Albemarle County Planning Commission
November 27, 2007

The Albemarle County Planning Commission held a meeting, work session and a public hearing on Tuesday, November 27, 2007, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Jon Cannon, Bill Edgerton, Calvin Morris, Vice-Chairman; Marcia Joseph, Chairman; Eric Strucko; Duane Zobrist and Pete Craddock. Mr. Craddock arrived at 6:07 p.m. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was present.

Other officials present were David Benish, Chief of Planning; Elaine Echols, Principal Planner, Judy Wiegand, Senior Planner; Bill Fritz, Chief of Community Development; Rebecca Ragsdale, Senior Planner; Susan Stimart, Business Development Facilitator and Greg Kamptner, Deputy County Attorney

Call to Order and Establish Quorum:

Ms. Joseph called the meeting to order at 6:02 p.m. and established a quorum.

Other Matters Not Listed on the Agenda from the Public:

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

Consent Agenda:

Approval of Minutes: January 23, 2007, August 7, 2007 and August 21, 2007

Motion: Mr. Morris moved, Mr. Strucko seconded for approval of the consent agenda.

The motion passed by a vote of 6:0. (Mr. Craddock was absent.)

Work Sessions.

ZMA2007-00013 Fontaine Research Park
PROPOSAL: Rezone approximately 54 acres from CO Commercial Office - offices, supporting commercial and service uses; and residential use by special use permit (15 units/ acre) to CO Commercial Office - offices, supporting commercial and service uses; and residential use by special use permit (15 units/ acre) to allow for an increase from 565,000 square feet to 1,290,000 square feet of office and supporting commercial space permitted in the research park. Three parking garages are proposed. No residential units are proposed.
PROFFERS: EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Office Service - office uses, regional scale research, limited production and marketing

activities, supporting commercial, lodging and conference facilities, and residential (6.01-34 units/acre).
ENTRANCE CORRIDOR: Yes
LOCATION: Adjacent to the intersection of Ray C. Hunt Drive and Fontaine Avenue in Neighborhood Six.
TAX MAP/PARCEL: TM 76, Parcels B, BW, BX, B1, B2, B3, B4, B5, B6, B7, and B8
MAGISTERIAL DISTRICT: Samuel Miller
(Elaine Echols)

Mr. Strucko disclosed that he was the Chief Financial Officer of the Health Services Foundation, which owns the building and the surrounding parcels and has a financial involvement in this rezoning. Therefore, he disqualified himself and left the room. (See Attached Disclosure Statement)

In summary, the Planning Commission held a work session on ZMA-2007-00013, Fontaine Research Park to familiarize the Commission with the current proposal for an expansion of the Fontaine Research Park and also for the Commission to weigh in on some important issues that relate to this. Staff noted that a recently adopted Comprehensive Plan Amendment has some bearing on this particular project. Staff and the applicant desired Commission "weigh-in" before the applicant proceeds and before staff provides any more advice on this project. Staff presented a power point presentation and discussed the specifics of the proposal. Fred Missel, representative for the applicant, made a presentation, answered questions and explained the proposal. The Commission reviewed and discussed the proposal with staff and the applicant, offered to take public comment, and then responded to the preliminary questions posed by the staff report as follows:

The Planning Commission expressed concerns on the following items:

- The Comprehensive Plan language references the preferred Sunset-Fontaine Avenue Connector alternative from the Area B Study but does not spell out the recommendation as Alternative 4.
- Natural resource conservation,
- The small amount of supporting commercial uses,
- The Sunset Fontaine Avenue Connector Road which is minimally shown
- The off-ramp under consideration and how it relates to the Sunset-Fontaine Avenue Connector Road,
- The need for the Stadium Road Extension and how it relates to the proposal,
- The level of information expected at the rezoning in relation to the amount of information provided with this rezoning
- The need for a comprehensive traffic study for the Commission to review,
- The need for discussions with the Rivanna and Albemarle County Service Authority about capacities for the water and sewer need to occur.
- Widening of Fontaine Avenue
- Input from the City of Charlottesville and VDOT.

- **Should the area currently protected continue to be preserved through this rezoning?**

The Planning Commission agreed that the applicant needs to identify the area that will be disturbed or protected. The applicant needs more information before they can designate it on the plan, but they were willing to do that.

What level of Commercial support use is expected? The current proposal is for 20,000 square feet of supporting commercial use – to be constructed at applicant's option.

The Commission said that support commercial uses are appropriate and asked the applicant to propose a level of commercial use that the Foundation believes can be supported and mechanisms for ensuring that the commercial support uses are actually provided in the park. The Planning Commission generally wanted more commercial space available than is currently being offered by the applicant as support use for the future, but agreed that the applicant would bring back options.

What level of resource protection is expected with the expansion of the Research Park?

