**Albemarle County Planning Commission**
**June 17, 2014**

The Albemarle County Planning Commission held a regular meeting on Tuesday, June 17, 2014, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Cal Morris, Chair; Karen Firehock, Richard Randolph, Thomas Loach, Tim Keller and Mac Lafferty, Vice Chair. Bruce Dotson was absent. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was present.

Other officials present were Megan Yaniglos, Senior Planner; Claudette Grant, Senior Planner; Glenn Brooks, County Engineer; David Benish, Chief of Planning; Wayne Cilimberg, Director of Planning; Sharon Taylor, Clerk to Planning Commission and Greg Kamptner, Deputy County Attorney.

**Call to Order and Establish Quorum:**

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

**Other Matters Not Listed on the Agenda from the Public:**

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

**Review of Board of Supervisors Meeting – June 4, 2014 & June 11, 2014**

Mr. Cilimberg reviewed the actions taken on June 4, 2014 and June 11, 2014 by the Board of Supervisors.

**Public Hearing Items**

**ZMA-2013-00016 Avinity II**
MAGISTERIAL DISTRICT: Scottsville
TAX MAP/PARCELS: 091000000016A0, 091000000016C0, 091000000016E0, 09100000001400(portion)
LOCATION: 2085 Avinity Loop which intersects Route 742 Avon Street Extended; Rezoning also includes properties adjacent to Route 20 Scottsville Road
PROPOSAL: Rezone TMP 91-16A, 91-16C, and 91-16E, a total of 11.886 acres, from R1 Residential zoning district which allows residential density (1 unit/acre) to Planned Residential District (PRD) which allows residential (3-34 units/acre) with limited commercial uses. Also, request to amend the section of the application plan for Avinity I Phase IV from approved ZMA-2006-005 zoned PRD. 102 maximum residential units proposed including townhouses, attached and detached single family. Avinity I Phase IV portion is proposed to be amended to replace 24-unit condominium building with eight townhouses.

ENTRANCE CORRIDOR: Yes
PROFFERS: YES
COMPREHENSIVE PLAN: Urban Density Residential (6.01-34 units/acre) and supporting uses such as religious institutions, schools, commercial, office and service uses in Neighborhood 4.
(Megan Yaniglos)

Mr. Morris noted the applicant has requested deferral of ZMA-2013-00016, Avinity II to August 19, 2014. However, because it was advertised staff is ready to answer any questions and the Commission would like to hear from anyone from the public who has come out tonight to listen to this. Mr. Morris opened the public hearing and invited public comment. There being no public comment, the public hearing was closed and the matter before the Planning Commission.

**Motion**: Mr. Randolph moved and Mr. Lafferty seconded for deferral of ZMA-2013-00016 Avinity II to August 19, 2014 as requested by the applicant.

The motion passed by a vote of 6:0. (Dotson absent)

Mr. Morris said ZMA-2013-000016 Avinity II was deferred to August 19, 2014 as requested by the applicant.

**ZMA-2010-00018 Crozet Square**
MAGISTERIAL DISTRICT: White Hall Magisterial District
TAX MAP/PARCELS: 056A2010007100, 056A20100071B0, 056A2010002500, and 056A2010002600
LOCATION: 5707 Three Notch'd Road, 5755 The Square, and property adjacent and south of CSX Railroad (approximately 1,000 east from the intersection of Crozet Ave. and the railroad track.
PROPOSAL: Rezone 20.46 acre parcel(s) from HI Heavy Industrial (industrial and commercial, no residential use) and C-1 Commercial (retail sales and service; residential by special use permit (15 units/acre) to DCD Downtown Crozet District (office, retail, service, civic, residential if mixed use (up to 36 units/acre), light industrial) to allow a mixed use development, up to 200 residential units for a density of 9.77 dwelling units per acre. This is concurrent with special use permit application SP-2014-00001.
ENTRANCE CORRIDOR: Yes
PROFFERS: Yes
COMPREHENSIVE PLAN LAND USE/DENSITY: Mixed Office/Research & Development/Flex and Commercial which allows a mix of employment, retail, service uses with light industrial and residential uses (up to 36 du/acre) as secondary uses and Downtown which allows commercial, employment, office, institutional, office, research and development, and residential uses (up to 36 du/ac) in the Crozet Community.
(Claudette Grant)

**AND**

**SP-2014-00001 Barnes Lumber**
MAGISTERIAL DISTRICT: White Hall Magisterial District
TAX MAP/PARCEL: 056A2010007100, 056A20100071B0, 056A2010002500, and 056A2010002600
LOCATION: 5707 Three Notch'd Road, 5755 The Square, and property adjacent and south of CSX Railroad (approximately 1,000 east from the intersection of Crozet Ave. and the railroad track)
PROPOSAL: To allow up to 200 residential units of any authorized dwelling type in the DCD district on 20.46 acres with a density of up to 9.77 units per acre under Section(s) 20B.2F 1, 2, 4, and 5 of Zoning Ordinance. This is concurrent with rezoning application ZMA-2010-00018.
ZONING: Heavy Industrial (HI) – which allows industrial and commercial uses (no residential use) and C-1 Commercial (retail sales and service; residential by special use permit 15 units/acre)
ENTRANCE CORRIDOR: Yes
COMPREHENSIVE PLAN: Mixed Office/Research & Development/Flex and Commercial which allows a mix of employment, retail, service uses with light industrial and residential uses (up to 36 du/acre) as secondary uses and Downtown which allows commercial, employment, office, institutional, office, research and development, and residential uses (up to 36 du/ac) in the Crozet Community.
(Claudette Grant)

Ms. Grant summarized the staff report for ZMA-2010-00018 Crozet Square and SP-2014-00001 Barnes Lumber in a PowerPoint presentation.

The applicant is requesting to rezone 20.46 acres from HI, Heavy Industrial and C-1 Commercial to Downtown Crozet District (DCD) to allow a mixed use development with up to 200 residential units. A special use permit is also requested to allow residential uses without the restriction on first floor uses for non-residential uses.

Staff reviewed the proposed application plan as shown in the presentation, noting the following:

- Blocks 1, 2, 3 designated for commercial uses
- Blocks 4 , 5 for residential and mixed used
- Blocks 6, 7, 8 designated residential and mixed uses
- Green area is green space. It is also an area that includes stream and stream buffer.

**Factors Favorable**:

- The Special Use Permit would allow for a transition of similar type/character of residential uses to those in the adjacent existing neighborhoods to the south and east of site.
- The basic form of development as controlled by the requested Downtown Crozet District (DCD) zoning district regulations is consistent with the land use recommendations in the Comprehensive Plan and Crozet Master Plan.
- Will provide employment opportunities and tax revenues to the County.

- This proposal continues the construction of Library Avenue as recommended in the Crozet Master Plan (CMP).

