Albemarle County Planning Commission
March 7, 2017

The Albemarle County Planning Commission held a public hearing on Tuesday, March 7, 2017, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Tim Keller, Chair; Pam Riley, Jennie More, Bruce Dotson and Bill Palmer; University of Virginia Representative. Absent was Karen Firehock, Vice-Chair, Daphne Spain, and Mac Lafferty.

Other officials present were Margaret Maliszewski, Design Planner; Andrew Gast-Bray, Deputy Director of Community Development/Director of Planning; Sharon Taylor, Clerk to Planning Commission and John Blair, Deputy County Attorney.

Call to Order and Establish Quorum:

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

From the Public: Matters Not Listed for Public Hearing on the Agenda.

Mr. Keller invited comment from the public on other matters not listed on the agenda. Being none, the meeting moved to the next agenda item.

Consent Agenda

a. **Approval of Minutes:** January 17, 2017
b. **Rules of Procedure Change**

Mr. Keller asked if any Commissioner wanted to pull an item from the consent agenda.

Mr. Dotson said that he did not want to pull the consent agenda, but had a question on the draft. He noted the rules and procedures say that we do committee reports early in the agenda; however, he thinks our current habit is to do them later. He asked do we need to reconcile those since it says the first of each month and now they are sort of doing them on a rolling basis.

Mr. Keller agreed.

Mr. Blair replied that you certainly can and asked if the Commission would like to make that change as well and, if so, we will need to delay the approval again.

Mr. Keller replied yes.

Mr. Blair asked what we would like it to read.

Mr. Dotson suggested saying a specific place and week for committee reports in a sentence that says, “Committee reports as appropriate.”

Mr. Keller pointed out staff needs some direction to where it occurs in the agenda.

Mr. Dotson replied that he was even thinking that sentence would cover where it occurs on the agenda and suggested instead of a floating zone a floating report.

Mr. Keller noted that they had put it where it is now because we did not want to lose the time when we had a packed agenda.

Mr. Dotson replied if we had to be specific, he would put it where it is on tonight's agenda.

Ms. Riley noted it was following the public hearing.

Mr. Blair agreed the change can be made and staff will bring it back on the consent agenda at the next meeting. He asked if there was anything else.

Mr. Dotson said it would be as appropriate in meetings and not just the first meeting.

Mr. Blair noted that it would be "as needed", and Mr. Dotson agreed.

Mr. Keller said he needed a motion to approve the consent agenda for the minutes, but we are postponing the rules and procedure.

MOTION: Mr. Dotson moved to approve the consent agenda and Ms. Riley seconded the motion.

The motion passed unanimously 4-0 (Lafferty, Firehock, Spain absent).

Mr. Keller noted the consent agenda was approved for the minutes and the approval of the rules of procedure was postponed to the next meeting.

Public Hearing Items

SP-2016-00026 LL Bean Outdoor Display
MAGISTERIAL DISTRICT: Jack Jouett
TAX MAP/PARCEL: 061W00300019A0
LOCATION: 2015 Bond Street
PROPOSAL: Establish outdoor display of kayaks
PETITION: Outdoor storage, display and/or sales serving or associated with a permitted use within the Entrance Corridor Overlay under Section 30.6.3 of zoning ordinance. No dwelling units proposed.
ZONING: NMD Neighborhood Model District – residential (3-34 units/acre) mixed with commercial, service and industrial uses; EC Entrance Corridor Overlay District – overlay to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access.
AIA Airport Impact Area: Yes
COMPREHENSIVE PLAN: Urban Mixed Use (in Centers) – retail, residential, commercial, employment, office, institutional, and open space uses in Neighborhood 1 – Places 29.
(Margaret Maliszewski)

Margaret Maliszewski summarized the staff report in a PowerPoint presentation.

This is a request for a special use permit to establish outdoor display in the Route 29 Entrance Corridor. The site of the proposed use is in the Stonefield Town Center, which is located west

of Route 29 and north of Hydraulic Road. LL Bean is moving into the town space previously occupied by Blue Ridge Mountain Sports and that tenant space fronts both Route 29 and Bond Street in the development.