The Commission said that the applicant should continue to map the resources on the site and show them in relation to the proposed development and conceptual grading. The Commission said that resource protection should be provided unless the applicant can provide a sufficient reason for the resources to be disturbed. This issue would be revisited after identification of the resources.

What level of support commercial use is expected with the expansion of the Research Park?

The Commission said that greater opportunities for support commercial uses should be made with the rezoning. There was not a consensus on how provision for commercial uses should occur. The Commission asked the applicant to propose a level of commercial use that the Foundation believes can be supported and mechanisms for how those commercial support uses would actually be provided in the park.

When should the Sunset-Fontaine connector be built through this property and what characteristics should it have? How should a possible off-ramp from I-64 affect commitments for the Sunset-Fontaine connector? Should Stadium Road be expanded as a part of this rezoning?

The Commission said that, until the traffic study was done, they could not provide answers to these questions. They acknowledged that, if an off-ramp from I-64 to substitute for the Sunset-Fontaine connector is viewed by the MPO PACC as most advantageous, the Land Use Plan would need to be amended. At present, the off-ramp proposal has no standing, so decisions would need to be made on the Comprehensive Plan recommendations in place at the time of the rezoning.

What level of information is expected at the rezoning vs. the site planning stage?

The Commission indicated that more detailed information was necessary at the rezoning stage than had been provided. The Commission acknowledged the applicant's willingness to provide more information; however, it was agreed that providing information on scale and massing of the structures for preliminary Entrance Corridor review was premature.

The Planning Commission took a 5 minute break at 7:03 p.m.

The meeting reconvened at 7:10 p.m.

Mr. Strucko returned to the meeting at 7:10 p.m.

ZTA-2007-00005 Crozet Downtown
A fourth work session to continue review and discussion of the Crozet Downtown Zoning project, with a focus on regulations for a single Downtown Crozet Zoning District. This included a discussion of regulations the Commission recommended be modified in their last work session (10/30/07): requirement for mixed use, further reduction in parking requirements, and the requirement for an average residential maximum residential unit size. This work session will also focus on implementation of the zoning district and recommendations for boundaries, should the County comprehensively rezone portions of Downtown. (Rebecca Ragsdale)

In summary,
Staff presented a power point presentation including an overview of the suggested modifications to the Downtown district regulations and implementation recommendations for a County initiated comprehensive rezoning of a portion of Downtown to the proposed zoning district. Staff made the following comments:

Regarding the revised table of zoning district regulations, the changes included:

- Further reduction of the minimum number of parking spaces and recommendation that current Zoning Ordinance language (Section 4.12.8.e) be used to regulate parking agreements, rather than the informal arrangement suggested in the consultant's recommendations.
- Additional flexibility, exemptions, and allowances for special use permits in the regulations for mixed use buildings.
- Staff recommended that the 1,000 square feet maximum average residential unit size is the appropriate size requirement to meet the affordability goals of the regulation and provide for a range of unit sizes in Crozet. This is supported by research of multifamily residential unit sizes in the Crozet/Charlottesville area and in consultation are organizations that provide for affordable housing.

Regarding implementation and proposed boundaries of a rezoning to the new zoning district:

- Staff recommended revised boundaries, should the County initiate a comprehensive rezoning in Downtown, for the Commission to begin discussing. The boundaries were reflected on a map, and unlike boundaries put forth by the consultant and Crozet community, did not include the J. Bruce Barnes lumberyard property or half of the block west of Carter Street. This boundary was based on information provided by the consultant, input from the Crozet Community, and the master plan and concentrated around areas of public investment by the County, including the Phase I and II Streetscape projects, library, and stormwater master plan for Downtown. In addition, the boundaries had taken into consideration the underlying zoning of parcels and impacts to adjoining residential areas, some of which are not yet ready to transition to commercial uses. Staff expressed concern's regarding provision of infrastructure, primarily New Main Street and Carter Street, as the reason for not recommending the other areas be included in the possible rezoning boundaries.
- Staff noted that the Fiscal Impact Planner, Steven Allshouse, had just recently done a preliminary assessment of fiscal impacts using the County's CRIM mode on the modified boundaries recommended by staff. That preliminary assessment found that under the proposed new zoning district, there was not a negative fiscal impact over a 20 year period to the County. This assessment was based on several assumptions about potential build-out under the new proposed zoning, including that about 25 percent of the total square footage in downtown would be for residential use and the potential proffers be factored into the model.

- **Commission Discussion & Recommendations**

The Commission discussed the zoning district modifications and boundaries, made comments, and provided feedback and answered the questions posed by staff. Public comment was taken. No formal action was taken with the Planning Commission recommending the following:

Parking-The Planning Commission continued to recommend that the minimum number of parking spaces should be further reduced from the recommendations of the consultant. The Commission indicated that they needed more information behind the recommendation of 1 space/1,000 square feet of net floor area for non-residential uses. The Commission agreed with staff's recommendation that they preferred to use the current Zoning Ordinance regulations of Section 4.12.8.e for parking trading agreements.

Requirement for Mixed Use- The Planning Commission asked staff to pursue other exemptions or incentives for mixed use, such as the tiered approach as suggested by staff but did not recommend that district regulations include requirements that buildings be mixed use, which is defined as two of three uses: office, retail/services, or residential.

Maximum average residential unit size-The Commission recommended that the regulation of a 1,000 sq ft maximum average for residential units not be included in the new zoning district regulations. The Commission requested that staff work on this issue

to provide additional incentives/provisions to assure affordable housing in Downtown Crozet.

Boundaries of Possible Rezoning- The Commission recommended that the Downtown Crozet area should be as large as possible to help ensure the economic viability of Downtown Crozet and indicated a preference for including the additional properties studied and shown on previous consultant and Downtown Crozet Association maps for rezoning.

Other discussion items:

- Buffer and screening regulations for parking areas and against residential uses on the edges of the District should be reviewed to ensure they are adequate, given that no Transition Zoning District is included and that the expanded boundaries were recommended by the Commission.
- It was questioned whether the proposed 10' setback, which was measured from the back of the curb, would present problems particularly if there were road improvements.
- It was questioned if ARB feedback has been solicited. - Staff has met with the design planner, but not the ARB. This would be something that would allow closer setback and would require modifications to ARB guidelines. As suggested by staff, the Commission will set the vision for the area before taking it to the ARB.

The following public comment was taken:

- Ross Stevens, resident of White Hall, said that he had not had the opportunity to look at the packets that were available. He made the following comments:
    - He was concerned with the boundaries since they were trying to create Downtown Crozet so that it could compete with other commercial areas.
    - Regarding the frontage on Carter Street, it is important to have commercial on both sides. He did anticipate Downtown Crozet becoming smaller. There needs to be more space to accomplish the flexibility of developing downtown in a larger space.
    - He did not see the need to change the boundaries of our Comprehensive Land Plan. It appears to be a smaller area with the new recommendations of staff. He did not agree on a transition zone, but a larger Downtown zone. In order for Carter Street to provide for Downtown it is important to keep the Comprehensive Plan. It is important to work with the setbacks, the water drainage, the landscaping and buffers, but not necessarily the boundaries.
    - The Downtown Crozet Association comprises of 75 percent of property owners and business people in Downtown who live, breath and work Downtown and know it very well. He asked that the Commission put more consideration into their recommendations.

- Sandy Wilcox, President of the Downtown Crozet Association (DCA), addressed the following concerns of his group:
    - He was upset with the process tonight. They have been working for months with the consultants in order to understand the proposal. He sees this as a third proposal. None of these items were discussed.
    - The Downtown Association and others do not know where the recommendation regarding Carter Street came from. It is not consistent with anything including the consultant's recommendation.
    - Regarding the lumber yard, the idea was to have everything the same so that there would not be a wildcard out there that they don't know what is going to happen.
    - The regulations were made so to be friendly with employment everywhere in Downtown Crozet. He did not know why that should be eliminated from the process. Since no one had a chance to review tonight's recommendations, it is a blind sided process. It is a heart of distrust because they had been working great together through months of this. It is a third opinion and not consistent with the people who live there.

- Mac Lackerty, a member of the Crozet Community Advisory Committee, said that he was upset with the process. In every meeting he has gone to they have seen a different iteration of the plan. It is imperative that they do something for Crozet. They have already lost two businesses. As a member of the Advisory Committee, he feels that whatever they do has been totally ignored. If they endorse a plan he would expect to at least be given consideration as that plan was endorsed. He felt that they have been blind sided and the process is wrong. It is imperative that they do something now to sustain Downtown Crozet. He is pushed with the desire to get something done to make it easier for people to start a business in Crozet.

- Mike Marshall, Chairman of the Crozet Advisory Council, said that he was surprised to see a new recommendation. He echoed Mr. Lackerty's comments. He did not accept the 1,000 square foot limit on the unit size. The Downtown Crozet Association supported by the Advisory Council saw that there was no need to establish a unit size for downtown. The rational for that limitation was to create affordable housing, which he did not think was the appropriate tool to use to create affordable housing. On the exclusion of the lumber, this is now the 26th meeting that he has attended on downtown zoning and this is the first time that he has heard that there is a conflict about including the lumber yard in the downtown. The owner of the lumber yard has been at many of these meetings and so far that he knows he has never expressed the idea that he saw a conflict with this idea. The recommendation to remove Carter Street taken with the exclusion of the lumber yard shows that what the County is doing is not putting the survivability of Downtown Crozet as the cultural and commercial center of town as the Master Plan envisions it. That is not first. What is first is maintaining the opportunity to extract proffers from future developers. They are not going to get those proffers on the area that is currently zoned commercial. So if they take the areas like west Carter Street and the lumber yard that are not zoned

