Albemarle County Planning Commission
October 3, 2006

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, October 3, 2006, at 6:00 p.m., at the County Office Building, Room 241, Second Floor, 401 McIntire Road, Charlottesville, Virginia. Members attending were Eric Strucko, Calvin Morris, Vice-Chairman; Jon Cannon, Pete Craddock, Duane Zobrist, Marcia Joseph, Chairman and Bill Edgerton. Julia Monteith, Senior Land Use Planner for the University of Virginia, representative for David J. Neuman, FAIA, Architect for University of Virginia was absent.

Other officials present were Wayne Cilimberg, Planning Director; David Benish, Chief of Planning; Sean Dougherty, Senior Planner; David Pennock, Principal Planner and Greg Kamptner, Deputy County Attorney.

***Call to Order and Establish Quorum**:*

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

***Committee Reports**:*

Ms. Joseph asked for committee reports from the Commissioners.

- Mr. Morris said that the CHART Committee would meet this Wednesday night. The CHART Committee is moving into the cycle of UNJAM for the next six years. At every meeting they are having transportation planning 101 and are learning about what they really ought to be doing. Tomorrow night Matt Grimes from the Virginia Transportation Research Council will give a presentation on transportation modeling. The meetings are open to the public and everyone is welcome to attend. The meeting will be held starting at 7:00 p.m. at the Thomas Jefferson Planning District Office on Water Street, which is located right down the street from the C & O Restaurant and across from the Water Street Parking Garage.

- Mr. Edgerton said that the last ACE Committee meeting was held on September 19. The committee had a wonderful conversation with Lee Catlin about trying to put together a marketing program to try to get more people interested in the ACE Program. They had a preliminary review of Round 5 Fiscal Year 2004/2005 properties and a preliminary review of Round 6 Fiscal Year 2005/2006 properties. They are struggling with whether they need to revisit the evaluation criteria in trying to figure out if the scoring is appropriate. One of the things that they are struggling with is that development rights are determined typically by acreage and in some cases it appears that the development rights are not usable because of access. They are struggling with whether they need to address that a little more closely. The ongoing problem is that property values are so high in the rural areas of the County that it is awfully hard to accomplish much with the million dollar budget. It has been increased a little bit, but they are trying to figure out how to address that. The appraisers are coming in with numbers that nobody can believe for values. Of course, they are buying these rights with taxpayer's money and so they have to figure out how to deal with it. They have another meeting coming up in about a week.

- Mr. Cannon said that there was a meeting of the MPO Technical Meeting on transportation issues. They spent a great deal of that meeting talking about possible trail, pedestrian and bicycle facility alignments for moving from north of Charlottesville out 29 into the City of Charlottesville and specifically to the Downtown Mall. They made some real progress in identifying the corridor through which such a facility would be placed and some segments that could actually be doable in the fairly near future, including a segment along Meadow Creek Parkway.

- Mr. Strucko said that the Schools' Long Range Planning Committee met last week and had its final meeting for this season. They came up with a list of priorities for capital projects for the coming year and the next five years out. That recommendation goes to the School Board for consideration next. The priorities are various renovations and possible school construction based

upon a lot of criteria, with the biggest one being the enrollment patterns. A lot of emphasis was given to development areas and looking at the development proposals that have made it through the County process and that are also in the pipe line.

- Mr. Strucko noted that the Fiscal Impact Committee met on September 27. This is the stepped up effort for this group to look at proffers. They are meeting every two weeks. On the 27th the committee worked on getting their thoughts straight and tasks in order. They really focused on making a distinction of not producing a proffer policy, but to produce a fiscal impact advisory tool that evaluates proffer proposals and whether or not they are accurate. They are looking at two approaches. The first approach is a County wide average of the cost impact of a development on the community and the marginal cost impact for something more immediate with a development proposal. The biggest issue is the transportation costs. In the past VDOT has been the source of funding for the secondary road system. Now they are looking at bringing in transportation costs as a line item to the fiscal impact of development proposals because who knows what the future will hold. The speculation is that localities will be beginning to start footing a portion of the bill for that. They are studying what other jurisdictions are doing and their proffer policies. They are looking to research VDOT's formula on road costs. Then they will try to integrate that.

