

**Albemarle County Planning Commission
FINAL Minutes December 15, 2020**

The Albemarle County Planning Commission held a public hearing on Tuesday, December 15, 2020 at 6:00 p.m.

Members attending were Julian Bivins, Chair; Karen Firehock, Vice-Chair; Tim Keller; Rick Randolph; Daniel Bailey; Corey Clayborne; Jennie More; and Luis Carrazana, UVA representative.

Members absent: none.

Other officials present were Margaret Maliszewski; Megan Nedostup; Kevin McDermott, Chief of Planning; Charles Rapp, Director of Planning; Andy Herrick, County Attorney's Office; and Carolyn Shaffer, Clerk to the Planning Commission.

Call to Order and Establish Quorum

Mr. Bivins said that opportunities for the public to access and participate in the electronic meeting will be posted at www.albemarle.org/community/county-calendar when available.

Mr. Rapp called the roll. All Commissioners noted their presence.

Consent Agenda

Mr. Randolph moved to approve the consent agenda.

Mr. Clayborne seconded the motion, which carried unanimously (7:0).

Public Comment

Mr. Bivins invited Mr. Neil Williamson to share a statement with the Planning Commission.

Mr. Neil Williamson, President of the Free Enterprise Forum, said that, following tradition, he would present the 2020 Holiday Poem, named, "A Coronavirus Carol." He read the poem aloud to the Commission.

Mr. Bivins asked Mr. Williamson if he would be sending a copy of that piece to the Commission.

Mr. Williamson replied that he would and that it would also be posted on the blog at www.freeenterpriseforum.org.

Public Hearing

ZMA202000011 Premier Circle

Ms. Megan Nedostup, Development Process Manager with the Community Development Department, said this was the first public hearing on a request to rezone 3.748 acres from C1 Commercial to Neighborhood Model District (NMD), Premier Circle.

Ms. Nedostup said she would present the site context, current zoning, the master plan's future

land use designation, and overview of the proposed rezoning and application plan. She said she would then transition into providing more detail on the impacts and staff-recommended changes, the factors favorable and unfavorable to the rezoning, and a conclusion of staff's recommendation on the rezoning and modification request.

Ms. Nedostup presented a map for orientation purposes. She indicated on the map to Route 29, noting that the site was represented by a gold star in the center of the screen. She said the Berkeley subdivision is located to the northwest; across the street from Route 29 is Food Lion; and in the corner is Fashion Square Mall.

Ms. Nedostup presented an enlarged view looking closer into the site. She said there is currently a motel on the property, the Red Carpet Inn, which consists of four buildings and a parking area, with one entrance off of Premier Circle. She said Premier Circle is an existing private street.

Ms. Nedostup said the zoning of the property is currently C1 Commercial, which allows for retail sales and service, with residential by special use permit.

Ms. Nedostup presented the map of the Comprehensive Plan. She said Premier Circle is within the Places29 Master Plan area and is in between two center designations – Neighborhood Service Center to the south; and Community Center just to the east, across Route 29. She said the future land use plan primary designation on the site is "Office, Research and Development, Flex, Light Industrial," represented by the purple color on the map, with residential as a secondary use.

Ms. Nedostup said the master plan does not specify a maximum recommended density for the residential as a secondary use. She said the proposed development would be between 22 and 38 units per acre. She said that while residential is intended to be secondary in this designation, the master plan states that the primary and secondary uses are expected to be made over an entire contiguous designation and not an individual parcel. She said that since this property is adjacent to other designated properties, staff found that the residential units proposed are secondary in relation to the entire area. She said multiple parcels could be seen in the purple area on the map.

Ms. Nedostup presented the application plan, with Route 29 shown at the bottom of the screen. She indicated to the location of Premier Circle on the plan. She said this was Sheet 4 from the application plan. She said the applicant's proposal includes two residential buildings and indicated to those on the screen. She said the parking is to accommodate between 80 and 140 residential units, of which 60 are proposed to be affordable.

Ms. Nedostup said that along with the residential, additional nonresidential uses are located closest to Route 29. She said the maximum height is proposed to be four stories, but there is a setback requirement for the building closest to the single-family detached homes in the Berkeley subdivision. She indicated to the buildings on the screen that would have that setback.

Ms. Nedostup presented Sheet 6 of the application plan and noted that this sheet indicates where the proposed bus stop along Premier Circle would be located. She said it shows the 20-foot landscape buffer and a 50-foot setback of the building as well for structures between new development and the existing Berkeley subdivision. She said the sheet also shows the future potential pedestrian connections and indicated to those on the screen.

Ms. Nedostup said she would move into the impacts and changes. She said the applicant has provided for 60% or more affordable units onsite, for sale or rent, within the code of development. She said this would equate to 84 units, 140 units for build. She said the current housing policy recommends that 15% of units be affordable.

Ms. Nedostup said the students within the proposed development would attend Woodbrook Elementary, Jouett Middle School, and Albemarle High School. She said there are no capacity concerns at Woodbrook or Jouett Middle; however, Albemarle is currently over capacity. She said the High School Center II project has been identified and will help with the capacity issues at Albemarle.

Ms. Nedostup said the applicant has stated that 80 of the units will be for single adults and 60 of the units could have children. She said there is potential, however, for those 80 single units in the future to be converted into multifamily units, which could add more children. She said she provided the yield rates in the staff report for the schools. She said for the 140 units maximum number of units proposed, it would equate to 14 elementary, 4 middle, and 7 high. She said for the 60 units, as the applicant has stated, it would equate to 7 elementary, 2 middle, and 3 high school students.

Ms. Nedostup said a detailed analysis of the Neighborhood Model Principles can be found in Attachment 5. She said staff found that a majority of the Neighborhood Model Principles are being met; however, they identified two that remain that need to be addressed. She said the first relates to amenities. She said the applicant is proposing amenities that would serve adults only and not providing an opportunity for a tot lot or playground for children. She said staff is recommending that the code of development be revised to allow for amenities and play space for children.

Ms. Nedostup said the second principle also relates to the next section, which is transportation and pedestrian access concerns, or the principle of pedestrian orientation as well as transportation. She said concern from the community was raised at the community meeting and was also identified by staff regarding future residents' desire to cross Route 29 to the services across the highway. She said as she stated previously, there is a Food Lion grocery store and a Big Lots store that is across Route 29. She said currently, there is no safe way for pedestrians to cross Route 29, and staff requested that the applicant study the light at the intersection of Route 29 and Branchlands/Premier Circle to evaluate whether a pedestrian crossing can be installed at that location.

Ms. Nedostup said that since the writing of the report, the applicant provided a traffic impact analysis (TIA), and the Transportation staff and VDOT are currently reviewing the data. She said the analysis provided information regarding a pedestrian crossing, and VDOT is still evaluating the feasibility of installation of a crossing at that intersection. She said they have not, however, completed their review at this time, and it is not known whether or not a pedestrian crossing is available at that location.

Ms. Nedostup said the TIA also provided information on traffic into and out of Premier Circle and concluded that improvements such as a turn and taper are not warranted and that there is adequate storage for the movements from Route 29 moving into and out of Premier Circle.

Ms. Nedostup said that as she had stated previously, the applicant is offering a bus stop for future service to the site. She said staff is recommending, however, that the language be revised for the timing of the stop to be installed to be upon demand of the County. She said this provides flexibility to request a stop if another transit service is serving the site, such as JAUNT.

Ms. Nedostup said additionally, concern was raised about the adequacy of the existing private street. She said the County Engineer requested information regarding condition and maintenance of the road; however, the information has not been provided to date, and staff is recommending that this information be provided, evaluated, and addressed prior to the public hearing with the Board of Supervisors.

Ms. Nedostup said the factors favorable that staff has identified is that the rezoning is consistent with the majority of the applicable Neighborhood Model Principles; the rezoning provides affordable housing that exceeds the housing policy within the Comprehensive Plan; and the rezoning request is consistent with the majority of the recommendations within the Master Plan and Comprehensive Plan.

Ms. Nedostup said the unfavorable factors identified are that Premier Circle is a private street, and the condition is unknown for the proposed rezoning and maintenance of that private street as well; there are not adequate pedestrian facilities to cross Route 29 to services for the residents of this development; it is unknown if additional transportation improvements for the development; and changes are needed to the application plan and code of development as identified by staff.

Ms. Nedostup said she also provided a slide on the recommended changes. She said one change is that the transportation concerns, including the private street as well as pedestrian access, be addressed. She said the code of development should be revised to include an amenity playground for the children, as previously mentioned. She said the applicant should revise the notation on the application plan and code of development that the bench and shelter for the bus stop will be installed upon demand of the County. She said the code of development should be revised to include a maximum square footage of nonresidential uses.

Ms. Nedostup said that in addition to the rezoning request, the applicant is requesting to have one housing type within a Neighborhood Model District (NMD). She said NMD requires two housing types, but the Board can waive this requirement upon finding that it meets at least one of the criteria: at least two housing types are already present within a quarter mile, and/or the proposal is an infill project. She said staff found that Premier Circle development meets both of these criteria and recommends approval of the exception.

Ms. Nedostup concluded her presentation and offered to answer questions.

Ms. Firehock said she had a question. She asked Ms. Nedostup where she was envisioning the bus stop would be located, and if a bus would pull along Premier Circle and then go into the development.

Ms. Nedostup replied no. She said the bus would stop along Premier Circle.

Ms. Firehock said she worked on Premier Circle for three and a half years, and so every day during the week, she drove this road. She said because it is curved, when coming out of the other businesses, one does not see cars coming, and there are many near-collisions. She said she thinks this would actually be worse if a bus was coming around. She said she actually does not think that it is a very good idea to try to direct a bus around that road, as it is not built to County standards for width, there are sight line issues, and there are driveways where one cannot easily see people coming out.

Ms. Firehock said she would also make a quick comment on the playground idea for children. She said she thinks this is also very important. She said as the prior use was a motel, one would often find children playing in the street because they did not have anywhere else to play in Premier Circle. She said that besides the blind driveway problem, one also had to watch out for children. She said if they do not have a playground, this is where they will be again, and it is definitely a real safety concern.

Mr. Carrazana said he believed he was in sync with Ms. Firehock, and that his question had to do with the maintenance agreement. He said maintenance of the road was unknown, as Ms. Nedostup stated, and his question was if they know if there is any kind of maintenance agreement. He said this was going to lead to his point that if they do not know exactly the condition of the road or the maintenance around it, if it is a good idea to be proposing bus traffic through the road.

Mr. Carrazana said one question is that although they do not know the condition, he wants to know if there is a maintenance agreement for that road. He said his second question is if they do not understand the condition of the road or maintenance thereof, if it would make sense to be proposing bus traffic when they do not know what kind of mitigation might be needed.

Ms. Nedostup said that to answer the question about the maintenance agreement, there is a document that is very old and was included as one of the attachments in the staff report, but the maintenance is not spelled out to the standard to which that road would be maintained, and so this is part of the information staff requested from the applicant. She said the applicant may be able to better answer about what they expect and what they are working on as far as the road section and how that future maintenance might occur.

Ms. Nedostup said she would defer to Mr. Kevin McDermott, but she believes the bus stop can be evaluated as far as the adequacy of the road, and they can work with CAT or JAUNT on that. She said she was making note of this and that she was sure the applicant was making note as well.

Mr. Bivins asked Mr. McDermott if he wanted to respond.

Mr. McDermott replied that staff looked at the site where the applicant is proposing the bus stop to be located. He said currently, it appears there is enough site distance going both ways. He said there are no driveways directly across from it or near it on that site. He said it would likely only be going one way, and people would only catch a bus if it were heading southbound, so it would be going in that direction on Premier Circle. He said it looks like it would fit well.

Mr. Bivins asked Mr. McDermott if he wanted to say anything about crossing Route 29.

Mr. McDermott replied that he could add to what Ms. Nedostup had already described. He said staff did receive the traffic study that evaluated the potential for a crossing, and they have reviewed it. He said there is a median in the middle of Route 29 on the south side of the Branchlands intersection that would allow for a pedestrian refuge, so it could be done as a two-stage crossing, making it more viable.