commercial and pull them out, then that means in the future those properties would have to be rezoned and at that time they would be asked for a proffer. So this is really about generating future income for the County. The more obstacles created for Downtown Crozet the more businesses will be drawn to Route 250. The rationale for mixed use was never explained by the consultant regarding the 7,500 square foot building. The Town wants a single district with a unified set of rules that are relatively simple. They oppose pulling the 28 acre lumber yard site. The County needs to provide an incentive for businesses to locate in Downtown Crozet. It is all about proffers and not about what is good for Downtown Crozet. They support mixed uses, but don't want every property owner to be required to have a mixed use.

- Cliff Fox voiced concerns about the mixed use requirement. There are a lot easier and more general ways to handle the 1,000 square foot requirement. They could put a percentage of affordable housing within the developed residential element of it. If someone was developing four units, then one of them would be affordable. It needs to create flexibility and not strict regulations to allow the area to change organically and more simply. They are getting a lot of little regulations that are going to impede a more flexible form of development. They should try to relax the restrictions in a constructive way so that this is a viable thing that can occur over time. There is a need to allow flexibility and not more restrictions.

- Mary Rice, a member of the Crozet Advisory Committee, encouraged everyone to go out and walk the boundaries of Crozet, particularly on Carter Street. The points being made about Carter's Street are really valid. It is really important that the County create a level playing field for Downtown Crozet. When Old Trail was approved at 250,000 square feet of commercial it really knocked Crozet Downtown area back. They need to do everything that they can to promote flexibility for business owners in Downtown Crozet and property owners. She was not in favor of the mixed use requirement for all of the reasons the people have already indicated here. She was not in favor of the 1,000 square foot minimum for residences. They need a mix of incomes in Downtown Crozet. It is important to create some diversity in Downtown Crozet. If someone wants a 2,000 square foot apartment, she felt that they should have them.

Staff will follow up on how to approach the next steps. Follow up work sessions at which further details will be further discussed will be scheduled in the future. Ultimately, text language will be developed and a public hearing scheduled.

The Planning Commission took a 5 minute break at 8:49 p.m.

The meeting reconvened at 8:58 p.m.

<u>Places 29, Chapter 5</u>

Staff will lead a discussion of the Places29 Future Land Use Framework Map, Neighborhoods 1 and 2. Staff will explain several needed changes and ask for the Commission's advice on other possible changes. (Judy Wiegand)

In summary, a work session was held on Places29 Draft Master Plan – Future Land Use Framework Map, Neighborhoods 1 and 2. In a power point presentation, staff reviewed the following:

1. Reviewed the changes staff proposes for this map since the Commission's first review of it, including a discussion of land use designation definitions.
2. Go over the map in detail with the Commission to give members the opportunity to suggest other revisions.
3. Address any additional comments and questions from the Commission.

Ms. Wiegand and Mr. Benish reviewed numbers 1 and 2, which was an introduction.

1. Purpose: to discuss staff's thoughts about the Future Land Use map before staff sends all the changes back to the consultants. This is the same map that staff presented during the workshops and no changes have been made yet. Staff will go through the same process for Hollymead and Piney Mountain on December 18.
2. Orientation: as always, north is to the right, the South Fork of the Rivanna River is…, City of Charlottesville…, US 29…., Rio Road….

The Commission agreed to spend 15 minutes on this item. After the introduction by staff, the Commission reviewed and agreed with staff on numbers 3, 4, 5, and 14. The others will be reviewed on December 18.

The Planning Commission will pick up the remaining items on December 18 at a work session. Starting the work session earlier at 4:00 p.m. was discussed by the Commission. The Commission asked staff to discuss this issue with Mr. Cilimberg due to potential conflicts.

Old Business

Ms. Joseph asked if there was any old business. There being none, the meeting proceeded.

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New Business

Ms Joseph asked if there was any new business.

- The staff report for the Six Year Secondary Road Plan for next week was passed out tonight and was on top of their packets.

- Ms. Joseph asked staff to provide maps so they know where these roads are located.

With no further items, the meeting adjourned at 9:23 p.m. to the Tuesday, October 23, 2007 meeting at 6:00 p.m. at the County Office Building, Second Floor, Auditorium, 401 McIntire Road, Charlottesville, Virginia.

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V. Wayne Cilimberg, Secretary

(Recorded and transcribed by Sharon C. Taylor, Clerk to Planning Commission & Planning Boards)