, the traffic engineer developed the scope of this traffic study. VDOT ended up saying that they felt that this development would not even have a 15 percent impact on the traffic at State Farm Boulevard. Therefore, the only intersections that the traffic engineer was suppose to evaluate for the study was Hansens Mountain Road, Peter Jefferson Parkway and the on and off ramps of I-64. He noted that needed to be taken into account. The second thing about the traffic was that he felt that there was a very strong argument that could be made with the Comprehensive Plan's objectives that at least the traffic be concentrated. He envisioned that the people who would live here could work at Peter Jefferson Place, could shop at the Giant and could do almost all of their daily traffic right within the Pantop's area and would not be affecting traffic ten miles out. Of course, you would have to cross Route 250 East and it would worsen the traffic on Route 250 East, but the traffic would be contained in that area and keep the so called urban sprawl from hitting other places in the County.

Mr. Rieley asked if there were any questions.

Mr. Craddock asked if he knew what the current traffic count was coming out of Hansens Mountain.

Mr. Spurzum stated that he did not. He stated that as part of their traffic study that was based on the discussion between VDOT and the traffic engineer, the traffic engineer was to take into account all the further development in Ashcroft, which is several hundred houses left in Ashcroft. Therefore, all of that traffic was taken into account coming down Hansen's Mountain Road. He pointed out that either way with or without this development, the traffic on Hansens Mountain Road was going to get significantly worse because of what has already been approved.

Mr. Craddock stated that he thought that he had read somewhere where they were talking about a right turn only out of Hansens Mountain Road at some point in the future instead of the little cut across on Route 250.

Mr. Spruzum stated that the cut across on Route 250 was dangerous right now. He noted that VDOT has made mention of the fact that they might not wait for this development, but that some day they might just come in and just close that cross over so that it would only be right turn in or right turn out. He felt that was inevitable whether this development proceeds or not.

Mr. Craddock asked if that might be why they said that it would not affect any intersections up towards State Farm because people would go out right onto Route 250, get to Peter Jefferson Place and make the U-turn and come back and get on to I-64. He noted that made a lot more sense to do and why it would not affect Pantops Mountain as much.

Mr. Spurzum noted that it might be so, but he felt that the close proximity to I-64 lends itself for development so that people can get quickly onto I-64 and get where they want to go.

Mr. Craddock asked if all of the lots in Glenorchy that back up to it are all developed.

Mr. Spurzum stated that very few of the lots are actually developed. The whole parcel of Glenorchy was about 70 acres and over 50 acres are undeveloped. There are four lots that front Route 250 East, and only two of which are developed. Last fall before he submitted the application, he spent a great deal of time investigating various possibilities. As mentioned by the County staff, the main problem at looking at anything in Glenorchy is that there is a restrictive covenant in the deed for all of the Glenorchy properties that says you cannot assess property outside of the subdivision through the subdivision. So even if someone were to go in and buy one-half of the subdivision and tear down all of the houses, it would still not allow you to take a road through Glenorchy that assesses land outside of Glenorchy. He pointed out that the biggest problem was that deed restriction.

Ms. Hopper asked if he had talked to a lawyer.

Mr. Spurzum stated yes that he had, but that Harley Easter had owned most of the property in Glenorchy for over fifty years and did not have any interest in selling it. As a result with discussions with the County and VDOT, they have allowed for a future connection right across the front of the property. That is the most valuable part of the property. What is anticipated there is that would not be just for Pantops Ridge traffic, but it would be anticipated there that Hansens Mountain would be closed at Route 250 East and all of Ashcroft traffic and other traffic from Hansens Mountain would be routed across the front of Pantops Ridge and out to Glenorchy. The long term plan if the County or VDOT decided to take some action with regards to a couple of properties in Glenorchy, would be to close Hansens Mountain completely and route that traffic across in front of his property.

Mr. Craddock asked if he was looking at the same elevations that are existing. He asked if he was planning on cutting down the whole hillside down at Route 250.

Mr. Spurzum stated that it was hard to look at this development in a vacuum because of this plan for development, which is for 180,000 square feet. He pointed out that in order to put in a shopping center they would have to do a lot of grading. When they did a preliminary grading analysis on this, they would have to do enormous cuts on the back of this property. As the engineer told him when they were working on the grading plans, he said that you have seen all of the trucks running from Giant across the road for days and weeks, he said just imagine that going on your site for 24 hours a day for a year. He pointed out that a residential development would make it a lot easier on the topography.

Ms. Hopper asked if making the connection through to Glenorchy if that would require going through residences. She asked if there was a lot of empty space there.

Ms. Gillespie stated that it obviously has not been engineered or studied. She stated that she could see two plausible scenarios. One scenarios would be on Glenorchy Drive and then there is a cul-de-sac on the right that has six lots and it would only take one or two of those houses, and then use their residential street as the access. The other scenario has not been studied and may be difficult to do because of the bedrock. The scenario would be to go closer to Route 250 and do some sort of frontage service road along the back side of those lots that would not actually take any property. She noted that it might require some additional right-of-way, but it would not take the houses. She pointed out that scenario would be very difficult from an engineering standpoint.

Mr. Rieley asked if there were any other questions.

Ms. Gillespie stated that the intersection at Hansens Mountain Road was at a level E right now.

Mr. Rieley stated that the level of service was currently E, which is almost failing. He stated that the definition of a failing intersection was more than an 80-second delay. He noted that it was not doing real well right now. He stated that tonight this was only a work session to take information and possibly give some general guidance to staff, but that they were not going to take any action on the zma. Normally, for a work session they did not take general public comment. However, there are not a tremendous amount of people here and if it was all right with the other Commissioners, he would be inclined to listen to the public's concerns. He asked if anyone would like to speak to this issue.

Lynn Shea, owner of Shadwell Mountain Subdivision, stated that her subdivision did affect Hansens Mountain Drive. Therefore, there was more than Ashcroft to consider. She pointed out that with the building of Carriage Hill, which looked like a large complex, that there were 304 units to be considered. For this proposal to be considered 800 units, which was more than twice that size, it makes a statement of itself that it is a large unit.

Mike Merriam Director of Planning and Construction for Monticello, stated that he was here to see what is being planned. He pointed out that his concern was the visibility of the proposal from Monticello. If this project goes forward, he would ask that the Commission take that into consideration as far as the pilot of colors that are being used on the project, and the amount of landscaping that is left in the project. A project like Carriage Hill is extremely obvious because the project was so bright and condensed. He stated that they needed to work with the developer to create that minimal visual impact of what Monticello is the most concerned about. As a private citizen he stated that he was curious on the impact on the local school systems, particularly at the Stone Robinson Elementary School given the growth already from the Ashcroft Subdivision.

Patricia Danagher stated that she lived on Shadwell Mountain and has to take the frontage road on Lego Road in Ashcroft all the way to the end. Several years ago the road was entirely closed down. She stated that they were not allowed to get in to their site. The Pancake House did not allow them to use the access road, because the builders of Ashcroft had huge boulders there. So for all practical purposes, that road is inaccessible. On the day of fire they had to bring in extra

equipment to move the boulders to get the fire trucks in there. She stated that was a major concern to not be able to get into the house. She asked if the traffic on Hansens Mountain Road could only turn right, how would they be allowed to go left. She asked if they would build a circle underpass to allow them to go westbound. She pointed out her concern with the impact on the historic properties. She voiced concern with all of these impacts and the tremendous traffic.

Kathy Pearson, resident of Key West, voiced concerns about the impact of the traffic on the already congested roads. She questioned how a plan could still be good after not being used for 23 years.

Mr. Rieley asked if any Commissioner would like to give some guidance to staff.

Mr. Finley asked since there is an approved project if it could be built and exit into Hansens Mountain Road.

Ms. Gillespie stated that it could.

