Albemarle County Planning Commission
Draft Minutes July 23, 2024

The Albemarle County Planning Commission held a public hearing on Tuesday, July 23, 2024, at 6:00 p.m.

Members attending were: Fred Missel, Chair; Luis Carrazana, Vice-Chair; Julian Bivins; Corey Clayborne; Nathan Moore; Lonnie Murray

Members absent: Karen Firehock

Other officials present were: Michael Barnes, Director of Planning; Andy Herrick, County Attorney's Office; Cameron Langille, Kevin McCollum, Jodie Filardi, Bart Svoboda, Kevin McDermott, 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. Clayborne motioned the Planning Commission adopt the consent agenda, which was seconded by Mr. Carrazana. The motion passed unanimously (6-0). (Ms. Firehock was absent)

Public Hearing

SP202400016 Community Christian School

Kevin McCollum, Senior Planner, said that he would be providing staff's presentation for the Community Christian Academy Modulars, a special use permit amendment for an existing private school. He said that the Community Christian Academy was an existing private school located within Cross Life Community Church on Rio Road, at the intersection of Rio Road and Old Brook Road.

Mr. McCollum said that the site, which included two buildings, a parking lot, and a playground area, was zoned R2 residential and covered 3.14 acres. He said that it was home to both the Cross Life Community Church and the Community Christian Academy private school, both of which had approved special use permits. He said that the most recent special use permit approval for the school had increased the student enrollment to 150 students last year. He said that no other site changes had been proposed at that time.

Mr. McCollum said that two slides showing the existing conditions of the site based on Google imagery were presented. He said that the first image, from July 2023, showed the existing conditions from Old Brook Road. He said that the second image, from January 2024, displayed the existing church building, which also served as the school building, viewed from Rio Road. He said that the conceptual plan from the previous special use permit approval in 2023 illustrated the existing buildings, parking lot, and parent-student drop-off loop.

Mr. McCollum said that the proposed concept plan for the special use permit amendment application included the removal of the parsonage building and the addition of a building envelope for up to three modular buildings. He said that a landscape buffer was also proposed between the new building and the parking area, as requested by the Architectural Review Board. He said that the development was within the

entrance corridor and therefore was subject to the Architectural Review Board's review process, which assessed the proposed landscaping and building design. He said that the project would require a site development plan and Virginia Erosion and Stormwater Management Plan.

Mr. McCollum said that through the site plan process, staff can request additional landscaping buffers, street trees, and any screening as needed. He said that staff had reviewed the proposal and had no major concerns that were not already addressed by zoning ordinance requirements or the proposed conditions. He said that he would not read all of these conditions but could certainly refer back to them. He said that these were the recommended conditions, which were straightforward and had been updated to reflect the new conceptual plan. He said that the staff recommended approval of the special use permit application with the recommended conditions.

Mr. Clayborne asked if the proposed conditions were carried over from the previous submissions from the applicant.

Mr. McCollum said that was correct. He said that they updated the first condition to reflect the most recent conceptual plan, and the date was accordingly updated. He said that a buffer area was also included between the proposed building area and the entrance corridor. He said that the maximum enrollment remained unchanged, as did the age range of students and the hours of operation.

Mr. Clayborne asked why it was necessary to legislate the age of students as opposed to being an organizational policy.

Mr. McCollum said that the condition was included in both the 2023 approval and the original approval from 2012. He said that it pertained to building code, although he believed it might not have been necessary.

Mr. Bivins asked if it was correct that they were not determining whether to allow the school's enrollment to increase.

Mr. McCollum said that there would be no change in enrollment.

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

Dr. Kimberly Moore said that she was the Executive Director for Community Christian Academy. She said that she would speak to a couple of questions previously asked. She said that the two and a half-year age requirement was due to the number of entrances into those rooms, a condition established when the building was a preschool. She said that regarding their return, it was partially correct that instability with Riverstone had contributed to their situation.

Dr. Moore said that they were a wonderful church, but they did not own the building where they were located. She said that the church had had a challenging relationship with the owners, who initially did not want to provide a multi-year lease. She said that they believed they could purchase the property after their lease ended, which did not happen. She said that they only provided six-month extensions. She said that moving a school in six months or a year was not feasible.

Dr. Moore said that she discovered today that they had finally agreed to a three-year lease agreement, which was a new development. She said that the stability of a permanent location was needed. She said that the second priority was launching their high school, which they intended to be small. She said that they required sufficient space for this endeavor. She said that although they were not currently seeking additional students, the lack of classroom space for their current enrollment of 150 students in a K-12 program was a concern.

Dr. Moore said that for instance, she taught five different math classes for three middle school grades, and this arrangement did not accommodate their needs. She said that regarding the building, they had originally considered modulars. She said that they wanted to assure that the final structure would resemble a single

building. She said that it would be constructed with wood and hardy plank siding, designed to blend seamlessly with the existing infrastructure.

Dr. Moore said that their school served many low-income families, and they may not be able to complete the project in one phase. She said that they aimed for a 10-classroom building, with both halves mirroring each other and connected end-to-end. She said that the design would ensure that even if they could only afford the first half initially, it would still appear as a cohesive unit. She said that it would not resemble a trailer but would look like a traditional building.

Mr. Missel asked if there were any comments from the public on this public hearing.

Donald Lyon said that he was president of the Raintree Homes Association. He said that this was the main corridor for six subdivisions. He said that he had a question in mind about the appearance of the buildings. He said that it appeared that one building was expanding larger and larger. He said that consequently, the landscape buffering would need to change. He said that the entrance to the building would face the parking lot, and all buildings would face the parking lot.

Mr. Lyon said that another concern was traffic. He said that there were right turns from Rio Road onto Old Brook Road, which were often backed up with city buses. He said that making a left turn from Hillsdale onto Rio Road and then onto Old Brook Road could create a backed-up left turn lane, especially during school opening and closing times. He said that this situation would significantly impact the daily commute on a single lane each direction.

