Albemarle County Planning Commission
March 9, 2004

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, March 9, 2004 at 6:00 p.m., at the County Office Building, Room 241, Second Floor, 401 McIntire Road, Charlottesville, Virginia. Members attending were Rodney Thomas, Chairman; Bill Edgerton, Calvin Morris, Marcia Joseph; Jo Higgins, William Rieley and Pete Craddock, Vice-Chairman.

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

Call to Order and Establish Quorum:

Mr. Thomas called the regular meeting to order at 6:00 p.m. and established a quorum.

Other Matters Not Listed on the Agenda from the Public:

Mr. Thomas invited comment from the public on other matters not listed on the agenda.

Neil Williamson, Executive Director of the Free Enterprise Forum of Charlottesville, stated that he would rise with a housekeeping item. He stated that he had been made aware that on March 23rd that the Planning Commission will be a holding public hearing on relegated parking. The agenda on that date looks like the Commission will have a very crowded schedule. He pointed out that relegated parking was the sixth or seventh item on the list. He noted that he has spoken to a number of business people who are interested in speaking, but they have asked him about a time. He stated that he was curious if the Planning Commission would consider extending that public hearing. He asked that the Commission hold the public hearing as advertised, but to keep it open and to perhaps make it the first item on the agenda for the 30th, which was the next meeting. The purpose for doing so would be to give the public ample opportunity for comment. He did not anticipate that it would be that lengthy of an additional time period, but it would be an extreme convenience to those folks who are trying to schedule their time accordingly. He thanked the Commission for their consideration in this matter.

Mr. Thomas stated that the Commission would have to consider the time factor and how long it would take at the time of the hearing.

Mr. Rieley suggested that the Commission take this matter up under old business.

Mr. Thomas stated that the Commission would discuss this matter under old business. He asked if there was anyone else present to speak on other matters not listed on the agenda. There being none, the meeting proceeded.

Review of the Board of Supervisors Meeting – March 3, 2004

Mr. Cilimberg summarized the actions of the Board of Supervisors at their March 3, 2004 meeting.

Consent Agenda:

Approval of Planning Commission Minutes – January 13, 2004.

Mr. Thomas asked if any Commissioner would like to pull an item from the consent agenda for discussion. There being none, he asked for a motion.

Mr. Morris moved to approve the consent agenda as submitted.

Mr. Rieley seconded the motion.

The motion carried by a vote of (6:1). (Joseph – Abstain)

Deferred Item:

SP 2003-084 Dennis Enterprises - Rio Road (Sign # 55) - Request for special use permit to allow a car dealership in accordance with Sections 22.2.2.8 and 30.6.3.2.b of the Zoning Ordinance which allows for motor vehicle sales and any portion of outdoor storage, display and/or sales, which would be visible from an Entrance Corridor Street. The property, described as Tax Map 45, Parcels 100, 101 and 101B, contains 2.54 acres, and is zoned C-1, Commercial and EC, Entrance Corridor. The site is located on Rt. 631 (West Rio Road), approximately 250 feet east of the intersection of Rio Road and Berkmar Drive on the north side of the street, in the Rio Magisterial District. The Comprehensive Plan designates this property as Regional Service in Neighborhood 1 (Margaret Doherty)

Mr. Thomas stated that SP-2003-084, Dennis Enterprises, was deferred from the previous meeting. He pointed out that the public hearing would not be opened, but the Commission would ask for additional staff information.

Mr. Benish stated that the Commission deferred this special use permit from last week's meeting. The Commission had asked the applicant to provide profiles and cross sections of the site of the proposed development to better understand the visibility of the parked vehicles and information regarding the conceptual storm water management plan. The Commission had mentioned that those were the things that they wanted to discuss further. He noted that he had just handed out a draft set of conditions of approval, which attempt to address some of the issues that were either raised by the Commission last week or were generally reflective of the ARB's conditions. Staff tried to email the conditions to the Commission today, but the email did not reach all of the Commissioners. He apologized for the delay in getting the information to them. To summarize, staff does not recommend approval of this primarily due to the introduction of this use to this Entrance Corridor off of Route 29, which has been summarized in the prior staff report. Staff has provided these conditions of approval should the Commission vote to recommend approval. He stated that he would be happy to answer any questions.

Mr. Rieley asked Mr. Benish to elaborate on staff's reason for recommending denial since he was absent last week.

Mr. Benish stated that staff's position is that the proposal of this use would be introducing a new use into the corridor that has impacts both visually and from a land use context standpoint that is felt to be inappropriate for this area. It has been staff's position to try to encourage auto dealerships to align along the existing corridors where they are currently present and that impact is currently in existence. The ARB indicated that they had a number of concerns with the introduction of this use into this Entrance Corridor. From the land use context, staff feels that some of the ARB's concerns are relevant to the land use discussion. Therefore, staff feels that a use introducing this amount of parking and lighting with the implications of the auto dealership should be retained on the corridors where they currently exist and not be introduced in this corridor.

Mr. Rieley asked if staff feels that there is a conflict from that recommendation and the designation in this area in the Comprehensive Plan as a Regional Service District because typically it would include these types of uses.

Mr. Benish stated that it was a fair consideration in that there are Regional Service uses that they could have that are in fact similar. This area is identified for Regional Service and that implies that

it would have highway oriented types of uses potentially designated within it. Staff feels that auto dealerships are unique. Comparisons could be made with the corner building supply that is across the street from this site regarding the hours of operation, the amount of lighting, the amount of storage area and how it is stored. There is the potential for more impacts to this Regional Service area on the side street as that area continues to develop and redevelop. Under the current conditions there are residential uses which certainly could convert over time, but under the Neighborhood Model principles, mixed use development and the general principles in the Comp Plan may actually encourage those uses to be retained as those sites redevelop. It certainly is an arguable point as to whether this is a Regional Service use that could be acceptable in this area. But, staff felt that in this location it would be safer to the area to not provide for this type of this use because the potential impact of the activities and issues.

Mr. Rieley stated that the further point is that this after all is a use that under the current zoning requires a special use permit to go forward.

Mr. Benish stated that was the purpose of the special use permit because it was implied to be a type of use that would be generally consistent with that zoning, but would require special considerations due to those impacts.

Mr. Thomas asked if the Commissioners had any further questions for Mr. Benish.

Ms. Higgins asked a question about the executive summary that they just received with respect to a lot of the conditions that were a result of the discussion about the special use permit having some special considerations that need to be addressed. She asked if the applicant has seen these conditions or did staff go over the conditions with the applicant.

Mr. Benish stated that his understanding was that the conditions were drafted over the intervening week with Ms. Doherty, the County Attorney, the Zoning Department and the Design Planner for the ARB. They have looked at these conditions over the past week. Staff tried to distribute the executive summary today. He pointed out that the applicant received a faxed copy at 4:00 p.m. today. Therefore, the applicant has not had much advance notice. Staff apologized for this delay. He stated that staff did not negotiate the conditions with the applicant. Conditions 1 and 3 were designed in sort of a place holder language in case the applicant brought a revised plan that they could see. He pointed out that if the Commission gives a recommendation for approval that they may need to modify the conditions tonight based on the information that they have. He offered to go over the conditions.

Mr. Rieley stated that in light of the fact that the applicant has only seen these conditions recently that it would make a lot of sense to go through each condition.

Mr. Benish stated that condition 1 was what he referred to as a placeholder in case the applicant had brought a revised plan, which the Commission could reference based on their conversation tonight. He pointed out that Mr. Kamptner could also help answer any questions. Condition 2 reads, vehicles parked or displayed outdoors shall not be elevated anywhere on the site (through the use of racks or other lift devices). He pointed out that condition was reflective of the concerns of the ARB and the Planning Commission. Condition 3 was a similar placeholder, but it was to indicate where the vehicles were going to be displayed, which was a common condition for car dealerships. Condition 4 reads, between the building and Rio Road West, there shall not be more than two rows of vehicles. One row shall be used for display vehicles; and the other row shall be used for customer parking. The intermittent, incidental parking of customer vehicles in the display vehicle row shall not be a violation of this condition. This is in part addressing an issue of the ARB since their recommendation had been for a single row of parking along the front. The Commission's discussion last week became more centered on allowing the two rows of parking, one of which could be display and the other customer parking. This condition reflects what staff felt was the Commission's direction at last week's meeting.

Mr. Rieley stated as a point of clarification, if the Commission approved this with two rows of parking and the ARB held their view that there should only be one then what governs.

Mr. Benish suggested that they ask Mr. Kamptner. He stated that he believed that the Design Planner would recognize that the ARB would likely follow the direction of the Planning Commission.

Mr. Kamptner stated that the special use permit for outdoor display would decide that. He pointed out that if the conditions indicated only one row of display vehicles then they would be bound by that condition.

Mr. Edgerton pointed out that in last week's discussion with the applicant that they indicated that they could deal with one row of display, but not without any rows of display.

