

**Albemarle County Planning Commission  
Final Minutes January 9, 2024**

The Albemarle County Planning Commission held a public hearing on Tuesday, January 9, 2024, at 6:00 p.m.

Members attending were: Fred Missel; Luis Carrazana; Corey Clayborne; Julian Bivins; Karen Firehock; Nathan Moore; Lonnie Murray (virtual via Zoom).

Other officials present were: Michael Barnes, Director of Planning; Andy Herrick, County Attorney's Office; David Benish; Margaret Maliszewski; and Carolyn Shaffer, Clerk to the Planning Commission.

**Call to Order and Establish Quorum**

Ms. Shaffer called the roll.

Mr. Murray requested the Planning Commission allow his remote participation in the meeting due to his road being flooded out. He stated his location as his residence.

Mr. Clayborne motioned to allow Mr. Murray to participate remotely in the meeting, which was seconded by Ms. Firehock. The motion passed unanimously (6-0).

Mr. Barnes established a quorum.

**Other Matters Not Listed on the Agenda from the Public**

There were none.

**Election of Officers: Chair and Vice Chair, appointment of Secretary, if needed**

Ms. Firehock motioned to nominate Mr. Missel for the position of Chair, which was seconded by Mr. Carrazana.

Mr. Barnes asked if there were any other nominations for Chair at this time. Seeing none, he asked the Clerk to call the roll.

The motion passed unanimously (7-0).

Mr. Missel asked if there were any nominations for Vice Chair.

Mr. Bivins motioned to nominate Mr. Carrazana for Vice Chair, which was seconded by Mr. Clayborne.

Mr. Missel asked if there were any other nominations for Vice Chair at this time. Seeing none, he asked the Clerk to call the roll.

The motion passed unanimously (7-0).

## **Discussion of Planning Commission Rules of Procedure**

Mr. Barnes said that there were no changes to the Rules of Procedure this year.

Mr. Missel asked if there were any questions or any discussion. Seeing none, he asked if there was a motion to adopt the Planning Commission Rules of Procedure.

Ms. Firehock motioned to adopt the Rules of Procedure for 2024, which was seconded by Mr. Moore. The motion passed unanimously (7-0).

## **Discussion of committees/boards/bodies to which Commission members serve as liaisons**

Mr. Barnes said that before the Commission in their package, there were 15 committees, one of which was a repeat from an earlier committee. He said that the Transportation Advisory Committee was the one that Mr. Carrazana served on, which was item number six on the list. He said that Ms. Firehock mentioned that the Capital Improvements Program Oversight Committee had not met for some time; it remained unclear whether it would be inactive or continue moving forward.

Ms. Firehock said that she confirmed with the Board Chair last year that it was disbanded and would not rise again.

Mr. Barnes said that the other committees were currently active, and the Planning Commissioners had members associated with them. He said that he did not know if it was their prerogative to keep those the same or to move people around on the committees.

Mr. Missel asked if the Commissioners were comfortable with their current committee positions.

Mr. Bivins said that he was unsure of where the University of Virginia Master Planning Committee currently stood, as it had not met for a long time.

Mr. Carrazana said that he could confirm the committee had not met for a long time, and he would find out what the status was.

Mr. Bivins said that they had also hoped to rotate the Planning Commissioners on the AC44 committee, but how they were populating that had changed. He said that he believed the Chair may need to discuss this with Mr. Barnes, who would serve as a member of that committee.

Mr. Barnes said that he knew they would be changing the working groups, and he believed there was some discussion about a new Planning Commissioner serving on the committee for phase 3.

Mr. Missel said that they would leave that as an open item.

Mr. Carrazana said that the AC44 committee only met a few times, and it had been difficult to attend those meetings when they came up.

Mr. Bivins asked if Mr. Carrazana had served on the MPO Technical Advisory Committee.

Mr. Carrazana said that he believed it was a part of the Citizens Transportation Advisory Committee.

Mr. McDermott said that an error appeared to have been in the listing of committee names; however, there should be two separate committees with representatives for each. He said that one was the Metropolitan Planning Organization Technical Committee, and the other was the Citizens Transportation Advisory Committee.

Mr. Carrazana said that there was also the Metropolitan Planning Organization itself.

Mr. McDermott said that was correct, and the Planning Commission did not need to appoint representatives to it.

Mr. Carrazana said that he had been a part of the MPO Technical Committee.

Mr. Missel asked if a Planning Commissioner should be appointed to serve on CTAC.

Mr. Barnes said that he would provide more information and follow up with the Commissioners regarding the CTAC.

Mr. Missel said that the AC44 committee and CTAC were open for appointments. He asked if anyone wished to be on the AC44 committee.

Mr. Murray said that he would be interested in serving on the AC44 committee.

Mr. Missel said that Mr. Murray was welcome to serve on the AC44 committee. He asked if anyone wished to serve on CTAC.

Mr. Moore said that he would be interested in serving on CTAC.

Mr. Missel thanked Mr. Moore for agreeing to serve. He asked if there was a motion to adopt the committee membership as discussed today by the Planning Commission.

Ms. Firehock motioned to adopt the committee membership as discussed, which was seconded by Mr. Clayborne. The motion passed unanimously (7-0).

#### **Review and adopt meeting schedule for 2024/ PC Legal Notice**

Mr. Barnes said that the 2024 meeting schedule was provided in the Commission's packet.

Ms. Shaffer said that the December meetings were scheduled for consecutive Tuesdays in order to avoid the second Tuesday of the month, which was Christmas Eve.

Mr. Clayborne motioned to adopt the 2024 meeting schedule as presented, which was seconded by Mr. Moore. The motion passed unanimously (7-0).

Ms. Firehock said that she had notified the Chair and staff of several meeting dates that she could not attend.

Mr. Herrick said that before they proceeded with the next item, there was an associated motion regarding the scheduling. He said that since the Commission had adopted the schedule, there was a separate resolution to adopt emergency meeting dates. He said that although the PC did not have to advertise its meeting schedule, in the event of inclement weather conditions or some other reason for canceling the meeting, there needed to be a resolution to automatically continue the meeting and the agenda to the next regular scheduled meeting. He said that staff had included in the agenda package a resolution that allowed the Commission to do so.

Mr. Clayborne motioned to adopt the resolution to set the meeting schedule for the Albemarle County Planning Commission and establish continuation dates for future meetings, which was seconded by Mr. Carrazana. The motion passed unanimously (7-0).

### **Consent Agenda**

Ms. Firehock motioned the Planning Commission to adopt the consent agenda, which was seconded by Mr. Clayborne. The motion passed unanimously (7-0).

### **Presentation**

#### **a. Broadway Blueprint Phase 2, Corridor Plan**

David Benish, Development Process Manager, said that this presentation would provide an update on a quarterly study they were conducting for the Broadway Street corridor. He said that they had reached the midpoint of this project. He said that two consulting firms, 3TP Ventures and Line + Grade Civil Engineering, were collaborating on this initiative. He said that Rachel Falkenstein from 3TP Ventures and Daniel Hyer from Line + Grade would present the work completed thus far. He said that after their presentation, they would welcome questions and comments. He said that J.T. Newberry from the Economic Development Office was available to assist as needed during the session.

Ms. Rachel Falkenstein said that their discussion would focus on the Broadway implementation study. She said that to orient them (Planning Commission) quickly, when they mentioned Broadway, their study area was outlined in maroon on the map before them. She said that the Broadway study area was situated south and east of the City of Charlottesville and lay to the west of the convergence of the Rivanna River and Moores Creek, making it somewhat sandwiched between these geographical features. She said that it was just south of the Woolen Mills neighborhood in the City and sat to the east of the Carlton Belmont City neighborhood as well.

