

Albemarle County Planning Commission
August 4, 2015

The Albemarle County Planning Commission held a public hearing on Tuesday, August 4, 2015, at 6:00 p.m., at the County Office Building, Room 241, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Bruce Dotson, Karen Firehock, Tim Keller, Thomas Loach, Cal Morris, Chair; and Richard Randolph. Absent was Mac Lafferty, Vice Chair. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was absent.

Staff present was Scott Clark, Senior Planner, Chris Perez, Senior Planner; Rachel Falkenstein, Senior Planner; Margaret Maliszewski, Principal Planner; Amanda Burbage, Senior Planner; John Anderson, Civil Engineer; David Benish, Chief of Planning; Sharon Taylor, Clerk to Planning Commission and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

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

The Planning Commission recessed at 7:33 p.m. and the meeting reconvened at 7:39 p.m.

Public Hearings

a. SP-2015-00020 CVS at Rio Road and 29N

MAGISTERIAL DISTRICT: Rio

TAX MAP/PARCEL: 0610000000123F0, 0610000000123G0

LOCATION: 1700 and 1701 Seminole Trail

PROPOSAL: Drive-through window for proposed CVS pharmacy

PETITION: Drive-through window under Section 24.2.2 of zoning ordinance. No dwellings proposed

ZONING: HC Highway Commercial, commercial and service; residential by special use permit (15 units/ acre)

ENTRANCE CORRIDOR: Yes

AIRPORT IMPACT AREA: Yes

COMPREHENSIVE PLAN: Office/R&D/Flex/Light Industrial – commercial, professional office; research and development, design, testing of prototypes; manufacturing, assembly, packaging, in the Places29 Development Area
(Rachel Falkenstein)

Ms. Falkenstein presented a PowerPoint presentation SP-2015-20 CVS at Rio Road and 29 - Request for a Drive-Through Window.

- The request is to construct a drive-through window for a proposed CVS pharmacy.
- The pharmacy is permitted by-right in HC Zoning.
- Special Use Permits required for drive-through windows in HC Zoning under Section 24.2.2 of the Zoning Ordinance.

The property is located in the Northwest quadrant of the Rio Road/29N intersection. It is currently 2 parcels that total 1.63 acres. There are 2 existing buildings on site. There is a bank with an existing drive-through window as well as a small shopping center with some small

businesses and a restaurant. The property is zoned HC. It is within the Rio Road & Route 29 Entrance Corridors

In the proposed concept plan for the drive-through the applicant proposes to:

- Combine two existing parcels into one and demolish the two existing buildings
- Construct a 11,945 square foot pharmacy
- Utilize two existing entrances on site. One on Route 29 is right-in and right-out. Then an access way to Rio Road is also right-in and right-out.
- The drive-through is on the NW corner of the building.
- There is space for up to 5 cars stacked behind the drive-through window waiting in line
- There is also enough space for cars to bypass the window if they change their mind once they get in line.

The preliminary rendering was provided for ARB preliminary review. The vantage point is from the Route 29 Grade Separated Interchange (GSI). The drive-through will be on the back corner of the building. The applicant has limited the visibility probably about as much as they can on the site from the Entrance Corridor. It will be partially visible from points north on Route 29, but probably won't be seen from Rio Road.

Staff has identified factors which are favorable and unfavorable to this proposal:

Factors favorable:

1. The ARB has completed a preliminary review of this proposal and had no objection to the proposed drive-through use as designed.
2. There is no conflict anticipated between vehicles stacked in the drive-through lanes and vehicles in the parking lot or off-site traffic.

Factors unfavorable:

1. The applicant has not provided letters of support from adjacent property owners as requested by staff.

In talking to the applicant staff found a little bit more information. In lieu of the community meeting we allowed the applicant to provide letters from adjacent property owners expressing their support for the project. Really our intent with this was to make sure we had some record that they knew the adjacent property owners were aware of it and had no major objections. It sounds like the applicant is having trouble getting one of those letters. So it might be something we could discuss tonight moving forward without that second letter. Maybe staff could reach out just to make sure there are no major objections from that property owner.