**Factors Unfavorable**:

- The Special Use Permit (SP) proposal is not consistent with the evaluation factors that this type of SP requires and is inconsistent with the recommendations of the Crozet Master Plan.
- The proposed upper limits of residential development would not make the residential use a secondary use as recommended in the Crozet Master Plan (CMP).
- A more significant commitment to providing office/R&D/flex uses/employment should be provided as recommended in the Crozet Master Plan (CMP).
- An assessment of the stream and stream buffers needs to be completed to determine if the area will be disturbed by the proposed development, therefore, requiring mitigation.
- The traffic study identifies impacts to intersections on Crozet Avenue that will be difficult to address, according to VDOT.
- Cash proffer amount is not consistent with the County's cash proffer policy if the Special Use Permit is approved permitting residential uses not associated with a mixed use building. As a result the impacts are not being addressed.
- The proffers are in need of substantive and technical revisions.

**Staff Recommendation**:
Staff does not recommend approval of ZMA-2010-00018, Crozet Square and SP-2014-00001, Barnes Lumber Redevelopment because of the various unfavorable factors just mentioned.

If there is a desire to approve ZMA-2010-00018 only, there will need to be a deferral to allow the proposal to be modified accordingly.

Mr. Morris invited questions for staff.

Mr. Lafferty asked if the two requests are to be considered together.

Ms. Grant replied yes, the two requests are to be considered together with separate motions.

Mr. Lafferty asked how the two requests are tied together.

Mr. Benish pointed out the special use permit allows for a form of development that is being proposed in the rezoning that would allow for the residential to be on the first floor.

Mr. Lafferty asked if it would be possible to rezone but not issue the special use permit, and Mr. Benish replied yes, that was correct.

Mr. Randolph noted on page 25 of the Crozet Master Plan dated October 21, 2010 the first bullet point directs new commercial employment growth to Downtown. He asked if it is still an operational master plan.

Ms. Grant replied yes.

Mr. Randolph noted the third bullet says, "Include a mixture of office research and development, R&D flex uses, retail and service uses and redevelopment of the lumber yard property. Residential and light industrial uses are secondary uses for this area." He asked if that bullet is also applicable.

Ms. Grant replied yes, that is correct.

Mr. Randolph noted bullet point 7 on page 26 says, "Create a Downtown Community green." He asked if that bullet point is still relevant.

Ms. Grant replied yes, that is correct.

Mr. Loach asked staff to define what the plan allows as far as residential development, if any, along the buffer areas of Hilltop and Parkside Village, as well as what the plan allows without the proposal.

Ms. Grant replied the property is zoned Heavy Industrial and residential is not allowed in Heavy Industrial Districts. She pointed out the property is not zoned Downtown Crozet District (DCD).

Mr. Loach noted the Downtown Crozet District (DCD) is commercial with residential above. He asked if there is any facility strictly for a commercial building or is that a separate entity that would require another type of special use permit.

Ms. Grant replied that she did not think there is.

Mr. Benish pointed out it must be a mixed use building.

Mr. Loach asked if it would then require another special use permit, and Ms. Grant replied yes it could.

Mr. Loach asked if green space could be included in a development plan to buffer the areas on Hilltop and Parkside Village, and Ms. Grant replied yes.

Mr. Loach asked if they could also put a building with relegated parking in back to add buffer space if they wanted to.

Ms. Grant replied yes, she believed the Crozet Master Plan does speaks to the possibilities of making a transitional area with residential in those particular areas he mentioned.

Mr. Loach asked what the zoning text amendment that was passed would allow.

Ms. Grant replied the zoning text amendment allows with a special use permit for the residential use in the mixed use building on the first floor. The Downtown Crozet District (DCD) only allows a nonresidential use on the first floor of a building with residential above.

Mr. Loach asked if the zoning text amendment also allows residential townhouses that would add more flexibility to that area, and Ms. Grant replied yes.

Mr. Benish pointed out they can't have a commercial building without residential.

Mr. Morris invited further questions. There being no further questions, the public hearing was opened to the applicant and public for comment. He invited the applicant to address the Commission.

Frank Stoner, Albemarle County resident of 240 Chestnut Oak Lane and representative for Milestone Partners with regards to the Barnes Lumber redevelopment, presented a PowerPoint presentation entitled Barnes Lumber Site - Industrial Mill to Town Center Rezoning & SUP. He introduced the other members of his team, as follows.

- Development Management: Milestone Partners
- Urban Planning/ LA: Nelson Byrd Woltz
- Engineering: Timmons Group (Craig Kotarski)
- Transportation Planning: EPR (Bill Wrench)
- Legal: Williams Mullen (Valerie Long)
- Retail/Office Consulting: CBRE
- Architectural Rendering: Orban Design

He noted both CBRE and Urban Design have consulted with them in evaluating the commercial as well as creating the massing studies.

Just as a recap, the existing zoning is Heavy Industrial. In 1996 a number of Heavy Industrial uses were proffered away on this property. What is left is what they see on the list, as follows:

- Fire and rescue squad stations.
- Manufacture of building components.
- Sawmills, planing mills, wood preserving operations and woodyards.
- Warehousing facilities
- Electric, Gas, Oil and Communication facilities
- Public uses and buildings

The concerns they have heard voiced have to do primarily with the residential component in that it is not consistent with the Crozet Master Plan and there is not going to be enough commercial space for Downtown for office, research and flex. They will address that, the phasing, traffic and parking to some degree. Given the time restraints he will probably not have time to get to the parking. In addition, the issue about not

enough detail they would like to see more about what the Commission's vision is and green space concerns, etc. Then they will talk briefly about the proffers.

First, he would touch on the 2007 Master Plan. With all the talk about what the Master Plan calls for he thought it would be instructive to go and look at the document leading up to the Master Plan. In 2007, CP&D made a recommendation with regard to this particular area. He pointed out the existing recommended core and edge. The east end of the property is called a recommended edge zone, which essentially was a transitional zone that would serve as something of a buffer from the core commercial uses that were intended in the DCD core and the residential uses that pre-existed this Master Plan.

Mr. Stoner explained that the DCD map in the Crozet Master Plan document shows several things that are instructive. The total DCD area is almost 60 acres. Our property is about 31 percent of that, which means there are 42 acres of property left that are not part of the Barnes property. There are a couple of things worth noting. If they look at the white circle that surrounds the DCD, that is what's generally considered a walkable zone. It is about a quarter mile. Within that walkable zone today there are about 86 residential homes supporting whatever the uses are in Downtown. Unfortunately, most of those homes don't have pedestrian facilities with them since they were built in a time when sidewalks were not necessarily required. Some people walk in the street. However, most people end up having to get into their cars.

The quarter mile range ends at blocks 6 and 7. The larger context map shows how our development fits into the larger land use patterns in Downtown Crozet. Most notably if they look at the Downtown area and the areas in the core of the DCD what they find is that today there are 13 undeveloped parcels in the Downtown core area. There are another 33 parcels that he thinks everybody could agree are under development. So there is tremendous development potential within Downtown. One of the challenges they have on this property in particular is they have a dead end street on the east end. There is no time table for connection of that street ultimately to Western Ridge, which creates some significant challenges as they contemplate commercial uses on the property. The further they get down that road the less and less viable commercial becomes since nobody wants to locate their business at the end of a dead end street.

Regarding the Land Use Map submitted the county staff specifically recommended the applicant not provide a lot of detail with this because those zoning details are contained in the DCD zoning code, which they will be subject to if this rezoning were passed. This area shows several things:

- The yellow area, which he thinks people focus on, is the residential. To be clear that area does not mean it is all residential. It simply means they have the right to build a residential unit without a ground floor commercial use. They also have the right to build commercial uses. In the massing plan they will actually see that one of the buildings they have in that district is a commercial office building because they think that is more realistic.

