Albemarle County Planning Commission
August 30, 2005

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, August 30, 2005 at 6:00 p.m., at the County Office Building, Room 241, Second Floor, 401 McIntire Road, Charlottesville, Virginia. Members attending were Bill Edgerton, Chairman; Rodney Thomas, Calvin Morris, Jo Higgins; Pete Craddock; and Marcia Joseph, Vice-Chair. Absent were William Rieley and David J. Neuman, FAIA, Architect for University of Virginia.

Other officials present were David Benish, Chief of Planning; Sean Dougherty, Senior Planner; Stephen Waller, Senior Planner; Bill Fritz, Development Review Manager and Greg Kamptner, Assistant County Attorney.

Call to Order and Establish Quorum:

Mr. Edgerton 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. Edgerton invited comment from the public on other matters not listed on the agenda. There being none, the meeting moved on to the next item.

Consent Agenda:

a. **SDP 2005-662 Oakleigh Townhomes** – Open Space Waiver Request (Stephen Waller) – Tax Map 45, Parcel 26A)

b. **Approval of Planning Commission Minutes** – June 7, 2005.

Mr. Edgerton asked if any Commissioner would like to pull an item off of the consent agenda for discussion or if there was a motion.

Motion: Mr. Thomas moved, Mr. Morris seconded, that the consent agenda be approved.

The motion that the consent agenda be approved passed by a vote of 5:0. (Commissioners Rieley and Higgins were absent.)

Ms. Higgins arrived at 6:05 p.m.

Deferred Items:

ZMA 2004-012 Luxor Commercial (Sign #86): Request to rezone 3.523 acres (portion of Tax Map 78, Parcel 55A4) from R-6 (Residential) and R-15 (Residential) to PDMC (Planned District Mixed Commercial) and to rezone 1.377 acres (Tax Map 78, Parcel 55D) from C-1 (Commercial) to PDMC to allow a 1,500 square foot bank and 80,000 square feet of mixed commercial in a planned development. The properties, described as Tax Map 78, Parcel 55A4 (portion thereof) and Tax Map 78, Parcel 55D, are located in the EC Entrance Corridor Overlay District and the Rivanna Magisterial District on the north side of Route 250 East between the Montessori School and Aunt Sarah's Restaurant. The general usage allowed in the PDMC zoning district is large-scale commercial with a broad range of commercial uses under a unified planned approach; the PDMC zoning district does not have a density range. The Comprehensive Plan designates this property as Urban Density and the general usage recommended under this designation is residential. The recommended density range is 6-34 dwelling units per acre in Neighborhood Three.

AND

SP 2004-038 Luxor Commercial Drive-In Window for a Bank (Sign #86): Request for a special use permit to allow for a drive-in window for a bank in accordance with Section 25A.2.2 of the Zoning

Ordinance which allows for drive-in windows serving or associated with permitted uses within PDMC. The property, described as Tax Map 78, Parcel 55A4 (a portion thereof), contains 23.168 acres, and is pending a rezoning to PDMC (ZMA-04-12).

AND

~~SP 2005-001 Luxor Commercial Drive-In Window for a Coffee Shop (Sign #86):~~ ~~Request for a special use permit to allow for a drive-in window for a coffee shop in accordance with Section 25A.2.2 of the Zoning Ordinance which allows for drive in windows serving or associated with permitted uses within PDMC. The property, described as Tax Map 78, Parcel 55A4 (a portion thereof), contains 23.168 acres, and is pending a rezoning to PDMC (ZMA-04-12).~~ **(WITHDRAWN)**

AND

SP 2005-002 Luxor Commercial Veterinary Office (Sign #27): Request for a special use permit to allow for a veterinary office in accordance with Section 25A.2.2 of the Zoning Ordinance which allows for veterinary offices and hospitals within PDMC zoning. The property, described as Tax Map 78, Parcel 55D contains 1.377 acres, and is pending a rezoning to PDMC (ZMA-04-12). (Sean Dougherty)
DEFERRED FROM THE AUGUST 9, 2005 PLANNING COMMISSION MEETING.

Mr. Dougherty summarized the staff report.

- Luxor Commercial is a request to rezone 3.52 acres from R-6 and R-15 to Planned District – Mixed Commercial and rezone 1.377 from C-1, Commercial to PD-MC to allow a 1,500 square foot bank and 80,000 square feet of mixed commercial.
- The request also includes two special use permit applications. These special use permit applications are for a drive-in window for a bank and for a veterinary office. At one time they had been requesting a special use permit for a drive through for a coffee shop. But, the coffee shop has been eliminated due to some changes to their plan.
- Following the June 7 public hearing the applicant made some changes to the plan to address access issues for an easement that crosses the property and also to address the concerns of the Planning Commission. The following are the major changes made to the plan.
    - They have bonded for two mature trees for a total of $2,000 and proffered a plan to protect the trees.
    - The buildings to the rear have been moved to the west. At one time to the rear there was a building at the top of the site and then two buildings separated by parking just below that. Now those two buildings shown on the plan sort of cluster together. The building that was located previously off to the right has now been shifted over to make room for an access easement that runs across the property.
- Staff recommends approval of ZMA-2004-012 with proffers.

- Regarding SP 2004-38 for the drive-up window for the bank, the Commission raised no issues at the last hearing. Staff recommends approval of SP 04-38 with the following conditions:

    1. Drive-through windows will be limited to three (3); including one to be used for an ATM.
    2. Architectural Review Board issuance of a Certificate of Appropriateness.
    3. Applicant is responsible for installation and maintenance of control devices such as signage, and pavement markings as indicated on the application plan. The crosswalk just beyond the drive-up window bays for the bank shall be identified with crosswalk signage on either side of the drive aisle.