Mr. Lyon said that these were concerns that his neighbors had brought up to him. He said that he expressed a desire to see what the buildings looked like, which were stated to be made of wood, but there were no further details provided. He said that there were questions about the number of buildings and whether there would be further expansion. He said that the setback of the building had remained unchanged, and that was not objectionable. He said that they had legitimate questions regarding the expansion.

Mr. Missel asked if the applicant had a response to public comment.

Dr. Moore said that it was not a change from what had been determined at the community meeting. She said that it would not resemble multiple buildings; instead, it would potentially be constructed in parts. She said that the entrance would be on the church side, and children would enter the building from the same direction but would turn right instead of left. She said that if one half was built first, it would be connected to the other half later, creating the appearance of a continuous building. She said that no additional students were being asked for at this time. She said that the site would be further developed in the future. She said that a traffic study had already been conducted, and steps, including discussions with VDOT, were being taken to address future changes. She said that to clarify, those changes were not being requested at this stage.

John McDowell said that he was also a member of the Raintree Homeowners Association. He said that he acknowledged the efforts of the school, as he and his neighbor Donald's children had been educated at this school years ago. He said that his primary concern was the footprint of the proposed development. He said that the applicant indicated there would be up to 10 buildings, and the diagram appeared as if it would occupy the entire available floor space. He said that although he understood that having one building might be acceptable, the placement of 10 buildings in the available floor space was a matter of concern. He said that he looked forward to seeing the final plan.

Mr. Missel said that this application would be reviewed by the ARB, so they would have some oversight of the aesthetic and fit of the application.

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

Mr. Bivins asked if Mr. McDermott could provide some information regarding the intersection at this location.

Kevin McDermott, Deputy Director of Planning, said that they had applied for a Smart Scale project at the two adjacent signalized intersections. He said that this application had been submitted to a competitive process, and there was no assurance that anything would transpire. He said that there were identified needs for improvement at that intersection, as per the Rio Corridor study, which the County had considered a priority to address.

Mr. Bivins said that he did not find anything in the application that referred to 10 buildings. He said that he only found information suggesting they were discussing replacing the parsonage footprint with a prefabricated house.

Mr. Moore said that there were no proposals for ten buildings or classrooms that he was aware of; it was possible that there were ten classrooms in two buildings that were conjoined to appear as one and function as a single entity. He said that this approach was a common solution for overcrowded public schools, where decent-looking modular classrooms were added in the back.

Mr. Moore said that although it was a private school, it shared similarities with the larger-picture planning of public schools. He said that there was no change in enrollment, and consequently, there was likely to be minimal change in traffic, given the already approved plans and existing arrangements. He said that the longer-term considerations, such as the proposed peanut-shaped roundabout due to frequent accidents at the double intersection, were to be addressed in the future.

Mr. Moore motioned the Planning Commission to recommend approval of SP202400016 Community Christian Academy Modulars with the conditions as recommended in the staff report, which was seconded by Mr. Clayborne. The motion passed unanimously (6-0). (Ms. Firehock was absent)

ZMA202300001 1193 Seminole Trail

Cameron Langille, Principal Planner, said that he would provide the staff presentation on the zoning map amendment, ZMA202300001 1193 Seminole Trail. He said that there were two components to this project. He said that the first component was the zoning map amendment application itself, which had proposed to rezone a 3.23-acre parcel from the C1 Commercial Zoning District to the Neighborhood Model District to allow mixed-use development on the property. He said that the second component was a special exception application that was under review. He said that the zoning ordinance required any Neighborhood Model District to have two or more specific dwelling unit types.

Mr. Langille said that however, the zoning ordinance allowed the Board of Supervisors to waive that requirement if there were two or more of the dwelling unit types within a quarter-mile radius of the proposed site. He said that displayed on the slide was an aerial view of where this property was located. He said that they could see property boundaries north of the site, to the west of the site, and even to the east of the site. He said that to the south of the site, there were no parcels because that was the boundary line between the Albemarle County and City of Charlottesville jurisdictions.

Mr. Langille said that this was the southernmost property in Albemarle County that fronted on Route 29. He said that Greenbrier Drive was approximately 500 feet to the north of the site. He said that the property did not actually touch Hillsdale Drive, but it ran north to south in that location. He said that immediately across from their parcel was the former Comdial Building. He said that as they continued south along Route 29, they would find the post office and the Seminole Square Shopping Center, both located within the City. He said that to the east, there was Stonefield, the Costco building, and Northrup Grumman.

Ms. Langille said that the current zoning of this site and most of the abutting properties were C1 Commercial, as noted by the punk color on the screen. He said that across Route 29, the light blue color represented the light industry zoning district. He said that further to the east, there were neighborhoods such as Brook Mill and Branchlands, which were zoned as planned unit development. He said that the property was within one overlay zoning district, the entrance corridor district, and it was not within any WPO

stream buffers or a 100-year floodplain. He said that there were no managed or preserved steep slopes on this property. He said that the comprehensive plan included future land use recommendations.

Mr. Langille said that the orange color on the map represented the urban density residential classification, which allowed for any dwelling unit type at densities between 6 and 34 units per acre. He said that based on the acreage of the orange color on the property, this equated to approximately 38 dwelling units. He said that the white and pink hatched color represented the urban mixed-use category, which allowed between 3 and 20 dwelling units per acre. He said that based on the acreage here, that equated to 43 dwelling units. He said that it also permitted other uses, such as commercial, retail, and employment-supporting uses, including professional offices and similar establishments.

