

**Albemarle County Planning Commission
October 20, 2015**

The Albemarle County Planning Commission held a regular meeting and public hearing on Tuesday, October 20, 2015, at 6:00 p.m., at the County Office Building, Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

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

Staff present was Scott Clark, Senior Planner; Claudette Grant, Senior Planner; Francis McCall, Senior Planner; Ron Higgins, Chief of Zoning; J.T. Newberry, Senior Planner; Sharon Taylor, Clerk to Planning Commission; David Benish, Acting Director of Planning; Wayne Cilimberg, Deputy Director of Community Development 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.

ZMA-2015-00004 Commonwealth Senior Living

MAGISTERIAL DISTRICT: Rivanna

TAX MAP/PARCEL: 07800-00-00-055A1

LOCATION: 1550 Pantops Mountain Place - approximately 430 feet from the intersection of Pantops Mountain Road and US Route 250 West.

PROPOSAL: Request to amend proffers associated with ZMA99-01 and ZMA01-011. Proposed uses to include assisted living and independent units with an increase of units from 100 up to 140 units on 3.85 acres.

PETITION: Request to amend proffers on property zoned PRD (Planned Residential Development) which allows residential uses at a density of 3 – 34 units/acre with limited commercial uses. Proposed density up to 36 units/acre. No change to the building footprint is proposed.

ENTRANCE CORRIDOR: Yes

PROFFERS: Yes

STEEP SLOPES MANAGED: Yes

COMPREHENSIVE PLAN: Urban Density Residential – residential (6.01-34 units/acre); supporting uses such as religious institutions, schools, commercial, office and service uses.

(Claudette Grant)

Ms. Grant presented a PowerPoint presentation regarding ZMA 2015-00004, Commonwealth Senior Living.

This proposal is located at 1550 Pantops Mountain Place. It is located approximately 430 feet from the intersection of Pantops Mountain Road and US Route 250 West. This existing building is the former Pantops Place. The property is zoned PRD (Planned Residential Development). The Pantops Master Plan designates this property as Urban Density Residential

The applicant requests to amend proffers associated with ZMA-99-01 and ZMA-2001-11. The proposed uses include assisted living and independent units with an increase of units from 100 up to 140 units.

This parcel is part of a larger Planned Residential Development (PRD). Over the years there have been various rezonings, site plans and subdivisions relating to this PRD making it sometimes hard to

follow the various actions related to each parcel. Ms. Grant apologized for any confusion this may have caused and provided an overview of the PRD, which included the subject parcel, the parcel dedicated to open space and the two parcels designated for the cottage units. The property adjacent to Route 250 is the Peter Jefferson Overlook property.

Staff displayed the revised application plan. The footprint of the existing building will not change. The applicant wishes to convert 86 existing units to no more than 70 independent living units and the balance of units would be set aside as assisted living units providing up to a total of 140 units. As mentioned in the staff report, the only change to the site is an expansion of the amenity area which is already approved with a site plan. The amenity area is a little area near Route 250.

As you may be aware the proffers relate to different actions. Some of the proffers have been completed, some need to be updated, and some still need to be referenced because the original intent is still applicable. In the staff report staff had recommended that we keep proffer 8; however, after discussions with the county attorney proffer 8 can be eliminated because it is covered by the revised proffer language. There are technical revisions that need to be provided to the proffers. Staff has been working with the applicant regarding the needed revisions to the proffers. Staff recommends the applicant work with staff and the county attorney to fix the technical revisions needed prior to the Board public hearing.

Factors Favorable:

- The rezoning request remains consistent with the Comprehensive Plan and the intent of the original rezoning.
- The increase in units provides services to a larger segment of the senior population.
- The footprint of the building remains unchanged.

Factors Unfavorable

- The proposed proffer revisions eliminate proffers that address impacts and issues which remain valid and relevant to this site.

Staff Recommendation

Staff can recommend approval of ZMA-2015-00004, Commonwealth Senior Living, provided that the technical revisions are made to the proffers, per the applicant, county attorney and staff satisfaction prior to the Board of Supervisor public hearing.

Ms. Grant offered to answer any questions.

Mr. Morris invited questions for staff.

Mr. Dotson asked if there was a community meeting or was that waived.

Mr. Morris replied no, Mr. Keller and he were at the community meeting that took place about two months ago. There was a nice turn out and by and large people were in favor of it.

Mr. Lafferty asked what the holdup was on the proffers since staff had made it one of the conditions that they renegotiate the proffers.

Mr. Benish replied that staff had not reached final language with the county attorney yet. He did not believe there was a substantive issue, and the applicant can speak to it. However, they don't have final language.

Mr. Kamptner explained that proffer 4 deals with maintaining an interconnection and proffer 6 and 7 deal with buffering. The applicant may have believed that those proffers could be deleted because they are in place right now. However, the proffers in all three cases are standards that are above and beyond the minimum standards for a site plan. So it is staff's recommendation that those three proffers continue on.

Mr. Benish pointed out there was some technical work necessary for some updates.

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

Steve Blaine, representative for the applicant, said that Kevin Willis, project manager from Commonwealth Assisted Living, was also present. He noted that Commonwealth Assisted Living is a locally based company that has been in business for about 13 to 15 years and has 20 senior living facilities throughout Virginia that they own or manage. This is the first one that they will actually own and operate in Albemarle County. Their business model has been to address affordable senior housing and they have been quite successful in repurposing as in this instance a building that may have suited the market place better 15 or 20 years ago. This is on independent living. The notion here is to convert these smaller units to be more affordable; but, also to address a need for assisted living and memory care. So those would be uses that we have identified as much needed in the area and this is to address that. Ms. Grant did a great job describing the application and we are in agreement with the characterization regarding the proffers. When looking at the proffers they appear somewhat inaccurate because they talk about improvements that were really constructed or put into place 15 years ago. But, we agree with the notion that they should remain because future redevelopment may actually come into play with those proffers. So they are in agreement with the need to update references to tax map/parcels that no longer exist because they have been consolidated and that type of thing. So they are happy to answer any questions, but would appreciate a recommendation for approval.

Mr. Morris invited questions.

Mr. Dotson said he was curious about something that the county does not regulate. Since the units are occupied as independent living now and some will be converted to memory care and assisted care he wondered what happens to the people who are in those units now.

Mr. Blaine agreed that was a very good question because that question was raised at the neighborhood meeting. Obviously, the company is not going to evict current residents. So as folks move out the building can be converted in phases. They are not going to close the existing operations to convert the building all at one time.

There being no further questions for the applicant, Mr. Morris invited public comment.

There being no further public comment, Mr. Morris closed the public hearing to bring the matter back before the Commission for discussion and action.

Mr. Dotson said he had one thought and perhaps this is helpful redundancy. On the application plan sheet 3 there is a statement that says the applicant reserves the right to adjust the ratio of assisted living to independent living units for this site based on the parking requirements shown and the proffers associated with this application. He suggested that it would be useful redundancy to add that to condition 8 at the very end. If someone does not necessarily pick it up on the site plan, then the applicant has that flexibility to pick it up in the conditions. Therefore, he offers the suggestion as useful redundancy.

Mr. Morris asked if there were any other comments. There being none, he asked for a motion.

Mr. Randolph moved for approval of ZMA-2015-00004, Commonwealth Senior Living, with a proviso that the proffers provided in January 5, 2000 to the previous owner would remain applicable and those proffers are 4, 5, 6, 7 and 8 as amended and recommended by staff.

Mr. Kamptner noted it actually should just be 4, 6 and 7 since proffers 5 and 8 have been addressed and are no longer applicable.

Mr. Randolph agreed because he had proffer 5 written as done.

Mr. Benish said your comment would just apply to the property and we will incorporate it, and Mr. Randolph agreed.

Mr. Kamptner said just to be clear does that include Mr. Dotson's addition of the note from sheet 3 of the application plan.

Mr. Randolph replied yes, it does include Mr. Dotson's addition of the note from sheet 3 of the application plan: "The applicant reserves the right to adjust the ratio of assisted living to independent living units for this site based on the parking requirements as described on sheet 3 of the application plan and the proffers associated with this application plan."

Mr. Keller second the motion.

There being no further discussion, Mr. Morris asked for a roll call.

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

Mr. Morris noted that ZMA 2015-00004, Commonwealth Senior Living would be forwarded to the Board of Supervisors with a recommendation for approval at a Board of Supervisors meeting to be determined.

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