- The purple zones essentially mean that at least 51 percent of the buildings in that particular zone must have a commercial use on the first floor. The balance of those buildings could be high density residential. Although, he would note the light purple area is the CSX property, which likely will be deed restricted that only commercial uses can exist on that property. So in perpetuity our expectation is that this will be an opportunity for commercial development, and perhaps commercial development that can utilize rail.

So what does all that look like? This is about 240,000 square feet if they build everything to two stories, which is what the Downtown Crozet District requires. They could build as much as four stories in this same district. The colors in the plan represent different phases of development. He would show them an animation of that. The lower density residential structures are contemplated around the fringe areas; in particular he thinks it is important at Parkside Village since they back up to those residential units. If they wanted to approach the higher level of density that they show on the chart, which is a square footage density chart by block, it shows how much commercial and residential they would be able to build under our proposed plan and under a maximum/minimum scenario. What they see is under a minimum scenario and they would have to build at least 103,000 square feet of commercial. If they wanted to build out to the max using our existing footprints they could build 482,000 square feet. They think it is likely that it will be somewhere in the middle around 220,000 to 250,000 square feet. What they are showing on the plan are about 65 residential units. What they have asked for is a proffered cap of 200,000 square feet. In order to get them from 65 to 200 obviously those units would have to go from being single-family detached units to multi-family apartments or condominiums. If they look at the areas in yellow they only have a little over 7.3 acres in that zone. There is not a lot of space to build single-family detached. Of the 65 units they are showing less than 26 are single-family detached.

The Milestone Plan for Residential provides:

- Achieves a logical transition from commercial to the residential that they think is important and was envisioned when the master plan was conceived.
- Provides essential residential buffer areas near existing residential and a variety of housing options walkable and bikable to downtown.
- Provides adaptable first floors in blocks 4 & 5 to meet potential future commercial demand.
- Provides for affordable housing in a variety of forms.

One of the problems with the existing DCD Code is there is only one option, which is apartments above commercial.

The Milestone Plan for Commercial:

- Immediate focus on building the plaza and achieving critical mass around the plaza to create an appealing destination for business and retail.
- Up to 480,000 square feet of commercial space can be accommodated on the Barnes site. However, 200,000 to 250,000 square feet seems more realistic. The rest of the district can accommodate over 1,000,000 square feet with parking. To

put it in perspective, a total building square footage on the Downtown Mall, being the 19 blocks that make up Downtown Charlottesville, is about 1.4 million square feet. That is about the total amount of square footage they could build when combined with the rest of the DCD District in Downtown Crozet. There is an enormous amount of area available.

To touch on transportation Mr. Stoner noted a connection to 240 is critical for the commercial viability of anything they put on the property or that goes on subsequently. He reviewed some brief images of what they think the extension of Downtown Crozet could look like, which is representative of the variety of architecture that they have envisioned. Again, the new town architectural precedence is for streets. It shows what the plaza could look and feel like and the way they would like to integrate the materials in the pedestrian areas with the vehicular travelways and some residential design precedent images that they think are appropriate. He would not touch on the proffers right now, but maybe they would have the opportunity to do that later.

Mr. Morris invited further questions for the applicant.

Ms. Firehock said she knew he did not have time to touch on the proffers and she had some questions. On proffer #4, which is green space and civic space, it talks about a minimum of 15% that will either be green space, open space, civic space, plaza space, etc. She asked if it would be possible the way the proffer was written for all of it to be plaza space. She was concerned that the idea of open space becomes primarily hardscape except for perhaps whatever is protected by the stream. She did not want this Downtown to become so over urban that you don't really know you are in Albemarle County anymore.

Mr. Stoner replied there are lots of opportunities for green spaces within the urban fabric of Downtown that could also be utilized as stormwater facilities. He thinks Thomas Woltz, who he hopes will be here, is going to be able to touch on that in more detail of what they envision. Those areas have not been planned obviously. They are not proffering particular locations for green space in that Downtown urban area. There is a park space next to the property, which was owned by Carroll Conley. Mr. Stoner would like to attach it to the Downtown Plaza, and Mr. Connelly seems interested in working with him to do that. That would be real green space not hardscape. Of course, there is a large protected area down at the east end of the property in the stormwater buffer area or watershed protection area that can be integrated with a pedestrian travel way that would really go all the way to Claudius Crozet Park. It also goes through open space at Parkside Village. He thinks there are a number of opportunities. They have not explored them all because that is really a design issue, and per staff's recommendation they said let's just stick with the land use. Just so they are not confused by the proffer, when they say 5 percent they don't mean 5 percent of the 15 percent, but that essentially one-third of the open space would be outside of the protected watershed area.

Mr. Randolph noted he had two questions. He asked why an assessment of the stream and the stream buffer was not provided to address the impact of the proposed development.

Mr. Stoner replied because it was already a protected area and they don't have a plan that clearly identified what those impacts will be it is pretty hard to do an assessment. What county staff said is they will need to do an assessment obviously at the time they get to design and understand what all the water protection strategies are and where they are going to be located by phase. Because it is a phased project they would address that in detail at that time. Again, Mr. Woltz may have some ideas or more specific responses if they are looking for specific mitigation strategies if that is what is at issue.

Mr. Randolph asked if he is referring to the site plan review, and Mr. Stoner replied yes it would be at the site plan review.

Mr. Randolph suggested that might be a little late. Given the fact this was a lumber yard for many years and that creosote was commonly used in lumber for treating it before putting it into the ground, he asked what their plan on this site is in terms of disposal of soil and substructure as they go into the site. Are they planning to burn it or landfill it? What is the approach?

Mr. Stoner replied they had a Phase 2 study done on the property and no creosote contamination appears in the Phase 2 report. There is some petroleum contaminated soils as a result of two underground storage tanks. That contamination appears to be fairly localized. Any soil that comes out of there would need to be bio remediated in Richmond most likely where that stuff gets hauled. If other compounds were found, obviously, they would need to address those. However, at this point there does not seem to be any indication that creosote or other toxic chemicals are a problem.

Mr. Lafferty asked how long they have known that staff considered it a problem about not having the information about the stream buffer.

Mr. Stoner replied our engineers talked to the county engineer several times. He suggested Craig Kotarski can speak to that. However, he was not aware that there was a particular problem with the buffer. He thinks there is an expectation that an assessment will need to be done at the point they add more design criteria. However, in his conversation with the county engineer it was kind of an acknowledgement they will need to deal with it. They provided a document as requested which identified the strategies they would utilize to address it, and that satisfied Mr. Brooks. Therefore, he was not sure what else they should have provided. However, if there is something they missed he certainly hopes staff will let us know.

At Mr. Lafferty's request, Mr. Morris invited the applicant's engineer to come forward.

Craig Kotarski, with Timmons Group, said the main issue with the stream buffer is they can't build a pond in the stream buffer and they have to stay out of the stream buffer

once its location is determined on an actual surveyed plan. Their intent is to hold the development to that. However, at this time they are only looking at the uses.

