

**ARCHITECTURAL REVIEW BOARD MINUTES
MARCH 18, 2013**

The Albemarle County Architectural Review Board met on Monday, March 18, 2013, 1:00 p.m., Room 241, Second Floor, County Office Building, Charlottesville, Virginia. Those members present were Bruce Wardell, John Quale, and Charles T. Lebo, Vice Chair. Mr. Wardell arrived at 1:12 p.m. Marcia Joseph and Fred Missel, Chairman were absent.

Staff members present were Margaret Maliszewski, Design Planner and Sharon C. Taylor, Clerk.

CALL TO ORDER

Mr. Lebo called the meeting to order at 1:12 p.m. and established a quorum.

PUBLIC COMMENT

Mr. Lebo invited public comment.

Chuck Boldt requested that ARB-2013-10, New Hope Church be pulled from the consent agenda for discussion.

There being no further public comment, the meeting proceeded.

STAFF PRESENTATION: Initial Site Plan Review Process

Margaret Maliszewski reviewed the initial site plan review process being implemented and what it means for the ARB process.

Last year the ARB had some work sessions on improvements to the site plan review process. A Zoning Ordinance amendment was the result of those discussions. The ordinance changes became effective on January 1. Those changes do affect ARB reviews. Now, the ARB, as a member of the Site Review Committee, is required to review and comment on Initial Site Development Plans, and Major site plan amendments (which follow the same process).

This ARB review is limited to the information provided in the initial plan on the following items:

- a) Size and arrangement of structures
- b) Location and configuration of parking and landscaping
- c) Preservation of existing vegetation and natural features

This means the ARB is not reviewing architectural design at this stage. The purpose of the ARB review is still to determine consistency of the plan with the Entrance Corridor design guidelines, but just pertaining to those three areas.

The ARB member notebooks have been updated to highlight which guidelines can be applied to initial plan reviews. When the ARB completes the review, the comments/action will be transmitted to the agent. Practically speaking, the comments are forwarded to the lead planner assigned to the project, just as all the comments of all site review committee members are. The comments need to take a particular form, which is outlined on the form in the notebook called "comment content, format and examples for ARB review of initial site development plans and major site plan amendments".

There are four things the ARB will need to specify:

Requirements needed to satisfy the Design Guidelines. If there are things in the plan that have to be changed for the plan to meet the Guidelines, there are three things to do:

Specify requirements to satisfy the design guidelines. (If things have to change to meet the guidelines) If there are requirements:

1. Identify the deficiency that makes the proposal not meet the guidelines. For example, significant trees aren't being saved. Or, the building isn't parallel to the EC.
2. Site the specific guideline that hasn't been met. In the tree save example, the relevant guidelines would be #6 and #39e. In the parallel building example, the relevant guideline is #39b.
3. Site the specific ordinance section that applies (either 30.6.4(c)(2), or (3) or (5))
In the tree save example, the ordinance section that applies is 30.6.4(c)(5).
In the parallel building example, the ordinance section that applies is 30.6.4(c)(2).

Specify recommendations regarding the plan as it relates to the guidelines.

Identify any changes that could be made but won't be ARB requirements. In the tree example, if the trees have some limited value, you might say that it would be preferred to save the trees, but it isn't required. In the parallel building example, the topography and layout of the site might be such that a slightly non-parallel building wouldn't have a significant impact, so you might say that it would be preferred to orient the building parallel, but it won't be required.

Specify recommended conditions of plan approval.

If requirements were identified in #1, identify the specific condition that will overcome the deficiency. In the tree example, you might say, "Move the proposed building to save the significant trees." (You should also specifically identify the tree save area.) In the parallel building example, you would say, "Re-orient the building so that it is parallel to the Entrance Corridor." A standard condition of initial site plan approval will be the approval of a Certificate of Appropriateness prior to final site plan approval.

Specify conditions to be satisfied prior to issuance of a grading permit.

Identify specific conditions for the grading permit. For example, provide a tree conservation plan, and show tree protection fencing on the plan prior to issuance of a grading permit.

When this process was discussed last year it was decided that the initial plans would go on the consent agenda. The ARB hasn't been using a consent agenda process until today with two initial plans on the consent agenda. Any ARB member can ask to have items pulled from the consent agenda and reviewed more like a regular item. The ARB may also find that applicants or members of the public ask to pull a particular item from the consent agenda.

Mr. Lebo noted the ARB would move to the Consent Agenda.

CONSENT AGENDA

- a) **ARB-2013-10: New Hope Church**
- b) **ARB-2013-18: Old Trail 2B Rutherford Hotel**

Ms. Maliszewski pointed out the ARB had already had a request from the public to take one of the items off the consent agenda.

Motion to Pull From Consent Agenda:

Mr. Quale moved to pull item (a) ARB-2013-10: New Hope Church from the consent agenda for further discussion and review.

Mr. Wardell seconded the motion.

The motion carried by a vote of 3:0. (Missel and Joseph absent)

Motion to Approve Consent Agenda:

Mr. Quale moved to approve the consent agenda and forward the recommendations outlined in the staff report to the agent for the Site Review Committee, as follows:

Regarding ARB-2013-18: Old Trail 2B Rutherford Hotel

- Regarding requirements to satisfy the design guidelines as per 30.6.4(2), (3) and (5):
None.
- Regarding recommendations on the plan as it relates to the guidelines:
None.
- Regarding recommended conditions of initial site plan approval:
ARB approval of a Certificate of Appropriateness is required prior to final site plan approval. The applicant shall submit an application for a Countywide Certificate of Appropriateness for a structure located 750' or more from the Entrance Corridor. The applicant is advised that 1) building mass, roof form, building materials/colors, blank walls, equipment, and landscaping will be the focus of review of the Countywide Certificate of Appropriateness, and 2) there are discrepancies between the plant schedule and the landscape plan that require correction.
- Regarding conditions to be satisfied prior to issuance of a grading permit:
None.

Mr. Wardell seconded the motion.

The motion carried by a vote of 3:0. (Missel and Joseph absent)

DISCUSSION OF CONSENT AGENDA ITEM

Mr. Lebo noted that the ARB would discuss ARB-2013-10, New Hope Church.

a) ARB-2013-10: New Hope Church

Ms. Maliszewski presented some photos of the site and summarized the request.

This is a proposal to construct a church and related features on a wooded lot located approximately 350' west of the Route 29 Entrance Corridor. Only the easternmost part of the parcel is included in the Entrance Corridor Overlay District because the parcel is not adjacent to the Corridor. Proposed in that strip is a portion of the entrance drive and the grading and the tree removal that is required to construct that drive. None of the proposed buildings, parking or any other features proposed are within the strip within the Entrance Corridor. The area does have limited visibility from Route 29 due to its distance from the EC and off-site evergreen trees that narrow that view to about a 70' width across Dickerson Lane.

The Entrance Corridor Guidelines do require that trees be planted along that proposed entrance drive. The Guidelines also call for development that is sensitive to the existing natural landscape accomplished through the preservation of trees and rolling terrain as practical, and the significant natural features, including significant trees, to be reflected in the site layout, again to the extent practical.

The trees to be removed for the entrance drive are primarily Virginia Pine. Preserving these trees does not really seem practical. There is no individual tree in the group that appears to have any special significance and the group of trees likewise does not appear to have significance. However, a bare slope would not promote continuity within the Corridor. So providing trees along the entrance drive and replanting the hillside with a mix of trees would mitigate the loss of the wooded area and help the site blend back into the surrounding landscape. The Entrance Corridor Guidelines do state that no grading should occur within the dripline of trees designated for preservation and the areas designated for preservation should be clearly delineated and protected. The tree protection in that area was not shown on the plan, but it should be.

Staff recommends that the details of that planting be reviewed with the final site plan submittal and the tree protection be addressed prior to the issuance of the grading permit. Staff did not identify any requirements to satisfy the guidelines at this time. The applicant understands that trees are required along the entrance drive and they have agreed to replant that hillside.

Applicant Presentation

Ed Blackwell, with Blackwell Engineering acting as agent for the owner, pointed out the Pastor of New Hope Church was present to answer questions. The entrance location was approved as part of the special use permit. There were three proposed entrance locations that did not work. They feel the proposed entrance is the best location and they are open to heavily landscape it. It will be a paved drive.

- One of the problems they have had during the past three years is finding an entrance. They started the site plan almost three years ago and went to the Board to get a special use permit. At that time their entrance was across from the substation. They worked with VDOT, but needed a special exception from VDOT. The bottom line is that was not the preferred location.
- They looked at potentially coming off Piney Mountain Road and that was not acceptable to numerous neighbors. However, that was a request the county asked them to look into. The only other entrance location was off Dickerson Road where other churches are located up the road. The entrance off Dickerson Road did not have sight distance and would have required removal of an embankment. Heading to the north on Dickerson Road the embankment gets pretty steep. So to cut an entrance in they would have to grade the bank back to get the sight distance.
- Meeting with two VDOT officials they came up with the entrance location as shown on the plan. It is close to the intersection, but they felt they could get the sight distance and get the entrance cut in without cutting too many trees. They have been working back and forth with VDOT, county staff and the county engineer. They feel the proposed entrance location will work. They will heavily landscape it as required by the county or any other additional measures they deem appropriate. They have no problem planting back numerous trees to meet county guidelines as requested with the spacing of 40', size and caliper requested for whatever is needed to get the entrance location.

Public Comment:

Chuck Boldt, resident of 5260 Piney Mountain Road, noted the proposed entrance location is where the church would like it to be. However, VDOT also stated that is not the only location for the entrance. Ann Mallek, the Supervisor, is not really happy about where the entrance is and the amount of woods they are taking to do it. The process of getting the entrance is kind of quirky because VDOT says it can be anywhere but here. However, it is the building permit that allows construction. A fair portion of that corner is on state land and not owned by the church. Ms. Mallek and he have attempted to find a different location for the entrance. There are some different locations including one within the stream buffer. Unfortunately it is County policy that the way they approach it is the stream buffer is the last thing looked

at. The Code talks about stream restoration. The way this church is sited there is a sufficient amount of fill. It does encroach. That is beyond their purview. However, there are some issues with constructing this building. It is about 270' to the corner. There is a fair amount of this exposed. The presumption is they are buffered from 29, but that presumes the landowner on the other side of the street does not cut the trees down. The trees are of small diameter. There is nothing preventing that land to be cleared and therefore that corner becomes exposed.

Mr. Quale asked if that is his primary concern.

Mr. Boldt replied his primary concern is the rural character in what he is looking at. Driving by on Route 29 he would like to see rural woods on that corner. The proposed church is going to heavily impact that corner and take a significant amount of trees and shrubs away. There is nothing in the recommendation that suggests that there is any obligation to maintain the trees. The biggest issue is the idea that the church will be seen from Route 29. Everything about this plan seems to be the minimum requirement so they can have the maximum impact on that corner. The proposed plan does not have a lot of shielding. He thinks a different plan might resolve this. There is a more appropriate approach. Ann Mallek attempted that negotiation with the church. There are other problems with this plan beyond what the ARB reviews. But many of those other problems are going to continue to have impacts on this entrance. For example, the fire department wants a wider road going in. That means it will be a bigger expanse of roadway. When the plan came before the Planning Commission the roadway was very small. It was sold to the Board of Supervisors on the basis that it would be buffered from the road. That is not what is going to happen.

Mr. Quale said he found it difficult to pass judgment on this compared to another strategy without actually seeing the other strategy. The difficulty is that he looks at the site plan and sees pretty tight contours the further north that you go.

Mr. Boldt pointed out with the 100' stream buffer they don't have the contours. It is not appropriate since the proposal destroys the rural character. The church being 60' to 65' above the road makes it very visible.

ARB DISCUSSION

The ARB discussed the proposal with staff and the applicant, noting the issues and concerns raised by staff and the public and provided comments included in the following summary.

- It is a coin toss whether a steeper slope takes out less trees now. A steeper slope fits in less naturally with the existing topography, but it takes out fewer trees. That does not rise to the level of the ARB making a recommendation that they pull the slope back at 4:1 or 5:1 and take out more trees because in the short term that makes the building more visible, it makes the slope bare, and it creates a scenario that they are trying to replant some natural landscape. The ARB did not see another option for the entry given what has been taken away as the boundary of this property.
- The ARB can't respond to a whole section that is theoretically critical slope that the engineer has not shown. It is difficult to evaluate with no documentation.
- The fact that another option was available was not relevant and not in front of the ARB.
- In terms of location, given the information on the drawing, the ARB felt there was no other location or strategy available. The ARB would not make a recommendation to pull the slope back since it would make a bare slope and create a scenario of trying to replant natural landscape.
- Based on the Guidelines the ARB had no option except to approve the request due to the limited visibility and distance of the proposed church from the Entrance Corridor.

- The applicant can work with staff to provide landscaping along the entrance drive to meet the Guidelines for the final site plan.

Motion: Mr. Wardell moved to forward the recommendations outlined by staff to the agent for the Site Review Committee, as follows:

- Regarding requirements to satisfy the design guidelines as per 30.6.4(2), (3) and (5):
None.
- Regarding recommendations on the plan as it relates to the guidelines:
None.
- Regarding recommended conditions of initial site plan approval:
ARB approval of a Certificate of Appropriateness is required prior to final site plan approval. The final site plan shall show 2½” caliper trees at 40’ on center (or the equivalent thereof), at a minimum, along the entrance drive; and a mix of additional trees, located and spaced to achieve a natural appearance, on the slope adjacent to the entrance drive to compensate for lost wooded area.
- Regarding conditions to be satisfied prior to issuance of a grading permit:
Provide a tree conservation plan. Show tree protection fencing along all tree lines to remain, in particular along the entrance drive. Add the installation of tree protection fencing to the sequence of grading and erosion control work.

Mr. Quale seconded the motion.

The motion carried by a vote of 3:0. (Missel and Joseph absent)

OTHER BUSINESS

Stonefield: Building C1-3 Rooftop Equipment

Applicant Presentation:

Chris Haines, with Edens as Planning & Development Manager; and Tom Gallagher, Vice President of Development, were present to update the ARB on the RTU screening on building C1-3, which is the building visible from Hydraulic just north of Regal Cinema. Mr. Haines made a presentation and explained the process of providing some measure to ensure the RTUs were not visible on the significantly sized roof from Hydraulic Road. He explained the analysis, conducted specifically from the highest points in the vicinity on the Entrance Corridor, and described the screen wall heights and structural implications. They will keep the ARB abreast of the solution in the plan before implementation.

Hyatt at Stonefield: Copper panels

The ARB revisited the subject of copper panels for the Hyatt at Stonefield. Following a brief discussion it was the consensus of the ARB that the copper panels will be appropriate if real copper that patinas naturally is used. The copper does not need to be pre-patinized.

BMW at Pantops: Building colors

The ARB discussed the BMW Phase 2 building colors and took the following action:

Motion: Mr. Wardell moved that the color palette of the Phase 2 BMW building shall match the color of the Phase 1 building as previously approved by the ARB.

Mr. Quale seconded the motion.

The motion carried by a vote of 3:0. (Missel and Joseph absent)

Jarman's Sportcycles Building: Proposed renovation

The ARB discussed the proposed renovation of the Jarman's Sportcycles building and indicated that the enclosure of the porch is moving in the right direction. Areas for improvement might include: the repetition of elements (more doors and windows), the proportions of the barn doors, alternate barn door design, and possibly other features.

Approval of Minutes:

Motion: Mr. Quale moved to approve the January 7, 2013 ARB minutes.

Mr. Wardell seconded the motion.

The motion carried by a vote of 3:0. (Missel and Joseph absent)

New Business:

Ms. Maliszewski noted the following matter coming up in April:

- The plan for the 5th Street Station was distributed for the next meeting. The ARB was requested to drive by the site to check visibility before the next meeting.

Next ARB Meeting: Monday, April 1, 2013

ADJOURNMENT

The meeting was adjourned at 2:45 p.m. to the next ARB meeting on Monday, April 1, 2013 in Room 241, Second Floor, County Office Building at 1:00 p.m.

Fred Missel, Chair

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