Albemarle County Planning Commission
December 5, 2006

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, December 5, 2006, at 6:00 p.m., at the County Office Building, Second Floor, Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia. Members attending were Eric Strucko, Jon Cannon, Marcia Joseph, Chairman, Bill Edgerton (arrived at 6:12 p.m.), Duane Zobrist and Pete Craddock. Absent was Calvin Morris, Vice-Chairman. 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; Gerald Gatobu, Senior Planner, David Benish, Chief of Planning; Amelia McCulley, Zoning and Current Development Director/Zoning Administrator; Bill Fritz, Chief of Current Development; Claudette Grant, Senior Planner; Sean Dougherty, Senior Planner; Judith Wiegand, Senior Planner; David E. Pennock, Principal Planner and Greg Kamptner, Deputy County Attorney.

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

Ms. Joseph called the regular meeting to order at 6:09 p.m. and established a quorum.

***Committee Reports**:*

Ms. Joseph asked for committee reports from the Commissioners.

- Mr. Craddock said that the CIP Committee meetings were completed and that information will be working its way to the Planning Commission and on to the Board of Supervisors.
- Mr. Strucko noted that the Fiscal Impact Advisory Committee met on November 16. Their work continues in looking at ways to evaluate proffers that address the impacts of proposed development. No decisions have been made. Some of the issues that the committee was considering were:
    - Affordable housing as a proffer was discussed, but the committee is inclined not to include affordable housing in their evaluation of whether or not proffers are adequate. They did a benchmark comparison against other jurisdictions, including Chesapeake, Fairfax, Frederick, Hanover, James City, King George, Loudon, Powatan, Prince Williams, Spotsylvania and Stafford Counties. They found that various counties look at proffers in various ways.
    - The criteria that they look at are schools, roads and transportation, fire/rescue, libraries, parks and recreation, water and sewer and storm water. Affordable housing is used in Fairfax County only. The criteria that they are looking at are impacts on the capital budget. Affordable housing is not a capital budget item.
    - They found that in Hanover County, for instance, 62 percent of the proffers go to the schools and 22 percent goes to the roads. In Prince Williams 57 percent goes to schools and 32 percent goes to roads. Of course, Albemarle County does not build roads. But, they were asked by the Board of Supervisors to look at transportation and road impacts as well.
    - Steve Allshouse is working on what they termed a “straw man” proposal for their next meeting. What would an evaluation process for Albemarle looks like when they consider schools, roads, fire/rescue, libraries and parks and recreation, and keeping in mind these bench mark counties and how others have done it? Then they will evaluate that. The next meeting is within the next week or two.
    - As they are doing this evaluation they are looking at several other areas as well such as legal criteria for a proffer policy and any other kind of legal precedence that has been set with the experiences of other counties. Also, they are looking at cost methodologies.
- Mr. Cannon noted that that there was a meeting of the MPO Technical Committee Meeting on regional transportation issues. There was discussion of an update to the regional transportation plan and some question about how to manage that in light of new data that is being developed, but won’t be developed in time for the update. So there was a question on whether the update should be done as an interim update with a revision planned soon thereafter to add the adequate

data to make it fully current. David Benish was chosen as the new Chair of their Technical Committee.

- Ms. Joseph noted that she was on the Development Review Task Force Committee. They have not come to any conclusions at this point. Within the next month they hope to be coming up with some recommendations to the Board. This has to do with the development review process for rezonings and special use permits.
- Mr. Edgerton noted that the ACE Committee was supposed to have a meeting last week. Unfortunately, their Chair could not be there and the meeting was cancelled.

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:

SDP 2006-112 Dominion Office Park – Phase I (Parking and Building Expansion):
Request for major site plan amendment approval for the addition of 963 gross square feet of office space and the construction of a 12 space parking lot to accommodate the additional office space at the Dominion Development Office Park. The property, described as Tax Map 78 Parcel 15C2, zoned highway commercial (HC), is located in the Rivanna Magisterial District on South Pantops Road [Route # 1140] approximately 225 feet east of the intersection with Spotnap Road. The Comprehensive Plan designates this property as Community Service in Neighborhood 3. (Gerald Gatobu)

Mr. Gatobu summarized the staff report and gave a power point presentation. (See Staff Report)

- This is a request for a parking and building expansion, which is a major amendment to a site plan that would require a critical slopes waiver.
- Based on the analysis of the open space on the critical resources plan in the review of the engineer, it is staff's opinion that this request does not meet the criteria for approval based on their analysis of Section 4.2.5.b. The critical slopes are a major part of the stream valleys. Staff recommends denial of the request.
- If the Planning Commission approves this request staff recommends the condition that the site plan amendment shall not be signed until the erosion and sediment control plan has been approved.

Ms. Joseph asked if there were any questions for staff. Because staff has proposed a condition that the erosion and sediment control plan would be required is the area that they are disturbing less than what would require an erosion and sediment control plan.

Mr. Gatobu replied that it was below the 10,000 square feet that is required for an E & S plan.

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

Keith Lancaster, representative for Southern Development, said that they are asking for a critical slopes waiver for the 14' X 27' expansion of the existing structure. Basically they are proposing to mitigate the impacts of the major and locally important stream valley by first providing an erosion control plan, which is not required for an impact less than 10,000 square feet. But, they feel due to the slopes and with staff's advise that they will provide that. Although it is an additional cost of thousands of dollars they are willing to do that to help mitigate the impact. There are rock outcroppings on the back hillside. The type of wall they plan to use for this construction is called ready rock, which they feel would be appropriate in order to blend in with the rock outcroppings. They are going to soften that wall by adding a planner box to the ready rock wall with a creeping wintergreen plant, which is shown in the ARB planting list. Basically their intent today is to help expand their building for business in order to be successful and stay in Albemarle County. They really enjoy the river view and having the trail system down below. They hope the Commission will look favorably on their application.

Ms. Joseph invited public comment. There being no public comment, the public hearing was closed and the matter placed before the Board.

Mr. Edgerton said he was convinced by the staff report that this is a situation where they really should deny the request. There is more to be lost to the community as far the aesthetic resources. It is because of situations like this that they require critical slopes to come before the Commission. He recommended denial.

Mr. Strucko felt that it was a very sensitive area next to the river. Therefore, he supported the denial of the request.

Ms. Joseph noted that what she was trying to do was see if there was some way that the retaining wall could happen without additional disturbance, but she really feels that unless it is a hand laid wall, which the applicant cannot be conditioned to provide, it is going to be difficult for them to put the retaining wall in without more disturbance. There is a need to be a little more realistic about where the tree line is and what the grades are going to be behind the wall. She felt that there was going to have to be some equipment used behind that wall.

Motion: Mr. Edgerton moved, Mr. Strucko seconded, to accept staff's recommendation for denial for SDP-2006-112, Dominion Office Park – Phase I (Parking and Building Expansion).

Ms. Joseph asked Mr. Kamptner if there was anything else needed.

Mr. Kamptner replied no, that he felt that the motion includes the statement of reasons on page 4 of the staff report, which was identified by staff.

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

Ms. Joseph stated that SDP-2006-112, Dominion Office Park – Phase I request for critical slopes was denied.

SUB 2006-315 Foothill Crossing – Preliminary:
Request for preliminary plat approval to create 75 lots served by a proposed internal public roads on 89.875 acres. The property is zoned R1, Residential. The property, described as Tax Map 56 Parcel 95, is located in the Whitehall Magisterial District south of Route 240 and south of the railroad and west of the Western Ridge Subdivision. The Comprehensive Plan designates this property as Development Area Preserve [CT1], Urban Edge [CT3], Urban General [CT4], and Urban Center [CT5] in the Crozet Community. (David Pennock)

Mr. Pennock presented a power point presentation and summarized the staff report. (See Staff Report)

- Request for preliminary plat approval to create 75 lots served by proposed internal public roads on 89.875 acres. The property is zoned R1, Residential. The property, described as Tax Map 56, Parcel 95, is located in the Whitehall Magisterial District south of Route 240 and the railroad and west of the Western Ridge Subdivision. It is a by right R-1 zoning classification. The applicant is proposing a density bonus for clustering, which requires preserving at least 25 percent of the site in open space. The applicant is actually proposing to preserve 28 percent of the site in open space. The Planning Commission will need to make a finding on the appropriateness of the proposed Open Space. In addition, the Commission must review the preliminary plat to determine if it can be approved. The applicant is proposing a trail system as recommended by the Crozet Master Plan.

- **Zoning Ordinance Actions**: Section 4.7 – approval of Open space (recommendation, approval with condition)

- **Other Actions (Subdivision Ordinance)**: Section 14-220 – Approval of the preliminary subdivision plat (recommendation, approval with conditions)

- Staff finds that this request is generally consistent with the criteria presented in the Subdivision and Zoning Ordinance. If the open space approval, as presented above, is granted, the current layout appears to meet the requirements of the Ordinance. Thus, staff recommends approval to

the Commission of the preliminary subdivision plat. If the Commission grants the appropriate waivers and feels that the plat is acceptable, staff recommends the conditions as listed in the staff report.

Ms. Joseph asked if Ms. Ambler had any comments.

Ms. Tamara Ambler, Natural Resource Manager, pointed out that because of Con Agra's prior problems on the adjacent property in dealing with the actual sewage disposal lagoons staff made a request for information to the DEQ. DEQ was not able to locate any file location information regarding the closure and the status of those lagoons most likely since it was such a long time ago. Those files were not in the active files. But, she did find in the file information that the Crozet Interceptor was used to receive the waste discharge from the facilities starting in 1987. So those lagoons have been closed since 1987 and are presumably closed according to DEQ's guidelines.

Mr. Cannon asked if these are domestic sewage lagoons.

Ms. Ambler said that her understanding was that it was both animal and waste generated as a result of their processing facility. It was not hazardous waster. She found a discharge permit that was issued by DEQ prior to 1987, which she presumed was for that facility. The perimeters for that were not hazardous.

Mr. Cannon asked what is planned to be done with these lagoons. Will the closed lagoons just sit there?

Mr. Pennock noted that these are all residential lots.

Mr. Cannon asked if the lots could be bought and a house be built on them.

Mr. Pennock replied that was correct. When walking the site staff could not locate the old lagoons. He questioned if the applicant has any information on whether they were leveled over time. That may be a question that the applicant can provide a little more information about.

Ms. Ambler pointed out that currently the County does not have any ability to require any sort of testing of a property for contamination for hazardous substances.

Ms. Joseph asked if what Ms. Ambler heard from DEQ is that there is not reason for the County to stop any sort of subdivision over this area.

Ms. Ambler replied that there is no authority to do that. DEQ is unable to make an assessment of that as well.

Mr. Craddock said that they don't know if these were the lagoons that caused all the trouble with Lickinghole Creek back in the 60's and 70's. Or was that coming directly from Morton's? He suggested that Mr. Franco could possibly answer that question.

Ms. Ambler said that the only thing that staff knows about is the existing contamination at the Wilson/Jones property that is currently being invested and will be remediated. Beyond that staff has no information.

Mr. Zobrist asked if all of the issues of the Eastern Connector been resolved.

Mr. Pennock said that this is basically in the same general alignment that is on the Crozet Master Plan. The applicant has designed the road such that there will be no driveway entrances out onto this. They would be able to accommodate most of the design recommendations from the Crozet Master Plan. They have dealt with Ms. Ragsdale and the long range planning section to identify which features along that roadway would be most preferred with keeping with the Master Plan recommendations. They are designing this and building to both property lines with the understanding that this would be a future connection all the way through from 240 to 250 as seen in all of the other development in both directions as it takes place.

Mr. Edgerton asked how many additional lots they are getting with the bonus density.

Mr. Pennock said that the minimum lot size was reduced. The R-1 minimum lot size is 45,000 square feet. With the density bonus they can go as low as 3,000 square feet. Not all of this property would have been buildable. Therefore, staff was not sure how many lots they would be getting above and beyond.

Ms. McCulley noted that there is not actually a density bonus. They are using clustering so they can reduce the lot size. They are not getting additional lots or a density increase as a result of measures that they are taking. It is really not a density bonus.

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

Don Franco, representative of K.G. Associates, said that he was present on behalf of the owner 240 LLC. He expressed the following concerns about the project:

- They have the ability to pursue density bonuses. Street trees are one of the bonus provisions. But, they are not pursuing the extra density. It is 89 acres of R-1 for 89 lots. They could probably configure something to get 89 lots on there. The challenge that they faced first off was making provision for the connector road and then also for the greenway. They don't want the green way on lots. They want the County to own the greenway. Therefore, they had to start clustering things and creating the open space. They have stuck to a form of development in making a lot size that they wanted to pursue versus anything else. That created this layout. He heard a comment earlier about DEQ having not authority. In the meetings that they have had when they pursued the rezoning of the property the DEQ not only had no authority they had no reason to pursue anything on the property. Wilson Jones did come on and did some testing. DEQ told them that their role was to make sure that the condemnation of the adjacent site did not come onto their property. So they have given them no reason to suspect their being a problem. There was a Phase 1 done on their property and they have not issues on their side of the line. The lagoons were food processing waste water. So it was when they were making pot pies back in the old day it was the solids from the pot pies that went into there. It was all foods that went there. It was not industrial wastes. It was not mechanical waste. It was none of that kind of stuff. It was from the food processing operations. Back in the late '90's the lagoons were cleaned out for whatever was left in there and new soil was brought in to the site and recompacted in and through there. So there is not an issue with the lagoons to his knowledge at this point. It was never a hazardous waste that was in there. It was food stuff.
- It is a by right subdivision. It has been called up for review by the Commission. The greenway is one of the things that drove the clustering in the plan. They feel that it is appropriate spacing because it allows them to create the area, the greenway and give the land to the County to extend the greenway up and through there. They are not asking for any greater number of units. They are making a provision for the connector road in and through there.

Ms. Joseph noted that the reason this request was called up was that it was a by right use and there was not going to be any kind of increased density in the urban area.

Ms. Joseph invited public comment.

Bryan Wheeler, member of the Albemarle County School Board, pointed out that he was not speaking for the Board but as one Board member and not as an employee of Charlottesville Tomorrow. They have lost a school site with this proposal coming in by right. Since their last meeting the Albemarle County School Board had a work session on their capital needs for the schools. The Board asked staff to prepare a capital budget that expands Brownsville Elementary in Crozet to serve the growth that they are seeing. That is right adjacent to Old Trail. They also kept in the plan the Western Albemarle High School Expansion. Henley Middle School has already been expanded. So the school division is responding to the different developments as they are happening. He took the opportunity to meet with the sub committee and the Crozet Advisory Committee that the County appointed. That sub committee was reviewing for Foot Crossing and was asking questions. One of the issues they discussed with staff was the lost of the elementary school site as identified in the Crozet Master Plan. This was where the dot was in the Crozet Master Plan for that elementary school. Long term it is his opinion is that they will need another neighborhood school site in Crozet. This is not something the Commission can address tonight.

He wanted to make them aware of that. Also, while he recognizes that this parcel is coming in with a lower number of units he asked that they keep in mind that the School Division's long range plans that are in the Crozet Master Plan were based on a population of 12,000 people. That elementary school was to serve that level of population. His understanding is the housing that has been approved recently in Crozet would already exceed that number if it was all built and the people moved in. So he wanted the Commission to keep that in mind as they work on other projects. Obviously anything new that comes along is then driving the need for additional capital needs for our schools to serve the Crozet Growth Area. He appreciates the Commission's consideration of these issues.

There being no further public comment, the public hearing was closed and the item before the Commission.

Mr. Cannon said that it was a by right development. It appears to be in compliance with the subdivision and zoning requirements. Therefore, he was inclined to support it due to the open space aspects.

Mr. Strucko expressed disappointment that this did not unfold according the Crozet Master Plan, but agreed that there were some positive aspects.

Mr. Kamptner noted that the Commission was considering the opens space. It appears that the other requirements of the Subdivision and Zoning Ordinance have been satisfied.

Mr. Cannon asked if they could include the dedication of the greenway as a condition.

Ms. McCulley pointed out that it was noted on sheet 2 of 10 for a 50' greenway trail to be dedicated upon demand of the County.

Mr. Zobrist noted that it was on the plat.

Mr. Cannon said that was adequate to ensure that it happens that way.

Motion: Mr. Zobrist moved, Mr. Craddock seconded, for approval of the applicant's request for SUB-2006-315, Foothill Crossing – Preliminary Plat and for open space as recommended, subject to staff's recommended conditions on page 5 of the staff report.

1. The engineering review for current development needs to review and approve all applicable items as specified in the Design Standards Manual, section 903, before recommending tentative approval to the final subdivision plat.
2. Screening in accord with Section 32.7.9.8 shall be provided within the Open Space area between the Connector Road and any lots backing on the Connector Road that are shallower than 350 feet.
3. Albemarle County Service Authority approval to include construction drawings for water service infrastructure, meters, easements.
4. A conservation plan checklist must be completed and incorporated into the site plan with notes to show how any individual trees and groups of trees designated to remain will be protected during the construction of this project. The locations of any tree protection fencing that coincide with the limits of clearing and other methods of protection from the checklist must be shown on the plan for clear identification during field inspections.
5. The applicant will have to submit road names for all roads to this office before final plat is approved. Please contact this office for road name approval.
6. Fire and Rescue Department approval is subject to field inspection and verification.
7. All accesses and roadways shall be designed in accordance with the current Subdivision Street Standards, The Minimum Standards for Entrances to State Highways and the Road Design Manual for the Virginia Department of Transportation.

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

Ms. Joseph stated that SUB-2006-315, Foothill Crossing - Preliminary was approved.

SDP 2006-055 Four Seasons Learning Center – Curb and Gutter Waiver Request:
This proposal is for a waiver of Section 4.12.15(g) of the Zoning Ordinance, which requires use of curb and gutter. This waiver request is in conjunction with a site plan amendment to facilitate changes to this site and to previously approved plans. The property, described as Tax Map 61X1 - Parcel 5, is zoned Planned Unit Development (PUD). This site is located in the Rio Magisterial District at the intersection of Four Seasons Drive (Rte. 1456) and Lakeview Drive (Rte. 1458). The Comprehensive Plan designates this property as Urban Density in Urban Area 1. (David Pennock)

Ms. McCulley said that the applicant has requested indefinite deferral of this item.

Ms. Joseph asked if there was any one present that came to speak about this item. There being no one, she asked for a motion.

Motion: Mr. Strucko moved, Mr. Zobrist seconded, to accept the applicant's request for indefinite deferral for SDP-2006-055, Four Seasons Learning Center – Curb and Gutter Waiver Request.

The motion carried by a vote of 6:0. (Commissioner Morris was absent.)

Public Hearing Item:

SP-2006-021 Kappa Sigma International Headquarters Amendment (Sign #78)
PROPOSED: Request to modify SP 03-91(6.14 acres) (reconfigure grass stabilized parking and include future improvements, such as picnic pavilions, maintenance building and recreational areas).
ZONING CATEGORY/GENERAL USAGE: R-1 Residential (1 unit/acre)
SECTION: 13.2.2 (2) and 5.1.02 fraternal clubs
COMPREHENSIVE PLAN LAND USE/DENSITY: Urban Density Residential - residential (6.01-34 units/acre) and supporting uses such as religious institutions, schools, commercial, office and service uses. Neighborhood 4
ENTRANCE CORRIDOR: Yes
LOCATION: 1612 Scottsville Rd. (Route 20) approx. 1 mile south of Mill Creek Drive
TAX MAP/PARCEL: 91/16 and 91/16D
MAGISTERIAL DISTRICT: Scottsville
STAFF: Claudette Grant

Ms. Grant gave a power point presentation and summarized the staff report.

- The property is located at 1612 Scottsville Road (Route 20). The request is to modify SP-2003-91. The applicant would like to reconfigure grass stabilized parking and include future improvements such as picnic pavilions, maintenance building and recreational areas, such as basketball courts and horseshoe pits.
- The property is currently being developed with the headquarters building that was proposed and approved with SP-2003-91. The building is currently under construction. The property is located in R-1, Residential District.
- Staff has identified the following factors as favorable for this application:
    - This is a relatively low impact use to a residential area. It provides pedestrian connection to the front of the site. The building and uses can provide a neighborhood center to the surrounding community.
- Staff has identified the following factor as unfavorable:
    - The recreational uses could have elevated noise levels at times.
    - Staff notes that the applicant will need to make a minor revision to the plan as noted in the staff report. This change can be done between the Planning Commission public hearing and the Board of Supervisors public hearing.
- Staff sent revisions to the conditions to the Commission. Staff made a few changes as noted in red on the copy. Staff recommends approval of this special use permit with conditions with the minor change.

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

Mr. Craddock noted that it says in the staff report that the applicant has not said that the property could be used for public use. The Old Kappa Sigma was used on occasion by outside groups. He wondered if adding these pavilions and basketball area would change that or has there been any expression of allowing outside groups to use the facilities.

Ms. Grant suggested that the applicant could address that better. But, it was her understanding that they would not necessarily have outside people come in and use the site.

Mr. Craddock said that he would assume that all of the downstream water mitigations, erosion would all be taken care of for this addition as well.

Ms. Grant replied yes, that is correct.

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

Lance Koth, with Draper Aden, said that he was the civil engineer and representing the applicant. Someone is someone is present from Kappa Sigma, but he was present to answer any questions. The question they had is better suited for Mr. Wilson, but his understanding is that the intent that this would serve Kappa Sigma in their functions.

Mr. Craddock asked if it would be no public use or not rental of the property at all.

Mr. Koth asked Mr. Wilson to come forward to address that question.

Nick Williams, of Kappa Sigma, said that much like they have done in the past they are very community oriented and if they had a group that requested to use our facilities they certainly would take that into consideration. In their previous location they used that for a voter's poll and for the garden club to meet. Therefore, he felt that they would take that into consideration or maybe some of the inside rooms as well.

Ms. Joseph noted that there were a couple of instances in staff report where they referenced the lighting. It appears that there will only be lighting underneath a roof somewhere. She asked if they were anticipating anything happing at night out there such as basketball games.

Mr. Wilson replied no, that when it turned night any activities would be more towards their building. They have an auditorium in the top of that structure that seats 300 people. A lot of the folks that they have coming will be officers and alumni who would probably rather be inside for those types of activities.

Ms. Joseph invited public comment. There being none, the public hearing was closed and the matter before the Commission.

Mr. Craddock supported the request because it is a great improvement to the property.

Mr. Edgerton noted that his older brother was a member of the Kappa Sigma, but that he did not have a conflict of interest.

Mr. Joseph noted that she liked to see people encouraging outdoor activities.

Mr. Kamptner noted that staff had handed out revised conditions. He made one additional suggestion. In condition 2f the word "only" is in there twice. He suggested that the first "only" be deleted.

Motion: Mr. Craddock moved, Mr. Zobrist seconded, to approve the applicant's request for SP-2006-021, Kappa Sigma International Headquarters Amendment, subject to staff's recommended conditions, as amended in staff's hand out received on December 5.

Staff notes that the applicant will need to make the following minor revision to the application plan prior to approval by the Board of Supervisors:

- The labels indicating the number of total parking spaces and grass parking spaces need to be

revised to reflect the eliminated parking spaces. Change “32 SPACES (6 GRASS)” to “26 SPACES” and change “23 SPACES (9 GRASS)” to “20 SPACES 6 GRASS)”.

The applicant can complete this change between the Planning Commission public hearing and the Board of Supervisors public hearing.

Based on the findings contained in this staff report, staff recommends approval of Special Use Permit 2006-21 with the following conditions shown below and minor change as noted above:
(The following conditions amend the original SP conditions. Additions are shown in bold and deletions are shown as strikethroughs)

~~1.~~ The Kappa Sigma improvements and the scale and location of the improvements shall be developed in general accord with the plan (Attachment C) entitled Kappa Sigma Fraternity International Headquarters, prepared by Glave & Holmes Associates and dated September 20, 2006, revised November 7, 2006. ~~The site shall be developed in general accord with the plans, entitled Kappa sigma Fraternity Headquarters, dated April 2, 2004;~~

2. Lighting of the site shall be limited as follows:
   - **~~a.~~ Light levels at the property lines shall be no greater than 0.3 foot candles;** ~~Light levels at the property line shall be no greater than .001 foot candles;~~
   - b. No flood lighting of the building is permitted;
   - c. Only the parking lot north of the building shall be allowed pole lights;
   - d. Utilize bollard type lights in place of pole lights whenever possible. Use only full cutoff fixtures;
   - e. Site and building illumination shall be limited to the satisfaction of the ARB; and
   - **f. The lighting for any recreational facility may only be inside the picnic pavilions. Lighting shall be excluded from other recreational areas.**
3. Final site plans shall show a reservation, or provide a note, for future vehicular and pedestrian connections to adjacent parcels to the north and south;
4. **~~4.~~ A pedestrian connection from the future pedestrian/bike pathway on Route 20 into the site shall be constructed with the site improvements. The pedestrian path (from Route 20 to the building and aligned along the travelway as shown on the revised application plan, dated September 20, 2006, revised November 7, 2006) shall be constructed in accordance with Chapter 6 of the Design Standards Manual.** ~~Final site plans shall show a pedestrian connection from the future pedestrian/bike pathway on Route 20 into the site;~~
5. A right turn and taper shall be constructed at the entrance in Route 20 to the satisfaction of VDOT;
6. Landscaping shall be provided to limit the impact of the storm water area on the Entrance Corridor to the satisfaction of the ARB; and
7. The applicant shall construct public water service to the site via extension of the existing Albemarle County Service Authority water line located on the west side of Route 20 and public sewer service via extension of the existing Albemarle County Service Authority sewer line located along route 20 and the Cow Branch Creek, generally as provided in the report entitled, *Preliminary Engineering Report Water and Sewer Facilities for Kappa Sigma Headquarters by Draper Aden Associates, dated march 30, 2004.*
8. **A plat to combine the parcels shall be submitted concurrent with the amended site plan submittal or an SP will be required.**
9. **All grass parking areas shall be “Grasspave” unless a product deemed equivalent is approved by the county engineer and the amended site plan shall include “Grasspave” manufacturers material specifications, requirements for installation, provisions for watering (ex. sprinkler system, etc.), and maintenance requirements (ex. fertilizing, watering, mowing, etc.) to the satisfaction of the county engineer.**

The motion carried unanimously (6:0). (Commissioner Morris was absent.)

Ms. Joseph stated that SP-2006-021, Kappa Sigma International Headquarters Amendment, will go to the Board of Supervisors on January 10 with a recommendation for approval.

The Planning Commission took a ten minute break at 7:29 p.m.

The meeting reconvened at 7:47 p.m.

Work Sessions:

ZMA 2006-009 Fifth Street - Avon Street Center (Signs #48, 67, 68)
PROPOSAL: Rezone 86.895 acres from LI - Light Industrial zoning district which allows industrial, office, and limited commercial uses (no residential use) to PD-SC - Planned Development Shopping Center zoning district which allows shopping centers, retail sales and service uses; and residential by special use permit (15 units/acre) Approx. 398,300 sq. ft. of commercial uses.
PROFFERS: No
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Community Service/Mixed Use-community-scale retail wholesale, business and medical offices, mixed use core communities and/or employment services, and residential (6.01-34 units/acre) Neighborhoods 4 & 5
ENTRANCE CORRIDOR: Yes
LOCATION: Northeast intersection of Interstate 64 and Fifth Street Extended (Rt 631), bounded on the east by Avon Street Extended. Access is Bent Creek Road.
TAX MAP/PARCEL: 76/M1-2A, 76/M1-2B, 76/M1-4A, 77/11E
MAGISTERIAL DISTRICT: Scottsville
STAFF: Claudette Grant

Ms. Grant summarized the staff report.

- The property is located at the Northeast corner of the intersection of Interstate 64 and Fifth Street Extended (Rt. 631).
- This rezoning project was initially presented to the Planning Commission on October 10, 2006 as a public hearing. During that meeting the applicant requested a deferral to December 5, 2006 for a work session. The applicant agreed to resubmit information that the Planning Commission requested.
- The applicant submitted revised information on Friday, November 17th and proffers on Tuesday, November 21. Staff has not had sufficient time to review the new material and provide comments to the Planning Commission for its December 5, 2006 meeting. As previously decided by the Planning Commission at its November 14 meeting, the applicant is providing this as information for presentation to the Planning Commission at its December 5th meeting.
- As staff has not had opportunity to review and provide comment on the resubmittal, staff recommends the Planning Commission receive the applicant's presentation and schedule a follow up work session for January 23, 2007.

Ms. Joseph invited the applicant to address the Planning Commission.

Frank Cox, representative for New Era Development, presented a power point presentation and explained the proposal. When they met in October staff had presented them with some questions that needed additional attention through an enhanced application package. They followed up and spent a little more time talking with staff about that. In mid November they submitted the new information. Tonight they would like to review staff's comments and obtain feedback from the Commission in order to address those concerns in future work sessions. One concern was how best to implement the connector road through the old City landfill. They have been working with DEQ for the last 12 months and moving towards a permit application that would allow them to complete the connector road. The connector road is essential to this project. They feel that in their work sessions with DEQ as well as the background consulting work they have done with geologists and environmental scientist with the drilling they have done in that area as well as their own civil engineering analysis that they could build a road that would meet both VDOT standards and be able to obtain DEQ permitting. A memo was included in their revised application process that deals with some of these concerns. He asked for the Commission's input.

Ms. Joseph asked what staff's expectations are for the next work session on January 23rd. The Commission wants to try to avoid scheduling a work session again in the future to only receive an update with the PC really not working on any of the issues. The questions raised were: What are staff's expectations for the next work session on January 23rd? What are they going to be looking at? What will they be focusing on?

Ms. Grant indicated that the revised plan and the proffers have been submitted to staff for a staff review. Staff's intent is that in that review that the applicant has addressed the issues that they had concerns about and comments about previously. Our intent would be that staff would be able to come to the Commission and say these issues have been addressed and maybe look at some other issues that staff might see that still need to be addressed and go from there. Also, a traffic study revision has been submitted. So that is also out for review. So hopefully staff will have more definitive information that they can tell the Commission that they have found after the review.

Ms. Joseph asked if it would be helpful if members at this point had any questions that they would like to be answered between now and the 23rd. Would that give Mr. Cox enough time if he heard questions tonight that he would be able to address them in time in line with whatever drop dead deadline that they set up before the 23rd. How much time does he need before the 23rd to do a thorough review so that staff could complete a staff report?

Ms. Grant noted that staff would need at least three weeks before the 23rd. That deadline would be before the 1st of the year.

Mr. Edgerton asked if staff has everything that has been asked for.

Ms. Grant replied that as far as she knew yes.

Ms. Joseph asked if anyone has any items or issues that they would like to bring up now.

Mr. Zobrist asked if the applicant was okay with the dates and the timing of the upcoming work session.

Mr. Cannon said that he had one question from last time. There was a discussion of the Comprehensive Plan. There were materials attached to the staff report about the Comprehensive Plan Amendment relating to the site. He questioned the consistency of the proposal and the Comprehensive Plan Amendment. It seems that the proposal is outlined is consistent with the Comprehensive Plan as amended for this site. The Comprehensive Plan for this site is unusual in the level of specificity it provides. But, he would like their judgment either now or at some later time that in fact there is consistency between the Comprehensive Plan and the proposal as it is coming forward. He would like to make sure that they have a definitive understanding about that.

Ms. Grant replied that in the last report they described all of the Comprehensive Plan items and commented on whether the revised plan at that time was consistent with each of the items in the Comprehensive Plan. Generally speaking it is fairly consistent, but there are a few issues in that Comprehensive Plan Amendment that staff felt needed a little bit more information from the applicant. So staff's hope is to be able to come to the next meeting and say that these are the issues that have been addressed.

Mr. Edgerton noted that he was pleased that a number of the proffers were identified to address some of the issues in the Main Core and Shell Certification Program. He was very excited to see the developer going in this direction. He hoped to see far more of a commitment than the existing proffers show. He did a quick assessment of this and what being was offered would not qualify for the certification, but it is going in the right direction. So between now and the beginning of the year he hoped that they can have some additional proffers that will get it towards the certification, which he felt would be very beneficial to the entire community.

Mr. Cox noted that they were willing to commit to the Commission that they would work as hard as they can to get there. He believed that David Pennock on staff has training in this area. They intend to have a work session with him as soon as this can be scheduled at his convenience.

Mr. Strucko said that he has heard from several people that live in and around this area who have been making a very compelling argument for the presence of this retail space in this particular location. It is significant for what is proposed, grocery store, home improvement, major retail and restaurants. He also heard some vocal requests for active recreation space. That is a question that he wanted to explore. This presentation showed more of a passive recreational space for the floodplain. He did not know this parcel that well and could not speak too intelligently about the capabilities of what the recreational capabilities are. His question would be is it possible for an active recreational space to occur here like a soccer field. In the past they have used flood plain areas. The parking capabilities of this site for active recreational uses as well as provide a customer base for some of the businesses in this area could be a compelling argument. He said that he would toss that out as a question to be explored.

Mr. Cox noted that the floodplain area of the western end of the property does have sufficient area for a youth scale soccer field. That was tested in one of the concepts. Across the street at the Christian Aid Mission property they have a similar sized soccer field in the same floodplain, which has received an extensive amount of use in the past year. It is entirely possible. It is just as easy for them to work towards a soccer field as an extensive stream valley park system that may be more passive in its nature, but still require an extensive amount of work.

Ms. Joseph asked to see where the old growth forest is and if that is part of their park land. There were some trees and rock outcrops that the Commission previously talked about and whether or not this is part of the park area. That is something that can be discussed later. She asked if the applicant has evidence that these trees are on their way out not because they want to knock them over, but because they have some sort of disease or are failing at this point. Those trees have been discussed for years now and still need to be addressed in this rezoning request.

Mr. Cox noted that there are some lovely specimen trees along the stream valley park area, but there also are some very nice trees in the center of the prime development area. Unfortunately, as they will see when they look at the grading and utility plans it is not going to be possible to preserve any trees within the primary development area. How they address the issue of tree replacement or going an extra mile for those trees that are within the edge peripheral areas as well as how they make the landscaping enhancements in the stream valley park are good things to put into the equation. But, in doing big box development and making it work for the folks that are going to be employed by the retail facilities, as well as the customers, it is a very difficult trick to save trees within the primary development zone.

Ms. Joseph asked to discuss the field densification for the road. She asked that it be a topic of conversation, particularly about what testing has been done.

In summary, the Planning Commission held a work session on ZMA 2006-009 Fifth Street - Avon Street Center. The Commission received the applicant's presentation and scheduled a follow up work session for January 23, 2007. No formal action was taken by the Planning Commission. The Commission made the following comments and suggestions of things that need to be addressed at the next work session:

- The PC wants to try to avoid scheduling a work session again in the future to only receive an update with the PC really not working on any of the issues.

- In reference to the Commission's concern Ms. Grant indicated that the revised plan and the proffers have been submitted to staff for staff review. Staff's intent is that at the work session scheduled for January 23rd the Commission will have information from staff's review that will assist the Commission in discussion regarding this project. A traffic study revision has also been submitted and will be discussed at the work session in January. The Commission had the following concerns or request:

- They would like a comparison for consistency of the Comprehensive Plan with the submitted proposed plan.

- They would like to see proffers with more commitment to the Main Core and Shell Certification Program.

- What is the applicant's commitment to providing active recreation space?

- The Commission would like more information regarding the location of existing old growth forest and rock outcrop previously discussed as well as a comparison of these existing natural resources with the proposed plan.

- Ms. Joseph asked to discuss the field densification for the road. She asked that it be a topic of conversation, particularly about what testing has been done.

CPA-2006-03/ ZMA-2006-19 Willow Glen (Signs #27, 29)
PROPOSAL: Amend Comprehensive Plan from Industrial Service which allows warehousing, light industry, heavy industry, research, office uses, regional scale research, limited production and marketing activities, supporting commercial, lodging and conference facilities, and residential (6.01-34 units/acre) uses to Urban Density Residential which allows residential (6.01-34 units/acre) and supporting uses such as religious institutions, schools, commercial, office and service uses. Rezone 23.681 acres from Rural Areas which allows agricultural, forestal, and fishery uses; residential density (0.5 unit/acre) to Planned Residential District which allows residential (3 - 34 units/acre) with limited commercial uses for a maximum of 234 units
PROFFERS: No
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Industrial Service which allows for (see uses above) in the Hollymead Community.
ENTRANCE CORRIDOR: No
LOCATION: property is east of Dickerson Road (Rt. 606) across from Charlottesville-Albemarle Airport and approximately 1500 feet south of intersection with Airport Road (Rt. 649) in Hollymead Community.
TAX MAP: 32 PARCELS: 49F, 49G, 49I, 49J, 49K
MAGISTERIAL DISTRICT: Rio
STAFF: Judy Wiegand

Ms. Wiegand presented a power point presentation and summarized the staff report. (See Staff Report.)

- This is a proposal to amend the Comprehensive Plan from Industrial Service to Urban Density Residential. It has a companion Zoning Map Amendment, which is to change the zoning from Rural Areas to Planned Residential Development for tax map 32, parcels 49F, 49G, 49I, 49J and 49K.
- Most of the comments tonight are on the Comprehensive Plan Amendment. Staff will do the zoning map amendment analysis should that be necessary.
- This is a proposal for a residential community of 234 units with amenities. The purpose of tonight's work session is to obtain direction from the Commission about the appropriate land use designation for the subject property in the context of the Comprehensive Plan and the Places29 Master Plan process.
- Most of the area is designated Neighborhood Service. The Urban Density Residential is a smaller area in the back that adjoins the area that was rezoned for the mobile home park in 1992. Adjacent Deerwood Estates is Neighborhood Density Residential. Staff described the surrounding area.
- The unnamed tributary of Powell Creek forms a boundary through the middle of the parcel. It separates the Hollymead Town Center area from the rest of the parcel to the west, which includes Willow Glen and the mobile home park. Deerwood Estates has access from and is oriented to the Airport Road area. Then there is a large area of Industrial Service to the south of the mobile home park.
- The current recommendations being assembled for Places29 would have the mobile home park property remain a mobile home park as long as the owner wished to maintain it as such. Staff is going to recommend that be returned to a Light Industrial designation if at any time the mobile home park is no longer what the owner wishes to do with it. The details of the draft Places 29 Master Plan is still being worked out with the consultants.
- Staff is not comfortable right now with the split designation that shows in this area primarily because it leaves both the Light Industrial and the Urban Density without a sufficient amount of property to really be developed, particularly as Light Industrial. Staff is looking for larger areas so

that users can be in the same area and have the same buffers and so on. There are a lot of changes underway with this and they are still working on it.

- One of the major changes being looked at as part of Places29 is that they are reviewing the land use designations that are in the current Comprehensive Plan. One of the areas that seem to need a lot of research and a lot of consideration was what do they call Industrial Designations. Right now the current Comprehensive Plan has an Industrial Service. The definition of that is in the staff report. Places29 has been looking at the types of industrial users that they have out there now. There is less Heavy Industry. There is quite a bit of Light Industrial type users. Then they have a fairly new category that is Office Research and Development and Flex Space. These changes reflect basically the potential impacts of these users, which includes traffic and circulation, walkability, aesthetics, noise, vibration and fumes.
- In the comprehensive plan amendment process if the Commission feels that this warrants further study then staff would draft a resolution of intent for their adoption. The Commission would study the proposal for 6 to 9 months, which is the amount of time it has taken in the past.
- As they consider comprehensive plan amendments there are 5 criteria listed as A through E in the staff report. Basically what it is looking to in A is to provide a balance of uses and to show how the uses would relate to each other. One of the really important things about a Master Plan and about a Comprehensive Plan is that they don't just look at a small area and the parcels and uses around it. Staff looks at the whole area including the whole development area in the whole County. What they are concerned about with this amendment is that they feel they need Industrial and Light Industrial areas both now and in the future. They are looking at uses that are not really compatible in many cases with locations in an Entrance Corridor. Also, they are not walkable. The County needs to have places for industrial businesses to relocate in the future such as mini storage units, auto repair, vehicle storage, car rental agencies that might serve the airport, etc.
- Criterion B supports the goals and objectives of various studies. The main concern staff has here is the proposed use compatible with the Airport. While noise complaints are not an issue right now they may be in the future if the Airport expands or automobile traffic expands. The primary concern with Airport compatibility is if the Airport needs to expand or if they need to have more Airport related facilities expand or both they don't necessarily want to have residential development right across the road where they have precluded some options that they might otherwise have had for Airport expansion.
- Criterion C – The primary purpose of the comprehensive Plan and Land Use Map is to facilitate the coordination of improvements to the transportation network and the expansion of public utilities in an economical, efficient and judicious manner. Comprehensive Plan amendments which direct growth away from designated growth areas shall be discouraged unless adequate justification is provided. Amendments to the boundaries of growth areas may be considered appropriate if the request is comprehensive, proposed to follow a logical topographic or man-made feature and is supported by adequate justification. No Comprehensive Plan amendment shall be considered in areas where roads are non-tolerable or utilities are inadequate unless the improvement of those facilities is included in the comprehensive plan amendment proposal. They talked about Road D needing to be realigned. There are a number of additional concerns raised by the County Engineer that can be addressed during the review of a ZMA.
- Criterion D - Proposed Comprehensive Plan amendments shall be evaluated for general compliance with adopted County plans, policies, studies and ordinances and to determine if corresponding changes are necessary. This proposal is nearly consistent with the Affordable Housing Policy. It is not consistent with the Airport Master Plan. The staff report indicates that the Airport Master Plan expressed some concern for expansion and preserving space.

- Criterion E - Except as otherwise provided, the following conditions may be considered in the evaluation of a request to amend the Comprehensive Plan.

    1. Change in circumstance had occurred; or
       County Staff recognizes that the nature of industrial uses is changing and the land requirements will be different. This change is being addressed in the Places29 Master Plan process by recommending revised land use designation definitions and changes to the Land Use Map (see page 6).
    2. *Updated information is available; or*

The County is updating the Comprehensive Plan through the Places29 Master Plan process. Recommendations to be included in the Master Plan will address changes in industrial land use and any necessary changes in land use designations on the Land Use Map. The evaluation of existing industrial uses, possible new uses, and market demands, as well as research into improved land use categories and the appropriate distribution of those uses on the County's Land Use Map are all part of the Places29 Master Plan process. The current status of the master plan process was given early in this report, along with some of the preliminary findings.

3. Subsequent portions of the Comprehensive Plan have been adopted or developed; or
The three major changes to the Comprehensive Plan since the last update in 1996 have been adoption of the Neighborhood Model, approval of the Hollymead Town Center development, and adoption of an affordable housing policy. Conformity with the Neighborhood Model is an area to be addressed with a rezoning analysis, if the CPA is recommended to proceed. Impacts of approval of the Hollymead Town Center and the affordable housing policy are provided below.

The Hollymead Town Center CPA set up a major destination for the entire County. Nearly 1.3 million square feet of nonresidential uses are expected, as well as 1680 dwellings. At present no single-family detached housing is anticipated with the Hollymead Town Center, making Deerwood the closest single family detached development to the Town Center. Residential uses in the Willow Glen project area could provide additional single family detached housing for greater balance.

The applicant has stated that the primary benefit to the County from the Willow Glen CPA rests on its relationship to the County's affordable housing policy and the provision of affordable and moderate-price housing. The affordable housing policy was adopted on February 4, 2004. The applicant proposes affordable housing and moderately priced units in the development in conjunction with market rate housing in a "planned" community that has amenities. A breakdown of housing by type is shown in the staff report.

It basically just reiterates that the total number of affordable and moderate price units in the proposed Willow Glen project is 74. Of these, 32 units—or 13.7 percent—would be affordable (price range: $185,000 - $195,000) and 42 units—or 17.9 percent—would be moderate price ($220,000 - $230,000). It is important to note that the affordable percentage is less than the 15 percent the County asks for with rezonings that involve residential units. Only if the County agrees that 50 percent of the moderate-price units may be credited towards the affordable requirement thereby adding 21 moderate-price units—or 8.9 percent—does the percentage of "affordable" units increase to 22.6 percent and exceed the 15 percent requirement.

The affordable units are proposed as small duplexes and small condominiums. The moderate-price units are proposed as slightly larger townhouses and condominiums. There are a number of other residential developments in Albemarle County that offer townhomes in the same price ranges ($195,000 - $230,000), including Sherwood Manor, Birnham Wood, Townwood, Four Seasons, and Minor Hill, among others. In the past year, there have been several duplex units in the older sections of Briarwood in the same price range. Similarly, condominiums are available in Hessian Hills and other condo developments. Winridge is a residential development with sections of single-family detached homes, duplexes, and townhomes (Minor Hill). There have even been a few single family homes offered in Winridge in this price range during the past year. While the sizes of the affordable and moderate-price units in Willow Glen are smaller than many available in these other developments, Willow Glen will have more open space and amenities.

While it appears that Willow Glen is providing an "affordable community," the project would provide 32 affordable units and 42 moderate-price units that would not be provided if the area remained designated Industrial Service or Light Industrial (with Places29). While the 32 affordable units would be expected of any residential development, the decision to redesignate the property must be weighed against whether provision of approximately 42

"moderate-price" units as condos or townhouses justifies the loss of up to 23 acres of industrial land, and whether this site, adjacent to the airport, is an appropriate location for a residential development.

4. A portion of the Plan is incorrect or not feasible; or
   The Plan has guided development decisions for a decade. It is not incorrect and does not contain infeasible recommendations. The plan is being updated and changes in the industrial land inventory are being addressed throughout the area and not just in this particular spot. There are two points raised by the applicant that need to be addressed. The first point is the applicant's statement:
5. The preparation of the Plan as required by Article 15.1-447 of the Code of Virginia was incomplete or incorrect information was employed.
   The Plan was completed and adopted in 1996, and components of the Plan have been continually updated since its adoption. Some amendments have been made since that date to reflect changes in circumstances, but no incomplete or incorrect information has been identified. Further review of the Plan is taking place during the Places29 Master Plan process. The Places29 planning process includes a significant review of the relevant parts of the Comprehensive Plan. Any changes that are necessary will be identified, reviewed, and approved as part of the public planning process and will be incorporated in the resulting Master Plan.

   Staff does not believe that a change in circumstance has occurred that would justify this amendment. In fact, updated information on the classification of industrial property strengthens the need for the Industrial Service designation to ensure that sufficient land is available to serve the County's future needs.

Factors favorable to this request:

- Locates residential uses near workplaces and retail areas.
- Provides 13.7% (32 of 234 units) of affordable housing. It should be recognized that 15% would be expected with any residential rezoning.
- Provides 17.9% (42 of 234 units) of moderate-price housing.
- Includes a mix of unit types, along with a clubhouse and other amenities.
- Is consistent with other residential uses along the southern and eastern edge of the site. It should be recognized that the mobile home park on the south side may convert to nonresidential use in the future.

Factors unfavorable to this request:

- Decreases the amount of industrially designated land available now and in the future.
- Locates a residential development in an area that will make use of surrounding industrially designated property more difficult since residential and industrial uses are generally incompatible.
- Complicates the Places29 Master Planning process by changing the land use designation before all the land use and transportation network matters have been evaluated—and before the public and officials are able to comment on the plan.
- Places a residential development across Dickerson Road from the Airport in an area that may have a long-range negative impact on airport expansion and/or expansion of airport-related uses.
- This development does not create a significant amount of affordable and/or moderate-price housing beyond what would be expected in a typical residential rezoning.

Recommendation:
At this time, staff recommends denial of the Comprehensive Plan Amendment request.

Ms. Joseph asked if there were any questions for Ms. Wiegand. There being none, she invited the applicant to address the Commission.

Valerie Long, attorney for Sugar Ray, LLC, said that others present include George Ray, the principal and land owner and an engineer and some land planners and thinking experts who have been helping with the affordable housing component and ideas. There is number of persons present that can help answer questions. She presented a power point presentation.

- The principals of Sugar Ray II had a vision to try and create an affordable and moderately priced housing community in Albemarle County. Providing affordable and moderately priced housing is a challenge in our community with the rapidly increasing prices of land, construction prices and labor shortages among other things. It is a constant challenge. They looked for an area where they might be able to find some land that was slightly less expensive perhaps than in other areas of the County. They found that with the Willow Glen property. It had the added benefit of being very closely located to a large area of existing and growing retail shops, services, employment centers and public transit facilities. It seems a very logical location for an affordable and moderately priced housing community.
- The applicant had a vision to provide affordable and moderately priced homes that could be sold to moderate income earners in the community and be located in a thoughtfully designed community with attractive amenities and located close to necessary services and employment areas and include a wide variety of housing types. They have been working hard since the applicants were here before the Commission about a year ago. They had several pre-work sessions. They have been working hard in gathering input from the community. They have met with Ron White several times from the Housing Office working towards trying to clarify their vision for this property. They hope to get some feedback from the Commission tonight to address these issues.
- One of the major issues obviously, as Ms. Wiegand indicated, is the Comprehensive Plan status for the property. It has been designated for Industrial Service for many years. What was striking to them was that the draft Places29 map does show some of the split zoning for the property with the Urban Density Residential on essentially one-half of it and Light Industrial on the other half. She was pleased to hear Ms. Wiegand say that she did not support that designation as well. That has been very confusing to try to understand how Light Industrial designated land would work next to Urban Density Residential, particularly with such a small area. They share that concern, particularly when looking at the fact that the Willow Glen property is about 23 acres. If it was split in half how would they develop the Urban Density Residential section to the Neighborhood Model standard with all of the necessary amenities and open space and still have room for some buffering and logical development of the Industrial Services property. On the one hand they like that Places29 map recognize that at least one-half of the property is appropriate for Urban Density Residential. But, they continue to respectfully disagree that the rest of the property is appropriate for Industrial Services. It has been designated that way for a long time. The property is still zoned Rural Areas. So any industrial user would need to obtain a rezoning to some sort of industrial category either Light or Heavy Industrial.
- They have been working with the neighbors in the community and trying to get their feedback on what they think would be appropriate. They have shared their views and indicated that they would prefer to see residential development there than industrial development.
- It was also striking to us, but certainly realized that the Places29 map is still in draft form, that there were a lot of comments about the need for industrially designated land. For instance, one large parcel was already designated Industrial Service on the draft map is proposed to re-designated to Low Density Residential. Then there are some other areas, which are not in the growth area, where there is an opportunity to bring more land in, possibly not all of it, next to the river, but at least a portion of that could be re-designated for Industrial. It looks like it is proposed for Low Density Residential and then some Urban Density Residential.
- They share the concern and the need for having an appropriate inventory of industrial designated land, but just disagreed that the Willow Glen property is the location for it. In addition, they question whether there has been an appropriate inventory conducted by the County to really understand what is out there. They had thought that there might be some analysis on that issue in the staff report. She saw Ms. Joseph's question that asked that as well. They tried to conduct some research and figure out how many parcels do exist now.
- Yesterday they contacted the County's GIS Department and obtained a list of all of the parcels just in this immediate area on the same tax map that were either already zoned industrial or were designated industrial, but zoned something else. The staff report recognizes that although there

is a large area in the UVA Research Park that is zoned Planned Development, Industrial Park there are requirements for those users and tenants to be affiliated in some fashion with the University. They have shown in the presentation that there is quite a large area of industrially zoned or designated land just from their quick analysis. Some of the area is developed. They were trying to demonstrate that the loss of the Willow Glen property to residential development in the big scheme of things should not have a dramatic impact on the inventory of existing designated industrial land. Their initial quick analysis determined that there are about 89 parcels reflecting almost 1,300 acres of land in the County that are either zoned some type of industrial use or designated for industrial use.

- In talking about the issue of industrial versus residential there was discussion in the staff report as to whether the Willow Glen really was surrounded by other residential uses. There was a comment that the Deerwood Estates property, although it is near by, is oriented away from Willow Glen. They would note that although it is oriented away it is very close to the property. In fact the Deerwood Estates directly abuts the Willow Glen property. They have been meeting with the residents of Deerwood Estates.
- To talk about the inventory and the types of uses they propose, they have highlighted a number of a variety of sizes of condominium buildings with 3 different sizes. There are 3 different sizes of town homes, which includes 20' and 24' wide town homes with some having garages. It provides a nice variety of housing types. There are a number of duplexes that are highlighted. Then there are 22 single family detached units. There is also an attractive packet of amenities. The thought was that moderately priced units should not have to be located in a community that is devoid of high quality amenities. So they have among other things a central green, which is almost the size of a football field that provides opportunities for both passive and active recreation. There is a central green clubhouse, pavilion, and a large storm water management facility that will double as a pond and many walking trails and sidewalks throughout the community. They have tried to make this a high quality development to be a benefit to the community.
- In terms of affordable housing, they did have an error in their application. In the application they did not quite have 15 percent affordable housing. They want to clarify that tonight they will have at a minimum 15 percent of the units in Willow Glen will be affordable under the County's definition of affordable units. In addition, they will have about 44 moderately priced units that they are breaking down into 2 different tiers, Tier II and Tier III. In the first tiers they hope to price about the $220,000 to the $230,000 range. In the second tier they hope to price about $250,000 to $270,000. So those prices are estimates at this point. That results in a nice percentage of affordable and moderate priced units. Finally, the remaining units the larger town homes, larger condominiums and the single family detached homes will still be priced lower than those in other communities. One of the main goals of the Willow Glen community of the developers was to avoid a situation that they have seen in some other communities where they have some 15 percent of the units might be affordable and then all of the other units are priced in the $700,000 to $800,000 range. There is a real disparity between those units. Their goal is to provide a closer range so that there is less disparity and real mix of unit types and incomes and types of residents, but not such a wide disparity. So even the single family homes goal is to have them priced no higher than $425,000. That is a challenge in this type of community with these types of amenities.
- If the County decides to grant some credit for the moderately priced units towards the affordable housing goal, even working with the lower tier of moderate priced units that brings the affordable total up to 20 percent. If they add in the Tier III units it could be even higher than that. If there are any questions, she would be happy to do so.
- They have additional information on the concept that the applicant has put together to come up with a fund to create a self replenishing housing assistance fund. In lieu of providing a standard set amount of money per unit to the Capital Improvements Fund they would direct a portion of those funds instead towards a Housing Assistance Fund that would be used to fund down payment assistance for some of the moderately priced units. It would then be recycled back through administration of a program that could be used for down payment assistance for others. That is an idea that they have come up with. They would be happy to answer questions about that.

Ms. Joseph invited public comment.

Troy Johnson, President of the Homeowner's Association in Deerwood Village, said that he was present on behalf of the Board of Directors for Deerwood Village regarding the Willow Glen Subdivision. It is pretty unanimous with everybody that although they are not entirely enthused about anything really going on out there, they understand that is not really an option. They understand that land will be used for something. Given their options they unanimously feel that a residential community is much more beneficial for their subdivision and standard of living. It is sandwiched in with other residential communities as well with the pink dot with Light Industrial in the middle. In his conversations with other people in the community they feel the exact same way. They are very concerned with the possibility with having Light Industrial there and the effect it will have on their property and its value in the future. A comment was made of an industrial entrance and how it was not necessarily the most appropriate place for that. The slide was not visually appealing. To put that in their back yard is also not visually appealing. Another comment was made that the Deerwood Village Estates is far away from that area. He disagreed with that because his lot directly abuts that property. He could see very well into that area. One of the appealing aspects of that was they have a nice nature wooded area. In fact, directly along that little stream they have a nature walking trail. He could not imagine walking along that nature trail with Light Industrial off into the area. They could certainly see into that area because it is actually very close. It is the Board's strong opinion that our voice be heard that they are very interested in this going more towards a residential direction versus a light industrial.

Tim Hulbert, of the Charlottesville Regional Chamber of Commerce, said that he had been aware of this project for a short time. He came tonight to get educated. He was struck by the industrial piece. This was the first time that he had seen a compilation like Ms. Long put together in Charlottesville/Albemarle where that inventory of industrial spaces has been discussed. He has some anxiety about Places29 taking the industrial sites and rezoning it residential. In this particular place they have a very small parcel surrounded by 3 residential areas, 1 mixed use in Hollymead and across the way with the Airport. One of his anxieties is that one day when Northern Gunman figures out it has a very valuable piece of land for retail and sells it to someone, then where does Sperry Marine Division land in our community or does it go away. He would hope that it might land out by the Airport on a site that is already zoned industrial. Apparently Places29 feels that this land should be housing. Generally speaking this project from what he has learned tonight without really delving into it meets the urban, suburban residential posture that they have been talking about for the last 8 to 10 years in this community. It forces development in the growth area. It seems to make a lot of sense. Then they have this benefit of affordable housing. He was persuaded that the range from $185,000 to $400,000 with a big chunk of it being in the affordable or moderately priced is a really good thing. This property is a gem and something they ought to look at for other opportunities.

Ms. Joseph asked if there were any questions.

Mr. Strucko asked staff if they have heard of any planning being done by the Airport Authority for expansion. What is their vision?

Mr. Benish said that the Airport owns a large amount of land that is undeveloped on the west side of the Airport. Looking at the Airport Master Plan most of their facility expansion, with a new tower expansion as an example, is planned for that west side. So that is what they see in the foreseeable future as Airport expansion related directly to Airport operations. There are certain uses from time to time that are associated with the Airport that are in the private sector that may or may not be located in that, such as car rentals and things like that. Those uses have had to find their spots elsewhere in the development area neighborhood. The Airport itself plans their ultimate expansion to infill the areas that they have now where the hangars are both north and south of the terminal and to the west of the runway.

Mr. Strucko asked if the Airport is planning any runway lengthening or expansion. Are they going to land bigger planes there?

Mr. Benish replied that they will be extending the runway to the north to accommodate larger planes in the future.

Ms. Joseph said that the Commission would start going through staff's questions and then look at comments from the Commission.

Ms. Long asked to add one thing in response to Mr. Strucko's question. She apologized because she meant to mention it in her presentation. They have meet with Mr. Elliott with the Airport Authority. They received a letter of support from him on behalf of the Airport Authority for project, which expressed no concerns from the Authority's perspective. His comments were essentially that his request was to make sure that if the project was approved and the units were built that in all of the marketing materials that are prepared for the community and in all of the deeds for the community that there be expressed statements or disclosures and disclaimer statements that the residents acknowledge that they are purchasing units near the airport and noise might be a factor and other types of airport uses will be going on nearby. It was similarly done with the Walnut Hills Community to the north of the Airport. She is told that is working fairly well. The applicants are more than willing to do that. He also indicated that as Mr. Benish clarified their Master Plan calls for their expansion on the west side where they already own property. She asked him questions such as how likely is this land that they propose for residential likely to be attractive to an industry or business that is affiliated with the Airport or doing business with it. His comment was interesting saying that the existence of the road in between the Airport and this land acts as a pretty significant barrier. Those users if they were doing business with the Airport would really want to be on the same side of the road. That is certainly his opinion and is a comment she received. They obviously want to work with the Airport.

Mr. Strucko asked if the applicant has considered construction techniques that could minimize the noise to residents inside their homes.

Ms. Long replied that they have not gotten to that point yet, but certainly she could imagine it was something they would be looking into. To the extent that they can make that work and still keep the price points of the units within the targeted ranges they would be more than willing to. She left a packet of letters and statements that include statements of support and a summary of the groups they have met with.

Ms. Joseph said that she was looking at the questions from the staff report from the prior meeting.

Mr. Cilimberg said that the Commission went through questions in prior sessions. Tonight was a wrap up of a conclusion reached by staff in a recommendation based on factors favorable and unfavorable. Really tonight is where they would be looking for the Commission to decide whether to move forward with the Comp Plan Amendment or not based on what t is before you. If they do then there will need to be a resolution of intent that they pass. He believed that the plan was if the Commission decides to move forward and pass a resolution of intent that the Comp Plan Amendment would be handled along with the rezoning rather than an element of the Places29 work. Essentially Places29 will reflect this rather than Places29 guiding the rezoning to come. It is before them as a question of whether or not they want to proceed with the Comp Plan Amendment.

Mr. Zobrist asked if they could literally dispose of this even though it is a work session. If they pass a resolution saying that it is okay, then it moves on in the process.

Mr. Cilimberg said that they would proceed forward and probably would on a consent agenda at an upcoming meeting to just have a resolution of intent for the Commission to act on. Essentially, the Commission would be giving staff that direction tonight on whether or not to do that.

Mr. Benish said that the noise attainment area for the Airport falls just outside this property. The attainment area falls on property owned by the Airport. It is located just on the west side of Dickerson Road. So the applicant would not be required to meet any noise attainment standards that are provided in that section of the Overlay District. The Airport Overlay District has a noise attainment area that requires the building construction to meet certain noise limits or standards.

Mr. Strucko asked if those noise limits are flexible if they move to larger jets landing there.

Mr. Benish replied that area is determined through the review of the Airport Master Plan every 5 years. They will do an evaluation that is based on average noise from the typical planes that are utilizing the Airport. Most likely what would happen is that they would assume the range of planes that are using the

runway and then there is a method of averaging those types of planes and the number of times that they hit the runway and what their average noise rates are during the day and night.

Mr. Cilimberg noted that the reduction of the attainment area did not happen with the most recent Master Plan, but actually happened with the prior plan. It represented some operations back in the '90's.

Mr. Benish noted that each time it is updated based on the plan.

Mr. Cilimberg said that the attainment area narrowed based on some change in the kind of equipment that was being required of the new jets that at the time would be using the Airport back in the '90's. Therefore, he could not say that it was based on today's operations. It has actually reduced based on some of the prior operations as well. The future is why they do the 5 year review.

Mr. Zobrist requested that they ask the Deerwood residents about the noise levels in the area.

Mr. Johnson said that there was no problem.

Ms. Joseph asked about the trailer park. It was rezoned to industrial.

Mr. Benish said that it was rezoned in early 1992 as part of a rezoning along 29 North that took a large chunk of land that was in Industrial Service to Regional Service where the town center is now. The portion of the land containing the mobile home park is zoned for Urban Density Residential in the Comp Plan and was subsequently rezoned to R-15.

Ms. Joseph said that it was zoned R-15. She remembered that there was a 15 year threshold.

Mr. Edgerton noted that it was in the staff report and it expires next year.

Mr. Benish said that there was a concern at the time of that Comprehensive Plan Amendment that the conversion of industrial to regional service was balanced by the provision of an affordable housing product. The Board wanted to ensure that because mobile homes can be more transit in nature that use would be in place at least for a certain period of time. The Board in their deliberations added that condition to ensure that it would be there for a certain period of time. It has actually been rezoned in the Comprehensive Plan. The designation has been changed. It would take a legislative decision both to amend the Comprehensive Plan and to change that zoning. At the time of that Comprehensive Plan that was what the Board at that time was trying to provide for future Boards that it should not be there but for a certain period of time.

Mr. Cilimberg noted that it was not considered a sunset, but it was considered a minimum. Of course, zoning does not operate under a sunset. The zoning is there. It would have to be rezoned to change it to industrial. Beyond 15 years what is possible is that it could change to industrial if the owner so choice under the Comp Plan. But, it would have to go through a rezoning process.

Mr. Benish pointed out regarding the noise impacts as was mentioned earlier the Commission received a letter in the earlier meetings from the Executive Director of the Airport Authority that Ms. Long had mentioned. Staff noted that in the staff report as well. In staff's conversations with Mr. Elliott what his impression were from the noise impacts and the complaints that they typically received is that while there are generally complaints that occur sporadically all around the airport the predominant noise issue actually is in the approach zones. The approach areas actually run over Forest Lakes and loop over near Piney Mountain and back into the airport and west of Walnut Hills. In the approach area the planes are lower to the ground and where the noise is.

Ms. Joseph said that they were looking for guidance tonight on whether or not they accept this request for a Comprehensive Plan Amendment now or that it stays within the process of Places29.

Mr. Benish said that if the Commission choice to pursue the Comp Plan Amendment staff would move through the rezoning process and look at the details of the proposal as it relates to the site as opposed to going through the Comp Plan Amendment process first. That is the biggest distinction.

Mr. Cannon said that they would do those simultaneously basically, and Mr. Benish agreed.

Mr. Zobrist supported allowing the rezoning to go forward since it was such a small parcel.

Mr. Edgerton said that he was convinced by staff's argument that this is a great project being proposed in the wrong place. He was very concerned about the long term implications. If they encouraged this they would be encouraging a conflict with the Airport. He felt that it was interesting that the Director of the Airport is in favor of this project and at the same time his comprehensive plan basically says just the operate. It does not speak to this project, but it speaks to the concern of residential projects being too close to the Airport and then limiting significantly what options the airport will have in future years if the need for expansion occurs. He has been on the Commission long enough to sit through the last update of the Airport Master Plan. He was quite impressed during that review that we really already have grown too close to our Airport already with development. He felt that the economics of what Airports to our whole neighborhoods are real. If they ignore that land use designation he felt that it was going to be problems. He misunderstood in the staff report that if the trailer park activity was abandoned they lost that use. In summary, he could not support the project. It is a good project, but was in the location.

Mr. Cannon said that he was in between. His instinct in this situation generally would be to have the Comprehensive Plan process as it is going with a resolution appropriate to that process. But, what he was seeing here, if he was interpreting the evidence correctly, what he was seeing is a piece of land which is now surrounded on 3 sides by residential developments. A representative of at least one of those residential developments is strongly in favor of his use as opposed to the Plan's use. A Chamber of commerce representative appearing that he would expect would speak for the interest of commerce and light industrial industry in general is saying that this piece of property is not consequential for the future of such development in the county. The Airport was saying that this residential use is not something it is concerned about in terms of either its present operation or its future development. Taking all of that into account he was wondering why he would not be in favor of something that provided additional affordable housing assuming that the representation that has been made by the applicant as opposed to earlier representation submitted and made by the applicant that was made tonight are carried out. But, he has not decided yet.

Mr. Strucko said that he had convinced him. He articulated all of the thoughts that he was having. He was In favor of this process moving forward for the very reason stated. The housing prices are very compelling. The moderate priced housing appears to be a step ahead of the affordable housing process.

Mr. Craddock said that as part of Mr. Edgerton's concerns, this project came before the Commission represented as an affordable housing community. They talked about whether they would want to put all affordable housing right under the airport where airplanes would be landing and taking off. They questioned whether this was the best place to put it. After the conversations the other night and reading through the staff report he was greatly disappointed that what had been proposed as all 200 units meeting the County's affordable criteria was all of a sudden now less than 15 percent. They have been looking at 15 percent as a minimum. But, now he heard that they were going to have at least the 15 percent and then the Board of Supervisors through their curb into it about moderately housing into it over the last year or so. Now they get affordable housing at the 15 percent and the Board is saying moderately priced housing is okay, too. Now it shoots up the percentage pretty high, but it is still not what was first thought of as this being strictly all affordable housing. It does have some good points about it being in the back of Hollymead Town Center and being with other residential properties. His concern is that this is a work session and they are not going to have a public hearing about this in case any one wanted to speak their mind on it. The legality is that they don't have to have a public hearing.

Mr. Cilimberg said that they are not changing the plan, but just making a decision to move forward on an amendment or not. The amendment comes before the Commission as part of the rezoning. That is where the public hearing will be held for rezoning. This is just a first step to tell staff whether or not they should be processing the amendment and the rezoning that goes with it. They will have drafted language for the Comp Plan and the rezoning before them.

Mr. Edgerton said that if the Commission directs staff to proceed with a resolution it would be fairly hypercritical and argue that it does not comply with the Comp Plan on what they were proposing.

Mr. Cilimberg said that resolutions of intent to amend plans do not guarantee that the amendment is going to be made.

Mr. Edgerton said that if the group says that it is a good idea, then they encourage the applicant to go ahead and proceed with that. Then they turn around subsequently and say oh just kidding.

Mr. Cilimberg said that normally they don't have a rezoning running along with the Comp Plan change that they are passing the resolution of intent on. This is a little different.

Mr. Edgerton asked why they are doing it this way to run parallel with the rezoning and a comp plan amendment.

Mr. Benish said that if there is a level of comfort that the land use designation is as appropriate residential as industrial then for a site this size and for this particular type of proposal, which one of the key features that is the basis for that rezoning is the affordable housing component, they could get right to the legislative act that puts that into place. So by moving forward with the rezoning process they can look at the specific details and the proffers related to providing that housing component. That is sort of one of the balancing acts that he presume they would saying that it is consistent with the overall Comprehensive Plan in providing that affordable housing. But, it would be done to the detail that they are comfortable with that as per the Housing Policy. It allows us to move to that detail before having to wait through the Master Planning process, which could be probably June before it is delivered to the Commission and a good amount of time before it is adopted after that.

Ms. Joseph said that she could not support this request because it was a superior area to have light industrial land. She supported staff's report on this.

Mr. Kamptner said that the Commission could make a motion asking staff to return with a resolution for adoption on the consent agenda at a future meeting.

Motion: Mr. Zobrist moved, Mr. Strucko seconded, to direct staff to return with a resolution of intent to consider amendment to the Comprehensive Plan for the Willow Glen property.

The motion passed by a 4:2 vote. (Commissioners Joseph and Edgerton voted no.)

Ms. Joseph said that the next step would be for staff to draft a resolution of intent for the Commission to act on within the next couple of weeks.

The County took a 5 minute break at 9:47 p.m.

The meeting reconvened at 9:53 a.m.

ZMA-2005-15 Hollymead Town Center – Areas A1 and A2 (Signs #15, 51, 53, 73)
PROPOSAL: Rezone 31 acres from RA - Rural Areas (agricultural, forestal, and fishery uses; residential density (0.5 unit/acre)) to PDMC - Planned District Mixed Commercial (large-scale commercial uses; and residential by special use permit (15 units/ acre)) to allow for 296,000 square feet of office and retail.
PROFFERS: Yes
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Town Center -- Compact, higher density area containing a mixture of businesses, services, public facilities, residential areas and public spaces, attracting activities of all kinds. (6.01-34 dwelling units per acre).
ENTRANCE CORRIDOR: Yes
LOCATION: Tax Map 32, parcels 42A, 42C, a portion of Tax Map 32, parcel 44, a portion of Tax Map 32, parcel 45, and Tax Map 46, parcel 5, located to the south of the southern entrance to the Hollymead Town Center along Route 29 North.
MAGISTERIAL DISTRICT: Rio

The Comprehensive Plan's Town Center designation is accompanied with the "Conceptual Master Plan & Design Guidelines for the Hollymead Town Center".
STAFF: Sean Dougherty

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

J.P. Williamson, of HM Acquisition Group, represented the applicant.

In summary, the Planning Commission held a work session on ZMA-2005 -015, Hollymead Town Center – Areas A1 and A2 to review and provide comment on the resubmittal. (Area A1 was only discussed on how it relates to Area A2.) Mr. Williamson, the applicant, addressed the Commission and clarified that the details identified by staff as needing to be addressed were all improvements to the plan that he was willing to make. He said that these were things they planned to do but thought that it could wait until the site plan. With his willingness to respond to staff's comments, the applicant suggested that the only issue remaining for discussion is Meeting Street.

The Commission took public comment; answered staff's questions outlined in the staff report and scheduled a follow up work session. No formal action was taken by the Planning Commission.

1. ***Question for the Commission: Are staff's comments noted in bold in the Neighborhood Model Analysis relevant and appropriate direction to the applicant?***

The applicant clarified that he was willing to make the changes recommended by staff and would do so before resubmitting.

2. ***Does the application plan reflect the form of development anticipated for this area so that the goals of the Guidelines will be achieved?***

The Planning Commission said that Meeting Street should be redesigned to allow for a more continuous extension of non-residential uses on the first floor level of buildings along Meeting Street. The Commission felt that some residential-only uses may be appropriate along Meeting Street, but that they should be anchored near the linear park and that rest of the first floors along Meeting Street should contain non-residential uses. The applicant's idea of clustering non-residential uses at either ends of the three blocks of Meeting Street between Town Center Drive and Timberwood Boulevard was not supported by the Commission. They felt that continuous commercial frontage should line the first floor level of Meeting Street, with residences above and that buildings and townhouses devoted solely to residential uses should occur on other streets to create a hierarchy.

3. ***Does the application plan reflect the form of development anticipated for this area so that the goals of the Guidelines will be achieved?***

There needs to be some balance on each side of the street. The Planning Commission was not sure what the appropriate number of stories would be. Staff suggested that the Commission's direction would provide enough guidance for staff and the applicant to work on a better approach to height and massing.

4. ***Is the proposed intensity of uses appropriate?***

The proposed intensity of uses is appropriate. The PC did not have any trouble in the increase of nonresidential space, but not to the exclusion of residential. They want the uses to work together in a mixture.

5. ***Is the system of streets and paths sufficient to support the uses proposed?***

The system of streets and paths is sufficient to support the uses proposed. .

6. ***Should the applicant amend an area shown for a transit stop to a safer and more intuitive location and prepare the application plan so the entire proposal is transit-ready in general?***

The applicant needs to show an area for transit and use information from the Place 29 study

7. ***The applicant's approach to interconnections was suitable for the intensity of uses proposed.***

The applicant's approach to interconnections was suitable for the intensity of uses proposed.

ZMA-06-13 & SP-06-36 Hollymead Town Center Area C Amendment (Signs #42, 57)
PROPOSAL: Amend rezoning application plan for Area C, Block 3 to replace 14 townhouses along Lockwood Drive (not yet constructed) with surface parking. The existing zoning, NMD - Neighborhood Model District is not proposed to change. NMD Neighborhood Model District - residential (3 - 34 units/acre) mixed with commercial, service and industrial uses.
PROFFERS: No
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Town Center -- Compact, higher density area containing a mixture of businesses, services, public facilities, residential areas and public spaces, attracting activities of all kinds (6.01-34 dwelling units per acre) in the Hollymead Neighborhood.
ENTRANCE CORRIDOR: No
LOCATION: Along Lockwood Drive south of its intersection with Timberwood Boulevard within the Hollymead Town Center. Lockwood Drive is not constructed. Lockwood Drive forms the eastern edge of Area C, Abington Place.
TAX MAP/PARCEL: Tax Map 32, Parcel 41 D
MAGISTERIAL DISTRICT: Rio
STAFF: Sean Dougherty

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

Katurah Roell representative for the applicant, said that he was present to discuss the concept plan. In order to increase the density associated with the area A-2 application it does provide for greater density. The largest reason for this use and location is the area that was the parking lot in block 3 in the application plan shows basically that in block 3 just to the right of the parking deck was a parking lot. Now it is the 90 unit senior living building for Rosewood Village. Now what was shown as parking is now a building. What was shown as townhouses would provide for a better location for a parking deck.

Ms. Joseph invited public comment.

Ellen Newberry noted that she heard about this meeting this morning from a co-worker who heard it on the radio. She purchased a town house in Hollymead. It has been the worse experience in their life. They were supposed to close a year and a half ago, but nothing has been finished. Their concern was that they found out that there was a proposal to do this. It is very difficult to look at the pictures and actually visualize what is happening. It appears that it is proposed on Lockwood Avenue, which is where their townhouse is. They are the first house on Lockwood in the first 8 row section. Instead of having residential across the street, which was what they were told, now they are proposing this massive parking deck. The street is very tiny. There does not appear to be any room to expand the street. There is barely room enough for 2 cars. She asked how cars would be able to get into the parking deck and how much traffic there would be in front of their house. She asked if they were going to be looking into that factory looking place that was just shown. Now they are talking about building the parking deck higher to block off their mountain view, the sky and everything that they bought the townhouse for. She felt that it was ugly. It is like living across from a factory. She questioned the proposal and felt that it was wrong. This whole section has been sold already. She questioned if the new owners are aware of this proposal. It is misleading to be sold property and then someone sneaks in and does something like this.

Morgan Butler, attorney with Southern Environmental Law Center, said that he had prepared comments for 2 other items this evening at which there was not an opportunity made available for public comment. He did not want to keep the Commission any longer, but a general comment he wanted to make was an

expression of gratitude to the Commission for their public service. As a member of the public he appreciated what the Commission does and really counts on them. He proposed to submit his comments to the Commission in an email format.

Ms. Joseph encouraged Mr. Butler to submit his comments via email. There being no further public comment, the Commission discussed the proposal and answered the questions posed by staff as shown in the following summary.

In summary, the Planning Commission held a work session on ZMA-2006-13 & SP-2006-36, Hollymead Town Center Area C Amendment to review and provide comment on the resubmittal. The Commission received the applicant's presentation, took public comment, answered staff's questions outlined in the staff report and scheduled a follow up work session. No formal action was taken by the Planning Commission.

1. ***Question for the Commission: Is the proposed use appropriate for the site?***

It was the consensus of the Planning Commission that the intent of the original approval would not allow a parking deck where there had been housing planned. When the Commission looked at HTC several years ago they were favorable to parking decks in HTC to avoid a sea of parking, but not in this location. It was the consensus of PC that the proposed parking garage was not an appropriate use on this site, nor was a surface parking lot. They suggested that the applicant work with staff on finding an alternative site. They preferred to have a row of townhouses in this location as originally proposed.

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.

- On December 19 the meeting will begin at 5:15 p.m.
- Staff apologized for the lengthy agenda for next week's meeting.

There being no further new business, the meeting proceeded.

Adjournment:

With no further items, the meeting adjourned at 11:26 p.m. to the Tuesday, December 12, 2006 meeting at 6:00 p.m. at County Office Building, 401 McIntire Road, Auditorium, Charlottesville, Virginia.

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V. Wayne Cilimberg, Secretary

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