Mr. McDermott said there would be some minor impacts to traffic on Route 29, perhaps up to a 10-second delay on northbound and southbound traffic, but it is fairly minor. He said if they can get a ped-activated signal there, that 10-second delay would only occur if a pedestrian actually pushed the button to cross, and they could cross in two stages. He said it would not have a major

impact on traffic all over.

Mr. McDermott said VDOT always has to review these, however, and especially because it is on Route 29. He said he is sure they will have a high bar for that. He said that as Ms. Nedostup mentioned, they will still need to continue to get evaluations from VDOT on this and see how this works. He said it is also a fairly expensive project to get that in because of the need for the pedestrian signals and the pedestrian refuge in the center. He said there is also no sidewalk on the Branchlands side of that that would take them down into the development, and so all of that would have to be put into one project. He said there would be quite a bit of an expense that staff has not identified funding for yet.

Mr. Bailey said he wanted to better understand the bus stop. He asked if with the proposed bus stop, it was presumed that there would be no pull-off area for the bus and that it would be stopping on the main Premier Circle road, as proposed.

Mr. McDermott replied that this is his understanding. He said he thinks the traffic volumes on Premier Circle would not warrant the need for a pull-off there. He said it is rare that a bus comes once every half-hour, and he does not think it is going to be something that causes traffic issues.

Mr. Clayborne said he had a question for Mr. McDermott, going back to the comment about the pedestrian crossing and project. He asked what would be defined as “expensive,” and if Mr. McDermott could give a range of a low end and high end.

Mr. McDermott replied that he could provide a very general idea but that obviously, they have not put any cost estimates to this. He said they are putting a pedestrian crossing across Avon Street right now with a refuge in the middle, and there is some additional sidewalk going on as well. He said that that project is around \$400,000. He said there is the likelihood that they will need to add some extra pulls on the proposed project, and the sidewalk would be a little longer, so his guess was that they would not get it done for under \$500,000, but it might be as much as \$1.5 million for a project like that.

Mr. Randolph asked if they were looking at this being a business going in, and there was a need for this crossing to be associated with it, if they would not be looking at a potential proffer. He said he understands that because the County is getting a wonderful number of affordable housing units provided at this site, they are waiving that, but he was asking procedurally if under normal circumstances with a for-profit enterprise going in, if they would be considering proffers here.

Mr. McDermott said he would try to respond to this, and Mr. Herrick, Ms. Nedostup, and Mr. Rapp could let him know if he was on the right track. He said if the applicant identified that their development was causing additional pedestrian traffic that would need that crossing, then it could be something that a proffer could be offered by.

Mr. Bart Svoboda said he believed Mr. McDermott was spot on, and he was sure Mr. Randolph would remember that they would accept what was offered to mitigate that impact as opposed to requesting something. He said he believed Mr. McDermott answered the question correctly.

Ms. Firehock said she wanted to point out to the Commission that walking from the current motel, it is a one-third mile walk door to door from that motel to Food Lion. She said it is a one mile walk from the door of that motel to the front door of Trader Joe’s. She said if VDOT is not amenable to adding another traffic light, it is not as if there are no other options to walk to a nearby grocery

store. She said there are, of course, many other businesses over at the mall.

Ms. Firehock said she would also note that even if they are successful in getting VDOT to agree to a traffic light, and even if there were a safe haven in the middle, she used to run across that road every week, several times a week. She said she stopped doing this after six months because she decided she wanted to live. She said she was only saying that cars do not behave well and that even with the light, they may have some red-light runners there. She said she was not sure VDOT would let them have a light so close to existing traffic lights both up and downstream of that location. She said her point was that there are other options in case they cannot get this to work. She said she would almost rather walk a mile to Trader Joe's than go across that traffic.

Mr. Bivins said there is a Lidl or an Aldi (which are owned by the same company) coming into what used to be called Shopper's World but is now called 29th Place, and so that may be helpful there.

Mr. Randolph said he had a comment to reinforce what Ms. Firehock said. He said additionally, VDOT will be mindful of the CDB, which has representation from downstate urban interests in Lynchburg and Danville, who are very aware of even two-second changes in the traffic through the Charlottesville/Albemarle/29 Corridor. He said he thinks it is wise to already be projecting a safer route going south on the west side of Route 29 than trying to proceed across.

Mr. Randolph said he feels the concern is that there is a need for signage to warn people of the danger of trying to sprint across, unless one happens to be Usain Bolt, who can make it across in three seconds per lane, which is six seconds for all of Route 29. He said the last time they talked about this on Route 29, an individual died a day or two afterward. He said mortality and morbidity on Route 29, at worst, is something for the Commission to be very much aware of. He said some kind of warning signs should be there if, in fact, VDOT determines that it is not viable to have a pedestrian crossway.

Mr. Bivins said he would like further exploration of a private street. He said he is struck at how this is a coalition of not-for-profits, all with wonderful missions, trying to keep in good stead a private street where presently, for-profit entities surrounding that street have not been able to keep it in good repair. He said being able to take whatever might be possible to invest to turn it into a public street, then have it accepted by VDOT, might take that budget piece off of them, depending on how difficult that is, and may also get them out of the negotiation with the other users, although it is limited use, given that most of Premier Circle seems to front on this project's side. He asked about there being some conversation on the option or, as mentioned, the exploration of perhaps moving to a public street there.

Mr. Bivins asked Ms. Nedostup if this is currently zoned Commercial, and if the Commission is being requested to move it to a different status that has residential and some other types of things. He asked her if she had a sense of what the loss of commercial would be on this particular project if it should be approved.

Ms. Nedostup replied that as far as square footage, she did not have a number on how much possible square footage could be on the site commercial-wise. She said she knows there has been concern raised about the loss of the land use designation within the master plan of the Office/R&D/Flex and Light Industrial to a residential use, namely. She said she did do an analysis. She said as the Commission knows, the Rio29 Small Area Plan was adopted in 2018 and with that adoption, the Office/R&D/Flex uses were added as a by-right use. She said this is 400 acres.

She said she calculated how many parcels were designated as this prior to that adoption, and there were approximately 40 acres. She said this was a net gain of 360 additional acres. She noted that the Light Industrial uses were by special exception within the Rio29 Small Area Plan.

Mr. Bivins said given they have hard boundaries within the County, every time they make one of these moves, they are actually reducing the inventory that they have to encourage economic development there since, for the most part, all of the economic development is happening in the Development Area and not happening in other places in the County. He said he wants the Commission to stay aware of the fact that every time they do this, they are having an impact on their ability to attract business there.

Mr. Bivins said the applicant mentioned that 60% of the units will be offered to be affordable. He asked if this is a situation where if they do not come within x number of days, that it can be released to the community. He asked if it is not going to be released to the community, if this particular project will work with Dr. Stacey Pethia.

Ms. Nedostup replied that she believed this was a good question for the applicant to answer. She said she would ask Dr. Pethia if she knows if the language is the same, and if they have the same timeline wherein it would go back to market.

Dr. Pethia replied that as far as she could remember, there would not be any for-sale units on the property. She said at the moment, they are all slated for rental, in which case they would need to be affordable for a minimum of 10 years. She said at least one phase will be utilizing low-income housing tax credits, which will put a 15-year to 30-year affordability period on those units.

Ms. Nedostup said she was able to quickly pull up the code of development, and there is a for-sale option within the code of development. She said it is the 120-day period. She said she believed others were 90 days, and so this was a little bit longer.

Mr. Bivins asked if the expectation was that the applicant would be working with Dr. Pethia.

Dr. Pethia replied that this was correct.

Mr. Bivins said he would ask the applicant to confirm this. He said he felt they were doing a lot of things, and that while this is about the joy of wanting the project to succeed, he also wants the project to be helpful to the residents of Albemarle County and the policies the County is working through, which was why he was asking some of his questions. He said he wanted to be clear to those listening that he was not trying to say that he was not supportive of the project. He said he was trying to figure out how the project aligns with some of the policies that the County is putting forward.

Mr. Bivins said his last question was perhaps, again, for the applicant to discuss. He said if he looks at the draft plan, there is a lot of surface parking there and very little greenspace, even when speaking to having a tot lot or some space there for people to bring their children to. He said he noticed there is a need or desire for gardens. He said although he is a gardener, he is not a big supporter of community gardens because as people change, the community gardens often run fallow.

Mr. Bivins said what he did notice is that there was not any greenspace or outdoor space for adults, and while he realizes there is a hope for exercise space inside, it would be nice if there is

a space that is green outside for people to be able to have some time outside away from structures, particularly if people continue to live in the kind of environment they are living in now. He asked if they are wedded to that much asphalt.

Ms. Nedostup replied that the applicant has outlined some numbers within the code of development, but the parking requirements would be at the site plan stage, and she would anticipate that the applicant would request a reduction because of the nature of the residences that would be there. She said there may be potential for some of that parking to be reduced to allow for future greenspace, depending on what the ultimate mix is.

Mr. Bivins said for the Albemarle High School piece, he would share that he is being told that high school may not be like it is today. He said they may actually see high schoolers spend more of their time doing remote learning for some classes and taking off some of the census pressure that they have been experiencing. He said those who have high schoolers or emerging high schoolers should consider that there may be a shift in the way high school changes because they are being very productive during this time.

Mr. Bivins opened the public hearing to hear from the applicant.

Mr. Rapp asked if they could pause, as staff was experiencing some technical difficulties.

[The hearing was paused for several minutes while the issues were being resolved.]

Ms. Lori Schweller, attorney with Williams Mullen, said she was representing the applicant. She said she would share her screen for a presentation.

Ms. Schweller said the applicant is requesting a rezoning from C1 to Neighborhood Model development for the redevelopment of the Red Carpet Inn property on Route 29 North to support supportive and affordable housing.

Ms. Schweller said the project proponents are Virginia Supportive Housing, Piedmont Housing Alliance, and the Thomas Jefferson Coalition for the Homeless. She said that by bringing these organizations together on one parcel, this project offers the opportunity for the organizations to share efficiencies and take advantage of opportunities, as they arise, to share supportive services.

Ms. Schweller said the project redevelopment team was attending on the call, including Ms. Whitney McDermott and Mr. Bruce Wardell from VRW Architects, and Mr. Craig Kotarski and Mr. Steve Schmitt (traffic engineer) from Timmons Group.

Ms. Schweller presented a map of the project location, on the west side of Route 29, highlighting the development in the area. She said the Red Carpet Inn has four buildings, with 115 hotel rooms, and the property is about 3.75 acres. She presented an aerial view of the property in the context of commercial being to the east and west, and with single-family development to the north.

Ms. Schweller said the project proposal is that VSH intends to develop 80 units of permanent supportive housing at 50% or lower AMI, and PHA intends to develop 60 primarily 1-bedroom and 2-bedroom units of affordable housing at 30-80% AMI. She said that during the development of the property, TJACH will use existing rooms as emergency shelter for clients experiencing homeless who have a high risk of development serious illness from COVID-19.

Ms. Schweller said as Ms. Nedostup explained, the property is designated in the Places29 Master Plan for Office/R&D/Flex and Light Industrial as its primary use, with residential as its secondary use. She said for that reason, they are proposing a mixed-use development in two blocks. She said Block 1 along Route 29 would have mixed-use or nonresidential development, and Block 2 would have the two residential developments for VSH and PHA. She said potentially, some of the PHA units could be on the second floor of a building on Block 1.

Ms. Schweller said the redevelopment concept is for VSH to develop an 80-unit, four-story building of supportive housing in the center as Phase 1. She said then, PHA would be developing a 40- to 60-unit, three- or four-story building in the rear of the parcel. She said the front would have the commercial or mixed-use building. She said during all of this development TJACH would be using existing hotel rooms as emergency shelter.

Ms. Schweller said in response to the staff report, the applicant wanted to clarify and simplify their square footage table. She said to summarize the changes, the maximum building footprint square footage for mixed use is 20,000 square feet, which is in line with the Comprehensive Plan. She said if a building happened to be retail only, then the maximum building footprint would be limited to 10,000 square feet. She said these numbers are consistent with the traffic impact analysis. She said the maximum gross nonresidential square footage corresponds to the maximum office flex use in the Comprehensive Plan.

Ms. Schweller said the affordable housing plan is that VSH would develop 80 studio units, and those would be 100% affordable and 100% rental for those making 50% or less AMI.

Ms. Schweller said PHA plans to develop up to 60 units, and it is possible that 40 of those could be in the building shown on the screen, and 20 units could be in the front building on Route 29. She said those are expected to be mostly one- and two-bedroom units, mostly for single adults and couples, with possibly up to 5% being three-bedroom. She said they are putting that at 30-80% AMI to give some flexibility on the type of funding that comes in.

Ms. Schweller said the Commission had seen the plan displayed on the screen for pedestrian and vehicular circulation within the project. She said sidewalks were shown, connecting all the buildings and amenity space, with a future potential bus stop in an indicated location. She said VSH will also provide lockers for bicycles and scooters, which are popular with the residents within the development, and the development will include bike racks.

Ms. Schweller said one of the changes in response to staff will be that the bus stop will be provided at the demand of the County.

Ms. Schweller said that to address Premier Circle, which is a private road, it was created when the lots were subdivided. She said there are seven lots, and Premier Circle serves those seven lots, which are currently five tax map parcels, with five owners using the road from the Waffle House down to the Red Carpet Inn. She said there is a recorded declaration that does provide for road maintenance by an association. She said there is one vote per lot, and by written agreement of 80% of the owners, that road could be upgraded. She said the applicant believes that insertion of new development along the road will make it more likely that the road would be improved.

Ms. Schweller said she would defer to Timmons to discuss the traffic and road condition, but she would say that this supportive housing for very low-income residents does generate far less traffic than conventional multifamily housing. She said this development is expected to house residents

who largely do not have private vehicles and would depend on public transportation.

Ms. Schweller said the property is within the JAUNT paratransit service area, so residents with disabilities who are unable to take public transit would have the ability to call JAUNT for transport directly door to door. She said that in addition, the Thomas Jefferson Planning District Commission has applied for grants from the Department of Rail and Transit that could fund improvements to the Route 29 Corridor, so this site could be transit-ready when bus lines are expanded, if they are expanded, to include this site. She said they will learn more about the extent of the funding and whether it has been funded in January 2021.

Ms. Schweller said the site has 20% greenspace and within it, 10% amenity space. She said this includes courtyards, gardens, and indoor community computer and fitness rooms. She said street trees and shrubs will be compliant with the Entrance Corridor Guidelines. She said the applicant has requested to substitute gardens in place of tot lots because they expected their residents to be primarily single adults and couples. She said at staff's recommendation, however, the applicant will build in a little more flexibility so that they can do tot lots and/or gardens. She said fortunately, those both require 2,000 square feet, so as development progresses, they can see what is more appropriate.

Ms. Schweller presented a slide showing the proposed changes that the applicant will introduce into their code of development so that a community garden or a tot lot might be developed in those locations. She indicated on the screen to some similar changes.

Ms. Schweller presented a picture showing how those buildings would fit together on the site. She said the Comprehensive Plan calls for a four-story maximum, and so the applicant is looking at four stories for the central VSH building. She said they are looking at four stories and three stories for the PHA building. She said currently, the front building they are proposing is two stories based on parking requirements, but since those could change, the code of development does permit this to be up to four stories.

Ms. Schweller said the site would be developed in phases. She said Phase 1 would be the construction of the Virginia Supportive Housing building, which was shown on the map on the screen in red, as well as the associated amenity areas. She said Phase 2 would be the PHA building and at that point, the applicant would need to provide the planted buffer in the back. She said the 50-foot setback includes a 20-foot buffer between the site and the single-family residential to the north. She said Phase 3 would be development of Block 1, with the mixed-use or nonresidential portion along Route 29.

Ms. Schweller presented a timeline of the phasing. She said the project is on a very pressing timeline based on LIHTC application deadlines. She said the applicant is actually seeking to rezone no later than February so that VSH can apply the March deadline for low-income housing tax credits, then go into construction beginning in 2023. She said PHA would file for its LIHTC application in March of 2023, for construction in 2024 to 2025. She said TJACH will be able to use existing hotel rooms immediately, throughout Phase 1, and possibly Phase 2 as the new buildings replace the old ones.

Ms. Schweller said this was the core of the applicant's presentation and that they had more slides to help answer questions regarding the TIA that the Timmons Group did, as well as other transportation-related issues and other questions that the Commission may have.

Ms. More said she had several questions, but she wanted to start with her first question, then let it go and let other people ask questions before coming back. She apologized for not understanding, and asked if people are currently living there on the site as a part of an emergency housing program.

Ms. Schweller replied that currently, the property is operated as a hotel, and so the answer right now was no.

Ms. More said she was confused about the wording as far as if there was some sort of access to hotel rooms on an emergency basis for people in jeopardy or who are experiencing homeless, particularly during this time, and so she was having trouble with this piece. She said she was trying to wrestle with the pedestrian safety questions they were asking themselves about some sort of permanency on this site, and so she was wondering about this for the people who may be there currently.

Ms. More said she believed this was what she was wrestling with the most – that if people are living there now through some program or in cooperation with the hotel as a way to avoid being homeless, if they are at risk already to having the dangerous crossing across Route 29. She asked if there is signage that needs to be put up to prevent that, or anything that needed to be done right now. She said her biggest question had been about the current use.

Ms. More said she did have a question about the services that would be delivered onsite and how they would connect people with services. She said there is a portion of staff's report that talks about connections with services, benefits, and employment opportunities. She said there is mention of someone that is onsite during the day, and onsite at night, and she wanted to know if this was in the capacity of a property management person or someone who is there to provide service delivery.

Ms. Schweller replied that she was glad Ms. More asked those questions because she had failed to mention during the presentation that the applicant actually had representatives of each one of the organizations who would speak to the Commission as soon as the public comment period starts. She said they will be able to talk about what they are planning in a more fulsome way and talk about what is happening now, segueing into what the applicant is proposing. She said she would prefer to defer to them, as they will do a good job of describing services and how they interact.

Mr. Bivins asked if those questions could be contained, and if they could open up what Ms. Schweller's presentation was before going to the public, if there were members of the public there.

Ms. More said her biggest question was if there were people living there on the site now that might be making a dangerous crossing. She said they not only could be talking about this in the future, but they could be talking about it right now.

Ms. More said she also agrees with Ms. Firehock that there are other alternatives, but they do need to be mindful that just like at other places on Route 29, people will try to cross. She said it was not limited to this spot, and even though they do not want to encourage that, there are many places where she sees people making a dangerous crossing because it is the most direct path. She said she thinks they need to be safe and keep that in mind, and they need to encourage other alternatives. She said to her, it is not a dealbreaker for all of this.

Ms. More said as Mr. Bivins said, she did have some questions about the delivery of services, but they will let those be answered in the public comment part.

Mr. Randolph said his question was about the community gardens that the Chair referenced earlier, and the courtyard meditative garden as well. He asked what the applicant's plan is for the maintenance of both of these, and how the maintenance will be paid for on an annual basis.

Ms. Schweller replied that she was sure the applicant would have more to say to that question, but the plan is that this property will actually be subdivided and owned by the individual organizations. She said these are rental projects, so they would be responsible for maintaining all of those outdoor amenities on their own parcels.

Ms. Schweller said that in terms of budget, she did not have any answers about that right now, but perhaps the organizations could offer some foresight when they get to that point.

Ms. Firehock said she had had the same line of questioning as Mr. Randolph. She said she has seen a lot of developments propose community gardens, and they need someone to be a garden manager. She said they cannot just say, "Here is a lot, have at it." She said the other thing she wanted to note is that she does not think they switch back and forth quite as easily. She said she does not know how the properties are being divided up against different nonprofit providers, but they cannot just flip-flop from garden to child play area. She said it needs to be one or the other, and she still thinks that they need a place for children to play.

Ms. Firehock said that to Ms. More's earlier comment, she did not know the personal stories of all the people living there, but she drove by them five days a week for three and a half years, and there were a lot of children there and people who seemed to be living there because they were in a situation where they could not find anywhere else to live. She said they were using the hotel as what she would call "last-resort housing." She said she thinks this needs to be considered and that they cannot just call it either/or. She said they need to have specific spaces for each, and if the applicant wanted to comment, that was fine, or they could wait to hear more from the individuals who are involved in the management of this complex undertaking.

Ms. Schweller said the applicant certainly wants to provide the right amenity for the residents. She said that based on her conversations with the current property owner and her own observations of the site, it is currently operating more of a long-term transient housing or extended-stay housing, and so there is more of a homey feel. She said if there were children there now, she would not be surprised.

Mr. Bivins opened the hearing to public comment.

Ms. Ebonie Bugg said she represents the Charlottesville Area Community Foundation. She said she wanted to pause, as she knew that a number of her colleagues who are partners on the project may actually want to go before her so that they can speak to some of the Commission's questions. She asked if it was possible to call on her after Ms. Julie Anderson, Mr. Sunshine Mathon, or other partners there could speak.

Ms. Schaffer replied that this was fine, and she would let Ms. Anderson go.

Mr. Anthony Harrow asked if he could actually go first. He said he was not able to raise his hand, as he was in presenter mode, and asked if he could speak.

Ms. Schaffer asked him to proceed.

Mr. Anthony Harrow asked if he could be allowed to share his presentation. He introduced himself as the Executive Director for the Thomas Jefferson Area Coalition for the Homeless. He said he was there to speak to this unique project in support of meeting many critical needs the community currently faces, and he was focusing on a few that address homelessness-related issues.

Mr. Harrow said ending homelessness was always a public health response, but this fact has been highlighted during the pandemic. He said keeping people in safe, private rooms helps keep them safe from COVID-19. He said it also helps keep the community at large safe from COVID-19 by eliminating spread.

Mr. Harrow said the University of Washington recently released a report about using hotels as a shelter during COVID-19, which the applicant will plan to do on the site, as was discussed.

Mr. Harrow said there were a number of key findings that the applicant felt locally as well. He said guests felt increased feelings of stability, improved health and wellbeing, reduced interpersonal conflict, decrease in 911 call volume, and more time in general to think about next steps and future goals. He said another key finding was higher exits to permanent housing, although they have not seen this quite yet because of the lack of affordable housing in the community, but all the other key findings in the report validate what has been seen locally as well – that using hotels as shelter during the pandemic has seen many positive outcomes.

Mr. Harrow said the other thing this project addresses is chronic homelessness. He said people who are chronically homeless have been homeless for a long time, with health conditions. He said they have seen in the community that when The Crossings opened in Downtown Charlottesville, in the two years that followed, chronic homelessness dropped by half. He said there is clear, local evidence that this works – that the VSH's project, The Crossings, worked to decrease chronic homeless by half, which is amazing. He said that since then, as seen on the line graph he presented on the screen, that it has been flat, and so another project is needed to get them raked to the threshold of functionally ending chronic homelessness in Charlottesville.

Mr. Harrow said it is also a good investment, locally. He said in addition to having a positive impact on people's lives who live in the project, over three years in their current model of renting from local hotels as opposed to this model of having it owned, they would save about \$1.5 million (or 42%) moving to this type of model where it is owned as opposed to renting. He said it is a cost savings.

Mr. Harrow said additionally, VSH has found that in other permanent supportive housing projects, they have seen a 71% decrease in [inaudible]. He concluded his presentation as his allotted time had expired.

Ms. Julie Anderson (4115 [inaudible] Avenue, Richmond, VA 23221) said she was representing Virginia Supportive Housing (VSH). She said VSH is a nonprofit formed in 1988 with the mission to end homelessness. She said they work along the I-64 Corridor, from Charlottesville to Virginia Beach. She said one of the ways they meet the mission of ending homelessness is by developing affordable housing like The Crossings at 4th and Preston in Charlottesville.

Ms. Anderson said Premier Circle will be VSH's second permanent supportive housing

development in the Charlottesville region. She said these apartments will include 80 studio apartment units with kitchens and bathrooms. She said the units will be fully furnished, and the building will also include a community room, patio space, a computer room, and exercise room. She said units will be available for individuals earning 50% or less of the Area Median Income (AMI).

Ms. Anderson said permanent supportive housing is like a regular apartment in that residents' sign leases and can have their own apartment, but supportive services are provided onsite to help residents access the services they need in order to maintain housing.

Ms. Anderson said VSH's supportive services staff assist residents with accessing mainstream community services and resources, engage residents in activities that promote a consistent and safe housing environment, collaborate with property management to prevent lease violations and delinquency, help individuals resolve life issues and manage their mental health. She said supportive services staff work with residents to ensure a strong sense of social connectedness both within the building as well as in the community. She said services staff provide support for employment, education, and vocational endeavors as well as transition planning as residents are ready to move on to their next choice of housing.

Ms. Anderson said the building will also have onsite property management including an assistant property manager, a desk clerk, and maintenance staff. She said the front desk is staffed 16 hours a day, and a night monitor is on call in the evenings.

Ms. Anderson said VSH is excited to be a part of this development and effectively ending chronic homelessness in the region. She said permanent supportive housing works, and that over 96% of their residents do not return to homelessness.

Ms. Anderson said that as far as the budget concern that Mr. Randolph brought up, for the maintenance and operating budget, these properties are self-supporting from the rental income.

Mr. Chris Hawk, Piedmont Environmental Council (PEC), said that for nearly 50 years, PEC has championed smart land use and conversation. He said PEC recognizes that the vitality of towns and cities and the health of the environment are closely linked. He said they bring rural, suburban, and urban interests together to plan for the region's future.

Mr. Hawk said that by encouraging investment in attractive, livable, urban growth areas, they relieve pressures on the Rural Area. He said they abdicate for growth where it makes sense, reducing the number of miles that people drive in order to reduce fuel consumption, greenhouse gas emissions, air pollution, and traffic.

Mr. Hawk said PEC supports low-income housing in the urban areas that provide housing in areas located in close proximity to jobs and everyday services, resulting in lower transportation costs for residents and reduced greenhouse gas emissions.

Mr. Hawk said PEC agrees with the staff recommendations, and they highlight staff's concerns related to two subjects: private roads and adequate pedestrian facilities. He said private roads should be avoided, as they could cause significant fiscal impacts to future property owners and residents. He said especially with low-income housing being involved, this is a very important point.

Mr. Hawk said PEC recommends that the County require the interior roads be built to the appropriate standards for incorporation into the public network. He said if this is not possible, due to the 80% concurrence requirement in the road maintenance agreement, PEC recommends denial.

Mr. Hawk said adequate pedestrian facilities are not available for future residents and property users to safely cross Route 29 in this application. He said given the proposed commercial and residential density of this project, PEC recommends that the County seek proposals that incorporate pedestrian facilities across and along Route 29. He said in order for this proposed Neighborhood Model District, as well as other future projects, to have the appropriate pedestrian connectivity to the County's urban area, it is paramount that pedestrian facilities be included in this proposal.

Mr. Hawk said the Places29 Master Plan highlights 12 principles for both redevelopment and new development in the master plan area, and the first three principles are pedestrian orientation, neighborhood-friendly streets and paths, interconnected streets, and transportation network.

Mr. Hawk said that in the recent presentation, "No One is Expendable," Angie Schmitt detailed the findings of her book, *Right of Way*, written to address pedestrian deaths in American related to race and class disparities. He said her book and associated research highlighted multiple case studies throughout the United States, detailing the impacts of limited pedestrian facilities on minority and low-income populations. He said many of the cases she describes bear an uncanny likeness to 29 North, and especially this area.

Mr. Hawk said low-income housing is integral to creating the vibrant community envisioned in Places29. He asked the Commission to please take into consideration the need for the streets to be safe and built to an appropriate standard for all residents. He thanked the Commission for taking the time to listen to PEC's comments and for considering their recommendation regarding incorporation of public road standards and pedestrian facilities associated with this rezoning.

Mr. Sunshine Mathon, Executive Director of Piedmont Housing Alliance (PHA) said he is also a resident of Albemarle County, living in the Rio District. He said he would keep his comments short. He said he wanted to thank both Mr. Harrow and Ms. Anderson for sharing some basic details around the overall redevelopment. He said what he would like to highlight in particular is that this is actually a moment in time. He said it is an extraordinary opportunity and a collaboration of multiple nonprofit partners all striving to make increased impacts overall.

Mr. Mathon said in his experience, the last 8-9 months was one of the very few silver linings he has seen under the COVID-19 era, which is essentially that across the nation, organizations like TJACH (headed by Mr. Harrow) have pivoted rapidly to get people who are experiencing homelessness off the street in much safer conditions, in individual hotel rooms.

Mr. Mathon said pre-COVID, the possibility of effectively ending homelessness, or at least people living on the street, was still a dream, in many ways. He said the silver lining of COVID is that it has actually galvanized work to make this possible.

Mr. Mathon said a second piece of this is that the opportunity to develop a motel into permanent supportive housing is a best practice across the United States. He said that in his past work in Austin, Texas, he participated in similar endeavors multiple times, and it is commonly used across the nation as a way to rapidly develop and address homelessness issues by providing permanent,

supportive, safe, and vibrant housing.

Mr. Mathon said he wanted to highlight that this truly is a moment in time. He said the fact that these organizations are coming together under a common vision and purpose is highly reflective of the desire of the community as a whole to increase the level of impact and collaboration so that they can effectively end homelessness in the region and provide additional affordable housing that is critically needed for people across the spectrum.

Ms. Ebonie Bugg (1113 Cottonwood Road, 22901) said she was representing the Charlottesville Area Community Foundation and herself, as a resident of Albemarle County. She noted that their entire staff and board are in support of this project and are poised to make a \$4.7 million investment in this development to support both short-term and long-term plans to address chronic homelessness in the community.

Ms. Bugg said it is important to note that this development would mark an extraordinary improvement on the current status of the development in that particular area on Premier Circle while solving one of the most essential issues of this time.

Ms. Bugg said she wanted to note that homelessness in particular during a global pandemic is a public health crisis in addition to a basic human right. She said they are at a unique moment and can provide safe and stable housing for people in the interim as well as long-term supportive housing and services to help them navigate the world.

Ms. Bugg said that as a County resident, she does concur with the comments and some of the concerns made related to the pedestrian crossing and rights-of-way. She said at the Foundation, they are also supporters of PEC and recognize the work they are doing. She said they do not necessarily feel, however, that this development should bear the full brunt of the pedestrian needs and, as a resident, she believes the County can work with these nonprofit entities to ensure that municipal funding and support can be used to support the infrastructure that is needed to make this a success.

Ms. Bugg said that as a social worker providing clinical services in the area, she cannot underestimate the intersection of housing stability and its impact on stress and wellbeing across the lifespan.

Ms. Bugg said finally, as an individual who has experienced homelessness, she cannot understate the importance of this project and what this means to individuals who are most vulnerable in the community.

Mr. Bivins closed the public hearing and asked the Commission if there were questions for the applicant.

Mr. Bailey said he wanted to follow up on the additional information that was provided by Mr. Harrow and Ms. Anderson. He said Ms. Anderson mentioned that there was maintenance in the operating budget, and he wanted to understand whether this operating budget includes maintenance for their portion of the private road.

Mr. Bivins asked Ms. Schweller if she wanted to handle this question on behalf of her clients.

Ms. Schweller replied that she did not know the answer.

Mr. Bivins noted there were three partners in attendance and that he could only see one of them.

Ms. Schweller said she would need to defer to Ms. Anderson on that question, but she did not see her.

Mr. Bivins said he did not see Ms. Anderson, either.

Mr. Bailey said he could complete the second part of his question, which was related. He said Mr. Harrow mentioned that this was expected to save \$1.75 million per year, and his question was if this savings factor was set aside for the operating budget, or if this was before the incorporation of the operating budget, road maintenance, and other associated items.

Mr. Harrow replied that this number is about what they are paying right now to shelter vulnerable people in hotels because of this pandemic. He said those costs are projected over three years versus the operating costs, should this project move forward, to use the existing hotel rooms at Red Carpet Inn. He said those costs over three years would save about 42%, and those costs included maintenance of the property (but not maintenance of the road, which was not included as part of that figure).

Ms. Schaffer said Ms. Anderson was available to answer the question.

Ms. Anderson replied that they have not currently included costs for the maintenance of the private road, but it is definitely something they will look into and consider.

Mr. Clayborne said his question was more for the program of the nonresidential spaces. He asked, in light of the conversations about crossing the road, if there has been any consideration of perhaps some of the nonresidential programmatic space being a market or someplace where residents can grab some needed staples without having to cross the street.

Ms. Schweller replied that Mr. Andy Miller from PHA is looking into a number of different options with nonprofit organizations and others. She said he was on the call and could elaborate, and that those conversations are ongoing. She said she did not know if this was one that Mr. Miller had looked into.

Mr. Miller said he would first ask a clarifying question. He asked Mr. Clayborne if he was referring to the amenities that are within the apartment buildings, or if he was referring to the commercial space on Block 1.

Mr. Clayborne replied that he believed it was the commercial space facing Route 29.

Mr. Miller said there has been some preliminary conversations. He said ideally, what they have looked at is talking to partner organizations or other nonprofits that might utilize that space for either office space or other uses that would essentially work well with the overall development. He said as far as the particular use that Mr. Clayborne mentioned, they have not had that discussion because it has not been brought up in the conversations they have had. He said those conversations have been very early in the process just because that parcel is not positioned to be developed for another 2-3 years, at this point. He said they have some time to look into that, and so this is one thing they could look into as well.

Mr. Keller said he had a question about the homelessness and, given the timeline they have seen, how many years the applicant anticipates there being some portion of Red Roof Inn available for homelessness and, after that removal (if this is a successful project, and they have the other components), if there will still be a homeless component on this site.

Mr. Harrow replied that for clarification, he believed Mr. Keller meant Red Carpet Inn. He said there is also a Red Roof that is local.

Mr. Keller said he meant Red Carpet Inn.

Mr. Harrow said they anticipate using it for as long as they can. He said in the phasing, immediately into Phase 1 and potentially into Phase 2, they talked about how the number of rooms they will have access to because of the development will decrease as they move through the different phases. He said they are looking at other potential for this site as well as for that other plot to potentially have some level of addressing homelessness. He said right now, the sheltering for Phase 1 and into Phase 2 is the use for emergency shelter.

Mr. Harrow said obviously, the permanent supportive housing development by VSH addresses chronic homelessness directly, as does affordable housing across both developments (PHA and VSH). He said this is what they hope to do with all the people they are working with who are experiencing homelessness by providing them an opportunity to move into the housing. He said the biggest limiting factor right now is available units in the community for them to help people move out of homelessness. He said the whole project addresses homelessness because it is providing opportunities for affordable housing, but shelter will end after those phases.

Mr. Keller said those who are aware of VSH and have had an opportunity to follow The Crossings in Charlottesville have been quite impressed with the continuum. He said he understands this, but he was trying to get a sense of the timeline. He asked if they were talking 3-5 years for some use of that.

Mr. Harrow replied yes.

Mr. Keller said then, if they have been successful in securing another facility like this, as they showed the data and they were all aware of the data of the positive use of retrofitting hotels and motels for this sort of thing, they would have to go back to their rental model at the end of this. He asked if this is what they could conclude.

Mr. Harrow replied that there are a lot of things up in the air with COVID. He said there is a vaccine, but they also do not know what that is going to look like, moving into the future, in terms of spread still occurring in the community. He said they are preparing for needing to shelter in private rooms for the foreseeable future, and so at the end of the 3-5 years, homelessness will look drastically different. He said this project will drastically change how the system works for the better.

Mr. Harrow said there will always be a need for emergency shelter for people who fall into homelessness in the community. He said their goal is to get people back into housing quickly so that they do not have to stay in an emergency shelter for more than 30 days. He said they will still need emergency shelter, and there still is the Salvation Army, which offers year-round emergency shelter. He said they also have other options for shelter through [inaudible] for seasonal shelter, and those needs will likely still continue, but they will definitely be drastically different as a result

of having these new units in the community.

Mr. Bivins said they heard that VSH is going to have permanent accessible units, but they were not told whether or not the 40-60 PHA units would be permanently accessible and if so, if PHA will be working with Dr. Pethia to screen or identify individuals to move into them.

Mr. Andy Miller, Real Estate Development Director for Piedmont Housing Alliance, said if he understood the question correctly, Mr. Bivins was essentially asking what percentage of the PHA units would be affordable and for how long. He asked if this was the crux of the question or if Mr. Bivins was asking about accessibility.

Mr. Bivins said this was it. He asked who PHA will be working with, as a developer, to fill those.

Mr. Miller replied that in terms of the affordable, just like VSH, PHA will be looking to utilize low-income housing tax credits for all 60 of their units, which brings with it 15-year and 30-year requirements for affordability. He said they would be working with Dr. Pethia on those units.

Mr. Miller said that in terms of accessibility, the project would have elevators, and so they would have a number of accessible units throughout the project.

Mr. Bivins said there was a comment that there may be units on the second floor of the building in Block 1.

Ms. Schweller replied that this was right. She said it is possible that up to 20 of the residential units could be in Block 1, which is the block facing Route 29.

Mr. Bivins said that this then would not be a full commercial space.

Ms. Schweller replied that the block could be mixed use, but it could be completely nonresidential.

Mr. Bivins asked if this was to be determined.

Ms. Schweller replied yes.

Mr. Bivins closed the public hearing and brought it back to the Commission for a recommendation.

Mr. Keller said he had a question for staff if Mr. McDermott was still present.

Mr. McDermott noted his presence.

Mr. Keller said this would be an unfair question, but he would ask Mr. McDermott to delve into his experience. He said often, projects start with private streets, and they are then gifted to the County. He asked Mr. McDermott if he could put a guesstimate range on what it would cost to bring the full length of the street, as well as the portion of the street that is adjacent to this parcel, up to VDOT standards.

Mr. McDermott replied that he could not make an estimate on that. He said staff has requested a conditions assessment of the road from the applicant, and staff does not know what this is built like. He said he did not know if this would simply take a resurfacing or if it would take getting into subgrade to bring it up to VDOT standards. He said the costs for these types of things are wildly

different, as paving would be \$10,000, but if they have to rip out the road and rebuilt it from the beginning, then it is a matter of hundreds of thousands of dollars. He said staff hopes to have that information about the condition of the road from the applicant, but they do not have it at this time.

Mr. Keller said he assumed the other component of this is that there are multiple property owners along that, and there has to be agreement amongst them for those changes as well.

Mr. McDermott said this is correct. He said typically, if a private road were to be brought into the public system, the people who currently own that road would work together to fund that. He said this is how it has been done in the past.

Mr. Keller asked Mr. McDermott if he could not give, out of the books, the cost per linear foot of that resurfacing versus a completely new road with base and curb-and-gutter sidewalks would be so that they could do a multiplication to have a very, very general ballpark.

Mr. Randolph pointed out that it was still a compounding variable for Mr. McDermott.

Mr. McDermott said there is an engineer on the call from the applicant, and he may be able to provide a closer estimate than he himself would be able to make. He asked if Mr. Craig Kotarski from Timmons Group could provide a guess.

Mr. Keller said he would like to hear that.

Mr. Bivins said this was a situation where they were making an exception because of staff's handoff of the question.

Mr. Craig Kotarski with the civil engineering firm Timmons Group said the best answer to that question is that it would depend on what they would have to do. He said as far as what they have done and looked at at this point, they have seen that there is more of a thickness of asphalt. He said when thinking about a road, it is asphalt over stone, with a stone base and then asphalt over top of it. He said the thickness of the asphalt is where the primary strength comes from.

Mr. Kotarski said there is somewhere in the neighborhood of 3.5 inches to 4 inches of asphalt over stone, from what they have seen. He said this is not really what they would see for a VDOT road, but he thinks that more troubling from a VDOT acceptance is actually much of the geometry that is a part of this road, and he believed Ms. Firehock described that from her previous experience.

Mr. Kotarski said he would answer Mr. Keller's question on a cost estimate, but one thing that was important to note is that the use they are looking at is actually a significant reduction in what could be developed by right from a traffic and transportation perspective. He said a few years ago, his group actually filed a site plan for a Lidl on this site. He said the subject application is showing about 30% of the traffic being generated versus that by-right grocery store.

Mr. Kotarski said another thing he would note is that there is not good data for an affordable housing development such as this. He said when he says it is 30% of the Lidl, this is actually assuming market-rate apartments because they do not have good data. He said more so, what they have had in conversations with PHA and the other applicants there is that they think this number is probably even lower – probably about 20%, if not lower.

Mr. Kotarski said if one were to go through, tear out all the asphalt, and repave and build to standards, they are easily looking at \$500,000, and probably north of that when they start getting into curb and gutter, drainage impacts, stormwater quality and quantity improvements, and street trees.

Mr. Keller said he appreciated the information.

Mr. Bivins said the Commissioners were now talking among themselves, hopefully walking towards a decision on this particular matter.

Mr. Keller said he thinks the Commissioners, given where they have been on other things, are very positively inclined towards what this project is trying to achieve. He said they have outlined a number of significant issues in terms of the site plan and its lack of significant open space, the road, and the pedestrian access across Route 29. He said perhaps there were others, but those three issues stood out in his notes as he has been thinking about this.

Mr. Keller said they have been given a figure for the crossing and for the road reworking, if these are possible. He said he thinks they have to look, in light of what they were just doing last week with the Supervisors, at the work that so many staff and community members as well as appointed and elected officials to think about affordable housing and decide whether this, as the Chair has said from the dais a number of times, is a point where the County or nonprofits other than the housing nonprofits involved in the project are willing to put some dollars in the bucket to make this be the kind of project that they would all like it to be.

Mr. Keller said this is where he finds himself. He said it seems to him that the streets should be brought to standard and that there should be some significant thought about pedestrian access across Route 29. He said in terms of the applicant, there should be some more serious thought as to how open space is going to work on this site plan other than just building footprints.

Mr. Clayborne said he agreed with the staff report. He said regarding the issue about crossing Route 29, he thinks this is a long-term issue as well. He said he recalled the Commission having the same conversation at a form-based code work session, and so this was not anything that would be going away anytime soon. He said where he is with this project is that he loves it and thinks it is a beautiful collaboration. He said to him, out of all the work sessions the Commission has sat through, these projects that have this kind of community impact are what he gets out of bed for as a Planning Commissioner. He mentioned affordable housing and ending homelessness as a development. He said he was in a position to enthusiastically support this to move forward.

Ms. Firehock said she also supports this project. She reiterated that she does not think they should hang their hats on trying to get across Route 29. She said at the Chair's suggestion, she did look up how far it would be to get to the next mall up the road (Shopper's World), and it is one-half mile. She said this is walkable with a grocery cart or a backpack. She said she would be more interested in looking at options for a shuttle that would take people to different places before she would spend money on trying to get across Route 29. She said she did not want to even encourage that at that location.

Ms. Firehock said she used to have her office overlook the road at that exact spot, and she saw multiple car crashes there every month. She said others could look up the accident data themselves, but there were many fender benders and many incidents that were probably never even recorded. She said people are driving very fast through there.

Ms. Firehock said she wanted to go back to the open space question. She said she thinks the Commission should follow staff's recommendation for a park that is usable as a park. She said the applicant mentioned tot lots, but she was not necessarily suggesting a tot lot with many jungle gyms. She said that as the population changes on the site, if there happens to be more children at one point, more teenagers, or more adults, it should be a site that is flexible and can be used by different audiences. She said it is important to get outside.

Ms. Firehock said in her experience, she was there every day, and she would see people trying to bring chairs out of their motel rooms to try to find a place to sit outside and enjoy the day. She said people need a space to congregate outside, and especially when living in a motel room where there are no balconies or other ways to be outside. She said she would like the Commission to follow staff's recommendation on the request for an actual park space or several park spaces.

Ms. More said she agreed with what others had said, and that she believed Ms. Firehock wrapped up the point she wanted to make about not pushing the notion about having to cross Route 29. She said she thinks there are other alternatives that are safer. She said to the point that they have raised concerns; staff has addressed it in their report. She said she would guess that most of the Commissioners would support this project enthusiastically, and their line of questioning has been only to provide feedback and protection for those involved about what might be out there as far as financial responsibility. She said she does hope that other resources in the County can play a part in some of the financing and that other nonprofits could step up to bridge the financial gaps.

Ms. More said she does support the project and definitely agrees that she would rather see money go into other types of things than a crossing across Route 29. She said she did agree with what Mr. Randolph and Ms. Firehock said that there should be cautionary tales, as there are for many places along Route 29 for those who choose to cross, and they encourage people not to do that.

Mr. Randolph said he is overwhelmingly enthusiastic about the project both conceptually and organizationally. He said he is concerned, however, about the potential tragedy of the commons for the greenspace and for the gardens and meditation garden proposed. He said the tragedy of the commons is that through collective action of all three of these organizations committed to a public service mission of meeting the needs of their residents and the people they serve, over time, the resources that are there (which are green and to be shared in commons with one another) will be devalued or depleted with time.

Mr. Randolph said that at the Board level, he would like to see some proposal here and how to address that, through a collective organization like a homeowners association where all the businesses that are here in this location pay in on an annual basis to maintain the greenspace that will be utilized by all. He said otherwise, he does worry that over time, the greenspace will become degraded and will not be the quality space that everyone is hoping for and that he thinks all the residents in this facility deserve to have.

Mr. Bailey said he appreciates Mr. Keller's exhortation on, as they have just had the recent joint meeting with the Board of Supervisors, thinking about where the County can step up and support what he thinks is a very innovative plan to address chronic homelessness that these three organizations have put together. He said he does appreciate this and is in favor of it.

Mr. Bailey said he would not restate everything he heard, but he thinks it has been well covered, and in addition to what has been stated by fellow Commissioners, having a plan about how

maintenance for the road will be done and an operating budget, in addition to the greenspaces that Mr. Randolph just mentioned, should be something that the applicant should be able to speak to as it is brought in front of the Board until the County knows how they are going to do it, as it is a private road, specifically before the portion that directly abuts the properties.

Mr. Bailey said another thing that he would caution that although they are not encouraging people to cross Route 29, in terms of putting up signage, directly across Route 29 is Food Lion, Big Lots, and other very attractive places to go both for young children as well as adults. He said he thinks that in not losing sight of that and figuring out how they are going to address this, and with part of it being an education component by the nonprofits or through a shuttle, that the community of these nonprofits can help with either facilitating the movement across Route 29 or helping to educate the relevant citizens of this area on how they can move safely through the area.

Mr. Bivins asked Mr. Bailey if he then also supports the project.

Mr. Bailey replied yes.

Mr. Bivins said he would be clear that he actually supports the elements of the project, but he has struggled with the location of the project. He said he wanted to be very clear about what he was saying. He said the collaboration, goal, and strategy is brilliant. He said he would be more excited about a different location, as he thinks there are many complications, and so he would prefer a different location. He said it has nothing to do with the collaboration or goal, but it does have to do with the whole idea of shifting a prime commercial space to a space that, as he has learned, will be predominantly engaged in residential.

Mr. Bivins said that even with the absolute top-notch and most honorable of residential projects, it is something that he is struggling with. He said he struggles with it, given the County's hard lines on what they consider to be development and non-development space in the County, and so he needed to say that, and needed to say it in a way so that people hear him say that he is not against the project. He said he has struggled with the location of this project, however, and he wants to have his comment noted because perhaps the people who this will go to will have another idea about this.

Mr. Bivins said he thinks everyone has raised some important issues that the Supervisors will hopefully embrace about whether or not this is a type of project they feel they want to engage with further, but this is not for the Commission to suggest to then allocate things the way the Board does. He said what the Commission is doing is suggesting that this is an idea which is worthy.

Mr. Bivins said he supports the project, too, and given that this particular ZMA is what they have before them, this is what he has to work with. He said he cannot work with another piece of land, and he has to work with this one. He said he would be supporting this activity on this piece of land, but his preference would be that it was on a different piece of land that did not have as much infrastructure to invest in. He said his preference was that it would sit in an area that hit most of the Neighborhood Model a lot easier and would integrate with pedestrian facilities and different types of housing.

Mr. Bivins said that as far as the Commissioners who typically have issues around having only one type of housing, this is an exception they will need to deal with in terms of if they are okay with just one housing type. He said staff has recommended that there are different housing types around, which is helpful. He said many Commissioners have been uneasy about letting projects

go that only have one housing type on it, and so they will speak to this when they get to the exception.

Mr. Bivins said he would allow a Commissioner to make a motion, if they were so inclined.

Ms. Nedostup said she had prepared motions to be used, or they could be modified in terms of the conditions.

Mr. Bivins asked Ms. Nedostup to present those on the screen.

Ms. Nedostup said what she put together was with the four changes (which she could go back to), she outlined in the staff report that if the Commission wants to make changes to those changes, they are welcome to include those in the motion as well.

Mr. Bivins asked Ms. Nedostup if she could back up to that page.

Ms. Nedostup said what she had heard that evening from a couple of Commissioners is that the open space and greenspace needs to be addressed, recreation, and allowing more flexibility to change over time and the maintenance of those areas. She said the road, Premier Circle, was mentioned as far as the maintenance, adequacy, and standard of that road. She said there were two different things mentioned regarding the pedestrian access. She said a couple of Commissioners talked about not hanging their hats on the crossing and that it should be for the future. She said another couple want this to be considered, moving forward, and for this concern to be addressed.

Ms. Nedostup said these were the items she listed in the conditions in addition to the minor changes she had mentioned in her presentation and report on the bus stop and the maximum square footage.

Mr. Bivins asked if anyone was ready to move with these recommended changes.

Ms. Nedostup asked if Mr. Bivins wanted her to put up the motion or the changes.

Mr. Bivins asked for the motion.

Mr. Bailey said he had one quick question to be sure he was understanding correctly Point #2, where they had talked about kids, but there were additional questions about being more flexible. He asked if they were stating that they are suggesting a requirement for a dedicated "tot lot."

Ms. Nedostup replied no. She said currently, there are a number of amenities listed within the code of development, one of which is not a playground or play space for children. She said she recommended that this be added to the code of development to allow that flexibility so that they can provide those amenities they outlined in the code of development, or a play area. She said this was one thing she felt was missing from the list, but if the Commission thinks that another one should be added, then this was up to them to include that, but this is one that staff had identified.

Mr. Bailey said with this clarification, he wanted to make a motion.

Mr. Bailey moved to recommend approval of ZMA202000011 Premier Circle for the reasons

stated in the staff report and with the changes recommended by staff, outlined in the staff report, to be addressed prior to the Board of Supervisors public hearing.

Mr. Keller seconded the motion, which carried unanimously (7-0).

Mr. Bivins addressed Ms. Schweller, noting that she heard the Commission and that no one should take away from this that the Commission is not pleased and supportive, but there are a number of questions that they believe would be helpful for her and her clients to be able to be actively engaged in responding to when they go before the Supervisors. He thanked the applicant for bringing such an interesting project before the Commission.

Ms. Schweller thanked the Commission, noting that the applicant appreciated all their well-thought-out comments, and the applicant would certainly work on those before the Board hearing.

Mr. Herrick noted that before moving on, they needed to deal with the special exception request.

Mr. Bailey asked if there was one special exception, or if there were two.

Mr. Bivins said there was one.

Mr. Bailey moved to recommend approval of the modification for the requirement for two housing types within a Neighborhood Model District for ZMA202000011 Premier Circle for the reasons stated in the staff report.

Mr. Keller seconded the motion, which carried unanimously (7-0).

Mr. Bivins said again, the applicant had this to go with them when they go before the Supervisors. He wished the applicant a safe and prosperous year.

Recess

At 8:06 p.m., Mr. Bivins called a short recess.

At 8:10 pm., the meeting resumed.

SP202000015 Animal Wellness Center

Mr. Andy Reitelbach, Senior Planner, said there was both a special use permit application and associated special exception application (SP202000015 and SE202000022) for the Animal Wellness Center.

Mr. Reitelbach said the property for the Animal Wellness Center is at 1100 Crozet Avenue, south of Downtown Crozet at the Jarmans Gap intersection with Crozet Avenue. He said the map on the screen showed Crozet Methodist and Crozet Library to the north, and that directly to the south of the subject property is a County-owned stormwater management property that is used to manage most of the stormwater that comes from Downtown Crozet.

Mr. Reitelbach said the property is 3.4 acres and currently, there is an existing building with a currently operating vet clinic on the property. He said the zoning is DCD (Downtown Crozet District), and overlay districts include the Entrance Corridor and the Flood Hazard Overlay District, which is in the far western portion of the property along Powell's Creek. He said that in the Crozet Master Plan, it is designated as Downtown and Greenspace.

Mr. Reitelbach said the applicant is proposing to amend SP2008-00009, which was originally approved in October of 2009. He said with this request, the applicant is asking to expand the existing veterinary clinic with several different parts, including an expansion of the existing one-story building by adding approximately 3,600 square feet to it; the construction of additional parking; the construction of an additional building at the front of the property, along Crozet Avenue; and the permitting of the option to provide overnight animal boarding services along with the vet clinic.

Mr. Reitelbach said there is a request for a special exception as well to Section 18-5.1.11(b) of the Zoning Ordinance, which requires soundproofed structures for a veterinary clinic use that are located at least 200 feet from the residential lot line in order to protect those surrounding properties from noise. He said the location of the proposed veterinary use is less than 200 feet from the what the Zoning Map designates as residential property lines; however, residential structures in those residential districts do align more than 200 feet from the intended veterinary clinic buildings.

Mr. Reitelbach said that as a part of this, the applicant has proposed sound attenuation strategies in the construction and expansion of the vet clinic to ensure that the noise limit complies with the 55-decibel requirement that is stated in the Zoning Ordinance.

Mr. Reitelbach presented a map of the zoning district DCD showing the property. He said there is R2 to the east, south, and west; and everything to the north is DCD. He said that in the Comprehensive Plan, the property is designated as Downtown for about two-thirds to three-fourths of the property, and then only the very rear portion of the property within the Powell's Creek stream buffer and flood hazard area is designated as greenspace. He said other areas to the north of the property are designated as Downtown, with a few small areas of Institutional around the library, or Mixed Use; and across the street, to the east, is designated as Neighborhood Density – Residential.

Mr. Reitelbach presented a screenshot of the concept plan that the applicant is proposing. He said they are proposing to construct this project in two phases. He said the first phase would be to expand the existing veterinary clinic building and add some additional parking. He said in the second phase, which the plan on the screen showed as the fully built-out proposal, has the additional building shown at the front, along Crozet Avenue, as well as some additional parking to accommodate that building. He said in the rear, behind the existing building, the applicant is proposing an outdoor animal exercise area between the building and the Powell's Creek stream buffer.

Mr. Reitelbach said there are couple of staff-recommended revisions to the concept plan. He said the first is that currently, there is a proposed parking area shown to be on top of a County of Albemarle public drainage easement. He indicated on the map to the parking area in the center of his screen, to the left of the existing building that is on top of a County drainage easement. He said currently, the Facilities and Environmental Services Department (FES), which regulates and maintains that easement for the County, has stated that they will not permit construction of a parking area within the boundaries of that easement. He said this parking area needs to be removed from the concept plan, along with the note on that plan that is associated with it.

Mr. Reitelbach said he would note, however, that the applicant has indicated that they are continuing to discuss this issue to determine whether some disturbance may be permitted. He

said if FES does provide a letter or email to the Planning Division prior to the Board of Supervisors public hearing indicating that a certain level of disturbance might be permitted within that easement, Planning staff acknowledges that the concept plan could be revised accordingly, depending on what FES says prior to that Board meeting.

Mr. Reitelbach said the other recommended revision is to revise Note 1 on Sheet 6 to ensure compliance with what the Zoning Ordinance requires.

Mr. Reitelbach said factors for consideration include several factors favorable. He said the proposed use is consistent with the Crozet Master Plan, is located within the Development Areas, and is consistent with the uses identified for areas designated as Downtown Crozet. He said there are no adverse impacts that are expected to the nearby or adjacent properties.

Mr. Reitelbach said in staff's review, there were no unfavorable factors identified.

Mr. Reitelbach said therefore, staff recommends approval of Special Use Permit SP2020-00015 with the following conditions, and provided that the previously mentioned recommended revisions are made to the application prior to a public hearing with the Board.

Mr. Reitelbach said the recommended conditions include what is a generally standard condition for special use permits, that the development of the use must be in general accord with the concept plan that was provided, including certain major elements such as location of the buildings, the proposed additions, the parking areas, and the outdoor animal exercise area, as well as that minor modifications to the plan which do not conflict with those elements above may be made to ensure compliance with the Zoning Ordinance.

Mr. Reitelbach said the other conditions are that only the walking of the animals would be permitted in the outdoor animal exercise area, and it would be separated from access by the public and limited to that area that is shown behind the building. He said final site plan approval is subject to approval of the landscape plan by the Architectural Review Board, and the landscaping may be required to be in excess of what is required by the guidelines or Zoning Ordinance to mitigate the visual impacts of the proposed use.

Mr. Reitelbach said the applicant has requested a few minor changes in the wording to these conditions, and staff is willing to work in consultation with the Zoning Division and the County Attorney's Office to hammer out any final wording changes prior to the Board of Supervisors public hearing.

Mr. Reitelbach said with the special exception, staff also recommends approval of Special Exception SE2020-00022 with the following conditions. He said the first condition is the same as the first condition for the special use permit. He said the second condition is that the building used for the vet clinic and the animal overnight boarding uses must be air conditioned and soundproofed so that the sound measured at the nearest agricultural or residential property line shall not exceed 55 decibels to maintain that compliance with those regulations in the Zoning Ordinance. He said that prior to the issuance of the building permit, the applicant must submit information to the satisfaction of the County that demonstrates that the sound limit can be met.

Mr. Reitelbach presented the suggested motions and offered to answer any questions.

Mr. Bivins said on the second building, which they were saying would be 20 feet from 29, it looks

like there is a zero-lot line going north to the adjacent property. He asked if there will be trees there, or some sort of green buffer that is between the second building and the house or property that is there.

Mr. Reitelbach replied that it is not required by the Zoning Ordinance, and he did not believe that any were shown in the concept plan. He said he did not know if potentially, the applicant is proposing to do any sort of landscaping in that area.

Mr. Bivins said he would hope that the applicant could speak to that. He said green trees are like fences, like good neighbors.

Mr. Bivins opened the public hearing to hear from the applicant.

Ms. Valerie Long said she was attending with the applicant, Dr. Hillary Cook of Animal Wellness Center. She said they were in the same room and that her office is a conference room, which is why she was masked earlier. She said Dr. Cook was now masked, and it is easier to communicate if they are in the same room. She said she appreciated the County's understanding and patience for that.

Ms. Long said she had some slides to share. She said she would go quickly through, as she believed everyone was generally familiar with the location. She said it is on the edge of the Crozet Downtown area. She presented another view to provide some context to the surrounding neighborhoods and downtown area. She presented a close-up of the property as it exists today, from the County's GIS mapping website, which showed the size of the parcel.

Ms. Long presented a photo of the existing building, with the parking in front. She said as the applicant described in their application, one of the biggest challenges – even now, prior to expansion of the practice – is the shortage of parking.

Ms. Long presented some other views from Crozet Avenue, which were taken from Google Street View. She said some of the pictures were taken onsite, showing views from Crozet Avenue, the existing parking lot, and in the lower right corner, it is a bridge that was constructed when the drainage easement was built, which leads back to the flood plain area.

Ms. Long presented another view from Crozet Avenue. She said from various directions, one could see the relation of the building to the road and the existing sidewalk.

Ms. Long said that as was shown earlier, the zoning is Downtown Crozet District, and this is on the edge of it. She said the applicant thinks it is a perfect transitional use. She said Dr. Cook has had the business there since 2008, when she obtained her first special use permit. She said it has worked out very well, and they have not had any complaints or issues with neighbors of any kind. She said the parcel to the south, Parcel 11, is now owned by the County and is essentially a natural wetland area.

Ms. Long said in the Comprehensive Plan, from the master plan, the developable portions of the property are shown as Downtown District or designation, and the flood plain area is greenspace as is areas on other sides.

Ms. Long said the flood plain is quite large in this area, and so the applicant wanted to show the extent to which the limits of the flood plain limit the expansion of the business in the buildable

areas.

Ms. Long presented a close-up view of the flood plain in relation to the existing building and parking lot. She pointed out that subsequent slides would show the drainage area, and there is a very small creek in this location. She indicated on the view to what is generally the location of the drainage easement that was put in place as part of the Downtown Crozet Streetscape project. She indicated on the view to a small bridge that was built to provide some access to the back. She indicated on the slide to a storage shed. She said the existing parking was shown, and this was probably the only time one would ever see so few parking, or so many vehicles in the parking space. She said Dr. Cook tells her, and she can attest as a customer of the building, that the lot is almost always full.

Ms. Long presented another image showing the relationship of the buildings, flood plain, and drainage easement. She said the next slide showed, for context, the limitation of the buildable area of the site. She said there is over 1.5 acres of the parcel that is flood plain, and there is just over 1 acre that is actually developable, even though the entire parcel is 3.5 acres and the drainage easement alone take up over a quarter acre. She said it surrounds the buildable area on three sides, so it creates a lot of constraints.

Ms. Long presented the original plan when the applicant submitted the application. She said for context, the darker tan color represented the existing building. She said the plan was to add a small addition to the building in a certain location, then add a new building in another spot for expansion. She said in the meantime, Dr. Cook has been working with prospective general contractors, architects, and others. She said Dr. Cook is also working with the landowner with whom she has the land under contract. She said the land is very expensive and as the Commission may know, construction prices are currently extraordinarily expensive, and so the applicant has a slight modification, which she would present on the next sheet.

Ms. Long presented a close-up of the original plan. She said it showed the existing building and additions.

Ms. Long said the next slide was a close-up of the new plan, with the existing building and small addition. She said instead, the initial expansion (or Phase 1 of the expansion) would also be to bump the building out in the front, basically doubling the size of the building there. She said the second phase of the expansion would occur in the indicated building in front. She said as part of that, there would be expansion of the parking space, with a parking lot in the indicated area, as well as additional parking located on the side of the driveway. She said there is room for about 11 perpendicular spaces in one spot, and for two parallel spaces in another spot.

Ms. Long said that as Mr. Reitelbach discussed earlier, the applicant does show on their plan some proposed parking in the back. She said they understand this may not ultimately be permitted, but they do want to continue working with FES staff to see if there might be a way to either perhaps relocate the drainage easement or build a small parking lot on the far side of that area, if viable. She said the applicant would like to leave that in place, if they could. She said if not, they understand, and it would mean that there would definitely need to be more interim expansion of the parking lot as part of the first phase of development.

Ms. Long presented a map showing the revised plan. She said it is a conceptual interim condition, or what is might look like after the first phase of expansion. She indicated to where the building would be located. She said it is essentially the same parking lot, with a few additional spaces.

She said if the parking is not permitted, then even during the interim condition, with the building there, they would go ahead and add the parking spaces along the side and possibly expand in an indicated spot.

Ms. Long said she had some slides to better show this, but the applicant did want to show that even in the interim condition, before there is the final building close to Crozet Avenue, they know the ARB (as part of site plan review) will likely require additional landscaping. She said the applicant understands that the parking lot will need to be screened. She said the plan was all conceptual and would be subject to final approval by the ARB.

Ms. Long presented a better example or image of what the interim condition would likely look like. She said this was one of two options. She indicated to the expanded building, for context. She indicated to the outline of the drainage easement in back, so there is no parking shown there. She said they would add the parking spaces along the side of the driveway. She said it is essentially the same parking lot as is there now with the addition, with the same size and a few additional spaces. She said this would provide for 29 spaces. She said Dr. Cook already has 20 employees and is working hard to add an additional doctor to her staff, which would also result in four additional staff members. She said ideally, she is hoping to try to get to 25 employees, which means that 29 spaces would really not be enough, given how many customers they have right now.

Ms. Long said another option, which would probably be the more likely scenario during the interim condition, would be adding the parking spaces along the south, along the driveway, and then expand the parking lot fully. She said there is still room for the final building there once the applicant is ready for that.

Ms. Long presented a version of the plan showing the full buildout with more detail. She said she thought the prior slide was easier to see and understand.

Ms. Long concluded her presentation in terms of the plans themselves and offered to answer any questions that may come up with regard to Dr. Cook's practice. She said she would address Mr. Bivins' question about landscaping. She said as Mr. Reitelbach indicated, it is not required there because there is a zero setback. She said the owner of the parcel to the north is the same owner of this parcel currently that Dr. Cook is under contract with, and so they are working very closely.

Ms. Long said this plan would not preclude landscaping in that location if it is ultimately determined to be needed or appropriate. She said they are not showing it because the site is so constrained by the flood plain and the drainage easement, and they are trying to preserve as much of the developable space onsite as possible while leaving a little more space between the building and Crozet Avenue for appropriate amounts of plantings there.

Ms. Long said the applicant is agreeable to the conditions of the special exception. She said they know that the soundproofing is standard, and the residences are more than 200 feet away themselves, although the lot lines are not. She said one question that came up from a few members of the public was whether dogs would be outdoor at night, and there are no outdoor pens or runs of any kind that are proposed or that would be allowed. She said everything would be indoors within air conditioned and soundproofed buildings.

Ms. Long offered to answer any questions.

Mr. Clayborne said he was not familiar with the programming of veterinary clinics. He asked if there will be a dumpster onsite and if so, where.

Ms. Long replied that there would be a dumpster behind the building. She presented a plan on the screen, indicating to the location of where the dumpster would be. She said it would not be in the drainage area and would perhaps be behind the parking area, or to the side. She said the applicant did not get into that level of detail on the plan, but there would certainly be a dumpster.

Mr. Clayborne said his second question might be considered as detailed at the concept phase, but with such a tight site, the building that would be fronting the street with the proposed addition is tight. He asked about utilities that would be coming in, understanding that the back of the building is really the front because it is facing the street, has ARB review, and so forth. He asked where transformers and the like might be placed.

Ms. Long said she would go to the next slide to better show this. She said Mr. Clayborne was right, and she should have mentioned at the beginning of her presentation that Mr. Justin Shimp with Shimp Engineering is the civil engineer for the project and was attending as well. She said Mr. Shimp may want to jump in, as he has likely looked at this more carefully than she has. She said Mr. Clayborne is exactly right in that it is a tight site. She said the standard is that it be no more than 10 feet from the road, and staff is willing to accommodate as the ordinance allows staff to approve it being no more than 20 feet back, which is what the applicant has shown.

Ms. Long said that among other things, this is necessary because although it is hard to see, the red part of the plan is the portion of the drainage easement that goes across the front of the parcel. She said it is very constrained, and she believes there are a number of utilities onsite now. She said she knows there are water and sewer line easements along the back. She said there is overhead power there and throughout, and the applicant would have to work out all those things as the site plan level. She asked if Mr. Shimp had any other thoughts to add in that regard.

Mr. Justin Shimp, engineer for the project, said there was really nothing to add, and Mr. Clayborne's question was a good one. He said if they were dealing with a 10-foot maximum setback, it is very challenging, and 20 feet is more reasonable. He said when looking at 5 and 10 feet, they get into problems with transformer cells in weird places. He said that in this case, the power is off to the side, and so they can put their transformer off to the side of the access road and use conduit to get underneath. He said the rest of the utilities are generally available, as Ms. Long pointed out.

Mr. Carrazana said his question had to do with the storm drain, and perhaps Mr. Shimp could provide more detail about the general strategy. He said it is a sensitive site from a storm drain standpoint, and perhaps where the parking lot is being shown in the back, he wonders if that was not considered as potentially a stormwater amenity for both quantity and quality control.

Mr. Shimp replied that Mr. Carrazana was correct. He said the applicant did not realize it at first because it is not recorded as such, but the drainage easement is actually effectively a stormwater management easement. He said what the applicant has worked out in conversations with FES is that they are not opposed to the idea of that height or the channel (that is basically an engineered channel with natural conditions) providing some stormwater quality components as part of the Phase 1 Streetscape project.

Mr. Shimp said FES would like that to stay or, if it is impacted, see if it can be relocated in a way

that provides equal or greater stormwater measures than what exist currently. He said this is the detail they are working through, but Mr. Carrazana is correct. He said it was an engineered stormwater feature and not a natural item, but it was a very small channel that the County reengineered as a stormwater measure. He said it could be relocated, meandering along the parking lot, even increasing the length and, in theory, its effectiveness as well. He said they have not gotten into that detail, but it is a possibility.

Mr. Carrazana said his suggestion was that as they work through the negotiations, perhaps the applicant can offer a strategy that helps not only with the quantity, but also with the quality because they are going to get a lot of unfavorable conditions washing down the asphalt into that drain.

Mr. Shimp said he understood. He said this will be part of the program, if it is permitted to be moved. He said they do not know this yet, but he thinks it will be part of the new scenario in that situation, especially with water quality.

Ms. Firehock said she had questions along the same lines and was wondering where and how stormwater was going to be handled. She said they just went through this recitation of how tight the site is, and she could see where they would be doing that. She said it would be nice if the applicant would consider using some more progressive measures besides just putting water off into the channel, such as permeable pavement. She said it would be nice if this site were actually designed a little more progressively. She said she is tired of underground storage tanks and water quality credits being bought offsite. She said the applicant could answer that if they wanted.

Ms. Firehock said in terms of future phase development with the building showing up in the front, she thought they were only considering the proposed building addition shown on her screen to the left. She asked if the Commission was being asked that evening to approve all these phases, or if the applicant was just showing them the future phase by the road for informational purposes. She said this was a concern and a question – one stormwater-related, asking if they were doing anything progressive (and if not, she was sad about that), and the second part being about the condition of the building in the very front.

Mr. Bivins asked Mr. Reitelbach to clarify the second part of the question.

Mr. Reitelbach replied that the Commission would be approving the entire proposed plan, including both the proposed building addition to the existing building and the proposed new building at the front of the parcel.

Ms. Firehock asked if Mr. Shimp or Ms. Long wanted to respond to her other question.

Ms. Long said she would comment with regard to the second question, then ask Mr. Shimp to weigh in on the first. She said Mr. Reitelbach is correct that the applicant is asking the Commission to approve both the first and second phases of the development for the SP use of the veterinary and the boarding. She said since the property is in the Downtown Crozet District, there are a number of other uses that are permitted by right. She said for example, this building could be built today for an office building, retail, or even housing.

Ms. Long said the only reason they need an SP for it is for the veterinary use, so it is important for Dr. Cook to know that when and if she outgrows the first phase of the expansion, she has the ability and right under the SP to be able to expand her veterinary use into this building as well so

that, ideally, they do not have to come back and amend the special use permit for a third time.

Ms. Firehock said she wanted to follow on to that question. She said with this building, they are talking about a 20-foot setback from the property line and then earlier, when Ms. Long was speaking, she was talking about acquiring another parcel. She asked if Ms. Long could clarify that, or if she was literally saying she wanted a 20-foot setback for the building at the top, which is not by right, that they can have that setback from the property line.

Ms. Long said they are not acquiring anything beyond the boundaries of this existing parcel. She said Dr. Cook leases the property right now and does not own it, but she has it under contract to purchase it from the owner. She said it is the same family trust that owns this parcel and the parcel to the north, so it is common ownership now, with the point being that it is a very friendly, long-working relationship. She said they are not acquiring anything beyond the existing parcel at 1100 Crozet Avenue.

Ms. Firehock said they received a letter of concern from an adjacent landowner. She asked if this is not the person with the driveway.

Ms. Long replied no. She indicated to a location on a map, noting that the person who expressed concerns about this building being close to the road was not directly across the street, but down the road. She indicated to the location of the house. She said the parcel to the north is the Smith Family, who owns 1100 Crozet now, and they own the adjacent parcel. She said they will continue to own the adjacent parcel to the north even after Dr. Cook purchases 1100.

Ms. Firehock said there was then a good relationship with the immediate adjacent neighbor. She asked Mr. Shimp if he had any comments about her questions. She said she knows the applicant did not give him unlimited budgets for stormwater and that he is capable of many creative things, and she was curious as to what was intended.

Mr. Shimp said what they know from talking with the County is that any adjustment to that existing channel, which is a water quality measure, needs to be kept with water quality in place and would be expanded for the applicant's use. She said this would be logical, and if they are to make an adjustment back there, they would do onsite for that back area. He said he did not want to commit to further than that because there are implications of these things phase-wise and budget-wise for the client, who has a business that needs space, and the parcel is a little constrained.

Mr. Shimp said there are ways to do water quality measures underground and various systems that capture sediment, which picks up some of the pollutants that one would otherwise miss in these systems. He said there is some engineering on that, and they are using those as a standard now because they have become equally cost effective to straight detention while mitigating some of the credits.

Mr. Shimp said that a few years ago, they would do just the cheapest, simplest solution, which was straight detention and no water quality. He said a few companies have developed systems with filtration, which gets them the same level detention as well as some water quality. He said they do use this as a matter of practice because it is economical and the environmentally correct thing to do. He said he never wants to promise that they will do every bit onsite because it can have budget implications that he is not aware of in this moment in time. He said he hoped this somewhat answered the question.

Ms. Firehock said she thought it helped. She said she is familiar with underground detention systems that also treat water quality. She said she would suggest that when the applicant gets to the Board of Supervisors, speaking for her Supervisor, they will want to know these kinds of things, and they may want to consider adding that to the presentation.

Ms. Firehock said she understands that stormwater management is straightforward, but the applicant is asking to expand the imperviousness on the site, and so there is still concern with what would happen. She said she is actually not in favor of the drainage in the parking area being in the back right along or on top of that existing drainage.

Ms. More said some of her questions had been touched on. She said she wanted to make a couple of comments and then have Ms. Long or Mr. Shimp respond. She said she knows the property to the north will have a substantial amount of standing water in their front yard from periods of rain, and then this property where the future phase development that sits up higher than, in her mind, the properties leading to the north that sit down lower coming off of Crozet Avenue, whereas the front of this property sits up higher coming off of Crozet Avenue than others do, then it drops down as they go back to the existing building.

Ms. More said she wonders what everyone has been asking about, which is more impervious surface with the parking lot expansion and how this will drain because of the topography.

Ms. More said her question about the future phase development building is if it would sit up higher as the property currently lays, or if they would do grading. She asked if this would sit up more at grade with the road, which is a little higher than the building that exists that is down lower, behind. She said she assumed that future phase development would share the parking, which is tight and where there is already a need for expansion. She asked if the applicant if they could talk about those things.

Ms. Long said she would ask Mr. Shimp to address Ms. More's questions about the drainage. She said she is not familiar with any drainage problems along the other parcels, but she would not necessarily have a reason to be familiar with them. She said the adjacent owner had not shared any problems with the applicant. She said she would let Mr. Shimp speak to that.

Ms. Long said Ms. More was certainly correct that the property increases in elevation as one moves away from the existing building towards Crozet Avenue. She said in terms of how that building would be built, it would have to be at least a two-story building pursuant to the Downtown Crozet District zoning minimum height requirements. She said at minimum, it would be a two-story building. She said she may let Mr. Shimp speak to the technicalities of how it would be tucked in. She said the applicant has not designed the site with that level of detail yet, knowing that this is in Phase 2 and that the initial focus will be on expanding the existing building.

Ms. Long said Ms. More is correct that the future building would share the parking, and so the applicant wants to make sure there is sufficient parking. She said they are very sensitive to the need for more parking and the increase of the impervious area. She pointed out that they are still preserving over half of the acreage of the site, and over 1.5 acres of the land would be preserved and maintained in the flood plain area. She said even the areas back behind, even if the parking were not to occur, there is other land that would essentially remain in a natural state.

Ms. Long said given this is the Downtown Crozet area, which is envisioned to be an area of more intensive development, they are trying to find that balance between addressing all of those issues

and making sure that this small business can accommodate their future growth needs in a way that is economically viable as well.

Ms. More said before Mr. Shimp was to speak, she wanted to note that she is supporting the project, but she had a couple of technical questions as she is familiar with the properties that lie to the north, and she sees standing water there. She said she does not know if it is the property immediately adjacent or the one next to it, but several of those properties will have water in their front yards.

Ms. More said the future phase the applicant was talking about does sit up higher, but she wonders with it all draining backwards if that is something Mr. Shimp can speak to. She said she generally does support this, as she understands it is a great business and they want to support their businesses to expand in this part of Crozet.

Mr. Shimp said that grading and drainage are related. He said in this case, the building would end up being a one-level basement condition on Crozet Avenue, and so they would force the grade behind the building down. He said Ms. More was obviously more familiar than the site than he, as she drives by it frequently, but the existing vet office is fairly low in elevation, and so the applicant would actually cut the parking lot down to a basement level or mostly basement level on the front building. He said if he is a neighbor's property and looking at the parking lots at the property line, they would be lowering the grade in that area.

Mr. Shimp said they would be sure to not impound water or make anything worse. He said if there is standing water there, they would be lowering their grade to assist with drainage coming across the property in that location. He said the whole parking lot would sit below what is there now, and the building would sit, generally speaking, with a first floor and perhaps some steps walking out down to the street, then a more basement-level entrance at the parking lot. He said if looking at the plan on the screen, it is looking from the neighbor's property diagonally across the parking lot into the applicant's storm sewer, where it would be captured in the underground detention.

Mr. Shimp said this was the overall grading and drainage scheme. He said he believed that in having to cut the grade down, they would not cause any problems for neighbors with this. He said he knew what Ms. More talking about, and he has been on the property next door, which is further north and has a very flat yard. He said he is sure there is standing water on that property at times, but the applicant would not have an impact on that.

Mr. Bivins opened the public hearing for public comment.

Mr. Alan Howard said he lives at 58 Dunvegan Lane, which is caddy cornered to the southeast of the property. He said he thinks that the Animal Wellness Center is a grand addition to Crozet. He said he thinks their plans to the addition of the existing building are great.

Mr. Howard said he is absolutely disappointed that not only is the building's second addition to be sited immediately adjacent to the road, but that this is even permitted, given the fact that the other residences along that entire strip are set well back from the road. He said his objection is not only to that particular building, but to any development along the road south of Jarman's Gap Road, immediately adjacent to the road. He said it is all sloping downward toward the river, and all those buildings would require a large amount of grading to be put in. He said it destroys the value of his property and of the property immediately opposite the Development Area.

Mr. Howard said his feeling is that all of the commercial development that is allowed there really ought to be set well back from the road, and that this was his only comment. He said he would recommend that the Planning Commission only approve the building addition to the existing building and require a later proposal for the second building.

Ms. Lou Long said she would make the Commission aware that Ms. Valerie Long, who represents Dr. Cook, is actually her daughter-in-law and is married to her son, Don. She said that her relationship with Dr. Cook and her staff, however, predates Ms. Valerie Long's representation of Dr. Cook by quite a number of years. She said Dr. Cook and her staff have cared for both her chocolate lab, who passed away from cancer in the past year, and the new puppy she has, which may be heard in the background.

Ms. Lou Long said she wanted to speak in favor of Dr. Cook's proposal and in support of having businesses in Downtown Crozet. She said Dr. Cook and her staff have cared for her animals with great knowledge and empathy. She said the issues with parking – not only for herself, but for others who have geriatric or orthopedic dogs, or a dog like hers that had cancer in the foot – have been very difficult. She said Dr. Cook and her staff are so well thought of that the parking lot is always full.

Ms. Lou Long said she would certainly support the expansion of Dr. Cook's business because they do such an excellent job in taking care of not only dogs and cats, but exotic animals and animals of all sorts. She said she wanted the Commission to be aware that she thinks it is an excellent group, and their being able to remain in the Downtown area does exactly what the master plan is asking for. She described her new puppy at Mr. Bivins' request.

Mr. Bivins closed the public hearing and asked the applicant if they would like to speak to those matters.

Ms. Valerie Long said the only comment she would add was in response to Mr. Howard, who spoke earlier. She said she certainly understood his comment and concern, and as she believed the Commissioners were all aware, the requirement for a building in that location to be set close to the road is a requirement of the Downtown Crozet District form-based code regulations. She said the regulations, in fact, require that the building be no more than 10 feet from the road, and the applicant has asked (and staff has expressed support) for it to be a maximum of 20 feet from the road. She said this is literally the maximum modification that the ordinance allows.

Ms. Long said she knows the Commission has spent a lot of time lately working on the draft form-based code for the Rio29 area, and it is the same concept to have the buildings up close to the road and ideally have parking in the back and on the sides. She said the applicant is complying with that plan and as she noted earlier, even if that building were not part of this application, Dr. Cook or whoever owned that land not only could put a building there, but would be required to put it no more than 20 feet back from the road.

Ms. Long said this is the last parcel in the Downtown Crozet District before it transitions to R2, so she thinks it is a good transition use. She said the building can be carefully sited and can only really be so tall in that location. She said they know that the ARB will have a lot to say about it when they get to that point.

Ms. More said she believed Ms. Long addressed Mr. Howard's comments, and she was sure there were other people who probably have a similar feeling and are not there to speak before

the Commission that evening. She said she totally understands, but the concern she gets is that this is a difficult site, and the sites that are between this and what has developed in downtown are set back and are of residential nature. She said this is part of the DCD, and it is a little bit uncomfortable for others saying “yes” to the Phase 2 part, but she wanted to offer reassurance that the DCD is like a play on form-based code, so it does dictate some things that are requested and actually required.

Ms. More said she did not know the timing of Phase 2. She said she knows it is hard to imagine this happening, as Mr. Howard is looking at it from his property’s perspective. She said she, too, lives not in this area, but near the DCD, and owns residential property that is looking to be up against a commercial piece. She said she is trying to offer reassurance that she thinks over time, as they see downtown sell out and development, then this will make more sense than it probably does now to imagine this being here, as they start to see Barnes develop. She said they do have properties heading more into what people think of as downtown that are pulled up closer to the street, and so this is in keeping with that.

Ms. More said she is comfortable with this. She said she imagines it taking place in a natural way that as downtown starts to build and become more full, they would want to make sure that they are taking advantage of every property that they can, and this is an opportunity they have to create some more commercial business in Downtown Crozet.

Ms. More said unless others had comments, she would make a motion.

Mr. Randolph said he enthusiastically supports more of this site going to the dogs and cats, and even to exotic animals.

Ms. More moved to recommend approval of SP2020-00015 Animal Wellness Center with the conditions and revisions as recommended by staff in the staff report.

Mr. Randolph seconded the motion, which carried unanimously (7-0).

Ms. More moved to recommend approval of Special Exception Request SE202000022 to modify the permitted building location requirements of Section 18-5.1.11(b) to allow the proposed veterinary use to be located within 200 feet of a residential property line, with the conditions as recommended by staff in the staff report.

Mr. Randolph seconded the motion, which carried unanimously (7-0).

Mr. Bivins said the applicant heard the comments from the Commissioners that they can think about as they move forward. He said he knew that Mr. Shimp would consider those things as this moves forward to the Board of Supervisors.

Ms. Long expressed her appreciation for the comments.

Committee Reports

Mr. Bailey said the feedback from his committee meeting was about continuing to look at and track progress on different local initiatives from the wildflowers and others in the Places29 CAC. He said they started to lay out some plans for review of the Comprehensive Plan by the CAC, starting in 2021. He said they will be taking a chapter-by-chapter approach.

Mr. Bivins asked Mr. Carrazana, as he had been in the news recently, about UVA affordable housing.

Mr. Carrazana said there was some progress potential. He said there was not much for him to say except there was some movement in bringing in a consultant to help the university.

Review of Board of Supervisors Meeting: December 2

Mr. Rapp said that last week, the Commission had their joint meeting with the Board. He said the prior week, the Board did approve an amendment to the Forest Lakes Planned Development Shopping Center that had come before the Commission a month or two ago about the additional buildings and parking areas off of Timberwood Boulevard. He said the applicant did respond to some of the Commission's suggestions by doubling the size of the greenspace amenity area between this and the adjacent property to the north.

Old/New Business

There was no old business or new business.

Items for Follow-Up

There were no items.

Adjournment

At 9:11 p.m., the Commission adjourned to January 12, 2021, Albemarle County Planning Commission meeting, 6:00 p.m. via electronic meeting.



Charles Rapp, Director of Planning

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

Approved by Planning Commission
Date: 2/12/2021
Initials: CSS