Albemarle County Planning Commission
Draft Minutes May 28, 2024

The Albemarle County Planning Commission held a public hearing on Tuesday, May 28, 2024, at 6:00 p.m.

Members attending were: Fred Missel; Luis Carrazana; Corey Clayborne; Julian Bivins; Karen Firehock (arrived at 6:04 p.m.); Nathan Moore; Lonnie Murray

Other officials present were: Michael Barnes, Director of Planning; Khris Taggart; Syd Shoaf; Margaret Maliszewski Frances MacCall; Kevin McDermott; Rebecca Ragsdale; Andy Herrick, County Attorney's Office; and Carolyn Shaffer, Clerk to the Planning Commission.

Call to Order and Establish Quorum

Ms. Shaffer called the roll.

Mr. Missel established a quorum.

Other Matters Not Listed on the Agenda from the Public

There were none.

Consent Agenda

Mr. Moore motioned the Planning Commission adopt the consent agenda, which was seconded by Mr. Carrazana. The motion passed unanimously (7-0).

Public Hearings

SP202300021 Flow Hyundai

Chris Taggart, Senior Planner, said that Planning Manager Margaret Maliszewski assisted in the review and was present that night as well. He said that he would be presenting the staff's recommendations for the special use permit and associated special exception.

Mr. Taggart said that as with all SUPs, a recommendation to forward to the Board was required. He said that regarding the special exception, the Planning Commission was not obligated to provide a recommendation; however, if they chose to offer comments on the request, those would be included in the transmittal summary for the Board's consideration.

Mr. Taggart said that he would address the SUP first and then proceed with the special exception. He said that the subject properties were located on the west side of Route 29 between 2070 and 2150 Seminole Trail. He said that both properties housed automobile dealerships, while residential areas lay across Berkmar Drive to the west and Route 29 to the east. He said that the subject property was currently vacant and predominantly wooded.

Mr. Taggart said that provided were a couple of street views displaying the existing conditions of the property from Route 29 and Berkmar Drive. He said that the SUP request sought permission for outdoor display, storage, and sales of vehicles within the entrance corridor overlay. He said that he would refer to this as outdoor display throughout his presentation. He said that this plan indicated designated spaces in blue and yellow shading, with the yellow areas also marked for vehicle weight and repair. He said that while motor vehicle sales were permitted by right in the zoning district, outdoor display was a special use.

Mr. Taggart said that SUPs for outdoor display were evaluated under Section 30.6, which limited the factors considered to determining whether the outdoor display aligned with entrance corridor design guidelines. He

said that the ARB applied these guidelines during its review of this request in February of that year and voted no objection to the SUP request, contingent upon revisions to the concept plan that could be resolved during final site plan review. He said that standard conditions for approval were also required.

Mr. Taggart said that the favorable factor for this request was that the outdoor display use would conform to EC design guidelines if the ARB's recommended conditions were upheld. He said that for this reason, staff recommended approval of the special permit for outdoor display with those conditions.

Mr. Taggart said that in association with the SUP request, there was a request for an exception from Supplementary Regulation 5.31, which mandated that vehicles awaiting repair be situated where they were not visible from any public street or residential property. He said that vehicles waiting for repair were proposed to occupy the yellow highlighted space lease, totaling 248 spaces.

Mr. Taggart said that most of these spaces would be visible from both public streets and residential properties as currently proposed. He said that one reason for this visibility was that Berkmar Drive was elevated between 2 feet and 28 feet above them. He said that from Berkmar Drive, views of vehicles waiting for repair would be available south of the building into the parking lot with an open view at the entrance to the site.

Mr. Taggart said that from Route 29, views would be available of these spaces from a distance at the site entrance. He said that Victorian Heights, highlighted in orange on the map, was a residential property adjacent to the development currently under construction across Berkmar Drive to the west. He said that units within this development would be elevated between 15 feet and 64 feet above where the areas awaiting vehicles waiting for repair would be located, allowing views into most of these areas.

Mr. Taggart said that there had been no previous requests or exceptions for the requirement for screening vehicles waiting for repair; however, there were many examples of screening vehicles through the SUP and site plan review processes. He said that in these instances, visibility had been limited by positioning the spaces so that buildings, topography, fencing, landscaping, or a combination of these features screened the vehicles from public streets and residential properties.

Mr. Taggart said that staff acknowledged that the types of vehicles waiting for repair in the site would have little visual difference between display vehicles, and that the topography made meeting the visibility requirement challenging. He said that however, the ordinance was clear, and the site layout could do more to relegate parking and reduce visibility, including positioning the vehicle repair building near Berkmar Drive so as to provide greater screening, limiting parking areas to locations behind buildings, and providing additional landscaping, including evergreens along Berkmar Drive and at the perimeter and interior of the parking areas.

Mr. Taggart said that because methods for screening were available but had not been used to a sufficient degree to minimize impacts, staff could not recommend approval of the special exception request. He said that the Planning Commission was not required to make a recommendation on special exceptions; however, if the Commission chose to provide comments, they would be included in the transmittal summary to the Board.

Mr. Moore asked when they would have conversations with the applicant regarding stormwater runoff associated with this proposal.

Mr. Taggart said that Engineering would review that during the final site plan review.

Mr. Moore said that he would like to bring up for the Commission’s discussion that this had been an issue of concern for many neighborhoods in the Rio area as more and more land on that side of Route 29 was paved over. He said that their stormwater drainage infrastructure offered a couple of options, including pipes that could direct water straight into the Rivanna or a channel that would carry it under Route 29 and

pass through the Woodbrook neighborhood. He said that the latter option was less desirable since they were already experiencing significant flooding issues in that area.

Mr. Bivins said that regarding page 3 of the staff report, they had outdoor storage highlighted in blue, which to his understanding meant that only customer cars could park in that area. He asked if a customer's car was parked there and they needed to leave it while they went to lunch or performed other tasks on Route 29, would they be prohibited from parking in the yellow zone near the garage. He said that this zone was reserved for vehicles awaiting repair, as opposed to the blue spot designated for customers. He said that actually, the purple areas were only available for customer parking. He asked if there were any customer parking spots in the back of the property and if not, he recommended adding some. He said that the applicant could answer that question.

Mr. Bivins said that he was not opposed to granting the exception. He said that right next door was a Ford dealership, and right next to that was the former site of Price Chevrolet and Hyundai. He said that this area did not, in his opinion, feel like an exception when all the other car lots around it had visible cars from Berkmar Drive. He said that if they continued up to where the putt-putt used to be, now occupied by a dermatological clinic and Harvest Moon, people would notice the parked cars there, even though they may not see cars being worked on.

Mr. Bivins said that this area did not feel any different than the surrounding areas. He said that with Better Living's entrance from Berkmar Drive, there was industrial activity on the east side of the street that he would not support exempting or prohibiting them from doing what everyone else did. He said that they should have appropriate screening to the extent possible, but not a complete prohibition.

Mr. Murray asked for further clarification on the type of screening that would be considered acceptable from staff's perspective.

Mr. Taggart said that the first suggestion was to rotate the vehicle repair building so that it could have more screening from the frontage, rather than just at the end of the building. He said that the second recommendation was to restrict parking areas to locations behind the building. He said that the last suggestion was to provide additional landscaping along Berkmar Drive and the perimeter, as well as interior landscaping for increased screening purposes. He said that these were three separate suggestions.

Mr. Missel said that under the special use permit recommended actions, numbers four and five were directly from the ARB report, and there were other recommendations in addition to those. He asked if there was a reason why the other recommendations were not included in the conditions or recommended actions. He said that the two that were mentioned in the special use permit were landscape plan and lighting plan. He said that according to their letter, it discussed freestanding poles, either dark brown or bronze or black, complete landscape plan, revising the parking schedule to match the number of spaces shown on the site plan, and standard plant health.

