

ALBEMARLE COUNTY BOARD OF ZONING APPEALS

COUNTY OFFICE BUILDING

401 MCINTIRE ROAD – LANE AUDITORIUM

TUESDAY, JULY 13, 2010 – 2:00 P.M.

Board Members: David Bass, Chairman
Lloyd (L.F.) Wood, Vice-Chairman
Randy Rinehart, Secretary
David Bowerman
M. Clifton McClure

Staff Members: Amelia McCulley
Ron Higgins
J.T. Newberry

County Attorney: Andy Herrick, Assistant County Attorney

1. Call to Order

The meeting was called to order at 2:00 p.m. by Vice-Chairman L.F. Wood, who indicated that Mr. Bass had asked him to chair the meeting.

2. Establish a Quorum

A quorum was established, and the meeting proceeded.

3. Matters not on the Agenda

None were presented, and the meeting proceeded.

4. Matters Deferred from Previous Hearings

None were presented, and the meeting proceeded.

5. Special Use Permit Hearing

SP-2010-00015 University Research Park

Ms. McCulley: Thank you, Mr. Chairman. I'm going to begin with the overall master plan of the University North Research Park because it shows you the context of this property as it relates to the future build out and some of the major roads such as 29 and Dickerson, and then I'm going to go to my presentation. So what we're dealing with is this development in this area, if you can just follow that arrow cursor, and there are two signs – one is to be located right there at the entrance road at Lewis & Clark Boulevard, which is the main road that goes to 29; and this internal road, which is Research Park Boulevard. So that's Sign #1; and then Sign #2 is further down along Lewis & Clark Boulevard and it's right at the entrance to the parking area for these buildings. Now just to get you oriented, Route 29 is out here – so it's kind of down below this center, right here, and then if you were going to go up above that would be where the intersection with Dickerson Road is. I think there are three buildings that exist now, but you can see that several others are proposed and this is sort of a complex right there that needs some identification.

This map also shows where Sign #1 and #2 are, and again the main road is Lewis & Clark Boulevard. The first sign, the one at the intersection of Lewis & Clark and Research Park boulevards, there's an existing sign that

would be refaced to include at least one offsite tenant. The initial plan is that it includes a café that is located offsite, but there would certainly be needs in the future as tenants change to include other tenants. Now the second sign – that's the one that's right at the parking area – that would be a new sign. Both signs are not subject to ARB, and that's because they are not visible from Route 29 due to the distance. Now these proposed signs will comply with all of the Sign Ordinance requirements in terms of size, height, setback, and number of signs; this Special Use Permit is not a request for more signs or more sign area or higher signs or anything like that.

The first one that is on the internal road with Research Park Boulevard identifies the entrance road for a group of buildings, as you can see; the second sign identifies the entrance to a parking area. These are the Special Use Permit criteria that are outlined in the Zoning Ordinance for any Special Use Permit regardless of the use, and these are the things that we have to consider as we do this review. So the first one is that the proposal would not be a detriment to adjacent property – that would be two offsite signs, and staff is able to find that in fact it is not a detriment to adjacent property. The second is that there isn't an impact on the character of the district, that would be the Zoning District, and this is Planned Development - Industrial Park and we are also able to make positive findings in that case. The third one is a finding that the proposed offsite signs are in harmony with the purpose and intent of the ordinance, and that's where we look at the sign ordinance purpose intent, and again we are able to find consistency with those purposes and this proposal. And the final one is more of a generalized finding that the proposed use is in harmony with public health, safety, and general welfare – and again we are able to make that finding. These signs are proposed way-finding signs for people, directing them to interior access roads in one case, [and] to parking area in another case.

This shows a couple of different shots... showing the existing and proposed sign locations. Now this is the existing sign – and that's at Lewis & Clark and Research Park Boulevard. So in front of you sort of to the left of that photo, the major road that the stop sign is stopping people before they enter, is Lewis & Clark Boulevard. The internal road is Research Park Boulevard, and that sign would be modified to list at least one additional offsite tenant – maybe more. Again, another view of the same sign, this way you're looking towards 29 at Lewis & Clark Boulevard, and this just gives you a little more perspective – there's the building right at that intersection. So this is the second sign, and this is at the parking lot where you would turn if you were going to be going to those buildings... certainly if you were an employee or a regular visitor. So this sign does not exist, and that would be a new sign adjacent to the parking lot generally in the area where there is a sign now. This is a view just a little bit further away showing the buildings in the background.

So in conclusion staff finds that this proposal satisfies the Special Use Permit criteria, and we recommend approval subject to one condition: “The Special Use Permit authorizes two signs listing offsite tenants within this Planned Development - Industrial Park; listing any tenants outside of this park shall not be permitted on either of these two signs without amendment of the Special Use Permit.” And I just wanted to explain for a second why there are even any conditions – because initially when I reviewed this it was so straightforward, they weren't asking for more than the ordinance allows in terms of number and size and so forth. I couldn't think of any conditions, and then I realized this is a request for signage that identifies offsite uses, and it's important that the offsite advertisement or identification be limited to those uses within the industrial park.

And you may remember we've had quite a few of these now – I think one almost every meeting – and we are looking at the planned developments signage in terms of offsite signage, because instead of looking at the site in terms of what's offsite as “the parcel,” we're really looking at it more holistically or broadly, and the site becomes the park – so in this case, the industrial park can use their signage to advertise things that are off the parcel in which the sign is located, but within the industrial park. So that's why we have this condition.

Mr. Wood: Thank you, Ms. McCulley. Would the applicant come forward... thank you for coming.

Mr. Missal: Mr. Chairman, members of the Board, thank you for having us today...My name is Fred Missal, I'm the Director of Design and Development for the U.Va. Foundation. We appreciate your consideration of this request. It's sort of interesting, I think many of you do know that the U.Va. Foundation is the owner of the entire park, so to call this an "offsite" sign is a bit of a misnomer, because we do own all of the property the sign is on as well the adjoining buildings. We essentially subdivide those buildings every time we develop them.

We are excited about the primary reason for coming to you today to request this sign – and that is we are adding a full-service restaurant to the Research Park. It is located in Town Center III, which...is located in that general area that Ms. McCulley has just pointed out in the Town Center District. And in order for us to encourage ~~people to find the restaurant in an area which is still admittedly relatively underdeveloped we feel this~~ would be a great addition to the way-finding in order to get them there. So that is our primary reason. And the last thing I wanted to mention is we do have a set of design guidelines that are part of our rezoning with the county and actually are registered as a proffer in our rezoning, and those design guidelines do include the sign designs that we are asking you to approve today.

Mr. Wood: Any questions for the applicant from the Board? Thank you very much. Anyone else to speak for the applicant? If not, I'll open it up for public hearing, and seeing none or hearing none I'll close the public hearing and it's before the Board.

Mr. Rinehart: Mr. Rinehart, it seems pretty obvious with Ms. McCulley's recommendation. I'll move for approval of Special Use Permit 2010-00015 for offsite [sign] with the stipulation of the condition recommended by staff.

Mr. Bowerman: Second.

Mr. Wood: Seconded by Mr. Bowerman. Any further discussion? If not, J.T. would you call the roll please?

Mr. Newberry: Mr. McClure?

Mr. McClure: Aye.

Mr. Newberry: Mr. Wood?

Mr. Wood: Aye.

Mr. Newberry: Mr. Bass?

Mr. Bass: Aye.

Mr. Newberry: Mr. Rinehart?

Mr. Rinehart: Aye.

Mr. Newberry: Mr. Bowerman?

Mr. Bowerman: Aye.

Mr. Wood: Thank you very much. Very well presented.

6. New Business

Approval of April 6, 2010 Minutes
Approval of June 1, 2010 Minutes.

Mr. Rinehart moved for approval of the April 6, 2010 and June 1, 2010 minutes. Mr. Bowerman seconded the motion, which passed unanimously (5-0).

Ms. McCulley asked if the Board was aware that the service station application was appealed to Circuit Court, noting that the date hasn't been set yet.

~~Mr. Herrick indicated that the County hasn't been served yet, and their only knowledge is that the item has been filed according to the court's website. He noted that the Chairman is the most likely candidate to be served.~~

Ms. McCulley reported that the BZA would likely be hearing the Redfields appeal next month, adding that she was hopeful that the homeowners and developer would reach an agreement. She said that the developer has a new attorney's office representing him and they are planning to go forward with the appeal in August.

Mr. Rinehart stated that he would recuse himself from that discussion and vote, as he is a resident of Redfields and is "very close friends" with those involved.

Ms. McCulley said that she would try to simplify the appeal as much as possible, but there is a lot of information accompanying the issue.

Mr. Bass asked her to tell the Board in a sentence what her determination is.

Ms. McCulley replied, "My determination is that that property, the subject property that is in question, is designated for open space use and can't be used for anything other than allowable open space uses without rezoning the property. But it is not required to be conveyed to the homeowners association and dedicated to be their property."

Mr. Bass added, "Because the Planning Commission and the Supervisors, when they approved the PUD, did not specify that."

Ms. McCulley responded that they specified it was open space but also talked about it as "residue" because it's above the threshold of 25% required to be designated as open space and could be eligible for rezoning.

Mr. Wood noted that that was stated in the Board of Supervisors minutes that it would have to come back to that Board for full zoning review.

Ms. McCulley confirmed the point.

After a short discussion, the Board agreed to keep their September meeting on September 7th.

7. Old Business

None was presented, and the meeting proceeded.

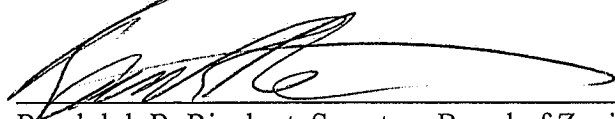
8. Adjournment

Mr. Bowerman moved to adjourn the meeting; Mr. Rinehart seconded the motion, which passed unanimously (5-0).

There being no further business, the meeting adjourned at 2:18 p.m.

(Recorded by J.T. Newberry and transcribed by Beth Golden)

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Randolph R. Rinehart", written over a horizontal line.

Randolph R. Rinehart, Secretary Board of Zoning Appeals