Mr. Langille said that the site fell within the lowest intensity center type, the Neighborhood Service Center, as recommended by the Places 29 Master Plan. He said that the urban mixed-use future land use classification outlined the permitted activities in a Neighborhood Service Center. He said that staff could address any questions the Commission may have later if more details were required. He said that surrounding the property across 29 and further to the north, the purple color represented the Office Flex R Light Industrial Land Use Classification. He said that an institutional property was present, but the majority of the surrounding area was urban mixed-use or urban density residential.

Mr. Langille said that he would present several slides showing different pages of attachment 4, the application plan for this ZMA. He said that page three of the application plan displayed the block plan, which, if approved, would designate block A as the immediate adjacent area to 29 and block B as the area further back. He said that block A was a true mixed-use area with a mix of residential and non-residential uses, including residential and commercial retail, with the majority of residential units located in block B within a larger building.

Mr. Langille said that the maximum units requested by the ZMA had been 165, equating to approximately 51 dwelling units per acre. He said that there were limitations on the amount of retail or commercial space that could be provided, with a minimum requirement of 4,000 square feet but a potential increase to 16,500 square feet. He said that page four of the application plan illustrated the internal transportation network. He said that access to the site would be at the southern entrance, a right-in only, and circulation around the buildings between blocks A and B, with surface parking available.

Mr. Langille said that to exit the site, the northern entrance would be right-out only. He said that the proposal would provide a 10-foot-wide shared use path along the property frontage, as recommended by the Places 29 Master Plan. He said that multiple drawings of the application plan indicated an area where an inter-parcel connection could be provided at the time of site plan review, provided the developer had secured agreements with the adjacent property owner to obtain an easement. He said that the code of development located in Attachment 5 included that the site would have almost 30,000 square feet of amenities or open space.

Mr. Langille said that the code of development outlined specifics of this, which could include tot lots, pools, a clubhouse building with fitness rooms, and green space areas on the exterior of the buildings. He said that page nine of the application plan showed the building heights and what they would look like from the southwest to the northeast. He said that the code of development permitted buildings up to five stories or 65 feet in height and included architectural requirements related to the entrance corridor design guidelines.

Mr. Langille said that the ARB staff had reviewed this ZMA and had no objections to the architectural standards. He said that the proposal had included providing 15% of the total units at 80% AMI affordable housing. He said that if all houses were built out to the 165 dwelling unit maximum, it would yield 25 affordable units. He said that regarding the factors favorable, the property was within one of the designated priority areas, called out in the Places 29 Master Plan, specifically the south urban development area. He said that the staff report provided more detail on what exactly that meant.

Mr. Langille said that in terms of the neighborhood model principles, the ZMA was consistent with 10 of the 12 principles. He said that it provided a 10-foot-wide shared use path along Route 29, a major transportation implementation project of the Places 29 Master Plan. He said that regarding unfavorable factors, it exceeded the recommended residential density called for by the master plan. He said that there were no guarantees that vehicular interconnections would be provided to any of the abutting properties off-site, which would require the developer to secure agreements with adjacent property owners.

Mr. Langille said that staff recommended approval of the ZMA because they believed the favorable factors outweighed the unfavorable factors. He said that staff also recommended approval of the special exception, as the applicant had provided a detailed analysis showing a multitude of dwelling unit types within a quarter-mile radius of the site, allowing for a waiver of the two or more dwelling unit types within the NMD under County Code § 18-20A.8A.

Mr. Moore asked if Mr. Langille could explain the initial proposed density and how they got to where they were today.

Mr. Langille said that he had a slide that depicted the final page of Attachment 2, the work session minutes from the October 25, 2022, Planning Commission meeting. He said that the applicant did something they did not typically see. He said that they knew they would be making a request to exceed the residential density called for by the master plan, as well as exceed the building heights called for by the land use classifications on the property. He said that they wanted to gauge how the County would feel about that, so they asked to come to a work session with the Commission. He said that at that time, the original proposal was for 275 dwelling units, with 7.500 square feet of commercial use.

Mr. Langille said that the main difference between the original proposal and the currently proposed ZMA was the form of the site. He said that everything was originally going to be housed in a single structure, and the parking was going to be within an internal parking garage structure. He said that the building height was the same at that point; they were requesting five stories. He said that the density was about 84 dwelling units per acre, so it was significantly higher.

Mr. Langille said that the Commissioners endorsed the proposal at that time and had no concerns. He said that they had no concerns about the height, approved of the form, and felt that it was acceptable to exceed the density. He said that this was why staff called out the density as a concern, because it had transitioned from a more urban design to a traditional layout with a large surface parking lot and still exceeded the density.

Mr. Murray asked for clarification on the difference in the amount of commercial proposed in this plan as compared to the previous one.

Mr. Langille said that presented to the Planning Commission at the work session was approximately 7,400 square feet of commercial use, and it was now no more than 10,000 square feet. He said that the types of uses remained generally the same, as outlined on page two of the document, which was the third page when viewed online or in print. He said that Code of Development Attachment 5 detailed various non-residential uses permitted, including medical or dental offices, drugstores, pharmacies, indoor theaters, health spas, convenience stores, grocery stores, restaurants, general retail establishments, sporting goods, clothing, and financial institutions like banks.

Mr. Carrazana said that he did not think that it should be characterized that the Planning Commission loved the form of the last proposal. He said that he recalled that they felt the density was appropriate and potentially be increased. He asked if there had been conversations with the applicant regarding them taking advantage of the new affordable housing policy in the County.

Mr. Langille said that staff had made the applicant aware of the new housing policy potentially being in effect by the time their proposal was presented to the Board of Supervisors. He said that they could not mandate it, but staff had suggested that voluntarily opting for the 20% affordable housing could be a

favorable factor. He said that the applicant felt that 20% affordable housing posed a viability issue for the project.

Mr. Bivins said that he had a difficult time supporting all of the potential commercial activities in block B, which was primarily residential.

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

Valerie Long said that she was with Williams Mullen. She said that while she could not be present at the meeting in person, her colleague Lori Schweller, the applicant, David Dies with Up Campus Living, and civil engineer Clint Shifflett of the Timmons Group were present. She said that provided were recent street view images of Route 29 to illustrate the current state of the pedestrian infrastructure. She said that many were familiar with it, but it was always beneficial to have a current perspective.

Ms. Long said that the images revealed the quality of the sidewalk, which was just an old sidewalk with no landscape plantings along the frontage. She said that the building was set very far back from the road and the parking lot, and the parking was not segregated. She said that as they may recall, they had proposed to rezone from C1 Commercial to neighborhood model. She said that they had tried to stay as close as possible to the original design.

Ms. Long said that however, there were challenges such as the increasing cost of structured parking, which continued to rise over time. She said that the construction costs had increased due to substantially higher interest rates. She said that unfortunately, the Wawa ownership was no longer willing to participate and allow an access easement. She said that the original plan would have combined an entrance with Wawa and allowed for some inter-parcel connections. She said that an easement for fire and rescue access to the backside of the building would have been allowed.

Ms. Long said that unfortunately, discussions to continue those easements were not pursued, leaving no way to provide access in the original plan. She said that the design now included a shared-use path along the frontage, a 10-foot planting strip for street trees, a plaza area with small retail spaces, and high-amenity areas, as shown in the middle of the block plan presented by Mr. Langille. She said that they were hopeful that they would eventually work with the owners of the adjacent parcel to establish at least a pedestrian bike connection, and ideally, a vehicular one as well, but none of the parties were able to commit to the process at this time.

Ms. Long said that the Places 29 Master Plan, despite being 12 or 13 years out of date, supported this location's potential for higher density due to its proximity to various destinations, including the shopping center. She said that this location was located along the bus route, indicated by the red bus icons on the screen, which showed existing bus stops. She said that it was wonderful for residents who did not own cars, as they could navigate around and access almost anything they needed. She said that the Hillsdale connection road, along with the sidewalks, bike, and pedestrian amenities.

Ms. Long said that the climate action plan goals and strategies were met, including the affordable housing requirements that were in place when the application was submitted a year and a half ago. She said that the project committed to the shared use path and recreation in various spaces. She said that there were no new traffic impacts, which was one of the reasons it could support increased density without creating impacts. She said that many elements of the plan were applicable here, not just the color on the road and map with the land use plan.

Ms. Long said that Mr. Langille had noted this area as a designated priority area. She said that they had identified several other provisions in the comprehensive plan that supported this project, including the growth management policy, which encouraged the approval of new developments in development areas. She said that other provisions and goals in the development areas section promoted sidewalks, addressed redevelopment challenges, and encouraged efficient land use to prevent the expansion of development areas, while promoting density within these areas and compatible infill and redevelopment.

Ms. Long said that it was contended that all these goals were furthered by the project. She said that it was also consistent with the Housing Albemarle plan by increasing the supply of housing overall and allowing, encouraging, and incentivizing a variety of housing types and promoting increased density in the development areas. She said that questions had been raised during the work session and in discussions with staff regarding how residents of the site would access other areas within the community without the interparcel connection. She said that ideally, there would be a pedestrian and vehicular bike connection in that location.

Ms. Long said that in the meantime, or if that was not ever possible, pedestrians, bicyclists, and vehicles would be able to turn and proceed up to Rio Road if they wished to go downtown or used the new Hillsdale connector to access locations to the south, such as Hydraulic or Route 29. She said that the proximity of the project to the platform was also highlighted, which would support pedestrians and bicyclists who wished to access Stonefield and its various amenities and destinations. She said that the entrance to the project from that bridge was approximately a third of a mile, making it a walkable and bikeable distance even without vehicles.

Mr. Bivins asked if they could put a cut-through where the buffet restaurant was located, on the parcel to the south. He said that there would already be a road going through Hillsdale.

Ms. Long said that yes, there had been discussion about that as a possibility. She said that the property was going to be put up for sale, so there was a challenge in terms of negotiating that. She said that they were optimistic that they could work with those property owners or the one fronting Hillsdale at the appropriate time, but it was currently challenging due to the ongoing changes in the area. She said that they believed it was logical and would benefit all property owners to coordinate together to ideally provide that interparcel connection.

Mr. Bivins said that to clarify, the parcel was directly behind the subject site. He asked if it was still planned to be used for a parking lot for VIA.

Ms. Long said that as far as they knew, it would be part of their phase two campus expansion. She said that they were working to raise funds for their project expansion, but they did not yet know when they would need the site or when they would be able to purchase it from the current property owner. She said that they did not yet own it and were not in a position to commit to it. She said that the applicant remained hopeful that everything would work out.

Mr. Bivins said that there was a comment in the application for the exception to allow different types of dwellings which explained the reason this was a good idea was due to the Brook Mill and Branchlands senior living communities behind it. He asked who this project would be marketed to and who the intended residents of this project would be.

Ms. Long said that originally, the plan was to establish the location as a senior living facility. She said that as of then, it was intended to be marketed to the general public. She said that the plan included one- and two-bedroom units, as well as some studios, which were not suitable for most families with young children or at least not as a long-term location. She said that however, it was available for anyone to rent.

Mr. Bivins asked if the applicant had any connection to the uncommon apartment house located on West Main Street.

Ms. Long said not at this time. She said that the principal of the current developer was the principal of the company that developed the Uncommon about 10 or 15 years ago.

Mr. Bivins said that they were no longer connected, and it was just circumstantial that they had overlapping principals.

Ms. Long said that was correct.

Mr. Bivins said that in their portfolio, it was clearly marketed as student housing, so he wanted to understand if this would be student housing or marketplace housing.

Ms. Long said that Mr. Steve Buss, the CEO of the applicant's company, had previously worked for a company called CA Living that developed the Uncommon a, 1000 West Main, about ten years ago. She said that he and his colleagues had started their own company, Up Campus. She said that they were currently working on a development project in the City of Charlottesville along Ivy Road.

Mr. Bivins said that it had been difficult for him to appreciate that senior housing would be the exception for this project, when it felt more like another student housing project. He said that now, it was suggested it was more market-driven. He asked if they had any idea of how much the units would cost.

Ms. Long said that the rent rates could not be predicted at this juncture.

Mr. Bivins said that they had seen something that would be around $3,000.

Ms. Long said that she believed they would be consistent with the market rent rates at the time.

Mr. Bivins asked if the residents in the affordable units would have full access to all amenities.

Ms. Long said absolutely.

Mr. Bivins said that he was disappointed in how the building in block B appeared at this time. He said that he struggled with the host of commercial options that may be allowed by right in this location. He said that they seemed more appropriate for block A and not in block B.

Ms. Long said that they had tried to keep the options open in case there might be an opportunity for some infill development within that surface parking area that they could perhaps add more office or retail or some other non-residential use if hypothetically a non-residential user had expressed the need for some of that parking lot. She said that however, it was not their intent to have anything other than residential use in the block where the residential apartment building was proposed. She said that they could certainly modify the code of development to make this more clear or limited if there was a concern.

Mr. Bivins said that that would be helpful to him. He asked if there was a set number of parking spots per dwelling unit, and if the applicant had requested an exception to that standard.

Mr. Langille said that the staff from the zoning division and the zoning administrator had reviewed this matter. He said that according to the code of development, the parking requirement per dwelling unit was 1.2 spaces, a standard for several larger apartments recently observed. He said that the Neighborhood Model District, being a planned district, had the authority to establish its own parking ratio, which could differ from the zoning ordinance. He said that based on the maximum number of dwelling units, they believed that they could accommodate this parking within the surface area shown. He said that if fewer dwelling units were constructed, there was potential to utilize the remaining space with other buildings.

Mr. Bivins said that he would encourage the applicant to provide more detailed information or at least be more discerning about the potential commercial activities that could be conducted in block B.

Mr. Carrazana asked what the developer’s limiting factor was regarding density and why they would not be going up two more stories.

Ms. Long said that it was clear that the costs of materials had increased significantly when going up more than five stories. She said that more units would have needed to provide more parking, at least initially, to lease the space, even with the flexibility offered by the ordinance regarding parking. She said that they had

identified the required amount, which was less than what other zoning districts might require. She said that parking remained necessary, particularly for retail or non-residential uses, as the specific uses were still undetermined. She said that the challenge lay in the high cost of structured parking, which was prohibitive for this project at the time.

Mr. Carrazana asked if they had considered a parking shelf rather than a full parking structure.

Ms. Long asked for clarification about what a parking shelf was.

Mr. Carrazana said that instead of putting the entire building on top of the parking structure, it was a parking lot that had another layer of parking on top of it. He said that it seemed that there was a missed opportunity to bring the structure closer to Route 29. He said that they would still need to deal with additional parking when there was future infill, so it may be beneficial to do shelf parking.

Mr. Carrazana said that while they were the first high-density project on that side of Route 29, they could take advantage and set the tone for the future. He said that this was the type of site they wanted to maximize density in order to preserve the growth areas. He said that they could potentially utilize the slope of the landscape to create a shelf parking deck rather than the full structured parking. He said that in terms of creating a high-rise building, there was a point where it would yield significant returns, so they should consider going up to six or eight stories.

Ms. Long said that she agreed that it was disappointing that the applicants had to modify the project design. She said that a significant part of this difficulty stemmed from the inability to have emergency access. She said that the original project, featuring a taller building adjacent to the Wawa, had necessitated an easement for access.

Ms. Long said that this situation had exemplified how taller buildings introduced new challenges, such as fire and rescue access, and other complexities. She said that Mr. David Dies, the applicant and developer from Up Campus, was present in the audience and would be glad to address some of the issues and questions raised about the options they had considered when making the decision to modify the project design.

David Dies said that he was representing Up Campus Properties. He said that there was a math problem related to the parking deck's width. He said that they had assumed cooperation from the Wawa developer to abut their neighboring parcel, allowing them access to Route 29. He said that however, once the developer received approval, Wawa decided not to cooperate. He said that consequently, they had to provide fire access on their site, which was not initially planned.

Mr. Dies said that this change, along with the parking deck's minimum width of 120 feet, squeezed the available space. He said that the cost of the parking deck made the project unfeasible. He said that coupling these factors, they had largely concluded that the project was not viable. He said that although they had been excited about the proposal 18 months ago, the increase in interest rates and ongoing construction costs, coupled with the access issue and the cost of the parking deck, had led them to this current point.

Mr. Murray said that he considered these redevelopment opportunities as ideal cases for tax increment financing, where he believed they should incentivize structured parking. He asked whether the availability of such an option would have influenced the consideration for structured parking.

Mr. Dies said that he was not entirely sure because of the site's physical restrictions; they needed to reduce their footprint because they had to provide two accesses on the site. He said that if tax abatements or TIF financing had been available to make this more financially feasible, they could have considered various options. He said that however, as far as he knew, these were not on the table.

Mr. Missel asked if they had considered expanding the building footprint itself in order to fit parking underneath it, or if that option resulted in the same cost issues.

Mr. Dies said that ultimately, construction costs were significantly higher than they were twelve months prior. He said that anything more expensive than surface parking was a major challenge in this market. He said that regarding the building height, when considering structures over five stories, one must switch to cold-formed steel or Type I concrete, which significantly increased construction costs compared to a five-story wood building, which was the most affordable option.