Margaret Maliszewski, Planning Manager, said that the difference was that there may have been more detail in the ARB action letter. She said that some of those details fall under the landscape plan condition and lighting plan condition, while others may not be directly related to the SUP but would be addressed through the final site plan.

Mr. Missel opened the public hearing. He asked if the applicant had a presentation.

Kelsey Schlein, planner with Shimp Engineering, said that tonight she would represent the property owner and applicant Flow 2110 Seminole LLC. She said that joining her was Justin Shimp, their project engineer, who was available to answer any questions they may have during this meeting.

Ms. Schlein said that as Mr. Taggart mentioned in his staff report and presentation, their request was for outdoor sales, storage, and display of vehicles within an entrance corridor. She said that in addition to this

request, they had also submitted a special exception application regarding the visibility of vehicles awaiting repair. She said that she would address that further throughout her presentation.

Ms. Schlein said that their site was approximately 6 acres in size, with frontage on Route 29. She said that this location falls within an entrance corridor, which was why they were before the Commission tonight. She said that to the left, one could see Berkmar Drive and automobile dealerships on either side: Malloy Ford and Malloy Chevrolet. She said that the views from Route 29 show the current vacant wooded site looking south towards Malloy Ford and north towards Malloy Chevrolet.

Ms. Schlein said that their concept plan included three structures as part of this automobile dealership development with affiliated outdoor sales, storage, and display areas. She said that in response to Mr. Bivins' question about customer parking near the vehicle repair area, they envisioned this area as primarily serving customers who had dropped off their vehicles for repair. She said that therefore, it would fall under the vehicles awaiting repair requirement. She said that if further clarification was needed to allow for additional parking in that area, they were happy to do so.

Ms. Schlein said that the reason they separated the uses in this manner was because the front part of the site was dedicated to outdoor storage and display. She said that they wanted to permit maximum flexibility possible in the yellow areas shown, which would be designated as both spaces for outdoor storage and display and vehicles awaiting repair.

Ms. Schlein said that this was due to fluctuating demand at auto dealerships; they received cars that needed places to park and display them, sometimes with greater demand for vehicle repair. She said that she would discuss this further later in the presentation. She said that in many cases, it was difficult to discern between vehicles awaiting repair and those for sale; the only way was whether they had license plates. She said that she had a picture of that later on.

Ms. Schlein said that focusing on the special exception, one could see in the provided image the grade drop from Berkmar and the Victorian Heights residential construction. She said that as the grade dropped from this high point, the water tower was near this property. She said that this was one of the highest points in this area.

Ms. Schlein said that what they were focusing on was the word "visible" with this special exception; it was nearly impossible to eliminate visibility from every public right-of-way and residential property, especially with the Victorian Heights development. She said that they were proposing and requesting the exception because there would be places where vehicles awaiting repair would be visible.

Ms. Schlein said that the view of Woodburn Road, looking over the Victorian Heights construction, showed that they were at the highest point near the water tower, overlooking the site. She said that the taller tree area was the highest point of the site adjacent to Berkmar. She said that they updated their section in the application to include grading for Victorian Heights as well. She said that the portion of the property, designated for multifamily dwellings, permitted structures up to 60 feet tall or four stories high.

Ms. Schlein said that the finished floor elevation of these residential units was at 534 feet. She said that the rise from the 510 elevation of Berkmar Drive had a steep slope and a large building at the top of the hill with a vista across the property. She said that eliminating visibility from Berkmar would be impossible, especially from taller units in the proposed Victorian Heights development. She said that they could see the 40-foot grade drop across their site from Berkmar to Route 29.

Ms. Schlein said that regarding vehicles awaiting repair, she wanted to clarify that this was not a body shop or car shop; it required a separate special use permit. She said that these vehicles were here for routine maintenance and parts, not body work. She said that provided was an example of another site in Albemarle County where vehicles awaiting repair looked nearly indistinguishable from those for sale based on their condition. She said that the license plate was the only way to differentiate them.

Ms. Firehock said that Ms. Schlein had discussed that the residential structures being built across the street would undoubtedly be able to look down on them and could not be screened from that perspective. She asked whether the ordinance was also intended to screen from people driving by. She asked if this was an issue or immaterial.

Ms. Schlein said that regarding additional screening measures along Berkmar, they were amenable to this idea, especially considering the multi-use path crossing through that area. She said that if it enhanced the pedestrian experience, they would be happy to add more screening. She said that from Route 29, given the grade was going up, in certain vistas one could see vehicles on the lot in some areas.

Mr. Carrazana said that regarding Ms. Firehock's previous point, neighboring properties did have screening from the street, creating a buffer. He said that while acknowledging that upper floors might still have a view into the parking lot, the street view was an integral part of the ordinance and its objectives. He said that the applicant already had some context to work with and he would encourage they incorporate it into their site plan or maintain existing trees along the street edge, at minimum.

Ms. Schlein said that they would definitely be open to adding some screening. She said that the difference between the two sites was that they were cut down much more, and they were stepping this development into the grade as they worked up. She said that there was an existing berm in this area, but they could certainly plant more landscaping. She said that these were somewhat different site conditions because they had totally cut the grade down to achieve these sites.

Mr. Clayborne asked if Ms. Schlein could respond to Mr. Taggart’s suggestion regarding the rotation of the building. He said that he was curious about the design team’s response to that proposal.

Ms. Schlein said that the long, narrow building was designed for vehicles awaiting service. She said that this was just a conceptual design, and some pavement details may not have been accurately represented. She said that the elongated structure allowed for more bays to be incorporated into the repair shop. She said that furthermore, this orientation enabled them to maximize the number of bays available in the repair shop.

Mr. Clayborne asked if there was a difference in the code or governing documents that distinguished a body shop from a vehicle maintenance shop.

Ms. Schlein said yes, there was as far as the permitted uses.

Mr. Taggart said that the special exception definition included body shops and automobile repair shops.

Mr. Herrick said that there were separate uses in the zoning ordinance for public garages and body shops. He said that public garages were more for mechanical repairs.

Mr. Clayborne asked if the subject application was a public garage.

Ms. Schlein said that it was for routine maintenance that would typically be received at a dealership, such as oil changes or replacement of recalled parts from the manufacturer.

Mr. Clayborne said that it may relate to the comprehensive plan, but for the future planning for these types of facilities, he wondered how many more times they would be sacrificing acres of asphalt just for cars to be parked there. He said that they discussed this regarding the Tesla dealership as well. He said that when he saw this plan, it reminded him of a vehicle maintenance garage that was selling cars on the side. He said that he wondered what the future would look like with 300 cars parked on a sea of asphalt. He said that this was something the Commission should discuss at a later date.

Mr. Murray said that the applicant had already heard a comment from his colleague about stormwater. He said that they had also discussed the visibility of the site from the road and potential apartments. He said

that although their code did not directly address this issue, there was an opportunity to consider the view from those apartments down onto the rooftops of the buildings.

Mr. Murray said that if they were to green the roof, it would provide an attractive view for apartment residents while also offering benefits to the buildings and earning stormwater credits. He said that this would be a great way to enhance that space. He said that furthermore, when he was at the Jeep dealer in Staunton getting his new vehicle, he noticed they had solar panels on their roof. He said that they were selling electric vehicles and could charge them from the rooftop as well. He said that this was another amenity that may not be directly covered in their code but seemed like a valuable consideration for this project.

Ms. Schlein said that all points were well taken. She said that they mentioned their EV charging stations in the application. She said that it was likely that they would see more of these in the future. She said that it was almost mandatory for new auto dealerships to cater to a diverse customer base by incorporating such facilities. She said that as part of their planning, they had accounted for EV charging stations. She said that the point about green roofs and stormwater management design would be addressed during the final engineering phase.

Mr. Bivins said that he recommended the applicant take time with clients to consider the points made by his colleague regarding this manufacturer's swift transition to electric vehicles. He said that by crafting their dealership in a forward-thinking manner and presenting it to consumers, they may gain an advantage over competitors. He asked how one could access the Hyundai dealership from Route 29.

Ms. Schlein said that there was a direct entrance off of Route 29 present at the location. She said that this provided the closest access point to the Molloy Ford dealership. She said that a central travelway ran through the site, extending to Berkmar Drive.

Mr. Bivins said that there would be two ways to access the property. He said that at the other three dealerships, multiple entry points for clients or tow trucks were present, eliminating the need to always use Route 29. He asked if a deceleration lane would be available so that drivers could smoothly enter the site without having to abruptly slow down.

Ms. Schlein said that the taper was visible in the design. She said that according to any turn lane requirements, if it was necessary, it must be implemented, with no exceptions. She said that fortunately, there were two access points and an alternative route available via Berkmar. She said that the sites adjacent to the road had multiple entry points; however, they were commercial properties developed 50 years ago, and VDOT would not permit additional entrances on Route 29 at this time.

Mr. Bivins said that his other question was regarding the back street, and he wanted to clarify something. He said that earlier in the discussion, it was stated that there would be a multimodal pathway on the eastern side of the street.

Ms. Schlein said yes, that was correct. She said that to her knowledge, Phase 1 was funded, but she was unsure about Phase 2.

Mr. Barnes said that there was a VDOT-funded project for a shared use path running from Sam's Club or Walmart on the east side, coming back to the intersection of Woodbrook. He said that there was a sidewalk on the west side; however, the proposed shared use path would be located on the east side.

Ms. Schlein said that the path would ultimately connect to Rio.

Mr. Bivins asked if one went to Berkmar Extended, it was located on the opposite side of the street and featured a multimodal path rather than a sidewalk.

Mr. Barnes said that coming from the Hollymead Town Center on Berkmar Drive, there existed a shared use path that extended along Berkmar, situated behind Sam's Club. He said that the proposed project

aimed to expand this path from its current location to Woodbrook and may potentially continue in future phases towards Rio.

Mr. Bivins thanked Mr. Barnes for the clarification. He said that they were told to place some purple near the repair shop so as to avoid being out of compliance and prevent complaints about cars parking in that area. He said that he would say again that regarding the Berkmar roadway, while it was essential to provide street-level screening opportunities and enhance the aesthetic appeal for pedestrians and cyclists, he did not believe it was reasonable to expect that a 500-foot elevation should never have vehicles parked in front of it. He said that given its visibility to Walmart and the credit union, there were often cars parked along that stretch.

Mr. Moore said that his first question regarding stormwater runoff, which he had discussed briefly with staff, pertained to the neighborhoods across Route 29, where more impermeable surfaces had been developed. He said that one possibility was whether there were any options for incorporating permeable surfaces during the construction phase; this would be a design phase consideration. He said that he would inquire about the owner's current plans for managing stormwater runoff, given the area's location on a small ridge with limited drainage options to the north or south.

Ms. Schlein said that as far as pervious surface, it was definitely a possibility within the realm of options to manage stormwater compliance. She said that they had not conducted any formal engineering or reached that stage yet; however, all their analysis for quantity and quality treatment would be completed if this project moved forward and progressed to final site engineering.

Mr. Moore said that the strong storm last weekend caused the banks behind Woodbrook to overflow. He said that regarding the visibility of cars awaiting repair, he was curious if from the vantage point of the fourth story of Victorian Heights, gazing eastward towards Molloy Ford or Molloy Chevy on Route 29, one would be able to see the cars at those dealerships. He said that he was curious about this.

Mr. Moore said that earlier, his fellow Commissioners mentioned screening from Berkmar so that people walking along a wooded path could enjoy the scenery. He said that however, using 150-foot tall trees for screening seems impractical. He said that he agreed that solar panels on the roof was a good idea for the facility. He said that regarding the screening, again, it would not bother him if people saw cars there.

Mr. Missel asked why the applicant would not proactively suggest screening of the parking lot on Berkmar Drive.

Ms. Schlein said that they still must meet the requirements of the code, and those were outlined in Section 32.7.9. She said that all of those would be met.

Mr. Missel asked why that was not shown on the plan.

Ms. Schlein said that they may need to indicate additional shrubs along the spaces, but the requirement for screening in parking areas was in the code and therefore would be met.

Mr. Missel asked if the applicant was amenable to modifying the plan to show more screening on the Berkmar Drive side.

Ms. Schlein said yes, certainly.

Mr. Missel said that he understood the orientation of the building, and if one rotated the building by 90 degrees, they would be looking at the back of the building if driving along Berkmar Drive. He said that it potentially may not be better than looking at cars. He said that he had another observation, which was that considering the grades, this parking would likely be relatively level but perched higher. He said that there was an opportunity to create a series of planting islands, and one had already been shown in the design. He said that if a couple more could be added on the interior, it would help reduce reliance on the perimeter

buffer along the road and benefit from landscape layering. He said that it may make the area more visually appealing. He said that finally, if they were also going to present the recommended comments provided by staff as part of the special exception, referenced on page five, number three, which included providing additional landscaping, including evergreens along Berkmar Drive and at the perimeter and interior of parking areas, he would ask that "preserving existing landscaping, including evergreens" be added to the report.

Ms. Schlein said that the existing landscaping might present difficulties, especially concerning the construction of the multi-use path, as maintaining an appropriate grade would prove to be quite challenging.

Mr. Missel said that perhaps “wherever possible” or something similar could be considered. He said that if this approach were to be pursued, it may appear unsatisfactory, and they might need to reintroduce new elements. He said that he was attempting to identify a method to reduce costs without having to install new plantings while still achieving the desired outcome, provided that they could utilize what was already available.

Ms. Schlein said that their goal when designing sites is to preserve existing tree canopy whenever possible. She said that in this particular case, given the multi-use path's location, it may be challenging to preserve any existing trees; however, they were committed to adding additional landscaping and enhancing the area along Berkmar to create a visually appealing environment.

Mr. Missel asked if there were any members of the public who wished to speak on this item. Seeing none, he asked the Clerk if there were any speakers signed up online.

Ms. Shaffer said that there were none.

Mr. Missel closed the public hearing and the matter rested with the Commission.

Mr. Murray said that he believed that the quality of vegetation was particularly important since there would be a public path along Berkmar. He said that one could easily install non-native, unsightly thujas or other undesirable plants; however, it would be more beneficial to incorporate native landscaping that provided value along the walking path. He said that this would significantly enhance this project.

Mr. Missel asked if Mr. Murray would suggest any changes to page 5.

Mr. Murray said that he would determine whether any changes were necessary while other Commissioners discussed the item.

Mr. Bivins said that he appreciated that everyone wanted to have an enjoyable and shaded multi-use path, but it was unfair to expect a single applicant to create that when the other sites nearby were not contributing. He said that when the County engaged in the multi-use path project, they should consider working with all of the property owners along the pathway to ensure some uniformity in the design. He said that he did not support requiring this applicant to provide a parkway while others did not match that standard. He said that they should ensure equal treatment for all properties instead of placing the burden on one specific property that was coming before them.

Mr. Missel said that he understood Mr. Bivins’ point regarding equity across sites. He said that when evaluating each site individually, every site had its unique characteristics. He said that the potential differences in grades, height, and visibility might necessitate treating this parcel differently from adjoining parcels that had already been developed. He said that he heard what was being said but needed more information about the final grading, setbacks, and distance between the building and property line to make a well-informed decision. He said that to him, it was essential to establish a standard of excellence and then consider any adjustments necessary due to site-specific factors.

Mr. Bivins said that he appreciated that but was also seeking uniformity in treatment for both Property A and Property C, so they were being treated consistently. He said that he wanted them to be treated equally.

Mr. Missel said that he liked the idea of the County being the entity to ensure uniformity.

Mr. Bivins said that when one would be passing behind Walmart and proceeding past the Chevrolet dealer, there should be a common treatment that would extend all the way to Berkmar. He said that he was uncertain about how this could be accomplished given that development had already reached the road. He asked what obligations the last developer had in such a situation. He said that if no other party was coming before the County, they must question what they were requiring of that last developer. He said that he was sensitive to this issue due to the inability to coerce the other properties.

Mr. Missel said that he understood Mr. Bivins' point. He said that in this case, technically, there was not a forcing issue. He said that since it was a special exception, they were not even voting on it. He said that they were at least setting a standard, and then there could be some flexibility within that.

Mr. Moore said that in terms of seeing the number of cars parked nearby from the fourth floor, adding a few more did not bother him aesthetically. He said that he believed that their Planning staff had already taken notes on the stormwater issue, so he would not reiterate it further.

Ms. Firehock said that she had a question for staff and a comment. She said that when they recently reviewed an application from Home Depot for outdoor storage at the mall, they had to add numerous tree islands because they were redeveloping the parking lot and needed to adhere to different standards than when the shopping mall was built. She asked if there would not be a similar requirement here. She said that this was also a redevelopment project, so she wondered if they needed to meet the same standards for tree islands in the parking lot, or if that only applied because it was a shopping center. She said she was trying to understand what landscaping requirements the County had for the parking lot.

Mr. Taggart said that with the site in question, there existed an overlay of an outdoor display. He asked if the reference being made pertained to the same outdoor display that had been reviewed by the Architectural Review Board.

Ms. Firehock said yes, although there were extra tree islands in the parking lot, they were not meant to screen the outdoor display itself. She said that she was trying to ascertain if the scenario was similar since it was also a parking lot.

Ms. Maliszewski said that with the final site plan, all requirements for standard landscaping in and around the parking areas would apply. She said that staff had been examining this issue for a while now. She said that to her recollection, they performed the calculations, and according to their findings, one interior parking lot tree was required for every ten parking spaces, just as was the case at Home Depot.

Ms. Firehock said that the concept plan was difficult to understand in those terms because those details had not been provided yet. She said that her only comment was regarding the fact that this application was replacing many trees with pavement. She said that she recalled a previous discussion about stormwater and recommended denying the request to double the impervious surface area of a building at their last hearing.

Ms. Firehock said that she suggested using permeable pavement, which would make it the greenest parking lot on Route 29 and attract environmentally conscious customers. She said that this type of parking could accommodate pickup trucks and parked cars but not large delivery vehicles like 18-wheelers or cement trucks. She said that she would propose keeping travel ways as regular asphalt while making the parking areas permeable.

Ms. Firehock said that Charlottesville had been exploring the use of permeable pavement, with one limitation being the lack of vacuum trucks for maintenance; however, the City now owned a vacuum truck

and others were available. She said that permeable pavement did not freeze in winter, which meant those parking lots would last longer without cracking or damage from freezing and water infiltration.

Ms. Firehock said that she said this considering the comments regarding stormwater and the massive change from tree cover to pavement. She said that they could do something momentous with this site and be the standout green dealership.

Mr. Clayborne said that the Commission's agency in this matter was determining whether or not the outdoor storage, display, and sales was consistent with the design guidelines. He said that unrelated to that, it was heartbreaking to see this green field site become a sea of asphalt for a business model that he did not think would even be relevant within their lifetime. He said that he had a seven-year-old and a three-year-old, and he doubted they would even buy cars, especially given that self-driving cars already existed. He said that to do all of that for 300 parked cars on black asphalt pained his heart, but he gave kudos to the comment regarding innovation, and he would support that. He said that he did not think this business model would exist in the next decade or so.

Mr. Bivins said that while he would love to believe that hydrogen or electric vehicles would take up as quickly as possible, he actually did not believe that will happen. He said that they lived far enough for people to remain uncomfortable unless they have 500-mile ranges in their vehicles. He said that he agreed with his colleague, but he thought they still needed to find a balanced approach to this issue. He said that some of his colleagues' suggestions about water runoff, green roofs, and solar panels would help set the standard for car dealerships. He said that in this particular dealership, they were moving quickly toward electric vehicles; however, he was not certain that the market was following suit.

Mr. Missel said that he agreed with his colleagues' comments, and they should not lose track of that when discussing climate action plans and the larger aspects that would govern the development of the County.

Mr. Murray said that regarding changes to the proposed conditions, he had one single word change that would improve this. He said that on page 5, number four, where it said, "landscaping shown on the plan may be required in excess of the minimum requirements," he proposed the word "may" be changed to "will."

Mr. Herrick reminded the Commission of a point raised by Mr. Clayborne, that the Commission was limited to reviewing whether outdoor storage display and sales conformed to the applicable design guidelines. He said that as they may have been aware, vehicle sales were a permitted use by right in the Highway Commercial (HC) district.

Mr. Herrick said that consequently, though a special use permit was required for outdoor storage display and sales, the Commission's role was confined to assessing consistency with the relevant design guidelines. He advised the Commission to ensure that any additional conditions imposed stayed within those parameters.

Ms. Maliszewski said that she would like to point out that the concern regarding the view from Berkmar and the additional screening required was actually related to the special exception rather than the special use permit. She said that the conditions numbered one through five on page five pertain specifically to the special use permit.

Mr. Missel said that another important point to consider was that while he understood the intention behind the comment, it was not about restricting the flexibility of the ARB in working with the applicant to design what they deemed appropriate. He said that they might not believe that adding excessive landscape features, for reasons unknown since details were lacking, was necessary.

Mr. Murray said that expanding upon the spirit of it, he believed in general, some way of capturing meeting minutes would be implemented. He said that however, it would be beneficial to see something that went beyond the standard approach here. He said that the specifics of what this entailed were between the

applicant and the ARB. He said that nonetheless, it would be nice to see an effort that goes above and beyond.

Mr. Missel said that he proposed adding a note under the special exception where it stated that staff would include their comments in the transmittal summary to the Board of Supervisors. He said that he would ask that they add the note on page five, number three, “providing additional, and where possible, preserve existing landscaping, including evergreens along Berkmar Drive."

Mr. Moore motioned the Planning Commission recommend approval of SP202300021, with the conditions outlined in the staff report, and transmitting to the Board their comments regarding landscaping on page five, number three. The motion was seconded by Mr. Clayborne and passed unanimously (7-0).

Mr. Moore said that regarding the special exception, he understood there was no action required on the part of the Commission, but it appeared that several Commissioners voiced it as being an excessive requirement.

Mr. Missel said that it was duly noted.

SP202400003 Olivet Preschool Enrollment Increase

Syd Shoaf, Senior Planner, said that he would be presenting staff recommendations for Special Use Permit SP202400003, Olivet Preschool Increased Enrollment. He said that the request sought to amend an existing permit to increase enrollment from a maximum of 24 students to 48 students.

Mr. Shoaf said that the subject property was approximately 9.19 acres and located west of Charlottesville at 2575 Garth Road. He said that it was zoned Rural Areas (RA) and home to Olivet Presbyterian Church, which had occupied the site since the early 1900s. He said that the comprehensive plan designated this area as Rural Areas. He said that the site featured a fellowship hall, Sunday school classrooms, a cemetery, and other church-related facilities.

Mr. Shoaf said that a special use permit was granted in 2015 for a preschool with a maximum enrollment of 24 students. He said that surrounding properties were zoned Rural Areas and consisted of single-family residential uses. He said that the applicant proposed increasing the maximum enrollment from 24 to 48 students and extending hours of operation from 8:00 a.m. to 1:00 p.m. to 8:00 a.m. to 2:00 p.m., allowing extended pickup time for students until 2:00 p.m. He said that no changes were proposed to the site itself, and a drawing illustrated the current student drop-off flow. He said that according to the applicant, they had sufficient classroom capacity to accommodate an increase in enrollment up to 48 students.

Mr. Shoaf said that the special use permit application was reviewed under the factors for consideration outlined in the zoning ordinance. He said that staff believed that the proposed special use permit would not be detrimental to adjacent parcels, would not alter the character of the nearby area, and was consistent with the rural areas zoning district as well as the comprehensive plan. He said that two recommended conditions were presented, one amending the previously approved condition from 24 students to 48 students and a second amending the hours of operation as requested by the applicant.

Mr. Shoaf said in sum, there were three factors favorable. He said that the first was consistency with review criteria for special use permits contained in the zoning ordinance. He said that the second was that the proposal provided a preschool and daycare option for community members who lived and worked in the area. He said that lastly, no detrimental impacts to adjoining properties were anticipated. He said that with this said, staff recommended approval of the application with the conditions as recommended in the staff report.

Ms. Firehock said that because this was in her district and they had already gone through this once before, she would like to know if staff had asked the applicant if this was the final request or if they would be coming

back to amend the SUP in two years to allow 62 units. She said that she wished they had just requested the higher number before.

Mr. Shoaf said that the applicant could speak to that question, but when he spoke with them, they were comfortable with 48 and it should be sufficient for the time being.

Ms. Firehock said that she would like to avoid the applicant returning again to request additional enrollment.

Mr. Missel opened the public hearing and asked if the applicant had a presentation.

Seth Lovell, pastor and head of staff at Olivet Presbyterian Church, said that he had been on staff since 2010, and he had served as pastor and head of staff for the last four and a half years. He said that the church had operated a preschool for about ten years, as Mr. Shoaf noted, and they regretted not having requested more enrollment when they first established it around ten years ago. He said that they were back now, and they hoped this was the final time they would need to revisit this issue.

Mr. Lovell said that an assessment of their building had been conducted, and they believed the preschool had the potential for growth. He said that when they initially began, they started with one classroom, eight students, and two teachers. He said that the program had grown exponentially since then. He said that they currently had a waiting list, which was why they were there tonight. He said that their goal was to provide a pre-kindergarten option for nearby families who lived in the community. He said that he would like to express his gratitude to County staff, who had been incredibly helpful throughout this process.

Mr. Missel asked if the Commission had any questions for the applicant.

Mr. Bivins said that he was attempting to understand where all of the kids would be going, because the proposal indicated on page 1 that there were two 2-year-old classes, one 3-year-old class, one 4-year-old class, and one Pre-K class; however, he did not have sufficient space for all of those students.

Mr. Lovell said that for two-year-olds, they do not meet daily due to their age and ability to participate in a pre-K setting. He said that instead, there were two classes, an A class and a B class, which met at different times throughout the week. He said that this could be notated in the documents. He said that to clarify, in the preschool model, there was only the Pre-K class that attended Monday through Friday, as they were the older children who attended school for five days a week. He said that the other classes had varying schedules, with some offering three-day and others offering two-day options.

Mr. Bivins said that he would recommend that be added so that it was clear in the proposal. He said that his other question was that if they were doubling their capacity, could their playground handle that increase in capacity.

Mr. Lovell said that they installed a new playground recently.

Mr. Clayborne asked if they foresaw being open longer than 2:00 p.m. in the future to accommodate working families.

Mr. Lovell said that they had explored the possibility of extended daycare and felt that the scope of their mission called for a true preschool. He said that when moving into full-day care, it would require being open until after 5:00 p.m., which would significantly change their staffing model and needs. He said that their wonderful preschool committee had investigated this option and did not foresee them considering it. He said that they considered it because they wanted to be a preschool that accommodated working families. He said that in fact, they had scholarship funds available. He said that what they found was that due to their location, they were not attracting many families seeking that specific option.

Mr. Missel said that if they were going from 24 students to 48 students, he was curious if the permit capacity was maxed out for this space.

Mr. Lovell said yes. He said that they had four classrooms and a maximum of 12 students per classroom.

Mr. Missel asked if occupancy would be maxed out at 48 students.

Mr. Lovell said yes.

Mr. Missel asked if there were any members of the public who wished to speak on this item. Seeing none, he asked the Clerk if there were any speakers signed up online.

Ms. Shaffer said that there were none.

Mr. Missel closed the public hearing and the matter rested with the Commission.

Mr. Shoaf said that for clarification, there was a typo in the recommendation for approval. He said that it was written as “SP202400004” but should be “SP202400003.”

Ms. Firehock motioned the Planning Commission recommend approval of SP202400003 Olivet Preschool Enrollment Increase with the conditions stated in the staff report. The motion was seconded by Mr. Murray and passed unanimously (7-0).

SP202400005 Tandem Friends School Enrollment Increase

Syd Shoaf, Senior Planner, said that he would be giving staff's presentation for Special Use Permit SP202400005, Tandem Friends School increased enrollment. He said that this was a special use permit request to amend an existing special use permit to increase student enrollment from 250 students to 400 students. He said that the subject property was approximately 24.51 acres and located south of the City of Charlottesville at 279 Tandem Lane. He said that it was zoned R1 Residential and had been home to the Tandem Friends School since 1972. He said that the Comprehensive Plan designated it as Neighborhood Density Residential.

Mr. Shoaf said that, as mentioned on the last slide, this site has been home to the school since 1972. He said that the site contained multiple buildings and athletic fields associated with the school. He said that there had been nine improvements to the school approved by the County since 1972, four of which had been related to increasing capacity or enrollment at the school.

Mr. Shoaf said that the last student enrollment increase was approved in 2014 for a maximum enrollment of 250 students. He said that the last special use permit that was approved was in 2020 for an outdoor pavilion. He said that additionally, a two-story middle school building with a 15,000-square-foot footprint was approved in 2016 but had not been constructed yet.

Mr. Shoaf said that the surrounding properties were mostly institutional areas. He said that Monticello High School was located to the north across Mill Creek Drive, to the west was the Monticello Fire Rescue Station, and to the south were County School Board-owned properties zoned R1. He said that these parcels were largely wooded with a single-family home located on one of the properties. He said that in the greater surrounding area, there were two Albemarle County Schools which included Monticello High School, Mountain View Elementary School, and a future elementary school to be located off of Founders Place.

Mr. Shoaf said that the applicant's proposal was a request to amend a previously approved special use permit, SP201900007, to permit an increase in student enrollment from 250 to 400 students. He said that according to the applicant, the current facilities on the site had a capacity for up to 350 students. He said that once that capacity was met, the applicant would need to construct the approved two-story, 15,000-square-foot footprint middle school building to accommodate additional students. He said that this was shown as yellow on the screen.

Mr. Shoaf said that there were two factors favorable, one consistent with review criteria for special use permits contained in the zoning ordinance and another consistent with the Southern and Western Neighborhoods Master Plan. He said that there was one factor unfavorable, which was that the proposed increase in enrollment would generate additional traffic on Avon Street, Mill Creek Drive, and Scottsville Road.

Mr. Shoaf said that although there would be an increase in the number of trips, it was a minimal addition to the existing trip volumes. He said that the amount of trips generated did not pass a threshold that would warrant additional transportation conditions to offset the impact. He said that there were five total conditions. He said that three carried over from the previously approved SP, and condition number three had been revised to reflect overall transportation options for students, including the change in maximum school enrollment.

Mr. Shoaf said that the fifth condition addressed traffic impacts to the area, requiring student pickup and drop-off times to be staggered by 15 minutes or more with pickup and drop-off times at Monticello High School, which was across the street. He said that staff recommended approval with the conditions as recommended in the staff report.

Mr. Missel asked how the addition of 200 students equated to traffic generation and trip generation in comparison to a single-family home or two townhouses. He said that four people living in an average house meant that the provided count would be equivalent to 50 houses, but he questioned whether this was accurate or not.

Kevin McDermott, Deputy Director of Planning, said that they utilized the ITE trip generation manual to estimate future trips. He said that typically, single-family residences generated around eight daily trips per home. He said that for apartments and townhomes, this number decreased slightly, approximately six daily trips for a single-family apartment. He said that considering these numbers, 200 additional trips would equate to roughly 15 homes.

Mr. Carrazana said that the intersection of Mill Creek and Tandem also served as the entrance to Monticello off of Mill Creek. He asked what the condition of that intersection currently was.

Mr. McDermott said that in order to provide some background, the southern feeder pattern elementary school recently provided a traffic impact analysis. He said that it was not necessary for Tandem to conduct a traffic impact analysis because their impacts were minimal. He said that the analysis assessed the current conditions at the school and found that everything was operating smoothly during peak hours at the start and end of the school day. He said that both Monticello High School and Tandem Elementary had a police officer directing traffic at the intersection, which had helped to alleviate any issues.

Mr. Carrazana asked if there was a rating associated with that intersection.

Mr. McDermott said that according to the southern feeder pattern elementary school report, it appeared that with the addition of the southern feeder pattern school and background growth, the 2026 future conditions at that intersection were predominantly A's and B's in terms of level of service. He said that at that intersection, everything seemed fine. He said that this did not include the additional trips for Tandem, but the numbers were not significant. He said that he did not think it would bring it down below a C at worst.

Mr. Bivins asked if the traffic study accounted for the exit closer to Route 20.

Mr. McDermott said that the exit was not analyzed for the southern feeder pattern. He said that his understanding was that it functioned solely as an exit.

Mr. Shoaf said that per the applicant, they used the southern exit during afternoon hours for drop-offs and pickups, specifically during pickup times.

Mr. Bivins asked if this assisted in alleviating congestion at the intersection adjacent to Monticello.

Mr. Shoaf said yes.

Mr. Bivins said that he had a comment. He said that he was concerned about the decision to place the phantom middle school at its current location with the potential outcome. He said that having the school there would block the circle leading to the exit on the other side, potentially causing traffic congestion. He said that he suggested exploring alternative options around the site since the property owner owns all the land in that quadrant. He said that according to his understanding of staff's report, he believed the area was an exit, and during his visits over the years, it felt like one. He said that if the only way in and out of the property after the middle school was built was through the entrance across from Monticello High, he believed there would be significant traffic congestion. He said that he recommended preserving the circle to allow for an alternative exit route rather than going out across from Monticello. He said that without this option, he had difficulty supporting the additional students because it would create extra traffic that would need to exit in a one-way system.

Mr. Missel asked if Mr. Bivins was referring to the southeast entrance mentioned in the staff report.

Mr. Bivins said that the road leading through the campus to Mill Creek Road could be used for the exit from the campus, but the proposed placement for the middle school would eliminate that travelway. He said that he could not support that option.

Mr. Missel asked if the cost of hiring a police officer to direct traffic was a self-imposed traffic safety measure on the part of Tandem and Monticello schools.

Mr. Shoaf said that was correct.

Mr. Missel said that when discussing increasing enrollment to 400 students, two key factors came into play at the 350-student mark. He said that first, Tandem had to construct a phantom building, and secondly, they needed to conduct another site plan review and traffic analysis. He asked how they would monitor their enrollment progress. He said he wanted to know if it was self-reported, meaning that once they reached 350 students, they would notify the County.

Mr. Shoaf said that he believed that it would be taken care of with zoning and the appropriate zoning clearances. He said that it was correct that once they reached 350 students, they would be at capacity with the current buildings on the site. He said that as mentioned with the phantom middle school, it was approved with a special use permit beforehand.

Mr. Shoaf said that they needed to submit another site plan to construct that middle school. He said that there was a possibility that if they did submit another site plan for this middle school, there could be reconfiguration of that road potentially. He said that staff would need to examine the conditions and how that would look more closely, but there could be a potential scenario there.

Mr. Missel opened the public hearing and asked if the applicant had a presentation.

Kendra Moon said that she was representing Tandem Friends School. She said that she was accompanied by three school administrators who were available for questions as needed. She said that she would briefly review some background information that Mr. Shoaf had already covered and focus more on the traffic aspect since it appeared to be a primary concern that afternoon.

Ms. Moon said that Tandem Friends School was established in 1970 and was an independent day school serving grades 5 through 12. She said that currently, the enrollment stood at exactly 250 students, with a strict policy of not exceeding that limit. She said that they had turned away students, including siblings, to maintain this cap. She said that the school had requested to amend its special use permit.

Ms. Moon said that as mentioned earlier, there had been four previous amendments for increased enrollment and preschool expansion. She said that this new request aimed to set an aspirational 400-student limit to avoid frequent returns for minor adjustments. She said that currently, there were 30 students on the waiting list, which represented the initial growth expected. She said that the 400-student cap allowed for future expansion without needing additional permits.

Ms. Moon said that the school had already secured approval for its middle school building location through a previous special use permit. She said that while not currently needed, this amendment provided room to grow. She said that the Tandem Friends School's current facilities could accommodate approximately 100 more students, with empty classrooms and the need for additional staff and the SUP being the only constraints.

Ms. Moon said that there was a public need for increased capacity in Albemarle County schools, particularly high schools. She said that on the next slide, she would zoom in on some statistics to illustrate this point. She said that approximately half of Tandem Friends School's current student body resided within Albemarle County and would presumably attend Albemarle County Public Schools otherwise.

Ms. Moon said that about 90 students lived within Charlottesville. She said that as of the 2023-2024 school year data, at least 55 students were zoned for the southern feeder pattern school district and ultimately Monticello High School, which would generate traffic on this road regardless. She said that Albemarle County was particularly overcapacity, with the red area on the slide indicating the number of students currently exceeding capacity and projected to continue for the next ten years. She said that Monticello High School was right on the border.

Ms. Moon said that the site surrounding the school has institutional uses and already possessed a special use permit, making it compatible with neighboring properties. She said that Mr. Shoaf had mentioned there being two existing schools in the vicinity, with plans for a third. She said that the future elementary school location would be just a few properties down. She said that the current site featured two entrances off of Mill Creek, and she would refer to the northern entrance. She said that there was an administrative building, classroom buildings spread throughout, athletic facilities, parking, and a future middle school in this vicinity.

Ms. Moon said that regarding the concept plan approved in 2015, she understood concerns had been raised about access, and while the plan was approved with the road’s closure, Tandem would like to retain it if possible due to its benefits. She said that if the school reached its 350-student limit, they would be required to undergo the site plan process, including erosion and sediment control and stormwater management.

Ms. Moon said that regarding the anticipated impacts assessment, since no expansion was currently proposed, any future growth would need to adhere to normal stormwater management practices. She said that the biggest impact was traffic. She said that their current circulation patterns had a police officer present during morning and afternoon pickup and drop-off times to help control this intersection.

Ms. Moon said that all of the traffic entered through the northern entrance, and most of it left through that same entrance. She said that there may be some confusion; they did allow cars to exit in the morning and afternoon, but during the day, this entrance was closed off with cones to ensure pedestrians could safely walk through the site without worrying about cars. She said that there was flexibility in their internal circulation patterns.

Ms. Moon said that related to traffic, the pick-up and drop-off window was approximately 30 minutes. She said that the schools' start, and end times were already staggered from those of nearby schools, but they will maintain this schedule with a special use permit. She said that school started at around 8:30 a.m., except for Fridays; she would elaborate on that later. She said that Monticello High School across the road had a 25-minute staggered start time in the morning, while Mountain View Elementary School off Avon was significantly staggered.

Ms. Moon said that in the afternoon, they were only 10 minutes apart from Monticello High School, but many students stayed after school for activities, so traffic to the site was not as concentrated at that time. She said that the future elementary school was expected to have the same hours as Mountain View. She said that a traffic impact analysis was prepared for the new elementary school and found that all intersections in the area were operating at acceptable levels of service and were projected to remain so in the future.

Ms. Moon said that regarding trip generation, she provided a table of projected trips from ITE. She said that she wanted to point out that this was based off of two data points and projected, so it should be noted that there may be inaccuracies due to there only being two data points. She said that they did have actual trip counts from Tandem.

Ms. Moon said that staff members were present on site every morning and afternoon, and one present administrator was familiar with the daily count of people coming and going. She said that currently, there were approximately 385 trips per day, which was significantly less than the projected 620 trips. She said that in the future, it was anticipated that there will be 616 trips per day, still below the ITE projection. She said that the traffic impact analysis corroborated this, as it found 160 peak morning trips compared to the estimated 214.

Ms. Moon said that regarding intersection safety, a review of crashes over the past eight years showed none directly correlated with pickup and drop-off times. She said that one potential association existed at 9:10 a.m., which was slightly after the school's 8:30 a.m. start time. She said that the last slide displayed a snapshot of the intersection during peak morning drop-off at 8:27 a.m., showing a policeman directing traffic. She said that this visual was helpful in understanding the actual traffic flow.

Ms. Moon said that she also had a brief video, which was a sped-up version of five minutes into 15 seconds to demonstrate the flow of traffic. She said that there was a one-minute period where some cars were backed up, but overall, the traffic flowed well. She said that it was useful for visualizing the actual traffic patterns.

Mr. Bivins said that he understood from Albemarle GIS that the road leading from the southern exit did not actually lie on the applicant’s property; it was owned by an entity known as the Nameless One.

Michelle Schlesinger said that she was the Associate Head of Operations at Tandem Friends School, accompanied by Whitney Thompson, their Head of School. She said that it was a good question. She said that the property owned by the Nameless Corporation, which bordered the area, and was being held for Tandem. She said that if one had the map with parcels displayed, it was also noted that they possessed an adjacent parcel on the corner; however, there were no roads present on that specific parcel.

Mr. Carrazana asked if the trip count numbers represented only student transportation for drop-offs and pickups, or if they also included trips involving staff members.

Ms. Schlesinger said that the trip counts included both staff and students in the total.

Mr. Bivins said that he wanted to ensure the applicant understood his concern that it differed from what they initially thought. He said that when he voted yes for the project, he believed there would be approximately 200 people on the property. He said that now it was being said that an additional 150 individuals would be present. He said that one issue that had recently become a significant concern for him was having only one entrance and exit in schools. He said that accidents happen, and it was crucial to have a secondary route for evacuation purposes.

Mr. Bivins said that during his visits to the property for events or other occasions, he appreciated that the school was among the few with an alternative exit option. He said that while he wasn't concerned when the number of attendees was 150, he did have concerns now in today's environment. He said that with the increased population and restricted access, it seemed unnecessary since they owned land adjacent to the

site, which could accommodate a road leading to the building that had yet to be constructed. He said that this was where his concern lay regarding how things had changed since the project was first presented to them in 2016.

Ms. Schlesinger said that she believed they shared the same concern. She said that knowing that they would need to return to the County and go through the site plan process again, it was likely that the shape and appearance of the building would not resemble its initial proposal. She said that this was a concern they also held, and they did not feel compelled to abandon the idea of having multiple exits.

Ms. Firehock asked if they could require the second entrance since it was germane to the impact of additional students and traffic. She said that it did not have to involve the specific layout of the campus but could be a general requirement.

Mr. Herrick said that a second access could be a condition of approval, but noted that the current conditions required that development be in general accord with the submitted site plan, so that would need to be altered. He said that as previously mentioned, the proposed layout was already approved with a prior SP; however, there could be a condition of approval for this SP that restricted its approval until an alternate exit were implemented, either at the location of the existing exit or elsewhere.

Ms. Moon said that to clarify, there would still be general fire access available. She asked if the Commission was discussing general access.

Ms. Firehock said yes.

Whitney Thompson said that they were attempting to honor the idea of not revisiting minor issues repeatedly. She said that since the matter had already been approved, she believed that the concern just raised would be incorporated into the process when and if they reached 350 students, a milestone that was not imminent. She said that assuming the concern remained consistent, it could be addressed during that time. She said that if they decided not to include something now, she imagined it would still surface in that process, regardless of whether it was stipulated at this point.

Mr. Bivins said that he was raising the issue because if approved, this matter would not be seen by the Commission again at any point unless staff brought it to them.

Mr. Shoaf said that he wanted to add some information. He said that the first condition, as Mr. Herrick had referenced, was a carryover from the previously approved special use permit. He said that according to this condition, development should be in general accord with the concept plan. He said that elements A through E were major elements that could not be changed.

Mr. Shoaf said that the building size, including height, could not be altered, nor could the location of buildings. He said that if they were to move forward with redesigning the building, they would need to amend this SP. He said that whether or not that was appropriate now or later down the line once they reached 350 students was uncertain, but they would require amending this SP to change the building location.

Mr. Missel said that there was some flexibility in the phrase “general accord” if it was determined that the building's location might have posed a transportation issue.

Francis McCall, Deputy Zoning Administrator, said that Mr. Missel was correct. He said that they would need to take the proposed change into account. He said that if the proposal was minor, they would evaluate whether it indeed qualified as such. He said that even with the orientation shown on the plan, the change could still be considered minor. He said that therefore, when making their proposal, they must make that evaluation. He said that if the shift opened up the possibility of keeping that entrance there, they could certainly consider it; however, if they determined it did not meet their requirements, it would need to come in for an amendment.

Mr. Missel said that he was attempting to simplify the process for everyone in the future, ensuring the applicant did not need to return to the County to move the building 20 feet. He said that his suggestion was to craft a condition or recommendation accompanying the site plan and serving as a reminder to staff of their previous agreement to consider relocating the building if it would be beneficial. He said that this would provide flexibility within the language of general accord, allowing for more adaptability in future decisions.

Mr. Herrick suggested adding a condition to require secondary egress onto Mill Creek Drive. He said that the applicant, the site review committee, and other relevant parties would determine where this secondary access should be located. He said that the applicant owned property that abuts Route 20, Scottsville Road, as well. He said that depending on the site plan process, VDOT might approve secondary access onto Route 20 directly. He said that a condition requiring the provision of this means of secondary access could be considered by the Commission and staff.

Mr. Missel said that to clarify, the reason for implementing this change was because of the transition from a capacity of 250 to 400.

Ms. Firehock said yes, it was directly tied to the request.

Mr. Missel said that he was reiterating this point because it felt awkward to change a previously approved special use permit.

Mr. Bivins said that they were not actually changing it. He said that circumstances had changed since 2019 when it was initially approved, and this request to change the census of the campus meant that a secondary exit was necessary for safety purposes.

Mr. Moore said that the proposed change was to preserve secondary egress from the property in general. He said that he wondered if they should add some amended comments to pass on that indicated the Commission considered a modification of 20 feet or so to the building envelope, which would be minor.

Mr. Barnes said that he suggested that for condition 1C, the location of buildings, with the exception of the middle school, may be moved to improve secondary access.

Mr. Carrazana said that he did not believe they were suggesting that they must retain that exit; therefore, he was uncertain as to whether they needed to delve into that matter further. He said that a second means of egress or exit from the property should be required, and the applicant should determine how to achieve this.

Mr. Missel said that the question was whether the location of the building necessitated providing a secondary egress. He said that if they said they would do so by keeping the existing egress, then tried to move their building to adapt to that requirement, this would not allow them to do so. He said that by adding the language Mr. Barnes recommended, it provided an opportunity for a second entrance and mandated a second entrance while also allowing for flexibility in design.

Mr. Carrazana said that he thought that moving the building by 20 feet would still be in general accord with the provided plan.

Mr. Barnes said that it probably was, but the condition would make sure that it was clear.

Mr. Missel asked if there were any members of the public who wished to speak on this item. Seeing none, he asked the Clerk if there were any speakers signed up online.

Ms. Shaffer said that there were none.

Mr. Missel closed the public hearing and the matter rested with the Commission.

Mr. Barnes said that to clarify, the Condition C would be modified to represent the locations of buildings, except for the middle school, which may be relocated to accommodate a secondary route for access.

Mr. Missel motioned the Planning Commission to recommend approval of SP202400005 Tandem Friends School Enrollment Increase for the reasons stated in the staff report and with Item C amended so the locations of buildings, except for the middle school, may be relocated to accommodate a secondary route for access. The motion was seconded by Ms. Firehock and passed unanimously (7-0).

Committee Reports

Mr. Moore said that the Rio 29 Community Advisory Committee met last Thursday. He said that a proposal would be presented soon in which Cross Life Church and Community Christian Academy, located at Old Brook Road in Rio, planned to request permission to demolish an unused parsonage and replace it with a modular building for the interim period, allowing them to bring back their middle school students to that site. He said that eventually, they intended to increase their enrollment cap from 150 to 500, which would be a topic of discussion in the future. He said that for now, they simply wanted to install a nice-looking modular structure to accommodate their middle school students.

Mr. Moore said that they also received a very informative presentation from the Environmental Services Division regarding drainage infrastructure management. He said that this information had helped him better understand how the County had been maintaining public stormwater infrastructure and taking inventory of what it has in recent months. He said that it had only been 18 months since they began assessing their urban area's drainage infrastructure. He said that he was happy to share more details if anyone was interested, and the presentation deck was available online for review.

Mr. Murray said that one thing that bears conversation at some future point was the discrepancy between the individuals responsible for the site plan process and those who maintained and inspected stormwater facilities in the County after construction. He said that it appeared that these two groups had differing perspectives on where stormwater retention basins and other facilities should be located, which could lead to inefficiencies. He said that while the Commission did not make staffing decisions, it would seem logical for these two groups to work more closely together to ensure a smoother process.

Ms. Firehock said that a public meeting was held regarding the solar facility on the farm at Secretary Sands. She said that the presentation by the applicant primarily consisted of showcasing multiple views from various sight lines and discussing how far away one might potentially be able to see the solar panels. She said that one concern raised was about the reflection of the solar panels, but the panels should not be reflecting much due to their black color and their primary purpose of absorbing the solar energy.

Ms. Firehock said that the meeting mainly involved a Q&A session. She said that they were still awaiting the application's arrival at the County level. She said that this was a relatively small facility, with just over 30 acres of disturbance. She said that it occupied an existing forested site, a pine plantation on a hill. She said that the soil appeared to be in good condition. She said that it remained contentious due to potential sight lines from neighboring properties because of its elevated location, unlike other sites they had approved that were harder to see due to their lower or concealed positions. She said that this project’s outcome was to be determined and had not yet been scheduled.

Mr. Carrazana said that there was an MPO Tech last week which focused on Smart Scale. He said that a significant portion of the discussion centered around improvements to Barracks Road by the bypass. He said that the primary concern with the MPO Tech was not providing a mid-block crosswalk, particularly where there as a bus stop at one end and the trail at the other end, without any crosswalk in between.

Mr. Carrazana said that many people currently crossed there, and as the streets were being narrowed due to improvements, pedestrians would likely want to cross even more frequently. He said that there was no area of pedestrian refuge to provide safety for these individuals. He said that there was a lot of conversation about this issue, and although there was pressure to approve it, it was approved with the understanding

that VDOT should consider incorporating a crosswalk and mid-block crossing as they moved forward in their design process.

Mr. Murray asked if they were planning to extend the left-turn lane coming from Charlottesville and getting on the bypass. He said that it always seemed like a bottleneck right there in front of the Exxon Station.

Mr. Barnes said that in theory, the two roundabouts would accommodate the turning movement there. He said that two applications were in process, one being the County's half of the project that included a roundabout at Georgetown, shared use paths, and road dieting coming back to the bypass. He said that if the application was successful, that would be great, but the real aim was to get the whole project done that the MPO was applying for.

Mr. Barnes said that if the MPO did not receive funding for the whole project, they would do the smaller project, and they would attempt to secure funding for the remaining portion in subsequent years. He said that ideally, they would end up with the MPO being fully funded, resulting in roundabouts at Georgetown and two roundabouts at the bypass. He said that at that point, turn lanes would not be necessary because the turning movements would utilize the roundabout.

Mr. Carrazana said that the proposed improvements were quite significant. He said that the project was designed as a multi-phase initiative. He said that their primary focus at present was obtaining approval for the crosswalk. He said that from a pedestrian perspective, he believed it would be challenging; however, the addition of a crosswalk would be an excellent feature that they hoped VDOT would consider.

Mr. Barnes said that it was difficult to get VDOT to support a mid-block crossing even in the best scenario, and the reduction in median as proposed would make it that much more difficult.

Mr. Carrazana said that the mid-block crossing was currently used without the markings, so it was necessary. He said that there had been a discussion concerning the enhancements to 5th Street and its intersection with Interstate 64. He said that it seemed that the favored choice for this location was the diverging diamond design, which was presently under consideration and moving forward.

Review of Board of Supervisors Meeting

Mr. Barnes said that the Board convened on May 15. He said that two prior agenda items presented to them were a rezoning and a special use permit for Stonefield Tesla; both were approved by the Board.

AC44 Update

Mr. Barnes said that staff would return with a presentation at their subsequent meeting. He said that generally speaking, staff had begun collecting all of the goals and objectives that had been presented thus far, recognizing a need to create a companion document outlining the larger goals and visions of the County. He said that this was something they were currently working on, which had delayed progress in taking a slightly different direction. He said that they would come back and explain this new direction for consideration at their meeting next month on June 11.

Mr. Missel said that there was a work session on June 25. He asked if they would have a general discussion before this on June 11.

Mr. Barnes said yes, there would be information provided on June 11.

New Business

Mr. Clayborne said that he had a question regarding training for Planning Commissioners, which was typically held annually. He said that he recently searched online to determine when the next session would

be offered but could not find any information. He asked if there were plans to send Commissioners to such a training.

Mr. Barnes said that staff would get back to him regarding that matter.

Old Business

There was none.

Items for follow-up

There was none.

Adjournment

At 8:02 p.m., the Commission adjourned to June 11, 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:
Initials: