Albemarle County Planning Commission
January 31, 2006

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, January 31, 2006, at 6:00 p.m., at the County Office Building, Room 241, Second Floor, 401 McIntire Road, Charlottesville, Virginia. Members attending were Bill Edgerton, Jo Higgins, Eric Strucko, Jon Cannon, Calvin Morris, Vice-Chairman; Pete Craddock and Marcia Joseph, Chairman. Julia Monteith, Senior Land Use Planner for the University of Virginia, represented David J. Neuman, FAIA, Architect for University of Virginia.

Other officials present were Wayne Cilimberg, Planning Director; Bill Fritz, Development Review Manager; Steve Tugwell, Senior Planner; Elaine Echols, Principal Planner; Ron White, Housing Director; John Shepherd, Manager of Zoning; Amelia McCulley, Zoning and Current Development Director/Zoning Administrator and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

Ms. Joseph called the regular meeting to order at 6:05 p.m. and established a quorum.

Other Matters Not Listed on the Agenda from the Public:

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

Regular Items*:*

Before beginning the first regular item, Ms. Joseph noted that she had heard that people were interested that maybe the Commission would be talking about the Biscuit Run rezoning in a work session tonight, and that is not going to happen. What is listed on the agenda is not a work session for Biscuit Run, but the Commission will be talking about how they are going to process that application. Therefore, the Commission is not going to be getting into the meat of that because a work session is not going to happen.

SDP 2005-103 Community Self-Storage - Request for a waiver for an inter parcel connection requirement. The property is zoned HC (Highway Commercial) and is described as Tax Map 61, Parcel 124E. It is located on the west side of Rio Hill Drive approximately 500 feet north of its intersection with Rio Road. This site is located in the Rio Magisterial District and is recommended for Office Service in Urban Area 2. (Steve Tugwell)

Mr. Tugwell summarized the staff report.

- The applicant has submitted a site plan for a self storage facility on Putt Putt Place. Staff is recommending construction of a travel way into an adjacent property as part of this review. While the applicant chooses not to construct the travel way, staff believes that the travel way is required in order to improve traffic flow and area safety. Rather than deny the plan, both the applicant and staff have an agreed to bring this before the Commission. The applicant has also submitted a letter explaining why they choose not to construct a travel way. Staff reviewed the letter and still recommends the construction of the travel way.

Ms. Joseph asked if there were any questions for Mr. Tugwell.

Mr. Edgerton asked if the travel way was cutting across the southern end of the property.

Mr. Fritz stated that staff is not recommending any particular location for the inter parcel connection. But, the most logical place would be at the southern portion of the property. Because of the layout of the property that would require the least amount of disruption. But, if they chose to do it at some other location staff could make that work, too. So it is not so much a location, than it is a necessity.

Ms. Higgins asked if there is any planned development of that adjacent parcel or any interconnection for a road.

Mr. Fritz stated no. That is a good question because this is a completely different scenario than the request the Commission had north of Airport Road. That road was being done through the Subdivision Ordinance, which talks about the dedication of right-of-way when there are roads planned in the area. This is very different and actually is under much older language in our ordinance. It says travel ways can be required and the construction of travel ways to adjacent properties can be required and that is about it. It says when deemed appropriate by the Commission or agent. Then it goes on to describe that the travel way shall not be less than 20 feet. But, it is not based upon planned development or lack of development. It simply says when deemed appropriate.

Ms. Higgins asked what is the use on the adjacent parcel that the interconnection is suggested to go to.

Mr. Fritz stated that currently the property is vacant. But, the front portion is zoned commercial and the rear portion is zoned residentially. It is very similar to what exists on Putt Putt Place with commercial in front and residential in the back. It is a different commercial designation, but it is commercial in front and R-15 in the back.

Ms. Higgins asked if it is assumed because this is not a road connection that this travel way would connect and by that authority this property owner grants to that property owner an easement across the property to the public road.

Mr. Fritz stated that staff would encourage them to do an easement so that they could enter into a maintenance agreement and the like. But, the specific language of the ordinance is construction of a travel way to the adjoining property.

Ms. Higgins asked if they could construct it and then block it.

Mr. Fritz stated that the site plan would not be approved with an obstruction between the two.

Ms. Higgins stated that the applicant could construct it and it dead ends to nothing and then they could put up saw horses.

Mr. Fritz stated that there is no question that it will be a period of time until this property is developed. When this property comes in to be developed, staff will be reviewing that site plan to coordinate with this site plan so that their travel way connected through to that travel way.

Ms. Higgins asked what the legal ramification was for the connection of travel ways where one property owner has not granted access. If this was a public road, she would be clear about it. But, when staff threw the travel way into it and it was not, she questioned it. She just wanted to understand if they were considering a connection or not and what that actually means.

Mr. Fritz referred her question to Mr. Kamptner regarding the ramifications.

Mr. Kamptner stated that the site plan regulations don't really specify what kind of legal permission is going to be granted. It simple requires the construction of the travel way to the edge of the travel line, which they were allowed to do under state law both for subdivision plats and site plans. They are also allowed to improve either public travel ways that are state maintained and private ones. State law really does not get into the legal arrangements as to how one owner grants permission to another over private travel ways.

Mr. Cannon asked if it is possible that the future owner of the adjacent site, if they wanted to develop the site, would have to negotiate an easement with the property owner across his property for the travel way.

Mr. Kamptner stated that they would expect that would happen.

Mr. Cannon stated that there would be some sort of transaction or there would be a condemnation.

Mr. Kamptner stated that there would not be a condemnation by the County or any other public entity.

Mr. Fritz stated that as far as the County is concerned, in this particular case, that even if there is no private arrangement and there is no access easement, that the points of access for this property would provide an alternative point of access for emergency access as the staff report points out.

Mr. Morris stated that without that connection anything that goes into the adjacent property is going to be a right in and a right out. It is going to be a dangerous situation.

Mr. Fritz pointed out that the entrance does not meet VDOT's criteria for the construction of another median. So it would be a right out and right in. If someone was eastbound they would have to do a U-turn. Coming from the west one would have to do a U-turn to get into this property and there would be no other alternative to get to the undeveloped part. This property does not necessarily need that access to get to Rio Road because it has a point of access from Rio Road. What they are looking at is a broader picture for ease of convenience or ease of use of general safety and just sound planning in providing as many points of access as possible. That is something that the Comprehensive Plan and Neighborhood Model discuss that gets reflected through to our Zoning Ordinance and the implementation of the provisions in the Zoning Ordinance as it regards site plans.

Ms. Joseph asked if this was not the first time that an applicant has been requested to do this, and Mr. Fritz stated that it was not because they have done inter parcel connections in other places.

Ms. Higgins asked what the terrain was like at the western edge of the self storage parcel. It looks like it starts to drop off quite significantly there.

Mr. Fritz stated that it starts to drop off as you go further back, which really does force the probable connection point more to this area. There is a slight grade difference, but our engineers have looked at it. The applicant has stated that they believe that there is a topographic difference there. But, it is staff's opinion that the topographic difference is not significant enough to substantially impact it. It is a 2 to 4 foot drop over that length. Therefore, staff feels that it is something that can be easily engineered.

Mr. Craddock asked if on that undeveloped parcel if it includes anything into that entrance into Albemarle Square.

Mr. Fritz stated that there is no access from this parcel back to Albemarle Square.

Mr. Craddock asked if it would take out some of the parking lot at Wolfe's.

Mr. Fritz stated that the applicant has been put on notice. This was a cross boundary parking easement that was done. Wolfe's is actually utilizing parking over the site. They have been put on notice as to potential impacts and they might have to find alternative parking or may have to reduce the area that they have available for restaurant use and other things. They might not have adequate parking if it was removed for any reason.

Mr. Craddock stated that right now they were alright, but if that travel way went in they would be short of parking.

Mr. Fritz noted that when staff first started reviewing this site plan they put everybody on notice that if they were messing with this parking that they may be affecting the potential use of that property.

Ms. Higgins asked if the travel way goes through that area if it will display parking that they need for their operation.

Mr. Fritz stated yes it would display parking if they have an easement on that property to utilize. But, it may not be based upon the location. Or, they might be able to provide additional alternative parking to allow the connection to go through. It can't be done without affecting this piece of property based upon the design of this parcel.

Mr. Craddock asked if VDOT has looked at making that right turn into the property as a right in and right out at Putt Putt Road. Having driven down to the apartments, he felt that it was very hazardous trying to come out there straight to go left towards downtown. He noted that he always goes down to Fashion Square and turns around.

Mr. Fritz stated that this whole stretch of road has been investigated for all different sorts of scenarios. But, he could not recall a conversation to close this cross over. But, there have been conversations about making this entrance a right in and a right out. There have been conversations about putting a signal here and another signal here with timing much like the two signals farther down the road.

Ms. Higgins stated that it does not warrant traffic signals at either location.

Mr. Fritz agreed that at either of these two locations that it does not. There have been a lot of conversations, but none that he could recall to close this cross over and make this a right in and right out. The conversations have really centered on whether this should be a signalized intersection. He noted that there is actually a private agreement, that the County is not a participant in, that goes back to the original plan approval for this bank between VDOT and the applicant that involves some cost participation for any cost for signalization at this cross over. But, he could not give them any details. It has just been contemplated.

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

Sri Ravali Komargiri, of McKee Carson, stated that she represented the owner of the property, Mr. Lloyd Wood. The steep part of the site is not on the east part of the site and it towards the other end. As you move towards Wolfe's the grades are less steep. There are existing parking spaces on that site which are required. Lloyd Wood has a good working relationship with the other property owner. They feel that they can work with the other property owner and come up with a reasonable solution to provide inter parcel connection. Since they have to replace the parking spaces they will have to work with them to see where they will provide them again if they are going to take them off of this property. They cannot provide any inter parcel connection on the other side of the property because of the steep grades. They would like to keep the options open based on what the other person is going to develop on the other property before they provide inter parcel connection.

Ms. Higgins asked if she was saying that they can work this out and that doing a connection there is feasible.

Ms. Komargiri stated that she was just saying that because right now they have the existing parking spaces and they have an existing storm water detention pond that they are going to use for their property. But, if development goes on the other site, then they could probably work with him to see if they are going to replace anything on this property because they can't do anything about it on their property.

Ms. Higgins asked if she was saying that they could work with the adjacent property owner when they are about to make the inter parcel interconnection.