Mr. Lafferty said they are required to stay 100' out of the stream buffer.

Mr. Kotarski agreed that was correct. However, there is a regulation in the ordinance that they can go a certain distance into it. It is just that they don't have the information to know exactly where that is on the plan right now. However, for what they are trying to display with the rezoning application it does not seem that it is necessary to get to that level of detail at this time.

Mr. Monteith noted she would just state that on an application they would usually see those buffers in the same way they would see critical slope buffers. She thinks part of what he is hearing is a concern they are not seeing those buffers on this plan. Therefore, it is a little bit unclear.

Mr. Kotarski pointed out the buffer is shown on the plan. The concern has always been that county's engineering staff does not believe the buffer shown, which is pulled from county's GIS information, is detailed and shown as it is. It should be shown as a dashed line.

Mr. Stoner pointed out on the application plan the buffer area is shown in green. While it is not specifically identified in the land use plan as a buffer that request could certainly be shown. There was no conscious effort to deceive anybody since it was always designated.

Ms. Monteith noted she was just stating why he is getting questions.

Mr. Lafferty said he was concerned since it has been listed in the reasons for denial and it had not been addressed.

Ms. Monteith pointed out what is shown in the green in the legend is green space and not stream buffer.

Mr. Benish explained the county engineer's concern relates to how stormwater detention is going to be accommodated in relation to the stream buffer. It was identified as one of the desires of the county engineer to have more information at this earlier state. However, it can be addressed at a later stage.

Mr. Stoner pointed out they did provide a storm water narrative as well as examples of storm water mitigation measures they plan to use. That was provided to both Ms. Grant and the county engineer, which was acceptable to Mr. Brooks. If there was more required, he was not aware of it.

Ms. Firehock said in regards to the topic of wastewater Mr. Stoner wrote in a memo dated May 5th that he was sort of objecting to this notion of cash proffers. It says the ACSA and RWSA are unable to provide waste water capacity certification for a 10-year

build out of the project. Wastewater capacity certification will occur during the final site plan stage. She asked is it a concern at all that it seems that wastewater capacity is inadequate.

Mr. Stoner replied that it is a concern given that it is a designated and high priority growth area. They were asked if they would contribute to that and their response was they pay $20,000 per tap fee. He thinks the expectation in tap fees is that the long term capital improvements budget is accommodated within that structure. Therefore, they did not feel it was fair for them to seek additional proffers to pay for inadequate water and sewer supply in the region. He thinks they have a plan and are in the process of implementing the plan. They hired a consultant this summer to do it and they will identify exactly what capacity they do have. Obviously, if there is no capacity there nobody is doing much in Crozet until that changes. So it is a concern, but they probably have another 24 months of plan review before the first building goes down.

Ms. Firehock asked if he was saying the fee that they have to pay to tap in is going to cover most of those costs anyway, which was the usual process.

Mr. Stoner pointed out it was the Service Authority's capital budget that contemplates that. When they set the tap fee rates it is contemplated to cover future capital costs.

Mr. Loach said the photos Mr. Stoner showed represent the current plan for Downtown Crozet under the Downtown Master Plan. In response to the editorial to The Gazette Mr. Stoner wrote, "One challenge addressed in our application is that the DCD Code as currently written prohibits any residential use on the first floor anywhere in the Downtown District. While well intended the effect of this mandate are damaging in several ways. First, they limit the residential options in Downtown to upper level apartments and condominiums and residents deserve more choices." He then goes on in the letter to say, "Crozet needs more people living Downtown. Unfortunately, most of the people don't want to live in apartments above retail so they will need other options." Yet the pictures he has shown the Commission are essentially what is in the plan now. He asked what data he has to support that people don't want to live in apartments above retail.

Mr. Stoner replied if they looked at development patterns within Crozet or Charlottesville they would find roughly statistically 25 percent of the population growth is willing or interested in living in a multi-family unit. The other 75 percent wants another option. That is borne out by growth data over a long period of time locally, regionally and in comparable markets on a national basis.

Mr. Lafferty pointed out downtown Charlottesville would be a perfect example of having a commercial enterprise with residential above and that seems to be selling very well.

Mr. Stoner agreed, but noted if you go one of two blocks off the downtown mall you find single family homes as well.

Mr. Loach pointed out if they wanted to look locally where there are apartments over retail that is rented they could look at Old Trail, which was three stories up.

Mr. Stoner replied they would have the same pattern. What is shown in the pictures is really Main Street and he thought it was important to distinguish Main Street from the district as a whole. The pattern on Main Street is absolutely commercial and very much retail. However, the further you get away from that the less appropriate it is. He thinks they will find that in almost every small or large town.

Mr. Lafferty said the question is why shouldn't that be carried out with the same type of elements of the form as noted in the plan and be carried out all the way through the development itself.

Mr. Stoner replied it was because the whole development was not on Main Street.

Mr. Lafferty said what he was saying was the form could be developed within the entire 20 acres with the exception of the buffering of the residential along Hilltop. Why should they go with such a radical departure since his plan is 39 percent residential? He is also asking for a special use permit to get away from building the commercial on the bottom. It is a major departure from the plan and he is asking that they should consider such a change.

Mr. Stoner replied the existing DCD Code is six years old; the master plan is now ten years old; and not a single project has been built in Downtown Crozet. The one project that has tried to get off the ground in the last couple of years can't find tenants.

Mr. Loach noted they have also been through a major recession.

Mr. Stoner pointed out 2004 was not a major recession and the Master Plan was in place and nothing happened in Downtown. Lots of things have happened in Old Trail and in Downtown Charlottesville, but nothing has happened in Downtown Crozet. At some point you have to ask the question what is keeping things from happening in Downtown Crozet and why can't they get any momentum. Their answer is they need options and flexibility. The current model has no flexibility.

Mr. Loach noted his point would be that one thing Crozet has as far as options in homes is they have plenty of options, but the one option they don't have is apartments.

Mr. Stoner noted they don't have townhouses.

Mr. Loach said he thinks that is what that language in our plan was meant to address. In the same letter Mr. Stoner goes on to say Crozet needs more people living Downtown, yet the plan contains single-family houses. He pointed out an attached product would provide more density.

Mr. Stoner replied certainly they could build an attached product up against single-family detached residential. In the area against Parkside Village in particular he thinks it

would be more appropriate for single-family detached. However, if they want to get the density levels up closer to 200 obviously single-family detached will not be an option. He thinks a lot will be dictated by the market. From a financial perspective as developers single-family detached is the least profitable form of residential development. So they are not doing it because it is the money maker, but they are doing it because they think a buffer is needed. If they determine they don't need a single-family detached buffer those could be townhouses or maybe even multi-family units. They are completely open to that. However, they are just saying the market needs to dictate some of that and they want to provide options. They think this plan provides at least some options for people who don't want what is currently enabled by right that is only an apartment above a store or an office.

Mr. Loach continued that in the letter Mr. Stoner also says the terms of the special use permit would require the first floors to be adaptable for commercial uses in the future. Yet at the meeting last night Ms. Stimart made a comment that in development what they should be doing is developing the commercial first and then residential later mainly because the commercial is there and then people don't object to it. He has a problem with the special use permit as it says to go to commercial in the future because he thinks it would be difficult if not impossible to implement that when they have residences above it or near it and the people are not going to want commercial. He thinks Ms. Stimart made a good point.

Mr. Stoner responded that Ms. Stimart's statement was aimed primarily at light industrial uses, which tend to be less attractive to adjoining residential neighborhoods. He thinks she made that point at the end of the meeting last night.

Mr. Loach said he thinks it would be problematic. Again, going further Mr. Stoner says accessing parking and retail economics are among the challenges that must be addressed in order for the Downtown to be a success and that no developer can address these problems alone. In essence, isn't he saying that he does not have a problem with the parking issues? He noted one solution put forward is to have the county build a parking garage.

Mr. Stoner noted if the county wants to see the compact urban development form that the DCD has contemplated the current parking requirements in the DCD won't be adequate to achieve that. They will need four or five times the amount of parking that is currently required by right. Therefore, his plan has more than the required parking for Downtown. Unfortunately, it does not have enough parking to accommodate the real parking demand. Therein lays the challenge. He had a slide which showed how much parking was needed in just the first couple of phases. The drawing shows how much parking would be needed just to get to a 3 to 1 parking ratio, which is well below the County's 5 to1 for a commercial office and way below the County's 13 to 1 ratio for restaurant use. Essentially 5 aces of the property at the east end would have to be set aside just for parking to support the other commercial uses at the other end. All they have suggested is all the DCD properties will have the same issue if, in fact, Crozet wants to grow. Ultimately they will face the same challenge that Downtown Charlottesville did. The city chose to adopt a plan whereby they set up a parking

authority, which became charged with constructing these garages. Some public funds and some private funds are used. However, it helps bridge the gap and helps the county achieve the form of development they want.

Mr. Loach noted there is no commitment on the part of the county to that, and Mr. Stoner agreed.

Mr. Loach said he went on to say access is fairly constrained and 240 is a primary commercial corridor in Downtown. They would like to help fix that problem with a connection under the tracks at the east end of the Barnes site and be part of the study of feasibility. He asked if this is something they do are they willing to pay for it.

Mr. Stoner replied they would certainly be willing to contribute to it. His guess is the cost of making that connection will be well over a million dollars. He thinks there is no way the property alone could bear that cost nor would the benefit accrue just to this project. It would apply to the entire Downtown District. He is willing to pay for a share of that cost but, one, they don't know if it is feasible; two, they don't have any idea what it is going to cost. Therefore, it seemed premature to start committing specific dollar amounts or percentages. However, he is committed to the concept.

Mr. Morris clarified that it was in the staff report that he has committed to 15 percent affordable housing. He asked if that is correct.

Mr. Stoner replied that was correct.

Mr. Morris asked as he envisioned it right now do you see that as actual housing or cash in lieu of the housing.

Mr. Stoner replied they consider that as housing with probably a mix of housing types. Obviously, the majority of that would probably be in a multi-family form of some kind just because the economics of affordable housing have gotten so challenging. They also have some mandated affordable units in the early phases of the project as well. Those would most likely be townhouses and not multi-family.

There being no further questions, Mr. Morris invited public comment.

Jennie Moore, resident of 1201 Blue Ridge Avenue in Crozet, said she felt strongly that the applicant's request for both the rezoning and the special use permit should be denied at this time. She believed in Crozet and in the future of Crozet and wants more than anything to see a plan that will ultimately create a more vibrant and active downtown area. This property is key in making this happen and the current plan is insufficient at this time. There is a lack of focus on job creation and commercial development. She has heard Mr. Stoner speak about the challenges of this type of development and his plan reflects a lack of commitment to commercial development. She did not think the property should be rezoned until a plan can be submitted that shows more of a commercial focus. To allow the applicant to move forward with a residential development that is intended to be a buffer and is looking more like another

neighborhood would be doing a disservice to the property and community. She feels this process is being rushed and they are being offered the most basic plan. She thinks "we" as Crozet deserve a better plan. Having a better plan and letting our master plan work for us is essential in having success for Downtown Crozet.

Tim Tolson, Crozet resident, supported staff's recommendation for denial because the plan is not right yet. He worked on the master plan for Downtown Crozet. They saw development not happening and felt they needed a town form for the county that works with town growth and the same with parking. He shares the concerns of staff and the Crozet Community Advisory Council that this plan is not quite right yet. It is on the way and has great potential, but it is too early to approve it because it needs more work to get it right. This is our one chance because once approved it is hard to come back and make changes to forms or concepts of the plan. He asked the Commission to support staff's recommendation to not approve it at this point.

David Stoner, resident of 6858 Rockfish Turnpike, said he was a member of the Crozet Community Advisory Committee and speaking on their behalf. He submitted for the record written comments with a resolution from the Council that previously was provided to the Planning Commission. Due to time restraints he would not read the resolution. It referenced the CCAC is in agreement with the staff report and its findings and recommendations. As such the CCAC requests that the Planning Commission not approve the rezoning and special use permit applications in their current forms. However, the CCAC is very supportive of this type of a mixed use redevelopment for the Barnes Lumber property and encourages the applicant to address the stated concerns and amend the application in the hopes this type redevelopment may proceed successfully. The committee is particularly concerned with a number of issues, which largely mirror the staff comments with a few additional ones. A stronger commitment should be made towards the phasing of commercial retail development early in the overall development plan, and more detail and commitment should be provided to the nature of form and character of the public and green space both throughout the development, but particularly in the plaza area in the commercial and retail heart of the new district. Generally, if possible the development should comply more closely to the goals and intent of the Crozet Master Plan. (Attachment - Resolution of the Crozet Community Advisory Council Regarding TP/MP Proposal for the Barnes Lumber Redevelopment June 16, 2014)

Meg Holden, Crozet resident, said she worked on the Crozet Master Plan and feels very strongly about it. In that process it became apparent how important Downtown was and she agreed more study and more detail were needed in order to work together to come up with something that worked better.

Thomas Woltz, resident of Charlottesville and Albemarle County for 29 years, said he was a landscape architect and owned Nelson Byrd Woltz Landscape Architects. He had the pleasure 12 years ago of working on this master plan with Renaissance Planning Group as a team. He was very heartened when Frank Stoner called and said he was looking at the Barnes Lumber Company site because he recalled that internally to the design team they called it the keystone to the future of this having a reading as a

real small downtown and not continuing the sprawling development that felt so out of control. Crozet's character was placed at risk by that kind of development. What he pulled together in support of the proposal on the table is really some of the things that he recalled from the master plan document that he felt very strongly this development is beginning to address well. After so many years to see something happening was really exhilarating.

Mr. Woltz said he thinks this link of getting that road through Barnes Lumber was always something they were very concerned about. Since towns evolve over time this is not the only chance that this will be built upon. He thinks also the kind of architecture that gets built should be very flexible since the buildings have gone from industrial to commercial to residential. They have watched this through the loft explosion in cities all over America. The other part is really following the transect from the commercial hub and the mix of uses. What he wanted to mention today is the potential for landscape issues. His team has just briefly looked at Mr. Stoner's concept plan and the potential for important connectivity through this as a main street as a real nugget of Downtown. Also, the pedestrian connectivity that can get you down to Claudius Crozet Park from this core would be a huge asset. He urged embracing sustainable alternative storm water management. Being good stewards of the quality of our water is something building on the good work that this county has been doing for a long time. It also provides another kind of connectivity from the storm water through the drainage way. These drainage basins and water retention facilities can be beautiful amenities to a small town. They also can be an outward symbol of our good stewardship of the environment.