Ms. Falkenstein said that the goals for this project were primarily focused on identifying specific implementation steps that the County could take to promote connectivity, placemaking, and economic vitality within Broadway. She said that they aimed to leverage past public investments made in this area to build upon existing opportunities within Broadway and support the County's economic strategic plan. She said they had a process goal to collaborate with the diverse set of stakeholders who lived, worked, and visited within Broadway, as well as staff and City officials, since it was adjacent to the City and shared transportation infrastructure throughout the study area.

Ms. Falkenstein said that the initial phase of this study primarily focused on information gathering, listening, stakeholder engagement, and understanding the challenges and opportunities in the area. She said that it built upon the work completed by the County a few years ago during phase

one. She said that the outcome of that work was a recommendation to conduct further research and identify implementation steps. She said that this project aimed to develop draft concepts based on identified opportunities and gather input from stakeholders. She said that upon completion of this phase, more refined recommendations would be presented for consideration.

Ms. Falkenstein said that so far, extensive community engagement had been conducted, involving various types of meetings with stakeholders in the Broadway area. She said that they had conducted roundtables with businesses and property owners, as well as small group or one-on-one interviews with tenants and property owners. She said that their goal tonight was to present their observations, opportunities, and draft goals for Broadway's implementation measures. She said that they would discuss four topics, which were placemaking, economic development, transportation, and public safety.

Ms. Falkenstein said that placemaking was a central theme in their work, focusing on what makes a place interesting and vibrant, encouraging people to live and work there. She said that it often referred to planning and design of public places, but in Broadway they were seeing a lot of private placemaking from private organizations and businesses. She said that there had been public investment in the placemaking of the Woolen Mills area, but there were other more grassroots efforts happening in Broadway.

Ms. Falkenstein said that also in Broadway was the convergence of the Rivanna River and Moores Creek, which provided rich natural recreational and historic resources in the area. She said that both the natural and built environment contributed to making this an interesting place. She said that however, the visibility of these amenities was not always apparent from Broadway Street if one was unfamiliar with the area. She said that was noticed as an opportunity that she would discuss in the next slide.

Ms. Falkenstein said that as she had stated, local businesses and organizations contributed significantly to placemaking efforts. She said these were grassroots initiatives involving art studio spaces, community gardens with interesting landscaping, including wildflower gardens on properties. She said that local organizations offered classes on woodworking, and events took place within these spaces. She said that there were also private businesses in the area focused on beverage production, such as coffee malting, craft cideries, and breweries, which provided tasting rooms for social gatherings within Broadway.

Ms. Falkenstein said that they saw potential to enhance existing features and build upon previous work. She said that a straightforward opportunity was improving wayfinding signage, including signage within Broadway to identify amenity spaces and guiding people on how to reach Broadway. She said that addressing transportation challenges in adjacent neighborhoods by providing clear directions for the best routes to access and depart from Broadway, as some City streets were narrow and not designed for heavy vehicle traffic.

Ms. Falkenstein said that continuing on the greenway connections that had already been made within Broadway and the County's efforts to explore opportunities for crossing the Rivanna River using a pedestrian bridge, they saw this as an opportunity to establish a trail hub for the community, providing access to broader City and County trails. She said that at present, there was no public space within Broadway, so exploring the possibility of creating a small public park, pocket park, or gathering space could be another opportunity to enhance the public realm within Broadway. She said that Mr. Hyer would discuss placemaking within Broadway Street itself, but these were some other opportunities they saw.

Ms. Falkenstein said that lastly, in terms of placemaking, they would like to address the County's role. She said that this was a point raised during their conversations with stakeholders. She said that as she had stated, there was a lot of organic developments occurring among businesses and organizations in the area. She said that they saw the County's role in this work as supportive, which may look like the County supporting community organizations with grant applications or formalizing an informal trail network that crossed multiple properties. She said that the County's role in placemaking in that sense would be primarily supportive; however, when it came to public realm development, specifically Broadway Street, there was an opportunity for policy and regulatory improvements.

Ms. Falkenstein said that regarding the land use and development patterns, their observations around land use were focused on the County's policy and regulatory environment. She said that they looked at the comprehensive plan and zoning map to see what was allowed today and what the future vision was for the area. She said that they had identified a mismatch that should be explored during the AC44 process for future land use planning as well as the ongoing zoning update. She said that the mismatch was that there were residential properties along Pirius Row and Marchant Street where the comprehensive plan called for a mix of residential and green space, while the current zoning designated these areas as light industrial, and those residential spaces were actually green space.

Ms. Falkenstein said that it was something to be explored when going through the AC44 update or future master plan update to see if this area wanted to continue to be residential or become more infilled in the development area with potential mixed use. She said that it currently consisted of residential properties, so it was unclear if industrial zoning was the right fit and should be given further consideration. She said that the existing uses were primarily industrial, including beverage creation and manufacturing facilities.

Ms. Falkenstein said that the community had expressed mixed opinions regarding future development patterns. She said that some residents preferred maintaining the industrial uses, while others advocated for more residential infill. She said that the existing buildings were low-intensity, mostly single-story structures set back from Broadway. She said that the layout provided opportunities for infill development within the site. She said that when exploring potential updates to the area's master plan, it was essential to consider whether this location should continue as a primarily industrial zone or incorporate more residential spaces and mixed-use developments.

Ms. Falkenstein said that utility access was an area the County might want to explore further in the future. She said that parcels on the west end of Broadway were downhill from the sewer main and had private pumps to access that sewer main. She said that opportunities for possibly connecting to the City system, which ran parallel on Franklin, could be explored, otherwise, the property would not have the ability to redevelop more intensely.

Ms. Falkenstein said that she had already discussed retaining industrial uses at least in the near term for this property and area. She said that expanding flexibility of other uses, such as mixing commercial retail with industrial uses that support current industries, could be considered. She said that for instance, a tasting room could be challenging due to some constraints in their zoning right now. She said that perhaps expanding flexibility there would allow those uses to happen more easily.

Ms. Falkenstein said that arts work, arts use, and live-work were other uses that came up as things people would like to see more of. She said that if a mixed-use future was desired for this area, it was something that the County might consider initiating now. She said that she would expand upon this further in her next topic. She said that the market was pushing this area toward mixed use due to land values and proximity to the City.

Ms. Falkenstein said that this could be an area the County wished to explore for the future, and there were specific steps that could be taken to prepare this area for such development. She said that the site contained various environmental and historic resources. She said that conducting a thorough analysis of the resources the County wished to protect and clearly defining them in policies and plans would provide clarity regarding where development should occur within Broadway.

Ms. Falkenstein said that lastly, she would discuss business retention and affordability issues. She said that their observations regarding this topic primarily stemmed from discussions with the community, particularly those businesses within Broadway, as well as conducting some market analysis. She said that the information gathered through these conversations was mostly corroborated by the market data they collected. She said that Broadway had historically been an affordable place to start an industrial business within the County; however, this situation had been changing over the past few years.

Ms. Falkenstein said that assessments had increased significantly in recent times, and land costs had risen as well. She said that they analyzed 2022 to 2023 tax assessments, which went up by an average of about 7%. She said that some properties experienced a rise of up to 10% in that single year. She said that the concern was genuine and affected the property owners in the area. She said that there was also a worry that conducting this study and identifying more opportunities for public investment would exacerbate the financial strain they were experiencing.

Ms. Falkenstein said that concerns arose regarding their ability to afford staying in Broadway and where the essential businesses and organizations would go if they needed to leave, as vacancy rates for industrial properties in the area were very low, hovering between 0% and 2%. She said that this situation had been observed and clearly expressed by the community as a concern. She said that these were essential businesses and organizations that contributed significantly to the County's economy, providing valued community jobs and goods and services that they all relied on. She said that it was in the best interest of the County to explore ways to retain these businesses within Broadway and consider broader location strategies for the future.

Ms. Falkenstein said that some targeted investments and programs being considered for the Broadway area included designating it as an arts and cultural district. She said that this would not apply to every business within Broadway, but those who were engaged in arts-type work and organizations could benefit from the designation. She said that the County could provide incentives for these organizations, such as tax rebates and other programs if they pursued this route.