A special use permit is required for outdoor display when a site falls within the Entrance Corridor Overlay District and the purpose of requiring a special use permit for the outdoor display is to allow for review of the potential visual impact of the display on the Corridor. The intent of the Overlay District is to ensure quality development that is compatible with the county's important scenic, historic, architectural and cultural resources. The county has adopted Entrance Corridor Design Guidelines to help meet that intent. The LL Bean display as proposed would consist of four kayaks installed on the Route 29 side of the building. The kayaks would be located in the two bays where the vines are currently growing on decorative metal trellis. That metal trellis would be removed and wooded trellis would be bolted to the building and the kayaks would be bolted to the wooden trellis.

The Architectural Review Board reviewed this proposal on January 17 of this year and after applying the Entrance Corridor Design Guidelines to the review of the request, the ARB determined that the proposal did not meet the Guidelines. The ARB did not support the display as proposed by the applicant. The ARB determined that the display would not be appropriate because it would take the place of architectural elements on a prominent building elevation and because it would diminish the visual cohesiveness of a shopping center rather than enhance the integration of the building with the surrounding development and landscape. Furthermore, this type of display could set an undesirable precedent in which other businesses request similar wall mounted displays. In the end, the ARB determined that attaching merchandise to the building diminishes capability, cohesiveness and connection to historical architecture.

However, the ARB did support the display use if the display is relocated to the Bond Street elevation west of the store entrance. On the Bond Street elevation, Ms. Maliszewski pointed out the entrance. She explained that part of the proposed building renovation is not part of the special use permit application; however, part of the building's renovations is an extension of the canopy in this direction across these bays. She noted there is an empty bay here where the display could occur. The proposed kayak display is more consistent with the treatment of building elevations along Bond Street where there is a greater variety of architectural details, materials and colors.

With the original approval of the Stone field Development the ARB agreed to reduced oversite of signage and awnings on Bond Street and relax review of the architectural elevations on Bond Street as visibility is reduced with greater distances from the Entrance Corridor street. Whereas, the neon green color of the kayaks would not be appropriate for the Route 29 side of the building the color would be acceptable west of the entrance on Bond Street. The applicant has indicated that the proposed display is an essential component of LL Bean's branding identity and the standard throughout the country. This photo and the next one illustrates that the display is completed in another locality.

The Entrance Corridor Guidelines address the issue of branding identity. Guideline #15 states that trademark buildings and related features should be modified to meet the requirements of the Guidelines. It is an extremely important Guideline and it is critical to maintaining the character of the Entrance Corridors. The more the buildings and signs and displays that are constructed here are made to look the same as they are everywhere in the country the more the uniqueness of this place is diminished and the less reason there is to be here. For all of these reasons the ARB did not support the display as proposed, and staff's recommendation is for

denial for of display as proposed. However, staff does support the use in the alternative location as recommended by the ARB.

Mr. Keller invited questions for staff.

Mr. Dotson asked if there was any examination of this not as outdoor storage, but as a sign. He noted there was not copy on it.

Ms. Maliszewski replied that there was a discussion of it; however, the ordinance definition of sign would not cover kayaks bolted to the wall.

Mr. Dotson noted he would comment later.

There being no further questions, Mr. Keller opened the public hearing and invited the applicant to address the Commission.

Bill Tamala, architect with Cuhaci & Peterson, said his company was the corporate architect and he was present to represent LL Bean. He said obviously, as you know, LL Bean is going in the Stone field Shopping Center. Personally, he would like to let it be known that we appreciate Margaret's help since he is working through this and kind of going back and forth in a good way. He has worked in other jurisdictions where it has been quite challenging. In addition, he thanked Sharon for helping set me up early with the show here.