D.B. Sandridge resident of Hilltop Street adjacent to the Barnes Lumber Company said he did not want to speak to this project specifically, but to any project that would go on that property because of the roads and connectivity. Since the traffic is already bad in Crozet he would be opposed to anything going there unless there is going to be something besides dumping the traffic right back on Crozet Avenue.

Mike Marshall, editor of The Crozet Gazette, said he published an editorial this month. He has been deeply involved in the Crozet Master Plan for almost a decade. They wanted our Downtown to basically be like Downtown Charlottesville. They did not want Route 250 to turn into 29 North. The goal of the master plan is to create a walkable vibrant downtown. What they see in Ms. Grant's staff report is 50 acres in Downtown. Mr. Stoner's says 60 acres, but he is looking at some lots on Carter Street that are not in that same zoning district. Fifty acres is not a lot of acres for a downtown that is supposed to support 17,000 people in the end. If they use up part of that on residential they create a deficit in the future for where the commercial goes. They will want it to go out on Route 250. This idea as a project completely sabotages the master plan and inverts the long term goal that they have for it. They know there is only one chance and that is why the Planning Commission still has the leverage of approval to get a more definite plan presented that they can actually have confidence in. However, so far they can't have confidence in this. Downtown is a cultural thing, not residential or commercial, but a place where they want people to go. They want to have a lot of employment there. There is simply not a civic space in Mr. Stoner's plan. What they

actually need is a sort of a grid system in this parcel that is going to distribute traffic better. They need a concept that actually maximizes the views from this parcel, which is the highest parcel in Downtown. They have to remember that all the other parts of Downtown are basically little lots with buildings on them. Nobody is going to be able to assemble the acreage that is in the lumber yard to actually make an impact project that will start Downtown. If they blow this chance, Downtown will go stale and stagnant and all the pressure for rezoning will go out to 250 west. Then they will have wasted about ten years of master planning effort and lots of dedication from the people of Crozet to make it be the town that they want it to be. He is letting us down on not looking at it as an employment center, not having a civic space, and transportation. He supported denial of the requests.

Alice Lucent, resident of Crozet for two years, said one of the things they love about Crozet is the value of doing business with those locally owned businesses that are just outside of Mr. Stoner's project. She sees this project pulling traffic away from what are very vital businesses locally owned that have catered to the local population for many years. Her concern is the focus is away from where our vibrant businesses already are. She is afraid this project will simply drive them out of business. She thinks Mr. Stoner has the right intentions. However, just in the two nights listening she has not heard anybody talk about the strength of the businesses that are already there.

Warner Gstattenbauer said he owned the home on the corner of Tabor and High Street directly south of the proposed development. His property is on the southwest corner of the Downtown core district. Emphasizing some of the previous speakers he suggested as this is built regardless of what is built that they emphasize the connectivity in the roads. Currently every development beyond Tabor Street all funnels in off of Tabor Street. Everyone from Tabor Street on down all passes his home. If they develop this he asked that they ensure the development moves some of the traffic out of there and distribute it more widely through the Crozet area. It has become almost a parking lot on some mornings when people drive out of their developments. Wise traffic management as they develop this he thinks is simply paramount.

Jo Ann Perkins, Crozet resident, said her late husband was on the Board of Supervisors for Albemarle County for quite some time. She noted Crozet has a lot of really good assets. One of them is the schools. People want to live in Crozet because of the high quality of schools that are located in a very nice area in Crozet. The second asset is Claudius Crozet Park, which is owned by the community itself. She did not think the developer has addressed how the proposal would affect these two big assets of Crozet. Therefore, she felt the request should be denied along with all the other reasons.

Billy Gorman, Crozet resident on Hilltop, said he had looked at the last plan as well as this one. He was concerned with the transition between the residential and the buildup of a city or denser downtown. One of the slides had single-family homes, which would be adjacent to his home. He would not want a big apartment building in his backyard. He was all for a dense downtown. However, maybe this is the right plan or maybe it is not. Whatever plan they have he would appreciate the applicant's consideration of that. He knows it is not a big dollar thing to do in order to have that transition. He wants

something like this to happen since he knows a lot of people in town will get a lot out of it.

There being no further public comment, Mr. Morris noted he would move on to the special use permit request and invite public comment.

Tim Tolson, Crozet resident, said he would like to speak briefly on the special use permit about the stream buffer issue. This issue comes up a lot in the Crozet area because of all of the streams. It is of concern that it is not marked clearly on the plan. Too many times they have had development that encroaches and in fact destroys the 100 foot stream buffer in the process of developing it and then tries to come back and remediate it. That never works. It is not the right way to keep our water quality high. Therefore, he was concerned that it was not shown. He was also concerned about his idea of walkability. Crozet trail groups have been working for years as part of the master plan/greenway structure to develop walking trails so to be walkable in and around the area. He thinks there will be a great demand in the Crozet area for walkability into that area and not the need for more parking. Walkabilty needs to be accounted for in whatever is proposed in a special use permit/rezoning. He thinks it is not in this plan. Again, he asks that they keep working with this developer. He thinks he is headed in the right direction, but it is premature to approve what he has proposed at this time.

David Stoner, with the CCAC, said he did not have anything further to add beyond our comments on the rezoning request. He requested to formally enter the committee's resolution into the record for comments on the special use permit. (Attachment - Resolution of the Crozet Community Advisory Council Regarding TP/MP Proposal for the Barnes Lumber Redevelopment June 16, 2014)

There being no further public comment on the special use permit, Mr. Morris closed the public hearing. He asked the applicant if he would like five minutes for rebuttal

Mr. Frank Stoner said what he thinks they have heard tonight is anxiety over the future of Downtown Crozet and what will it be. No one is quite sure. There has not been a clear directive. When they talk about commercial square footage there is a general fear that there won't be enough. However, nobody has ever really stopped to define what the right amount is or what is sustainable for the population of Crozet. That creates problems for us as developers. He also thinks it creates problems for residents who are trying to figure out does this fit the master plan or not. Unfortunately the master plan does not give us guidance on how to get from where they are today to that picture that the master plan has conceived for full build out. There is this evolutionary process that happens in between and there is really no definition to it. It is very challenging to visualize and to understand both for us and the folks in Crozet. What he thinks would help if in fact they want more of a commitment to commercial is to help us define what that means. Right now the staff report says they have not made adequate commitment to it. The only visible commitment they could make that they have not is to take the areas that they have identified as residential buffers and make those commercial. They don't think that is the right solution since they think there is more than enough square

footage already in Downtown. However, that is a dialogue that should happen and maybe bench marks should be set for what is a realistic build out for Downtown Crozet so that people can picture that in their minds and understand what is feasible or not. They are not holding people's properties for decades or longer waiting for something that may never come, which is the other 500,000 square feet.

Next, Mr. Frank Stoner said he would like to touch on proffers. He thinks their position with proffers has been made clear. He asked that they give some consideration of the fact that every other property in the DCD district was rezoned several years ago. No property owner paid any rezoning proffer; cash proffer amount or any other proffer for that matter in exchange for that rezoning. To impose that on us would impose essentially a tax on our property that nobody else is experiencing. They need business Downtown. They need local business that can afford to pay the rents that are justified by small town retail and office. They also need to build a great place. People have talked about the lack of commitment to a civic place. Unfortunately, the other tension that exists in this debate is this is the first application that has come to you in which there were already an underlying zoning code approved that is already form based. The DCD Code was approved specifically so folks like us could come in and just talk about land use and the design issues could be dealt with as part of the actual site plan review. He recognizes that has created a lot of anxiety because folks see this as the only opportunity to get what they want. They certainly understand that. From our perspective they have done what staff has asked in terms of providing the level of detail that is required under the DCD and the rezoning as submitted. He thinks that addresses most of what he wanted to say in rebuttal.

Mr. Frank Stoner said while he has heard people saying they have not addressed the commercial; again, they feel like there is an enormous amount of commercial space available within our plan as drawn. He is not at all confident since he is in this business and felt they could absorb that amount of space even over a 20 to 25 year period. He thinks Thomas Woltz spoke to the evolutionary nature of this process. Charlottesville redevelops constantly; it is not static and is always changing. Zoning codes and master plans are always changing. So they are just in that process and they are trying to find their way through it. He would appreciate any direction the Commission can give to help us achieve that goal and any guidance on their application.

Mr. Morris invited questions for the applicant.

Ms. Firehock asked to return to the stream buffer issue. She was concerned because she would like to see the natural area protected and the stream or drainage kept in a natural state and not turned into a storm water pond. She would like to see more of an integrated low impact development approach taken throughout the development hopefully getting away from needing to have this large storm water basin. She realized he was not doing a storm water management plan, but was sad to see a storm water basin on top of what they were just debating.

Mr. Stoner replied the good news is that can't be built in because it is in the buffer area. He may defer to Thomas Woltz who can address what they were thinking about as they

were sketching out these plans for green infrastructure. He thinks it is very clear in the Code that they can't encroach on that 100 foot buffer. So regardless of what he has shown on the plan or any other scheme he thinks that is pretty well cast in stone. Therefore, they are not suggesting that they want to buck the system.

Mr. Lafferty asked with the additional residential do you think it will have any impact on the fire department or the schools.

Mr. Stoner replied it was hard to know. Certainly single-family detached residential is probably more likely to have an impact on the schools, which Old Trail is an example of. Certainly any residential development will have impact on fire and rescue whether it is here rezoned or by right. All residential development has impact. The bigger question is where they want the impact. He thinks what the county has said fairly definitive and what the Crozet community said is they want that impact Downtown and not spread all over the country side.

Mr. Lafferty noted they want to get the proffers because of the impacts to try to offset that. It turns out the county probably loses money every time a residence is built over the long run. He suggested they give the commercial a majority and not emphasize the residential.

Mr. Randolph noted concerns about the proffers being inadequate to cover the impacts of a rezoning.

Mr. Stoner replied if they look at the underlying zoning for some of those properties they will find that they were lower density or perhaps even rural designated for a higher density in the comprehensive plan. Property that is zoned R-1 that is subsequently rezoned to R-6 obviously has an enormous windfall attached to it potentially for the developer if they are getting 6 times as many dwelling units. In a case of the Barnes Lumber property they have a property that is already zoned Heavy Industrial. They are now suggesting they would like to rezone it to Heavy Industrial to Downtown Crozet District. It is sort of a cross zoning since there are a number of by right uses on the Barnes Lumber property that they could undertake today that are not consistent with the master plan, but would generate sufficient dollars in terms of revenue to the developer or any property owner. Its underlying use characteristics have significant value. They are now asking them to change that zoning to what the comprehensive plan wants it to be, which is Downtown Commercial District. His question is why they would want to provide a natural disincentive for us to seek a rezoning when in fact that is what they want and what the master plan calls for. What they have ended up doing in other developments is not going through the rezoning process simply to avoid the proffers because they are so onerous today. Right now the cost of a multi-family proffer, which is $13,000 or $15,000, that value is worth more than the underlying land value is. So essentially they have to go to the owner and say would you give us your property so he could afford to pay the rezoning cost. When they talk about the impacts to schools, those impacts don't come from rezoned properties, they come from everybody. He noted Mr. Lafferty said everybody that lives in the county today if their house is not worth more than $680,000 you are not paying your fair share. So why do they now

single out a select few and say these people are going to pay for the fact that they don't want to pay for our own impacts, but they are going to saddle these people with it and impose a special tax.

There being no other questions for the applicant, Mr. Morris invited discussion by the Commission.

Mr. Loach noted his feeling is basically the same as the community's feeling as it is with the CCAC that the plan as it stands now is incomplete. He thinks they have a good plan and did not see any flaws. When they get a statement that says most people don't want to live in apartments above retail they get a clear indication of which way this development is going. There was always the willingness on the part of the CCAC and a lot of people he had spoken with to provide a buffer to the neighbors. When they approved the zoning text amendment that allowed flexibility to build a variety housing types along that buffer it was not meant to supersede the plan itself and the form within the plan. Personally, if he were to deviate from the plan the way he would do it is not on the residential. He thinks what they need in Crozet is employment. He would much rather see their Downtown as an employment destination rather than another population center. This is a property with the zoning now with the flex that they can provide good jobs for our residents. There is a rail connection here. He thinks this is an opportunity missed. To lose this property to economic development would be a shame. He thought there is room to negotiate the proffers and there are other outstanding issues such as the parking. He supports the CCAC's resolution and does not support the application.

Mr. Keller encouraged all parties to see if they could continue working through this. There is a need for further discussion to work through the outstanding issues, such as the plan is incomplete, the need for further dialogue on proffer issues, environmental issues, need for flexibility to add new contemporary component to the historic fabric of a village like Crozet and the need to understand what the market is.

Ms. Monteith said she had very similar comments. The applicant has a very involved public, which they think is a good thing. The people in Crozet have a lot invested in their master plan and have put a lot into it. They have done a lot of work continuing the completion of the master plan. She would also suggest that there is some further definition that could be done with this plan in general and some additional coordination with the community. She thinks some of the things that were touched on tonight multiple times were connectivity; how the storm water piece and green spaces are treated, and how that relates to the larger community.

Mr. Lafferty said he was in agreement that something needs to be done with the Barnes Lumber Company properly. He thinks Mr. Stoner has been working with the CCAC and the staff. They have had multiple meetings to work these things out. He has concern that it has not gone anywhere yet and they still have all these questions. He did not know if it would go anywhere after this. One other observation is there is a blog by a realtor who lives in Crozet saying there was no retail space available in Crozet to rent. So there is a need there. He will support the CCAC's resolution.