Other Factors for Consideration:

Another factor for consideration, which is not something staff thinks should stop this particular use, but it is something to think about moving forward.

1. The drive-through use in and of itself does not further the principles of the Neighborhood Model recommended in the Comp Plan. However, the use is typical and regularly occurring in the HC zoning district (there is currently a drive-through facility on this site and there are several others in the immediate area) and by its nature will generally not be consistent with Neighborhood Model principles. It is something to think about in the future as they update our small area plans and master plans. We might want to start considering where we think these uses are appropriate in the county.

Recommendation:

Based on the findings described in this staff report and factors identified as favorable, staff recommends approval of the SP-2015-00020 CVS at Rio and 29N, with the conditions listed in the staff report. The conditions are pretty standard and staff has used them in the past couple of drive-through requests approved in recent years.

Ms. Falkenstein said she would be happy to answer any questions.

Mr. Morris invited questions for staff. He asked staff to point out where the new 29 North intersection would go and how is it going to be affected especially the entrance off Route 29.

Ms. Falkenstein pointed out the rendering is kind of raised up from the site and actually from the perspective of the new intersection. So this will be the new traffic pattern in the area and the existing entrance will remain.

Mr. Keller commented having looked at the other rendering he thought this is a pretty major transformation when you are driving along and you will be looking down at the CVS.

Mr. Randolph said on page 3 in the top paragraph fourth line down you reference enough space for five vehicles stacked behind the drive-through window. Then in another location on page 4 under "and with the public health, safety and general welfare" in the fifth sentence it says, "Enough space for five stacking spaces behind the vehicle at the window have been provided." So on the first reference he gathered it was a five vehicle stack and then the second reference if you include the vehicle at the window it is six vehicles stacked. He asked is it five or six? It does not really matter, but he just wanted to get an idea from the standpoint of consistency.

Ms. Falkenstein pointed out that was actually a point of conversation between the applicants as well. Our zoning ordinance defines stacking as starting behind the window so there will be five stacking spaces. However, if you are counting the car at the window there will actually be six.

Mr. Randolph pointed out that actual question came up last night during the discussion about the window at Fifth Street Station. He appreciates Ms. Falkenstein passing that along.

Mr. Dotson said just to clarify is the only thing that is before us tonight the special use permit for the drive-through window.

Ms. Falkenstein replied that was correct.

Mr. Dotson said just looking at the staff report the proposal meets all of the ordinance requirements and the county engineer is satisfied with what is being proposed.

Ms. Falkenstein replied that is correct.

Mr. Dotson asked with the special use permit are adjacent property owners notified of that.

Ms. Falkenstein replied yes, they are notified when the application comes in.

Mr. Dotson noted that he was curious about the context of that notification. Is it a letter that gives a staff person for someone to contact to learn more or does it provide a way that if somebody had a comment they could make one.

Ms. Falkenstein replied yes, the letter provides my information if they have any questions or concerns.

Mr. Dotson said in a sense what we are asking for with a letter of support is sort of a double standard compared to our usual procedure.

Ms. Falkenstein replied the usual procedure would be to hold a community meeting. They did not require that with this use because there is an existing drive-through. Staff did not feel the impacts would be that significant, but they did want to reach out to neighbors to hear if there were any major objections. That was the idea of the letter of support. It was not intended to be something that a neighboring property owner could use to delay or to stop the project. However, it sounds like that may be what is happening.

Mr. Benish said he thinks what he is getting to is in a way they have gotten to the point where their opportunity now is through the public hearing process to comment. They have been notified and they have not attended. So they can presume they have no interest in pursuing that. He thinks the point was just to try to bring closure to that process that we started. The idea was to use that as a surrogate of the community meeting.

Mr. Dotson pointed out he thinks the original intent was to sort of streamline the process when there was adequate justification to streamline it. Now that the letters have not come in, in a way it has become a bottleneck. So when they get to that point he will be in favor of not having a condition and it goes on to the Board of Supervisors.

Mr. Benish said that was fine.

There being no further questions for staff, the public hearing was opened for applicant and public comment. Mr. Morris invited the applicant to address the Commission.

Ashley Davies, Land Use Planner at Williams Mullen representing The Rebkee Company, said they are very pleased to finally get to this part of the process. This is a small site that has proven to be very complex being at the heart of the grade separated interchange. They have had a lot of back and forth at VDOT on how much land needs to be taken; where the various easements are; that there is a lot of topography; and they are on two Entrance Corridors. So that has been quite the process. She just wanted to add commentary about both of the neighboring properties. She noted that Rebkee and Riverbend Development, the two groups working on this project, have worked with both those property owners directly because they have various joint access easements on both sides. When the original letters went out in March to both of those property owners they did include the proposed site plan and all of that. They got the one letter back and she has sent several to the other property owner, and here we are. However, she knows they are well aware of the project and she is sure they probably would have sent someone tonight if they had something specific that they wanted to say. She was happy to try to answer any questions and thanked the Commission for their consideration.

Mr. Morris invited questions for the applicant. There being none, he invited public comment. There being no public comment, Mr. Morris closed the public hearing to bring the matter before the Planning Commission for discussion and action.

Mr. Randolph said he was present at the ARB meeting and listened to the entire discussion of the ARB. It was quite the discussion about the wall that will go in on 29 Solutions at that location. So that was extensively vetted. There was one observation he wanted to make, which really does not have to do with the application at all. He thinks there is a need for this body to

reexamine the zoning and the comp plan regulations following Solutions 29 work on that small area plan. He thinks they are going to need to take a look at that and whether things are working as well as they could in this location.

Mr. Keller pointed out this comment goes back to staff. He was sure that it meets the standards, but just had an observation as a person who uses the CVS Long Street drive-through window and the conflict, if you will, with the entrance to Tractor Supply. He was looking at this 29 turn off and turn in and guessed when he looked at it closely the first time he was not realizing that there was actually an opportunity to leave CVS and enter onto 29. So when one talks about a six car stack or even a five car stack if there happened to be somebody backing out of a parking space that is on the west side of CVS, the opposite of the drive-through window, and therefore that kind of intersection given the volume of flow in front of the side that is parallel to 29 if you have 3 or 4 cars that are turning in from 29 at the same time, and if you have a couple of cars trying to leave to where that car is backing out you are really going to have the equivalent of a two car back up and you are going to have cars stacked on 29. He has seen this type of situation many times at the CVS and Tractor Supply, which he thinks has a lot less volume than this will have. That is just an observation. He was sure they were meeting the standards, but he can see that there could really be congestion at that intersection at certain times. He asked is there an answer to that. He would guess traffic engineers have looked at this. However, he really wondered if over time they were going to be pleased that they allowed cars to both enter and exit onto 29 at that point.

Ms. Falkenstein pointed out the engineer reviewer, John Anderson, is here tonight if Mr. Keller wants him to address that.

Mr. Keller asked Mr. Anderson to address that.

John Anderson, Civil Engineer with Albemarle County, said it was a pleasure to be here tonight. It has been very enjoyable working on this project. He wanted to really commend Ms. Falkenstein, Amanda Burbage and the applicant because he really appreciates everyone's hard work on this project. The stacking has been looked at thoroughly by the applicant's design and reviewers, Mandy Burbage in particular. He really wanted to ensure that the congestion was minimized. Some of the things engineering looked at was with what studies they could find and they found several. There were no antidotes, but studies published by the Institute of Transportation Engineers. One of them was a small sample study from the twin cities. They are talking about large cities in Minnesota, Minneapolis and St. Paul. He did not know the exact location, but they could probably find small places in those large cities. They studied peak hours when you would expect rush hours. They actually studied in the small samples CVS pharmacies. So there were about 9 or 10 CVS pharmacies that they studied. He could get the Commission exact information if they like. Based on peak hour observations, their recommendation was there was room in that drive through lane for 4 cars behind the car being served.

Mr. Keller pointed out he was not talking about that. He was talking about as traffic is flowing around if the car is backing out and these cars have to stop the cars circulating around are blocking the opportunity to enter this drive-through lane. So then you have to count the stacking from right here so basically it is a two car stack in two places.

Mr. Anderson agreed that they could certainly have that situation.

Mr. Keller pointed out that he see it at the other CVS on a regular basis.

Mr. Anderson pointed out one thing the engineers for Kimley-Horn and CVS considered was the idea of moving the service lane to the southwest corner of the pharmacy. However, like a lot of companies they have sort of a standard floor plan. There are a lot of things happening in that area, not just a drive through lane, but they have a stripped loading area, a dumpster, and they are trying to preserve access to this site from two different areas. They could not quite do that. They could not swing that service lane all the way down the west wall because that does not work for their particular business the way the floor plan is laid out. If they could have done that it would have addressed your concern and they would maybe have a different entry point. They requested the applicant to look at that, and they did take time to look at and consider that. They went to CVS and discussed it.

Mr. Keller said he was supportive, but just wants you to understand it when you keep talking about the stacking that is not really what he is talking about. The CVS at Long Street can have 6 or 7 cars in that line and he has been in that line, but it is entering into the parking area where there is the congestion.

Mr. Anderson said yes, out onto the street.

Mr. Keller questioned what effect that could have on a high speed 29.

Mr. Anderson pointed out that will be a low speed on 29 at that point because that is in the local business lanes.

Mr. Keller noted it was a heavily traveled 29.

Mr. Benish said that condition could actually occur regardless of the stacking, which is what you are talking about. So to the extent VDOT in their evaluation of where they permit entrances and how they permit them with this construction he did not know if they have taken that into account. What you are talking about could be sort of exasperated by the drive through, but it could happen without regard to it.

Mr. Keller pointed out he was really talking about being able to enter onto 29 from there, not about entering in to CVS from 29. He was saying that if you have enough people who want to leave CVS to get on to 29 they are blocking the ability to stack. Conceivably if you have cars backing out of these parking areas there is even a safety issue he would think would possibly be generated because there is not the opportunity to continue flowing along the side of the building and around past the window. That is his point.

Mr. Anderson said the dimensions were a little bit hard to make out. The drive through lane at the entrance is 10' and 4" wide in the lane itself, the travel lanes with the directional arrows that is 24' wide. The person from All Saints Chapel pointed out this room is 28' long. So 24' and 10' is longer than the length of this room and that is the actual space available there for the entry for the drive through.

Mr. Keller said if a car is backing out and that car is 14' long, then that is taking 14' of the 28' feet. This other way let's say they are only taking 6' or 8' of it. However, it is pretty tight.

Mr. Morris noted it was a very good point. He thanked Mr. Anderson. He asked if there is any other discussion.

Mr. Dotson agreed that Mr. Keller raises a very good point from the local level. From the 10,000 foot level he was very encouraged to see this commercial investment happen at the grade

separated intersection after all of the discussion by others who have concerns about the commercial viability of this design. So he is very happy to see this go forward at an appropriate time, which may be now. Therefore, he would make a motion.

Motion: Mr. Dotson moved and Mr. Randolph seconded to recommend approval of SP-2015-20 CVS at Rio & 29N with staff's recommended conditions 1, 2, 3 and 4 only.

1. Development and use shall be in general accord with the following revised plans prepared by Kimley-Horn, Sheet CS-101 (1 of 3 in special use permit plan set) dated June 17, 2015 (hereafter "Layout Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the specified plans, development and use shall reflect the following major elements as shown on the plans:
 - a. Relationship of drive-through lanes to the building and the parking lot
 - b. Building location, orientation and massMinor modifications to the plan that do not otherwise conflict with the elements listed above, may be made to ensure compliance with the Zoning Ordinance.
2. The applicant is responsible for installation and maintenance of traffic control devices including but not limited to signage and pavement markings at the entrance and exit points of the drive-through lanes, subject to county engineer approval to ensure appropriate and safe travel patterns.
3. The use shall not commence prior to the issuance of a Certificate of Appropriateness by the Architectural Review Board.
4. The use shall commence on or before [date three years from Board approval] or the permit shall expire and be of no effect.

The motion passed by a vote of 6:0. (Lafferty absent)

Mr. Morris noted that SP-2015-20 CVS at Rio & 29N would be forwarded to the Board of Supervisors with a recommendation for approval on a date to be determined.

The meeting moved to the next agenda item.

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