Ms. Komargiri stated that provided that they know what kind of development that he is going to propose on that parcel.

Ms. Higgins stated that they were requesting to waive that requirement.

Ms. Komargiri stated that at this point they don't know if they can provide inter parcel connection because they don't know where they will provide those required parking spaces for Wolfe's and where they are going to provide the storm water detention pond on another location on the site.

Mr. Edgerton asked if on the site plan there was room to make the connection through this area.

Ms. Komargiri stated that they wanted this to be a secure site. Through traffic makes it more secure. She pointed out that it was only 20' wide. They have options open, but they don't want to give them up.

Mr. Edgerton asked how much they needed for an interconnection travel way.

Ms. Joseph stated that it was usually 24'.

Mr. Morris asked if the storage area will be secured by a fence going all the way around it. He asked if this was the only option.

Ms. Komargiri stated that was correct. They wanted to have a good wall to provide security, but they had to go with a fence because of the ARB requirements. They are already compromising on that aspect.

Mr. Cannon stated that he was not suggesting this as a solution, but would it satisfy them to state a requirement for a travel lane, but leave it to some subsequent date to establish the precise location for that travel lane.

Lloyd Wood stated that some where in that area is where a travel way should be at some point in the future. He discussed that with Mr. Delaney over the last fifteen years as he developed this. Mr. Delaney may develop his property, but he does not have a site plan or any possible use. The latest discussion over the last five years has been that should he not develop it and someone else does we are then willing to work with the new person. The problem they have with this is that a 20' travel way will not service 19 acres. They have agreed amongst ourselves and he has given us a written right-of-way for this storm water retention pond and the other easement for the discharge from that. So at some point it makes sense to have a travel way there. The problem right now, as Mr. Fritz pointed out, the parking requirements for the restaurant require that all of that where the storm water detention is now would be required for parking. If you take that out, then they don't have enough parking to meet their parking requirements for the square footage. There are two possibilities for access other than Rio Road. One is in to the back part of Albemarle Square, which is on the commercial part of his property. Also, there is this one on this side. He has no problem with giving them one, but that becomes an issue between the two of us. If they lose parking spaces over here, then they would give them a right-of-way for parking spaces beside the building on his side of the fence. So those types of things would have to be worked out when he has an appropriate site plan or knows what the use of it would be. They have tried to find a spot that won't disturb what is already there. The rear of the site, as pointed out by Mr. Fritz, is extremely steep topography. There is probably a 50 foot difference. This location is the most accessible and the topography is not that difficult. The detention pond and the parking is an issue at this time. They have been working together since 1966. He did not think there would be a problem in providing him with what he needs to do when the time comes. If they could have done it now they would have done it.

Mr. Cannon pointed out that presumably, however, when the time comes they still have the parking space issue to deal with.

Mr. Wood stated that they could not give up the parking because they would have to close the operation of the restaurant to meet the adequate parking.

Ms. Higgins pointed out that use could change over time since they don't know if it will stay a restaurant.

Mr. Wood noted that they do know that the parking requirements are not getting any less. He felt that this has been a workable situation over the years. The restaurant hours are late at night and Putt Putt is closed late at night. The restaurant does not do business in the day time when the bank and Putt Putt conduct their business. So they use that parking. The parking arrangement works out well with the County and with the lease arrangement with the properties. They have given an extra 25' to go with the 25' between the restaurant on the front and at the storage area. So there is a 50' easement being created there over top of the parking, which one day may become what staff is asking for. They are between the devil and the deep blue sea because if they give it now they give up the parking. So this person will be unhappy. If they don't do it now, the County would like to have it. But, it will happen.

Ms. Joseph asked if there were any questions.

Mr. Craddock asked about the access to Albemarle Square.

Mr. Wood stated the access adjoins that property. Therefore, it would take an easement. When his site plan comes in it would take an easement, which would make it easy to get into there, which would then come out at that light to cross straight over into the two shopping areas.

Ms. Joseph invited comment from other members of the public. There being none, the public hearing was closed and the matter placed before the Commission.

Mr. Morris stated that the thing that he was very concerned about is that they do not create another situation that they have over on Hansen Mountain Road where they literally have right in and right out. That was one of the problems that the Commission had with Gazebo Plaza. That is a problem that they still have with Ashcroft going in and out. He just did not want to see that happen again.

Ms. Higgins stated that potentially it was more dangerous to have a cross over with no signalization than a right in and a right out. She did not know if that particular parcel would have any relationship with that intersection that will require the rezoning to have some type of contribution. Therefore, that might not happen. The three things that were noted in the staff report that the applicant addressed was about it being a secured facility. She felt that looking at the function of this was always important because one of the things that this particular facility is selling is limited access. That is actually a product that they are selling for security reasons since self storage is usually available all times of the day with some kind of access through the security gate. But, she felt that the real issue has to do with the parking that exists. She felt that in a way they were worried about a parcel that was not being developed. That is a good thing. But, at the same time she had a problem with the implementation part of it because, in essence, if they cause one person to connect and take rights across the other person she felt that they have done the work for that developer. If someone comes in to develop this there is value here. They want the interconnection for the traffic flow, but at the same time it seems to be perceived that the County's role is to make this parcel more developable, which would cause this entity to grant something across them.

Mr. Edgerton asked what about the principle of interconnectivity in the Comprehensive Plan that they are suppose to be looking for on every proposal.

Ms. Higgins stated that she supports that. But, she was just saying that the implementation side is that the ordinance seems to be quiet on things like they are not condemning it, but they are going to grant somebody the right to cross somebody else's property. Is that an effective construction taking or something? She did not know. But, she felt that they were granting permission that a lot of times are worked out between developers in exchange for parking spaces, and then they cause the travel way to be constructed. That is done between developers and there is value.

Mr. Edgerton asked if she would be comfortable in requiring it if a substitute connection could be made later.

Ms. Higgins stated that she would be comfortable with a note on the plan that interconnection be done at the time this is developed, whether it is by reservation or something like that. Again, it is the implementation side of it that she was trying to think of. There are some stub outs where the development does not happen or it is a place where people sit and park and nothing happens. She was really troubled with the ordinance only addressing that this requirement be imposed, but it does not address how that affects the properties. She asked why they were looking out so much for an undeveloped parcel when they should come to this property owner and deal with them.

Mr. Strucko stated that his concern was planning for the future. He asked what the adjacent property was zoned.

Mr. Fritz stated that the pink area is zoned C-1, Commercial. The other portion is zoned R-15, Residential.

Mr. Strucko stated that it was a Commercial area and he was anticipating what potentially could be there since they were involved with planning.

Mr. Fritz stated that staff gave the Commission some numbers in the staff report.

Mr. Strucko stated that the point is that is already zoned Commercial. His concern is the cross over from Rio Road East. He did not like the idea of doing U-turns to get access to that parcel. He was a big supporter of interconnectivity in the Comprehensive Plan. But, he certainly did not want to debilitate an existing business's operation with regard to parking. He certainly did not want to pre-empt a potential business use for this parcel. He understood the need for security. But, he thought the question was whether this was the proper place for such a facility if the security and interconnectivity are not working here. But, he was intrigued by the potential connection from the other side of the undeveloped parcel from Albemarle Square and what the possibility is there.

Ms. Higgins asked why the staff report says that it can only get access from Rio Road.

Mr. Fritz stated that after looking at the plans for Albemarle Square, staff is unaware that there is any requirement of Albemarle Square to construct or grant any sort of easement or travel way between the two properties. So if the owners of the two properties were not able to successfully negotiate an access between the two, there would be no access between the two and that piece would only be accessed from Rio Road. That is the point that staff is making. It may be entirely possible that they are able to negotiate. But, he did not know where it would be or how it would be given the layout of Albemarle Square. All staff can go with is based on what they know about. What they know is that right now that middle parcel has access only to Rio Road.

Ms. Joseph stated that the only parcel in front of the Commission right now is the proposed storage facility.

Mr. Fritz stated just to answer Mr. Strucko's question, that based on some average rule of thumb numbers, they are estimating that adjacent piece could develop with up to 80,000 square feet of commercial uses and 165 residential units. That is based on the zoning and some rule of thumb numbers they use for development. The 80,000 square feet really represents the maximum commercial development.

Mr. Craddock stated Mr. Strucko had some good arguments. He could not see that undeveloped parcel coming through this parking lot to get to Putt Putt Lane. He saw it either coming from Albemarle Square where there is already a signalized light or it is going to have its access onto Rio Road directly. There is a need for a change at that intersection at Putt Putt Lane. If it was a right in/right out it would probably be a lot better for those residents in there. There are a lot of senior folks down at Woodsedge and that is very dangerous. To hamper and hinder the restaurant without having adequate parking spaces they might be making one situation better, but they were handicapping an existing building and a thriving business.

Mr. Cannon stated that he would like to see an arrangement by which a travel lane would be available if and when it might be needed at the time of the development of the adjacent parcel. That would avoid disturbing the existing parking for the time being and would hold open the possibility that there might be other alternatives at the time. But, it would provide the option of a travel way if that were needed at the time of the development of the adjacent parcel. He assumed that they would not be using that travel way until that adjacent parcel was developed. His question was whether there was a device by which they can establish that.

Ms. Joseph agreed with Mr. Cannon.

Mr. Edgerton asked Mr. Kamptner if there was such a mechanism.

Mr. Kamptner stated that the site plan ordinance is very narrowly written. So the legal answer is that it appears that they are constrained by language that talks to dedicating lands for public use and bonding those improvements at some point in the future. But, he would expect that over the last 25 years that

there have been other practical solutions developed where there is an agreement from the site developers. So he would ask Mr. Fritz about that.

Mr. Fritz stated that he understood where they were going, but they would still have to do a couple of things. They could require it to be designed, but not built so that travel way would go through. That is an option. But, that still creates the problem for Mr. Wood that he would have to redesign his site as staff is recommending be done. All they would be doing was delaying the actual construction because he would have to design it in such a location where that travel way could go through and he would still have adequate parking on his property. The other option, which would be difficult to monitor and enforce because they would have to come back in time, would be to put it on there if it was the Commission's desire. They could say that there could be a travel way placed between the two properties if there is a way to relocate the parking at such time that the adjacent property is developed. That presents great problems for the County in that someone is going to have to remember when that adjacent property comes in to look at this site plan to remember that access easement is there. It is going to place the two property owners into a negotiation situation of where that relocated parking is going to go and potential easements and so forth. So they are delaying that.