Mr. Carrazana said that he felt that the back of the site could be utilized for shelf parking to accommodate seven or eight stories of building.

Mr. Moore asked how high they could build the structure with those different materials.

Mr. Dies said that with Type I post-tension concrete, they had built structures up to approximately 20 stories, but that height had to be justified by rent and parking ratios.

Mr. Moore said that it appeared there was a willingness from the other Commissioners to use more expensive materials and go up to 10 stories, especially since this area could serve as a newer downtown. He asked if there were no provisions in the SUP for Wawa to ensure future interconnection between the parcels.

Mr. Langille said that upon reviewing the site plan for that, he found that there was no interconnection.

Mr. Moore asked if the property to the east with VIA had potential access opportunities.

Mr. Dies said that he had conversed with Mr. Gillespie, who had been very cooperative, but they did not yet know what the building would look like, so making additional financial investment in the unknown was not feasible. He said that they were both taking it one step at a time. He said that they were looking for financial consideration to provide access, as they were a nonprofit. He said that it seemed like it could work out.

Mr. Moore said that he believed they could add more interconnections in general so these neighborhoods could have more access to other areas without using Route 29. He said that this now was a limiting factor for additional housing. He said that it appeared that the applicant was doing their best to achieve a good outcome despite it being different from their initial plans.

Mr. Dies said that in order to build great communities, they had to focus on creating high-quality offerings. He said that it was not merely their self-promotion; rather, it was a necessity for competitiveness in the market. He said that regardless of the outcome with the VIA, they maintained a fairly decent relationship with the owners of the Hibachi Grill. He said that although the property was being marketed, they believed they could establish some form of access, even if they were unable to collaborate with the VIA.

Mr. Murray said that the original concept for what became Stonefield was going to be a combination of commercial and residential, but the property was sold and the ultimate project had completely separate commercial and residential structures. He said that it was not as good of a project as it could have been, and he was seeing some of that same issue with this application. He said that this could have been a great project with commercial and residential mixed together, but now the commercial use would be relegated towards Route 29 and the residential would be a big apartment building in the back. He asked if the applicant could combine some of the commercial and residential uses between the two buildings.

Mr. Missel said that they all agreed on the desire for more density, encouraging thoughtful consideration of structured parking and height regulations. He said that initially, they were all in agreement with the applicant's proposal, but now they observed a shift in the applicant's strategy.

Mr. Missel said that had the applicant's approach been slightly different, they might have been more confident in their direction. He said that he would suggest that they refocus their questions on the current

application while considering the lessons they had learned from this process. He said that he believed they should concentrate on questions related to the application rather than exploring potential expansions.

Mr. Clayborne asked if the applicant could discuss their anticipated project schedule.

Mr. Dies said that it largely depended on the rezoning and site plan processes, but at that point the construction phase would take 18 to 20 months to complete.

Mr. Clayborne asked if Mr. Dies could provide the soonest possible date it would be completed. He said that he was wondering if it would align with when their new schools would be opened. He asked if staff felt comfortable with mitigation of the impacts of this project on their schools.

Mr. Langille said that the school system had indicated that the new high school center would be operational for the 2026-2027 school year, which implied an expected opening in August 2026. He said that this timeline had aligned with the realistic expectation of 18 to 20 months required to obtain site plan approval.

Mr. Clayborne asked if the applicant could discuss climate mitigation strategies that would be implemented for this project.

Clint Shifflett said that he was a representative of the Timmons Group. He said that he was the civil engineer working with the applicant on this project. He said that there were plenty of mechanical features and building-centric elements to be implemented to ensure efficiency, but he could not speak to those specifically. He said that from a climate-environment perspective, the applicant would be obligated to adhere to the Department of Environmental Quality and state regulations for stormwater quality and quantity.

Mr. Shifflett said that these would be verified through the site plan process. He said that it was crucial to ensure that stormwater runoff in its quantity would not adversely impact properties downstream. He said that on-site or off-site design measures would be taken to protect streams in the area from any adverse impacts caused by runoff from this development.

Mr. Shifflett said that currently, the site was predominantly covered by asphalt, with approximately 99.9% of the area consisting of asphalt, which generated significant runoff. He said that this runoff, which had not been mitigated due to previous lack of stormwater regulations, flowed directly into ditches and streams. He said that any development on this site would be a vast improvement compared to the current conditions.

Mr. Clayborne asked if the applicant could discuss the most feasible examples of commercial that they were considering for this site.

Mr. Dies said that he was unsure. He said that service retail companies were likely to be the commercial tenants of those spaces. He said that it was difficult to speculate who would be attracted to the area.

Mr. Missel asked if there were comments from the public on this public hearing.

Rob McGinnis said that he was with the Piedmont Environmental Council. He said that all of his prepared notes had been mentioned by the Commission, so he would not restate them. He said that he would make one observation, which was that there had been public advocacy for creation of a task force to deal with solutions for the development area. He said that the public had been supportive of the previously proposed project, just as the Commission had been.

Mr. McGinnis said that they needed to find solutions when they found themselves having the same discussions over and over again about these challenges being faced. He said that the public sector, private sector, developers, lawyers, could find immediate solutions. He said that they must find a solution to achieve the capacity as well as the quality of design for the development area.

Mr. Missel asked if the applicant had a response to public comment.

Ms. Long said that she wanted to add another point in response to Mr. Clayborne's question about sustainability initiatives. She said that they had touched on this issue in their application narrative, which was Attachment 4, but among other things, the critical element of how this project furthered the County's climate action plan goals was its location and its density right in the middle of the development area. She said that this allowed residents to easily reach many other destination areas and shopping locations, such as downtown, Stonefield, and 29 North.