- Regarding a previous request for SP 2005-01 (coffee shop drive-through), the applicant has withdrawn the Special Use Permit request due to the constraints tied to the access easement issues identified above.

- Regarding SP-2005-002 for the veterinary clinic, concerns were raised by the Commission related to the original conditions set forth for the veterinary clinic. Staff has not identified a conflict, but has added an additional condition excluding an outside exercise area. Staff recommends approval of SP-2005-02 with the following conditions:

1. A separate entrance and exit shall be provided for the clinic in accordance with Section 5.1.11d.
2. No outdoor exercise area shall be permitted.

Mr. Edgerton asked which building was going to be used for the veterinary clinic.

Mr. Dougherty stated that the veterinary clinic would be located in the building out at the road on the right hand side of the site. The veterinary clinic would actually be located on Nigral Bray's property, which he continues to own. So there are two separate applicants for this proposal. Essentially, there are three masses. The small mass to the left at the front of the site is the bank. The larger mass to the right actually sits on Nigral Bray's property, which is where the clinic will be located.

Ms. Higgins asked if the clinic was in building 4, and Mr. Dougherty stated that was correct.

Ms. Higgins asked that the building number be added to the condition.

Mr. Edgerton asked how the requirement for a separate entrance was being accommodated. He asked if the entire building was going to be the veterinary clinic.

Mr. Dougherty stated that the building has not been designed that far yet, but that only a portion of the building would be used for the veterinary clinic.

Mr. Edgerton asked if in the final design they would have to have a separate entrance, which was what his condition referred to.

Mr. Craddock asked if outside exercise means not a fenced area, but that they could take the animals outside.

Mr. Dougherty stated that there is space there that could be used, but the intent is that would not be the case. The applicant has accommodated the pedestrian connection from the front to the rear on the site plan by shifting one building over closer to the other. The applicant has done a nice job with the cross walk and the way they broke the medians there.

Mr. Edgerton asked where the $2,000 amount came from for the bond.

Mr. Dougherty stated that the amount came from the applicant and their arborist after speaking with the County's landscape architect.

Ms. Higgins pointed out that the particular trees that they were talking about were clearly noted on the previous plan, but they are not noted on the new plan.

Mr. Dougherty pointed out that the trees were shown on the plan on the board, but were very light and hard to see.

Ms. Higgins asked that the applicant add a note that points out where the trees are located and the protected area. She asked about the waiver required on the stacking.

Mr. Dougherty stated that the waiver on the stacking and the reduction in parking have already been granted by the Zoning Administrator.

Ms. Higgins stated that the Commission had preferred it to be done that way, but she just wanted to make sure it was done.

There being no further questions for staff, Mr. Edgerton opened the public hearing and invited the applicant to address the Commission.

There being no one present to represent the application, Mr. Dougherty pointed out that the applicant had told staff that their last representative was no longer representing the project. There is a new person on the project who was supposed to be here. In the past Katurah Roell had represented the project and was going to try to come. But, he was not sure why they were not here.

There being no one present to represent the applicant, Mr. Edgerton invited public comment. There being none, he closed the public hearing to bring the matter back before the Commission for discussion and possible action.

Action on ZMA-2004-012:

Motion: Ms. Higgins moved, Mr. Morris seconded, that ZMA-2004-0212, Luxor Commercial, be recommended to the Board of Supervisors for approval subject to the proffers as attached to the staff report.

Ms. Joseph stated that she was concerned about proffer #9 because it talks about the connection of the roads, which was on page 7 of the staff report. The last sentence reads, ". . . any parcel of record which may be created therefrom in the future shall agree to provide reasonable interparcel access to the Aunt Sarah's parcel (TMP 78-55A2) so long as a mutual maintenance agreement can be achieved." She felt that means if they can't find that mutual maintenance agreement, then they won't do it. She asked if that was correct.

Mr. Kamptner stated that proffers 4 through 9 are the ones that still have not been changed to reflect their comments.

Ms. Joseph stated that they have changed a lot of the proffers from before, but that was the one that stuck out as still being the same. She felt that proffer 9 does not guarantee anything.

Ms. Higgins amended the motion to say that item #9 in the proffers be reviewed with the County Attorney and that appropriate wording be incorporated if the applicant was willing.

Mr. Morris seconded the amended motion.

Mr. Kamptner stated that they could not mandate a connection by a proffer. He stated that staff will certainly work on the language of the proffer, but also talk to zoning.

Mr. Edgerton stated that there was more than one owner that is going to be involved here. He felt that it was very important that all of the owners know that the Commission wants that.

Ms. Joseph stated that if that interconnection was shown on the application plan, then they assume that it is part of the approval because they have approved the application plan.

Ms. Higgins stated that the site plan has got to be consistent with the application plan, which is identified.

Ms. Joseph asked if that shows the access that they were talking about.

Mr. Dougherty stated that it shows up to the edge of where it the road would eventually be built.

Ms. Joseph stated that it shows that connection, but not the entire connection.

Mr. Dougherty stated that they show it through their property.

Ms. Higgins stated that they have to do their part under the plan even if the other property owner does not. They don't have any control over that other property unless that site gets redeveloped technically.

Mr. Edgerton stated that the motion and second stand as is. He asked for a role call vote.

The motion passed by a vote of 6:0. (Commissioner Rieley was absent.)

Action on SP-2004-038:

Motion: Ms. Higgins moved, Mr. Craddock seconded, that SP-2004-038, Luxor Commercial Drive-In Window for a Bank, be recommended to the Board of Supervisors for approval subject to the conditions recommended by staff:

1. Drive-through windows will be limited to three (3); including one to be used for an ATM.
2. Architectural Review Board issuance of a Certificate of Appropriateness.
3. Applicant is responsible for installation and maintenance of control devices such as signage, and pavement markings as indicated on the application plan. The crosswalk just beyond the drive-up window bays for the bank shall be identified with crosswalk signage on either side of the drive aisle.

The motion passed by a vote of 6:0. (Commissioner Rieley was absent.)

Action on SP-2005-002:

Motion: Ms. Higgins moved, Mr. Morris seconded, that SP-2005-002, Luxor Commercial Veterinary Office, be recommended to the Board of Supervisors for approval subject to staff's recommended conditions with a modification to condition 3 and the addition of conditions 4 and 5:

1. A separate entrance and exit shall be provided for the clinic in accordance with Section 5.1.11d.
2. No outdoor exercise area shall be permitted.
3. A note shall be added to the plan to identify the two trees that are to be bonded.
4. The veterinary clinic shall be identified as located in building 4.
5. Architectural Review Board issuance of a Certificate of Appropriateness.

The motion passed by a vote of 6:0. (Commissioner Rieley was absent.)

Regarding a previous request for SP-2005-01 (coffee shop drive-through), the applicant has withdrawn the Special Use Permit due to the constraints tied to the access easement issues identified above.

Mr. Edgerton stated that ZMA-2004-012, SP-2004-038 and SP-2005-002 for Luxor Commercial would go to the Board of Supervisors on October 12 with a recommendation for approval.

Public Hearing:

SP 2005-017 Chick-fil-A (Signs#60&66) - Request for special use permit approval to allow a drive-in window serving a fast food restaurant. This proposal is being made in accordance with Section 24.2.2.13 of the Zoning Ordinance, which allows for drive-in windows serving or associated with permitted uses. The property, described as Tax Map 45 - Parcel 93A, contains 21.733 acres zoned Highway Commercial (HC) and Entrance Corridor (EC). This site is located in the Rio Magisterial District in front of the Lowes Home Improvement Store on the north side of Woodbrook Drive [State Route 1417], and at the intersection with Seminole Trail [U.S. Route 29 North]. The Comprehensive Plan designates this property as Community Service in Development Areas Neighborhood 1. (Stephen Waller)

Mr. Waller summarized the staff report.

- This is a request for a special use permit to allow the construction of a fast food restaurant with a drive through window.
- If this special use permit is approved, the Site Review Committee can grant administratively approval for the preliminary site plan that is being reviewed in conjunction with this request. Staff has determined that this proposal meets all relevant requirements of the Zoning Ordinance and the Comprehensive Plan related to drive-in windows. This includes such information as engineering approval of the standards for the safe and convenient one-way access; the adequacy of the stacking areas provided for vehicles waiting in the drive through; and a provision of a by-pass lane for those people driving vehicles that don't want to wait in line.

- Staff recommends approval of the special use permit with the conditions provided in the staff report.

Mr. Edgerton asked if there were any questions for staff. He asked if the proposed use of this property would be part of the existing parking lot at Lowe's.

Mr. Waller stated that it was part of the Lowe's parking lot.

Mr. Edgerton asked what happens to those parking spaces that were a part of Lowe's.

Mr. Waller stated that those parking spaces were actually part of Lowe's overflow parking. This site actually predates our current parking ordinance. Under the current parking standards Lowe's would not have been allowed to have this much excess parking. He pointed out that this request would add another use to that parking area.

Mr. Edgerton asked if this property is under separate ownership.

Mr. Waller stated that it was actually owned by Lowe's. Chick-fil-A has two options to either sign a long term lease with Lowe's or to buy the property out right. As of yet staff has not seen a subdivision plat to break that property off from Lowe's. Therefore, right now staff is looking at the proposal as Lowe's being the owner of the entire site.

There being no further questions for staff, Mr. Edgerton opened the public hearing and invited the applicant to address the Commission.

Keith Simpson, Civil Engineer with Bohler Engineering and representative for Chick-fil-A, stated that they were looking at the option of subdividing the property for purchase since a long term lease has not been decided on yet. He stated that Chick-fil-A has met with the ARB and resolved a lot of issues in order to get to this point. The proposal shows a 4,508 square foot building, but Chick-fil-A is currently modifying their architecture. The building is actually getting a little bit narrower by 11", which would reduce the square footage. If there were any questions, he would be happy to answer them.

There being no further questions for the applicant, Mr. Edgerton invited comment from other members of the public. There being no public comment, he closed the public hearing to bring the matter back before the Commission for discussion and possible action.

Ms. Higgins suggested that condition 1 be modified to include the latest revision date and condition 3 to mention Certificate of Appropriateness.

Motion: Ms. Higgins moved, Mr. Thomas seconded, that SP-2005-017, Chick-fil-A, be recommended to the Board of Supervisors for approval subject to the conditions recommended by staff.

1. Development shall be in general accord with the site plan titled "Chick-fil-A Preliminary Site Plan Documents", last reviewed July 8, 2005 and initialed SBW-dated August 22, 2005.
2. The existing evergreen hedges and trees along Woodbrook Drive and the Route 29 North EC shall remain fully intact and allowed to reach mature height and habit typical of the species. Pruning shall be limited to the correction of damage and the overall maintenance of the health of the plantings, and,
3. The color and material of the awning on the drive-through elevation shall be resolved to the satisfaction of the ARB and a Certificate of Appropriateness issued.

The motion passed by a vote of 6:0. (Commissioner Rieley was absent.)

Mr. Edgerton stated that SP-2005-017, Chick-fil-A would go to the Board of Supervisors on October 5 with a recommendation for approval.

Work Session:

CPA 2005-03 United Land Corp – Hollymead Mixed Use - Proposal to amend the Land Use Plan use designations for approximately 230 acres of land in the Hollymead Community from Industrial Service to a mixed use designation. The area is located on the west side of Route 29 and south of the Hollymead Town Center Area. A portion of the proposed amendment area is designated as Rural Area in the Land Use Plan. The work session is to review the appropriateness of studying this amendment request. (David Benish)

Mr. Benish summarized the staff report.

- The applicant's request is to amend the Comprehensive Plan land use designation for two areas located in the community of Hollymead on the west side of US 29 west of the Hollymead Town Center. The area referred to in the applicant's proposal, as shown in the green area, is the northern most area located west and south of the town center. It includes the Forest Springs Mobile Home Park area and the office for a natural resource exploration company, which is located to the west of the mobile home park off of Dickerson Road. It is a total of 125 acres. Most of the area is zoned Rural Areas, except for the Exploration Building site and the Forest Springs Mobile Home Park.

- In that site the applicant is proposing a mix of uses that is predominantly high density residential and some mix of small office and retail use. Approximately 25 acres of that 125 acres is zoned R-15, which is the Forest Springs Mobile Home Park area. The second area that has been asked for consideration is approximately 102 acres, which is generally located on the west side of Route 29 just south of the intersection of Hollymead Drive extending south to just south of the Ashwood Boulevard intersection to Route 29. The request for that area is approximately 50 acres to Regional Service designation. That designation would be the area generally east of the proposed north/south connector road that the applicant is also proposing as part of this Comprehensive Plan Amendment. The Meeting Street is essentially the center road in the Hollymead Town Center extended south parallel to Route 29. The line on the applicant's map in the middle of the pink and green area is generally the location that has been described by the applicant for that roadway. On the west side of Meeting Street High Density Residential and Industrial Service are proposed. That is the applicant's concept.

- The applicant is proposing to construct a north-south parallel road through this area and other east/west connections as shown in the Comprehensive Plan. The applicant is proposing to intersect the north/south connecting road with Dickerson Drive, which is a concept similar to but not exactly consistent with the proposed concept within the CHART Regional Transportation Plan.

- **The ongoing master planning process**: The main thing that County staff has pointed to is the fact that the County is currently underway in an evaluation of the 29 North areas of the four neighborhoods for study to develop a master plan including a transportation plan for that area. Staff feels that the timing for looking at any individual Comprehensive Plan Amendment would best be done in concert with that master planning process. There would be information obtained through that master planning process and a better sense of making individual decisions on properties as it relates to the larger picture of what is planned for the 29 north communities. It would best be done in a unified fashion as opposed to the Planning Commission and Board of Supervisors looking at one request individually. Staff has noted four particular issues that need to be considered:

    - **Consistency with the Comprehensive Plan**: Consistency in making a unified decision on land uses as it relates to the master planning process.

    - **The continued loss of industrially designated land**: The continued loss of industrially designated land has been a concern of the Planning Commission and staff in the past. There is approximately 450 acres in the Hollymead area designated for industrial use. About 270 acres of that is outside of the Northfork Research area. This development is about 200 acres of those 270 acres. It is the continued erosion of industrial land, particularly in the context of the need for industrial land and the best location for that is what causes staff some concern.

On the other hand, they need to keep in mind that the applicant's proposal does actually propose to retain industrial uses. Therefore, the applicant recognizes the desire of the County and has indicated that will be a component of his amendment proposal. To date staff has no details about what the specific break down of uses would be within their proposals. Therefore, it is difficult for staff to comment on how much industrial use would be left.

  - The DISC Committee's recommendation stressed the importance of using the currently designated development areas more effectively and efficiently to accommodate future growth, and thereby minimize pressure to develop the Rural Areas (or to expand the Development Areas into the Rural Areas). One supporting recommendation encouraged a greater mix of uses in the County's traditional industrial and office districts, recommending mixes of up to 30 percent residential. The applicant's request does not contain specific information about the mix of uses desired. Staff believes that there is merit in further evaluation of the possibilities of a mix of uses that would provide workplace, service, and residential opportunities.

- **The need for additional large-scale retail areas**. The community and staff share a concern about the ability of the local market to sustain ever increasing amounts of commercial retail development. As a part of the Places 29 Master Plan, the consultant will undertake a market assessment, including an evaluation of the residential, retail, and other office markets in the region. The master planning process could generate some input into evaluating the request that is before us. That work is intended to be completed by the beginning of the year. Staff feels that information will be very important in looking at and evaluating this request.
- **A portion of the proposal is located outside of the designated Development Area**. Approximately 15 acres of the proposal is located south of the Hollymead Development Area boundary in an area designated for rural use. As part of the Places29 Master Plan, the consultant will be looking at issues related to the fringe areas around the designated Development Areas to determine what the appropriate issues are in those areas and may suggest certain types of uses or functions for those areas. The master planning process could generate some input into evaluating the request that is before us, as well as the consultant's work on the market assessment of the need for industrial land and retail land. That work is intended to be completed by the beginning of the year. Staff feels that information will be very important in looking at and evaluating this request. Therefore, the determination of whether to incorporate this area in the Development Area should be considered based on the results of the master plan study.

- Staff has identified the following factors which are favorable to this request:
  - If properly designed, a mixed use concept providing industrial/flex/workplace use opportunities, as well as residential and commercial services and retail in this area would benefit the area and the County.
  - Potential road network/connections would increase choices for drivers in this area.

- The following factors are not favorable to this request:
  - Major amendments to the Comprehensive Plan, such as this one, should be evaluated in the context of the larger master planning process.

  - In the absence of the information from the master planning process, we are concerned with the appropriate balance of industrial and retail land uses.

- Staff recommends that this proposal be considered in conjunction with the Places29 Master Plan, and that the applicant's request be forwarded to the consultant for consideration as part of its review of the Hollymead Community portion of the Places29 study area. The final draft of the master plan is expected to be completed and delivered to the Board/Commission in September, 2006.
- Ideally staff would recommend that the work be completed, vetted by the public, reviewed and then adopted. However, the applicant has indicated certain time constraints with that amount of time for that type of review.
- An alternative approach would be to forward this to the consultant and track this individual request as essential information comes out of the master planning process to report that work back to the Commission as it relates to this particular proposal at strategic times. Staff estimates the next strategic time would be about the end of the calendar year in December or

January when that market assessment is complete and the first concept for the desired vision for the 29 North Corridor would be presented to the public.

- Should the Commission want to consider this request on a separate track and quicker timeframe than the Places29 master plan, staff recommends that the review be timed to take advantage of information from the Places29 master plan that will be very important in evaluating this request, specifically the economic/market study and the development of the initial preferred framework plan. This information will be available by the end of January/early February of 2006. Staff could bring the proposal back to the Commission for continued review and discussion based on a comparison of the proposal with the market assessment information and the initial framework plan. The applicant's request would still be forwarded to the consultant for consideration during the master planning process.

Ms. Higgins stated that staff had said that Meeting Street is not quite the same as the concept shown in the existing Transportation Plan. She asked staff to explain to the Commission what is alike or what is different.

Mr. Benish asked the Commission to bear in mind that what is in the CHART study is a concept anyway. But, what they would see in the CHART study is generally an extension of Berkmar Drive Extended. The plan shows a parallel line showing Berkmar Drive extending to the north. The applicant's concept as drawn conceptually on the initial submittal showed it coming back to Dickerson Road and tying in at Temple Hills development. He believed the applicant's concept was that it would pick up the existing roadway, which he felt was a short term way to establish that roadway. He pointed out that it was just not the complete connection from Berkmar Drive.

Ms. Higgins asked if the section where it is shown on the map is where the hook is outside of the development area.

Mr. Benish stated that was correct. He pointed out that in Crozet the idea was to focus in on the Comp Plan area and establish a plan for that, but it also looked at the perimeters and how to treat the perimeter of that development area, of which staff calls the fringe area. That same process will be done as staff looks at all of the fringes of these development areas to determine if there is a need for changes and other issues or areas for protection that should stay as rural areas. This has been one of the areas cited as an area to pay particular attention to because of that situation and because of the road proposal.

Ms. Higgins pointed out that there is land right up against 29 that is not in the development area.

Mr. Edgerton asked if there were any questions for staff.

Ms. Joseph asked if the town center designation would be changed.

Mr. Benish stated that the proposal does not include the town center area.

Mr. Edgerton stated that the green area fits with the original CPA amendment.

Mr. Benish stated that was correct.

Ms. Joseph pointed out that the applicant's application plan has it designated as yellow and orange. She asked if they just ignore that.

Mr. Benish stated yes, that this proposal was just showing in yellow and orange the town center area. The area that the applicant is requesting consideration for the amendment is just the areas in green and pink. He pointed out that the applicant's proposal should be shown all in orange. It was just a minor detail and an error on the map because his request begins past that point on the map.

Ms. Joseph asked if the marketing person for Places 29 was also working with our Economic Development person, and if the Commission could get some information from her as to what is going on around the entire County.

Mr. Benish replied yes, that staff has given Susan Stimart, the Business Development Facilitator, and the ZHA Consultants the various studies that have been done to date. It includes the assessment by the applicant for Albemarle Place for leakage, our fiscal analyst's evaluation of that proposal. He noted that they have taken that information into consideration. They are contacting property owners in the area. They are looking at evaluating the regional and local trends to try to assess the needs and the market capacities for various land uses and to try to apply it to this area. That work is underway right now. This information has been forwarded to the consultant so that they are aware that this request is under way. Preliminary discussions with them focused on the notice that this may be a type of mix of use that they need them to look at in a little bit more detail in this area to try to create a work place type mix of uses that could combine industrial office and residential. There may be some merit in focusing in on this area sort of as an example of how to do that.

Ms. Higgins stated that the road network has considerable implications for the 29 analysis.

Mr. Benish stated that the transportation consultant will be looking at the CHART recommendations specifically. He felt that it was important for them to know the short term iteration as they review it, which this request would include.

Mr. Edgerton asked if the applicant owns all of this property.

Mr. Benish stated that the applicant has indicated that he either owns or has rights of acquisition for the property. There are two properties in between owned by one property owner.

Mr. Edgerton asked if someone could apply for a comprehensive plan amendment on property that you don't own.

Mr. Benish stated that actually someone can apply for a comprehensive plan amendment on property that they don't own. It is not uncommon for the Planning Commission in its resolution of intent to actually broaden the area that the request is made. In fact, in Hollymead Town Center there was a request for a small area that the County decided to look at a little bit broader. He pointed out that the County actually looked at a larger area. What they would do is notify the property owner either within the area that they may be subject to change and then the property owners adjacent to that area. Therefore, comp plan amendments can include areas that are outside of an applicant's ownership.

Ms. Higgins pointed out that a good example was in Crozet when an applicant actually had their property removed from the development area and objected and then their objections were not considered. All of the property owners that were included were not necessarily applicants. It was just a planning area. She pointed out that it had been done before.

Mr. Edgerton stated that they had considered that quite deliberately. He agreed with staff's recommendation that the County was working as fast as they could to take this through in a reasonable way in our master plan process for Places 29. He noted that he was trying to figure out why this proposal should not be integrated into that process.

Ms. Higgins suggested that the Commission ask the applicant to come forward and address the issue.

Mr. Edgerton invited Mr. Wood to come forward and explain why they need to pre-empt things by five months.

Wendell Wood stated that all of the property was directly owned or under contract with no contingencies with only a closing date that will occur irregardless of what happens with this issue. That is all of the land. The piece of land under contract is a relatively small piece. He hoped that answered their concern about that. Their contract gives them the right to ask what they are requesting on the small piece. It is a no contingency waiting for closing contract. He stated that he appreciated being able to bring forward his concept of why he believed that this proposal should move forward. It is one that the Commission has touched on and the Comprehensive Plan already calls for. One of the key features of this project for the County he would refer to as the parallel road along 29. In our proposal that road is being proposed to be built by private enterprise, and no taxpayer, County or State money would be used. The land was being

dedicated and the road would be built. That is why there is the critical issue of timing, which was always important in anything that they do. He appreciated the fact about where the County is in their Places 29 concept. He respects that, but the problem is that they think the application pretty much conforms to what this area should be. They are willing to even go further in that this is a master plan and not a zoning concept. He mentioned to Mr. Benish that under the zoning concept they think the Commission will have a chance to decide the type of zoning. They visualize this as an extension of the town center. One of the things that moves it forward is that today they have the ability through a couple of tenants that will make this economically viable meaning that the type of tenant that is willing to come makes it affordable for him as a developer to fund this road. He noted that they were talking millions of dollars in this road development, but there is a time restraint on that. This proposal according to his contract will not be on the table six months from now if they choose to go some place else. He stated that he could not fund this project without them. It is not a viable project for him to fund the millions of dollars that it would cost to do this. This road has been discussed and he felt that there were a few Commissioners on the committee that supported this road. He stated that he had not heard anyone have any objections to this road. He believed that was the most important thing that they have to face every time that they come before this body now because the state tells us that they have no money to build roads. This is an example where this community can solve one of the biggest problems that they have in this community, which is traffic on Route 29. He developed a portion of this road under the Hollymead Town Center almost to the tune of eleven million dollars. This will probably exceed that in monies and it can be done. There is a contract that says that it will be done. But that contract is going to expire. He felt that it might deserve the Commission's attention. They know in the plan that they have to meet the DISC Study. They are willing to even state now that they are willing to develop this in accordance with the way the town center was developed. It is certainly infill and it is within their designated growth area, except for the 16 acres on the southern end. That 16 acres is located where the radio towers are located on Route 29. That will probably be considered a delicate area to be sensitive to, but he felt that it could be improved upon with good planning. The rest of the area is in the master plan for industrial. The type of industrial use that could go there is probably not as desirable as what can be done with a Hollymead Town Center concept. For example, under the existing Master Plan they can put a 500,000 square foot warehouse on that property. That would preclude the road being built and the parcel being discussed is 25 separate parcels. Therefore, there is a lot of things that could be done that may be good planning wouldn't say do. So when you can have a 500,000 square foot warehouse use under the existing ordinance he believed that there was better planning than that. He felt that the opportunity was now. This is a master plan change. It will still have to come before the Commission the same way they did in the Hollymead Town Center. He felt that they did a good job there dictating how that was to be developed. The County will have that same opportunity here, but in this case they need some guidance so that the party will feel committed to the project so they will fund the road.

Mr. Edgerton asked if he could name the business.

Mr. Wood stated that it was a regional retailer who wanted a business larger than 65,000 square feet, which was the prior restriction that was placed on him. He felt that to be a success in today's market that was what it needed to be. That party is willing to pay for a road that this County definitely needs and the taxpayers of this community and the State of Virginia don't have to pay for. He stated that the Hollymead Town Center had not been a detriment to this County. He pointed out that Target broke the record of all of their stores in the first week of their operation. Therefore, they could certainly take issue with someone saying that it was not needed.

Mr. Edgerton asked if there were any questions for Mr. Wood.

Mr. Thomas stated that to master plan this property would be a lot easier if he was the only property owner.

Mr. Wood agreed with Mr. Thomas. He pointed out that was why he contracted to purchase with no conditions the only remaining piece so that there is no one else involved.

Mr. Thomas stated that if this request moved along if he would be willing to make sure the road is planned, designed and built first.

Mr. Wood agreed that he would. In fact, that is a commitment that has to be received before the tenants will come to the table.

Mr. Thomas asked if he thought if it was possible for this project to move along as fast as his schedule is demanding. He asked if he thought his application could move along in six months.

Mr. Wood stated that he could not answer that question.

Mr. Benish stated that all of the property except for the mobile home park area is actually zoned Rural Areas. Therefore, it would all need to come through a rezoning. Under the Comp Plan designation right now there is some mix of uses in industrial that are permitted, but not regional service level uses. Arguably some of the residential that it calls for to a certain extent could be subordinate use, but it is fairly limited. Without knowing what is the breakdown of the mix of uses being proposed, it is difficult for staff to determine how significantly different it is from the rezoning. He felt that the 50 acres of regional service that Mr. Wood is suggesting in the southern area is clearly inconsistent with the master plan. The other areas would need a determination made of how significant each piece of the mix is

Ms. Higgins stated that she did not think they were talking about that much of a different time frame between this review and Places29 because of the magnitude of what he was talking about. She asked if they were really talking that many months different.

Mr. Wood stated that he felt that the parties involved want an indication that this is not a rezoning request. They are well aware that it has to go to that next step. But, if the concept is not looked on favorably, then yes, he thought that the timing was critical. Basically what they were here to see is if the County was going to go along with the concept of what they were willing to do and that is to build this road. By expressing that as a commitment into this if they come to the table now and say that they are willing to do that and you still don't see that as viable, then they don't see much hope of it happening in the next phase. For it to eventually happen, he felt that they were correct that that there was another step. He pointed out that Hollymead Town Center took three years.

Ms. Higgins voiced concern that every time that Route 29 gets looked at that it gets wider. She pointed out that North Point was going to add a lane, and UREF has not even built the lane that they proffered in their development. So every time that they look at Route 29 just to meet VDOT's level of service requirements they are looking at a wider road. The County built the section of Berkmar in two places to tie it together. The transportation aspect of this is very important. At the same time you can go and design this road and build it. There is nothing that says that you can't build the road.

Mr. Wood stated that proposal has been made to him.

Ms. Higgins stated that his application does not have a lot in it to give anyone a level of confidence of listing the uses and acreages. It does not have enough meat in it even as a work session item probably to get a level of comfort here that he thinks they are looking for.

Mr. Wood stated that the way that it has been broken down is very similar and he was willing to live by the concept of Hollymead Town Center.

Ms. Higgins pointed out that it was just a work session and there was not have a formal application before the Commission. Therefore, she was just making a suggestion.

Mr. Wood agreed that it was a work session, but that the applicant wanted an indication. But, just to go forward and do the engineering is very expensive to do the plan. He pointed out that the applicant did not want to spend the money if the County was going to tell them no at the end of the day. He noted that they at least want an indication. They have picked up on the aspects of this plan that works with this being the road plan and saying yes that they were willing to do it. They are not asking for the zoning. The County would still have another look at it.

Mr. Edgerton stated that this was supposed to be a work session.

Mr. Benish stated that what he thought that they were suggesting is along the lines of what staff is thinking. There is a Comprehensive Review process going on right now. He felt that the applicant's information to date can be input into that process. If things work appropriately the read from the community and the County could come through the work of the master planning process. The consultant is aware of the desired mix of uses and there may be an opportunity, but he did not want to put the consultant on the hook here because it is an expensive project and their time is well expended in doing a number of things and he did not want to keep adding on things, but, through their evaluation of this area understanding this proposal, there may be a consensus coming out of the master planning process that does establish some level of mix of use that could give the applicant and his contract associates a understanding of what is doable. He did not think there was an understanding of what is doable. He did not think there was any question about building the road. He felt that was going to be a fundamental piece. Whether it was a priority road or not, it is in the long term at least going to be a piece of the process. Staff thought it might be a win/win without the applicant having to do a lot of work, but may be some more work could be done so that they understand what exactly they would like to do so the consultant can assess that. But, then the consultant could use that as input to put forth a plan for that area that may include the applicant's entire request or some portion of it.

Ms. Joseph stated that means that his client would not have to spend these funds and it would be done by the money that the County is spending now for the consultants that they have doing this master plan. She asked Mr. Wood if he had attended any of these meetings that were held when the consultants were in town to talk about some of these issues.

Mr. Wood stated that he had attended every one of the meetings.

Ms. Joseph asked if the consultants already know about the road and the possibility of changing these areas.

Mr. Benish stated that what would likely happen in other stages is that they would probably come back and meet with the applicant again to work through that process. There are certain properties that they are using as sort of tests.

Ms. Joseph pointed out that this project was huge.

Mr. Benish stated in preliminarily talking about this with the applicant that this is such a big area that it is a pretty massive undertaking and they were worried about it affecting their workload. There are other areas that they are looking at as test models or experiments, which are much smaller and sort of site specific. But he felt that they see some issues here that might be useful to the application on how to mix uses. He felt that they see some value in it, but are trying to figure out how they can incorporate it into their work.

Ms. Higgins stated that the transportation part of it is the biggest piece and that is not even the master planning. But, that is the transportation corridor part of it that VDOT is doing.

Ms. Joseph stated that the transportation and marketing are huge aspects of this.

Mr. Wood stated that what they have been told is that this is a consensus of what should happen on a transportation analysis to the extent that five years ago VDOT was buying this land and building the road. As you well know under the present financial situation that disappeared. They are not buying land and are not building the road. In their discussions with VDOT they are 100 percent behind this concept and clearly state that they have no money and don't see having any money in the future. That is the sole reason why they are here. During the public meetings that he attended Ms. Joseph had asked about that, and he did not hear anyone object to this parallel road. In fact, in most of those meetings it was written down as one of the key components of this plan to have this road.

Ms. Higgins stated that it was not the road, but the mix of uses.

Mr. Wood stated that was going to be his next comment. Whether they like it or not that road is not going to be built if there is not someone that can economically afford to do it. He pointed out that he could assure them one thing that can't economically afford it is industrial land. That is the least possibility of

that road ever being built with private funds. It will not work. The economic value of that land is not there and that will never happen. It is just that simple.

Ms. Higgins noted that was the planning world and now he was getting into the implementation world.

Mr. Wood stated that in the planning world it has already been agreed that they are saying that they will meet those conditions and they were willing to live by that type of development.

Ms. Joseph stated that the Commission has to look at the entire big picture. She understood that it is extremely important to him and that he has been given this incentive to help build some of the infrastructure that they were looking for. But, personally she could not make any kind of comments to him about whether it was good, bad or different at this point because she felt that the County was spending a lot of money now hiring people who are going to help us figure out some of these issues. For the Commission to jump over their head and say that they are going to be considering this now without adding the consultants into the pot would be foolish on their part right now. Therefore, she could not give any support on running this through parallel because she felt that it really has to be integrated within the master planning process. She noted that it is hard to say that she appreciates his client because she does not know who it is, what they are doing or what other things that the County would have to give up to have this road and whether it is worth it.

Mr. Wood stated that they were not asking for any kinds of breaks. They are offering money to build a road that the County says that they want.

Mr. Morris asked if this question was going to be brought up in the October or November sessions with the consultants so that they could have more input.

Mr. Benish stated that there was not one distinct issue for the October meeting because it was still a big picture thing. What staff is doing internally as the consultants are working through the development of that picture is they are going to be considering this. Staff has asked the economic consultant to be aware of this issue about industrial use. Again, staff does not know for sure how much is the right amount. What they are fearful about is that they may be too cavalierly getting rid of it, but they want good information. Therefore, the consultants are focusing even more on the industrial. They were aware of the commercial and retail mix. Therefore, hopefully they will get a better read for what sort of balance they need there. Staff does not know if that is what is going to come out in October as a very distinct thing. It is just one of those pieces that add to the picture that is being built to the community. They have heard input from the community and now they were trying to assess the validity of those issues as it forms the plan for the future. To summarize, he felt that the fundamental issue with the applicant is whether the timing that they propose is consistent with his client's expectations. To answer Ms. Higgins' question about whether the timing of any other individual Comp Plan amendment request would be about the same as they are proposing, that he thought that it is. Therefore, if the applicant feels like he needs a quick read without much additional information as an individual request that is up to the Commission on whether they can provide that information. But, if it went through a classic Comprehensive Plan amendment process with more detail they were probably on about the same time frame as the alternative request that staff proposed. They would probably do it sooner than waiting for an adoption because the adoption could take a long time. He stated that he could expect this dragging on for years. But, they could monitor it as potential information comes forward so that there may be a point in time to break this out and make a decision.

Ms. Higgins suggested that the Commission could have another work session.

Mr. Wood stated that he would appreciate whatever consideration, but he had no control over the timing. He felt that it was worthy enough that he brought it to them because there is a real player who has the pockets to do what they say they will do and are willing to do whatever it is to convince them. But, they are not saying that they are thinking about it. He pointed out that he did not come before the Commission with a possibility, but with an absolute from them. To ignore that he did not think they would be doing justice to the County. The applicant has other options available. They might end up with the same situation in another location somewhere else and the County still has the same thing and no method to pay for it.

Mr. Edgerton stated that it was tempting to get a road built because everybody wants a road. But, he could not help but worry as Ms. Joseph indicated that this is not the way to go about master planning an area.

Ms. Joseph stated that there are no guarantees because sometimes verbal agreements don't always work out.

Mr. Edgerton stated that staff has very thoroughly with the limited amount of information brought up the key points. The one that continues to worry him is the fiscal agent's assessment of how quickly the commercial space can be absorbed by our community. He feared that if North Point goes ahead and puts in the equivalent amount of commercial space that they already have and then they see this migration of promoter commercial space to newer commercial space, then they end up with a lot of previously approved shopping centers empty. These are big issues and the Commission needs to think them through. There is a master planning process ongoing. Personally, he was not that concerned about the loss of industrial space because there does not seem to be that much desire for it in the market today.

Mr. Thomas stated that was one of his questions.

Ms. Joseph stated that they need to think very seriously about this because this is located right where our transportation hub is on Route 29 near the airport. If industrial land needs to be anywhere that it needs to be in this area, and she was anxious to hear from this marketing person about what the trends are. She pointed out that things are still made in this county, and not everything is made in China. Therefore, they need to think about that, too in possibly keeping some of this space. So she knew what he was saying, but she really did not want to hear anything prior to the master plan.

Mr. Benish stated that staff recognizes that they are on soft ground since they don't know exactly what the basis for this is. Therefore, they would like to be cautious before they lose area that is difficult to redesignate once it is lost. Staff did not provide a resolution of intent because they did not know how the Commission wants to deal with this. There is no resolution of intent for the Commission to act on, but if they would give staff the direction that they would like to move forward on then they will draft a resolution of intent for a consent agenda.

Mr. Craddock stated that he liked staff's suggestion to do it parallel with the master planning process.

Mr. Edgerton agreed that would be a good idea to do it concurrently like Old Trail was done with the Crozet Master Plan, but that the Commission could not give any commitment at this point.

Mr. Benish stated the resolution of intent would be just to study it and then staff would come back to the Commission at strategic points. If that is the direction, staff will double check with the consultants again and let them know what the Commission's desire is. Then staff would draft a resolution of intent consistent with that plan of action.

Mr. Edgerton suggested that the Commission discuss that with the consultants. If the target keeps moving it makes it very hard for the consultant to do their job.

Mr. Benish stated that the Commission would have an opportunity at the end of the month. He felt that it would be helpful for the consultants to know what the thresholds are for certain mixes of uses so that they more clearly understand what type of mix of uses it takes to make it a viable product for the applicant.

Mr. Edgerton stated that the consensus of the Planning Commission was to work in parallel with the ongoing Places29 master planning process.

Mr. Benish stated that was the alternative proposal that staff suggested. Therefore, staff will work out a resolution of intent consistent with that intent and place it on the Commission's consent agenda and staff will be available if they want to pull it for discussion.

In summary, the Planning Commission held a work session on CPA-2005-03, United Land Corporation – Hollymead Mixed Use, to review the appropriateness of studying this amendment request. The applicant discussed his proposal with the Commission to amend the Comprehensive Plan Land Use designations for two areas located in the community of Hollymead of approximately 230 acres of land from Industrial Service to a mixed use designation. A portion of the proposed amendment area is designated as Rural Area in the Land Use Plan. It was the consensus of the Planning Commission that they work in parallel with the ongoing Places 29 master planning process. Staff will work out a resolution of intent consistent with that intent and place it on the September 13 meeting consent agenda. If the Commission wants to pull the item for discussion, staff will be available.

Old Business:

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

New Business:

Mr. Edgerton asked if there was any new business.

Mr. Morris pointed out that CHART went on record saying that they needed to have this connection for the Eastern connector yesterday. He pointed out that there was something else going in on the prime area. He stated that Lewis and Clark already had federal monies given to it.

THE SEPTEMBER 6, 2005 PLANNING COMMISSION MEETING HAS BEEN CANCELLED. THEREFORE, THE NEXT MEETING WILL BE HELD ON TUESDAY, SEPTEMBER 13, 2005.

There being no further new business, the meeting proceeded.

Adjournment:

With no further items, the meeting adjourned at 7:33 p.m. to the September 13, 2005 meeting.

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V. Wayne Cilimberg, Secretary

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