Ms. Falkenstein said that there were several opportunities for incentives, including public-private partnerships, or if a property underwent redevelopment, the County could incentivize maintaining space for existing businesses or providing startup space. She said that another idea was creating a business incubator space. She said that targeted programs that focused on retaining these businesses long term would be important to consider, possibly as part of the AC44 process. She

said that the Economic Development Office's ongoing business retention efforts should also continue.

Mr. Hyer said that their guiding principles in this work were to ensure they had implementable projects. He said that they did not want their recommendations to be a mere academic exercises but rather a way of working on the corridor itself, resulting in changes for those who used it and protecting their interests. He said that numerous exciting transportation projects throughout the County required funding, so they framed their work on this study to ensure projects could be implemented, including some low-cost solutions. He said that as they proceeded, he specifically wanted to emphasize that they were attempting to think outside the box in some of their recommendations.

Mr. Hyer said that Broadway Street was part of the VDOT roadway inventory and was an isolated section surrounded by City streets and hydraulic corridors. He said that in terms of VDOT's ownership and maintenance of the road, it was an island to them. He said that when it snowed, and plow trucks needed to reach Broadway, they must travel through the City to get there. He said that the pavement itself had variable widths, which was intriguing in terms of what they would recommend to bring some cohesion to the corridor.

Mr. Hyer said that Ms. Falkenstein had pointed out that historically, the corridor had been supporting industrial businesses; however, as the corridor tried to learn what it wanted to be, they were considering that. He said that one point they consistently heard through all their meetings with landowners adjacent to the corridors, who operated light industrial or industrial uses, was their concern regarding street improvements potentially making access for vehicles, particularly delivery vehicles, more challenging. He said that they wanted to be mindful of this issue.

Mr. Hyer said that walking along Broadway in its current form revealed many interesting features to offer. He said that there was great landscaping along the corridor in certain areas, with mature trees lining the frontage of the roadway. He said they were not starting from a negative perspective; rather, they had some positive aspects along the corridor that they would like to incorporate into their recommendations. He said that the character of the corridor could be described as a rural and urban mix. He said that it was surrounded by City streets but also featured ditch sections along most of it. He said that the hybrid character of the area was quite interesting.

Mr. Hyer said that due to the wide nature of the roadway asphalt, speeding incidents have been reported along the corridor. He said that one could travel at a considerable pace through this section and could even take off in a small aircraft in specific areas. He said that as they strived to identify near-term, mid-term, and long-term strategies for feedback, he would greatly appreciate any input regarding these items. He said that the Albemarle County Service Authority was planning to replace the water main along Broadway Street within the next couple of months as part of their work.

Mr. Hyer said that consequently, this presented a near-term opportunity for them to add paint. He said that the paint, although a simple implementation, could begin to establish certain boundary conditions on an otherwise ambiguous corridor. He said that they requested the Commission's consideration to apply the paint after milling and resurfacing the road. He said that if they chose to perform additional work to maintain consistent width along the roadway, they might end up with paved shoulders that were available for individuals who may prefer walking there.

Mr. Hyer said that he was specifically not referring to a pedestrian facility; it was a roadway shoulder. He said that the striping could contribute to mitigating speeding and not inhibiting large vehicles from moving. He said that they had discussed this with VDOT's local staff, who had been supportive and were assisting them in identifying similar projects where VDOT had implemented comparable measures. He said that all initial conversations had been positive. He said that this presented a near-term opportunity, such as within the next couple of months.,

Mr. Hyer said that mid-term improvements required explanation. He said that some stakeholders expressed interest in fostering a grassroots atmosphere along the corridor, with IX Art Park serving as an example of the desired atmosphere, which was industrial, artistic, and creative. He said that there were makers creating amazing things and there were also light industrial uses. He said that IX Art Park was a unique example of an informal creative community. He said that as currently conceived, this mid-term improvement example or idea would require the County to consider becoming the owner of the road instead of VDOT, would be an interesting conversation to have.

Mr. Hyer said that the County was urbanizing in many respects but did not exactly have its own street standards. He said that it typically adopted VDOT standards and may not always possess the equipment required to maintain some of its streets. He said that if the County was willing to become the owner of the corridor or otherwise maintain it, and VDOT would be eager to have that conversation, there might be opportunities for non-VDOT style improvements. He said that these could include converting some roadway ditches into rain gardens and other features like pollinator gardens along the side.

Mr. Hyer said that the County may want to consider designating the paved shoulders as pedestrian facilities, but this would require additional improvements in certain areas to ensure that the pedestrian facility would meet the legal requirements for such a facility. He said that this mid-term improvement idea necessitated further discussions and increased engagement with the County and VDOT to thoroughly develop it. He said that the concept was primarily informed by stakeholders regarding their expectations and requirements. He said that ultimately, this long-term improvement would be more expensive but also more traditional than anticipated along the corridor.

Mr. Hyer said that they were trying to put this out 20 to 25 years from now to incorporate the improvements within a broader network of multimodal users of various types. He said that pictured on the slide was a traditional shared use path arrangement. He said that the implementation largely depended on what they observed in the near term. He said that if they noticed an increase in pedestrians walking along the roadway margins where it was striped, the County could analyze this correlation and determine how the corridor was changing and what use might be desired.

Mr. Hyer said that this type of project would be a substantial investment due to the stormwater drainage improvements that would be required for its implementation. He said that it was not an unreasonable expectation considering the reasons mentioned by Ms. Falkenstein, such as the Rivanna Trail network and people trying to access downtown Charlottesville and the broader non-motorized transit network in the vicinity. He said that this was certainly a concept worth considering; however, he recommended adopting a wait-and-see approach to evaluate how near-term improvements might enable users of the corridor to utilize it differently than they currently did. He said that he would like to emphasize that this was a brief update, and there was much more nuance to some of these roadway items as well as land use and placemaking considerations.

Mr. Moore said that he found it amusing that when he first visited Visible Records, perhaps three years ago, he did not even realize he had left the City limits. He said that at some point, he saw it on the map and realized that it was part of the County. He said that this area had been a hidden and seemingly forgotten part of the County yet situated right within the urban zone. He said that upon reading through the presentation earlier and listening currently, he noticed an element of catering to all types of people in some of these ideas because they had nature trails, arts districts, pocket parks, and large trucks delivering goods.

Mr. Moore said that it was a little challenging to understand how all these elements could coexist in the long term. He said that he believed that they could, but there might be some challenges that needed to be addressed. He said that things that could result from implementing private placemaking initiatives. He said that it was sort of Charlottesville's version of an underground arts collective. He said that the concept of an arts and cultural district in this area was quite intriguing, and it could be a fascinating use of the area. He said that they had already begun to implement this approach, with it being situated across the street from a warehouse.

Mr. Moore said that the example of IX Art Park was one he could speak a little bit about due to his involvement on its board. He said that this initiative showcased an informal, creative, and unique approach. He said that however, as time progressed, traditional industrial activities gradually disappeared. He said that this was the reality of financial considerations in running an arts district, which could be quite challenging. He said that he understood the interest in mixed-use developments and arts districts, but they knew that when something became too popular and well-known, prices tended to increase. He said that this was a concern addressed in the report.

Mr. Moore said he would like to know if there were any lessons learned from other successful cities dealing with gentrification pressures related to the establishment of an arts district. He said that another question he had was how the County could anticipate and address market pressures that may lead to increased costs, ultimately requiring the designation of more industrial spaces for economic development purposes. He said this would help maintain affordability and prevent people from having to relocate to areas like Waynesboro or elsewhere.

Ms. Firehock said that she had been contemplating how the area enabled various unconventional uses. She said that it was industrial, slightly run-down in appearance, and the street itself had a unique charm. She said that after implementing numerous enhancements, property assessments would continue to rise, leading to the loss of those more organic, unconventional places. She said that she had mixed feelings about the situation.