Ms. Long said that although it was harder to reach certain places, it was a good location to reach the future Fashion Square Mall when it was redeveloped. She said that the opportunity to walk and bike to these locations inherently made the project very sustainable. She said that the best way to further climate action goals was by having people live near where they worked and shopped, thus reducing the need for automobiles. She said that more information on this issue could be found on pages nine and ten of their application narrative for those interested in reading further.

Mr. Missel closed the public hearing.

Mr. Murray said that he was in favor of density in growth areas. He said that seeing a better design made him disappointed in what they were currently being presented. He said that the County could step up to increase the viability of similar projects. He said that he was supportive of the proposal.

Mr. Carrazana said that it was somewhat disappointing that there could have been a higher density development in the corridor, which was needed. He said that this represented a significant improvement, as it had increased from 34 to 51 units. He said that they could do more in that corridor. He asked how they could resolve the issue of parking in the area, and he mentioned numerous examples nationwide of how they could partner to create in areas with existing infrastructure.

Mr. Carrazana said that this location was perfect, as people did not necessarily need a car; they could move around the County and the City. He said that this was where they wanted to focus, particularly for affordable housing, to maximize the number of units they built. He said that building affordable housing without the infrastructure was not helpful. He said that he was supportive of the project. He said that they were still building more density than what would have been allowed otherwise.

Mr. Bivins said that on slide 17, it was advised to include Food Lion in the walkabout, as it was closer than other options. He said that Food Lion was easier to reach than Costco. He said that when discussing food sources, including the Food Lion and the Big Lots was recommended. He said that when discussing the comprehensive plan or zoning ordinances, requests for neighborhood model district zoning often included exceptions. He said that these exceptions were requested due to limitations of the built environment.

Mr. Bivins said that although the desire for exceptions was understood, the current development in the County did not support such changes. He said that the realized built environment did not support or provide opportunities for the exception. He said that it was suggested that a conversation could be initiated to assess the feasibility of these neighborhoods within the current built environment.

Mr. Bivins said that the Grayfield development appeared to be a rarity. He said that zoning should align with capabilities, avoiding exceptions that would never materialize. He said that he pushed for this when considering senior living zoning. He said that exceptions indicated a flawed process. He said that he hoped that the applicant would propose significant reductions in Block B's potential impact before moving the proposal to the supervisors.

Mr. Bivins said that he did not believe that anyone would be able to build on that asphalt at a reasonable price. He said that this was not about the applicant's credibility. He said that if they proceeded with fewer parking spaces than needed, they would likely have to seek an exception for additional parking. He said that this was especially true if commercial activities increased, necessitating a change in the plan. He said

that given the alterations already made to the plan, he found the proposed options for Block B to be unrealistic. He said that he doubted that small Quonset huts would be constructed in that area.

Mr. Carrazana said that, at some point, it would become economical to do infill. He said that as land had become scarce, they needed to densify and consider infill opportunities. He said that he hoped it would be easier for them to build, not more complicated. He said that it would have to be in a podium type part, with a few levels of parking lot structure and a building above. He said that hopefully, if that had been the strategy, there would be enough land left for that. He said that otherwise, he would promote looking at moving the building forward.

Mr. Bivins said that when he considered the current commercial landscape, with numerous communities grappling with transforming buildings into non-commercial spaces, he did not see how pure economics alone would drive the addition of more commercial space. He said that this situation represented a new cycle that they had not encountered before.

Mr. Clayborne said that he agreed with much of the discussion. He said that despite being disappointed based on previous applications, he fully supported the proposal. He said that his concern was the effectiveness of the new housing policy based on incentives. He said that he was eager to see when the incentives would motivate better applications. He said that the question that remained was how long they would wait to witness the results of this policy.

Mr. Clayborne said that this was a matter that the commissioners had emphasized: the area was ideal for increasing housing density, especially affordable housing, given its proximity to amenities. He said that the reduction in proposed density revealed the necessity of the incentives. He said that he supported the proposal.

Mr. Moore said that he echoed the general support and appreciated the density with up to 170 housing units. He said that he believed this would be a good addition. He said that the discussion, including Commissioner Bivins's remarks, indicated that the current designation as C1 for neighborhood services was inappropriate for such a location. He said that this area should be suitable for various dense housing types. He said that it was unfair to place this on the proposal as the sole solution.

Mr. Moore said that while discussing the broader picture, they acknowledged that they still needed to determine the extent of long-term affordable housing required in their community. He said that they did not know if developer incentives were required. He said that he had discussed this with the supervisors, and they hoped to receive some proposals.

Mr. Moore said that it was uncertain whether market forces or subsidized affordable developments would suffice. He said that they also needed to explore other strategies, such as social housing, limited equity housing co-ops, and allocating funds to an affordable housing initiative. He said that this was beyond the Planning Commission's scope, but these measures were necessary to improve the livability for the residents and workers who contributed to the area's wealth.

Mr. Murray said that it just struck him that the goal of what they wanted to achieve was a walkable community. He said that Ms. Long had emphasized the importance of being able to live where one works. He said that they were a long way from that. He said that they had seen some of the real challenges of getting there. He said that it was not just about having houses and some commercial spaces in the area; it was about having people live near the places where they could access jobs they would actually work at and having transportation networks. He said that he hoped that the Board were listening to these challenges and that they could come together to think about ways to solve this.

Mr. Missel said that one point he acknowledged was the challenge they faced due to the lack of insight into developers' financial models. He said that the current market conditions, which drove similar developments, were a reality they had to confront. He said that introducing higher density initially might not have been ideal, but it allowed them to emphasize the necessity of increasing density in that area.

Mr. Missel said that this approach should be a focus for future developments, particularly in enhancing walkability and affordable housing, despite the minimal affordable housing numbers proposed. He said that he was interested in the incentive program and its potential impact on affordable housing in the region. He said that he agreed with Ms. Long's assertion that redevelopment and infill were sustainable and beneficial for the area. He said that this underscored the importance of bringing density to the area.

