

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; Taneaia 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, Commissioners Richard Randolph, Thomas Loach, Mac Lafferty and Tim Keller.

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

Franklin Street Development

JT Newberry, Albemarle County Staff Planner gave a brief over view of the rezoning application and the issues surrounding the proposal.

Henrico-based Reality IX is asking the county for a rezoning to change the designation of 32,000 square feet of company-owned land in Woolen Mills from preserved slopes to managed slopes. Reality 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.

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 if the landowner develops the property under its existing zoning as long as specific design standards are met.

Commissioner Lahendro commented that Areas B and C on the site are not recommended by staff to be changed to preserved, but they clearly have the same colorization as A. He asked if there are other criteria involved in a preserved slope other than just the angle of the slope.

Mr. Newberry said that in the overlay district there are 7 characteristics of preserved slopes. Some of those characteristics are distinctly applicable and relevant to this review and others talk about whether or not the slopes are significant to entrance corridor or whether or not preserved by a prior county action. The characteristics of a preserved slope are 15% of the area. Looking at it on a percentage is part of the story but the location of 15% is almost bisecting that area seems like an important feature of the parts that are less than 25%; it's not less than 25% on the

edges although you see that on areas B and C this was more interval throughout the system of the areas less than 25%.

Commissioner Green said she works for the County of Albemarle, in the Community Development Department and has remained completely out of this particular project so she could attend this meeting and comment. She asked if the adoption of the recent Comprehensive Plan would change the recommendations?

Mr. Newberry said he didn't think it would because when staff first looked at the slopes they saw that there were characteristics of both managed and preserved. The staff report notes that there are characteristics of both throughout. He said he still thinks that on balance it still tilts area A toward managed and B and C to be preserved but tilts more in the direction of preserved.

Commissioner Lahendro asked is it staff opinion that B needs to stay preserved.

Mr. Newberry said this is what he was referring to earlier that gives you a better appreciation. Area B and its proximity and integration to the other systems of slope makes it clearly preserved.

Commissioner Lahendro asked where A end up in-terms of its watershed does. He said A is going to eventually filter into Morris Creek.

Commissioner Randolph asked where did the A definition come from, did staff come up with that or did the applicant because and it seemed like Broadway and Franklin Streets might be considered differently.

Mr. Newberry said the letter designations were strictly for discussion purposes.

Commissioner Randolph said it would be helpful for the audience to understand that the Commissions would not be having this discussion about managed and preserved slope in this location except for the fact that this has been identified as 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 pass that this particular piece of property has this abnormality of a planned residential development status when all around is either residential on the other side of the tracks or light industrial to the east.

Elaine Echols, Principal Planner for Albemarle County said the property is zoned Light Industrial and it is shown for parks and green systems on a master plan map.

Commissioner Randolph said he thought the Commission had agreed that the only terms under which slopes would be defined, managed and preserved was applied Planned Residential Developments, and when the Commission originally approved that in the Comprehensive Plan, it changed some slopes. He said he did not realize the slope definitions had been extended to Light Industrial zones.

Ms. Echols said the critical slope definitions were changed throughout the development area. The County now has steep slopes now and they are either managed or preserved. It does not

matter what the zoning is. The designation is an overlay that sits on top of whatever is beneath it so applies to residentially zoned property, commercially zoned property, industrially zoned property because it deals with environmental features not with the zoning itself. The regulations apply to that particular light industrial zoned property as it would apply to any residentially own properties. It is the development versus the rural area. The rural area still has critical slope regulations.

Commissioner Green stated that even though this property is zoned light industrial, the new Comp Plan shows the property as parks and green systems. She said this may explain how this application is here under Light Industrial and how it will be reviewed.

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 and the underlying zoning is the law, so whatever the property is zoned sets the regulations under which it will be developed.

Commissioner Randolph stated that is not about that zoning, it is how the County categorizes those steep slopes as preserved or managed. Even if the decision is to leave them as preserved, the steep slope ordinance permits a special use permit process to allow for entrances to be considered for that use. That is to a discretionary use subject to a board approval. That is another step along the road.

Chairman Rosensweig asked about the possibility of an SUP for an entrance. He said the staff report indicated that if such a request were to be denied by the Board of Supervisors that could potentially be considered a dead case.

Mr. Newberry said there is always that possibility when the only public road access is in a single location that the locality must allow some level of use on the property. What that level of use is, does it need to be one residence or can it be something more consistent with the zoning is something that sometimes gets adjudicated in the courts. But some level of use or some level of activity will be permitted, and whether the entrance is a private entrance or commercial entrance factors into that level of 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 trail system, a hardwood wetland, Moores Creek, a Monacan Village, the Woolen Mills cross-jurisdictional historic district, the PACE Center and its associated hosing, 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 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 SELC is not opposed to any or all development on this site. He said it's just clear that based on its proximity to Moore's 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 Moore's Creek as an impaired waterway.
3. John Frazee – 1404 E. Market, 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. He said it is important to keep in mind that a lot of the concerns raised by Mr. Butler, Mr. Emory and the gentlemen from the neighborhood about future development of the site including storm water damage, access, will be addressed in the site plan approval. That discussion will eventually take place about these topics. 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 the access and easements along Franklin Street and the boundaries within the property. He said he can certainly stand here and tell everyone that his client intends to sell the property, not develop it themselves. They are only interested in obtaining the proposal that is outlined by Mr. Newberry. He said all they want is the zoning change support by staff in Area A. The site is 11.77 acres, 6.9 are in the hundred year flood plan.
  
5. Robin Haines – She applauded the County for having preserved slopes. She is sorry that the applicant does not feel that these 8 acres that they have without changing the slopes are enough. She said her neighborhood is concerned about having a buffer between industrial areas and residential areas; and it is clearly what the neighbors are requesting. There are two things she would like people to remember in the requirements. One is the significant value to an entrance corridor. 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 is a huge difference and it is integrated into a 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 in the commercial/light industrial development that 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 that is worthy of your time.

Commissioner Genevieve Keller stated many people participated in the joint planning process, and we developed joint planning goals for the City and the County in which we all incorporated into the respective Comprehensive Plans. She thanks the County for bringing this to the City so that the City has the opportunity to have a dialogue about it and include our citizenry. She said

however this turns out, it is a very positive thing and something we envision as 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 direct goals and can see a lot of benefit to retaining the preserved slope. She said she would be in support of 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 to approve a slope waiver where there was not a plan of development.

Chairman Rosensweig asked if when an application is submitted would the County be able to take under consideration the post development conditions.

David Benish, Chief of Planning for Albemarle County said that it is a by right development and it does not require a legislative act to approve that development proposal. It simply has to meet the requirements of our ordinance. He said the ordinance requires the terrace no higher than 6 feet on a retaining wall.

Mr. Newberry said that shrubs will be planted every 10 feet along the wall as well.

Commissioner G. Keller said Woolen Mills area is one of the areas that the city has identified as appropriate for a small area planning initiative and one of the reasons for doing that is because of its potential. She said it contains so many opportunities and resources and is adjacent to other important areas. The City and County are cooperating together on the river study, so she is asking to take all of those points into consideration.

Commissioner Lahendro said he is having a hard time understanding how Area A could not be hillside from top to bottom. It looks to him that the portion that doesn't comply or is less than 10% happens to be where the power lines have been put through so that looks like an incidental man-made occurrence. Looking at the 1930 topography this is a natural hill that has been here for quite sometime. He thanked the County you for including the City Planning Commission.

Chairman Morris said all of the input is greatly appreciated.

Commissioner Randolph said if they were to go back 2 years when they were actually considering this, the County never looked at this piece of property. He said they talked about the middle area but not this particular piece. He said had they had the collective input of everyone in this community tonight; he thought they may have looked at this piece of property very differently, and he thinks that when they looked at page 11, the characteristics of preserved slopes that they may have actually changed some of the criteria. The question he proposes this evening is our fundamental responsibility is to do the right thing. It doesn't matter in terms of sequencing. He said they are in position where they have heard enough of feeling from the community that there is a real value to having the buffer slopes which are defined as A, to have preserved slopes that have the walls attached to that. There is no way in his judgment that Light Industrial is appropriate in this area because there is LI to east, northeast, southeast, that is consistent. Even though that is all consistent, we are still looking at a unique historical cultural zone for the county and the city and that is where he is more inclined to think look at this as a SUP and have a full discussion about that and look for a way that this LI building can be sited.

There does not have to be disturbance on Franklin Street as an entrance and if they minimize the damage of the preserved slopes, it can be 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 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 14<sup>th</sup>.

### River Corridor

Chip Boyles, Executive Director of the Thomas Jefferson Planning District Commission gave an update on a year-long project between the City of Charlottesville and Albemarle County looking at the joint and border areas along the Rivanna River and also taking a look at the adjoining counties of Greene and Fluvanna that are indirectly influenced or directly influenced by the water qualities of the river.

The City of Charlottesville and Albemarle County during a joint strategic planning session on July 1<sup>st</sup>, 2014 identified three priority areas for the city and county to work on. The Rivanna River and all of its adjoining properties was one of the three priority areas including Greene and Fluvanna Counties as stakeholder, embrace the river instead of hiding it. Since September, 7 committee meetings have been held and Commission staff has 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 Mills site is a major catalyst for the entire River corridor. We need to create an educational campaign along the river and right now an event is planned for this fall working with some of the non-profits that will be a two day event with educational on one side within classroom settings and then take people into the river on the second day. Some of the next steps being proposed at the next meeting will review a report to the elective bodies of the committee and the findings and the progress. They will begin to look at presentation that the staff at PVCC will recommend so we can come back to the elective officials from the city and the county and let them know what we have been doing over the last 12 months. We will be making recommendations to the city and county with actions and the cost of the actions. It is proposed that the city and the county will be holding a strategic session and present back to the joint group to what the recommendations were and give a follow up report. Some of the recommendations to be discussed are 1) to identify sites along the Rivanna and do a Master Plan along those sites. 2) the livability study, 3) Less costly is to maintain communication between the elective officials and the staff so the conversation will remain ongoing so we continue to include the stakeholders, so everyone will be aware to what is happening on both side of the river. 4) ask the elective 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, Spring watch and others. Finally we should research, prioritize, and to visit some successful river re-development projects. A similar river

ran through the city of Greenville, SC. It was piped and concreted over and they hid it. A decade later they created what is now known as very nationally and internationally park and bridge system in their downtown area.

Chairman Morris said this has been a year-long process and not a dollar of tax money has gone into it.

Commissioner Lahendro asked how much current development pressure is there along the river and would it pre-empt any planning implementation.

Mr. Boyles said the committee has not drilled down into the current conditions for development, they spent a lot of time looking at the broader need, so if they look at it with more detail then they are going to generate more time and effort in it.

Chairman Rosensweig commented that Mr. Boyles said there would not be resources for creating a larger Master Plan. He made a pitch to have tax dollars going into this, the single biggest planning priority between the two commissions that was a result of a joint planning process. He said the planning process was accelerating and that there was much consensus around anything and the city seems to be a strong will among people to get this done.

Mr. Boyles said that this is a real detail plan of development, and they have received a lot of positive feedback of what the stakeholders would like to see. With the Master Planning to go as far as taking property whether it is privately owned or publicly owned which perhaps will become publicly owned and designing it down for both documents, recreational facilities, the features, that level of detail would require additional funding. He said that ultimately it is the money that decides whether it is a priority or not, he does believe that there will need to be some support behind this. We have to do a better job of showing the comprehensive need for it.

Mr. Morris said that staff has identified property owners from the county side so that we can reach out and get in touch with them.

Mr. Boyles said that if we can identify where there are some potential development, then there could be some shared cost we can help do something that would help the property owner and have good public private partnership.

Ms. Echols said some of the things the group has talked about are the importance of integrating the recreational, the water quality, preservation, economic development and the overall community value for the area into a project so she feels there are opportunities there to range from low to high in terms to what might go into a Master Plan in a detailed suggestion for a concept plan for everything that isn't in the cards there might be some things that are more guidance for what happens along there and provides the direction for action items. To be done by the city or the county.

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, 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 will open.

### Matters by the Public

Bill Emory said that this environment is economically healthy. He grew up in Richmond on the James River, you can see the economic vitality that is driven there now, all but a lot of that is because natural features, and so he doesn't think you need a plan maybe an overlay with both counties.

Chris Hayes Woolen Mills, and used to live in Greenville. It is incredible to what it is now (Greenville) it was totally dead down town and if you go now, every night of the week you can't find a parking place. It is so energized. Greenville does have a Main Street and it happens to bisect the River. Here with the Rivanna if we could have some larger goals so people would want to work toward hopefully we won't get mired in years and year of discussion and 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. To see what is down there now, is a lot of automotive stuff, 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 steep slope ordinances and what they can and can't do and how they are evaluated. He said as you are thinking of the Rivanna and development or natural preservation slopes become a part of that and how you integrate, becomes a part of that, how you accept people doing things along the river becomes a part of that. When you talk about Greenville tearing down building without property owner approval was 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. Often times critical in one county, steep in another, need to be impacted, this is a part of how you develop an urban areas. 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 when talking about an overlap district, to prevent things from happening would not be good. We should have an encouragement overlay to encourage things we want to see happen. He thinks encouragement and 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        7:40 p.m.  
                         Mr. Dan Rosensweig, Chairman City of Charlottesville