- Mr. Craddock noted that the Capital Improvements Program Technical Oversight Committee meets this Thursday. They will be reviewing everything that the CIP Committee recommended to come up with their recommendation.

- Ms. Joseph said that she has been working with the Development Review Task Force Committee. A survey has been placed on the on-line website with questions for the developers and the public. The last time she heard there were over 230 citizens who had responded to this survey and 8 developers. On October 12, the Committee should be able to get an indication of what people are concerned about and what their topics are. The Committee has already come up with suggestions that might be done to help remedy the situation. The situation has to do with projects that are rezonings and special use permits and the process of going through and receiving comments from staff, the Planning Commission and the Board. The Committee is trying to figure out how it is working now and what needs to be done to the process so it is more effective for everyone and less time consuming.

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.

Consent Agenda:

Approval of Planning Commission Minutes – August 29, 2006.

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

The motion passed by a vote of 7:0.

Ms. Joseph stated that the consent agenda has been approved.

Regular Items:

SDP 2006-081 Black Cat Road Service Station – Waiver requests for critical slopes disturbance and buffer disturbance: Request for preliminary site plan approval for the construction of a service station and restaurant totaling 6,500 square feet on 12.5 acres zoned C1, Commercial, RA, Rural Area and EC Entrance Corridor. The property, described as Tax Map 94, Parcels 38 and 39 are located in the Scottsville Magisterial District in the southwestern corner of the I-64, Black Cat Road (Route 616) interchange. The Comprehensive Plan designates this property as Rural Area. (David Pennock)

Mr. Pennock summarized the staff report.

- The next item is the Black Cat Road Service Station Preliminary Site Plan request for approval of the site plan as well as for two waivers. The applicant would like to request a deferral indefinitely to go back and revisit some of the major issues that have come up during the review. If there are any questions, staff would be happy to try to answer them.

Ms. Joseph opened the public hearing and invited the applicant to address the Commission.

Jeff Garnett, representative for Virginia Oil Company, said that they did not get the staff report until this afternoon. Virginia Oil Company has a long history of involvement in this community and working with Albemarle County. It considers itself a good corporate citizen and wants to be a good neighbor. In light of some of the comments that were made in the staff report they would like to go back to the drawing board, meet with staff on their concerns and see if they can come up with a preliminary site plan that addresses those concerns as best as they can. Had they received the staff report in time for staff to put the notice out he would have contacted staff immediately. There are a number of people gathered here today and he would assume that some want to speak regarding this request. He asked to hear their comments so that their comments can be taken into consideration. He formally requested an indefinite deferral of their request.

Ms. Joseph invited comment from other members of the public.

Ruth Dalsky, resident of 4847 Mechunk Road, said that she would like to make the County aware of a few things. One is taken from the literature that they want to make sure that the commercial development will not be detrimental to the public health, safety and welfare of the citizens. Unfortunately, this commercial enterprise in this location violates all of those. They definitely have some safety issues. Even though commercial was approved in 1970 the road is not adequate to handle a large commercial facility. Her concern was with public health. Also, she was concerned about the ground water contamination and the ground water usage. Even minor runoff from hosing down the proposed twelve pumps would go into the ground water, which is very shallow and precarious in this area. In fact, one of their newest residents put in a well and had to go down 400 feet and they were only able to get 3 gallons per minute. So they have a real serious drought belt in that area. So they have a real serious issue with ground water usage, particularly with a large commercial facility in this small residential area.

Jean Dalsky, resident of 4860 Mechunk Road, said that she had lived across the street from this proposed development for 7 years. During that time the traffic has increased considerably. This road serves as a major access to Lake Monticello for those persons not wanting to take Route 53. There is already a serious traffic problem on the two-lane road. It is very dangerous. The other exits in our area off of I-64 all have the road infrastructure to carry the traffic. This includes exits at Shadwell, Zion Crossroads, Route 20 and Fifth Street Extended. All of these exits open up into four lanes and some even into divided highways. They are talking about bringing in a major use at this location that is going to draw traffic from I-64 in order to be a successful business enterprise. This use is not needed in the community since there are plenty of gas stations at Pantops and Zion Crossroads. They also have the Boyd Tavern Market right around the corner on Route 250, which is a little country store with a single gas pump. This is not an appropriate use for this location. It will change the character of the residential area. This use will be a detriment to the people in the area.

Greg Duncan, an adjacent land owner, said that in light of the applicant's request for a deferral he had a question. If they bring this back will there be another opportunity for public comment. In light of that response, he would withhold his comments until then.

David Wagoner, resident of 4813 Mechunk Road, said that there were a number of concerns that he and other residents along that road have on this project. One is the water that has already been addressed. As stated in the staff report, all of the properties in this area are on wells. This project will also be on a well. They don't have sewer access. During dry times, as recently as this summer, some of the residents had problems with their wells. He was not an engineer, but he cannot imagine how a commercial operation like this would be compatible with residential well uses right down the road. Secondly, it would be a loss of an aesthetic resource. The reports said that it appears that the loss of aesthetic resources would be necessary. That is a significant understatement. From Black Cat Road, Mechunk Road and

I-64 they were talking about a tremendous change to the character of the area in terms of visual aspects, noise and road infrastructure issues. Finally, he had concerns in the area of safety. There are twelve school aged children who live on Mechunk Road. The school bus stop for Stone Robinson Elementary, Burley Middle School and Monticello High School are located yards from this proposed area. The increased traffic caused by this proposed use would put the children at risk.

Jennifer Wagoner, resident of 4813 Mechunk Road, agreed with the concern about the safety of their children. She noted that the school bus drivers are already frustrated by the traffic on the road when dropping off and picking up the children. It is very dangerous for the children to cross the road to get off and on the bus. The additional traffic would make the situation worse for the children. There is no other place for the school bus to stop unless it comes down their road. But, the school bus cannot come down their road because it is a private road. They will be back to speak at the next meeting.

Rick Jones said that he had lived in the Boyd Tavern area for over thirty years. He echoed what his neighbors had said about the traffic and water concerns. Obviously, the Planning Commission has realized in recent times that this is not a commercial area. That is why the County has decided in the Comprehensive Plan that for the future it is suppose to be Rural Areas. Part of this property is zoned commercial and the owners are certainly allowed to do what they may by right. He would simply urge that the Planning Commission adhere to the strictest possible definition of what is allowed by right. In terms of these waivers he would encourage the Commission not to consider them at all since this type of use is so contrary to the Comp Plan.

Chuck Lebo, member of the County's Architectural Review Board, noted that the ARB had asked that he speak about this project tonight. Presently there is a flaw in the development system process in the County where a project like this and some others that they have recently been made aware of can be granted a grading permit prior to review by the Architectural Review Board. One of their main concerns is landscaping. When the ARB reviews projects and the landscaping on the project has been wiped out it makes it very difficult. That is the case in this situation. It is nearly 3 acres of trees that have been stripped. One of the things the ARB looks at is the tree preservation list at the beginning of all of their projects. Two people from the ARB are meeting with two members from the Planning Commission and two members from the Board of Supervisors next Tuesday to decide how they can correct this matter. It is of great concern to the ARB that a project of this size can lose all of its natural trees that have been there for years and the ARB has nothing to say about it.

Robin Ellis said that her family moved to the corner of Route 616 and Route 250, which is about 800 yards from the proposed entrance for this commercial enterprise. There is a traffic light at the corner of Routes 250 and 616. In the five years that they have lived there at least once a month they look out from their back yard at an ambulance, wreck or near wreck at that intersection. When they were moving in five years ago the moving truck took out the mailbox that was in front of their house on Route 616. When they re-erected it several weeks later they got a notice from the Post Master that it was no longer safe to deliver mail to their address because they were on that corner. Her point is that if it is not safe for the mail to be delivered at their house she could not imagine that this commercial use was going to make it any safer.

Jack Ridley, resident of 1539 Black Cat Road, said that this is the first time that he had received a letter stating that this type of use was being proposed. His next door neighbor told him about what was going on, but they never received any type of mailing except for this one. His house is located right across the street from this proposed entrance. He has lived in this area all of his life. Currently he has to sit in his driveway at least ten minutes to be able to get out onto Route 616 because of the current traffic. If this project is put in the traffic is going to at least double or maybe triple. The tractor trailers and dump trucks currently use the road as a connector road from Route 250 to I-64. This would only add to that traffic and bring more. He has an 11 year old son that goes to Stone Robinson School and he has to walk down Route 616 to the bus stop with no sidewalks or shoulders. He fears for the safety of his son. He acknowledged that the applicant was going to come back with some other things, but he was concerned with lighting and security for this proposed use. Currently they have a safe community. He feared that by bringing in this type of commercial enterprise there is no telling what could happen, particularly if it is a 24-hour operation.

There being no further public comment, Ms. Joseph noted that this project will be coming back to the Commission at a later date. The public will be receiving notice of the meeting. She thanked everyone for their comments.

Mr. Craddock suggested that the applicant at least have a neighborhood meeting with the residents along the way concerning this project.

Motion: Mr. Morris moved, Mr. Edgerton seconded, to approve the applicant's request for indefinite deferral of SDP-2006-081, Black Cat Road Service Station – Waiver requests for critical slopes disturbance and buffer disturbance.

The motion passed by a vote of 7:0.

Ms. Joseph stated that SDP-2006-081, Black Cat Road Service Station – Waiver requests for critical slopes disturbance and buffer disturbance was indefinitely deferred.

In summary, (from the action memo) the following concerns were expressed by several members of the public:

- The proposed commercial development will be detrimental to public health, safety and welfare.
- Many safety issues and concerns were expressed about the existing road not being adequate to handle the additional traffic created by a large commercial facility. The existing road infrastructure is not adequate.
- The increased traffic caused by this proposed use would put the children at risk. The increase in the traffic posed a safety concern for the parents about their children waiting for the school bus on Route 616, particularly because there are no sidewalks or shoulders on the road.
- Regarding public health, there were concerns expressed about the ground water contamination and the increased ground water usage. Even minor runoff from hosing down the proposed twelve pumps would go into the ground water, which is very shallow and precarious where they are located. They have a real serious issue with ground water usage, particularly with a large commercial facility in this small residential area.
- The proposed use is not needed by the residents in the area.
- The proposed commercial use is contrary to the Comprehensive Plan.
- There would be a loss of aesthetic resources and would change the character of the area negatively in terms of visual, noise and road issues.
- The ARB is concerned about the landscaping already being wiped out on the proposed project prior to their review.

Preddy Creek Trail Park - Review for compliance with the Albemarle County Comprehensive Plan: A proposal to establish a public natural area/trail park on a 571± acre parcel (452± acres in Albemarle County, 104 acres in Orange County). The property is located on the north side of Route 641, approximately 1.5 miles east of Rt. 29. The property is zoned RA (Rural Areas) and is recommended as Rural Area in the Comprehensive Plan. (David Benish)

Mr. Benish summarized the staff report. (See Staff Report)

Ms. Joseph opened the public hearing and invited public comment.

The following citizens voiced concerns about the proposal:

- Jeff Saxe, resident of 3739 Burnley Station Road
- Will Sanford, resident of 1581 Thornridge Way.
- Jerry Mathews, resident of 1054 Ramblewood Place
- Jim & Rebecca Riall, residents of 3460 Burnley Station Road
- Richard Elzey, resident of 3759 Burnley Station Road

William A. Price, Gary W. Price, Jenae Price and Linda L. Price, of Burnley Station Road, signed up to speak, but decided to wait until the next hearing to voice their opinions.

There being no further public comment, Ms. Joseph closed the public hearing to bring the matter before the Commission.

Motion: Mr. Strucko moved, Mr. Zobrist seconded, that the Preddy Creek Trail Park is substantially in accord with the Albemarle County Comprehensive Plan.

The motion passed by a vote of 7:0.

Ms. Joseph stated that Preddy Creek Trail Park was determined by the Planning Commission to be substantially in accord with the Albemarle County Comprehensive Plan.

Work Session:

ZMA 2006-008 Berkmar Business Park (Signs #88, 89)
PROPOSAL: Rezone 4.61acres from R-6 zoning district which allows residential uses and up to 6 units per acre to PD-MC Planned Development Mixed Commercial which allows large-scale commercial uses; and residential by special use permit (15 units/ acre). No dwelling units are proposed.
PROFFERS: No
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Regional Service - regional-scale retail, wholesale, business and/or employment centers, and residential (6.01-34 units/acre) in Neighborhood One.
ENTRANCE CORRIDOR: No
LOCATION: Along the east side of Berkmar Drive between Woodbrook Drive and Hilton Heights Drive north of Planet Fun.
TAX MAP/PARCEL: Tax Map 45, Parcel 112 and Tax Map 45, Parcel 112E
MAGISTERIAL DISTRICT: Rio
STAFF: Sean Dougherty

Mr. Dougherty summarized the staff report. (See Staff Report)

Nate Cunningham, of Stonehaus Development, represented the rezoning request.

In summary, the Planning Commission held a work session on ZMA-2006-008, Berkmar Business Park with a focus on staff's review and proposed changes to the application plan and accompanying narrative regarding adherence to the Neighborhood Model principles. The Commission was asked to affirm staff's findings for use, layout, transportation, interconnections, open space, amenities and redevelopment of the adjoining parcel or provide alternative direction. The Commission discussed staff's recommendations regarding the rezoning request and provided comments and suggestions to the questions posed in the staff report as follows:

1. ***Question for the Commission: Are the proposed uses appropriate for the site?***

   It was the consensus of the Commission that they would like to get the uses defined and to make sure that the uses are modeled in the traffic study. The Commission was particularly interested in the applicant establishing the proffered uses and the level of retail proposed.

2. ***Question for the Commission: Is the layout appropriate?***

   It was the consensus of the Commission that they liked the direction that the applicant is going with the proposed rezoning for Berkmar Business Park. The applicant needs to commit to providing a corner treatment along the interconnecting street. If they continue to have the sea of parking in front of Planet Fun and have the control over that, they might have the right to do anything that they want by right now commercially, but it will affect the Commission's decision on whether they should grant a rezoning on this property. But, the applicant can do a lot more than they have done and proposed.

3. ***Question for the Commission: Is a commitment to elevations or perspectives illustrating building design and specific use of materials important to the Commission?***

It was the consensus of the Commission that a greater commitment needs to be made to provide more detail on the specific use of materials and the design of the structures. The applicant should characterize the style in general with the massing.

4. ***Question for the Commission: Should transit proffers be considered by the applicant as a way to mitigate impacts?***

   It was the consensus of the Commission that considerations should be given to proffers that relate to transit and focusing in on making the site transit ready in so far as possible.

5. ***Question for the Commission: Should the applicant ensure that a public street will be provided at this location in the future?***

   It was the consensus of the Commission that they would like to ensure that a public street will be provided at this location in the future acknowledging the difficulties, but to work with others to get that completed because it is going to be necessary. Provisions for its construction should be provided in this rezoning. The Commission asked staff to provide written comments from VDOT on their commitment.

6. ***Question for the Commission: Should the applicant commit to providing for amenities in this non-residential development?***

   It was the consensus of the Commission that they were in favor of the expansive use of bio-filters, but that some sort of commitment should be made to the outdoor amenity serving this use.

7. ***Question for the Commission: Should the rezoning for parcels 45-112 and 45-112 E affect the design on the adjoining parcel?***

   It was the consensus of the Commission that the rezoning for parcels 45-112 and 45-112E should affect the design on the adjoining parcel.

Old Business:

Ms. Joseph asked if there was any old business.

- Tomorrow night the Commission will have dinner at 6:30 p.m. at Carmelo's for Jo Higgins.

- Mr. Kamptner pointed out that the Commission did not have to adjourn to tomorrow night. The Commission does not need to worry about taking minutes. He cautioned the Commission that they are not to discuss or transact any Planning Commission business.

- Mr. Morris apologized that he was going to opt out of the dinner and attend the CHART meeting.

There being no further old business, the meeting moved on to the next item.

New Business:

Ms. Joseph asked if there was any new business.

- On October 17 the Commission needs to arrive at 5:30 p.m. rather than 6:00 p.m. for a brief orientation of the new auditorium/board room. He asked that the Commission put that on their calendars.

- For next week there is one staff report that will be delivered on Thursday. All of the other information is in the packet.

- Mr. Morris asked to get a copy of the staff report earlier due to a meeting, and Mr. Cilimberg said that he would talk to Claudette Grant and have someone contact him.

- Ms. Joseph noted that she would be absent next week.

There being no further new business, the meeting proceeded.

Adjournment:

With no further items, the meeting adjourned at 8:20 p.m. to the Tuesday, October 10, 2006 meeting at 6:00 p.m. at the County Office Building, 401 McIntire Road.

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V. Wayne Cilimberg, Secretary

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