Ms. Firehock said she was sympathetic. Of course, the community has spent years on the master plan and there were many questions about the development. She was also sympathetic to the developer's notion that it is very difficult to have that much commercial that far off the main strip. She served on the Charlottesville Planning Commission and they wrestled with trying to get residential above commercial. It is really starting to happen now, but it took a very long time. This is a large site and it is a high amount of risk. Because of that she was sympathetic to leaving more cash in the developer's pocket to try to address these issues rather than putting it all forward in a proffer. She thinks the buffering at the edges with single-family residential makes a lot of sense. She has seen what happens to neighborhoods when they have commercial or apartment buildings right up against them. She thinks it was very compelling when Mr. Stoner was talking about the amount of commercial in Downtown Charlottesville on the mall and then comparing that to what Crozet could have and what the market will bear. Mr. Stoner is not going to be filling all of these buildings with particular businesses. He is going to try to do that, but he is not himself those commercial enterprises. It is a really difficult project. She thinks that a lot of these issues brought up tonight can be worked out during the site planning process. She was sure this would undergo further revisions. Frankly, for what is known today and what has been presented she is in support of the current proposal.

Mr. Morris said he would hate to see everything that has been created up to this point just be cast aside by one vote. He would like to see more work on it. That might mean a deferral. He would hate to see this plan shoved under the table and would agree with Ms. Firehock.

Mr. Randolph commended staff on summarizing some very difficult issues. Staff laid it out very well for us. It was very helpful. He would repeat the concerns and the preferences and recommendations of the CCAC since it was to provide citizen input. He thinks there are manageable issues here, but he is not one that can recommend that this go forward when there are so many outstanding issues to be resolved. At the current time they have a cash proffer policy and he thinks it is important that be respected. There is a need for some flexibility on the one hand with the CCAC. There is some need for some flexibility in terms of the developers approach. He would vote for deferral on this application to get these issues worked out during the next six to eight week period.

Ms. Firehock asked Mr. Randolph to enumerate the items he would like the developer to work on in the six to eight week period so that if indeed the Commission wants to move forward with the deferral they could get a sense of what is involved. They have brought up so many issues tonight she was not sure she could list them all.

Mr. Randolph agreed that he could not list them all, but noted the following need to be worked out:

- The proffer issue needs to be worked out.
- There is a need to get the stream buffer and stream impact worked out.

- There is a lack of clarity because they have a storm water basin, but also have a park in the same location. How large is the park and storm water basin? What will the storm water basin look like?
- There is a need for increased commercial. The equation of 39% residential seems high.
- There needs to be some clarity in here. It was mentioned of an unspecified cost of a parking garage, an east entrance and tunnel. Some of that needs to be worked out. If those are going to be essential parts of this project they need to know what some of those costs are going to be and how those projects would be covered. Certainly from a county perspective they are going to be in the CIP and all of a sudden they would have huge new costs rolled into a CIP that is already dealing with some staggering costs out over five years.

Ms. Firehock suggested asking the applicant how a deferral would affect his property.

Mr. Morris noted it was up to the applicant to request deferral.

Mr. Stoner said that the concept of a deferral may make sense. The challenge they are under unfortunately is they have certain contract deadlines that they don't have any flexibility on. So they have worked backwards from those contract deadlines to figure out when they needed to get to the Planning Commission. That is why they are here tonight. They have to get to the Board by early August. So if it is conceivable that they could have a deferral and through some intensive work with the CCAC and staff they can address some of these issues that have been raised tonight that is certainly appealing. If what it amounts to is an eight week deferral that is going to put them in a difficult spot contractually. He can work with Ms. Grant to figure out what is possible.

Mr. Cilimberg said the reality is he did not think a deferral with what would need to be addressed, prepared and brought back to the Commission would allow for this project to get to the Board in August. If the applicant is focused on an August date with the board realistically he was not sure that is going to be something that a deferral is going to allow for. September is probably the earliest. However, staff will work with the applicant to get it to the Commission as soon as they can. From there they will do the best they can in terms of getting a Board date.

Mr. Stoner said he did not know if there was a process by which if they were to vote tonight to deny the project if that allows them enough time between now and a Board meeting in August or September to address these issues with the CCAC. That is the alternative.

Mr. Morris pointed out the applicant had the right to go before the Board whether it is an up or down.

Mr. Cilimberg agreed that was certainly true. Depending on the expectations they might express if they support staff's recommendation that these particular items need to be addressed they will work with the applicant. They may be able to address those for the Board. However, the Board has the right to send it back to the Planning Commission if

they feel like there was not enough information that the Commission had in making its recommendations. Again, that is not something they control. However, that is a possibility. If the Commission acts tonight staff would work with the applicant in any way they can to make sure they have done what they feel they can do to address the reasons for their action. Then it goes to the Board from there.

Mr. Morris pointed out the one element they have not heard from is the CCAC. He asked who would like to be the representative for CCAC to address it. He asked if this was something your organization would be willing to work on with the applicant and staff.

Jim Tolson, representing CCAC, replied absolutely they are available and willing to sit down to work out the issues. He personally understands some of the constraints the applicant might be under and he thinks several members of the committee would be happy to work in short order to try to help resolve issues to the extent they can.

Mr. Morris thanked Mr. Tolson.

Mr. Stoner agreed to take a deferral if the Commission would grant that. They will work like mad between now and early August and hope to get back before the Planning Commission in early August and maybe to the Board by September. They will all cross their fingers.

Mr. Morris noted they have a request for a deferral from the applicant to reappear as early as possible in August.

Mr. Kamptner asked before the motion that staff look at the schedule so they can have a specific day.

Mr. Morris asked for a motion for both items.

**Motion**: Ms. Firehock moved and Mr. Randolph seconded for a deferral of ZMA 2010-00018 Crozet Square and SP-2014-00001 Barnes Lumber.

Mr. Kamptner asked staff to provide a specific date to defer to.

Mr. Benish noted it was a really tight time frame for the public hearings on August 5 and August 19, 2014. August 19 may not guarantee enough time to get it to the Board. Therefore, it probably would be better to defer to August 5 and then it could be deferred again if necessary.

Mr. Cilimberg conferred with the applicant and the applicant's request is for August 5 with the understanding if things are not completely ready for that date then maybe a request to defer until that third Tuesday.

**Amended Motion**: Ms. Firehock moved and Mr. Randolph seconded to amend the motion to defer ZMA-2010-00018 Crozet Square and SP-2014-00001 Barnes Lumber

as requested by the applicant to August 5, 2014.

Mr. Morris invited discussion. There being none, he asked for a roll call.

The motion passed by a vote of 6:0. (Dotson absent)

Mr. Morris noted ZMA-2010-00018 Crozet Square and SP-2014-00001 Barnes Lumber were deferred to August 5, 2014. He thanked everyone for their patience and participation.

**Old Business**

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

**New Business**

Mr. Morris asked if there was any new business.

- Mr. Lafferty reported that the Rt. 29 improvements have been wrapped into the Six-Year Transportation Improvement Program and will not be voted on as a separate item at the Commonwealth Transportation Board tomorrow.
- The next PC meeting is on June 24, 2014

There being no further new business, the meeting proceeded.

**Adjournment**

With no further items, the meeting adjourned at 8:09 p.m. to the Tuesday, June 24, 2014 Albemarle County Planning Commission meeting at 6:00 p.m., Auditorium, Second Floor, County Office Building, 401 McIntire Road, Charlottesville, Virginia.

V. Wayne Cilimberg, Secretary

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