Mr. Craddock stated that the applicant had offered a compromise.

Ms. Higgins pointed out that they had not seen the sections in order to know how that one row sets in the site and they thought that it might have a specific affect on the viewpoint from the Entrance Corridor. She noted that the ARB has not seen the additional information.

Mr. Benish stated that condition 5 was that the building shall be located closer to the front property line adjacent to Rio Road West than as it is shown on the plans entitled, *Application Plan for Dennis Enterprises – Rio Road,* dated November 24, 2003, to the satisfaction of the Architectural Review Board. He pointed out that the plan is on display.

Mr. Thomas asked if there was a specified distance.

Mr. Benish stated that this condition was intended to address the ARB's recommendation that the building be pulled up to Rio Road West based on their recommendation for the amount of parking along the frontage. Therefore, this again is trying to identify that if they were going to agree to the prior condition, which does allow for two rows of parking, that it calls for the building to be brought up closer to the road. The reason that the specific measurement is not given is that there is a potential spacing issue with the turn into the travel way from Rio Road West, and there has to be a certain spacing requirement for that.

Ms. Joseph stated that they wanted the building pulled up to match the building that was next to it so that there would be one line of buildings.

Mr. Benish stated that again the distance is not identified because there might be constraints with the two roads and travel ways with Rio Road West.

Ms. Higgins stated that it actually shows on the plan and is referenced that this is the difference that they talked about between this building and the other. She pointed out that there was a potential for 18 feet by taking one row of parking and displacing it in the front and moving it to the back.

Mr. Benish stated that you can not definitively say that you can pick up the 18 feet because they don't know where the travel isle needs to be located.

Mr. Edgerton stated that he was confused because they have two renderings that they have not talked about. He noted that they have a section and a perspective rendering which shows one row of display and one row of customer parking, but still they were referencing a plan that shows two rows of display and one row of customer parking. He noted that staff's recommended language seems to be referring to a design that would be consistent with the new renderings and inconsistent with the plan.

Mr. Benish pointed out that this is a problem with trying to do something in seven days. Staff has not seen these renderings yet and had to take their best shot at this. Therefore, the Commission would have to use conditions 1 and 3 and revise the references since they don't have a plan to refer to.

Mr. Edgerton stated that condition 5 references that particular drawing specifically on that date.

Mr. Benish stated that condition 6 says the level of illumination of the site and building lighting shall be limited to negative impacts to the Entrance Corridor and to adjacent residential uses, to the satisfaction of the Architectural Review Board. He pointed out that staff expressed this as a land use issue, too. Condition 7 says that the site shall be landscaped to limit visibility to vehicles, to the satisfaction of the Architectural Review Board. Staff feels that the information provided by the applicant would give the Commission some opportunity to discuss those impacts. The ARB had made some recommendations to preserve some existing trees on the site. Condition 8 is to address the issue if those trees are shown to be retained and cannot be that they need to be replaced with other trees. He asked Mr. Kamptner if that was the intent of that language. He suggested that they reference it to if the existing large trees. Condition 9 speaks to displays of other items which should be limited on the display vehicles. Condition 10 was just for the striping on the spaces. He pointed out that condition 8 was taken from the ARB's condition 7, which was worded that they would strongly encourage saving that large Oak tree.

Mr. Kamptner pointed out that "strongly encouraged" does not work in special use permit conditions. He pointed out that with this design there was no way that the large Oak tree could be saved since the root system would be damaged. Condition 8 was worded to recognize that those trees were likely to be lost, and to condition seeking that the landscaping be restored.

Mr. Benish stated that the list of suggested conditions was as follows:

1. The site shall be developed in general accord with the attached plans, entitled , dated ;
2. Vehicles parked or displayed outdoors shall not be elevated anywhere on site (through the use of racks or other lift devices);
3. Vehicles shall be displayed only in areas indicated on the plans entitled , dated for display.
4. Between the building and Rio Road West, there shall not be more than two rows of vehicles. One row shall be used for display vehicles; the other row shall be used for customer parking. The intermittent, incidental parking of customer vehicles in the d display vehicle row shall not be a violation of this condition;
5. The building shall be located closer to the front property line adjacent to Rio Road West than as it is shown on the plans entitled, *Application Plan for Dennis Enterprises – Rio Road*, dated November 24, 2003, to the satisfaction of the Architectural Review Board;
6. The level of illumination of the site and building lighting shall be limited to eliminate negative impacts to the Entrance Corridor and to adjacent residential uses, to the satisfaction of the Architectural Review Board;
7. The site shall be landscaped to limit the visibility of vehicles, to the satisfaction of the Architectural Review Board;
8. If the large shade trees identified on the plans entitled, *Application Plan for Dennis Enterprises – Rio Road,* dated November 24, 2003, are removed, alternative landscaping shall be provided, to the satisfaction of the Architectural Review Board;
9. Display vehicles shall not display signage, flags, balloons, or other similar items, beyond that required by the manufacturer; and
10. Spaces for display vehicles shall measure 9' X 18' and shall be striped. Display cars shall be parked in striped display spaces only.

Mr. Thomas stated that the ARB would be the deciding factor for what the landscaping will be for the trees, etc. He asked if there were any more questions for Mr. Benish. There being none, he asked if the applicant like to come forward and address the Commission.

Kelly Strickland, of Rivanna Engineering, stated that he represented the applicant and had prepared the preliminary site plan. He stated that Katurah Roel, of Virginia Land Company, was also present and had helped work on this project. The owner, Dennis Minetos, was also present. He pointed out that they would be happy to address any other questions. Last week he started his presentation by referring to the Comprehensive Plan. The property is zoned C-1, Commercial, which does not allow an auto dealership by right. It requires a special use permit. The designation in the Comprehensive Plan is Regional Service, which does allow for auto dealership, major auto dealers, mobile home sales, department stores, etc. as well as for outdoor display. What seemed to come into discussion last week that he wanted to touch on was that this is a relatively new Entrance Corridor that has not been developed nearly to the commercial level that U.S. Route 29 is and what steps could be made to protect this site from having an auto dealership similar to other sites. He pointed out that although Mr. Benish talked about auto dealerships being unique, Mr. Minetos would like this to be an unique auto dealership in that it does not look necessarily like an auto dealership. That is the gist of what he heard last week. The Commission would like to see this site developed and not necessarily look like an auto dealership, but not have the sales, the lighting and those things as per the conditions. He pointed out that they were happy with all of the conditions and can abide by them. He noted that he had provided a little bit more information here. The ARB wants no rows of display parking, which is not an option for the owner. The owner needs to have a sales floor on the top level and a service area on the lower level. He referred to the section on the board on how that was laid out. It is Mr. Minetos' intent that this is a high end up-scaled auto dealership, and he was perfectly willing to work with the ARB as long as he can sell cars out of his showroom. The site is on a steep slope which slopes about 10 percent towards the back. They have used the building to basically block off the entire back of the site. The site that they were looking at from the ARB in the Entrance Corridor was 150 by 150 feet. The building would effectively screen and hide the back portion of the site where the other display vehicles and service bays would be. They were trying to create a front that looks not necessarily like an auto dealership, and that two rows would very effectively do that. The rendering on the left behind Mr. Rieley shows this. The architecture was done very quickly and was sort of an example of how a dealership could be designed and built to look not like an auto dealership, particularly with the conditions recommended by County staff that the applicant is agreeing to. There are some 11" X 17" elevations which were presented to the ARB. He noted that there was a little bit of discrepancy. They were perfectly willing to go back to the ARB and work with the design of the building and the placement. As far as the special use permit for outdoor display, they would like to have the Commission's approval and recommendation of approval to be allowed to have the display as they were showing it with the conditions recommended. There were some questions last week about storm water management. He pointed out that they need to provide a two-year storm outfall from their site. Ideally that two-year storm outfall would not only be from their site, but also from the entire service base so it would effectively bring the regional facility up to today's standards. Right now this regional facility is designed for a ten-year outfall with post conditions. There are ways to do it on a regional scale, but, of course, that would have to be coordinated with the County both time-wise and price-wise because there would be pro-rata shares involved. If not, they would be happy to do that on site in that lower parking area or even in the spot below. This facility would hire as many as 25 employees on site. He submitted a photograph dated February 29, 2004 of Brown Auto Dealership located on Route 29 with the VNB Bank next door to display how an auto dealership could blend in with surrounding uses. He pointed out that this was showing that an auto dealership does not have to be detrimental from a commercial perspective to something next door to it. They fully intend that this site could be developed in the same manner and that the neighboring sites could be developed in commercial uses or even residential uses without any detrimental effects. The conditions would definitely add to that. As far as making the conditions applicable to the plans that they were showing that he would be happy to mark up the drawing to reflect all of the conditions noted. He stated that they would take the plan referenced as November, 2003 and add the stipulated conditions and just take out the parts underlined that were looking for a plan date or he would be happy to put a date on that plan and to mark it up very quickly if that would be effective.