Mr. Rieley stated that if their only criteria were that a project has to be better than an existing site plan, then it does not set the bar very high. He stated that he wondered frankly whether a shopping center the size of Albemarle Square with a right in and right out is at all viable or if 10,000 vehicle trips per day is possible in that arrangement. In evaluating this, he felt that they needed to use other criteria such as is it better than the existing land. He stated that was his view.

Mr. Thomas stated that it would be better than the by right that was existing. He stated that the only way that he would like to see this project too is for some interconnectivity. He stated that he did not know how that would happen especially with Glenorchy and the deed unless they went into Ashcroft.

Ms. Hopper stated that in response to his question, she did think that this is stale zoning, or something from a long time ago that no longer fits with a lot of the County's policies, but it is there. The question of whether a shopping center would even be viable in that location is an interesting one and she would like more information about that. Certainly the development could not happen unless there was a connection and she did not think that Sarah's Road was enough. She felt that there would have to be at least a connection through Glenorchy at least if not some other section down through the back. In response to his comment, she thought that this would be a very rigorous rezoning process because of where it was located. She stated that in the Glenorchy connection, she did not see any other way but some kind of condemnation. She asked Mr. Kamptner if there was any other way around the deed restriction.

Mr. Kamptner stated no, unless the owner of the property somehow got those restrictions released.

Mr. Thomas pointed out that they have deed restrictions in Carrsbrook and unless every property owner signs off on the deed restriction, then it does not go. It takes 100 percent agreement with the property owners in order for it to be lifted.

Ms. Hopper stated that she had a lot of questions and concerns. She stated that she would really like to know how viable that shopping center is. She felt that use for that land would be a very poor use. She pointed out that it also made you wish that the adequate public facilities legislation got passed by the General Assembly to enable us to push for infrastructure that was happening at the same time.

Mr. Craddock stated that he drives through this area every day and that it was a real mess particularly when they were widening Route 250. Due to the traffic congestion, he pointed out that he had cut through Carriage Hill Apartments at times. He pointed out that he did not think the

people in Ashcroft would appreciate people cutting through. He stated that he did not think that Mr. Easter would be interested in providing access through his land.

Mr. Rieley voiced concern about the view from Monticello.

Mr. Thomas stated that since they were going to look at the Pantops Road system and all of this area if included, he asked if there was any accessibility from Pantops Ridge to the west other than through Ashcroft. He asked if there was any accessibility that would be behind Westminster Canterbury into any of the other roads on the West Side of Pantops.

Mr. Craddock stated that when they reviewed Eckert Drug Store, there was a drawn in road going down Fontana and all the way back in there to the Old Elk's Lodge and back through there. He pointed out that was all dependent on coming down North Pantops.

Mr. Thomas asked that to be looked.

Mr. Edgerton felt that that a shopping center would be disastrous on this piece of property. He stated that was kind of being held up over our heads. He agreed with staff's position in what is being suggested is at least twice as good as the shopping center. But at the same time, if there is no safe way to get in and out he could not in good conscious support a project of this scale with that limited access. He stated that he would like to think that there would be some way to work with the applicant to see if there was some other way to gain access through this property. He felt that the gentleman deserves to be able to use his property. He felt that the two proposals before them with one of them being approved that their only savings grace was that maybe one of them is not economically viable. He felt that the proposal was far too dense for this piece of property and he would like to urge the applicant to think of something on a more modest scale and tie it with some interconnectivity.

Mr. Finley stated that the approval was not being held over their heads because it was just a fact. He stated that if it were not for the traffic problems and the nonaccessibility, that this property could go even denser. He stated that they would have to say connect to Glenorchy or the applicant may not have this use.

Mr. Rieley stated that he was glad that Mr. Edgerton raised the issue of scale because unless they were willing to say that anything is better than another Albemarle Square on this site is all right, then they have to look critically at this plan. It seems that this is by a large measure more dense than appropriate at that location. In light of the Comprehensive Plan, the denser it is the more problematic the traffic compounds all the traffic issues. He stated that he would like to see if this moves ahead to see that the issues of access and scale addressed.