Mr. Moore motioned the Commission to recommend approval of ZMA202300001 1193 Seminole Trail for the reasons stated in the staff report, which was seconded by Mr. Clayborne. The motion passed unanimously (6-0). (Ms. Firehock was absent)

Committee Reports

Mr. Moore said that the SMART Scale proposals would be submitted in a few days. He said that these included the diverging diamond and shared use path down at I-64 and 5th Street, the Pantops batch of projects, which encompassed some sidewalks and crosswalks. He said that there were plans for roundabouts at the intersection of Barracks and Georgetown, as well as at the approach into the City on Barracks.

Mr. Moore said that there were other interesting projects under consideration, such as the Ivy Road pipeline study and proposals for roundabouts at Farmington, Boar's Head, Old Garth and Canterbury, as well as an extended acceleration lane onto Route 29 North from Old Ivy. He said that they discussed the significant problems at the intersection of Route 29 and I-64, where the double left turn lane caused traffic backups for miles, and rear-end accidents were frequent.

Mr. Moore said that he had strongly advocated for the installation of signage and flashing lights to alert drivers that traffic may be stopped, in hopes that it would be noticed. He said that the County was also submitting three of its own SMART Scale proposals: a roundabout at Old Trail and Route 250, the Rio Road Peanut, and Plank Road at Route 29 intersection improvements. He said that the number of accidents involving people attempting to cross traffic and make left turns from Plank Road onto Route 29 had been a safety concern.

Mr. Murray said that one of his pet peeves was that people went off-road at the intersection where Crozet Avenue meets Miller School Road to turn right towards the Western Albemarle and the elementary schools. He said that fortunately, they had addressed this issue by laying down asphalt in that area, and they believed they would soon convert it into an expanded turn lane, which made him very happy.

Mr. Moore asked who put down the asphalt.

Mr. Barnes said that that was something VDOT had pushed forward.

Mr. Bivins said that having lived on this road for over 37 years, it had initially been just a spray and tar surface. He said that it had now turned into a real asphalt road, which meant that there was now no shoulder. He said that people drove slower when it was just spray and tar.

Review of Board of Supervisors Meeting: July 17, 2024

Mr. Barnes said that the Board met on July 17, and one of the topics presented was the update on AC44, which was also presented at the last Commission meeting. He said that he was sick that week and did not attend the meeting. He said that there was extensive discussion about the necessity of enhancing or maintaining public participation. He said that staff was actively working on this and continuing to advance the AC44 plan. He said that two items were brought to public hearing: preschool and Tandem school applications, which were submitted a few months ago, and both were approved.

Mr. Barnes said that the ACSA easement across public land for the benefit of 999 Rio Road was also granted. He said that the Board deferred the wireless zoning text amendment, and Mr. Fritz noted several concerns. He said that the Board directed staff to make changes to the ordinance, which included removing scenic highways and byways, and historic areas, as avoidance areas, although they directed staff to include provisions allowing for the consideration of significant historic resources such as Monticello and Ash Lawn.

Mr. Barnes said that they also recommended adding biodiversity and forestal areas that were identified in the comprehensive plan as avoidance areas. He said that additions to antennas of existing structures were permitted with a building permit, which they currently were, but they wanted to ensure that the proposed ordinance retained those existing provisions. He said that they also recommended allowing administrative approval to determine the most appropriate color for the tower and equipment based on the location of each facility.

Mr. Barnes said that they also recommended removing the review of impacts to conservation easements on properties adjacent to towers. He said that the Board suggested allowing the agent to determine whether a tree survey would be required. He said that the action was deferred to September 4, so it would be coming back to the Board at that time.

AC44 Update

Mr. Clayborne said that he had a question about AC44. He said that he had reviewed his notes from the previous meeting, which indicated that the AC44 team would publish draft documents in the summer-fall of 2024. He asked if the discussion about AC44 would take place before that deadline, as summer was nearly over.

Mr. Barnes said that staff was working on a calendar to bring forward. He said that one of the aspects they intended to focus on was presenting the policies in their entirety, even if it was just part two. He said that this approach would allow them to see how the policies would play out within their community. He said that they aimed to present enough detail to understand the larger policy implications and the associated actions simultaneously. He said that they were striving to react to comments received from the Board and ensure public involvement, which had always been their intent. He said that they were reaching out not only to their working group but also to the CACs.

Mr. Missel said that that was a question he had as well about the community engagement process. He asked if that was a change in approach from what they had been doing.

Mr. Barnes said that it was not their intent to not make sure the community was deeply engaged with the process and could provide feedback. He said that there was a need for the staff to present enough information so that people could understand both the high-level concepts advocated for and the goals, as well as the actions intended to be taken to achieve these objectives. He said that this involved a delicate balance of providing sufficient detail to allow for assessment at both conceptual and practical levels.

Mr. Missel asked if the community engagement process had been supplemented based on recent input. He asked if they had decided to conduct town hall meetings or other outreach methods.

Mr. Barnes said that they were trying to develop a more specific approach to get public input.

New Business

Mr. Barnes said that the August 13 meeting would be canceled, but it would require a motion from the Commission. He said that the applications scheduled for the meeting had been pulled by the applicants.

Mr. Carrazana motioned the Commission to cancel the meeting on August 13, which was seconded by Mr. Moore. The motion passed unanimously (6-0). (Ms. Firehock was absent)

Mr. Moore asked if Archer North and Saigon Cafe were still on the agenda for the August 27 meeting.

Mr. Barnes said that those were still on the agenda.

Old Business

There was none.

Items for follow-up

There were none.

Adjournment

At 7:57 p.m., the Commission adjourned to Tuesday, August 27, 2024, Albemarle County Planning Commission meeting, 6:00 p.m., 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: