Albemarle County Planning Commission
Draft Minutes September 10, 2024

The Albemarle County Planning Commission held a public hearing on Tuesday, September 10, 2024, at 6:00 p.m.

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

Members absent: none

Other officials present were: Michael Barnes, Director of Planning; Andy Herrick, County Attorney's Office; Syd Shoaf, Cameron Langille, Bart Svoboda, and Carolyn Shaffer, Clerk to the Planning Commission.

Call to Order and Establish Quorum

Ms. Shaffer called the roll.

Mr. Missel established a quorum.

Public Comment on matters pending before the Commission, but not listed for a Public Hearing on this agenda

There were none.

Consent Agenda

Ms. Firehock motioned to adopt the Consent Agenda as presented. Mr. Carrazana seconded the motion, which carried unanimously (7-0).

Items Requesting Deferral to a New Date.

ZMA202300017/SP202300020 Chestnut Grove Manufactured Home Park Community

Mr. Missel said that the applicant requested deferral to December 10, 2024.

Ms. Firehock motioned to defer the item to December 10, 2024. Mr. Murray seconded the motion, which carried unanimously (7-0).

Public Hearings

SP202400015 Knight Berkshire Mixed Use

Syd Shouf, Senior Planner, said that this proposal sought a special use permit to allow 15 multifamily residential dwelling units in the C1 Commercial Zoning District. He said that the subject property was about 1.05 acres, located north of Charlottesville at 615 Woodbrook Drive. He said that it was zoned C1 Commercial, and the Comprehensive Plan designated it as Urban Density Residential. He said that the adjacent property to the southwest was Agnor-Hurt Elementary School. He said that to the north were multifamily residential units, and properties to the southeast

and northeast were zoned C1.

Mr. Shouf said that currently, the site hosted a one-story building with a footprint of approximately 6,500 square feet, which was currently used as a dental office with a rental office space in the rear. He said that the first proposal, SP 202400015, sought a special use permit to allow 15 multifamily residential dwelling units in the C1 Commercial District. He said that the other two proposals were two special exception requests that the Commission was not required to make a recommendation on, but it could provide comments which would be included in the transmittal summary to the Board.

Mr. Shouf said that the first special exception request aimed to reduce the 15-foot step-back requirement to zero feet, and the second request sought to allow disturbance in the required 20-foot use buffer. He said that he presented the proposed concept plan if the special use permit and the special exceptions were to be approved by the Board. He said that the applicant proposed a building with an approximate footprint of 7,880 square feet, spanning four stories. He said that the ground floor would serve as an office and commercial space. He said that the top three floors would house 15 residential units.

Mr. Shouf said that the plan included 37 shared parking spaces and a proposed stormwater facility. He said that after consultations with Albemarle County Public School staff, they requested the removal of a proposed future connection to Agnor Hurt Elementary School, as there would be a future connection to a multifamily site two parcels north. He said that the special use permit application had been reviewed according to the factors for consideration as outlined in the zoning ordinance.

Mr. Shouf said that staff believed that the proposed special use permit would not negatively impact adjacent parcels, would not change the character of the nearby area, would remain in harmony with the C1 commercial zoning district, and was consistent with the comprehensive plan. He said that a condition had been drafted for this application, requiring the development to generally align with the provided conceptual plan. He said that staff identified three essential elements: the location of the building envelope, the location of the parking areas, and the building height.

Mr. Shouf said that there were three positive aspects: the use was consistent with the review criteria for special use permits in the zoning ordinance, it aligned with the Places 29 master plan, and it provided additional commercial and residential units for local residents. He said that there were no concerns from staff. He said that staff recommended approval with the conditions as recommended in the staff report, and to remove the proposed future connection to Agnor-Hurt Elementary School.

Mr. Murray asked if the bottom units would have to remain as commercial uses.

Mr. Shouf said that that was correct. He said that this was not a rezoning application, but rather a special use permit to allow for 15 residential units on the site. He said that as it would continue to be a C1 commercial zoning, it would retain commercial by-right uses.

Mr. Moore asked for more information about the setback requirements.

Mr. Shouf said that there were two special exception requests. He said that the first request was to reduce the 15-foot step back requirement to 0 feet. He said that § 18-4.20 required minimum a step back of 15 feet for buildings above 40 feet in height or above the third story, whichever was

less. He said that the applicant was seeking this change for a proposed four-story building, which would currently require a 15-foot step back.

Mr. Shouf said that the second special exception concerned the disturbance of the required 20-foot use buffer for commercial districts. He said that the applicant had cited three reasons for this disturbance: (1) to maintain the existing entrance, which was already encroaching; (2) to connect to an existing stormwater pipe; and (3) to facilitate a future pedestrian connection to Agnor Hurt Elementary School, which was no longer relevant and would be removed.

Mr. Shouf said that the disturbance involved grading and extending the existing curb line to allow the existing wood retaining wall to remain. He said that this would enable a larger building footprint and additional parking area. He said that the second disturbance was in the rear 20-foot use buffer to allow a storm pipe connection to an existing facility. He said that conditions included being in general accord and the locations of the two disturbances.

Mr. Bivins asked to revisit the proposed exception for water used for sewage or runoff. He said that he wanted clarification on whether this exception allowed for a new storm water connection to an existing storm pipe. He said that he wanted to know who currently owned the existing storm pipe.

Mr. Shouf said that at this moment, he was uncertain. He said that he believed the applicant could provide more detail.