Mr. Edgerton asked if they aren't already forced into a subsequent negotiation by the requirement of the travel way. It may not be in the right place. There may be a justification for them to move some of this parking over onto the adjacent property later and then that may not be a problem.

Mr. Fritz stated that he was giving the Commission both options. But, he understands and appreciates what he is saying. What staff has historically done when they have done this is require it to the property line for actual construction or reservation so that no relocation of parking had to be done or that no other design had to be done. The agreement may still need to be worked out in terms of maintenance and access easements and the like, but no redesign of the property had to occur. So he was giving the Commission both of their options.

Ms. Joseph noted that the interesting thing is that there is already an access easement that goes straight through that parking, which was required. That is why she was really confused.

Mr. Fritz stated that he believed that access easement, and Mr. Wood can correct him, is an access that deals with the adjacent property, which is 124F.

Ms. Joseph stated that it was still an access easement and it was still going through parking.

Ms. Higgins pointed out that it shows the gravel going into the next lot.

Mr. Fritz stated that was the one proposed, if utilized, would substantially impact the possible use of the Wolfe's site.

Ms. Joseph stated that either way if this stays or the new one is made it would impact this.

Mr. Fritz stated that they could certainly indicate that is the location where an inter parcel connection could be provided if the Commission is willing to say if the two parties in the future are able to negotiate a solution to it. The Commission just needs to be aware that if the adjacent property owner and this property owner are not able to negotiate because they can't with this action require the adjacent property to provide parking to replace anything lost.

Ms. Higgins felt that the issue would not be overlooked in the future.

Mr. Fritz stated that he wanted everyone to be aware that they were pushing a decision potentially off to a future Commission in requiring the negotiation of a party that is not here today and may change tomorrow or both parties may change tomorrow. But, it can be done.

Ms. Joseph stated that they already have an easement here, which was what was confusing.

Mr. Fritz stated that under the current layout and the current design it was not usable. The applicant is not proposing the construction. Staff is saying that they should show the design.

Ms. Joseph noted that this proposal would hurt Wolfe's.

Mr. Edgerton noted that this applicant was also giving an easement to Wolfe's for parking. He is probably bound by that easement. The question is what that other easement is.

Ms. Higgins stated that they were really not being asked to waive the requirement to get the access there, but only to waive the requirement to construct it now.

Mr. Fritz stated that there is no waiver here. This is a section that does not automatically kick in. This section says when deemed appropriate a travel way shall be constructed. It does not automatically require it. What staff is saying is that they believe that it is appropriate to construct that travel way, which is why they brought it before the Commission. The Commission may say to provide the easement with actual construction to occur at some later date when the adjacent property is developed. Staff could work out how to do that. Staff wanted to come to the Commission for resolution of this issue.

Ms. Higgins requested Mr. Wood to come back up and answer a question. The easement that does exist that appears to be on the Wolfe's parking is also located on his parcel. She asked if there are two easements there.

Mr. Wood stated that there is one in existence now on the Wolfe's site, which is a 25 foot easement. On the proposed site here, which is his property, there is a 25 foot easement. That makes it a 50 foot easement.

Ms. Higgins stated that at some point in the future there could be passage through there as long as that property owner comes and asks how they replace the parking.

Mr. Wood stated that was why it was there. The one that is there now is for the benefit of Wolfe's and the parcel that they are talking about. With the additional 25 foot easement proposed in the site plan, it would be 50 feet. They have discussed the right in and right out many times. He has an agreement with the Highway Department and Bank of America. He has a $125,000 bond for the installation of a signal light there. As soon as the Highway Department criteria call for it he has to pay $125,000. So the right in and right out won't ever exist. They did a survey three years ago and it did not meet their criteria. They just finished one in 2005. As of three weeks ago, they had not done the calculations yet. It may happen very soon or there might be another study. They are struggling with this issue, but there is no way they can say construct it now without putting somebody out of business.

Ms. Higgins felt that the provision is there for the interconnection. Through the relationship of these properties and the future development of that parcel, she felt that has been appropriately addressed. She suggested that they add a note to the site plan, as Mr. Fritz stated, that the potential for the inter parcel connection is delayed until deemed appropriate to connect with the development of the adjacent parcel at the site plan.

Mr. Fritz asked for a consensus direction from the Commission to allow staff to sit down and work with the applicant on the actual wording on the site plan. Because this is a provision that allows the agent for the Commission to work it out, staff would be able to work that out. It would be a lot more efficient for everyone.

Mr. Cannon asked if staff wanted the Commission to state the consensus direction.

Mr. Fritz stated that he would state what he thought he heard the Commission saying and then they can get a consensus opinion. What he thought the Commission was saying is that you would like to have an area provided or a provision provided for the possible construction and connection between these two properties (the one to the east and the one to the west). He asked if that was what he was hearing.

The Planning Commission agreed that was what they were hearing.

Ms. Higgins felt that there is a potential there for more than a 20 foot connection.

Mr. Fritz stated that was another thing, but felt that staff can work with that, too, because he believed that Mr. Wood owns the adjacent property also to the south. He asked if that was still correct. It is not the staff's concern that that be provided entirely on this particular property if they wanted to incorporate some of Wolfe's property.

Mr. Edgerton asked if he still owned the Wolfe's property.

Mr. Fritz stated yes, that it showed on the plan.

Ms. Higgins stated that there was 25 foot on each property for a total of 50 feet.

Mr. Fritz stated that staff was not saying that it has to be on one or the other, but it has to be provided.

The Commissioners were in agreement with Mr. Fritz's suggestion that staff work with the applicant on the final wording on the site plan for the following issues:

- ❖ Provide an area or a provision for the possible construction and connection between these two properties (the one to the east and the one to the west).

Motion: Mr. Cannon moved, Ms. Higgins seconded, to accept the proposal as stated for SDP-2005-103, Community Self-Storage as our direction to staff for further discussions with the applicant.

The motion passed by a vote of 7:0.

Ms. Joseph stated that SDP-2005-103, Community Self-Storage was approved.

SDP 2005-00134 Hudson (Alltel) - Request for approval of a treetop personal wireless service facility with a wooden monopole that would be approximately 87 feet tall (10 feet AMSL above the height of the tallest tree within 25 feet), with ground equipment in two 5-1 /2-foot tall cabinets and one smaller cabinet placed on a concrete pad to be placed on a 152 square foot concrete pad. This application is being made in accordance with Section 10.1.22 of the Zoning Ordinance, which allows for Tier II wireless facilities by right in the Rural Areas. The property is described as Tax Map 76- Parcel 21A (no acreage specified) and is zoned RA, Rural Areas and EC, Entrance Corridor. This site is located at the north end of Teel Lane, which intersects with the east side of U.S. Route 29, approximately 1-1/4 mile south of Exit 118 at the Interstate 64 interchange. The property is in the Samuel Miller Magisterial District and designated by the Comprehensive Plan as open space in Urban Area Neighborhood 5. (Steve Tugwell)

Mr. Tugwell summarized the staff report.

- The request is to install a Tier II personal wireless service facility south of interstate 64 at the intersection of I-64 and US Route 29. The facility would consist of an 87 foot tall steel top monopole. Staff would like to note that this application is unique and that it requires two separate actions. One is for a modification of the 1 to 1 tower setback ratio. The second is for the monopole itself.
- Staff has reviewed the request to modify the setback and has identified no negative impacts, which would be created as a consequence of the approval.
- Staff also reviewed the facility against the criteria of the ordinance and wireless policy. Staff is recommending approving of the request.

Ms. Joseph asked if there were any questions for staff.

Mr. Morris asked how large the parcel was, and Mr. Tugwell replied that the applicant had a 400 square foot leased area and the acreage was not specified for the entire parcel.

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

Mr. Pete Caramanis, local attorney representing Alltel, stated that this was a Tier II treetop tower. They found when they visited the site that the site was not very visible at all. The way the topography is coming off of the entrance ramp, which actually slopes downward towards the tower location, with the railroad tracks that the tower will only be visible from one location. That location is from eastbound on I-64 as you cross over the railroad track. At that point in order to see the tower someone would basically be past it and would have to turn around looking backwards down the railroad tracks. They drove on that entrance ramp four or five times and got out and walked around and found that the site was very well hidden. The site is surrounded by right-of-ways and the railroad track. The parcel is really not usable for any other type of use. They went before the ARB a couple of weeks ago and had a recommendation for approval by staff, which did get approved by the ARB. The ARB's conditions of approval are in the Commission's packet. The unique aspect of this request is the 1:1 fall zone requirement. The ordinance requires that the tower be set back from the property line a distance equal to the height of the tower. In this case, it is not from all sides of the parcel because of the shape of the parcel. The ordinance does exempt right-of-ways from the requirement. So if it is not set back that far from the right-of-way it is not a problem. Of course, there is a railroad on one side that is not a VDOT right-of-way. Therefore, they are dealing with that issue with regards to the railroad. They did provide a structural letter from an engineer about the structure of the tower. It was changed to a steel monopole so that they could ensure what is in that letter. The tower is designed basically to bend over on itself rather than free fall if it ever fell. If the tower were ever to fall it would basically just bend in half rather than fall over on to the adjacent property. The trees that surround this tower, which were almost equal in height, present a greater threat to falling over onto the railroad than this tower would. The section that allows the Commission to waive this requirement talks about it being appropriate where the public health, safety and welfare are as protected as they would be given the standard requirement. He felt that in this case because it is the railroad they are not talking about a house next door. They are talking about an undeveloped piece of property that is probably more threatened by the trees than this tower. The granting of this waiver would not present any danger to the public health, safety or welfare of that railroad parcel. He asked that the Commission grant the requests.

Ms. Higgins asked why the ARB said that tree #56 was to be removed.

Mr. Caramanis stated that the reason the ARB had that condition was that when they did the site visit that the plan at that time did not show any trees being removed. Tree #56 is very close to the tower location and actually leans directly over top of where the tower will be. Therefore, when they were out there that day they determined that tree #56 had to be removed.

Ms. Higgins asked if the concrete pad would be visible.

Mr. Caramanis stated that the tower or its concrete pad would not be visible. Alltel does not have a problem with painting the concrete pad brown or the cabinets.

Ms. Joseph asked if the tower would be visible from the railroad.

Mr. Caramanis stated that it would be visible from the railroad since it would be adjacent to the tracks.

Ms. Joseph stated that the engineer's letter speaks to a specific product. She asked if they know if that specific product would be used for this project.

Mr. Caramanis stated yes, that the letter was specifically geared for the tower that will be used for this project.

There being no further questions, Ms. Joseph invited public comment. There being none, the public hearing was closed and the matter placed before the Commission.

Ms. Higgins asked if there was any input from the neighbors.

Mr. Tugwell stated that he had not received any comments from anyone.

Ms. Higgins pointed out that the railroad has their own set of antennas for communications. This might be a good opportunity to open a conversation with the railroad on whether they could put some kind of antennas there to consolidate the two.

Motion: Ms. Higgins moved, Mr. Morris seconded, to approve the application for SDP-2005-134, Hudson (Alltel) as submitted and to grant the modification to the setback.

The motion passed by a vote of 7:0.

Ms. Joseph stated that SDP-2005-134, Hudson (Alltel) was approved.

***Work sessions**:*

ZMA 2005-003 UVA Research Park at Airport Road (Sign #18) - Request to rezone approximately 30.56 acres from RA Rural Area to PDIP Planned Development Industrial Park for 500,000 square feet of office and research use. The property, described as Tax Map 32 Parcels 18, 18a, and a portion of 6A is located in the Rio Magisterial District on the north side of Airport Road (Route 649) approximately one third of a mile from the intersection of Airport Road and Route 29 North. The property is located in the Entrance Corridor (EC) Overlay District. The Comprehensive Plan designates these lands as Industrial Service in the Hollymead Community. General usage for Industrial Service is warehousing, light industry, research, heavy industry, office parks, supportive commercial and service and residential if compatible (density is not specified). General usage within the PDIP zoning district permits industrial and ancillary commercial and service uses. No residential uses are allowed. (Elaine Echols)

Ms. Echols summarized the staff report.

- This rezoning request was brought to the Commission for a work session because there were a lot of issues that relate to this particular proposal that staff feels are important for the Commission to have some weigh in on before the applicant proceeds to the next step. Staff needs the Commission's input to provide direction to the applicant.
- Application has been made for ZMA-2005-003 to rezone approximately 28 acres of land that is adjacent to the already approved North Fork Research Park. The rezoning plan for the North Fork Research Park is posted on the board. The areas highlighted in orange are the approved developments or buildings existing on the site. About 3 million square feet was proposed with that rezoning. The applicant has constructed about 350,000 square feet to date. That number was is in the application. The plan is fairly conventional. It was approved back in 1986 as an office park plan. The applicant wants to add another 500,000 square feet to be accessed from Airport Road. It contains some of what has been approved as well as this additional 28 acres. The applicant would like to do it generally in the same way that the previous approval was done. That is something that staff wanted to bring to the Commission's attention. In general, the uses meet what is on the land use plan. The Commission asked staff to bring a copy of the land use map, which she passed around to show them the location of the Industrial Service Area. This area is shown as Industrial Service on the County's Land Use Plan. There are specific things that staff would like to draw to the Commission's attention, as listed below.
    - Staff is concerned about some of the design elements because there are some things that might need to be brought up to date.
    - The relationship of buildings to the street.
    - Pedestrian access as it also relates to the streets and the overall design. Also, there are some other questions about the pedestrian access.
    - The streets themselves and the interconnections.
    - Changes to the originally approved open space.
    - Whether or not the design should reflect a new center.
    - The mixture of uses that are proposed.

Ms. Higgins asked how much staff is capturing of what the North Fork Business Park is now. She asked if staff was justifying her discussion to the 28 acres when talking about the relationship of buildings to streets and that sort of thing. She asked if they are proposing to change the zoning in the existing park.

Ms. Echols stated that the applicant was not requesting a zoning change in the overall park. She pointed out on the map that the area on the right of those two parcels is already approved for the research park. The area on the left is the area to be added to the research park. If they look at the boundary lines on the design over on the far left panel, they will see that it covers both of those areas. So there is a reason for a portion of the already approved park to be reviewed in part because they are showing building development where open space was previously approved. So the applicant has to modify the older plan in that area in order to be able to accommodate what they want to do there. The answer to the big question is no that they were not talking about the redesign of the entire park. But, what they are talking about are changes to what has previously been approved in the area adjacent to the rezoning. She asked to talk a little bit more about Area D because the Commission has recently seen Area D with the fire station rezoning that they made a recommendation on about two weeks ago for approval to the Board. So there is a real small area in this rezoning that is going to the Board of Supervisors on February 8 for the final rezoning action on it, which included Area D. There were a number of proffers that related to Area D.

The first issue Ms. Echols noted comes under the principle of pedestrian orientation for the Neighborhood Model. When staff looked at the new proposal for the development what they saw was a fairly conventional office park very similar to what has been previously developed on the Fontaine Research Park. When staff looked at that and thought about the Neighborhood Model they saw something different than they are now promoting. If you go to Attachment B, on page 35 there are three distinctly planning areas that the applicant wants to use. It is a little hard to pick that out on the plan on the board and so staff asked the applicant to identify it further. The applicant has divided it up into three general sections. There is an area that relates to Airport Road. There is a middle area that surrounds wetlands. Then there is a further northern area that has a face to the street of Lewis and Clark with buildings that are fairly well set back. This kind of thing was promoted when the original rezoning took place. But, staff does not know if this is the kind of development that they are looking for as much anymore. But, there is a very legitimate question to be raised here about an existing development and adding more area to that existing development. She asked if it was okay for it to develop in a similar fashion to what was previously approved. Or should they be looking for something that is a little more in keeping with the Neighborhood Model in laying out streets, either public or private, and having a face to the street for the buildings rather than what looks a lot like a series of buildings and parking lots that are just sort of laid out in an office park. Staff's first question for the Commission is whether or not they think that the layout is appropriate given that this project has been over time.

Ms. Echols continued that the second thing is the pedestrian access issue. If the layout were a little different with a series of streets she felt that they would have sidewalks that worked well with the development itself. The next page of the attachment, on page 36, shows the general pedestrian access system. Along the drives there are some concrete sidewalks proposed. Along Lewis and Clark there is an asphalt path proposed. That is what was previously approved with Lewis and Clark. Throughout the development they are looking at a series of sidewalks and paths. Staff would like the Commission to discuss whether or not they think the asphalt path along Lewis and Clark is still appropriate or whether or not it should go to concrete. The plans are already being drawn up. But, the road is not under construction. If there is a desire to see this change she felt that now is probably the time to ask for that. Staff did not bring this up in the fire station rezoning because they knew it would be available for discussion at this point. Therefore the questions are:

- Is the design appropriate or should it be modified to be more in conformity with the Neighborhood Model?
- Is pedestrian access appropriate?
- Should a concrete sidewalk be provided on one or both sides of Lewis and Clark rather than an asphalt path on one side?

Ms. Joseph asked if the applicant wanted to do an overall presentation to get the Commission oriented. When the Commission goes through these issues item by item they would like to have the applicant's input on those, too.

Bruce Stoffer, Director of Real Estate Development of the University of Virginia Foundation, stated that Tim Rose, CEO of the University of Virginia Foundation; Fred Missel and Todd Marshall, Project

Managers of the University of Virginia Foundation; and Valerie Long, their legal council, were present. He asked to quickly go over a few things for everyone. The University of Virginia Research Park is their fourth name for their park. The reason for their name is their association with the University and they wanted to make that very clear to the people within our community as well as outside of our community. If you include the 30 acres, the park is 562 acres. As Ms. Echols stated, they are zoned for 3 million square feet of development. They have 320,000 square feet built to date. They have an 84,000 square foot office building under construction. The rezoning happened in 1996 and they were doing roughly 35,000 to 40,000 square feet per year. What they call the heart of their community is the town center district. In the town center they have a hotel/conference center, which is where they hope to support commercial/retail. They have Padow's Deli out there right now, which is the only support commercial that they could get out there at this point. Obviously, there needs to be a lot of people before they can make a business successful. They are trying to get more support commercial all of the time. This is their heart where they very much hope to have an urban environment. They will have concrete pavers and sidewalks going down both sides of the town center area.

Mr. Stoffer continued that there is another area they call a technology district. There is some flex like industrial space, which is for start up companies and companies that don't need to have a class A office space image, but are in a technology business. There is a light industrial district. The rest of the districts are yet to be determined. But, they have a plan as the park builds up. It is a large development. It has been happening over a lot of time. So right now their goals are a little bit separated, but that is by design because of the different uses. With the 30 acre parcel in question, they would like to incorporate that in to the rest of our planning. Some folks have said that they are not at 10 percent build out and why are they asking for additional density at this point. The purpose of this is that they did acquire this property after the initial rezoning. They have already had some prospects that the County actually participated with us in trying to recruit who very much wanted to be located in this area. But, they had to tell them that it was not available because it was not zoned appropriately. What they are trying to do is to take a large flat piece of land that is highly desirable because it is close to Airport Road and be able to start planning and working with this parcel. Also, as Ms. Echols mentioned, the fire station will be built in this area. It is going to cost the University between a million and a million and a half dollars to put in infrastructure for the road back into the fire station. The fire station was going on their property so we needed to do it. They are pleased to do it. They are hoping that they can work with that large investment and try to have this rezoning so that they can recruit some of the dollars that they are going to spend for that.

Mr. Stoffer asked to address the orientation and some of the issues that Ms. Echols brought up. He noted that one of the design features that they have at the University of Virginia Office Park is that they actually want to have the buildings sort of flush and center. They have two parks already. One is the park at Fontaine. The other is the PRA building at the University of Virginia Research Park. They have a set of Design Guidelines that people need to adhere to. The quality of construction is very important for the long term as well as the visibility. Everyone will have to adhere to their Design Guidelines. So they would like to show off their buildings. It seemed to make sense to break up the three areas. Originally they did not have the Smith property. So instead of having this as open space, they thought that a good planning principle was to put some signature buildings up front. As people come into the Charlottesville area one of the impressions that they will have is that this is really a quality development. Those will be buildings that all of us will be very proud of.

Next, Mr. Stoffer continued that they came to the wetlands area. They wanted to preserve the wetlands. Therefore, they decided to try to make it a feature. As they made it a feature it made sense to try to put some buildings around it so the people could enjoy the wetlands. On the third part of the parcel, they would like to have buildings up along Lewis and Clark Drive, which was why they put the fire station in this location. But, then if you bring the buildings out it creates a huge parking lot in the middle. What they tried to do was bring some relationship between these six buildings. The thought would be that these six buildings could be research buildings where they could share services that other types of research buildings have. They don't know the exact mix of uses out there, but the market will help us determine that. But they feel it will be the same uses that they presently have in the park, such as high technology and some research. They would also like to have a support commercial component. They feel like creating a center within this area may not be the most prudent thing to do since they have their own town center just up the road and Hollymead Town Center is just this way. But, they think it makes a lot of sense to try to get a sandwich shop and some other support amenities to be part of this package. They are

trying to hide the parking as much as they can. They do have primary access ways into the parcel. They feel that the asphalt sidewalk that they presently have in the park, which is larger than standard, is used a lot by their tenants. They are very happy with it. When they designed Lewis and Clark Drive there was a lot of discussion. It was suggested that Lewis and Clark Drive should be like a rural parkway. It should have that feel as you drive along that you are not in downtown Charlottesville. They felt that an asphalt pathway with the tree plantings is a nice way to continue that. They feel as they get into the process and become more urban that it makes a lot of sense to have concrete sidewalks.

Ms. Joseph asked that the Commission discuss what Ms. Echols has proposed item by item. If they have any questions, the Commission will invite the applicant back up to make comments. The first question is whether this request is appropriate as it relates to the Comprehensive Plan. The language limited it to certain acreage, uses and sizes, which actually comes from the Comprehensive Plan.

Mr. Morris felt that it is extremely appropriate as far as the Comprehensive Plan. The one thing that he really likes about this is that industrial land has been changed to residential in many cases and here is a chance to get some land back. He felt that the proposed use fits right in with the development area.

Ms. Higgins stated that she did not see any points that made it in conflict with the Comprehensive Plan.

Mr. Edgerton stated that the Comprehensive Plan says 5.5 acres per million square feet.

Ms. Joseph stated that they felt at this point in time that it is appropriate. But, she felt that it still was not appropriate because that is very specific to the acreage and the square footage. The applicant is asking for both. But, the Land Use Plan also designates this as industrial. The Commission needs to decide whether it is appropriate at this particular point in time.

Mr. Cilimberg asked to mention something because he felt that Ms. Echols tried to speak to this in her position statement under the question. The 3 million square feet was specifically associated with the 525 acres that were subject to an amendment to the plan back in the 90's. What is proposed as the new area here is designated in the plan for industrial and it is outside of those 525 acres. So where staff sits it seems that it is consistent because it was not part of the restricted square footage area.

Mr. Strucko stated that it was an additional 30 acres and an additional 500,000 square feet.

Mr. Cilimberg stated that was correct as proposed.

Ms. Higgins stated that she was assuming that wording was not intended to preclude areas adjacent.

Mr. Cilimberg stated that was why it was 525 acres.

Ms. Joseph noted that if they all agree on that, then that is fine. She suggested that they go on to the next question.

Mr. Cannon stated that the language was ambiguous. But, if the Land Use Plan elsewhere indicates, as he takes it that it does, that the additional 30 acres is within an area contemplated for industrial service, then he felt more comfortable. He asked if that was the case.

Ms. Joseph stated that was correct. She noted that staff specifically requested design elements. She asked if staff was talking about the layout itself.

Ms. Echols stated that was correct.

Ms. Joseph asked if the layout itself was pretty much what the applicant was using in the other portion of the park.

Ms. Echols stated that she felt so in part because the old plan does not give specifics in terms of where the features are going and the buildings and streets would be located. She felt that the best guidance with

what the applicant has given us is what Fontaine Research Park looks like. That is the image she has about what is being proposed here.

Ms. Joseph asked if the Commission has any comments on that.

Ms. Higgins stated that it was somewhat clear that there was a whole different focus. At Fontaine it is more of an urban setting and a more intensely used site. She questioned if this park was suppose to be consistent with the Neighborhood Model or with the original 525 acres. This plan is a lot more specific than the original rezoning plan, which was why she asked the question. It appears that they are not because they are only considering this parcel. She has always been impressed that the land area or the mass, even though there is a lot of square footage involved, that it is a lot of vertical multi-story that is being treated from an Entrance Corridor perception and the University in their experience with planning has approached this as a parkway design with a pathway. She has driven through there a couple of times. It is like an unoccupied space right now. But, as it develops over time she felt that with the proximity of the buildings in such a large area that they can't gather them all together because it would be a mass of parking.

Ms. Joseph asked if this was something that she could support.

Ms. Higgins stated that based on Mr. Stoffer's presentation she felt that a lot of thought has gone into the three zones and why the buildings are located that way. She asked if this is potentially going to be the concept plan that they approach with the rezoning.

Ms. Joseph stated that it was.

Ms. Higgins stated that she could not say that she disagreed because she could see their focus. The asphalt pathways are very well located in the existing research park.

Mr. Edgerton asked if there was any reason the sidewalks could not be concrete and be wide and winding.

Ms. Higgins stated it is like a rural parkway and it was a part of the County where they were not putting the buildings close. They are not doing the Neighborhood Model. The question is whether they are going to impose the Neighborhood Model on these 28 acres that is not imposed on the rest of it. In other words, does this have to be consistent with the County's Neighborhood Model or can it be consistent with the University's grand plan.

Mr. Edgerton asked what our Comprehensive Plan says.

Ms. Higgins stated that it says that everything that comes before us has to be exactly the Neighborhood Model.

Mr. Edgerton agreed that was exactly what it says.

Ms. Higgins stated that she did not believe that in all cases.

Mr. Strucko noted that was the twelve principles.

Ms. Higgins felt that pedestrian orientation of 560 acres is a difficult thing to achieve.

Ms. Joseph asked Mr. Strucko if he would like to weigh in on the design elements.

Mr. Strucko stated that he saw too much building dispersion. He believed that the intention of the Development Initiative Steering Committee and the Neighborhood Model was for a more compact development that utilized the space very efficiently and preserved as much of the open space around the property as much as possible. But, he was not ready to condemn what he was seeing here. He understands the need for the parking for the intended uses that are outlined for this particular development. The Neighborhood Model itself can't apply to this because there is no residential

component here. But, certainly there are elements or principles that they can apply that are more of a custom style of development with relegated parking and some open space. But, he has to disclose that his employer is a tenant of the Fontaine Avenue Research Park and he does not use the sidewalks. He walks from the parking lot to the front door. So he was not sure what the constant walk ability gains you here other than a recreational use exercise during the middle of the day. But, he was anxious to hear more. When he looks at that it is very spread out. It is an intensity of use here, and he was curious to see more.

Mr. Morris stated that this is a continuation of the current research park. He sees that as important as the Neighborhood Model and possibly even more so.

Mr. Strucko stated that in the DISC work, which he recalls very clearly, they understood that there were going to be uses in other areas that don't fit a mixed use development when there is residential and commercial. An industrial use was a big example.

Mr. Edgerton agreed with Mr. Strucko's comments. He understands the University's desire to continue the traditional office park experience, but frankly he thinks the Neighborhood Model is the whole reason for them applying those principles through the Comprehensive Plan. He would like to see more effort made to apply some of those principles. The relegated parking, especially in the section in the back, should be looked at. There is a tremendous amount of parking that dominates towards the north. He understands the argument of trying to develop some sort of relationship with those buildings, but there would be other ways to do that besides just acres and acres of surface parking. He would like to see more of an effort to address as many of the principles of the Neighborhood Model that would be appropriate for this sort of activity. He did not see much effort here to do that.

Mr. Cannon stated that he liked the asphalt because it was better to run on. Concrete is not great to run on. He asked for a conceptual statement from staff to help him to be able to orient around the real issue here. It sounds as if there is a pull between the Neighborhood Model as something they want to happen and a set of design principles that animated the original concept, which are still present at least to some degree in this new component.

Ms. Echols stated that the Neighborhood Model is trying to create a place with unique characteristics to it that people want to be in, work in, feels comfortable to be in and also fills the needs of the community. She felt that if this were redesigned more around streets and less around driveways and if there was more of a relationship between buildings and the streets that it would provide the opportunity for people between buildings to travel back and forth. Mr. Strucko was talking about he went into the building and then comes back into the parking lot. She would like to think that a research park could have some interactive parts to it where you have people who are going from building to building and are potentially working together on things and relating to one another.

Mr. Strucko stated that he taking a larger view by looking at the region around this industrial park. His view of the Neighborhood Model was a sense of self sustainability in the region, which was a place to live, work and recreation. There was also a place for schools. There would be a way to move to all of these places with some ease with the lack of congestion. They know the nature of 29 as it exists now. There is hardly a lot they can do with what has already been established. But, the virtue of this that he sees is that here are potential employment centers. He already knows what is around them. There are intense residential uses in both Forest Lakes and the residential component with Hollymead Town Center and North Point. There are existing residential areas with North Pines and in other neighborhoods down in that area. So possibly if he lived in one of these residential areas and worked in the research park he could potentially walk to work. The potential he sees here is that this could be an employment center that could potentially alleviate travel on 29 with commuters heading towards Charlottesville and that people could cross 29 instead of traveling along it. That is where he was seeing some encouragement in the location of this development with respect to what is already there. He felt that was sort of the Neighborhood Model in abstract.

Mr. Cannon stated that kinds of shifts the focus because they were not trying to create the neighborhood necessarily within the confines of the park. The park, as he understands it, is designed as an industrial commercial area. There is going to be a hotel there. But, there is not going to be a lot of residential.

Ms. Joseph pointed out that there was no residential.

Ms. Higgins stated that the park was basically between the two town centers.

Mr. Cannon stated that they have to think of this in a broader context.

Ms. Higgins stated that the other concept that may be an explanation was that they were looking at a flat plan. But, if you look at it more dimensional these buildings as shown in the pictures and from the footprints would emulate and then you would see these broad acres of parking. To support that footprint of three or four stories of office space you need acres and acres of parking. There is no place to make the cars more compact.

Ms. Joseph suggested that there may be holding patterns for some structured parking at some future time when something else is built out there.

Ms. Higgins stated that regarding the limitations of the square footage that the applicant could increase the square footage by the time they build it out. She questioned how they could better relegate the parking because there are acres of parking and those buildings are tall. If those buildings were spread out, those buildings would shrink in perspective. But, they have gone multi-story that makes it more compact. The only other alternative is to put parking underneath the buildings. With the area that they have after protecting the wetland, she had no problem with the orientation and the way they are connected. She felt that they were talking about a lot of square footage and maybe the proportion of this was not shown clearly in the pictures.

Mr. Craddock felt that the County should have gotten more land for the fire station. He agreed with Mr. Edgerton that there was too much parking. With the critical mass of six building right there it looks like a parking structure similar to the new over in Staunton would look really nice in there. He questioned if this is the maximum build out of this parcel, or if there is a phase 2 coming in on some of those big parking lots with other buildings and parking structures. He questioned if that has been discussed.

Ms. Joseph stated that they could ask the applicant. She looked at it and thought that they were trying to use some of the principles of the Neighborhood Model. There are a lot of street trees, pedestrian connections and open ways that made it possible to make some connections to the adjacent properties. They did line up the buildings and put the parking behind. They did line up the roadways. There are an awful lot of trees within that parking lot if that is the kind of things that they expect to see if this represents that. Therefore, she felt that they have made an effort to make a sense of place by that this roundabout in the center of the top part of those six buildings. So there is some attempt at trying to use some of the twelve principles, but not all of them. But, again, they were not dealing with a residential component here. It is industrial and this access comes all the way through. The fact that they are actually looking at a Comprehensive Plan designated land use that fits this category instead of someone trying to put it into residential was positive. Also, the applicant's plan speaks to all of those things that the Commission has spoken to in the past, particularly how close this is to the airport and the major transportation connections. Therefore, she was really not having a problem with the design elements in this.

Mr. Edgerton stated that Ms. Joseph made a good point that there are elements in here that are sensitive to some of the pedestrian scale. Although, the buildings are larger than what they would consider to be pedestrian scaled buildings. This is still a proposal that is totally focused on the automobile being the driver. The Neighborhood Model stroke is a way of getting away from the automobile being the driver in all of our community. Therefore, he would like to see more of an effort to try to create friendly pedestrian spaces. He felt that they have worked out pedestrian linkages through the sea of automobiles. He would like to see some effort to try to get people out of their cars and get them to using this space comfortably without having to get into cars or walking across huge expanses of parking lots. One of the things he had been struggling with in this conversation was why they wouldn't want some mixed use here. The idea of that being taken care of over in North Point or in Hollymead residential section reminded him of their previous conversations with those projects that spoke rather directly to the fact that you can't count on the guy across the street or down the road. They were trying to get away from putting all the houses over there and all the businesses over here. This is what they are trying to get away from. They are trying to

give people the opportunity for a better way of developing. This is still of the old school. The car is sacred here. He questioned whether the parking was really relegated. Conceptually it is a very nice job as long as you forget about trying to get people out of their cars. There is no effort to try to get people out of their cars.

Ms. Higgins pointed out that this was not a local employment center because many people drive from other areas to work in the research park. The draw here is potentially for a national draw due to the airport's location. She asked the applicant to come forward and explain the appearance of the large mass of parking in context with the buildings. She asked how many jobs this would create and how far people would drive from.

Mr. Stoffer stated that as far as employment opportunities they feel that it will be between 10,000 and 12,000 employees at the UVA Research Park once it is built out. There is no way to tell about the parking because research space takes 2 parking spaces per 1,000. Some office spaces need 5 spaces per 1,000. They have actually tried to use the Neighborhood Model principles. They have tried to build out as much density on this site as they can so they don't have a continuous sprawl out. They are trying to get the density compact. To build structured parking it takes $12,000 to $15,000 per space. But, at a lot of locations it can't be done that way and it is more like $25,000 to $30,000 per space. They have to be able to charge about $500,000 an acre minimal to be able to justify doing structured parking. So structured parking is certainly a possibility here, but not for an awful long time because the economics just don't allow it. For 500,000 square feet they have parking for 3 per 1,000 square feet. They estimate that it will be part office, which may be 4 per 1,000 square feet. Usually what they have in park research is 2 per 1,000 square feet. So they have averaged it as 3 per 1,000 square feet, which around 1,500 jobs. He noted that the parking area really depends on the uses. They have been working with the County, particularly John Shepherd, on how much parking is appropriate. They have a lot of shared parking opportunities. They do get a lot of people from other counties. There are not a lot of people who walk or ride their bikes to work. The paths are meant to be an amenity for people to use to jog and walk on. As part of their proffers they plan to have athletic fields. They want to create a special environment. It is going to take some time. On page 36, it shows their pedestrian connections. Granted they don't go to the extent that maybe they could. They would agree to work with Ms. Echols on that. Also, they would be happy to try to identify the street more clearly. It is hard to plan for this amount of acreage in the future because they don't know who their users will be. They don't know the actual size of the buildings, but the 20,000 square foot footprint seems to be the most economical size to build in today's market place. The market will help determine the number of stories in the buildings. But, it will be of a quality that they all will be proud of. They have tried to bring the buildings up along the streets. They are happy to continue working with staff to do it the best that they can. They would like some flexibility with a note to be able to make some adjustments because they can't predict what the market is going to require. They are committed to try to do the best planning that they can do.

Ms. Echols felt that they have already discussed the neighborhood streets and paths. With the application plan staff is looking for commitments to the infrastructure where streets and drives are going to be basically out of the buildings. Staff would have an expectation when this comes back to the Commission for public hearing that they have those fairly well identified and that they would remain in place. The interconnection is an interesting item to bring up at this point. When the Commission saw the proffers for the fire station they saw a proffer that proffered to have a public street that would go from Lewis and Clark west towards the west of tax map 32, parcel 18. There seems to have been a misunderstanding at the Foundation level about what that meant. So the proffers have changed between what the Commission has seen and what is now going to the Board of Supervisors to reflect an opportunity for either a public or a private street at that particular location. There has been a lot of internal staff discussion on that particular change. But, in the end staff is comfortable with the Commission dealing with the issue of whether it should be public or private and connect all the way west through the rezoning. The proffers have been modified and it would be in the Commission's hands to approve a private street if that is what ultimately is desired. If this rezoning does not progress and the other rezoning is approved with the proffers that are there right now, they would pretend like this thing goes away. So the fire station is built and the median is put in the road and the roads are rearranged so that there has to be something that goes west from this parcel for the fire station driveway to connect into. Now whether that is private or public would ultimately be the Commission's decision if this rezoning were to be set aside for a long time. She did not think that it was going to be. But, she was trying to

demonstrate that there was a protection in there for that decision to be made at a future date. Staff hopes that the Commission will consider whether or not it should be public or private with this particular rezoning and make a decision along those lines. The issue here is whether or not it should be a public or a private street and then connect all the way over to the other property. That is where she is headed with this. She felt that they were protected by the change in the proffer and she wanted to make the Commission aware of it. But, the ultimate issue is as you go west are you connecting to something. And, if so, what is the quality of the street. The Commission had quite a long conversation earlier this evening on interconnections. She felt that there was some value in it being a public street rather than a private street because of all of the other arrangements that have to be made. But, it is ultimately what the Commission wants to recommend in that regard.

Mr. Morris asked if this was the interconnection that they were talking about with Gold Leaf.

Ms. Echols stated that was correct.

Mr. Edgerton noted that was not shown on this plan.

Ms. Joseph stated that the question was if the street as depicted is appropriate as a design element and making the commitment to infrastructure has to deal with this public road aspect.

Ms. Echols stated that the question was whether interconnections should be made to the properties to the west and should it be public or private or if the Commission cares about that.

Mr. Edgerton felt that an interconnection should be made and it should be public so that there is no question about access.

Mr. Craddock agreed with Mr. Edgerton.

Mr. Edgerton stated that his only question was the location. His recollection was when they were discussing this with Mr. Wood was that he had a particular client that he was trying to support. He recalled that they had left some flexibility about where that interconnection would occur. Therefore, he was not sure if it was going to work right beside the fire station.

Mr. Morris asked that the Commission invite the applicant to discuss the interconnection.

Ms. Higgins stated that it also has to be recognized as flexibility that over time they will have to adapt to development that has occurred on their boundary. And if there is a shifting of some sort that it works both ways. Obviously, a public street connection through this property bisects it and creates separate parcels. She felt that was something that they need to address and integrate into their design.

Mr. Strucko asked in this case what the distinction was between public and private.

Ms. Joseph stated that it was maintenance and design standards.

Mr. Edgerton noted that it also included the access.

Ms. Higgins pointed out that as a private road in a commercial travel way there would be more flexibility with on street parking and with the design dealing with infrastructure. There are a lot of problems out there with the Neighborhood Model trying to be implemented with state roads. It is much easier to implement with private roads. State roads are sometimes not as accommodating and have to be much wider. She suggested that there be some compromise.

Mr. Cilimberg noted that when the Commission discussed Pantops Park and the connection with Spotnap Road it became very important to them because of interconnecting different parcels that it would be a public road. In some ways that circumstance could exist here.

Mr. Edgerton asked if that would be directly related to the use of this road by a fire truck trying to get to a fire west of this property.

Mr. Cilimberg stated that it would.

Mr. Edgerton asked if it was a private road if that could be restricted.

Mr. Cilimberg felt that it would not be restricted.

Ms. Higgins noted that private roads are still built to a safe standard.

Ms. Joseph stated that someone owns private roads.

Mr. Cilimberg stated that stated that there would be stipulations for the interconnection to be available to that traffic. But, he felt that it becomes a question of how much more difficult it is to accommodate what becomes public traffic across multiple parcels.

Mr. Edgerton stated that he heard loud and clear in the need for the fire station in this particular region of the County that it was important that they make sure that they left a way to the west available in whatever they do on this property. What they are looking at right now has no interconnectivity. In fact, it has a storm water management facility proposed right at the terminus of that fire station road.

Mr. Morris agreed with Mr. Edgerton that it needs to be public simply for the maintenance and so forth. But, staff needs to sit down with this applicant and Mr. Wood and ask what they are going to do. He recalled that Mr. Wood's proposed road does not keep going.

Ms. Higgins stated that it was somewhat governed by who gets there first with a plan. She suggested that this applicant confirm that he would accommodate.

Mr. Morris stated that if the road was going to be constructed that it be where it is suppose to be.

Mr. Strucko stated that the existing development has three points of access or exit, which are Airport Road, 29 South and then Dickerson Road to the rear. The adjacent property that they considered with Mr. Wood had the proposed road going directly west and then immediately south and Airport Road is the only point of entrance. Therefore, an emergency response would eventually end up on Airport Road with a western access. If there is something blocking that Airport Road entrance there is a second alternative.

Mr. Morris agreed that was the way that he recalled it.

Ms. Joseph asked the applicant to address the Commission.

Mr. Stoffer stated that as Mr. Strucko stated they have an entrance on 29 South with a cross over and an entrance on Dickerson Road. That is phase one infrastructure. Phase two takes the road out to the entrance on Airport Road. They are going to be building this infrastructure into the fire station. Right now this is a public street. They have an interconnected boulevard, which they built as a spine off of that. That is a private street because they are allowed to do parallel parking and can have the street a little bit closer. That offers a little more flexibility. They also have Discovery Drive going into the technology district. That is also a private street to provide more flexibility for the developer. They have a part of all of their tenants' common area and maintenance fees to help pay for the entrance. They have a little bit higher standards for landscaping than VDOT does. So they have an agreement with VDOT that they can landscape the road and they receive money from their tenants to pay for that. As they look at the interconnecting street up to Mr. Wood's parcel above their property they struggle with a couple things. They are not saying that they don't think that it is a good idea. But, from a planning standpoint they do think that it is probably a good idea. But, from a business point of view it makes it a little more difficult for them. They would really like the Commission's discussion and input on this. They don't just allow any company to come to the Research Park. They need to have some kind of relationship with the University of Virginia. They try to build buildings that are a little bit higher standard than normal. They also try to landscape things a little different than others. If they have an interconnecting parcel street to other parcels that allows folks to market their's as being part of ours because someone can go right into their property. But, yet none of their tenants have the same Design Guidelines as our tenants. Their tenants

are not paying for the landscaping of our roads and our entrances. But, yet they are having access to all of that. From this perspective it is more of a challenge for us to understand why it is that we would want to do that. They understand the principles behind interconnecting streets and respect those. They would just ask the Commission to help us come up with something fair and equitable with the money that they have put into their development. They need to some way be able to protect their borders a little bit so that the tenants that do come and locate in our park, since they pay a little bit more than elsewhere because of the amenities, to feel that their investment will be worthwhile.

Ms. Higgins asked if there was a signalized intersection planned for the Airport Road location in conjunction with the fire station. She asked when that was planned to occur.

Mr. Stoffer stated that he believed that it was when VDOT calls for it. They plan to put it in as soon as VDOT would allow them to and it would make sense in order to keep things safe for their tenants. They have not had this specific conversation with the fire department. But, they would be pleased to accommodate their needs and mission.

Ms. Higgins asked if there entrance off of Airport Road was going to ultimately be a four lane divided road with a median so if someone breaks down that it would not preclude someone being able to have two lanes going in direction.

Mr. Stoffer stated that it would be.

Ms. Joseph reiterated that Mr. Stoffer had said that the roads that this will be connecting to will all be public roads even though they would maintain the trees.

Ms. Joseph stated that it was the consensus of the Planning Commission that the road should be public.

Ms. Higgins stated that she appreciated the statement about what this involves. The applicant had asked for input. She suggested that at that border there was always the potential on either side in creating a stone wall with a lighted entrance through the park whether it was from a side road or whatever. They cannot overlook the interconnectivity need. She appreciated that the scale, the character and the architectural requirements on this development do really set it to a standard than what it will connect to potentially. But, no one has any control over that.

Mr. Morris asked staff to take a look at this with both of the folks involved because there is no sense on having this interconnecting road that leads back to Airport Road.

Ms. Higgins felt that they were trying to have multiple connections to Airport Road.

Mr. Morris stated that the road could go on out and catch another road to the west.

Mr. Cilimberg pointed out that the Commission did not require that connection, and Mr. Morris agreed.

Ms. Higgins noted that topographically there were other issues.

Mr. Cilimberg stated that Ms. Echols had mentioned that in the larger road system of Hollymead, which will get more clarified in Places 29, the connection that Mr. Wood's road would make to Airport Road would line up at the road coming out of Hollymead Town Center next to the post office coming into Airport Road. So in a sense it was creating more circulation with more parallel street opportunities by going west and then south.

Mr. Strucko supported a public road because of the fire station and the fact that it provided an interconnection to Hollymead Town Center to the south of Airport Road. He felt that it should be interconnected to the adjacent property as well.

Ms. Echols stated that the next was the open space issue. A lot of the open space that was established on the first plan revolved around the expectation that along Airport Road there would be a rural appearance as well as trying to protect the wetlands. They are now dealing with a more urban

environment. Staff does not see any problem in recommending that the open space on the previous plan be replaced with the buildings that are shown lining Airport Road and especially the corner that is made between Airport Road and Lewis and Clark. Staff thinks that is a very positive aspect, but wanted to make sure that the Commission agrees.

Mr. Morris, Mr. Strucko, Mr. Edgerton agreed with staff.

Ms. Higgins felt that it was labeled open space previously because it was too narrow to develop.

Ms. Joseph stated that the consensus of the Commission was to agree with staff on the open space issue.

Ms. Echols stated that there had been a little bit of discussion about the neighborhood centers. Staff wondered whether from a walk ability standpoint looking at it more as a place or destination that you could get to on foot if there ought to be something more centrally located. Staff wonders if there should be sort of new center that is created on Airport Road that the buildings that front Airport Road might be able to relate to that had more of a commercial aspect to it and a pedestrian destination. Staff also thought about the center that is already in the approved development that has some commercial and sort of the town center idea. But, that location is a bit of a far walk from this particular area to get to their town centers. She asked if the Commission wanted to suggest that the applicant do something more to create a center or leave it as it is.

Ms. Higgins stated that when she read this she felt that was an inconsistency because when they looked at Old Trail they wanted the center internal. Hollymead Town Center has a central focus. The struggle with North Point was that the developer wanted to bring it to the major road, but everyone wanted to focus it inwards. Now the question is whether they want to push it closer to Airport Road. She was okay with it because of the amount and mass of people and if they want to create a center towards the middle that they would not want to push it out on Airport Road.

Ms. Joseph stated that there was sort of a mini center that they have given here with a boulevard and a little circular thing.

Ms. Higgins stated that it was not like a town center type of thing.

Mr. Edgerton stated that he would like to see a center. It is hard to know what is going to be in these buildings. But, that could lend itself into a little center.

Ms. Joseph stated that there were not dimensions, but it looked like it was large enough and there was green space there. It looks like there is some connection.

Ms. Higgins felt that this location for a center does not share with the rest of the park. It is at the very southern most tip of the property. Even at Belvedere there was discussion on putting the center internally or to push it out to Rio Road. It was always to give something to whole development.

Mr. Edgerton felt that Ms. Joseph was not talking about out at Airport Road, but in the northern section. There were two questions asked in the staff report. First, should centers be created within the park? He felt that the answer to that is yes, definitely. Secondly, should the center be established along Airport Road? He felt that maybe it could work.

Mr. Morris noted that it might not necessarily work along Airport Road.

Ms. Joseph agreed.

Ms. Echols asked if the Commission was saying that they want a more fully developed center inside the property with something a little more that lists what uses would be there or are they okay with that evolving.

Mr. Morris stated that he was okay with it simply evolving simply because they don't know who the tenants are at this particular time.

Mr. Cannon stated that it was very difficult to force this as something that would actually work without knowing what the array of tenants is going to be. They would want to push towards that and facilitate it with as much additional pedestrian friendly infrastructure that could be provided. It seems hard to try to force that.

Ms. Joseph suggested that they focus on this mini center and make sure that it is pedestrian accessible by everything that is out there so that people can get to it. She stated that the Commission was okay with this.

Ms. Echols stated that they were now in the building and spaces of human scale. The Commission has already commented on that a little tonight concerning the scaling and massing of some of the buildings. She asked if the Commission wanted to say anything further on that issue.

Ms. Higgins asked if there was any expectation that in the architectural standards for the University Park that a lot of this is not going to be addressed. The buildings that she has seen are multi-story and fairly compact. They talk about 20,000 square foot being the most optimal footprint. She supported relying on the University's control on that because she felt that they were one of the most stringent architectural types.

Ms. Joseph stated that it was not at a neighborhood scale. It is larger. She asked if they were going to spread the buildings out.

Ms. Higgins stated that it was industrial. She felt that with the kind of users that they have if they don't go vertical then they can't make anything compact.

Mr. Edgerton felt that the buildings were too big.

Mr. Morris, Mr. Craddock and Mr. Strucko were fine with it.

Mr. Cannon stated that if the original intent was that there would be dense development that big buildings would accomplish that. He was not sure how to deal with large amount of automobiles beyond a mass transit system.

Ms. Joseph suggested that one way they could bring down the scale of the buildings is through the landscaping that is required. She felt that was one way this could be dealt with.

Ms. Echols stated that the Commission had already talked about relegated parking and staff has gotten the guidance on that one. The next issue is the mixture of use. On page 9 in attachment B, it indicates that with the original rezoning there were three special use permits that were approved. The three special use permits were laboratories, medical and pharmaceutical, which obviously this is geared towards. Supporting commercial use are hotels, motels and inns. Right now the way the application is put together the applicant wants those same uses to be available throughout the rest. In most of our rezonings that the County reviews today they ask for a little more commitment to particular places or at least to some uses and some mixture of uses. As the Commission has already decided tonight, this is a little difference from many of the ones that they have done. So staff wants to call that to the Commission's attention and wonder if they want more specificity, or if they want any locations for these uses, or if they are generally supportive that they are available and can be put anywhere in the park.

Ms. Joseph asked if anyone had any comments on the commercial uses or the mix of uses and where they might be more appropriate in this area or whether it should be just flexible and they can use their 10 percent commercial where ever they think is appropriate.

Mr. Edgerton stated that he would like to see the commercial use in this little mini center that they were talking about.

Mr. Strucko stated that it would be the supporting commercial uses.

Mr. Edgerton agreed that it was the supporting commercial uses and it ought to be a way to work that in there. But, he did not think there was a way to be specific right now on the commercial uses.

Ms. Joseph suggested that they focus on the mini center and look to see where that development occurred.

Ms. Higgins noted that they had just said that the mini center might not be the center. But, they all agreed that it might not be the center, but it could evolve.

Mr. Morris stated that they were focusing on that.

Ms. Joseph felt that they all agreed that it should remain as a mini center with a green space.

Ms. Higgins noted that they all did not agree to that. She felt that they said that it could be a center, but they don't know what the uses are and may be the center is more centrally located. What if these buildings tended to be purely technological and they put in the mini center. She thought they said that it was going to evolve and they were not going to restrict it or label it. But, if they are suggesting that they are labeling it she was not sure.

Mr. Edgerton stated that the question was whether there should be a mini center in this rezoning. His answer to that was yes.

Ms. Joseph stated that if it was not there then what they were suggesting was where ever it is that is where the commercial should be clustered.

Mr. Morris suggested that it not be restricted to just one center. If that area in #3 where all the beautiful green space is works, then wonderful. Then the same thing around that beautiful water area in section 2 and would facilitate the people in section 1.

Ms. Joseph stated that it should be clustered.

Ms. Echols stated what she heard was that they don't believe that there is a need to make a commitment for a center at a particular location. What they were also saying is that there is not a need to commit to commercial uses at any particular locations. So what they are asking for is the ability to put something anywhere and that works for you.

Ms. Joseph stated that she was not sure if that is what they were saying.

Ms. Higgins noted that the 28 acres was all that was before the Commission.

Ms. Echols stated the answer was yes and no. They have more than 28 acres that is being considered with the other part of D. It is about 50 acres more or less with both sides. The area to be added to the industrial park is 28 or 30 acres. The acreage that is under rezoning for the fire station has not really been removed yet. So it is about 30 acres. If that is removed, it goes down to about 28 acres. But, the old plan has to be amended. If you look at the area where the old plan would be amended in conjunction with the 30 acres, it is about 50 acres.

Mr. Edgerton felt that what he heard previously was that most of the folks wanted a center in this area and they wanted any commercial space to be worked into that center.

Mr. Morris and Ms. Joseph agreed.

Ms. Echols stated that it was in the 50 acres, but they were not particular about where within the 50 acres it needs to be.

Ms. Joseph felt what they had all agreed to was that the center could be around the wetlands. So they were going to let the applicant decide where that was.

Mr. Morris stated that it could be both.

Ms. Joseph agreed that it could be both with two mini centers.

Mr. Stoffer stated that he had one comment. They would love to have supporting commercial. But, what they were finding was to bring in the really nice retail, support commercial they want to have public visibility, which is puts them out on Airport Road or Route 29. That is where the bigger restaurants were going to be. They don't necessarily want to do that because of the architectural aspects of having the signage, etc. So to try to recruit folks to be within a mini center in practicality they were struggling to find people to do that. They agree with the Commission, but the practicality is that it just does not give them enough visibility so that they get a lot of drive by traffic. They would appreciate any type of input by the Commission on how to make it happen.

Ms. Higgins felt that when there are 12,000 jobs in the park that would help drive that.

Mr. Cilimberg stated that what he also heard them say was that if the choice were made in the design to orient more than one building along Airport Road and a first floor retail wanted to go there that the Commission was okay with that.

Mr. Edgerton and Mr. Morris agreed.

Mr. Cilimberg stated that was a way may be to address both the needs of the park and some of the retailer's need for exposure. It just takes a little bit of design orientation towards Airport Road to do that.

Mr. Edgerton suggested that there be apartments upstairs, too.

Ms. Echols stated that when they first got this plan it was hard to see where the environmental features are of the property because they were covered with buildings and parking lots. Staff has provided comments to the applicant letting them know that they need to expose the streams at least on the plans so that they can see where they are. Also, along the edges of the property they need to be doing something that is a little more sensitive to the stream and give us more detail about how they are doing it. That is going to affect the retaining wall comments in the staff report. There are two streams and one is less defined than the other. Staff needs to see the streams and see what it is that they are doing with it to be able to assess that before they can move to the next step. She felt that the applicant got that. She felt that would then relate to the retaining wall comments, which will change what will happen to the edges.

Ms. Joseph stated that they would also like to see where the critical slopes are located so that concept is addressed during this stage.

Ms. Echols agreed that would be necessary if there were critical slopes that were going to be impacted. She did not think that there are any critical slopes in this particular section. But, they do know there are some streams and stream valleys that staff needs to know where they are located. She asked if there was anything else that the Commission wanted to discuss.

Ms. Joseph asked if there were any written reports available.

Ms. Echols stated that there were no written reports. All of the reports have been verbal reports that have been taken over the years. The site plans are carrying the notes about how much square footage is being developed and the timing of that. She pulled one site plan, but it did not have anything about the water on it. She noted that they would need to make sure that they are keeping track of those things in the site plan.

Ms. Joseph asked Mr. Stoffer if there was anything else that they would like to be discussed at this point.

Mr. Stoffer stated that he did not, but just wanted to thank the Planning Commission for their time tonight.

In summary, the Planning Commission held a work session on ZMA-2005-003, UVA Research Park at Airport Road to review the overall design and layout of the proposed park in relationship to the current application to add approximately 30 acres of land that is adjacent to the already approved Northfork Research Park. Staff asked the Commission to provide guidance and feedback to both the staff and applicant on changes, if any, needed to bring the proposal into conformity with the Neighborhood Model and the rest of the Comprehensive Plan before the applicant moves to the next step. In order to familiarize the Commission with the project and to discuss several issues that would benefit from advance input prior to the public hearing, staff presented the proposal with the applicant's input and answered questions. The Planning Commission held a discussion with staff and the applicant and provided feedback on the rezoning proposal and preliminary discussion topics.

The Planning Commission took a break at 8:46 p.m. and the meeting reconvened at 8:57 p.m.

Development Rights Work Session (Greg Kamptner)

In summary, the Planning Commission held a work session on Development Rights. Greg Kamptner presented a power point presentation and explained and analyzed the regulations and the key issues pertaining to development rights. In particular, he explained how development rights may be used and how their use may be limited. John Shepherd discussed the procedure for the determination for the number of development rights. (See Attachment A – Power point presentation entitled "Development Rights" dated January 31, 2006 by Greg Kamptner, Deputy County Attorney and John Shepherd, Manager of Zoning Administration.)

(**Note**: Staff will add an explanation as to how development rights are considered for family divisions. Staff also will be adding in an electronic format from the examples on the easel that John prepared. No formal action was taken by the Commission.)

Affordable Housing Work Session – Density Bonus Provisions for Affordable Housing. (Ron White)

In summary, the Planning Commission held a work session to discuss proposed amendments to the Zoning Ordinance and the Comprehensive Plan to implement affordable housing strategies. The Planning Commission reviewed and discussed the affordable housing implementation recommendations, particularly on density bonus provisions, and provided direction to staff. Staff has proposed to delay any further discussion on the two proposed Comprehensive Plan amendments related to proffers until such time that staff and the Board of Supervisors can discuss a proffer system (scheduled for initial discussion with the Board on February 1.) Ron White, the Housing Director, and Vito Cetta, President of the Housing Committee, presented the affordable housing implementation recommendations that the Housing Committee has been working on and asked for endorsement and direction from the Commission so staff can move forward with crafting a zoning ordinance amendment for the density bonus.

Specifically, the Planning Commission requested staff to finalize the requested amendment for public hearing taking into consideration their responses to the questions outlined in the staff report as follows:

1. Determine an acceptable level of density bonus for by-right development with at least 50% of the additional units being affordable. If the density bonus was a possibility for discussion in the public hearing. Any input on what level of density bonus you would want staff to bring back as a proposed zoning text amendment.

   The general consensus of the Planning Commission was to allow the thirty percent (30%) bonus density with at least 50% of that which is affordable housing as a starting point. The Commission would like to see not only the ordinance itself, but how the program would operate according to that ordinance. Staff will work towards bringing this information to the Commission at a public hearing.

   The Planning Commission expressed the concern that the 90 day holding period

might not be long enough that affordable housing units stay on the market. If the County does not find an appropriate buyer within those 90 days, then the owner is no longer required to provide the unit as affordable housing.

2. Determine if there are any specific zoning designations where a bonus density may not be appropriate. As an example, the existing density bonus is not available in the RA District, but is available in all other residential zoning districts.

   The general consensus of the Planning Commission was to allow the density bonus in VR and all other residential zoning, but not in the RA.

3. Direct staff to make any necessary revisions to the amendment as it was originally proposed and set a public hearing for the revised amendment.

   The Commission asked staff to schedule the public hearing for the revised amendment acknowledging that they would not take action that night, but would defer action to the next week to have time to digest the information in hopes that the public hearing would provide some input into what they need.

Old Business:

Ms. Joseph asked if there was any old business. There being none, the meeting moved on to the next item.

New Business:

Ms. Joseph asked if there was any new business.

Biscuit Run Rezoning Work Sessions:

- The Planning Commission discussed the Biscuit Run Rezoning proposal to be scheduled on March 7 for an informational meeting.
    - Staff asked the Commission how they wanted to handle work sessions following that meeting. The applicant has suggested one approach and staff has suggested another. Structurally, staff asked if there is one of the approaches that the Commission prefers over the other so they could be working towards that.
        - The Commission reviewed staff's and the applicant's proposed work session agendas (See Attachment B – Biscuit Run (Fox Ridge) Meeting Agenda dated January 12, 2006) and asked that the order of discussion items be changes as follows:
            - Work Section I: Conformity with the Comprehensive Plan in General (Big Picture Discussion)
            - Work Section II: Transportation
            - Work Section III and subsequent ones: Stepping through the Neighborhood Model with staff making sure they cover what is needed as part of that.
        - In response to those invited to participate, staff's approach would be that the first work session be informational with specific invitation given to the City and Scottsville Planning Commission as previously requested by the Commission. But, beyond that everybody is welcome to come since it is a public hearing.
        - The location of the first work session was discussed. The Commission wanted to meet at COB Fifth Street, but staff indicated that there were some potential conflicts. The Commission wanted to find an appropriate conference room for

the work session to facilitate the discussion. Council members questioned whether the University may be a potential location and Julia Monteith noted that may be possible, offering to follow up on the options. The room has to have the availability to have about 20 people seated and facing each other and also have the ability for staff to do the recording of the people talking.

There being no further new business, the meeting proceeded.

Adjournment:

With no further items, the meeting adjourned at 10:35 p.m. to the February 7, 2006 meeting.

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V. Wayne Cilimberg, Secretary

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