Mr. Tamala said to answer Mr. Dotson's point the whole approach to this is we understand the intent of the special use permit is to mitigate a negative visual appeal on the Entrance Corridor. We are not arguing that. In fact, he would show them some pictures on the slide where there is retail right across the street with coke machines, propane tanks, vending machines and what not outside. However, we also feel that this is an architectural element. As was mentioned in the report it is LL Bean's corporate identify nationally. The slide that you have seen is an actual application in an interior center completely. We put that in there so you could see the kayaks. This display will only have four kayaks and usually there were six kayaks. We put in the neon green; but the neon green is not a dead deal. It does not have to be the neon green kayaks. There are red ones and blue ones. However, the neon green is in there in terms of actually to bring it out so you could see what we are talking about.

Mr. Tamala said the architectural metal decorative components that are currently on the wall, and he did not mean any disrespect for that, but they are made to look like sticks understandably. He said ours will actually be a rough-cut cedar, are stained nicely, and actually blend in quite well. Therefore, he was just throwing these little things out there as we move forward. Just to go through the slide again real quick to give you a perspective he pointed out this is the area we are talking about. We do appreciate the ARB's willingness to talk about putting kayaks along Bond Street; however, we are wishing and hoping that we can get it on 29 because that is the experience coming in. We are recapping again that these are the only two areas that we are talking about are for kayaks along Route 29. However, again, I really want to point out it is not that it has to in the neon green because we are open to changing. He said he did not think LL Bean has white kayak, however, they do have colored kayaks. He pointed out the driveway of the interior parking lot.

Mr. Tamala pointed out a night view on the next slide to show the site lighting. Again, we are not modifying the footprint of the building or doing anything exterior except for the green batten board part. We worked on a deal with the ARB not to be the majority of the stone. We are

actually the minority by a percentage of 48% and we are doing that to work through it. When we talk about in general the character of the district, the negative visual aspects because the report just said negative, negative. We do not feel it is negative because we actually feel it brings clarity to that area. He said a lot of development is happening in that center as a whole. It was brought up in the ARB it is almost monochromatic and LL Bean is excited to be a part of that and to change that up a little bit. In terms of the harmony, too, we feel we could not be in any more harmony with the community than that outdoor kayaking activity. It is an activity center and a corridor and what better message to say hey we have this opportunity for you to shop here and to have these type of products. He pointed there was not that many kayaks, but we have different colors to show.

Mr. Tamala pointed out across the street was the Sherwin Williams Center. They have coke machines and newspaper stands. Another example is the Kmart across the street with tons of outdoor retail product out there. He pointed out the street view because they only have the hedge and that you can see that whole area. He said we are not promoting any of this and we are not even going that direction. We consider the kayaks as an architectural element. Now, one can argue it is a product and you sell the product inside, yes. However, in terms of display we understand, again, the intent is you do not want to set a precedent. However, it is a product that we sell inside; but, it is permanently mounted on the wall and it is not an actual retail piece for sale.

Mr. Tamala noted the next slide shows the northeast corner of Hydraulic and 29 with the Exxon. He zoomed in to show propane tanks, ice machines and stacked water outside. He noted the stacked water was actually inside, but you can still see it. He pointed out they were not proposing that type of product outside. He noted that kayaks are LL Bean's identify and we must have them. We worked with the ARB; but we feel that precedence that we are at and what we are talking about in this moment and in this time and day is the negative effect we feel is not a negative effect; we feel it is tastefully done; and we are only proposing four. With that, he asks for the Planning Commission's support and asked to open it for discussion.

Mr. Keller invited questions for the applicant.

Ms. More said she was curious in the way she read the staff report it is obvious you are here to ask for your preference; but, if you were to agree to the Bond Street location what would that look like from your view.

Mr. Tamala replied there is a sight line that is associated with that. So, again, it is part of LL Bean's identity so external kayaks mounted on the wall at every one of these stores. He noted that they joked about it; but at least he was not going for the 14' boot that goes out front. They have some of those at their store, too, and that is one or our identities. However, at a minimum it is the kayaks on the outside. The challenge here becomes although we would take the Bond Street the experience is gone and it is hard to see when you are coming down 29. He said 29 is the main corridor, and we are not arguing that, but we are not trying to go anywhere other than that to be honest. However, you miss that opportunity. So the visual aspects of it is the identify part and that is why it is on the main street there; and why we are hoping that we can make that happen. We do not want both and it is not like we are trying to get on 29 and Bond Street. However, again, from a corporate standpoint that is the challenge. If it is on Bond Street it is allowable and there is nothing about colors, and we could put the neon up there. However, we are keeping it to a minimum on Route 29 to be honest with you. He asked Ms. More if that answered her question.

Ms. More replied yes.

Mr. Keller closed the public hearing due to no public comment to bring the matter before the Planning Commission for discussion and action. He invited further questions for staff.

Mr. Dotson said the conundrum for me is figuring out what this is. He looked at it as a special use permit for outdoor storage; but it is not outdoor storage. As a customer, you are not going there to kick the tire of the canoe; it is permanently mounted on the building so it is not really storage. It is not display where you can walk around the canoe. In fact, there is no place to walk since the grass goes right up to building. There are not sales taking place out there and you would not meet out there with a sales representative. It is clearly very different, let's say, from an automobile dealership where you would have the frontage. So on the one hand it strikes me as kind of odd that it is a special use permit item. So then, I think about it as a sign. When looking at the definition he thinks a sign has to have copy on it, and this does not though its function is to attract the attention of passing cars and it is lighted like a sign. He noted that the purchase of the units is all on the inside so in some ways it is like a sign; but it has no copy. Then the third way to think about it is as an architectural element if it were part of the grill work and vegetation did grow up around the kayak, then I would be convinced that it is really an architectural feature. Having said all of that, he asked what difference does it make since he was not sure it makes a difference which way you categorize it because it seems to me that the ARB's recommendation, assuming it would be allowed by the sign ordinance their comments would be the same as what they are if we treat it as outdoor display. If we treat it as an architectural element, their comments would still be the same. However, it is kind of an interesting conundrum as to what is it. He said he thinks it makes sense what the counter proposal is to move it around to Bond Street.

Mr. Riley said she appreciates Mr. Dotson's train of thought there and thinks that is very helpful in trying to identify what it is. However, she thinks the best term is architectural merchandising, which is what the applicant has mentioned. So if you want to put a label on it she thinks that is a pretty good one. She said it is advertising oriented although there is no sales occurring. But, she did agree with staff's recommendation since she thinks the compromise of relocating the fixed kayaks onto Bond Street makes a lot of sense.

Ms. More said she agreed a lot with Mr. Dotson's train of thought. Since the request had been through the ARB she was reluctant to not take their recommendation. But, she assumed that process fully looked at the ability to identify this as something different in a way that would prevent us from setting a precedent by saying yes to this. Personally, she does not have a problem with it but understands they have the rules that they need to apply to that situation in that corridor and that it could allow for things that we might not find appealing. She asked Ms. Maliszewski to speak to that at all of how they went through the process with what Mr. Dotson was saying about really trying to identify.

Ms. Maliszewski explained that she did not think the ARB had a problem calling it outdoor display. She pointed out the ARB did not go into any detail about that; but, she thinks they just accepted it that it was display. She said she was guessing that they do not feel that you have to be able to walk completely around it or touch it for it to be a display. When these sort of things come up we always do have the discussion that the ordinance does not define it as a sign but it certainly acts as advertisement and that is the difference.

Ms. More asked if there was no difference in what color would be picked or anything like that; it is just the location.

Ms. Maliszewski replied that there was discussion about the color and the color that was like the one displayed in the drawings and others similar to that would not be appropriate to the Route 29 side. But, due to the reduced visibility on Bond Street it would be okay there.

Mr. Keller said he would like to respond to the applicant on a couple of points. One, he thinks those of us who have shopped at LL Bean through the years, and he certainly had at Free Port as well as some other stores, it seems that the corporate identify really is the text of the LL Bean on a dark green. While he finds it fascinating that, the canoes are the phosphorescent and the green instead of the traditional LL Bean canoe and yet those cedar panels were that. Therefore, it seems to me to have continued to make the argument especially in that he would argue and if we do make a motion to move it to Bond Street I would recommend that traditional dark green that always in my mind been associated with LL Bean. However, as I said from this dais several times I think we are beyond this kind of signing because he thinks it is old fashioned. He thinks that the new generation of shoppers is here and it is not there. He thinks whatever you do there is not going to attract that many people. He thinks we are starting to see advertising studies that are showing that to be the case.

Mr. Keller said in some ways it is moot. If he had been on the ARB I think that I would have been inclined towards supporting the 29 although not with all of the dark green covering up the fostone because I think that the fostone is the identify of Stonefield. So I would have had been wanting a modification of that anyway. So I also am inclined to go with the Bond Street recommendation. I think it might be interesting at some point when signs come up to have a joint meeting with the ARB and the Planning Commission and talk about some of the points that Mr. Dotson made and work through. But, I think we have a precedent; we have staff who feel strongly; we have the ARB, and I am prepared to support those two bodies. He asked if anyone cared to make a motion.

Mr. Dotson noted there was a motion on the screen before.

Mr. Keller asked if they need to modify that.

Mr. Dotson said my understanding is that if we went with motion B that this would still go back to the ARB assuming the Board took our recommendation and that it would still go back to the ARB for the final detailing on Bond Street. He asked if that was right.

Ms. Maliszewski replied that was right just because the drawings that we currently have do not show the exact location and the exact installation. She would just note the green panels added over the stone on the Route 29 side the ARB did have a condition that the amount of the green needed to be reduced so it will be less than what you saw there.

Mr. Dotson said in terms of the color of the kayaks that perhaps could be discussed in the subsequent ARB review to get your point Tim.

Motion: Mr. Dotson moved to recommend approval of SP-2016-26 LL Bean Outdoor Display with the following condition: The display shall be located on the Bond Street elevation of the building, west of the store entrance. The revised location is subject to ARB approval of a Certificate of Appropriateness. Mr. Dotson said this is a recommendation to the Board of Supervisors to approve the special use permit with that condition.

Ms. More seconded the motion.

The motion passed unanimously by a vote of 4:0:3. (Firehock, Spain, Lafferty absent)

Mr. Keller thanked the applicant and staff.

The meeting moved to the next agenda item.

Committee Reports

Mr. Keller invited committee reports.

Commissioner More reported:

- The Historic Preservation Committee met on February 27 that has three open positions. Discussion held on how to advertise on the County website that might help people understand what the committee is about to fill open spots.
- No report on the Crozet Community Advisory Committee (CAC) but noted there were seven open spots with a March 25th deadline for applications and the Board is tentatively scheduled to appoint in April for all of those CAC's that have openings. Mr. Keller invited committee reports.

With no further committee reports, the meeting moved to the next item.

Old Business.

Discussed ID/business card request. Staff to follow-up later.

Review of the Board of Supervisors Meeting – March 1, 2017

Mr. Gast-Bray reviewed the item heard at the Board's meeting on March 1, 2017, the Rio 29 Small Area Plan Phase I and Phase II Crossover. It was favorably reviewed by the Board of Supervisors and they said get to work. He reinforced that staff wholeheartedly agrees that they want to make sure we integrate the Planning Commission in all phases of this and we intend to do so.

New Business

Mr. Keller invited new business.

Mr. Keller announced:

- **No meeting on March 14, 2017.**
- **Next Planning Commission Meeting on Tuesday, March 21, 2017.**

With a motion by Commissioner Dotson, the meeting was adjourned at 6:34 p.m. by a vote of 4:0 to March 21, 2017.

Adjournment:

With no further items, the meeting adjourned at 6:34 p.m. to the Tuesday, March 21, 2017 meeting at 6:00 p.m. at the County Office Building, Second Floor, Lane Auditorium, 401 McIntire Road, Charlottesville, Virginia.

Andrew Gast-Bray, Secretary

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

Approved by Planning Commission
Date: 6-20-2017
Initials: SCT