Mr. Thomas asked if the sketch needs to be marked up tonight.

Mr. Benish stated that the conditions here contemplate, unless the Commission has additional issues, with what the intent is of the plan and they could probably go with these conditions and the Commission could direct the applicant to revise the plans or they could clean up the language to ensure that all of the references are accurate. He felt that staff was comfortable with the wording and the substance of the conditions given the displays that they now have. He stated that he did not think that they needed to mark up a plan.

Mr. Thomas asked if there were any questions for the applicant.

Mr. Rieley stated that there was no designation in the conditions about the hours that the lighting would be limited to. He assumed that after normal business hours that the lights could be cut off. He asked if that was a reasonable assumption.

Mr. Minetos stated that the lights could be cut off after 12 p.m.

Mr. Rieley stated that was inconsistent with having residential uses nearby and that would be a concern.

Mr. Thomas stated that lighting would be an issue as long as the residential areas were close by.

Mr. Strickland stated that would be the entire lighting and not just the lighting in the back. The residential area is the mobile home park that is on the north side of the creek. He asked if they were worried about the lighting that was up on Rio Road as well in regard to that.

Mr. Rieley stated that it would include the lighting on Rio Road. He agreed with staff that the character of the area and how it was likely to grow and change over time and how consistent this use would be with what the vision for that area is. Bright lighting along the road would change the character of the area.

Mr. Strickland asked if that was something that they could add as an issue to take to the ARB.

Mr. Rieley stated that he was just raising it as a question to clarify.

Mr. Thomas stated that he would prefer to see the lighting situated and to be low enough that it would not affect the residential area while this area is in transition. He stated that it was only a small portion there, but that it should be protected as much as possible from the light. He pointed out that the Lighting Ordinance might take care of a lot of it with the down lighting.

Ms. Joseph stated that condition 6 could be modified.

Ms. Higgins stated that from the perspective of lighting, she would prefer that the design of the fixtures dealing with the cut-off and the viewpoints for a permanent fixture on the site not to be depended upon a light being cut off by someone at a certain time. That is a zoning enforcement issue and she felt that all parking lots have a certain measure of security lighting and they don't want it to be an attractive place for people to go in the middle of the night because it was darker than other parking lots that were in the regional service area. Therefore, the fixture itself should be carefully considered for the cut off and glare.

Ms. Joseph asked what the difference was in the elevation between the trailer park and the back part of the parking lot.

Mr. Strickland stated that the trailer park was about 40 feet below Rio Road.

Ms. Joseph stated that this site would be higher than they are, Mr. Strickland agreed.

Mr. Strickland stated that the applicant had just indicated that he would be willing to cut off all of lights at 9:00 p.m. with the exception of security lighting that has a 15 minute cut-off time. He pointed out that typically security lighting has a motion detector attached to it and will come on for 15-minutes after a motion was detected.

Ms. Higgins stated that the fixtures still need to be by design as effective as possible because you cannot depend on someone going by at midnight when the lights are still on to call the Zoning Department to complain.

Mr. Morris stated that there needs to be enough lighting in that parking light to discourage anybody from breaking into cars.

Mr. Strickland pointed out that as part of the final site plan they would have to go through the ARB with a photometric plan on this. The ARB and the Zoning Department will both be looking at the .5 luminaries on the property line as part of the maximum foot candle requirements allowed on the property line. They will be looking at the fixtures to make sure that they are full cut-off. The ARB will be looking at the lighting plan under the Entrance Corridor requirements as well. Therefore, there are two safety checks.

Mr. Thomas asked if there were any more questions for the applicant.

Ms. Joseph stated that the applicant has come back and shown that there is one row for display area and that is more in conformance to what else is out there. She recognized that this was a special use permit for the use and that they have gone a long way to mitigate this use by putting all of the parking in the rear and using the slope of the site itself to put the building and using the site hopefully effectively. She stated that these conditions could make this work within the area. She stated that depending on the proximity to the trailer park in this area where they need to be 20 feet away that there needs to be a row of vegetation that is tall enough to help with that lighting so it does not go onto the residential area.

Mr. Thomas agreed that the trailer park needs to be screened as much as possible.

Ms. Higgins stated that there was a required 20-foot vegetation buffer from residential anyway and it was a staggered row of a mixture of trees, which would be imposed by the zoning review of the site plan. She pointed out that they were talking about the screening of the display.

Mr. Edgerton pointed out that there was a 20 foot setback for parking, which would preclude the use of that long skinny piece of property.

Mr. Kamptner stated that the applicant would have to comply with all the minimum setback requirements of the ordinance since the Commission was not granting any waivers.

Ms. Joseph stated that if that vegetation was not sufficient then this was something that needs to be considered. If they have to replace anything, then it needs to be something effective to screen those lights.

Ms. Higgins pointed out that they would probably put in a retaining wall with the required screening vegetation.

Mr. Thomas asked what the requirement would be on that buffer on the back strip.

Mr. Benish stated that there is an undisturbed buffer that can be modified by the Planning Commission, but within the parking setback they cannot. In this particular case if you waive the other one then it affects the value of the other one.

Ms. Higgins stated that during site plan the site plan will be back before the Commission and they could ask for the disturbance of the 20 feet to be waived so that they could build the elevations as shown on this plan and at that time the planning of the buffer would be contingent upon that action.

Mr. Benish stated that there was a parking setback that kicked in too and he was not sure if they were going to be able to meet the parking setback, which was not waiver able. There is an issue on how that back area is going to be developed. That issue will have to be rectified at the site plan level.

Mr. Rieley stated that he was persuaded by Ms. Higgins' argument that they don't need to specify that nothing on the plan will have to specify what is in the ordinance. He pointed out that screening as necessary could go over and above the ordinance requirements. He stated that they have in the past directed staff to determine what the minimum size of the landscape material needs to be in order to do what it is suppose to do.

Mr. Thomas pointed out that there were not a lot of trees back in that area and the applicant would need to add some buffer.

Mr. Rieley stated that there was one issue raised by the Commissioners that he felt was a good point. He stated that Ms. Higgins suggested a number talking about that the building should be located closer to the front property line if they were removing an 18 foot row of parking. He suggested that 18 feet could be utilized to bring the building forward. If the intention was to get it as close as possible to the building that he did not think they should restrict the ARB's capacity to get it closer to that if it was feasible to do that. He suggested that in condition 5 it state that it shall be moved at least 18 feet closer to the front of the property. He pointed out that this building would still be clearly farther back than Photoworks.

Mr. Benish stated that there was still some concern on whether 18 feet can be achieved at the time of the site plan with the separation between that turn. He suggested that the condition state 18 feet or to the extent feasible.

Mr. Rieley stated that the condition should state 18 or revisit the issue.

Ms. Higgins stated that they were actually taking away the opportunity here that if the applicant cannot achieve moving the building closer that the bank in the front or the 10 foot required parking setback could end up being increased because they don't need as much paved area. If you move that building forward it would keep that strip as narrow as possible. She stated that she was not suggesting that the strip of landscaping be increased, but if you don't leave that to the site plan design then you are not allowing the opportunity to increase that band. She stated that it might tie their hands.

Mr. Rieley stated that the reason that he would argue for a minimum in this instance was that if this were out on an open highway where getting it back away from the road was an advantage, but he thought that they were in an area in which the relationship between the building was the most important thing. If they don't have something to work to then the one area that Mr. Benish points out might be a sticking point is the amount of setback required with getting it square with Rio Road before anyone enters. He pointed out that Photoworks' entrance was a lot closer and this would even be moved up 18 feet. He stated that he thought that it was feasible.

Mr. Thomas stated that the streetscape would look better with the building closer to the road.

Mr. Morris suggested that they stated that they move it as close to Berkmar Drive as possible.

Mr. Rieley stated that he could not support that because the applicant could meet the condition by moving the building one inch closer to the street.

Ms. Higgins suggested that they ask the applicant.

Mr. Thomas asked Mr. Strickland to come back up.

Ms. Higgins asked the applicant if he agreed that the 18 foot was achievable and still get the turning radius in and that the goal to move the building closer is something that you can agree is appropriate and can live with.

Mr. Strickland stated yes that they agree with all of that, but the one thing is if they can only pull the building up 17 ½ feet they don't necessarily want to come back to the Planning Commission for approval of that. He agreed that they could do a double row double stacked travel way as close as the engineering department and VDOT will allow them to.

Mr. Rieley pointed out that they have to phrase it so that it articulates that.

Ms. Higgins asked that they add that wording about the 18 feet or as close as possible provided concurrence of engineering at the site plan approval. She noted that VDOT has no approval authority since it was engineering and they get their feedback from VDOT.

Mr. Rieley stated that the condition should state 18 feet or directed by the department of engineering.

Mr. Thomas stated that the Commissioners agreed with that suggestion.

Mr. Rieley stated that the wording on the condition concerning lighting should reflect the offer of the applicant to turn off all lighting with the exception of the security lighting at 9 p.m. He agreed with Mr. Morris' point that minimum security lighting so that it is not completely dark is perfectly reasonable.

Ms. Higgins suggested 9 p.m. for display and limited to security lighting thereafter, and the Commissioners agreed.

Mr. Benish asked if they wanted to acknowledge the night time hours by just saying for night time hours so they would know what time they could cut the lights back on, and the Commissioners agreed.

Mr. Kamptner stated that the Commission needs to take two separate actions even though they have one set of conditions. He suggested that it would be easier to adopt all of the conditions for both special use permits.

Mr. Benish stated that conditions 1 and 3 need to be clarified because they were empty conditions. The site plan shall be developed in general accord with the plans as per the conditions that the Commission just approved or as revised by the following conditions. He stated that if the applicant comes back with a replacement plan, then staff would identify that one with the Board.

Mr. Rieley suggested that they say the elevation and section of today's date and not reference the older plan that was inconsistent with that.

The Commission was in general consensus with Mr. Rieley's suggestion.

Mr. Benish stated that staff understands the Commission's intent and would work that out in condition 1 and 3, which says that there shall be parking only in the areas of display.

Mr. Rieley pointed out that there was plenty of time to have a drawing that reflects all of this before it goes to the Board.

Action SP-03-84 Auto Dealership

Mr. Morris moved to recommend approval of SP-03-084 for an auto dealership for Dennis Enterprises – Rio Road, with all stipulations or conditions as amended.

1. The site shall be developed in general accord as per the plans as revised by the following conditions;
2. Vehicles parked or displayed outdoors shall not be elevated anywhere on site (through the use of racks or other lift devices);
3. Vehicles shall be displayed only in areas as per the plans as revised by the following conditions;
4. Between the building and Rio Road West, there shall not be more than two rows of vehicles. One row shall be used for display vehicles; the other row shall be used for customer parking. The intermittent, incidental parking of customer vehicles in the display vehicle row shall not be a violation of this condition;
5. The building shall be moved at least 18 feet closer to the front property line adjacent to Rio Road West with concurrence with the Department of Engineering as it is shown on the plans entitled, *Application Plan for Dennis Enterprises – Rio Road*, dated November 24, 2003, to the satisfaction of the Architectural Review Board;
6. The level of illumination of the site and building lighting shall be limited to eliminate negative impacts to the Entrance Corridor and to adjacent residential uses, to the satisfaction of the Architectural Review Board. The applicant shall turn off all lighting for night time hours with the exception of the security lighting at 9:00 p.m.
7. The site shall be landscaped to limit the visibility of vehicles, to the satisfaction of the Architectural Review Board;
8. If the existing large shade trees identified on the plans entitled, *Application Plan for Dennis Enterprises – Rio Road,* dated November 24, 2003, are removed, alternative landscaping shall be provided, to the satisfaction of the Architectural Review Board;
9. Display vehicles shall not display signage, flags, balloons, or other similar items, beyond that required by the manufacturer; and
10. Spaces for display vehicles shall measure 9' X 18' and shall be striped. Display cars shall be parked in striped display spaces only.

Mr. Craddock seconded the motion.

Mr. Edgerton asked for some discussion. He stated that personally he was going to vote against this request not because the applicant has not tried hard and the Commission has tried hard to work with the applicant. He pointed out that he remains concerned about the precedent that they may be setting here. He stated that he would be voting against this request for the following three reasons:

- Our staff, which he gives a great deal of consideration, has recommended denial twice now both for last week and this week even with the adjustments as discussed.
- The ARB as noted in last week's staff report unanimously recommended for denial on this.
- The approval of this use on this property will set two dangerous precedents. The first precedent that he was concerned about would be the introduction of Highway Commercial activity into this C-1 zone, which was a more intense use of the property. As noted by staff in their report last week, this property is in a period of real transition and if they grant the special use permit he felt that they would be encouraging more development of this kind in this transition area. He stated that he would rather go with staff's visions for this area, which would be less intense use.

Mr. Rieley stated that he shared a lot of those concerns, but he felt that the Planning Commission and the applicant have both worked hard to try to minimize the possible negative impacts of this.

Since he has been trying to modify these conditions, he was not going to turn around and vote against the request.

Mr. Thomas stated that he respected the ARB's and staff's remarks of recommending denial of this and they would be setting a precedent if they allow this to go into Rio Road. It is a transitional area and it is changing. He agreed with Mr. Rieley since they had carved the conditions and the applicant has worked hard to change things. He asked for a roll call.

The motion carried (6:1). (Edgerton – No)

Action on outdoor display

Mr. Rieley moved to recommend approval of the request for outdoor display for an auto dealership under SP-03-84, Dennis Enterprises – Rio Road, with reference to the same list of conditions and stipulations as amended.

Mr. Morris seconded the motion.

The motion carried (6:1). (Edgerton – No)

Mr. Thomas stated that the motion carried and the special use permit for the auto dealership and outdoor display would go to the Board on April 21st.

Work Sessions:

CPA-04-01 Jefferson Area Bicycle, Pedestrian & Greenway Plan – The Plan will replace the Pedestrian Obstacle Study Phase I and II 1986 and The Bicycle Plan for the City of Charlottesville and Albemarle County and is proposed to be amended, by reference, into the Comprehensive Plan. (Juandiego Wade)

Mr. Wade stated that this is a work session on the Jefferson Area Bicycle Pedestrian and Greenway Plan. If the plan is adopted it would replace the Pedestrian Obstacle Study Phase I and II adopted in 1986 and The Bicycle Plan for the City of Charlottesville and Albemarle County adopted in 1991. It is proposed to be amended by reference into the Comprehensive Plan. It is a regional plan with the PEC Thomas Jefferson Planning District Commission acting as the lead agent. Chris Gensic, PEC's lead planner and architect is present and will provide the current status of the report. He worked with the other localities to pull all of this information together.

Chris Gensic stated that basically the Planning District put together a regional bicycle and walking plan for on road facilities and hired a consultant to make a greenways plan. All of this information was placed in one document so that it would be easier for the localities to adopt them. Albemarle County already has some basic pedestrian plans as Mr. Wade mentioned in the Obstacle Study and a 1991 Bicycle Plan in combination with the City and the University. In addition, Albemarle County also has a greenways plan in the Comprehensive Plan, which is unique to the County's inner region. The proposed plan includes everything that is in the existing plans and has added to them particularly places where Nelson, Fluvanna, and Louisa County's Bicycle Plan got put into place since 1991. There are some adjustments to make sure that Batesville Road on the Nelson County side is also treated if it is planned to be treated on the Albemarle side. The surrounding Counties may either put in a new plan, and in Fluvanna's case might even adopt it even further. This plan is written in chapters and your chapter has all the public information and staff knowledge that they had to put into it for you to consider amending into your Comprehensive Plan.

Mr. Wade pointed out that staff has a copy of the other sections for other counties, but did not provide all of that information to the Commission. If that information is something that the Commission wants to look at, then staff can provide copies.

Mr. Thomas asked if the Commission had any questions for Mr. Gensic.

Ms. Joseph asked if he had looked at the current Comp Plan and talked with Dan Mahon and the proposal matched their current Comp Plan.

Mr. Gensic stated that it was as much as they had available at that time. The Crozet Master Plan has come to more completion since then and there have been activities in Scottsville. There is an option that those can be added to the plan that he finished in 2001 to add anything that has been completed since then and be brought more up to speed.

Mr. Wade stated that the idea was that would be done when staff brings this back for another work session or a public hearing. He pointed out that the Crozet Master Plan might have been officially adopted by that point, but it was going to be dynamic as other neighborhood plans get done and as sidewalks get completed, since it would constantly be changing. The plan will be updated before it comes back to the Commission.
Mr. Gensic pointed out that he did not do another greenways plan for Albemarle County since they already have one.

Ms. Joseph stated that when he talked about the bicycle routes if he was talking about any kind of improvements that they are contemplating on these roadways.

Mr. Gensic stated that they were going to leave that to the localities to decide as they get the money and the time to put them in. He pointed out that they have provided a list of possibilities ranging from a share the road sign to a bicycle lane paved shoulder type of thing to a separate multi-use trail type of thing, which was going to have to be decided by local engineers and VDOT at the time that it gets put in. He noted that Paul Mulberger does quite a bit of the design work.

Ms. Higgins asked if it was necessary to have a Bike Plan and then if a VDOT upgrade of a road occurs they must incorporate in response to a locality's Bike Plan. She asked if that was a rule.

Mr. Wade stated that it could change, but right now it was not required.

Ms. Higgins asked that the following changes be made to the document:

- On the third page where it talks about the Crozet Community Study, change 2003 to 2004 if they were going to put in minor comments and deal with it.
- In reference to the bike lanes on Profit Road and Airport Road, make the language consistent for both primary and secondary routes. The project should be under construction very soon and it would be helpful to know that the bike riders could go there.
- In the chart labeled Urban Areas, the sidewalks proposed in the urban area in Albemarle County surrounding the City of Charlottesville. Residents have expressed a desire for more multi-use trails separated from the road rather than concrete sidewalks. This allows for more safety in a much more pleasant walking experience. She felt that it was interesting that in a plan that was multi-county and gone through review with people who are really interested in alternative transportation that statement is in here. She brought that to the Commission's attention because she somewhat agreed in some of the transitional areas, maybe not in the urban neighborhood model areas.
- The section on Inter-Community facilities is different from the rest of the plan. This section includes proposed urban area trail systems and Rural area trail systems. She questioned why the Comp Plan does not acknowledge those areas that are displaying activities that happen in the Rural Areas. The one thing that is not in here is equestrian use of these Rural Areas, especially as they connect from city to city, along the James River from Fluvanna to Nelson, and along the Rivanna from Charlottesville to Fluvanna. In highly urbanized areas in northern Virginia, including historical parks, they found specific benefits by having equestrians incorporated. There is a safety issue involved, particularly in highly wooded areas where people on horseback could discourage

misconduct on the trails used by bicycles and wheelchairs. People on horseback All of the State parks, as Neil Williamson mentioned earlier, that there is some tie to funding that has to do with federal funding that equestrian components are suppose to be considered. She suggested that a statement addressing these safety concerns be added for both the Rural trails and urban trails.

Mr. Rieley asked to append that by saying that in the urban areas that equestrian use trails has to be selective because of the different kind of use that they get and the different kinds of surfaces.

Ms. Higgins suggested that they limit it to the interconnections of the greenway and the natural trails.

Mr. Morris asked based on his knowledge when they publish something like this if it would raise the expectations of the bicyclists in the area. He pointed out that in looking at the areas in the Rural Area that were proposed as primary rural bicycle routes that he thought that some of those roads were very dangerous to ride a bicycle on. He stated that there were very few areas that they would be able to put shoulders on to ride bicycles.

Mr. Gensic stated that he had heard of people that are afraid to publish a plan because they think they will get sued by a biker who rides down a road that is planned for future improvements. If that is an issue, bikers are vehicles on the road with all the same laws and regulations of other vehicles. He pointed out that they should not be afraid to be sued by a biker any more than a car driver for such things. It probably raises the expectation in the same way that a road for a by-pass starts a whole lot of conversations about expectations. It does not oblige you to make the improvements on the plan, but allows you to think about it.

Mr. Wade pointed out that very few localities have improved the road for bicycle lanes since it was just a designation.

Mr. Thomas stated that they needed to acknowledge that bicycles were sharing the road with cars and that there should be a designated route.

Mr. Wade stated that Barracks Road to White Hall was a very popular road used by bicyclists and that was an area where they really wanted to put in a trail or something in on one side.

Ms. Higgins suggested including a paragraph in the plan about stressing the importance of safety.

Mr. Gensic stated that something could be added in the Albemarle plan that it is a safety plan in its entirety. He distributed handouts to the Commission which showed as you approach a town that you might have some level of paved shoulder or anything like that. As you get into downtown you might have sidewalks and bike lanes. As you go near a school you may want to have a separate multi-use trail because of the young children who need to be separated from the roadway. Therefore, there is a spectrum or range of types as you move into an urbanized area or a city.

Ms. Higgins asked if bicycles were restricted from riding on a sidewalk.

Mr. Gensic stated that was correct except in the city. The city has its own law, which allows up to 12 year olds to ride on the sidewalk for safety reasons.

Mr. Thomas asked that the following changes be made to the proposed plan:

- The pages should be numbered.
- Correct the spelling of Stony by deleting the “e”.
- Change Albemarle Center to Albemarle Place right above the Inter-community facility section.

- On page 4 starting at Section 32.7.2.8, make sure that the most current section is taken from the Comp Plan.

Mr. Wade stated that staff would make sure that is done.

Mr. Thomas asked if the Commission has any more questions.

Mr. Craddock asked if on secondary and rural if they were talking more about a shared sign than 3 more feet of pavement.

Mr. Wade stated that generally that is what they were referring to, but that they would look at each case as it comes up. But on most of the roads it would be impractical to add another lane. If the happened to be going through a major reconstruction and it would connect some development areas or neighborhoods, then he thought that they would want to consider it.

Mr. Craddock pointed out that in the Charlottesville Weekly there are many complaints from bikers getting run off the road. He pointed out that on Routes 732 and 729 that the bikers ride very fast just to get off the road as quickly as possible because of the low shoulders on that road. He noted that he did not think that the public would want to give up 3 or 4 feet of land to accommodate bikers.

Mr. Gensic pointed out that the primary routes area on primary roads except those secondary like Barracks Road, which is a bicycle route. Most of it involves the secondary maybe share the road type of stuff.

Ms. Joseph pointed out that when the plan talks about Crozet it specifically talks about the Dollar General Store, which potentially could change. She suggested that the language be changed to make the references more in general terms so that the document would be valid for many years.

Mr. Thomas asked if the chart at top of the page regarding Crozet was actually part of the Crozet Master Plan. He pointed out that the map for Crozet was not exact.

Mr. Wade stated that staff would have all pertinent updated maps and information from the approved Crozet Master Plan inserted in this plan before it comes back before the Commission.

Mr. Thomas thanked Mr. Gensic and staff and for all of their hard work on the plan.

Mr. Wade stated that if the Commission wanted another work session that staff would schedule it. But once staff feels that they have all of the information together, they will bring it back to the Commission and schedule a public hearing. He noted that staff was not sure what time frame would be necessary to accomplish that.

Mr. Thomas asked if the Commission felt it was necessary to come back for a work session.

It was the consensus of the Planning Commission to agree with staff's proposed amended plan and directed staff to make the suggested changes to the document and take it to public hearing.

ZMA-03-06 Greenbrier Shopping Center - Request to rezone 25.44 acres from LI, Light Industry to C-1, Commercial to allow 260,000 square feet of retail. The property, described as Tax Map 61W, Parcel 3-18 is located in the Jack Jouett Magisterial District on Route 29 north approximately 300 feet south of the Greenbrier Drive/Route 29 intersection. The Comprehensive Plan designates this property as Industrial Service in Neighborhood 1. (Michael Barnes)

Mr. Barnes summarized the staff report. He called attention to the memo passed out at the beginning of the meeting, which contained four questions raised by Ms. Joseph. He pointed out that the memo had some information that he would reference as he went through the staff report.

This rezoning was submitted sometime last year. The staff report was written in September, 2003. The applicant requested a deferral after the staff report came out. Since there were no changes to the plan, the same staff report is being used. Essentially they were trying to get some of the major questions addressed which will set the direction on how the rezoning will be pursued. It has been pursued between the staff and applicant, and they feel that without these questions being addressed that they cannot get to the bottom of the details. The staff report does not get into how the proposal addresses the Neighborhood Model and the things staff normally gets into during a work session. Staff has asked three questions which are essentially as follows:

- Is it acceptable to convert the property from an Industrial Service use into a shopping center?
- Does the Comprehensive Plan need to be amended to allow for uses not recommended under the Industrial Service Land Use Designation?
- Will a 70,000 square foot per user per floor maximum be applied to this site?

The current property is currently designated Commercial Service in the Comprehensive Plan. The applicant is pursuing something that is not in keeping with that. The Comprehensive Plan Amendment that was passed for this area for the Hydraulic Block covered the area inside the area for Commonwealth Drive, Greenbrier Drive and Route 29 to Hydraulic Road, which set the stage for Albemarle Place. That amendment basically covered all of the properties within there including this one. It provided a series of design and transportation guidelines, but did not change the land use designation for any of those properties, except for the ones directly associated with Albemarle Place. However, with that said, this particular property was addressed as well as the Sperry site in the CPA language, which is attached to the staff report. The first item under the land use section on page 8 under section d) speaks to the concept that both Sperry Marine and Comdial factories potentially are businesses that are important and provide jobs with a mixture of uses to the block themselves, but that these facilities may or may not be viable in today's economic environment. The CPA opened the door for potential redevelopment for a mixed use more for a Community Service level project. The first question is basically getting into the notion of changing this property from an Industrial Service designation, which basically allows for warehousing, Light Industry, research, Heavy Industrial uses as well as uses under Office Service.

Mr. Craddock left at 7:45 p.m.

Mr. Barnes pointed out that he would try to tie in Ms. Joseph's questions. Today in the County if you were going to change the designation of this particular property from this job base land use designation to something else, what are you changing? The question was how those translate on a County-wide scale and on more of a local scale within Neighborhood One within the Hydraulic Super Block. Her first question was how many acres are zoned in the County for Light Industrial. Currently there is about 1,200 acres zoned Light Industrial. He reviewed and described a map of the County, which highlighted the location of all of the Light Industry zoned properties. The next question was where in the Comp Plan do we find Industrial Service properties and how much acreage. There is a higher designation of Industrial Service properties that consists of 2,260 acres. Staff provided a copy of the Land Use Map in the staff report, which consists of Neighborhood One and Two. Albemarle Place transformed from Industrial Service to Regional Service in contemplation that part of that Master Plan would still have some room for some residential use around it. The next question was if the Comprehensive Plan needs to be amended to provide for the applicant's proposed use. Essentially, the Comprehensive Plan Amendment opened the door on these properties for a mixed use Community Service designation. The Comp Plan provides various categories, which was shown in Attachment E. The Comprehensive Plan Amendment envisions the Community Service designation, but staff feels that the proposal is more of a Regional Service use since it was in excess of the 250,000 square foot maximum. The style of the development is much more oriented towards larger stores and a big box essentially for a home improvement store. The concern that staff is trying to articulate here is that if the applicant is going to move forward with the rezoning on the property, does the Commission feel that the door is open in the Comprehensive Plan under the Hydraulic Super Block, which would

allow for a Community Service type project that would not itself require the applicant to apply for a Comprehensive Plan Amendment to change the color from purple, for Community Service. The next question under 2b is if the applicant was going to try to do a Regional Service type of development if that was even something that they would consider. The third one was that the Master Planning process was coming up to deal with Neighborhoods One and Two, Piney Mountain and Hollymead. The applicant could be asked to wait until the Master Plan has been completed for their project. Staff discussed this with the applicant and suggested that they wait until the Master Plan for this area has been completed if they wanted to do something more radical than the Hydraulic CPA. The final question deals with the big box question, which was a major question in the Albemarle Place rezoning. The approval limits the floor plan of the big box to 70,000 square feet. The question is whether that concern pertains to this site. Does it also pertain to a user like a home improvement business? If the Commission has any questions, he would be happy to answer them.

Mr. Thomas asked if there were any comments for staff.

Mr. Edgerton asked staff about the traffic impact comparison between Regional Service, Industrial Service or Community Service. One of the things that they agonized about on Albemarle Place, Hollymead, and still on North Pointe, was the incredible impact that the Regional Service use will have on the congestion of Route 29 North. This is something that they need to acknowledge and think about because Regional Service will be drawing in customers from the entire region onto our corridors. If that is in fact the case, then he felt that they need to be very careful about encouraging someone from going from a Light Industrial use to a Regional Service use.

Mr. Barnes stated that he did not know the answer on the traffic impact comparison because a traffic study would be needed. Part of the answer to that would be that the closer that they could provide jobs to the people living the closest would create less traffic. The Community Service would be oriented more towards the localized users. One of the points that staff has discussed internally is that Route 29 will be our best chance at providing transit. Employees tend to use transit more readily because it is a fixed route that they would travel everyday.

Mr. Edgerton pointed out that the plan he had seen earlier was showing access off Greenbrier Drive, and he did not believe that would qualify as a major collector with internal circulation as specified for Regional Service or Community Service. He asked if it was correct that there was no access off of Route 29.

Mr. Barnes pointed out that on the bottom of page 5; they are showing a connection to the Albemarle Place project. As you may recall, one of the major things that they were trying to establish with the Albemarle Place/Hydraulic CPA was the grid road network. In many respects, staff looks at this project as a way to assist in the building of that grid by providing a connection from Albemarle Place through this site to Greenbrier Drive and Commonwealth Drive. The design itself would probably provide better interconnectivity to Peyton Drive and Greenbrier Drive to further extend the network. It is probably advisable, especially if the Albemarle Place project moves forward, if the light is approved just south of this project. If the light is approved on Route 29, then there would be other means for full access at Route 29.

Ms. Higgins stated that regarding transportation, this is a unique circumstance in that it does give that alternative connection as a parallel route to Route 29, which possibly Hillsdale Drive will on the other side and that Berkmar Drive did on this side. This is even more unique because if a comparison was done of the character and volume of traffic associated with the industrial use of Comdial, if it were in full swing, with this particular development that it would probably be surprising. The truck traffic associated with a Light Industrial use on Route 29 could be a significant issue. If someone wanted to come in and put this back in an industrial use, the County would have no control about that activity. As a matter of fact, the truck traffic that something like that could generate at this locality might be more of a concern than the people that are just

passing by. That does not solve the access on to Greenbrier, the access on the back and the interconnection because you don't have any control over Albemarle Place being developed. She pointed out that site would not be developed tomorrow since it was market driven and could take years.

Mr. Cilimberg stated that staff did not get into that level of analysis at this point in the process. He stated that the analysis of transportation impacts is going to be critically important to this as a Comprehensive Plan change and/or a rezoning. Staff tried for this session at least to put the fundamental questions of how should we consider this before we then get into that kind of analysis. It is probably best for the Commission's consideration tonight to be thinking more in terms of how what has been proposed fits or does not fit within the Comprehensive Plan and the changes that they are looking at because this is going to proceed forward at least in a couple of ways. One possibility would be as part of a Comprehensive Plan Amendment, which might be wrapped up in the Master Plan work that is done for the northern development area or done separately from that. It also could be done as a rezoning that may or may not have the Comprehensive Plan standing behind it. In either of those scenarios, transportation analysis is going to be an important part; we have just not gotten to that stage yet. It is probably most important for the Commission to focus in on the questions.

Mr. Thomas stated that he felt that the answer to the question would be yes, because it should be changed over from Industrial Service. He pointed out that he felt that the square footage limitation was too restrictive.

Mr. Morris stated that the Commission should be concentrating on answering the questions posed by staff. Is it acceptable to convert the property from an Industrial Service use to a shopping center? He noted that he was in favor of that. He stated that he hated to see Comdial leave the area because of their training programs. He asked if they should move on or just let the property sit there.

Mr. Edgerton asked what benefit there was to the County to have another shopping center at this time.

Mr. Morris stated that was a good point, but what benefit to the County was an empty building.

Mr. Rieley stated that he agreed with the fundamental premise that they should be open to moving away from the existing designation because it is not supported by the underlying economic realities. The critical issue is when you get into the mechanics of what kind of structure makes the most sense. He suggested that they get back to staff's question, which is under what circumstances would they consider a rezoning within the general framework that was established by the Super Block designation. To get the conversation started, he pointed out that his view was that the proposal should be similar in spirit to the Albemarle Place proposal because that was the basis for that designation. If the applicant wants to propose something very different, which was the case, then they have several choices. If they are going for a Regional Service kind of shopping center, then they would need to go for a Regional Service designation which requires a Comprehensive Plan Amendment. He stated that this proposal does not fit within the framework or spirit of what they approved within the Super Block. The other question is if that should precede or go into conjunction with the master planning for that area that is currently on the runway. He stated that there was no question that it would be better if it went along with that larger range planning. It would strengthen the applicant's case if they could make the case that it dovetails with a larger plan.

Ms. Joseph stated that within the staff report under Attachment C on page 11 that there was an Attachment A that says approved Comprehensive Plan language. She asked if that map was approved.

Mr. Barnes stated yes, since that map basically was trying to show conceptual road connections.

Ms. Joseph pointed out that it was referring to the entire area as the Hydraulic Super Block.

Mr. Barnes stated that the Hydraulic Super Block was the shaded area.

Ms. Joseph stated that this particular project was within that shaded area, and Mr. Barnes stated that indeed it was.

Ms. Joseph asked if this was considered and approved by the Board of Supervisors as part of that Comprehensive Plan Amendment.

Mr. Barnes stated that the answer to the question was yes and it was with all of the design principles. He referred back to the top of page 7 under general recommendations. "The Comprehensive Plan's Land Use Plan should be amended to designate the undeveloped land surrounding the Sperry Factory as Regional Service, thus replacing its current designation of Industrial Service. The remainder of the land use designations within the Super Block should remain as designated." He stated that it does not change the Land Use Plan, but what it does is that it says that everything that falls below that on transportation items, design roles, re-interconnectivity and the Neighborhood Model planned in the Super Block should be permitted in the development that occurs in that Super Block including this property. He noted that this was somewhat complicated.

Mr. Rieley stated that in fairness that he felt that was due to the fact the CPA was application driven and it was not starting with the slate of let's look at this Super Block and figure the whole thing out. He pointed out that it was in great detail for the area.

Mr. Barnes stated that the approval was for Albemarle Place, but it had to be in context with the surrounding area. He stated that this was the first step since it was the first property to be developed next door to Albemarle Place. He pointed out that the question was as that redevelops what you want it redeveloped into.

Mr. Cilimberg pointed out that the other point that needed to be remembered was that it recognized for the first time because this had not been in the plan, that this adjacent industrial area might be treated differently as a land use as well. Although the color did not change on the map all of the principles of the amendment did apply and it did recognize that maybe that land use would need to change.

Mr. Rieley stated that he would even go further that there was an underlying assumption that it would change, and Mr. Thomas agreed.
Mr. Cilimberg stated that he did not think that the color of the industrial guaranteed that was going to stay, but there were some perimeters put to what kind of change might occur. That is where Mr. Barnes introduced the whole idea of Community Service, which the plan references rather than Regional Service.

Mr. Rieley asked Mr. Barnes if he was suggesting that the language that was in the Super Block designation even though it left this LI would be sufficient to allow a rezoning to something that was in the spirit like the Community Service without a redesignation as Community Service in the Comprehensive Plan.

Mr. Barnes stated that through the loop hole the answer was yes, and that the Comprehensive Plan would guide.

Mr. Rieley stated that he would give one categorical opinion and that is that loop hole should be under no circumstances big enough to allow anything other than that which was explicitly described in that document. In other words, Community Service would be the maximum and not

Regional Service, which is what the proposal is. He pointed out that the only reason that is pink instead of red was the total square footage of it.

Mr. Barnes stated that the first paragraph on the first page of the general recommendations says explicitly that the area that became Albemarle Place would be changed from purple to pink. Everything else in that block stayed the same color, except in the other section listed under B. Land Use, item # 1, which addresses the Sperry Marine and Comdial factories. That section states, "However, the County also recognizes that mixed-use land uses designations, such as Community Service, may be considered as an alternative designation for these properties as part of the County's forthcoming Neighborhood Planning Initiative." He pointed out that the question was if the applicant eliminates one of the buildings and drops under the 250,000 square feet and keeps a Home Depot on the site is that in the spirit of Community Service.

Mr. Cilimberg stated that a summary would be that there was very intentional decision made at that time with that Comp Plan Amendment. He stated that whether they agree now or not, the intentional decision was that there was a level of Regional Service being established in this Super Block and the color was changed and it was for that area that had been submitted for Albemarle Place. Then everything else was intentionally left with the same land use with a loophole or an allowance that it might go to lower level which was Community Service. He pointed out that was the decision in that Comprehensive Plan Amendment.

Mr. Rieley stated that the reason that he thought that if the applicant would like to pursue what is before us that they should do it through a CPA is that this is very clearly on a per square footage basis more intensive and more Regional Service than Albemarle Place was. He noted that Albemarle Square has a lot of smaller scale along with a few Regional Service businesses.

Mr. Edgerton pointed out that it also has some residential components.

Ms. Joseph agreed with Mr. Rieley that the wording of the language does not give Sperry enough wiggle room to do this without a Comprehensive Plan Amendment.

Mr. Edgerton stated that he would like to see the redevelopment being supportive of the community and more job oriented than Regional Service orientated.

Ms. Higgins stated that the question was how to move through the process with some kind of expectation of time frame. The applicant came to staff in order to understand where the Planning Commission stands on the issues. She felt that the Comp Plan Amendment is the way to go to achieve something in this format, which was the harder path. The simpler way is to take what has been done before and a Comp Plan Amendment would have to be done solely on its own and then a rezoning application would have to follow. Since blanket rezoning is no longer being done, she asked if there was any way to give some feedback acknowledging a redevelopment that the building was not used substantially or that only small portions would be used and give something back to staff to say where their expectations are. She asked if there was any way to compress the timing of the CPA with the rezoning following.

Mr. Edgerton stated that he was no enthusiastic about the proposed plan. He stated that he was very enthusiastic in working with the owner in trying to figure out a way to reuse this very critical piece of land. He hoped that there were other alternatives out there. He noted that he did not know how they would speed that process up. He stated that if the project came in consistent with the Super Block that was consistent with the approved language that it might be possible to expedite it.

Mr. Thomas asked if the Commission would like for the applicant to address the Commission.

It was the consensus of the Commission to allow the applicant to address them.

Ron Keeney, of Keeney and Company Architects, stated that this was an informative discussion and he appreciated Mr. Barnes putting it in a staff report the way he did with the three major questions out front. He pointed out if they can't get these issues out, and then there was no need to discuss the other issues such as the Neighborhood Model or Affordable Housing. He explained the financial hardship that the new owner had in trying to get a new tenant to occupy the large structure. The timing of this process is very unfortunate to the owner in some respects. When Comdial decided to leave the new owner acquired a large industrial tenant to use a major portion of the building. Technicolor found that it was not viable to do a manufacturing facility in this location in this County as such. Therefore, they have given notice and are leaving. They have paid their last rent check and the building will be vacant on the first of April. A third 70,000 square foot user has implied that they will be leaving to relocate over the County line on their own property. While they have some time left on their lease, they are not jumping up and down to resize this. The issue is that they have such a large building that without a major industrial user in the center of it, that it is very difficult to rehab and make use of the building in any nature in the way that it is now. The owner has modified the building and put a variety of small users in place, but Technicolor represented about three-fourths of the building and there is no way to split up the center of the building. He pointed out that it would be difficult to take a 450,000 square foot building and replace it with a smaller building with all of the restrictions on the property and make it viable. He pointed out that they could not put residential on this site due to deed restrictions. He stated that the plan in front of the Commission was extremely schematic and was absolutely conceptual. The boxes could be pushed around as part of a rezoning and a site plan issue, but they really need to get through some of these bigger issues in just how they were going to proceed and how quickly could it happen. He stated that since they could not find any major industrial users for the building that they were trying to look at something else. He pointed out that it could be years before they would be able to have a building that a tenant could actually open his front door up for business.

Mr. Thomas asked staff what the next step should be.

Mr. Cilimberg stated that he had an observation to make. He stated that there was not a unanimous opinion of the Planning Commission as to what is best for the next step. He noted that he had heard different opinions. If in fact the Planning Commission believes that there is a next step that is most appropriate, then staff and the applicant needs to know that. What he has heard most from the Commission is for the applicant to amend the Comprehensive Plan. He asked if that was the consensus, then should this be done on its own or as part of the Northern Development Master Plan work, which will be ongoing for the next year or so. He felt that it needed to be understood since that will be a process occurring over a very large area, which will not be under contract until this summer. If the Planning Commission feels that an amendment to the Comp Plan is what is necessary for the next step and if there is some desire for that to happen in a different time frame, then staff would need to know that. The first step in doing that would be a resolution of intent to consider amending the Comp Plan.

Mr. Rieley stated that this was no completely unlike the issue that they wrestled with for the area north of Rio Road in Belvedere. He pointed out that the reason the Commission felt that plan could be dealt with independently from the long range plan that is coming on line was that it was geographically removed or isolated. In this case, he felt that there was a great deal of context that has already been established by Albemarle Place and in fact a lot of planning thought has already gone into it. He pointed out that he did not think they were going to reverse what happened in the Comprehensive Plan's designation for Albemarle Place on the basis of this study. For that reason, he felt that this CPA process could operate independently and parallel with that study with the caveat that there may be things that come out of that planning process that may inform this just as things that come out of this may inform that plan. He stated that he would vote for not telling this applicant that they should not bring a CPA to us until after the plan has been completed. He pointed out that he did not feel that would be fair to them.

Mr. Cilimberg stated that the reality is that they have the choice of bringing a CPA directly for processing to be a part of a Master Plan. They would not wait until afterwards, but would just become part of the Master Plan process. The Commission actually accepted that Belvedere could move on its own track. He pointed out that what he thought he was saying was that this could move on its own track. There are some things that are going on in that area that will be very important to this and the consideration of the CPA. One of which would be the 29H250 Study, which was covering this basic geography. There is an outcome from that which will be pretty important in regards to this project, but he felt that it was the choice of allowing the CPA to move forward on its own or for any amendment to be considered as part of the Master Plan. He noted that what he was hearing here was that the Commission wanted to let the CPA move on its own with its own resolution of intent. He stated that the Commission would then be dealing with this as its own animal so to speak.

Mr. Thomas agreed with Mr. Cilimberg.

Ms. Higgins stated that she was looking for alternatives for leverages the demolition of a building that might be setting vacate. Technically, there might be a way to reuse a portion of this site under the existing industrial zoning because it has a provision for office space or that character.

Mr. Cilimberg stated that was correct.

Ms. Higgins stated that going through this process could take an extreme amount of time even though it was not tracked with the Master Plan. There could be an opportunity here to look at it as a two phased type of situation. She asked if there was any way to track a rezoning application before the Board actually acts on a Comp Plan Amendment or if there is any overlap at all. She asked what a realistic time frame would be for this process.

Mr. Cilimberg stated that Albemarle Place and the Rivanna Village both had Comp Plan Amendments and rezoning applications. The rezoning applications trailed the Comp Plan Amendments in processing. They were in as applications, but they were not being processed. He noted that the applications in substance were dependent on the Comp Plan Amendment. Therefore, both of the rezonings for those projects were to follow the Comp Plan Amendment. He pointed out that Albemarle Place had, but Rivanna Village has not of yet reached a point where the Commission has seen it has a rezoning.

Mr. Morris supported the process moving as quickly as possible.

Being the consensus of the Commission, Mr. Thomas asked Mr. Hewitt to come forward to speak.

Richard Hewitt stated that the principle concern that he has had throughout the whole process is trying to get a grip on the time frame that these things may take because of the nature of how expensive it is to carry this real estate. He stated that they either need to go down one path or another. The reason that he had some concerns about a Comprehensive Plan change was that he knew that added to the time frame. The owners next door have complained for years on how long it took. They had said that it took over three years and he was wondering if they were going to move forward. He stated that they calculated that just in the parking high rises and the road infrastructures some 50 to 60 million dollars. So at the end of the day he was not sure if they would be able to afford to do this. He pointed out that he was concerned about how long this will take if the Commission feels sincerely about doing a Comp Plan Amendment. He asked how strongly they felt about not running it parallel with the zoning change. The plan would ultimately need to be executed before the rezoning. He pointed out that he had a discussion with Mr. Tucker and he was hopeful that could happen. In addition, he had this discussion with Mr. Dorrier and he was hopeful that could happen if in fact that it was the case that this would be required. He stated that he was very concerned about how long these processes take. If they were talking about years and years to get through this process, then he would have to make a business

decision. He pointed out that the jury was out on if you put 1.9 million square feet of development next to his property and they don't do a traffic light, then how is anybody going to go north if they don't go through his property or out the back of his property. These are very serious access issues. He pointed out that the only possible use was a distribution center since they don't make a lot of things in this country anymore. If it was a distribution center, how many tractor trailers would that bring to Route 29? He noted that they have a lot of consider, but that he was very concerned about the amount of time that it might take to be able to accommodate everybody.

Mr. Thomas agreed with Mr. Rieley in that he would like to see what was done with the Albemarle Place. He noted that he disagreed with several items such as the square footage, but would like to see it continue on with the Super Block as he felt that they had intended it to be and to also do it as fast as possible.

Mr. Barnes asked for one point of clarification. It seemed that a lot of the items were regional based and first they came back with more of an industrial use and that was not an issue. He pointed out that he heard a little bit of variation on some of the amount of Community Service retail that might be able to go in there. The door was not opened at all for rezoning process that did not go through a CPA process with a smaller amount of retail mixed with more of a community mixed sort of thing. He pointed out that he heard Ms. Joseph speak very strongly that she thought that had to be reviewed by the Board with a CPA and he wanted to make sure that was the consensus of the Commission.

Mr. Rieley pointed out that it was not unanimous.

Ms. Higgins pointed out that was actually saying that they disagreed with the staff report that under no condition that it has to go through the CPA route.

Mr. Rieley stated that he agreed with the staff's position that there is a threshold that is within the spirit of the scale of what was proposed in Albemarle Place CPA as it related to this that if staff was comfortable with reviewing a rezoning within those perimeters because he thought that he understands what the basis of those perimeters and boundaries are. He felt that there were circumstances under which they could, but that was not it. He stated that he wanted to be very clear about that.

Mr. Higgins stated that it would not have to be a CPA and could go to a rezoning, but not in that format. Since she was not involved with Albemarle Place, she asked if the parking decks and stacked decks were the key features and if it came in with much of the same thing. She felt that the understanding of that was very critical to the applicant and the staff.

Mr. Thomas pointed out that the amenities were a very strong point which they put into the Albemarle Place.

Mr. Rieley stated that scale was another strong point. He stated that he thought that the presumption was that the major retail was occurring on the Albemarle Place property and what was anticipated for these in the redevelopment was a form of development that would be supportive of that general configuration and that the big retail was already taken care of in that piece and that would be smaller scale and Community Service related.

Ms. Higgins stated that one of the strongest components of Albemarle Place is the residential component.

Mr. Thomas stated that it was the mixed use factors and how well it would revolve.

Mr. Rieley pointed out that he felt that was one of the weakest components. He pointed out that if they were going to do something different that they needed to change the CPA.

Mr. Edgerton stated that one of the strongest parts of Albemarle Place CPA was the efforts on the developer's part to try to truly integrate a lot of different activities and mixed use in the southern end of the property. He stated that the record shows that he was unhappy with the traditional retail that was allowed on the northern end as an incentive. He pointed out that this proposal was adding more of the negatives. He felt that there was a significant difference in what staff described very well in the report of the kind of Community Service retail that could be more supportive of our community and the proposal. He stated that there certainly would be opportunities for employment with an office park or other similar uses. He welcomed skipping the CPA and going directly to a rezoning if it was truly consistent with the work that has been done with Albemarle Place which would include the parallel corridors to Route 29 as intended. As far as the Neighborhood Master Plan, he would assume that they would not revisit the Super Block since that would be a given.

Mr. Thomas asked if it was the consensus of the Commission that the square footage should be kept at 77,000 square feet like it was done for Albemarle Place.

Mr. Edgerton stated that having just served on the North Pointe Committee that he has soften his position on that a bit because of a better layout of more of a block structure on the North Pointe plan. He stated that they have some proposed retail space that exceed that amount, but not on the scale of what they are looking at here. He stated that he was more interested in the property being developed in a way that would work consistently.

Mr. Barnes stated that the third question depended on affirmative answers from the first two questions.

Mr. Cilimberg stated that he would like to summarize what he has heard to this point because he was trying to get them to some point of being able to give staff and the applicant the guidance that he thought that they were going to need. The only consensus that he had heard at this point is that that you would be willing to entertain a CPA immediately. He pointed out that was the consensus that he did hear. Regarding a rezoning without a CPA, some of you had said you would be willing to entertain that, but it would need to be very much in keeping with what was established when the Albemarle Place CPA was done. There is no consensus on that necessarily, but that was the other thing that he heard. He stated that he thought what that presents for the applicant is the decision that they are going to need to make as to whether they would prefer going the CPA route and try to get what they really want to try to do pinned down through that route. Or, whether they would prefer going the rezoning route in keeping with what was established under the last Albemarle Place CPA or they will likely not get that rezoning recommended for approval. He stated that gives the applicant two options to work with. If they choose the CPA route, what he heard the Commission say is that you would be willing to pass that resolution of intent and move forward. If they go the rezoning route, then that is really back in their hands to begin giving staff what we need to review that and bring it to the Commission to make your recommendation to the Board.

Mr. Thomas asked if any of the Commissioners have any different ideas about what they were discussing.

Ms. Higgins stated that under that scenario with the CPA and the rezoning that she thought they heard a support of limiting the square footage to say that it has more to do with form potentially than the exact limitation. She felt that was an important question because if the applicant is to make this decision it is almost critical to making that decision because you have to have a goal. If you have no expectation of achieving that goal, no matter what the form or the type, then you might not be able to take the first step. She stated that she would be more interested in the form in context and scale and the square footage somewhat has a flawed character sometimes in certain circumstances that some of the decisions need to be more flexible on that than has been. She pointed out that was just her opinion.

Mr. Thomas stated that he thought that Mr. Cilimberg has summed it up pretty close, and Mr. Rieley agreed.

Mr. Barnes thanked the Commission for their comments. He stated that from the staff's perspective that they had enough to move forward so that the applicant will understand what their intentions were.

In summary, the Planning Commission held a work session on ZMA-03-06, Greenbrier Shopping Center. The Commission held a discussion with staff and the applicants concerning their request to rezone 25.44 acres from LI, Light Industry to C-1, Commercial to allow 260,000 square feet of retail. Since the applicant's proposal is in conflict with the Comp Plan designation for Industrial Service in Neighborhood 1, staff requested the Commission's input regarding the process. The Commission agreed with Mr. Cilimberg's summary as stated previously.

Old Business:

Mr. Thomas asked if there was any old business.

Regarding the question about the meeting on relegated parking raised by Mr. Williamson at the beginning of the meeting, staff would hold a discussion tomorrow and decide if the March 23rd hearing would take place. If additional time is necessary to address all of the issues, then staff will schedule the hearing at a later date and notify all interested parties. Staff will place this matter at the beginning of the agenda of whatever meeting it occurs on as a deferred item.

Mr. Thomas asked if there was further old business.

Ms. Joseph stated that she had two items of concern to bring up. The first item was related to the amount of funding in the CIP for the ACE Program that Mr. Benish brought before the Commission. The second item was the spike in building permits last year that was during the drought.

Mr. Thomas asked if there was further old business. There being none, the meeting proceeded.

New Business:

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

Adjournment:

With no further items, the meeting adjourned at 9:36 p.m. to the March 16th meeting.

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V. Wayne Cilimberg, Secretary

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