Mr. Rieley stated that there were also the issues of the viewshed of the historic properties.

Ms. Hopper stated that density could be better handled if the site was designed well. She felt that the design should be according to scale. She felt that it needs to be scaled back. She asked if Sarah Road was a private road.

Ms. Gillespie stated that it was a secondary emergency access to Ashcroft.

Mr. Rieley asked how that is enforced.

Mr. Benish stated that he would have to check to see if that was still an emergency access. He pointed out that at the time the road was closed that there was a trespassing issue.

Mr. Rieley asked as this proposal moves ahead, he would like to have a really good map that shows all the public and private roads in the area all the way from Route 20 up to the interstate.

He asked that the map include the crossovers on Route 250. He questioned the impact of the U-turn on Route 250.

Mr. Benish stated that in terms of the Commission's direction, they asked that staff pursue a second point of access. Based on your conversations of two weeks ago about the roads in the Pantops area and in terms of the timing of the applicant evaluating connections, is there value in that view of this proposal in time with your evaluation of those local road connections. The Glenorchy Subdivision was one that was defined for staff to evaluate. The applicant may or may not and if he pursues this further he might be pursuing alternative alignments perhaps for interconnections that may have to relate to a larger network that your are contemplating. If you prefer to see that the staff process go ahead of this review process, then that would be your desire because it would be very useful for the applicant in terms of the time spent.

Mr. Rieley stated that it makes sense since they're already doing that to evaluate the roads and they know that there is a project with an intense use that has already been approved for that site. So they already have justification to do that completely aside from this proposal. It would really be good to nail that down.

Mr. Benish suspects that some of the options that Mr. Spurzum has mentioned included the one limitation with the deed. Other options are going to be fairly prohibited and outside of what one developer could undertake. He felt that the other aspect of this was that once they agree to a system, then it might be an implication as to whose responsibility it will be to do the roadways.

Mr. Rieley stated that Ms. Hopper raised the possibility of condemnation and that was obviously something that was not within the applicant's review. He stated that there was an awful lot on that site.

Mr. Benish stated that the student impact was something that they would typically provide, but they wanted to focus in on the transportation issues first, but that would be forthcoming.

Mr. Rieley stated that he hoped that they had provided some useful feedback.

Mr. Thomas asked if it was within the review area of the Architectural Review Board, and Mr. Rieley stated that it was.

In summary:
The Planning Commission held a work session on ZMA-02-011 Pantops Ridge. The purpose of the work session was to provide guidance regarding the review of this proposal in relation to the projected traffic impacts and the potential for future access through Glenorchy. The square footages and uses provided by the applicant were reviewed for the purposes of evaluating the transportation impacts. The Commission discussed and answered the questions posed by staff and took public input, but took no formal action. The Commission asked that the following issues and concerns be addressed:

- Transportation concerns about safety and access problems, which includes an emergency access.
- The interconnectivity with other areas, particularly the Glenorchy deed restriction should be reviewed for potential future access.
- View from historic properties, particularly Monticello.
- View from I-64 and Route 250 East.
- Issue of scale, which compounds traffic problem.
- Measure density in Comprehensive Plan against the other criteria, particularly the safety concerns regarding the transportation.
- Provide more information on whether a shopping center would be a viable use at this location.

In summary, the Commission would prefer not to act on the rezoning and special use permit requests as presented based on the existing language and land use designations in the Comprehensive Plan. The Commission would prefer that the transportation system and the land use in that area be reviewed more comprehensively before a decision is made on this particular rezoning and special use permits.

Review of Board of Supervisors Meeting – July 9, 2003

Mr. Benish summarized the actions taken by the Board of Supervisors on July 9, 2003.

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 7:15 p.m. to July 22, 2003.

V. Wayne Cilimberg, Secretary

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