Ms. Firehock said that if the County were to invest money in refurbishing the area and establish a special district like an enterprise zone with tax incentives for businesses locating there, it could potentially prevent penalties for improvements. She said that she would prefer to see some creative solutions; however, as she was not a local taxation expert, she would not be the one devising them. She said that she had concerns about over-improving the area to the point where it became unaffordable. She said that as a small business owner, she understood the challenges of finding suitable space for nonprofits.

Ms. Firehock said that another question arose regarding the consideration of incorporating stormwater treatment along the sides of the road. She said that vegetated bioswales could provide both beautification and address stormwater management issues on an older road that may lack proper treatment. She said that this approach might be financially viable due to increased funding

opportunities from the Infrastructure Act and other sources for low-impact development, BMPs, and retrofitting. She said that perhaps if it were a demonstration project, they might be able to secure additional funding for it.

Ms. Firehock said that however, as an industrial road, they must consider tractor-trailers sliding off the side and various issues related to deliveries. She said that it would be interesting to implement an arts district but had concern about affordability. She said that she would like to see mixed-use development in this area. She said that the type of people attracted depended on the specific design, which could range from residential bungalows with picket fences to an industrial vibe that still complemented industry. She said that other cities have successfully implemented such a blend.

Mr. Bivins said that either last year or the year before, there was a project before the Commission that was trying to do something with the Delorme building, which was a high-end French company that just so happened to have a distribution center in their area. He said that if they visited the downtown mall, they could purchase \$200 duvet covers from Delorme. He said that he wondered about the fate of that place since they attempted something intriguing there.

Mr. Bivins said that as a piece of information, they aimed to combine industrial elements with forward-thinking ideas near the abandoned railway trail. He said that this aspect was part of the information he would want to know more about because it would provide him with currency into what had happened there before they encountered it, not what was happening organically there but what came before the Commission.

Mr. Bivins said that he was struck by the statement in this piece regarding connectivity and navigation where VDOT did not know what that road was. He said that it did not have a number, so it was not a six or a two-digit number. He said that he found this odd, as a road within the Commonwealth should have a VDOT characteristic associated with it. He said that he would like to learn more about how this situation arose and whether Albemarle County had any other roads similar in nature.

Mr. Bivins said that given that snowplows owned by Albemarle County were unlikely to take that particular road into account, he said that it raised questions regarding the County's priorities. He said that for instance, why did the County choose to maintain some roads like Free Union Express, which were consistently in poor condition and required frequent attention. He said that although he found this concept intriguing, he would need more information to understand why these roads were considered orphaned or unknown.

Mr. Missel asked if Mr. Bivins was suggesting that Broadway Street was an unnamed road.

Mr. Bivins said that to clarify, in Attachment B, page 4, under the section titled "Connectivity and Getting Around," it was mentioned that the roadway in question was owned and maintained by VDOT, however, this roadway did not have a VDOT roadway classification.

Mr. Missel said that he was curious as to whether that did impact whether it was maintained or not.

Mr. Hyer said that VDOT classified roadways into typologies. He said that in this case; however, it did not have a type. He said that it could not be categorized as an urban street or a rural street,

such as GS4 or GS7. He said that they owned and maintained it, but it had not been classified as an urban road or a rural road.

Mr. Bivins said that regarding the piece about Places 29, it involved visualizing what that area would look like. He said there was an extensive topography discussion regarding the types of features one could expect based on the nature of the road. He said that this was not driven solely by Ms. Falkenstein making it up, but rather by examining a range of opportunities that arose from categorizing roads as one type rather than another.

Mr. Hyer said that yes, it was relatively uncreative on their end. He said that instead of exploring various options, they merely relied on VDOT's classification and presented those choices. He said that was what he had intended.

Mr. Bivins asked if in this case, there was no classification of the road.

Mr. Hyer said that was correct.

Mr. Bivins said that therefore it was an orphaned road.

Mr. Hyer said that he was hesitant to say that it was an orphaned road. He said that VDOT indeed maintained it.

Mr. Missel asked if its unclassified status with VDOT presented more opportunities or limited the opportunities for the road.

Mr. Hyer said that he believed it offered more opportunities.

Mr. Bivins said that he could not believe the County Supervisors would decide to adopt a foster road. He said that they would have to review the current inventory and assess its implications. He said that he would like to know what the inventory of roads like that might be. He said that because he did not believe it was a one-off situation, someone like Mr. Barnes could have a conversation about why it was like that and how they could get it to not be like that.

Mr. Hyer said that they could discuss it further.

Mr. Bivins said that he was very excited about what he had read, but it also made him nervous. He said that he could recall when West Broadway in New York was an industrial area. He said that he lived there for a while at a time when rents were much lower than they are today. He said that he could not afford that lifestyle now, even if he had pursued different career options. He said that he did not want the same thing to happen in this area, given its proximity to Carlton Avenue, which may face pressure in the future. He said that the people who owned properties near Carlton Avenue and the community around Moores Creek should be able to maintain their eclectic character as the area improved.

Mr. Bivins said that the growth had happened organically, which was why commercial spaces were being converted into artist spaces when commercial entities left. He said that artists then filled these spaces until they became popular and well-developed, at which point they may face displacement. He said unfortunately, in their community with rigid land use percentages, there were not many places to go, and consequently, people may be pushed out and relocated to other areas instead of being accommodated within Albemarle County.

Mr. Bivins said that he had mentioned before that the decision regarding land usage significantly affected the eclecticism and diversity of their community. He said that he would love to see some of the ideas presented by their former colleague but emphasized that they should not become the sole determining factor for transforming their area into a part of another town or city. He said that he did not want to have to pay travel time for the rug-cleaning person to come from Waynesboro to clean his carpet. He said that it was bad enough now, as Salem Ease way used to be on the downtown mall but had now relocated to Greene County.

Mr. Bivins said that if someone wished to take a rug to be cleaned, the location had changed from downtown to an area near Lowe's in Greene County. He said that that drive used to offer good food options as well but pushing people away increased costs for living and working in the area. He said that he believed that they could take actions to make their place attractive to eclectic and artistic individuals, but he was concerned that it might drive these artists away instead. He said that if they left, they would go to the re-emerging Waynesboro. He asked if there was still a bridge connecting Willow Tree across Moores Creek.

Mr. Barnes said yes, the Rivanna Trail crossed at the new pedestrian bridge.

Mr. Bivins said that he was proposing that they amplify certain aspects, such as wayfinding and protected bicycle and hiking facilities, to provide people with a means to access that area without appropriating its spirit.

Mr. Murray said that he had actually run through that area. He said that when examining the data from heat maps in the vicinity, the area was currently being used by cyclists and runners. He said that it was not a question of whether stripping would attract pedestrians or not; they were already present. He said that that addition would provide safety for those who already used the area for walking and running. He said that he agreed with Ms. Firehock's suggestions regarding sustainability and stormwater management.

Mr. Murray said that he believed there were opportunities to incentivize sustainable development in that area. He said that for instance, offering Tax Increment Financing (TIF) for individuals willing to redevelop in an eco-friendly manner could be an option. He said that he strongly supported mixed-use development in the area. He said that given its proximity to the river, he would prefer more vertical development and a larger buffer on the riverbank rather than spreading out further.

Mr. Clayborne said that he had a few questions for the presenters and would also like to make some comments. He asked if they could discuss the road networks leading up to Broadway and their thoughts on how they influenced their perception of Broadway. He said that he used to reside off Linden Avenue and occasionally ran along that street. He said that while some experiences were pleasant, others made him feel less safe. He asked whether they could address this aspect. He asked if they were aware of the economic impact of this district as well.

Mr. Hyer said that he could speak to the roadway network. He asked if Mr. Clayborne had specific questions about the roadway network.

Mr. Clayborne said that when creating a destination that attracts people, whether by foot or bicycle, one must utilize other networks to access it. He asked about the experience from studies and explorations and how it influenced recommendations regarding Broadway Street's treatment.

Mr. Hyer said that there were several ways to answer the question and attempted an explanation, which could be corrected if he was mistaken. He said that they met with the City Neighborhood Development Services, James Freas, and his colleagues regarding their understanding of the adjacent roadways and any planned improvements along those roadways. He said that they heard some interesting information, although it seemed to be primarily long-range aspirational thinking. He said that they had intention to put a broader sidewalk or shared use path along East Market Street, which he thought was a very aggressive project to pull off. He said that Carlton itself coming down toward Franklin toward Broadway, there was currently no planned improvement along that roadway from the city.

Mr. Hyer said that from a bike and pedestrian network standpoint, he could see that their most valuable connection points from Broadway would likely be for pedestrians or bicyclists to continue up Carlton to try to get over to the shared use path by Beer Run. He said that there was a missing link, however, between the intersection of Carlton and Carlton to Beer Run. He said that he did not know if the city had any specific intentions to infill that area. He said that however, natural connections were being made under the one-way tunnel along Franklin Street toward East Market.

Mr. Hyer said that they would like to implement wayfinding, which they had coordinated with the City on, to guide people from East Markets to Broadway instead of having cars travel all the way down East Market and end up going the wrong way on a one-way road. He said that another point related to connectivity and the Broadway network was the concern regarding continued large vehicle access to Broadway and how these vehicles navigated through the City to reach their destination, which was already quite challenging.

Mr. Hyer said that one could access the area through Hogwaller near Franklin or attempt to navigate from Route 250, proceeding along Mead, descending Carlton, and continuing onto Carlton. He said that the route was somewhat disorganized. He said that due to a lack of control by the County, or VDOT in this regard, further enhancements to these networks might restrict vehicle movements aiming for Broadway. He said that he might not have directly addressed their question; however, there were numerous factors to consider in their initial work, and they were addressing some aspects indirectly.

Mr. Clayborne said that his second question was regarding the economic impact of the district in its current state.

Ms. Falkenstein said that they did not have extensive data on this matter; however, they had been able to gather information specifically regarding job types within Broadway. She said that their findings indicated that the area had a higher proportion of low and medium income jobs compared to the County as a whole. She said that the County had approximately 50%, while this area had approximately 70%. She said that the area exhibited a higher percentage of wholesale trade jobs and arts, entertainment, and recreation positions than the County average. She said that this small area accounted for about 12% of the County's wholesale trade jobs, which she considered quite significant. She said that if they were asked for more information on specific data points, they could certainly explore further.

Mr. Clayborne said that when examining the presentation, the combination of light industrial and residential development seemed conflicting to him. He said that seeing how this conflict would be addressed would be important. He said that he would like to delve further into the slide which presented a mid-term solution. He asked if someone with two young children were to live in that

area, he would have concern about the traffic on that road. He said that he would appreciate it if additional information regarding how this issue might be addressed further could be shared since it seemed that the presentation did not fully address it.

Mr. Clayborne said that regarding the second portion, the arts and cultural district component, his initial impression was that it appeared to be situated at the heart of a development area. He said that as various options were considered, he was curious about how this factor would influence their decision-making process. He said that in a research and innovation district, one might associate Willow Tree with entrepreneurs starting breweries and similar ventures. He asked if this facilitated access to additional funding. He said that economic development could provide insight into this matter.

Mr. Clayborne said that GO Virginia grants, specifically those under research and innovation, as well as the Community Investment Collaborative (CIC), which supported graduating entrepreneurs year after year, contributed to this cause. He said that these initiatives helped tell the story of their impact on the community. He said that lastly, he was curious about the potential for the river to be more than just a recreational destination. He said that he wondered if it could become a place where people enjoyed dining with a view of the river or listened to the sound of water after rainfall. He asked how could the river evolve into a destination beyond tourism.

Mr. Carrazana said that he appreciated the presentation, which provided valuable insights into the locality. He said that he agreed with much of what had been said. He said that he had further questions regarding the presenters' perspectives. He said that one question had already been mentioned by Mr. Bivins regarding the potential pressures on the Carlton Avenue area due to the City's rezoning. He asked if they had considered how these changes might impact Broadway Street. He asked if during their meetings and discussions with residents and workers in that area, had they discussed any of these changes and their possible effects on Broadway.

Ms. Falkenstein said that they were concerned about displacement due to land values and assessments increasing. She said that the area around it was redeveloping, which put additional pressure on businesses and startups in Broadway. She said that there was a concern about their future and whether they would be displaced or not. She said that this concern had been consistently raised during conversations with people. She said that by examining the past year's assessments, they found that the situation had accelerated since 2022. She said that before that, it was relatively steady, but there was a significant increase in 2022. She said that if the City continued to develop around Broadway, this trend was likely to continue.

Mr. Carrazana said that it would be beneficial to explore further the development of Broadway by considering potential infrastructure improvements. He said that with foresight into what may come, it was crucial to address these changes proactively. He said that the corner of Franklin and Carlton represented areas targeted by new zoning, with density expected to increase significantly. He said that it was unlikely that this would slow the rise in costs for doing business on Broadway.

Mr. Carrazana said that to mitigate this, they must have a strategy that incentivized mixed-use development, adaptive reuse, infill, and densification within the area. He said that by incorporating these ideas into their planning process, they could work collaboratively with the community to envision their future and address safety issues as they provide necessary infrastructure amenities. He said that he agreed with his colleagues present that this was an important approach.

Mr. Carrazana said that there was already a conflict between light industrial and trucks, residential areas, pedestrians, and recreational uses in this location. He said that as they considered the potential future developments with the zoning changes in the City, it would have a significant impact on this area. He said that insights into their next steps regarding these changes should take into account both County and City perspectives. He said that this would help them better understand how the City's actions might influence their plans.

Ms. Falkenstein said that it appeared anecdotally that demand was already present. She said that some property owners had mentioned receiving cold calls from developers about selling their property for development. She said that at the moment, the current regulatory situation, specifically the zoning map, did not permit mixed-use development. She said that it was not allowed at present, but if this were to change, there would likely be demand for mixed-use and residential developments in that area.

Ms. Falkenstein said that they had spoken with property owners who wished to develop residentially but were restricted by the County's current regulations. She said that there was latent demand, and this situation presented an opportunity for the County to consider what it envisioned for Broadway, whether it should remain industrial or transform into something else. She said that their approach had been to maintain industrial use for now while examining the broader County landscape to identify alternative locations for industry before considering changes to Broadway.

Ms. Firehock said that if they had not already provided this data, it would be helpful to understand the proportion of buildings in the area that are rented versus owned. She said that tenants in rented properties may face greater vulnerability to displacement. She said that in their report, they stated that this area was prone to gentrification. She said she was curious about how property ownership affected the community, as owning a building could make the area more attractive for employees and improve its overall value. She said she was concerned that tenants may be at risk of being evicted when their properties become more valuable due to higher paying tenants.

Mr. Carrazana said that they pointed out the discrepancy in their current zoning documents. He said that if they were to move toward mixed use, there were developers eager to take advantage of this opportunity. He said that there were numerous benefits for mixed-use development, which may be where it needed to be. He said that it was important to consider that such a change could displace the people currently residing in the area.

Ms. Falkenstein said that she did not have specific figures for owner-occupied versus tenant-occupied properties, but based on her observations, conversations with others, and analyzing the data, it appeared to be a mix. She said they could gather this information and provide it to the Commissioners.

Ms. Firehock said she recently learned that the Economic Development Department had appointed a new director who aimed to provide creative solutions so that they were improving the area while supporting the continued presence of small businesses. She said that some of those tenants contributed to the character of the area, being slightly less conventional in nature, but they often had fewer financial resources. She said that it was not the wealthiest residents who added as much character.

Mr. Murray said that particular care should be taken regarding parcels near the river to avoid creating an intensity of uses that further impaired the buffer or led to the conversion of potential green space into other uses. He said that when discussing the Rivanna River, people often

mentioned the possibility of restaurants and other establishments with views of the river. He said there could be a conflict between having such establishments close to the river and conserving the natural resource. He said that if taller buildings were employed, it was possible to enjoy views of the river without impairing the buffer. He said that as building height increased and structures were hidden slightly, they would develop views of the river that would not be present with single-story structures.

Mr. Bivins said that it was helpful to examine the document. He said that there was only one way to make the area attractive, given the presence of a water treatment plant there. He said that in his opinion, it was a positive factor since it would always have a drag on flipping the property too quickly, as it would remain industrial unless someone could provide evidence that the people associated with the initiative would pick it up and place it somewhere else. He said that he did not believe they could do so because the underlying infrastructure could not simply be picked up and placed elsewhere. He said that in the near term, he suggested focusing on how to encourage an area that had been in a state of limbo to have some amenities and gradually find its identity without conflicting with its existing nature.

Mr. Bivins said that the remains of what used to be a factory at one end now served as a technology hub, which might or might not be there in three years. He said that the parking lot could be an excellent location for a tall building in his opinion, rather than an area where they had limited space for businesses like this in Albemarle County. He said that he had been vocal about converting commercial space into residential space but would be even more vocal about repurposing industrial and light industrial artist spaces because he believed there was value in having dedicated community spaces for artists to create their work.

Mr. Bivins said that he recalled when McGuffey was a place where they could find people building large sculptures or paintings, but today they cannot do it anymore because they cannot afford to do it anymore. He said that those people had relocated to Waynesboro, which he mentioned earlier. He said that he would not like to relocate their artistic community to Waynesboro. He said that he believed it was essential for a place that claimed its heritage from Thomas Jefferson and the Renaissance era to have an arts community. He said that it was a critical aspect of their identity. He said that he would be reluctant to see the arts displaced from this community due to expensive housing requirements.

Mr. Carrazana said that he believed many of them shared similar thoughts on this matter. He said that the issue at hand was how to address and combat the mounting pressures arising from events occurring nearby. He said that specifically, they needed to consider the situation that would unfold across the street.

Mr. Bivins said that it was already occurring across the road. He said that one point he would like to make is that the salvage company at Carlton might require a significant transformation to become a reasonable place. He said that the entire area, known as Swift, had consistently been a salvage site throughout their lifetime and likely will remain so without substantial investment in that part of the City-County line.

Mr. Bivins said that many of them have witnessed the East Market Street conflict, even when the area would flood, and they refused to make any changes due to their reluctance to alter the lower part of East Market. He said that now, some individuals possessed financial resources and owned Teslas. He said that these individuals held a certain advantage that enabled them to improve their

situation. He said that he would emphasize that they should not forget about those who did not have such resources or luxury items.

Mr. Missel said that he echoed many of the points made in the discussion. He said that to categorize and summarize where they were heading, one topic was proximities and partnerships. He said that as they analyzed the study, he suggested considering James Freas, adjacent zoning, and partnerships with the City under the categories of uses. He said that they should consider adjacent uses, those on the boundary, and how these were affected by the revised zoning ordinance or interacted with each other.

Mr. Missel said that also they should think about the natural features and their potential benefits to one another and the importance of connectivity in terms of transportation and pedestrian access. He said that they had previously categorized some of these items. He said that the second matter concerned property. He asked approximately how much of the land within the property being considered was suitable for construction purposes.

Mr. Hyer asked if Mr. Missel was asking how many acres were buildable.

Mr. Missel said yes, he was inquiring about the availability of open space that could be developed as buildable land. He asked if there was an approximate amount that could be provided, or if it was mostly unsuitable for construction.

Mr. Hyer said that he was uncertain if he could provide an acreage for them; however, based on the topography he had observed, they might potentially increase the area by 15% to 20% from what was currently there. He said that he believed that their density would be primarily vertical rather than horizontal.

Mr. Missel asked if there were issues such as critical slopes or floodplains. He said that they had discussed various uses, including preserving the present, established preservation, and supporting established uses, such as arts. He asked if there was a master plan as one of the goals, which would involve an overlay of these factors and thinking about proximities that may impact or influence development.

Ms. Falkenstein said that this study focused on identifying implementation projects instead of serving as a planning exercise. She said that however, they aimed to capitalize on the planning exercises they were already conducting. She said that they were currently working on the AC44 update, which addressed land use. She said that they aimed to provide some recommendations to that team regarding the ongoing zoning ordinance rewrite and suggestions for potential adjustments to the zoning that could support their discussions held tonight.

Mr. Missel said that he appreciated the helpful perspective. He said that he was considering establishing and supporting existing uses in an area that was already quite developed. He said that they should consider how mixed use could be introduced into such an area while thinking about reuse, reclamation, and their inclusion in the plan. He said that also to be considered was the layer of economic development. He said that regarding priorities, there was utility infrastructure going in, so the decision must be made early to take advantage of that.

Mr. Missel said that if there was a way to incorporate a multi-use path as part of the design, that would be preferable, especially in an area that could potentially be walkable. He said that he was uncertain if this suggestion was helpful or if more immediate guidance was required but believed

it might be a mid-term improvement option. He said that lastly, regarding the option, he wondered if lighting was also being recommended.

Mr. Hyer said that if they got to the point of discussing mid-term or long-term constructed strategies, they would certainly incorporate lighting.

Mr. Missel said that safety and security were additional general aspects to be considered.

### **Public Hearings**

#### **a. SP202300007 Home Depot Outdoor Sales, Storage, and Display**

Margaret Maliszewski, Planning Manager, said that when she last presented to the Commission, it was in September of last year. She said that she was presenting tonight on the same topic, which was the Home Depot request for a special use permit for outdoor storage display and sales for their new store proposed at the Fashion Square Mall. She said that as they discussed in September, the proposal was to demolish the Sears store, located at the north end of the mall, and replace it with a new Home Depot store with a garden center.

Ms. Maliszewski said that areas for sales, storage, and display were to be located in and around the garden center and along the front of the new store facing Route 29. She explained that the applicant had discovered that the condition of the mall was such that a portion of the north end of the mall must be demolished in addition to the Sears building. She said that this meant that the parcel to the south, which was not included in the original application, was now part of the project.

Ms. Maliszewski said that to meet legal requirements, the project description needed to be updated with that parcel, and as a result, a new public hearing would be required. She said that with this shift in the project, the applicant has taken the opportunity to make a few changes to the design. She said that the Home Depot store was now proposed as a stand-alone building with a travelway between it and the mall. She said that there had been minor alterations to the size and shape of the building and the garden center.

Ms. Maliszewski said that areas proposed for sales, storage, and display had been redistributed along the building elevations to coordinate with these changes. She said that these redistributed display areas and the architectural design modifications did not significantly change the visual impact of the proposal on the entrance corridor. She said that displayed on the screen was the current proposal in the overall mall site, highlighting the new travelway in pink. She said that the next slide depicted the architectural design of the current proposal. She said that as they discussed in September, most special use permits were reviewed under Section 33.8 of the ordinance.

Ms. Maliszewski said that SPs for outdoor storage display and sales were reviewed under a different section that was under 30.6, the entrance corridor overlay section. She said that this section limited the factors to be considered when determining whether the use was consistent with the applicable design guidelines. She said that those guidelines were the entrance corridor design guidelines, which the ARB applied. She said that the ARB reviewed this revised proposal in December of last year and unanimously voted to recommend approval of the request with staff's recommended conditions. She said that the Commission were presented with the same conditions that the ARB recommended, which were very similar to what the Commission had recommended in their September meeting, with just two minor changes.

Ms. Maliszewski said that the first change was a modification in Condition 6. She said that the Commissioners may recall from their discussions that the applicant requested clarification regarding planting along Route 29 requiring VDOT approval. She said that they acknowledged at the time that the VDOT review and approval would occur with the final site plan; however, they had taken this opportunity to clean up that condition by refining its wording. She said that the second change involved merging what was Condition 8 with Condition 1 for consistency with their standard language for SUP conditions. She concluded that staff recommended approval with the conditions listed in the report.

Mr. Missel asked if there were any questions from the Commission. Seeing none, he opened the public hearing. He asked if the applicant would like to speak.

Ms. Megan Nedostup stated that she was from Williams Mullen and would be representing the applicant, Home Depot. She said that present with her was John Karacus from Home Depot and Dan Boyle, the project's architect. She said that they were now redeveloping Sears, initially intending to expand the construction slightly. She said that when the Home Depot crew entered Sears for the first time, they discovered that there was only one wall instead of two, as previously thought.

Ms. Nedostup said that they had to retrieve all the plans from a large room filled with old 1970s documents. She said that upon reviewing these plans, it became clear that there was only one wall, necessitating the removal of a portion of it. She said that after discussing this situation, they identified an opportunity to take down more of the walls and implement the framework for the Places 29 redevelopment plan, which included the travelway to go through.

Ms. Nedostup said the following slides provided views from Route 29 and Rio Road, a map illustrating the portion of the mall that would be demolished, and an aerial photograph with an orange star indicating the Sears location. She said that the following slide showed the concept plan from the submitted application, in which an orange line represented the new footprint of the proposed Home Depot, while the gray area signified the former Sears location and prior submittal. She said that the green area denoted the section of the mall that would be removed. She said that they (Planning Commission) could see where the travel way was now situated.

Ms. Nedostup said that they also discovered an opportunity regarding the tool rental center. She said that previously, tools would be visible from portions of Rio Road, but they were able to relocate it around the corner, which now had less visibility for the display areas and entrance corridors. She said that Ms. Maliszewski had also presented the revised concept plan, which included changes from the previous version in September. She said that the planting area discussed earlier had been implemented, with a note indicating it was subject to VDOT approval.

Ms. Nedostup said that another modification was adjusting the spine of the pedestrian access, creating a more direct route. She said that one point to note was that the expansion of the display and sidewalk had the front pavement designated and expanded to include a sidewalk connecting Rio Road to the store. She said that this ensured that pedestrians had an accessible pathway and enough space for the display area. She said that in a closer image, the adjusted display areas were evident, particularly the relocation of the tool rental center. She said that the temporary staging areas remained in their previous locations.

Ms. Nedostup said that the proposed parking arrangement was still being worked on and would be presented to the Architectural Review Board for landscaping along Rio Road. She said that

provided was a closer view of the larger proposed planting area for which they sought feedback from VDOT during the site plan and ARB process. She said that the front elevations showed the tool rental center, previously coming out toward 29, was now situated away from the building's facade and around the corner, and the garden center remained virtually unchanged.

Mr. Bivins asked if the walkway would be leading up to the tool rental center and if it would be identified.

Ms. Nedostup answered that there would be a walkway on the other side, and there was a crosswalk that would get pedestrians to that directly.

Mr. Bivins asked if there was a way to delineate that there may be people walking across there.

Ms. Nedostup said yes.

Mr. Bivins said that there was a large green property situated across the street from this site on Rio Road. He said that the area has been considered for potential development and expansion over time. He asked if the front portion of that property might include a crosswalk to facilitate pedestrian access between the two sides of the street.

Ms. Nedostup said that a crosswalk existed there already. She said that during their site visits, they noticed that there was already a dirt path on the subject property, so they would just be formalizing that connection.

Mr. Bivins said that regarding the plantings along the frontage of the property facing Route 29, VDOT would have the authority to determine whether those plantings were appropriate or not.

Ms. Nedostup said that they would determine whether they conflicted with existing utilities.

Mr. Murray said that he had noticed in the images that some pictures showed trees raised up and surrounded by concrete. He asked if the applicant had considered lowering those areas to create curb cuts for capturing stormwater instead of preventing it from entering the tree-filled zones. He said that this would serve as a waste reduction measure, as these areas could function as stormwater capture facilities while also benefiting the trees by reducing the need for constant watering.

Ms. Nedostup said that they did not anticipate any of the trees being lifted up.

Ms. Firehock clarified that Mr. Murray was referring to the trees being planted in recessed planting beds to serve as best management practice for stormwater.

Ms. Nedostup said that she would discuss it with their team, but they had not discussed it thus far as part of the site plan.

Mr. Clayborne asked if there had been any discussion regarding visual access of rooftop equipment from Rio Road. He said that he was surprised that it did not appear in the conditions and inquired how this matter was addressed.

Ms. Nedostup said that they primarily focused on the display and the garden center. She said that as a result, they still needed to undergo the ARB process for the architecture of the building, including the rooftop equipment, which they would be completing soon.

Mr. Missel said he would like to clarify a point regarding the image displaying the plan of the building and the adjacent alleyway created between the existing structures. He asked whether they would be dismantling and reconstructing a wall at an arbitrary location or if it was there because of a structural requirement.

Ms. Nedostup said that there was a structure. She said that they had a discussion on how many bays needed to be removed. She said it was going back four (structural bays) in order to reach that location to provide the sidewalk and travelway.

Mr. Missel asked what the material would be on the other side of the building.

Ms. Nedostup said that the new structure would closely resemble the current mall, as it was intended to serve as a temporary wall during the redevelopment process of the shopping center. She said that they had already submitted an application to the ARB for the demolition and minor amendment for the interim condition.

Mr. Missel said that regarding the specific area with two walls, it would be an unpleasant environment. He said that he was wondering whether there were alternative methods to expand it slightly and create a more usable space, but he was unsure if anything would actually inhabit it. He said that this could provide additional space for maneuvering since parking near Home Depot required walking out into traffic or crossing the street to reach the sidewalk and continue on one's way. He said that he found it unusual that there was not a sidewalk adjacent to Home Depot, but he understood that this topic was slightly beyond their current discussion, although it remained related to the outdoor area.

Ms. Nedostup said that she appreciated those comments and acknowledged the challenge of achieving a balance between taking enough of the mall down structurally while still maintaining tenants in the mall and preserving space for some of those tenants. She said that Home Depot was relocating certain tenants to accommodate their four-bay expansion, but they did not want to cause excessive disruption during this process. She said that it was indeed on their radar to create a more streetscape-type environment when the redevelopment of the mall occurred, and it (the wall) came down.

Mr. Carrazana said that regarding the new construction, he would like to clarify if there were additional opportunities for openings besides the single door located in the center of the new wall.

Ms. Nedostup said that they were currently assessing this aspect as part of the site plan process and during discussions with the ARB. She said that she believed that this matter would arise; however, thus far, they had only considered a temporary wall with an entrance.

Mr. Missel asked if there were any comments from the public for this public hearing. Seeing none, he asked if there were any other questions or discussion from the Planning Commission.

Mr. Moore motioned to recommend approval of SP2023-00007 for Home Depot's outdoor storage display and sales, subject to the conditions detailed in the staff report, which was seconded by Mr. Clayborne. The motion passed unanimously (7-0).

## Committee Reports

Mr. Bivins said that he had attended a Community Advisory Committee (CAC) meeting the previous night, where he learned that there was a proposed special use for Charlottesville Climbing Gym, which might be coming to them at some point in the future. He said that the scheduling had not been finalized yet. He said that the Charlottesville Climbing Gym recently held its public hearing at a community meeting. He said that for those interested in the gym's location, it was past the trestle bridge on Old Ivy Road. He said that the proposal would come before the Planning Commission at some point in the future.

Ms. Bivins said that it had already been considered by the ARB before it came to the Planning Commission. He said that a perennial issue for him was the confusion regarding when the ARB would say when it was a good plan. He said that the applicant might have believed he had a good plan, and indeed, he may have, but presenting before the Commission, he would be asked numerous challenging questions. He said that this process still seemed out of sync to his non-ARB mindset.

Ms. Bivins said that the applicant would receive praise at the ARB meeting, then face scrutiny from them as part of the legislative process, followed by the Supervisors who held the ultimate decision-making power. He said that it appeared that the ARB would be part of the site review plan, which took place after they have already been informed that yes, construction is permitted. He said that he had set that once the Supervisors approve the SP, they proceeded with a site review. He said that it seemed to him that the ARB should be involved in this site review process rather than prior to the Planning Commission.

Mr. Missel said that he would appreciate receiving staff's opinions on this matter. He said that his understanding, which might be incorrect, was that the Architectural Review Board served as an advisory body for the Planning Commission. He said that when the Planning Commission received the application, they could review the ARB comments and utilize them to inform their decision-making process. He asked if this accurately described the situation and if he had overlooked any details. He said that following the decision, the applicant would need to return to the ARB, as it was part of the special use permit requirements.

Mr. Bivins said that that made sense; however, that was not how it felt to him in the staff report. He said that when he read the staff report, and the fact that there was a vote, it was fascinating but was not how he had interpreted it.

Mr. Missel said that the sole reason for this appeared to be due to a memory from 2006 when he was part of the ARB. He said that at that time, as far as he could recall, the ARB did not have an opportunity to weigh in on zoning at such an early stage. He said that it later came about again. He said that perhaps his recollection was incorrect, but they would typically receive issues as the ARB that were partially developed and lacked the chance to weigh in on something potentially more influential regarding zoning.

Mr. McDermott said that his understanding was that the ARB was a separate application, which could be linked to either the site plan or the rezoning if the applicant wanted it to be.

Mr. Herrick said that the ARB has various roles. He said that it issued certificates of appropriateness and could also act in an advisory capacity on certain other matters. He said that

he was not well-versed enough in the specifics of this proposal to determine which role the ARB was fulfilling for this review.

Ms. Shaffer said that she could provide the record of the ARB meeting if needed.

Mr. McDermott said that the Architectural Review Board could take a vote if there was an ARB application. He said that they could be approached in an advisory capacity and be allowed to make only advisory comments. He said that it could be either case, and it depended on how the applicant wanted to proceed with their project.

Mr. Bivins said that he understood the situation but also mentioned that he had witnessed or observed applicants who believed they received a positive response from the ARB, but then suddenly, the Commission asked a different set of questions. He said that sometimes they had to defer the application even though the ARB had been supportive of the application. He said that he was attempting to clarify some misunderstandings regarding this process because people may not fully understand it.

Ms. Shaffer said that she could provide the details from the meeting held last Tuesday. She said that the proposal involved requesting a special use permit to provide the applicants with the comments listed in the staff report, which were amended as followed and required addressing in the next submittal. She said that they discussed the entrance corridor and visibility during the meeting. She said that one could refer to the final action memo for the ARB on the calendar, which outlined that they talked about planting trees and shrubs to enhance the canopy. She said that as a result, she said that they provided the applicant with nine specific tasks to complete before coming back in.

Mr. Missel said that it was a good point raised by Mr. Bivins that as an applicant, one might address those nine aspects, invest resources in addressing them, and then return, only to find that it might not align with the perspectives of the Planning Commission.

Mr. Carrazana said that if it was a special use permit, it must be presented to the Planning Commission.

Mr. Bivins said that he was not attempting to be dismissive of the process. He said that instead, he hoped that as they strived to improve or enhance their processes, they would achieve a level of clarity.

Mr. Missel said that they should at least be communicating with the applicant to clarify that.

### **Review of Board of Supervisors Meeting**

Mr. Barnes said that since their last meeting in December, there had only been one Board meeting, which was an organizational meeting held last week. He said that Mr. Andrews was appointed as the Chair, and they worked on other committees during this meeting. He said that their next business meeting would be tomorrow. He said that the Montclair rezoning was scheduled for a public hearing tomorrow; however, due to a database issue, the date was not effective. He said that as a precautionary measure, the public hearings had been rescheduled for February.

### **AC44 Update**

Mr. Barnes said that before discussing this item, he would like to introduce himself. Mr. Barnes said that his background was quite diverse; he had experience in environmental planning and had worked with the County in 2000 and 2003. He said that at that time, they had adopted the neighborhood model just a month before his arrival. He said that he was able to witness it go through a rigorous process. He said that he spent six or seven years working in the private sector locally. He said that he had been focusing on entitling plans and collaborating on road design and layout projects.

Mr. Barnes said that although some of the work they completed may have faced criticism, it provided him with valuable educational experience. He said that he had gained insight into the private sector's profit motive and improved his understanding of how to make sense of place and reality in design. He said that the market experienced a decline in 2007, and the firm he was working with went out of business. He said that he then moved to Waynesboro for eight years. He said that the period proved formative, and he thoroughly enjoyed working there.

Mr. Barnes said that he had been working at VDOT for the past five years, performing two distinct roles. He said that one involved managing funds from state and federal sources to facilitate capital improvement projects within the City of Charlottesville. He said that through this experience, he gained a comprehensive understanding of the process. He said that in the last year and a half, he served as an assistant district planner. He said that he was excited about returning to Albemarle County. He said that his diverse range of experiences should prove beneficial for everyone involved and the County in general. He said that he was eager to collaborate with them in the County.

Mr. Barnes said that regarding the update on the comprehensive plan, they had recently held their second work session regarding the draft goals. He said that the first session focused on environmental historic resources, parks and recreation, housing, and industrial uses. He said that this portion was set to be presented to the Board of Supervisors during their work session on January 17. He said that subsequently, they would receive a second package containing information on land use rules, development area land use, and transportation matters in mid-February, specifically on February 21.

Mr. Barnes said that the Board of Supervisors would then reconvene for another work session on March 20 to discuss the comprehensive plan further. He said that it was evident that ongoing efforts were being made to refine this plan. He said that the proposed plan appeared promising but that they would continue working on it. He said that they were waiting for the Board's input before proceeding to phase three in late March or early April. He said that this was their current status, and there were upcoming work sessions focusing on rural areas. He said that one session would take place in Batesville, followed by another one in Esmont. He said he could provide exact dates as necessary.

Mr. McDermott said that the first rural areas meeting would be on January 24 in Batesville and the second one would be on February 14 in Esmont.

Mr. Murray said that he would be attending the Batesville meeting.

Mr. Bivins asked if Mr. Barnes knew when the Planning Commission would take up the matter of tax incentives, as discussed in the joint meeting with the Board of Supervisors and land developers regarding affordable housing.

Mr. McDermott said that they would discuss the topic at their next meeting, with Ms. Stacy Pethia presenting information on the matter.

Mr. Bivins asked if it would be a work session.

Mr. McDermott said that it would be an informational work session, with no vote necessary from the Planning Commission, as the Board had already approved moving forward with tax incentives but were hammering out the details of it as a part of Housing Albemarle. He said that there may be a later vote required of the Board to implement the actual tax code changes, but they had approved moving forward with developer incentives without knowing the details on how it would work. He said that Ms. Pethia would present the details on how they wanted to move forward with those in order to receive PC feedback prior to presenting them to the Board in February.

### **Old Business**

Mr. Clayborne said that last year, an item they had carried under this category was a City-County joint Planning Commission meeting. He requested that it be added back so that they did not lose sight of it.

### **New Business**

There was none.

### **Items for follow-up**

Mr. Missel noted that the Clerk had provided the Commissioners with a Virginia Conflict of Interest and Ethics Advisory Council form, and it was now an excellent opportunity to sign that and return it to the Clerk.

### **Adjournment**

At 8:10 p.m., the Commission adjourned to Tuesday, January 23, 2024, Albemarle County Planning Commission meeting, 6:00 p.m. in Lane Auditorium.



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Michael Barnes, Director of Planning

(Recorded by Carolyn S. Shaffer, Clerk to Planning Commission & Planning Boards; transcribed by Golden Transcription Services)

Approved by Planning Commission
Date: 02/13/2024
Initials: CSS