MINUTES
WORK SESSION - CITY OF CHARLOTTESVILLE AND
ALBEMARLE COUNTY PLANNING COMMISSIONS
Tuesday, June 23, 2015

Location: Water Street (407 East Water Street)

City of Charlottesville Members Present: Chairman Dan Rosensweig; Commissioners Lisa Green, Kurt Keesecker, Genevieve Keller, Jody Lahendro, and; Taneia Dowell
Call to Order: the meeting was called to order by Chair Rosensweig at 5:00 p.m.

County of Albemarle Members Present: Chairman Cal Morris, Commissioner Richard Randolph, Commissioner Thomas Loach, Commissioner Mac Lafferty and Commissioner Tim Keller.

Call to Order: The meeting was called to order by Chairman Rosensweig and Chairman Morris at 6:00 p.m.

Albemarle County ZMA201500002: Franklin Street

J.T. Newberry, Planner, gave a brief over view of the project. He said that the applicant, Realty IX, is asking the County for a rezoning to change the designation of 32,000 square feet of land in Woolen Mills from preserved slopes to managed slopes.

Realty IX is a subsidiary of TowneBank, a Hampton Roads-based bank. The company is being assisted locally by McLean Faulconer and Draper Aden Associates. The 11.77-acre parcel is near the intersection of Broadway and Franklin streets, with Franklin serving as the City-County line. The land in the County is zoned for light-industrial use, whereas the adjacent properties in the city are zoned for residential use.

Mr. Newberry said that, in March 2014, Albemarle supervisors adopted new rules for critical slopes in the county's designated growth area. Under the new rules, areas designated as preserved slopes can only be disturbed under limited circumstances. However, managed slopes can be disturbed under specific design standards. Mr. Newberry showed a map indicating three areas of steep slopes on the site, indicated with the letters A, B, and C.

Commissioner Lahendro commented that B and C are not recommended by staff to be changed from preserved slopes to managed slopes, even though they clearly have the same colorization as Area A. Mr. Newberry said that there are other criteria involved in the designation of a preserved slope besides just the angle of the slope.

Mr. Newberry said that the overlay district (Section 30.7 or Attachment D in the Staff Report) indicates 7 characteristics of preserved slopes. One of those characteristics is the proximity to water features. Some of the 7 characteristics are distinctly applicable and relevant to this review, but others are not (such as whether or not the slopes are significant to Entrance Corridor or whether or not the slopes were preserved by a prior County action).

The County designated these slopes as preserved slopes based on aerial topography, but the applicant provided field-run topography that showed portions of the area are actually less than 25% slope. For example, 15% of area occupied by Area A is not actually a "steep" slope (defined as 25% slope or greater). Although 15% of this area may not sound significant, it was its location within this system that led staff to reconsider its designation as a preserved slope. While Areas B and C maintained their integrity as comprehensively steep slopes except for very small areas on the edges of their systems, Area A was bisected by a long, uniform area that was less than 25% slope.

Commissioner Green said she works for the County of Albemarle, in the Community Development Department and has remained completely out of this particular project at the County so she could attend this meeting. She asked Mr. Newberry if staff's recommendation for approval would be different now that the Comprehensive Plan was adopted.

Mr. Newberry said he didn't think it would because when staff first looked at these slopes we saw that there were characteristic of both managed and preserved. In the staff report you will notice that there are acknowledgements of both throughout. He said he still thinks that on balance it tilts area A toward managed slopes and areas B and C tilt to preserved slopes.

Commissioner Lahendro asked if staff's opinion is that area B slopes need to stay preserved.

Mr. Newberry showed the Commission the graphic of the property and said that this is what he was referring to earlier. Area B slopes and their proximity to and integration with the other systems of slope clearly make them preserved slopes.

Commissioner Lahendro asked where runoff from Area A ends up in-terms of its watershed. He said area A is going to eventually filter into Morris Creek.

Commissioner Randolph asked where the Area A designation came from. He asked if it came from staff or the applicant because it seems like Broadway and Franklin slopes might be considered differently because of the continuous swath of slopes.

Commissioner Randolph said it would be helpful for the audience to understand that we would not be having this discussion about managed and preserved slope in this location except for the fact that this area has been identified and planned residential development. He said it would be helpful for the people from the City to understand from the start with how it came to past that this particular piece of property has this abnormality of a planned residential development status when all the property around it is either residential, on the other side of the tracks, or to the east is Light Industrial. He said that this anomaly is one of the things we have been struggling with here.

Elaine Echols, Albemarle County Principal Planner, helped provide some additional information and said the property in the County is zoned LI and it is shown for parks and green systems on a master plan map. She said she wasn't quite understanding the "planned development" aspect of Mr. Randolph's description and asked for clarification.

Commissioner Randolph said he thought the Commission had agreed that the only terms under which slopes would be defined as managed and preserved was for Planned Residential Developments. He said that when we originally approved that in the Comp Plan, it changed some slopes' designations. He said when he talked to Ms. Echols he thought she indicated that the steep slopes designation was for planned residential but if it is LI, he did not realize that we were extending managed and preserved slopes to those properties. He said that now we are saying we can also use the designation on LI sites, so we can also get into the managed and preserved slopes designations on commercial sites.

Ms. Echols said the critical slope definitions were changed throughout the Development Area. She said that steep slopes now are either managed or preserved and it doesn't matter what the zoning is. The designation is an overlay that sits on top of whatever is beneath it. It applies to residentially zoned property, commercially zoned property, and industrially zoned property because the overlay deals with environmental features not with the zoning itself. The regulations apply to that particular light industrial zoned property (Franklin Street) as they would apply to any residentially own properties. The changes took place for the Development Area only. The Rural Area still has the "critical slope" regulations.

Commissioner Green asked how the application would be reviewed since the property is zoned LI, but is shown for parks and green systems in the new Comp. Plan.

Ms. Echols stated the Comprehensive Plan provides guidance on discretionary decisions and other decisions made by the County and other property owners. The designation provides guidance, but the underlying zoning is the law. The zoning on the property sets the regulations under which it will be developed, whether or not the zoning is consistent with the Comprehensive Plan.

Commissioner Randolph stated that the review is not about the underlying zoning, it is how we categorize those steep slopes as preserved or managed even if the decision is to leave them as preserved within the ordinance. He said that, for the steep slope ordinance, there is a special use permit process to allow for entrances to be considered for that by right use. Changing the slope designation from "preserved" to "managed" is a discretionary use subject to a Board approval. That is another step along the road.

Commissioner Rosensweig said that, regarding an SUP for an entrance, the staff report indicates that if the SUP were to be denied by the Board of Supervisors that could potentially be considered a taking.

Mr. Newberry said some level of use needs to be permitted on property, but the intensity of the use is subject to review. How a private entrance or commercial entrance may be provided is a factor that will impact the intensity of the use.

Matters by the Public

1. Bill Emory –I challenge you to consider the gifts of the landscape, cultural heritage and built environment in the immediate area of Franklin Hill. The adjacencies include Monticello, the Rivanna River, a burgeoning City & County bike and pedestrian trial

system, a hardwood wetland, Moores Creek, a Monacan Village, the Woolen Mills cross-jurisdictional historic district, the PACE Center and its associated housing, and the mixed income community of Sunrise Court. Think of these gifts through the lens of the Livability Project whose primary objective, I quote: "*Charlottesville and Albemarle County support neighborhoods and places that allow residents to live, work, and plan near their homes, and where attention to the character of new development and redevelopment enhances quality of life."* You, we, have an economic, fiscal, and social equity interest in seeing this unique, walkable place, thrive. We can, through careful planning, pursue **place-keeping,** we can act as conservators, striving to retain the characteristics that bring 440,000 visitors to Monticello each year, striving to protect the mix of nature and culture which make us dyed-in-the-wool residents of Piedmont Virginia and make our place a destination for visitors and new residents. We must turn toward the Rivanna. We must consider how planning actions affect the quality of the River as a natural and a recreational resource and how our actions affect the Chesapeake Bay. There is a lot riding on your recommendation.

The Franklin Hill site: Is it large enough to be beautiful and industrial at the same time. Who says industry has to be ugly? Design matters. Yes, it is large enough. With your stewardship you can move us toward point one of the 1998 Sustainability accords:
"Encourage and maintain strong ties between the Region's urban and rural areas, fostering healthy economic, environmental, social, and political interactions. Promoting clustering in a residential area and the integration of business, industry, recreation, residential, and open space."

Reread the livability project goals, Maximum use of the Franklin Hill site for the applicant via removal of the preserved slope overlay is not listed, balance is called out, collaborating on the preservation and enhancement of green neighborhoods, healthy waterways, multimodal transportation, distinctive destinations, historic character and resources, urban tree canopy, working with neighborhoods, housing opportunities for aging, these things are called out.

Livability is a Balance. Quoting from the Land Use section of the Livability Project Goals- the localities are charged with: Establishing policies that provide for consideration of development effects on the neighboring locality and shared community resources.

2. Morgan Butler, Southern Environmental law Center, said we are not opposed to any or all development on this site. He said it's just clear that based on its proximity to Moores Creek, development has to adapt to the landscape as opposed to the landscape adapting to the development. He also commented that the Virginia Department of Environmental Quality has designated Moores Creek as an impaired waterway.
3. John Frazee – 1404 E. Market, said he appreciates it very much to be allowed to make comments regarding these steep slopes and the possible removal of the designation. He wanted to ask the commissioners to understand that not all steep slopes are created equal and the proximity of these steep slopes to residents not to mention all the things that go outlined in terms of unique location in proximity to Monticello and the River. He is qualified as a resident to talk about the impact it will have on the overall nature of our unique place where people who live there, and the long term opportunities for the growth, economic growth and utility and natural resources that make the Woolen Mills and

Belmont and that particular part of the city and the county important in a long term vision that incorporates utility of these resources as opposed to short term changes that might facilitate immediate resale. He asked if they would look at this as the watershed of possible changes throughout the county but also I would like to look at very specifically to his neighborhood, my neighbors, believe that maintaining these steep slopes and maintaining the things that were outlined earlier, and understanding that there are other avenues for utilities and for making this a workable property for the property owners should be taken into account.

4. Mark Mascotte, with McLean Faulconer, Inc, said he is representing the applicant and it is important to keep in mind that a lot of these concerns raised by Mr. Butler, Mr. Emory and the gentlemen from the neighborhood are about future development of the site including storm water damage access, site plan approval. He said that a future site plan is needed and the zoning guarantees that proper development will eventually take place. The County will have the ultimate say whether this will change from managed to preserved, and the city will be involved in the future development because it controls and manages the easements along Franklin Street and their boundaries within the property. I can certainly stand here and tell everyone that my client will not be back with a proposal. We are only interested in obtaining the redesignation of slopes that is outlined through JT Newberry. He said all they want is the zoning change support by staff regarding Area A. The site is 11.77 acres, 6.9 acres are in the hundred year flood plain. He said that 4.9 acres have slopes that they feel are the narrow focus for the petition for the county. Mr. Mascotte said that they are not providing a site plan, but a rezoning of the slopes is the focused petition that is before the County.
5. Robin Haines – She applauded the County for having preserved slopes. She is sorry that the applicant does not feel that he can use these 8 acres without changing the zoning. She said that her neighborhood is concerned about having a buffer between industrial areas and residential areas. That is clearly what the neighbors are saying. There are two things she wants to remind the Commission about. One, is the significant value of the property to an entrance corridor. Second Street is a busy street and section A is the long section along Franklin Street. It will very likely be turned into a retaining wall so they can have as much property as they need and that will make a huge difference if the wall isn't integrated into the system of slopes, too.
6. Judy Johnson- She invited everyone to go to Franklin Street around 6:00 or 6:30 take the time to look at the hillside and to note the neighbors who live in that neighborhood. Appreciate the fact that they live in small spaces that they call home and the street is a place where their children play and the street is the place they park their cars. The thought of having that particular side of Franklin stripped and made accessible so that people can park their cars where commercial light industrial what the applicant wishes to establish there. Consider yourself living in that trailer, consider you have children to play, riding their bikes in the street and often they are playing ball. It is outside this notion of what is preserved or managed. She said in-terms of making decision there's some kind of consideration on the environment of the people who live in that neighborhood is worthy of your time.

Commissioner Genevieve Keller stated many of the Commissioners participated in the joint planning process where the Commissions developed joint planning goals for the City and the

County. She said that we all incorporated the goals into our prospective Comprehensive Plans and she thanks the County for bringing this to us so that we have the opportunity to have a dialogue about it and include our citizenry. She said however this turns out, jointly discussing it is a very positive thing. She said it is something we envisioned and is the first instance of a project that has a direct effect on a City neighborhood, plans and other City resources. It certainly has a number of indirect effects. She said she printed out the joint goals and can see where retaining the preserved slopes on the site would be supported by the goals that we identified together. She said most of the speakers made very compelling points. She said far be it for her to advise the County what to do, but she has never found in her practice that it was appropriate to approve a slope waiver where there was not a plan of development.

Chairman Rosensweig asked the County staff if it is within the scope of the County's ordinance to take into consideration post development conditions when reviewing an application.
David Benish, Albemarle County Chief of Planning said that when there is a by right development, it doesn't require a legislative act to approve the development proposal. The development simply has to meet the requirements of our ordinance. Regarding retaining walls, he said the County's ordinance requires that they be terraced with each terrace no higher than 6 feet.

Mr. Newberry said shrubs will be planted every 10 feet.

Commissioner Genevieve Keller said that the Woolen Mills area is where the city has identified the need for a small area planning initiative. She said one of the reasons for doing that is because of its potential for redevelopment. It contains so many opportunities and natural and economic resources and is adjacent to similar resources in the County. The City and County are cooperating together on the river study, so she is asking that the County's Planning Commission take all of those points into consideration.

Commissioner Lahendro said he is having a hard time understanding how Area A could not be labeled a hillside from top to bottom. It looks to him that the portion that isn't in 25% slopes is less than 10% and happens to be where the power lines have been put through, so it looks to him like an incidental man-made occurrence. Looking at the 1930 topography this is a magical hill that has been here for quite some time. He said thank you for including the City in the discussions

Chairman Morris said all of the input is greatly appreciated.

Mr. Randolph said that when we were actually considering the master plan 2 years ago, we never looked at this piece of property. We talked about the Woolen Mills property itself, but not this particular piece. If we had done so, with the collective input of everyone in this community tonight, I think we may have looked at this piece of property very differently. Mr. Randolph said he thinks that when we look at page 11 of the staff report that shows the characteristics of preserved slopes, we may have actually changed some of the criteria. Mr. Randolph said that the Albemarle County Commission's fundamental responsibility is to do the right thing. It doesn't matter in terms of sequencing. He said we are in position where we have heard the feeling of the community that there is a real value to having the buffer slopes, which are defined as preserved. In his judgement, there is no way that LI is inappropriate in this area because there is LI to east, northeast, and southeast that is consistent. Even though it is all consistent, we are still looking at a unique

historical and cultural zone for the County and the City and that is where he is more inclined to look at this as a future SUP. He thinks they could have a full discussion about the entrance and look for a way that this LI building can be sited. There does not have to be disturbance on Franklin Street with an entrance and we can minimize the damage of the preserved slopes. He said we can move to a win-win scenario. Some of the community people might not like the LI but the County is not in the business of designating parcels of land that are privately owned to be established as parks. He can see a situation where they can move to work out the best interest of both sides. If the County Board of Supervisors eventually denies the rezoning, the applicant could seek a special-use permit to disturb the slopes in order to build a roadway to the developable parts of the property.

Chairman Morris thanked everyone for their comments, and said this will be brought before the Planning Commission on July 14th.

River Corridor

Chip Boyles, Executive Director of the Thomas Jefferson Planning District Commission (TJPDC) – gave an update on the year-long project between the City of Charlottesville and Albemarle County who were looking at the joint and border areas along the Rivanna River. He said they were also taking a look at the adjoining counties of Green and Fluvanna that are indirectly influenced or directly influenced by the water qualities of the river. He said that the process they have used so far is to:

1. Develop a vision through engaging topical experts
2. Seek public feedback via a river focused public event
3. Work to refine vision based on feedback
4. Implement the vision through local regional plans

Mr. Boyles said that during a joint strategic planning session on July 1st 2014, the City of Charlottesville and Albemarle County identified three priority areas for the city and county to work on. The Rivanna River and all of its adjoining properties constituted one of the three priority areas. They said that Green and Fluvanna should be included as stakeholders and a plan should be developed to embrace the river instead of hiding it. Since September 2014, 7 committee meetings have been held and we have received input from economic development, recreational, historical, cultural and environmental stakeholders. We have reviewed maps of property owners, zoning and land uses, historical and cultural sites along the road, recreational amenities, water quality and other features. The Woolen Mill site is a major catalyst for the entire River corridor. The committee said that we need to create an educational campaign along the river and an event is planned for this fall working with some of the non-profits. It will be a two day event with education in a classroom setting and then the groups holding the educational campaign will take people into the river on the second day. At the meeting in July, the committee will review a draft report to the elective bodies of the committee. It will contain the findings of the Committee and progress to date. The PDC's draft report will have a list of recommendations and alternatives for the City and County with actions and the cost of the actions. Some of the recommendations will relate to 1) identification of sites along the Rivanna River and what it takes to do a Master Plan along those sites; 2) recommendations from the Livability Project; 3) Less costly alternatives, such as maintaining communication between the elected officials and the staff; 4) asking the elected bodies

Charlottesville, Albemarle, Fluvanna and Green to create a funding mechanism to help support not only this effort but the efforts of other non-profits that are working toward the betterment of the river such as the Rivanna Basin Committee, the Conservation Society, StreamWatch and others. Finally we will research, prioritize, and potentially visit some successful river re-development projects. A similar river ran through the city of Greenville, S.C. It was piped and concreted over and they hide it. A decade later they created what is now knows as very nationally and internationally park and bridge system in their downtown area.

Mr. Morris praised the year-long process and said that not a dollar of tax money has gone into it.

Commissioner Lahendro asked how much development pressure was occurring along the river. He wondered whether new development would pre-empt any of the recommendations.

Mr. Boyles said the committee has not drilled down into the current conditions for development. He said they have spent a lot of time looking at the broader need. A more detailed look will generate the need for more time and effort.

Chairman Rosensweig said that Mr. Boyles indicated that, so far, there are no resources for creating a larger Master Plan. Chairman Rosensweig made a pitch to have tax dollars go into this as it is the single biggest planning priority between the two commissions. He said that the process to date has been a successful process and he had not seen that much consensus around anything in the community. He said that the City seems to have a strong will among its people to get this Plan done.

Mr. Boyles said that there could be a detailed plan of development and we have gotten a lot of positive feedback of what the stakeholders would like to see. It is the money provided by the localities that indicates whether the project is a priority or not. Mr. Boyles says he believes that there will be some support behind this. He said that the committee needs to do a better job of showing the comprehensive need for the Plan.

Mr. Boyles said that they can identify where there is some potential for development and possibly provide a conceptual plan for a few properties. He said that there could be some shared costs too and possibly have good public-private partnership.

Ms. Echols said some of the things the group has talked about are the importance of integrating recreational use, water quality, preservation, economic development and the overall community value for the area into this project. She said she feels there are opportunities for the PDC to put together a range of options from low to high in terms to what might go into a Master Plan. A detailed concept plan may not be in the cards, but there might be some things that could provide more guidance for what the future.

Commissioner Green said she spent two weeks in Greenville SC, and it is a beautiful, but where the two are different is where Greenville decided to do it and didn't worry about a plan. They shut down a road and they put in parks for miles, connecting Fremont to Clemson, with a complete trail system. Once you got the trails systems in place, it was inundated with people and tons of business and Mom and Pop stores opened.

Matters by the Public

Bill Emory said that this environment is economically healthy. He said he grew up in Richmond on the James River. You can see the economic vitality that there now as a result of community leaders. He said he doesn't think you need a detailed plan, but, maybe an overlay district in both the City and the County. You could call it The River Overlay District.

Chris Hayes said he was a resident of Woolen Mills, and use to live in Greenville. It is incredible to see what Greenville is now. It was a totally dead downtown and if you go now, every night of the week you can't find a parking place. It is so energized. Here with the Rivanna if we could have some larger goals, people could work toward, hopefully, we won't get mired in years and year of discussion and arguing over whether any change is bad change. This is a huge opportunity. He said he lives really close to the Rivanna and it is begging for an opportunity. Right now, there is a lot of automotive stuff along the river, but, some day it could really be something that really engages the public.

Neil Williamson, Free Enterprise Forum said he is appreciative of this group getting together to discuss substantive issues about real projects. He has spoken to each commission about the steep slope ordinances and what they can and can't do and how they are evaluated. He said that as you are thinking of the Rivanna and development, you can't have natural preservation of all slopes. If you want river-related development along the river, you have to accept that there will be change. People doing things along the river becomes a part of that a successful project. When you talk about Greenville tearing down building without property owner approval, you are making a bold statement. There is a lot here and a lot of opportunity here. He has been in many places where they have these river walks. Steep slopes are often defined as "critical" in one area, "steep" in another, but, if you develop an urban area, they will be impacted. The reason why some of these areas are being used the way they are today is because they are the hardest areas to develop. Yes there is opportunity but it is going to require our more buy in for the people who are the landowners. He is concerned that when we are talking about an overlay district, it comes across as a way to prevent things from happening and would not be good. Mr. Williamson said we should have an encouragement overlay to encourage things we want to see happen. He thinks encouraging the private sector to embrace the river is the manner to go forward and he hopes you will consider that as you move forward.

Adjournment

Mr. Cal Morris, Chairman County of Albemarle and Mr. Dan Rosensweig, Chairman City of Charlottesville adjourned the meeting at 7:40 p.m.

The Albemarle County Planning Commission adjourned to a joint meeting with the Board of Supervisors on July 8th at 3:30 pm in Rm 241 of the McIntire County Office Building.

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V. Wayne Cilimberg, Secretary

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