Mr. Clayborne said that he had a question regarding the allowable uses within the C1 zoning classification. He said that he was curious if the allowable uses changed when housing or residential was combined with it. He asked if all the existing C-1 uses that were allowable were still allowable in this scenario.

Mr. Barnes said that they were, unless there was a specific reason to further restrict them.

Mr. Missel opened the public hearing.

Kendra Moon, Line and Grade Civil Engineering, said that she was joined here by Dr. Jay Knight, who was the owner of the parcel. She said that the existing zoning map was a little outdated. She said that the parcel just across the street had recently been rezoned to allow for an increased density of 34 dwelling units per acre. She said that this parcel was surrounded by residential uses to the northeast and commercial uses to the south and east, with Agnor Hurt to the west. She said that the current building was a one-story, approximately 6,500-square-foot structure, and there were 23 parking spaces in front.

Ms. Moon said that the existing dental operations would largely remain the same. She said that the dental operation would still operate from 8 to 5, Monday through Thursday, with the office closed on Fridays. She said that this background information became relevant for the parking agreement. She said that there were about eight employees per shift and approximately three patients per hour on site. She said that in the proposed condition, the existing parking in front would remain, and the building would be demolished and relocated slightly southeast, though the layout of the site would largely remain the same.

Ms. Moon said that the building footprint had been slightly increased to just under 8,000 square feet and would not exceed four stories. She said that this building was set back from the road

further than was typical for commercial properties, due to the presence of an existing water main and sewer main, as well as easements to ACSA. She said that consequently, there was no proposal to relocate these utilities. She said that the existing storm pipe through the back of the site was a remnant of the original plans for the north and south parcels, which were permitted together.

Ms. Moon said that the proposed increase in parking spaces on the site totaled 37. She said that the operation of the dentist office would remain largely unchanged from its current state, which was advantageous for the proposed residential units as they would predominantly be vacant during the dentist office's operating hours. She said that they were requesting a shared parking agreement that would allow them to reduce the overall parking requirement on the site by up to 35%. She said that they currently did not have the architecture for the building, but they were planning a mix of unit types, including one, two, and three bedrooms.

Ms. Moon said that 20% of the units were proposed to be affordable. She said that there was an anticipated increase in traffic during the morning, with about eight trips to or from the site. She said that they were requesting a reduction to zero feet for the step back from the road, as this was set back further from the road and should not pose an issue for pedestrians. She said that they believed their proposal was consistent with the comprehensive plan.

Ms. Moon said that it was an urban density residential zone with recommended density between 6 and 34 units per acre, and they were proposing 15 units. She said that they were including affordable housing, with three units designated as affordable, and the proposal fit with the neighboring commercial and residential properties. She said that they did not anticipate this to have a negative impact on neighbors.

Ms. Firehock asked if there would be outdoor seating on the site.

Ms. Moon said that currently, the area in the rear was still turf or just an open space, so they did not have the details of what an amenity space would look like yet. She said that there was an opportunity for various uses on this site. She said that she had shown a large possible bioretention area, but the space could be used for different things.

Mr. Murray said that when viewed from space, that part of the County was covered with a lot of pavement. He said that as they increased density, there would inevitably be more parking and larger buildings. He said that they would also meet state requirements for addressing stormwater volume. He said that he was curious about their thoughts on addressing stormwater quality. He asked if they were considering any initiatives such as green roofs, permeable paving, or a biofilter, to improve the quality of stormwater in addition to its quantity.

Ms. Moon said that permeable pavers could be an effective solution for the new back portion of the site or a biofilter. She said that although they had not detailed it yet, they were presenting possible underground detention or biofilter options. She said that the choice between these options may depend on the soil quality in this area. She said that if the soil was good, a biofilter could be an excellent choice because they could infiltrate the water into the ground rather than diverting it elsewhere. She said that they would definitely consider these options as they developed the site plan.

Mr. Bivins asked if the units were for rent or for sale.

Ms. Moon said that they were rental units.

Mr. Bivins asked if there would be a variety of one-, two-, and three-bedroom units.

Ms. Moon said that they did not have architecture at this time. She said that their plan was to engage with an architect once this project was approved.

Mr. Bivins asked if there would be an elevator.

Mr. Shouf said that he would need to check in with the building code staff regarding that matter.

Ms. Moon said that they would meet the building code requirements.

Mr. Moore said that he was aware that stormwater runoff had become an issue as they crossed Route 29 and encountered waterways that fed past Woodbrook and beyond. He said that the use of permeable pavers in the back would be a nice touch. He said that he was curious about the 20% affordable units at 60% AMI and whether this was part of a long-term plan. He said that this was the first time they had such a provision.

Mr. Missel asked if the existing storm water pipe was sized correctly for the additional flow.

Ms. Moon said that she believed that the pipe was 24 inches. She said that it was designed to handle overflow from an existing pond, but they had not investigated the details. She said that this structure was located within an easement, which implied that if they needed to increase its size downstream, it would be possible. She said that the existing pipe fed into a detention pipe downstream. She said that as long as they were decreasing the flows, it should be sized appropriately.

Mr. Missel asked if storm water management had to accommodate the front parking area.

Ms. Moon said no. She said that there was an existing pipe in the front parking lot that fed into the system in the back.

Ms. Firehock said that they could install a green roof on the new building to provide amenity space.

Ms. Moon said that she could have a lengthy conversation about green roofs. She said that they only provided such a small credit, so with the cost of implementing them, they would still be required to purchase nutrient credits.

Mr. Murray said that there was some local funding available for cost sharing for green roofs through the Stormwater Conservation District. He said that this funding was one of the few cases where it could apply to new construction. He said that it could offset costs by several thousand dollars, potentially up to $10,000.

Mr. Missel asked if the applicant was comfortable not installing the connection to Agnor-Hurt.

Ms. Moon said yes. She said that was a comment from staff during the initial pre-application meeting. She said that they presented it, but then, after discussions with the public schools, they removed it.

Mr. Missel said that the parking spaces were designed for the uses present on the site. He said that it was great because the residents would be gone during the dentist's office hours. He asked if this was still a true assumption since more people worked from home.

Ms. Moon said that while writing the shared parking analysis, she had the same thought. She said that the statistics she found were few and far between, but they indicated that about 35% of people worked from home fulltime in 2024. She said that she felt comfortable proposing this, assuming that 70 percent of residents would be away during the day. She said that the required space for the dental clinic was higher than the anticipated number of staff and patients per hour. She said that they felt comfortable with the amount of parking.

Mr. Murray said that the Virginia Conservation Assistance Program had a cap of $30,000 for green roofs.

Mr. Missel closed the public hearing.

Ms. Firehock said that she appreciated the use of shared parking, which was a common practice during her time on the Charlottesville Planning Commission. She said that she also supported the idea of adding residential units to this site. She said that residents living nearby would have no excuse for neglecting their dental health. She said that the site was currently underutilized, so the proposal was a good use of space.

Mr. Carrazana said that they did not often see mixed-use development, especially in a meaningful way. He said that currently, commercial development made up 25% of the area. He said that they needed to see more of this. He said that he saw densification as a positive aspect. He said that at UVA, they had significant experience with permeable pavers. He said that unfortunately, they did not work well in parking areas due to oil. He said that the oil saturated the pavers, causing them to lock, clog, and become difficult to maintain. He said that they were not very effective in areas where cars were driven, and liquids were spilled.

Mr. Clayborne said that conceptually, he believed this was a very efficient use of space, as his colleagues had also expressed. He said that as the design continued to evolve, he encouraged everyone to consider the livability aspect. He said that currently, it did not feel like a place he would want to live, with just a sea of asphalt surrounding it.

Mr. Murray said that this was the type of development he wanted to see more of. He said that both commercial and residential buildings stacked on top of each other, like this, would be ideal for him. He said that he had already expressed his desire for a better commitment to stormwater treatment quality on-site.

Mr. Bivins said that he would have been open to additional height for the project. He said that this could allow for some interesting architectural forms, such as balconies, providing outdoor space for residents. He said that if the project were higher, they could also incorporate a setback, which would be beneficial. He said that he was generally supportive of this project.

Mr. Moore said that he believed it was a good use of the space. He said that he had also driven by the location recently and it was clear that it was an easy walk to the grocery store, school, and bus stop. He said that it was also in a prime location for some dense housing, and it was adjacent to existing and soon-to-be dense housing.

Mr. Missel said that if they had a site like this and could go high enough, they could tuck the parking underneath, making the economics work with the commercial. He said that this would free up some green space.

Mr. Moore said that the special exceptions made sense given the location.

Ms. Firehock said that she believed the special exceptions were straightforward.

Mr. Moore motioned for the Planning Commission to recommend approval of SP202400015 Knight Berkshire Mixed Use with conditions stated in the staff report, and to update the concept plan to remove the proposed future connection to Agnor Hurt Elementary School. Mr. Bivins seconded the motion, which carried unanimously (7-0).

SP202400009 Our Lady of Peace

Cameron Langille, Principal Planner, said that the special use permit affected two properties. He said that the first property measured 6.95 acres and was currently occupied by the Our Lady of Peace Assisted Living Facility. He said that it had an entrance directly off Hillsdale Drive. He said that the site included several parking areas. He said that the building housing the assisted living units had several wings.

Mr. Langille said that the adjacent property measured 12.51 acres. He said that this property was home to the Church of the Incarnation Catholic Church. He said that it also had a building and an entrance off Hillsdale Drive, with parking available. He said that there was a vehicular interconnection between these two sites. He said that the church had another driveway off Hillsdale Drive. He said that these properties were part of the planned unit development known as Branchlands. He said that almost every surrounding parcel visible was within the same zoning district, as they all belonged to Branchlands.

Mr. Langille said that to the north, the Jefferson Area Board for the Aging offices were located there, which was adjacent to a Courtyard by Marriott Hotel. He said that the former Big Lots was located nearby. He said that the structure to the south housed various offices and other assisted living facilities. He said that moving north, the Cobalt Ridge neighborhood, zoned R15, was situated outside of Branchlands.

Mr. Langille said that it featured attached residential multifamily dwellings. He said that Fashion Square Mall was located to the north, separated by a vegetated buffer, with its parking lot and building visible. He said that the Chapel Hills subdivision, zoned R1, was located to the south and east. He said that these properties were large lots with single-family detached residential uses.

Mr. Langille said that the request pertained to the Our Lady of Peace facility, which currently held a special use permit. He said that the proposal was to amend this permit to construct a new wing onto the existing building. He said that this new wing would border the church's parking area, located to the southwest of the properties. He said that the new wing would comprise 54 total new units, which would be part of the Our Lady of Peace facility if the special use permit was approved.

Mr. Langille said that currently, Our Lady of Peace had 163 beds, and this approval would increase the total to 217. He said that the new wing of the building would be three stories high, with habitable space on the first two stories. He said that this wing would be built above a parking

garage that was accessed at ground level. He said that the parking area on the church property would be reconfigured to meet engineering design standards and zoning ordinance regulations.

Mr. Langille said that there would be a reconfiguration which would involve adjusting the boundary line between the two parcels to take some acreage from the church property and give it to the Our Lady of Peace parcel. He said that he wanted to raise this point because it had been demonstrated that the proposed development would be able to meet all building and parking setback requirements based on their current uses.

Mr. Langille said that there were no unfavorable factors identified with this proposal. He said that one of the favorable factors was that it was consistent with all the review criteria required by the zoning ordinance. He said that this proposal aligned with the future land use recommendations contained in the Places 29 Master Plan, which was the development area where it was located.

Mr. Langille said that this proposal was fully consistent with all twelve principles of the comprehensive plan neighborhood model guidelines, which staff was required to consider with any special use permit or rezoning application. He said that staff was recommending approval of this proposal, with the condition that any development following special use permit approval would be consistent with the key elements noted in the bulleted list shown on the concept plan.

Mr. Bivins said that if he understood correctly, the ownership of both parcels was held by the Diocese of Richmond. He said that it was the owner who was shifting the boundary on the property they owned.

Mr. Langille said that he believed that was correct. He said that the tax records he had access to indicated that the church was owned by the Richmond Diocese, which was part of the Catholic Church. He said that the property owned by Our Lady of Peace Incorporated, despite having a mailing address in Roanoke, was a tax-exempt property.

Mr. Bivins said that they were discussing an entity that was moving its own boundary. He said that he had a question regarding whether the boundary adjustment, if it occurred, would affect the number of parking spaces at the religious entity.

Mr. Langille said no. He said that they would have enough parking as-is.

Mr. Bivins asked if the additional parking proposed under the new wing was required.

Mr. Langille said that with the maximum number of beds that could be built, additional parking would need to be constructed on the Our Lady of Peace site.

Mr. Bivins said that when they looked at their recent census, which was released a couple of years ago, they found that the fastest-growing population in their community was over 55. He said that this demographic shift brought with it the need for various services. He said that he hoped that there had been some discussion about this. He said that if there was a need for more capacity, he suggested starting to think about it now, so they would not have to revisit this issue in five years. He said that this way, they could create a footprint that allowed them to grow and provide more facilities without having to go through this process in the near future.

Mr. Carrazana said that a side of the property in question was quite steep, and he assumed that it was managed slopes. He asked how stormwater was being managed.

Mr. Langille said that there were areas of both managed and preserved steep slopes on both properties. He said that any grading or construction activity required for the new wing's construction would only affect managed slopes. He said that preserved slopes were located on the far southern and eastern property boundaries of both properties and would not be affected by this. He said that the concept plan presented several options for stormwater management that could be implemented at the site development review stage.

Mr. Barnes said that he would like to point out that the property with the stormwater pound was publicly owned by the County. He said that the Parks Department was currently investigating the possibility of utilizing it as a pocket park.

Mr. Missel asked for clarification about the setback requirements for buildings and parking along the property boundary.

Mr. Langille said that in this case, there was a 10-foot setback. He said that this applied to both the side and rear areas. He said that if he mentioned a parking setback, then that was a mistake. He said that HUD did not have a parking setback, and he was not aware of one that pertained to that part of Branchlands. He said that staff would have noted any concerns during review.

Mr. Missel opened the public hearing.

Laurie Schweller, attorney with Williams Mullen and representing the applicant, said that she would like to introduce executive director of Our Lady of Peace, Rachel Lindbergh, and John Albert, who was the representative for the project. She said that Jonathan Showalter from Timmons Group and Ilze Jones from Jones and Jones Architects were also present. She said that the proposed special use permit amendment would enable Our Lady of Peace to offer more assisted living and skilled nursing home services. She said that this senior residential community provided independent living, assisted living, and long-term nursing care.

Ms. Schweller said that it was a multifaceted senior living facility. She said that the location of the proposed wing was indicated by a star on the map. She said that Mr. Langille had already covered this extensively. She said that the map showed the two parcels and their zoning as Urban Density Residential, as per the comprehensive plan. She said that the map also displayed the actual Branchlands PUD approval from the 1980s and ACWA. She said that it illustrated how these parcels fit into that plan.

Ms. Schweller said that the existing building was in the center of the screen, with the church building to the left. She said that the map showed how they interrelated today. She said that to give them a better orientation, the map showed the existing entrance off Hillsdale, leading to Our Lady of Peace. She said that the entrance to the church off Hillsdale was also shown, with Our Lady of Peace to the left and the church to the right. She said that the access illustrated the route when heading back toward the site with a stand of trees. She said that currently, there was no sidewalk in this area, and they proposed a new sidewalk.

Ms. Schweller said that the area where the proposed addition would be was in the parking lot tree area. She said that these trees were not in good condition, and one had already fallen down since the photo was taken, according to Mr. Albert. She said that these trees would be removed to accommodate the new addition. She said that the existing conditions showed steep slopes between the church property and the existing building. She said that the new addition would allow

Our Lady of Peace to provide an additional 20 new assisted living memory care units and 34 new private skilled nursing home beds with 88 bathrooms.

Ms. Schweller said that they had obtained a certificate of public need, and the licenses were shifted from southwest Virginia to Albemarle County. She said that the new wing would feature private rooms, which was an excellent opportunity provided by the SUP amendment. She said that the new wing would include a parking garage with a pedestrian passage. She said that the new sidewalk would extend from Hillsdale. She said that a crosswalk to the church property for pedestrians would also be included.

Ms. Schweller said that the existing natural area would be preserved as much as possible, providing a nice view through the windows of the building. She said that the proposed development would enhance the pedestrian access routes and provide additional facilities for cyclists. She said that the proposed development would be situated below grade, so it would not be visible from Hillsdale Drive. She said that above this, there would be two new floors. She said that the addition of these units would not result in any significant traffic impact, so no proposed changes to the roadways were necessary. She said that there were numerous transit stops in the vicinity, which was beneficial to both employees and visitors to Our Lady of Peace.

Ms. Schweller said that the steep slopes, indicated in green, would not be impacted by the construction. She said that the managed slopes, shown in yellow, would be handled in accordance with County design standards. She said that trees on the hillside between the church and Our Lady of Peace would be removed, and plantings would be done pursuant to landscape recommendations.

Ms. Schweller said that regarding stormwater management, the one-year storm would see a reduction of 20% to 50%. She said that the ten-year storm must maintain pre-construction conditions, with the specific methods to be determined during site planning. She said that the project's drainage contributed less than 2% of the inflow into the Branchlands Pond, which was a point of interest as it had been raised during the community meeting. She said that the drainage area to the Branchlands Pond was 91.38 acres, and the Our Lady of Peace project contributed less than two percent of that.

Ms. Schweller said that she wanted to discuss Our Lady of Peace's stream restoration project, which took place about five years ago. She said that there was significant erosion near the retaining wall next to the current memory care wing. She said that the pre-restoration photos from 2018 showed this issue. She said that after the restoration in 2019, the erosion was significantly mitigated, as seen in the current photographs. She said that the stream had been stabilized, and they did not anticipate any silt contributing to downstream areas.

Ms. Schweller said that special exceptions were being requested to modify the 1988 ZMA, which would revise the acreage and uses of areas A and B within the Branchlands PUD. She said that area A was Our Lady of Peace, and area B was the church. She said that this modification would involve a roughly one-acre boundary line adjustment, changing the size and use on each parcel. She said that this project aligned with the neighborhood model principles, offering a variety of uses from commercial to residential.

Ms. Schweller said that the PUD included a mix of housing types, affordability options, and interconnected streets and transportation networks. She said that there were two entrances to

the project from Hillsdale, with existing pedestrian access from the church remaining. She said that a new sidewalk from Hillsdale to the parking garage and through to the existing building was proposed, along with existing pedestrian and bike facilities and a new bike rack.

Ms. Schweller said that this development was interior to the parcel. She said that the existing Our Lady of Peace already had numerous recreational areas, both outdoor and indoor, so they were not proposing any new additions. She said that the courtyard area, created by enclosing the existing building with a new wing, featured a steep slope with trees. She said that this was not intended to be a new recreational area.

Ms. Firehock asked if the ownership of both parcels was the same.

Ms. Schweller said that technically, no, but yes, in essence. She said that as Mr. Langille pointed out, the subject parcel was owned by Our Lady of Peace, which was an affiliate of the Catholic Diocese of Richmond.

Ms. Firehock said that after the boundary line adjustment, that land would become part of the other parcel.

Ms. Schweller said that they were very much in cooperation on this project.

Mr. Carrazana asked if the applicant did not anticipate any issues with the stream and the buffer.

Ms. Schweller said that was right.

Mr. Missel said that he assumed there would be no more stream crossings.

Jonathan Showalter, Timmons Group, said that was correct.

Mr. Clayborne asked for a demonstration of the traffic circulation onsite.

Ms. Schweller said that upon entering, one could either take the elevator to access the new wing or walk through an area to reach the existing building.

Mr. Clayborne said that if someone died in a room, the ambulance could be accessed through the garage.

Ms. Schweller said that Mr. Jones was shaking his head yes.

Mr. Murray asked whether the amount of parking on the site would exceed the required amount or if it would meet the necessary requirements once the new parking garage was built.

Ms. Schweller said that it would be a little over. She said that both the church and Our Lady of Peace would continue to have sufficient parking. She said that the church, despite its size, would continue to have sufficient parking. She said that the same applied to Our Lady of Peace.

Mr. Murray asked if they had considered removing any of the existing surface parking once the new structure was built. He said that there was an incentive program in Albemarle County to remove impervious surfaces. He said that they could potentially receive funding to remove the unnecessary parking.

Ms. Schweller said that there had been no discussion of removing parking.

Mr. Murray said that when viewed from space, the entire area appeared as one large sea of asphalt, with a significant portion of it being unused parking. He said that this was particularly evident in the vicinity of Fashion Square Mall, which was not far away. He said that anything they could do to reduce the amount of asphalt, especially if it was unlikely to be fully utilized, would be beneficial. He said that even if they needed to obtain an exception from the County, he supported the idea of reducing parking requirements if the County mandated more parking than was actually necessary.

Ms. Schweller said that for the Our Lady of Peace addition, they only required 30 spaces, and so they were adding what they needed, 38 spaces in the parking garage. She said that these spaces were particularly valuable to seniors because they and their guests could drive directly into the parking lot and access the building without having to walk far from the parking lot. She said that it was particularly warranted in this case to provide it beneath the building. She said that it just seemed like an important amenity in this case. She said that most of the parking was actually on the church property, and they had 219 spaces.

Mr. Bivins said that his only suggestion was that if they anticipated a need for more capacity, which aligned with the demographics of their region, it would be beneficial to accommodate this here. He said that there was potential for growth in this area. He said that he believed it would be advantageous to avoid the situation where, in the future, they would need to request additional spaces, especially when the site could easily accommodate a larger addition.

Mr. Bivins said that religious institutions required parking at certain times, and he had observed that during these periods, it could be challenging to find parking spaces due to the influx of families and vehicles. He said that he was hopeful that with the recent purchase and the new P3 partnership with Home Depot, they would witness substantial development at Fashion Square.

Mr. Bivins said that this area had been a topic of discussion, and he believed that with the County's involvement and the majority owner's vision, they might see positive changes there as well. He said that he acknowledged that the spaces were being placed under the building, which may be a necessary design choice. He said that by doing so, they were addressing their own needs, not the church's.

Mr. Missel closed the public hearing.

Ms. Firehock said that she believed this project was excellent. She said that she was pleased that they were parking under the building, and she anticipated that they would require significantly more capacity.

Mr. Murray said that he was pleased to see that applicants were considering the construction of parking garages. He said that it was a much better use of space than surface parking. He said that he was glad to hear the assessment that all the parking would likely be utilized. He said that it was true that they had an aging population, and this was a need that must be addressed.

Mr. Bivins said that he would like to comment on the Branchlands Pond, which was a green space that, if one wanted to walk to it, might be looked upon with a bit of skepticism due to its location in an aging community. He said that it had been well-maintained and rehabilitated, making it a

pleasant feature. He said that there were four water features in the area, including ponds at the southwest corner of the church, two across the street from Food Lion, and at the intersection where the County was investing significant effort to mitigate flooding. He said that all of these were to manage stormwater runoff from the hill. He said that straightening the road through Fashion Square Mall was expected to further alter the water management in the area.

Mr. Murray said that while reviewing the water protection ordinance buffer, he noticed that the streams in those areas were not included within an ordinance buffer. He said that based on the images, these appeared to be perennial streams. He said that staff should consider including those buffers.

Mr. Moore said that it appeared that this facility met a need and was consistent with the plan they had in place.

Mr. Missel said that he wanted to highlight the pedestrian connection to Hillsdale Drive, which was beneficial for any of the two facilities. He said that there were special exception requests for the acreage as well.

Mr. Moore motioned for the Planning Commission to recommend approval of SP202400009 Our Lady of Peace with conditions stated in the staff report. Mr. Clayborne seconded the motion, which carried unanimously (7-0).

Committee Reports

Mr. Bivins said that he had a CAC meeting, and he had a suggestion for them to hear from Kristy Shifflett, COO. He said that she could provide insights into the County's strategic plan execution analysis and reporting. He said that they had wondered about the methods of measuring and achieving strategic goals. He said that AC44 may not have been ready yet, but it was part of this process. He said that there was a mechanism in the County to measure progress.

Mr. Bivins said that Dr. Stacy Pethia had provided valuable information on the multifaceted housing approach by the County, particularly for those who were unhoused or at income levels that made it challenging to find housing. He said that he believed it would be beneficial for them to hear more about this in a robust manner.

Review of Board of Supervisors Meeting: September 4, 2024

Mr. Barnes said that there were four items that had gone to the Board on September 4. He said that the first was the wireless ZTA, which had been returned to the Board. He said that staff had been asked to revisit some potential issues related to biodiversity, mountaintop protection, and historic protection. He said that there had been a lengthy debate about it by the Board, and ultimately, the draft that had been presented had moved forward as proposed.

Mr. Barnes said that he was not present at that meeting. He said that from his understanding, there had been a lengthy discussion, and some changes that had been considered did not make it into the new ordinance. He said that the ordinance had been adopted as it was previously proposed.

Mr. Murray said that he had made a comment to the Board of Supervisors about the biodiversity and large forest blocks designated as avoidance areas. He said that he was aware that these

areas did not encompass the special sites as defined by the Natural Heritage Committee. He said that some of these sites were located within those areas, but many were not. He said that he was unsure if there had been any discussion about incorporating special sites within the proposed avoidance areas.

Mr. Barnes said that he believed the discussion was mainly focused on introducing biodiversity areas and he was not sure if there was a specific subset of that mentioned.

Mr. Murray said that for those who may not be aware, one aspect to consider was the large landscape scale of the forest blocks. He said that there were also areas within the County where natural communities of importance had been identified. He said that these areas were home to state critically imperiled species, which were ranked from S1, indicating critical imperilment, to S3, indicating a threatened species. He said that they had several areas in the County that contained S1 species, and some areas that included G1 habitats, which were globally rare habitats recognized by DCR.

Mr. Murray said that it was crucial to consider this data when discussing habitat protection. He said that while the protection of forests was important, it was not the sole type of habitat that required protection. He said that the inclusion of other habitats, such as grasslands and wetlands, was also vital. He said that these habitats, along with others, should be considered when discussing avoidance areas. He said that they had data on these habitats.

Mr. Barnes said that the other two items were ones that the Commission had previously seen. He said that one was 1928 Scottsville Road, located in the southern part of town between Route 20 south and Avon for a six-unit townhouse complex. He said that the issue regarding the rock wall between the parcels was brought up again, which they would continue to work on, but that item ultimately was approved by the Board.

Mr. Barnes said that the other item was on Rio Road, the Community Christian Academy, which also passed. He said that the final item was regarding a request to connect to the water and sewer system off of Route 240 in Crozet. He said that the property was adjacent to the Beaver Hill Mobile Home Park. He said that it was a smaller house located next to that. He said that this request was also granted capacity to join the public sewer system.

AC44 Update

Mr. Barnes said that they were currently in the midst of preparations at the staff level and were gearing up to present a significant amount of information in October. He said that they would be sharing some of this information with the public and presenting a number of development area land use policies for the Commission's review. He said that over the coming months, they could expect to see several chapters, each dealing with specific topic areas. He said that they would begin with land use and rural area land use, and then move on to transportation in rural development areas. He said that following that, they would delve into environmental chapters. He said that they anticipated holding multiple meetings with them over the next several months to discuss these topic areas. He said that they were very excited about this.

Ms. Firehock asked whether there would be sufficient time allocated for when the Planning Commission reviewed a matter, ensuring that the review was captured and presented to the Board of Supervisors as part of their review process. She said that they had encountered issues in the past where the format remained unchanged or where the Board did not have the minutes

from the Planning Commission to consider during their review.

Mr. Barnes said that their intention was to maintain their close pairing. He said that the minutes would be something they needed to ensure they could manage effectively.

Ms. Firehock said that it appeared that the Board received the exact same document without the Planning Commission's comments.

Ms. Shaffer said that the minutes were attached to the items received by the Board.

Ms. Firehock said that her Supervisor had complained about having to conduct reviews without the minutes of the Planning Commission for the comprehensive plan.

Mr. Barnes said that he appreciated that concern specifically. He said that their intent was to present both bodies with a very similar, if not identical, package, and to explain to the Board some of the discussions that took place at the Planning Commission on major topics.

Ms. Shaffer said that the only reason the minutes would not have been there is if they missed a meeting, which could delay the approval of the minutes. She said that they typically approved them every two weeks, so it was done pretty quickly.

Ms. Firehock said that she just wanted to make sure the Commission's deliberations were received by the Board. She said that she would prefer that some changes be made and then taken to the Board so they could incorporate the Commission's changes or ideas. She said that they had been working on this for years now.

Mr. Barnes said that staff would try to make this a more expeditious process.

Mr. Murray said that he understood the time constraints. He said that there had been times where it had been done better than at other times. He said that, at least, a staff analysis should accompany the minutes, highlighting key points brought forward by the Planning Commission that they thought could be beneficial additions. He said that this analysis would bridge the gap between the Commission's discussions and the presentation to the Board of Supervisors. He said that he had seen instances where this approach had been greatly appreciated by everyone.

Ms. Firehock said that in the past, Commissioners had discussed this matter with the staff. She said that some efforts had been made to accomplish what Mr. Murray was suggesting. She said that she did not wish for them to revert to the previous approach of combing through 50 pages of minutes to identify relevant discussions and take notes on the side.

Ms. Firehock said that if there were a summary, such as key points from the Planning Commission, which could be considered these as part of their deliberation, then if they received the same packet, at least something had been digested for the Board to consider, as the staff were the professional planners.

Mr. Clayborne said that it could serve as an executive summary.

Ms. Firehock said that they could at least highlight some key points to keep in mind. She said that although the minutes were comprehensive, they were also quite lengthy.

Mr. Missel said that they could structure their conversation around that. He said that by the end of their discussion, they should be able to identify the key takeaways. He said that they could ask the staff to list their key takeaways, which would be documented and subsequently reviewed.

Mr. Missel said that he had a similar question for Mr. Barnes. He said that according to the website, it stated that in fall-winter 2024, the AC44 team would draft the comprehensive plan document, finalize draft plan recommendations, publish the draft comprehensive plan document, and then in winter, spring 2025, the Planning Commission and Board would hold work sessions on overall plan implementation and key issues. He said that as a member of the public, he thought that their upcoming work sessions should also be listed on the website to inform the public that they would occur before the Planning Commission.

Mr. Barnes said that he would make sure that staff would double-check that.

Mr. Missel said that he would also echo the sentiment that everyone required adequate time to review the materials.

New Business

September 24, 2024, PC Meeting Canceled

Mr. Bivins said that the Planning Commission usually handled exceptions, and only deviated from this approach when it came to the comprehensive plan. He said that it appeared that the County often granted exceptions without receiving anything in return. He said that density bonuses or other bonuses were given, and the County expected something in return. He said that some exceptions could make or break a project.

Mr. Bivins said that while he had not reviewed all of the supervisors' meetings, he had looked at a few. He said that it seemed that exceptions were often granted without any reciprocal benefits. He said that he believed that the County should receive something in return for granting exceptions. He asked if counsel could explain the exception process in more detail.

Mr. Herrick said that the process for applying for and the criteria under which special exceptions were based were clearly outlined in the ordinance. He said that there were various types of special exceptions, each with its own specific criteria. He said that almost all special exceptions had particular criteria that the Board was asked to evaluate.

Mr. Herrick said that staff initially analyzed them from a planning perspective, and then the Board decided whether or not it agreed with staff's recommendation. He said that special exceptions were essentially deviations from what the ordinance required. He said that if the Board did not want to have that flexibility, it would not have included special exceptions in the ordinance initially.

Mr. Bivins said that in the housing sector, they had offered developers the opportunity to gain additional capacity in exchange for certain benefits, such as tax breaks for a specified period. He said that developers then evaluated whether these calculations aligned with their interests and capacities. He said that when they approached the Board with criteria for an exception, they essentially assessed whether granting the exception was a viable deviation from the ordinance. He said that there was an implicit exchange, such as a proffer, in certain situations.

Mr. Bivins said that it appeared that there was no explicit exchange for exceptions. He said that

often, the Board approved exceptions without a clear quid pro quo, which could lead to a situation where developers felt that the exception was granted without any significant benefit. He said that this raised questions about the County's ability to achieve its goals through exceptions. He said that it was a challenging issue, but it was crucial to consider the leverage the County had in these situations.

Mr. Missel said that he would like to share a thought on the same topic. He said that when considering the exceptions they observed tonight, the first one involved adjusting a single acre from one use to another. He said that in his opinion, this adjustment did not result in any real gain. He said that it appeared to be merely a correction of an older special use permit. He said that the second exception was the step back waiver, which actually provided the County with the desired density.

Mr. Missel said that in his view, this exception was beneficial as it contributed to the creation of density in that area. He said that the third exception pertained to perimeter boundary buffer issues. He said that without these adjustments, it would impose additional costs on the applicant and seem unnecessary. He said that he understood Mr. Bivins' general perspective. He said that however, he believed that the three exceptions they saw that night were indeed a win-win situation.

Mr. Bivins said that he agreed with that point. He said that the issue that had been on his mind was the one concerning the development near the Food Lion at Proffer Road and Airport. He said that it seemed that there was uncertainty about whether this project would ever be built. He said that during their discussions, they had approved the project without setting any specific design requirements, such as setbacks or step backs.

Mr. Bivins said that this approach had been taken because the proposed development consisted of large, dense townhouses. He said that he was concerned that in approving such projects, they may not be receiving the richer design that the County should expect. He said that this concern had been particularly relevant to him since he had started noticing similar patterns with other developments, such as the exception piece.

Mr. Herrick said that he would like to share the most basic criteria for special exceptions. He said that these criteria were required under Section 5, which were the supplementary regulations. He said that many special exceptions were granted under Section 5. He said that to grant a special exception, one option would be for the Board to find that the subject requirement would not further the purposes of the zoning ordinance or serve the public health, safety, or welfare.

Mr. Herrick said that the Board could also find that a modified regulation would serve the purposes of the zoning ordinance to at least an equivalent degree as the specified requirement. He said that essentially, the Board was determining that the zoning regulation did not serve its intended purpose or that a modification would serve just as well. He said that this was the fundamental philosophy behind granting special exceptions.

Mr. Barnes said that he believed there was some benefit to allowing latitude and flexibility. He said that it was challenging to be completely omnipotent when drafting an ordinance. He said that in his opinion, this flexibility enabled development to progress in a manner that would otherwise be hindered, potentially causing delays. He said that he thought that this flexibility might yield benefits that were not immediately apparent.

Mr. Bivins said that he was not attempting to say that the exception process was incorrect. He said that many of the other processes they went through, whether it was zoning or a special use permit, resulted in identifiable benefits. He said that they got more housing, and they aimed for multi-generational lots, which could enhance the life of their community. He said that these were the things they could point to when something came before the Planning Commission and the Board of Supervisors.

Mr. Carrazana said that he appreciated their reminder of their previous conversation. He said that counsel often reminded them that they were not setting precedents, even though many people believed they were. He said that every situation was unique, and they had to consider the benefits of each project, such as increased density, housing, or commercial opportunities, even if it may not be perfect. He said that regarding the setback issue, he believed it was essential to evaluate it thoroughly.

Mr. Carrazana said that they needed to consider whether the setback was appropriate for the property and the project. He said that one consistent concern he had was that they were asked to evaluate these issues without sufficient information or time to understand the property's condition. He said that they needed to improve their ability to evaluate these issues and communicate more effectively with the public to help them understand that their recommendations were not setting precedents.

Mr. Clayborne said that as they continued to work, he wanted to ensure that, as a group, they were keeping up with the County's goals and vision in various sectors. He said that they had discussed economic development and housing. He said that Mr. Bivins had mentioned the Chief Operating Officer's insights on vision and tactics, as well as goal setting. He said that there were other topics, such as transportation. He said that they had previously received presentations from Mr. McDermott on Smart Scale projects in the pipeline and what was forthcoming.

Mr. Clayborne said that he wanted to know how the microtransit system was performing and how the JAUNT fit into their ongoing discussions about projects. He said that he wanted to ensure they kept these topics at the forefront. He said that there was a lot to cover, and time was limited. He said that he was not suggesting they needed a formal work session, but a brief presentation, perhaps 20 minutes, followed by a 5-minute Q&A, would be very helpful. He said that he wanted to make sure they continued to stay on top of these issues.

Mr. Murray said that he had previously discussed a minor item with the staff. He said that it concerned mitigation projects where development impacts stream buffers. He said that there was an ongoing project in Crozet where exceptions were made to allow development within the stream buffer with mitigations. He said that he was interested in knowing the procedures for tracking the outcomes of such mitigations. He said that he wanted to understand where the mitigation occurred and how they could ensure its effectiveness over time.

Mr. Murray said that he was also concerned about the use of tree tubes, which were intended to protect young saplings but could become a significant source of litter if not properly managed. He said that he would appreciate information on the materials used in tree tubes and the efforts to remove them, as there was currently a problem in Crozet where tree tubes were choking the trees they were meant to protect.

Mr. Carrazana said that that had been an issue that had come up before; there had been projects where mitigation had been presented, but it had not materialized. He said that there were quite a

few examples of this in Crozet. He said that he would like to encourage implementation of pickleball courts in proposed amenities.

Ms. Firehock said that pickleball courts could be addressed if they compiled a list of amenities the County currently lacked. She said that when developers were considering proffering amenities, they could refer to the list of desired amenities.

Old Business

There was none.

Items for follow-up

There were none.

Adjournment

At 7:50 p.m., the Commission adjourned to October 8, 2024, Albemarle County Planning Commission meeting, 6:00 p.m.

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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: