Albemarle County Planning Commission
October 22, 2019

The Albemarle County Planning Commission held a public hearing on Tuesday, October 22, 2019, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Tim Keller, Chair; Daphne Spain; Julian Bivins, Vice-Chair; Karen Firehock; Bruce Dotson; and Pam Riley.

Members absent: Jennie More; and Luis Carrazana, UVA representative

Other officials present were David Benish, Planning Director; Carolyn Shaffer, Clerk to Planning Commission; Tori Kanellopoulos; and Andy Herrick.

Call to Order and Establish Quorum

Mr. Keller called the regular meeting to order at 6:00 p.m. and established a quorum.

From the Public: Matters Not Listed for Public Hearing on the Agenda

Mr. Keller invited comment from the public on other matters not listed on the agenda. He noted that they would be taking action to defer ZMA201900004 Breezy Hill and if anyone was present to speak about Breezy Hill, this would be an appropriate time to do so. Hearing no comments from the public, he moved on to the consent agenda.

Consent Agenda

Mr. Keller said there were no items on the consent agenda.

Public Hearing Items

ZMA201900004 Breezy Hill
Mr. Keller said the applicant has sent a written request for deferral to staff. He opened the public hearing to invite the applicants to come forward to speak.

Mr. Charlie Armstrong (Southern Development) said he appreciated the Commission's consideration for a deferral request. He said the staff report the applicant received contained some surprises that they felt were important to address in order to submit a complete proposal. He said that when the applicant comes before the Commission again, it would likely be a significantly different staff report and proposal.

Ms. Spain moved that the Commission defer ZMA201900004 Breezy Hill as requested by the applicant.

Ms. Riley seconded the motion, which carried unanimously 6:0. (Ms. More was absent.)

Regular Items

CCP201900003 UVA Encompass Health

Ms. Tori Kanellopoulos presented the staff report. She explained this would be a work session on a Consistency with the Comprehensive Plan application for a proposed rehabilitation hospital in the UVA Research Park in the Places 29 North area. She said she would start with the proposal's purpose, background, and staff's analysis of the proposal with the Comprehensive Plan.

Ms. Kanellopoulos said the purpose of a CCP (Consistency with Comprehensive Plan) is detailed in Section 15.2 2232 of Virginia state code, and that in this case, the review is for a proposed public facility that is not shown in the county's Comprehensive Plan. She said the Planning Commission reviews the proposal for whether the general location, character, and extent of the proposed public facility are in substantial accord with the Comprehensive Plan. She said the Planning Commission then forwards its findings to the board for informational purposes.

Ms. Kanellopoulos said the proposed rehabilitation hospital is within the UVA Research Park, which was approved as a rezoning application. She said the UVA Research Park has started development, with the Town Center area located to the north. She said the site is also located near the airport, Hollymead Town Center, and future North Point development.

Ms. Kanellopoulos said the proposed rehabilitation hospital would be located on Tax Map Parcel 32-18, which is 25.92 acres. She said the proposal would be located adjacent to the existing Hollymead Fire Rescue Station. She said the area where the proposal would be located currently consists of trees and vegetation, and that there is a private street called Lonesome Pine Lane that connects from Innovation Drive through the parcel and into the existing structures located on the southern portion of the parcel along Airport Road. She said these structures were surveyed and documented to satisfy one of the proffers associated with the UVA Research Park rezoning under ZMA200500003.

Ms. Kanellopoulos said the applicant is proposing to relocate the UVA Encompass Health Rehabilitation Hospital from its current location in the Fontaine Research Park to the UVA Research Park off of Route 29. She said the proposed relocation would allow the hospital to increase from 50 to 70 beds. She said the Zoning Administrator sent a Letter of Determination to the applicant on May 10, 2019 stating that the proposed rehabilitation hospital is a public use, which is a by-right use in the Planned Development Industrial Park zoning district and therefore, the use is allowed in the PDIP district. She noted, however, that the CCP is required as well, as this is a public facility not shown in the Comprehensive Plan.

Ms. Kanellopoulos said an initial site plan was submitted and conditionally approved by staff in July 2019, and a final site plan has also been submitted but cannot be approved without the CCP review. She said the proposal is for a 70-bed, 7,200-square-foot rehabilitation hospital, which would provide rehabilitation medical services for a variety of injuries and medical conditions, including for brain and spinal injuries. She said the proposed use would allow for rotations for UVA medical students and would have approximately 165 full-time employees.

Ms. Kanellopoulos said the proposal is part of the overall UVA Research Park, which was approved as a Planned Development through a rezoning application. She said that as the research park develops, the road network will continue to build out and provide access to the

development with a future loop road. She noted that infrastructure and traffic impacts were reviewed with the UVA Research Park rezoning and that the proposal is well within the square footage limits for the rezoning. She said the development, on its own, does not appear to meet the threshold for any transportation-related proffers that have not already commenced.

Ms. Kanellopoulos also noted that while this is a public use, no county funding is needed or proposed for its construction.

Ms. Kanellopoulos said that staff reviewed the application for its consistency with the Comprehensive Plan and the Places 29 Master Plan and found it to be in substantial accord with both. She said that in relation to the Comprehensive Plan, staff specifically found the proposal consistent with a number of policies.

Ms. Kanellopoulos said that the proposal was consistent with the plan's Growth Management policy, explaining that the proposal establishes a medical facility with rehabilitation services in the development area and also provides employment, training opportunities for medical students, and expanded and improved services in the development area.

Ms. Kanellopoulos said the proposal is consistent with the Comprehensive Plan's policy on Development Areas. She explained that the UVA Research Park is described in the Comprehensive Plan as an employment center, and that the plan also identifies the importance of preserving environmental resources and features (including wetlands and streams), which this application does.

Ms. Kanellopoulos said the proposal is consistent with the plan's Economic Development policy. She said health services are called out as target industries in the Comprehensive Plan and that staff finds that this use is supportive of future employment uses in the research park.

Ms. Kanellopoulos said that the proposal is consistent with the plan's policy on Community Facilities. She said the Comprehensive Plan describes Neighborhood Model principles specific to community facilities including pedestrian connectivity, multi-modal transportation options, accessible open space, and providing public facilities as part of mixed-use areas. She said the rezoning application for the UVA Research Park was also reviewed against Neighborhood Model principles prior to its approval, and staff finds that this proposal, within the context of the planned research park, fits the Neighborhood Model criteria.

Ms. Kanellopoulos said the Places 29 Master Plan future land use designation for this site is Office Research and Development, Flex, and Light Industrial. She said the intent of the designation is to allow a range of employment-generating uses to create employment neighborhoods. She said the Master Plan recommends that community and public facilities should be convenient and accessible to neighborhoods and employment centers, and the Master Plan describes the UVA Research Park as a major employment center.

Ms. Kanellopoulos said the one area that was not consistent with the Master Plan was the square footage, since the Master Plan lists 20,000 square feet as the maximum building footprint. She said staff's full analysis is contained in the staff report, and in summary, staff finds the larger footprint to be acceptable in part because the proposal is consistent with the application plan for the rezoning, and a single-story building is needed for these types of rehabilitation services. She said the proposal is consistent with the applicable Neighborhood Model principles.

Ms. Kanellopoulos said staff recommends that the Commission find the location, character, and extent of the UVA Encompass Health Rehabilitation Hospital public facility and public use thereof, as proposed, to be in substantial accord with the Comprehensive Plan for the reasons identified as favorable factors in the staff report. She presented the motions for consideration and offered to answer questions.

Ms. Firehock said she was confused about the reference to one-story buildings because in the site data, it mentions three-story buildings.

Ms. Kanellopoulos said she could let the applicant answer on this, and that she believed the particular building was only one story, but that there are other buildings throughout the research park that would be taller.

Ms. Firehock noted that the rehabilitation center at Fontaine was three stories.

Mr. Dotson said that in looking at the zoning ordinance, hospitals are an identified use. He said as he looks at the different zoning districts, they are allowed in several districts by special permit, and that there was no district where they are allowed by right. He asked if either staff or the attorney could respond as to why the Commission was considering a Comprehensive Plan consistency finding rather than a Special Use Permit, which would be a fairly easy one given the PDIP zoning and the work that was on forward in the past.

Mr. David Benish (Planning Director) said the simplest response was that this was considered a public hospital as opposed to a private one. He likened it to the Rivanna Firing Range being a private firing range that requires a Special Use Permit in the rural area, but the county's firing range is a public use that is provided by right, subject to the compliance review process. He said the Zoning Administrator has determined that this hospital is a public one and subject to the compliance review process as opposed to a private facility subject to a Special Use Permit process.

Mr. Dotson said the PDIP zoning district was put in place by lands owned by the UVA Foundation, who also owns the site. He said he was confused because his understanding was that the UVA Foundation is subject to county zoning, and Foundation lands have a property tax. He said if this is UVA Foundation land and they are a part of the proposal, he was confused as to why this wasn't subject to the normal zoning as opposed to the finding the Commission was being asked to make. He expressed that the use was very consistent with the Comprehensive Plan and that his questions were more procedural rather than questioning the use.

Mr. Benish said that the compliance review process, as they review public uses, is about the use and not about the ownership of the property. He said with the approval of what has been determined to be a public use, the ownership was not relevant. He said if it was a private hospital on the same site, it would be subject to the legislative review.

Mr. Dotson said that when he looks at the definition of "public use," it includes schools, parks, and local government types of uses but then goes on to say that it is where the budget is largely derived from public funds (local, state, or federal). He said that patients at a private hospital pay fees, and patients at a public hospital pay fees as well. He said he didn't know how much state money would go into a rehab hospital that is not insurance-based or fee-based, but that he assumed this was the primary linchpin staff was using to say that it is a public use.

Mr. Andy Herrick (County Attorney) clarified that the property is subject to the zoning ordinance. He said that even University property is subject to County zoning due to a three-party agreement between the University, city, and county from 1986 in which the University voluntarily agreed to subject itself to the zoning ordinance. He said the property was subject to county zoning and that the County Zoning Administrator (in a determination dated July 30) determined this to be a public use.

Mr. Herrick said Mr. Benish clarified that the use of the property is relevant. He said he would add that ownership of the property is also relevant and in the Zoning Administrator's determination, the definition of "public use" does include funding as one of the criteria to use when determining whether it is public use. He said the Zoning Administrator determined that this particular entity (which was not the UVA Foundation, but UVA Encompass Health Rehabilitation Hospital LLC) was represented to the county as at least half-owned by the University, which is an arm of the state, which makes it a public use. He said this was the basis of the Zoning Administrator's determination.

Mr. Herrick said he understood that the Commission may be concerned about the Foundation possibly coming in with proposals that may be incompatible with the underlying land use patterns. He said in those cases, the Zoning Administrator would look not only at the ownership of the property, but at the actual use that is being proposed. He said in this case, a hospital was consistent with a public use. He said if it was something inconsistent with the underlying land use, this would also be taken into consideration by the Zoning Administrator when making this determination.

Mr. Herrick said that Ms. Long may also be able to address in which districts hospitals are allowed, and that it was his understanding that a hospital could not be allowed by Special Use Permit in the PDIP district.

Mr. Bivins said he was trying to achieve clarity, noting that he was very much in favor of the project. He said that the public use has to have the majority of the use's operating budget, and that to him, this would mean 51%. He said that looking at the May 10 Letter of Determination, it says that UVA owns a 50% interest in the project. He said this is an owner-investment LLC, noting that this was a fine thing and the right way to do hospitals with having a private entity and a public entity come together.

Mr. Bivins again stated his support, noting that his questions were about how the Commission goes about its analysis. He said if the regulations say "majority," he expects to see majority ownership. He said he was leaving the Foundation off on the side as it is a public charity and not a part of the Commonwealth. He said he wrestled with this because if the Commission was going to approve the proposal, he thinks the analysis should support the regulation that states "majority," or they should change the regulations, noting that he was fine with either.

Mr. Herrick said the determination made by the Zoning Administrator on July 30 actually cites the definition of "public use" as being "funded, owned, or operated" and does not specify a majority.

Mr. Bivins countered said that it says 50% in their definition.

Mr. Herrick asked which definition this was.

Mr. Bivins read the county definition that said, under "Public Use," "...need to be owned, operated, or receiving a majority of the use's operating budget from the local, state, or federal agency." He said when they see the letter from the Zoning Administrator, it unfortunately listed 50%.

Mr. Herrick responded that he was looking at the July 30 letter, and that the definition that Mr. Bivins had just read actually differs from the definition that is cited in the Letter of Determination. He said he would have to take a look at this.

Mr. Bivins said this was fine. He said he assumed that the proposal would go to the Board of Supervisors.

Mr. Benish said no, it does not go to the board.

Mr. Bivins said that he would then like to "clean it up." He said in the staff report, it talks about all of the staff being UVA employees and in Ms. Long's letter, it is only the Executive Director and the doctors who are staffed by the University and that everyone else is staffed by Encompass Health. He said that while he knows this feels like nit-picking, the Commission hangs some things off of this determination. He asked for this to be cleaned up in the staff report.

Mr. Benish clarified that the Commission's action goes to the Board of Supervisors as information, with no action required from the board. He said they could take action if they so choose to differ from the Commission's finding, but there is no necessary approval by the board.

Mr. Bivins suggested that in the staff report, perhaps the staff allocation could be made to match Ms. Long's allocation so that the two of them are in sync.

Mr. Keller said there was at least one more question for staff and that the applicant would then have the opportunity to respond.

Ms. Riley said that in the staff on page 8, under the justification for one-story, there are a number of bulleted points. She said the fourth bullet says, "The proposed rehabilitation hospital is not adjacent to any residential developments (although other portions of the research park are)." She said that when she drove there that day and went through Airport Acres, it appeared adjacent to her, but that perhaps staff had another explanation for this.

Ms. Kanellopoulos clarified that the proposed rehabilitation hospital shown on the map with the star is not itself adjacent to any residential developments. She said, however, that other portions of the research park will be, such as north of the Hollymead Fire Rescue Station. She said that this particular proposal is not adjacent, but that future buildout and roads may be adjacent to that development.

Mr. Keller invited the applicant to come forward.

Mr. Louis Collier, CEO of UVA Encompass Rehabilitation Hospital, addressed the Commission. He said the hospital is the only acute care rehabilitation hospital in Charlottesville and presently sees patients who have experienced trauma such as a stroke, amputation, traumatic injury, spinal cord or brain injury, or something significant. He said the hospital provides those patients the best opportunity for some road of recovery.

Mr. Collier said the hospital is exceptional and that about 84% of its patients, on average, go home from the rehabilitation hospital, with the industry average being about 68%. He said patient satisfaction scores are among the top 10% in the country, with an overall patient satisfaction score in 2019 of 95%. He said they have a "would recommend" score of 98.5% and do a good job in dealing with patients and their families.

Mr. Collier said he was in his 34th year in health care and was excited to be in Charlottesville and part of the project. He noted that part of the hospital's current challenges is that they are on three floors and operate as two 25-bed hospitals, which from an efficiency and operational point of view is very challenging. He said it is hard to bring staff from one floor to the next and back up, so they do not do this. He said that on a single-floor hospital (which is what they proposed), they would be able to have staff on the same floor all day long and would have extra staff in what he calls "bleed-over areas."

Mr. Collier said they also have an issue with the number of beds. He said they have 50 beds and very few private rooms, and that the new hospital would be all private rooms, which provides the environment of "patient first." He said that currently, they have patients on a waiting list daily and that day, for instance, they had 46 patients in house, with 50 beds, but that they sometimes have people who require isolation, and they do not currently have a single-bed private room available. He said there was a waiting list of about 45 pending patients to come in over the next 7-10 days.

Mr. Collier said the hospital has a great group of dedicated staff. He said that his concern, as a CEO, is with complacency and that he could assure the Commission there was no complacency with his staff. He said there is a great environment in their hospital and that they have people who do the right things and go above and beyond every day. He said it was important for the Commission to understand that the hospital is a great asset to the community but is limited by the size of the facility and its layout.

Mr. Collier expressed his excitement for the opportunity to have a new hospital to serve more patients in the Charlottesville area. He said most of their patients come from UVA Medical Center and that they also get patients from Martha Jefferson Hospital. He said they see about 130 patients a month, and that in the new hospital, they would likely be able to see about 155-170.

Ms. Valarie Long (Williams Mullen Law Firm), representative of the applicant, addressed the Commission. She said she would add some clarifications to the discussion to help address Mr. Bivins' questions and comments.

Ms. Long said that there was a reference to a May 10 Letter of Determination, and then Mr. Herrick referenced a July 30 letter. She explained that there was a corrected letter as the May letter contained a technical error, and the applicant worked with the zoning staff to request and obtain a correction to that, which goes to the heart of the issue Mr. Bivins raised as to who the employees of the new facility are.

Ms. Long said the July 30 letter technically states that the medical director and the rehabilitation physicians are UVA employees. She said the nurses and technicians are employees of the joint venture that is the combination of the UVA and Encompass Health entity. She said the applicant believed this was an important clarification and wanted the letter to be accurate, which is why they obtained the corrected letter. She said the corrected letter didn't quite make it to the Commission, but as noted in the application that was submitted for the CCP, it was correctly stated. She said she wanted to be clear on this, as it also wasn't quite clear in the staff report.

Ms. Long said that in response to Mr. Dotson's comment, and as Mr. Herrick alluded, there is not an option in the Planned Development Industrial Park for a hospital. She said it was not a use that is even contemplated, and so when the issue first came up with the idea of relocating the hospital, the applicant's first thought was to apply for a Special Use Permit, which resulted in a much more complicated situation through which the applicant would have to work with staff on a Zoning Text Amendment to allow the hospital as an SP use, then apply for the use.

Ms. Long said they were starting to talk to staff about this process during an application meeting, and finally a staff member asked about the ownership structure of the entity because if it meets the criteria for a public use, they might be able to allow it that way. She said the applicant researched this and worked with staff, who ultimately confirmed that it was, in fact, a public use.

Ms. Long requested the Commission's support in finding that the application is consistent with the Comprehensive Plan for the reasons stated in the staff report and in the application. She noted that representatives of the UVA Foundation were also in attendance (Fred Missel and Todd Marshall), as well as Graham Payne with the UVA Medical Center.

Mr. Bivins asked about the building in Attachment G.

Ms. Long said Attachment G is the approved application plan for the UVA Research Park.

Mr. Bivins said he was trying to site the building on the future development plan.

Ms. Long explained that this was a copy of the approved application plan from the most recent rezoning amendment for the research park as a whole. She said this did not contemplate, at the time, that there would be a rehabilitation facility.

Ms. Long presented a slide to help orient the Commission to the location. She indicated to Route 29 on a map, as well as Airport Road, and the research park. She indicated to Lewis and Clark Drive off of Route 29 and where it currently ends, noting that UVA is working with the county to extend the road. She indicated to where the facility would be located, zooming in on the map and explaining that the areas in red represented the boundary of the entire research park. She indicated again to Airport Road, and to the county's fire and rescue station.

Ms. Long presented the application plan from the 2005 rezoning that was submitted in 2005 and approved in 2010. She indicated to the county's fire and rescue facility, noting that the red box above was the approximate footprint of the entire parcel and building. She said underneath, it does not exactly match up, explaining that it was an application plan that has flexibility.

Mr. Bivins said this was very helpful.

Ms. Long presented another aerial view of the same area to demonstrate the relationship between the two. She then presented the approved site plan that shows the footprint of the building and the parking and circulation areas around. She showed on the plan the landscaping, the "loop road" (or access road), and the fire and rescue facility, adding that pedestrian sidewalks were all around. She said there was a courtyard there for the use of patients and staff as well.

Mr. Bivins said this addressed his questions about locations. He said he also had a question about capacity. He said he wasn't sure if the hospital was at 100% capacity now and asked what their capacity would be with the 150 beds. He also asked what kinds of options they would have for expansion with this, noting that there would be more people in that area.

Mr. Collier said presently, looking at data for the Charlottesville area, there was enough volume through Martha Jefferson Hospital and UVA Medical Center to support a 90-95 bed facility. He said with Encompass going to 70 beds, it takes time to transition and get people in, but that they would probably stay close to 100% occupancy as they move to the new hospital. He said they could go to 80 beds, as there was already a proposal to add a shell space to add 10 more beds. He said they ultimately plan on being at 80 beds with a length of stay that would allow them to run through about 170 patients a month, which was sufficient for the area, and that they would likely still stay at 95-100% occupancy.

Mr. Collier said that the impact of having 50 beds (with most of them being semi-private, and also having to have isolation patients) is that they are backing up the medical center, who has patients who need to come out. He said if the medical center is full, they have a bed issue as well, and so the new hospital would alleviate some concern for beds at UVA Medical Center.

Mr. Keller said he was seeing 52 beds shown on the plan, and then there is a comment that there are actually 60 beds, then there is a place for the 10 additional beds that were referenced. He said it seemed as though they were seeing different numbers on the same plan.

Mr. Collier said the initial plan should have 60 beds in it. He said there is a space there for 10 beds that would take them to 70 beds. He said he didn't know where the plan got the second space.

Ms. Kanellopoulos indicated to an area on the plan.

Mr. Bivins recognized the space, noting that it would give the ability to punch out for additional beds.

Mr. Collier said yes, that this would take them to 80 beds.

Mr. Keller said that he could see the other 12 beds.

Mr. Collier said it would be 60 beds upon opening, then go to 70, and then the additional space could be added to go to 80.

Ms. Riley said she had a question about the private road. She said that in the document, it seemed to read that it is currently a private lane and eventually, it should connect up to Lewis and Clark into the research park. She asked if there was an intention to have a second entrance for the rehabilitation hospital into the research park and if there was expansion intention to build it to public road standards. She asked for the longer-term vision for the purpose of Lewis and Clark Drive.

Mr. Fred Missel (UVA Foundation) responded that they have both public and private roads in the park. He said Lewis and Clark Drive will be a public road entirely maintained by VDOT. He said the loop road, Discovery Drive, and Innovation Drive are private roads maintained by the Foundation. He said that long-term, he was not sure that they would all turn into public roads, but at that point, the Foundation was maintaining three private roads and that the main thoroughfare will be public. He said that as far as he knew, all the roads were designed to public standards.

Ms. Riley asked if it was intended to be a primary entrance to the research park.

Mr. Missel asked if Ms. Riley was referring to the loop road.

Ms. Riley said yes.

Mr. Missel replied no. He said that Lewis and Clark Drive would be the primary road through.

Ms. Riley said it looked as if there was a great pedestrian plan for the site. She said there is a single-family detached residential neighborhood to the east (Airport Acres) and currently there is no connection there, but she wondered if there had been any discussions with the community as to whether or not they might want to be connected to a new site that would have a multi-modal path that would go along Innovation Drive and possibly connect to Berkmar Drive. She asked about the longer-term pedestrian multi-modal connection plan.

Mr. Missel said that they had not had conversations with the adjoining landowners about interconnections but that this was a good idea, noting that they have done this at Boars Head and other areas. He said they are planning for a multi-modal transportation route along Lewis and Clark Drive to extend the one that currently exists, which would eventually connect into Berkmar Drive going to the south.

Mr. Bivins asked if Innovation Drive will eventually convert to Lewis and Clark.

Mr. Missel replied yes.

Mr. Bivins said that when it converts, it would be a major roadway through the park the way that Lewis and Clark is a major roadway through the park.

Mr. Missel said this was correct, and that the applicant was following the proffers in the rezoning but were way ahead. He said the proffers require for Lewis and Clark Drive to be connected at somewhere around 1 million square feet, and that they were in advance of that for a number of reasons.

Mr. Bivins asked if they would also make improvements to the road that connects to Dickerson Road, which was somewhat like an entrance because it would come into Lewis and Clark and either go right to Lewis and Clark to go to the park, or go left and go to the park that way.

Mr. Missel asked if Mr. Bivins was referring to Edlich Drive.

Mr. Bivins said yes.

Mr. Missel said there were not currently any plans to improve this. He said it was two lanes.

Mr. Bivins said it was a wide two-lane road.

Mr. Missel said this was correct. He also pointed out that in terms of Lewis and Clark Drive, it was being phased so that when looking at the connection of Innovation Drive (which will turn into Lewis and Clark Drive) at Airport Road, it is graded for four lanes with a median, but only two of the lanes have been built. He said this would be the case all the way through the park, connecting back to the existing Lewis and Clark Drive. He said that for a while, it will only be two lanes in both directions.

Mr. Keller asked if Mr. Dotson had any questions for Mr. Missel.

Mr. Dotson replied no and that he was ready for other Commissioners to discuss. He said he would make a motion when it was time.

Mr. Keller closed the public hearing and brought the item back for discussion and action.

Mr. Dotson said that the matter before the Commission was a finding of consistency to be in substantial accord with the Comprehensive Plan, and that it was not a zoning determination of whether it is a public facility or public use. He asked Mr. Herrick if this was correct.

Mr. Herrick replied that this was correct. He said the Zoning Administrator has already made the determination about the public use. He said the matter before the Commission was strictly a determination of consistency with the Comprehensive Plan.

Mr. Dotson moved to find the location, character, and extent of the UVA Encompass Health Rehabilitation Hospital, as proposed, to be in substantial accord with the Comprehensive Plan.

(Mr. Dotson said he did not include the words "public facility" and "public use, thereof" as this was a zoning matter and not what was before the Commission.)

Ms. Spain seconded the motion, which was carried unanimously 6:0. (Ms. More was absent.)

Committee Reports

Mr. Dotson said the CIP (Capital Improvement Program) Advisory Committee met that afternoon. He said they would be meeting again the following week. He said the proposal that was emerging was to move forward to the Board of Supervisors four recommendations. He said one is for funding for leveraging transportation funds, which would be under the arrangement with the state where local dollars are matched by state dollars, and that this was the top-ranked project partly because of the leveraging factor.

Mr. Dotson said there was also priority given to economic development – not for a site-specific project, but for categories that not only could assist with economic development but could also assist with implementing Master Plans. He said Cale Elementary School was included, as well as the expansion of Crozet Elementary School, and that these would go forward with the recommendation of $55 million as added CIP projects. He said this was good news, and also bad news because there were many other projects that weren't even close to rising to the top in order to be funded. He said this was one of the things that when the Planning Commission, in early November, discusses its role in Capital Improvements and Master Plans, they may want to talk about. He said there were many hopes that come forth in Master Plans and based on this experience, it would appear that the ability to fund those hopes is fairly limited, and so the Commission needs to determine how to address this.

Mr. Dotson also mentioned that in terms of the Cale project specifically, Supervisor Randolph used this as an example of the benefits of including a project in the CIP because this provides at least an entree to discussions with developers about crowding issues that might occur. He said this was relevant to some of the Commission's recent deliberations.

Mr. Dotson addressed Mr. Benish, stating that when the CIP Advisory Committee finishes the following week, the flow chart diagram indicates that there will be a presentation to the Planning Commission. He asked if there was a date scheduled for this and arrangements for people to give the presentation, noting that this slipped past in the previous year.

Mr. Benish asked if Mr. Dotson was referring to the date for the presentation from Lori Allshouse.

Mr. Dotson said he assumed Ms. Allshouse would present and that it would be a good idea to have Maya Kumazawa there as well.

Mr. Benish said the tentative date was November 19 for staff to provide the Commission a general strawman direction and to have Ms. Allshouse and the CIP staff to provide and update on the status moving forward in the CIP.

Mr. Dotson asked if both of these items would be November 19.

Mr. Benish replied that this was the tentative date.

Mr. Dotson said that the School Division Long Range Planning Advisory Committee has now adopted a set of agendas to cover the remainder of the school year. He said in the spring, there will be discussions that relate to long-range planning that will be of interest to the Commission. He said one discussion will be about how the School Division can do a better job of taking advantage of knowledge about what development has been proposed (specifically, the development dashboard).

Mr. Dotson said another discussion would be about how to improve the accuracy of projections so that they don't find that more students showed up in the fall than anticipated. He said the third discussion for the spring was school transportation because, depending on where development happens and where the schools are, transportation ensues. He said on a recent project, there was discussion about the possibility of a connection so that staff or students could walk or bike to school.

Ms. Spain said the Places29 North Community Advisory Committee met on October 17, with the main point on the agenda being a review of the form-based code and community engagement. She said Michaela Accardi was in charge of the presentation, noting that she did a good job in conveying the main points about form-based code. She said that the thought, since many of the CACs had the same presentation, that the department and staff are doing about as much as they possibly can to educate the public about the form-based code.

Mr. Keller said he participates in the Agricultural and Forestal Advisory Committee meetings. He said that Scott Clark has given well-organized presentations. He said Ms. Firehock and others had articulated concerns about the removal of parcels because there are no development rights and the concept about creating a district that has holes in it, by definition. He mentioned a citizen who is part of a subdivision that has been working very hard to take a more futuristic approach to land conversation with both what they are growing on the properties and what they are doing to keep water on the properties as a group.

Mr. Keller said there was an interesting discussion, as the citizen came to the committee to talk about the dilemma, they find themselves in because they are neither Ag nor Forestry, and the county has not figured out how to support these entities that are expending funds to keep their areas in conservation within the Open Space category. He said they encouraged the individual to

come and speak at that public hearing, and staff is interested both from the tax side and the planning and land conservation side to see if there may be ways to deal with people who are trying to do something that is above and beyond and that the county doesn't have a way to reward that, much less support it.

Review of October 16 Board of Supervisors Meeting

Mr. Benish said there were no items on the October 16 board agenda that the Commission had previously seen. He said that on this meeting, however, there was a consent agenda item for a special exception for disturbance of critical slopes that the board did not act on and referred back to the Commission for input. He said staff is trying to find a date for this, and that this has tentatively been set for November 19.

Mr. Benish said if the Commission was interested in the background for this item and wanted to look at the staff report for it, it is from the October 16 Consent Agenda for Approval, Item 8.4. He said it is a property that was subdivided in 1984 prior to the Water Protection Ordinance (WPO) and stream buffer requirements in the rural area. He said it had a building site at the time, and the county imposed the WPO, which consumed the developable areas of the building site approved for the property. He said this was a request to allow for a building site that is in critical slopes. He said most of the property consists of critical slopes or stream buffers.

Mr. Benish said the board wants the Commission's input on this item. He said staff would provide some additional information beyond the staff report, but that most of the analysis was contained in the report. He said once they set the final date (which may be November 19), the Commission would receive the report a week in advance.

Old Business

There was no old business.

New Business

Mr. Benish said he sent the Commission an email explaining the items on the November 5 meeting. He addressed Mr. Dotson, explaining that this was actually the tentative date for the discussion of the CIP, but in deference of trying to make the meeting as short as possible, he moved this item and was trying to find another date. He said it may be the November 19 meeting, and he was trying to confirm with the CIP staff their availability. He said if not, they may move forward with continuing the discussion about the Commission's role in the CIP.

Mr. Benish said that due to some expectations they have to get reports out, they will have to keep the November 5 Planning Commission meeting (which falls on Election Day). He said staff, as yet, had not set this as a meeting date and that the Commission would need to move to amend its calendar to establish November 5 as a meeting date. He presented a motion on the screen.

Mr. Bivins moved to amend the Planning Commission calendar to allow for a meeting on November 5 of 2019.

Ms. Riley seconded the motion.

Mr. Keller noted the Commission's protest – that they had specifically asked for this not to be a meeting date. He said there are several Commissioners impacted by this, but that they would be good servants to come and do this for the community because of the request from staff. He said they hoped in the future that this would not happen again.

Ms. Firehock said the absentee vote request has to be submitted 45 days ahead of time and that she was not able to request that. She said she has three jobs she has to work on that day. She said she has to go to the voting polling at 6:00 am.

The motion carried unanimously 6:0. (Ms. More was absent.)

Ms. Firehock said she was due to be out of town on November 19.

Mr. Bivins said he was due to be out of town on November 12 and December 3.

Mr. Keller acknowledged the law students in the audience, letting them know that in the past, the professor has contacted the Commission Chair and have coordinated so that the counsel from the county (depending on the interest in administrative law or land use law) could be available before the session so that there could be some interaction. He said Mr. Herrick would be glad to speak to them to set up a time, if interested.

Adjournment

At 7:03 p.m., the Commission adjourned to November 5, 2019 Albemarle County Planning Commission meeting, 6:00 p.m., Lane Auditorium, Second Floor, County Office Building, 401 McIntire Road, Charlottesville, Virginia.

David Benish, Interim Director of Planning

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

Approved by Planning Commission
Date: 11/12/2019
Initials: CSS