Albemarle County Planning Commission
FINAL Minutes January 14, 2020

The Albemarle County Planning Commission held a public hearing on Tuesday, January 14, 2020 at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

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

Other officials present were Mariah Gleason; Tori Kanellopoulos; Francis MacCall; Cameron Langille; David Benish, Chief of Planning; Jodie Filardo, Director of Community Development; Amelia McCulley, Deputy Director of Community Development; Andy Herrick, County Attorney's Office; and Carolyn Shaffer, Clerk to the Planning Commission.

Call to Order and Establish Quorum

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

Election of Officers

Chair
Mr. Benish asked if there were any nominations for Chair.

Mr. Keller moved to nominate Mr. Bivins for Chair.

Mr. Benish asked if there were any other nominations. There were none.

Mr. Randolph seconded the nomination, which carried unanimously (6:0). (Mr. Bivins abstained from the vote.)

Vice-Chair
Mr. Bivins asked if there were nominations for Vice-Chair.

Ms. More moved to nominate Ms. Firehock for Vice-Chair.

Mr. Keller seconded the nomination, which carried unanimously (7:0).

Secretary
Mr. Dotson moved to nominate Mr. Benish as Secretary and Ms. Shaffer as Deputy Secretary.

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

Discussions of 2020 Planning Commission Rules of Procedure

Mr. Benish said that for this item, and for agenda items 4 and 5 (appointment of Commissioners to committees, boards, and bodies; and setting meeting times, days, and locations for 2020), he would like to move these items until after the public hearing items. He said this would become agenda item 9, prior to covering Committee Meeting updates. He asked if a consensus was needed.

Mr. Herrick said this was correct. He said if the Commission wished to defer discussion of the Rules of Procedure, committee appointments, and meeting dates and times until after the public hearings, the Commission could do so.

Mr. Bivins asked if a vote was needed.

Mr. Herrick said no, as long as there was a consensus, as the setting of the agenda itself was not a formal item on the agenda.

Mr. Bivins asked the Commissioners if items 3, 4, and 5 could be moved to later in the meeting, and received consensus.

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

Mr. Bivins asked if there were any matters from the public not listed for public hearing on the agenda (including consent agenda) that anyone would like to speak to.

Mr. Sean Tubbs (Piedmont Environmental Council and City resident) welcomed the new Commissioners. He expressed he was pleased to see Mr. Clayborne appointment to represent the Rivanna District after previous experience on the Charlottesville City Planning Commission. He said he hoped Mr. Clayborne's experience would help bridge the gap between some of the needed regional cooperation, especially on the subject he wanted to speak about, which was transit and community mobility.

Mr. Tubbs said he has become a committed transit rider in the past year and for him, this works because he lives in the City near Charlottesville area transit and has figured out how to work the system through much trial and error. He said not many people can do this because many people have obstacles and barriers that keep them from getting onto a bus.

Mr. Tubbs said that as the regional transit agencies work towards working better and more cohesively, it was important to hear the stories of those who do not seek transit and are not willing to for some reason. He said collecting those stories is important to planners, and is also important to storytellers such as himself. He said holding conversations about this could start to break up some of the log jams that were keeping people from trying.

Mr. Tubbs said that in looking at the Comprehensive Plans for both Albemarle and Charlottesville, there is a very good target for reducing the number of single-occupant vehicles. He said that to that end, PEC is co-sponsoring with the Center for Civic Innovations and the City of Charlottesville a listening session next week at City Space, January 22, at 6:30 p.m. He said the idea was to get people to attend to talk about why they are not using transit. He said the event will be facilitated by the Institute for Environmental Negotiation at UVA, and that representatives from UVA, JAUNT, UVA Transit System, and UVA's Transportation Demand Management. He said he would also be there to listen.

Mr. Tubbs asked if the Commission had any suggestions of specific individuals who might benefit from the event, or anyone they have heard who may want to try out transit. He said these were the things the County's planners need in order to create a better system. He said he was happy to give the Commission any briefings on this, pointing out that at least one of the rezoning's they would be discussing could benefit from transit use in the future.

Mr. Bivins closed matters from the public and moved on to the next item.

Consent Agenda

Mr. Bivins asked if anyone cared to pull the item that was on the consent agenda.

Mr. Randolph moved to approve the consent agenda. Ms. More seconded the motion, which carried unanimously (5:0). (Mr. Clayborne and Mr. Randolph abstained from the vote.)

Public Hearing Items

SP201900003 Hunters Way Coffee Shop
Ms. Mariah Gleason, Senior Planner in Community Development, presented the Special Use Permit request.

Ms. Gleason said the subject parcel is located in the Rural area, just south and west of Exit 124 for Shadwell on I-64. She said the parcel lies about 5,000 square feet outside of the Pantops Development Area, as measured along Route 250.

Ms. Gleason presented a closer look at the area on a map, noting that the subject parcel is part of a 16-parcel legacy zoning of Commercial and Industrial Development in the Rural Areas. She said this was adopted in 1980 with the adoption of the Zoning Plan. She said businesses in the development include a daycare facility, a self-storage facility, AmeriGas Propane, a UPS Customer Center, as well as a host of other businesses.

Ms. Gleason said the applicant is requesting a coffee shop to be located on this parcel, which is zoned Highway Commercial (HC) and fronts along Route 250. She said the proposal indicates that the coffee shop will be a maximum of 700 square feet with no interior dining space or public restrooms. She said the coffee shop intends to serve customers via a walk-up window as well as a potential drive-thru window.

Ms. Gleason said if the applicant decides to include a drive-thru window with the Site Plan Amendment, this will be evaluated with the Site Plan Amendment and not with this use. She said the drive-thru window would also be subject to supplementary regulations as dictated in Section 5 of the Zoning Ordinance.

Ms. Gleason said prior to the approval of the Zoning Text Amendment ZTA201800002, the restaurant use (which, in this case, is a coffee shop) could be approved by a major Site Plan Amendment. She said she offered this as history because this was the first time this was having to be done via a Special Use Permit, with the adoption of the ZTA by the Board of Supervisors in February 2018. She said she would walk through some of the evaluation criteria that staff used specific to this request.

Ms. Gleason said when the ZTA was approved by the Board of Supervisors, it required that eating establishments not served by public water or an improved central water supply would instead be approved by a Special Use Permit, prior to the adoption of the ZTA when it simply would have been evaluated based on water use. She said that according to the ordinance, they would have made sure that the parcel consumed no more than 400 gallons of water per acre, per parcel, per day.

Ms. Gleason said that now, with the ZTA, if a restaurant is requested, instead of simply evaluating it on the basis of water usage, they are allowed to evaluate it on a range of criteria that is more comprehensive. She said she included a list of some of those criteria, which are traffic, hours of operation, visibility, lights, water, smell, change to the character of the area, compliance with the Comprehensive Plan, etc. She said each of this criterion was taken into account by staff in the evaluation of the Special Use Permit per Section 33 of the Zoning Ordinance, as seen in the staff report.

Ms. Gleason said staff has concluded that the Special Use Permit request meets the criteria of Section 33 for approval.

Ms. Gleason said based on staff's evaluation, they recommended some conditions concerning the approval of the Special Use Permit. She said all of the elements were aspects of the proposed development, but that staff recommended finalizing them as conditions to ensure that the proposed use will not create substantial detriment to adjoining properties and businesses in the future. She said they effectively work to limit the size, scale, and intensity of the proposed use on the property. She said all the conditions were within the proposal that the applicant gave to staff.

Ms. Gleason concluded her presentation.

Ms. Kelsey Schlein (Planner with Shimp Engineering) introduced herself as a representative for Hart Rock Farm, LLC, the applicant. She was joined by Justin Shimp, Project Engineer.

Ms. Schlein said Hunter's Way Coffee Shop is a proposal for a maximum 700-square-foot coffee shop with no indoor seating or public restrooms. She said the applicant is agreeable to all conditions, as proposed by staff in the staff report and as presented to staff in the applicant's narrative.

Ms. Schlein said the property is located at the intersection of Hunter's Way and Route 250. She said there is an existing auto shop use on the property and at the front of the site, there are two Nationwide Homes locations (one of which was removed from the site, and the other being actively removed from the site). She indicated to a map, explaining that this was the hatched area of redevelopment proposed on the property.

Ms. Schlein presented images showing the context of the location from Route 250, noting the property is located within an established Industrial and HC-zoned subdivision.

Ms. Schlein said that in terms of the proposed site design, there were many moving parts to the application. She said a major Site Plan Amendment was originally submitted in May of 2018, which included the proposed coffee shop use. She said the ZTA201800002 was then adopted on February 6, 2019 but that it was approved, however, prior to the approval of the major Site Plan Amendment on the site. She said it was an amendment because there is an established site plan on the property, and so this is amended every time there is a removal of a building or establishment of a new building.

Ms. Schlein presented the building footprint, explaining there is a proposal for a 5,200-square-foot hardware store. She said this is a by-right use on this property. She said attached to this is the maximum of the 700-square-foot coffee shop. She indicated to hatches on the footprint that represented the general circulation of how customers would navigate the site and access the coffee shop.

Ms. Schlein presented the proposed elevation, noting that the site was subject to ARB review and so the applicant had already submitted a preliminary ARB application and have had a preliminary meeting where they received comments back from the ARB. She said the applicant was now trying to get all the moving parts to catch up with one another and move forward with the Special Use Permit request in order to get back before the ARB for a final review.

Ms. Firehock asked if there was a walk-up window as well as a drive-thru window, or if it would be one or the other.

Ms. Schlein replied that the applicant will need to come back to the Board of Supervisors for a Special Exception to approve the location of the drive-thru window. She said ideally, there would be both, but that this hadn't been fully designed because the applicant needed to get the impact of the drive-thru location.

Mr. Clayborne asked if Ms. Schlein could talk about how the site plan might change with the walk-up window. She said the site seemed very car-centric and asked what the thought was behind it.

Ms. Schlein replied that there was a previous iteration of the plan where there was a crosswalk proposed for the walk-up. She said in further communication, the pedestrian access would likely be accessed on a different side so that one is not traversing a drive-thru lane as a pedestrian to try to access the window.

Mr. Shimp said there were retail parking spaces in front for the hardware store, and that a few of those could be reserved for a five-minute walkup. He said a drive-thru would be a separate approval, but that the walk-up would be a part of the equation.

Mr. Bivins asked about customers accessing the coffee shop internally.

Ms. Schlein replied that as far as internal access, this was not fleshed out.

Mr. Shimp replied that as the conditions are written, one cannot go into the coffee shop and sit down, as there are no internal seats allowed. He said one could, however, walk up, get coffee, walk out and take their coffee to other businesses.

Mr. Bivins asked if there would be seating inside the hardware store.

Mr. Shimp replied there would be no seating allowed in the hardware store.

Mr. Randolph said it seemed like an odd arrangement for a coffee shop when coffee culture is for people to be able to be seated and be convivial over a cup of coffee. He asked what the reason was for the non-sit-down approach and if the applicant was concerned about triggering a water standard on the site.

Ms. Schlein replied that the non-sit-down approach was part of not triggering the water usage. She said that with the hardware store and the existing automotive repair shop, part of limiting the indoor seating and public restroom was about limiting the water use on the site.

Mr. Shimp said the applicant was working on this before the ZTA on a by-right basis that required a very limited amount of water. He said the vision always was not purposely trying to prohibit

people from gathering for coffee but that given the site constraints and ordinance, this is what resulted. He said there is a particular brand looking to be on the site that has this business model that consists of a small, drive-thru shop.

Ms. More said there were one or two renderings that showed a possible useable rooftop space. She asked if this would be associated with seating at all.

Ms. Schlein replied that this space was not affiliated with the coffee shop use. She said this would be for the hardware store or, if there was an office established inside the building, could serve as a lunch space. She said if it was open to the public, this could be used as a place to sit, but that it was not proposed as part of the coffee shop.

Ms. More remarked that outdoor spaces could be attractive for seating.

Ms. Gleason clarified that the indoor seating would be associated with the coffee shop use and not any other use. She said, for example, the automotive repair shop has a waiting area and seating already on-site and allowed. She said similarly, the hardware store would be able to allow indoor seating if this was their intention.

Ms. Gleason said the indoor seating was only limiting the coffee shop use, and that part of this was because staff wanted to put parameters around the size and scale of the coffee shop. She said when there is indoor seating, more trips and water use is generated. She said this was an effort to make sure this did not impact other potential uses by right on the site.

Mr. Dotson asked if there is precedent for the scale and configuration. He said in the staff report, The Human Bean was cited, and that he may have seen a sign on one of the elevation renderings that said, "The Human Bean." He asked if there was experience with this format.

Mr. Shimp said The Human Bean is a chain and established business model. He said they are located throughout the country, including in Oregon. He said ironically, there was a hardware store he visits in Waynesboro that has a similar setup where there is a much smaller stand (a 5' x 10') building that serves coffee and that one can drive up to it on their way out. He said it was somewhat unusual to be located in new construction, but that this particular brand has figured out a way to make it work.

Mr. Shimp said the owner of the property would be a licensee of The Human Bean's operation.

Mr. Bivins opened the public comment portion of the hearing.

Mr. Sean Tubbs said PEC was not taking a specific position on the issue, as they support the notion that land use applications should be reviewed independently, especially when that use falls outside the spirit of the Comprehensive Plan. He said he noted that staff recommended approval and did not list any unfavorable factors in the staff report, but that they would suggest some questions and comments to take into consideration.

Mr. Tubbs said he first wanted to draw attention publicly to the statement in the staff report that this is not consistent with the Comprehensive Plan because it is not in a designated growth area. He also pointed out that while the statement that the Board of Supervisors has never initiated any action to change the zoning designation as a reason to include in the staff report was technically

true for this parcel, the Board has sought to limit commercial development on similar parcels throughout the County with the same zoning that is outside of the designated area.

Mr. Tubbs pointed out that there is a new Board of Supervisors and that they may benefit from having more information about that, and that in the Commission's deliberations, it would be good to hear of what they have to say about recent information about this class of properties.

Mr. Tubbs stated his agreement with staff that this does not represent the Economic Development policy of Albemarle, as it is outside of the Development Area.

Mr. Tubbs said his remaining comments dealt with water usage on the site. He asked if the water would come from a well. He said the staff reports that water consumption was considered and that because he didn't see many written details, he had further questions. He said there was reference to The Human Bean as the franchise included in the staff report, as well as examples of three potential stores which put the usage drastically below the 400-gallon limit, but that he still wondered what kind of volume this included.

Mr. Tubbs asked how much water would be used and what kind of business model would work there. He asked if 239 vehicle trips per day was truly accurate, especially when the applicant's narrative stated that the operating hours would be from 4:00 a.m. to 11:00 p.m. He asked how accurate and realistic the 42.5-gallon average was that is used in the three Human Bean examples. He asked if this was the franchisee, or if this was just being used as an example. He asked if there were other comparative examples to consider.

Mr. Tubbs noted that The Human Bean's site selection franchise does say that a successful franchise is 15,000 vehicles per day. He said he didn't believe they would get this as the proposed site.

Mr. Tubbs said he looked forward to hearing more about the water usage.

Mr. Morgan Butler (Southern Environmental Law Center) emphasized that regardless of the stale HC zoning on the property, it is located in the Rural Area, and that the Rural Area chapter of the Comprehensive Plan was clear that, "Restaurants, as a rule, are most appropriate in the development areas where public water and sewer is available and streets and parking lots can handle traffic generated by a successful business." He said it identifies a potential exception to that rule for small restaurants in existing historic communities in a crossroads community, but that two of those three conditions were not met with the proposal.

Mr. Butler said that other parts of the Rural Areas chapter make clear that new Rural Area uses should, "Be suitable for existing rural roads and result in little discernible difference in traffic patterns." He said that, in other words, they should not be drawing traffic into the Rural Area from nearby interstates and highways.

Mr. Butler said that on that point, SELC acknowledges the applicant's statement suggesting that the proposal will not generate significant new trips on 250, but rather, will capture existing trips on Route 250. He said it seemed prudent, however, to step back and look at the situation, and assess whether the use could attract a fair amount of new traffic.

Mr. Butler noted that the location is closer to the I-64 interstate exit than the Starbucks that is located off of Route 250 and Pantops, and would likely be much quicker to get to most times of the day.

Mr. Butler said he also noticed that the hours of operations are proposed to be from 4:00 a.m. to 11:00 p.m., meaning the coffee shop would open one hour earlier in the morning and stay open one hour later than the Starbucks.

Mr. Butler said that even with the proposed conditions limiting the square footage and prohibiting indoor seating and public restrooms, this applicant ran afoul of key tenants of the Comprehensive Plan. He said SELC did sympathize with the applicant's situation of having the Zoning Ordinance change while their site plan was under review, but that the zoning on the parcel has been consistent with the Comprehensive Plan for a very long time, and that the zoning changes to begin limiting it were in the works for quite a while.

Mr. Butler said that if the Commission was inclined to give the application consideration, SELC would recommend it consider a condition that would prohibit a drive-thru, as this would help reduce its potential to attract new traffic and thereby, reduce its overall impacts.

Mr. Butler said if the Commission does recommend approval in any form, it seemed critically important that the conditions on the Special Use Permit make it very clear that the permitted special use is limited to a coffee shop and not the broader restaurant use, which would have even greater impacts. He noted that the applicant's project narrative stated that the Special Use Permit being applied for is to allow a restaurant.

Mr. Butler said that further, although the conditions staff has proposed do make clear that any coffee shop use developed on the parcel has certain limitations, it was not entirely clear from those conditions that the Special Use Permit is limited to a coffee shop. He said this was something that the SELC strongly urged the Commission to nail down, with clarity, if it is inclined to recommend approval of any form of the Special Use Permit application.

Mr. Shimp said the water usage and consumption was very extensively studied with staff for about a year. He said the applicant was very close to approval of the plan when the Board initiated the Zoning Text Amendments. He said the reason there were not as many details seen was because they were fleshed out well beforehand.

Mr. Shimp said the applicant received sales figures from the other Human Bean operations, and the applicant was able to compute the peak on one month in their busiest day how much liquid they consumed and sold off-site. He said the conditions staff has put on the proposal speak to scale, and that the applicant was not looking at having a 5,000-square-foot restaurants in the Rural Area.

Mr. Shimp said one could make a strong case that historically, rural areas have had small shops such as this to serve people in the community. He said traffic-wise, traveling on this route in the morning, certainly people driving by in that line of traffic will be inclined to stop there, but that he didn't see the site drawing traffic off the interstate to head that way and back as it would not be a fast trip. He said the shop was centered to serve people who are already driving by, as well as the businesses who are already there. He said he understood that this was on the fringe of the Rural Area, but that there can be services for those people at the historically established businesses, the character of which is very industrial.

Mr. Shimp said looking at the applicant's architecture, it is moving in a much more correct direction for design of a Rural Area with its brick and historic warehouse look as opposed to the metal buildings out there. He said this will fit in with the surroundings and character of the area without having impacts on water or traffic.

Ms. Schlein said that in terms of the narrative and reference to restaurant use, the language was taken specifically from the Zoning Ordinance and what use is requested. She said "restaurant" is the requested use, and that the applicant was more than willing to agree to it being restricted to coffee shop use. She said she was not sure if this would be a condition.

Ms. Gleason replied that this would need to be kept to "restaurant" use because of the language of the ordinance. She said in the definition Section 3 of the ordinance, "coffee shop" is encapsulated within the umbrella of restaurant uses.

Mr. Benish said zoning's preference would be what constitutes a coffee shop if it is not defined in the ordinance. He said the preference was to stay with the uses designated in the ordinance. He said a recommendation can be made to the Board of Supervisors, however.

Ms. Schlein said in terms of the proposed hours of operation, this was mostly informed by UPS's hours of operation and how the coffee shop could possibly serve those employees and drivers getting to work early in the morning.

Mr. Bivins asked if the intention was to place notice about the establishment on I-64 placards.

Mr. Shimp replied that he did not know. He said any business can request that VDOT add it to the signage, but that the applicant has not discussed it yet.

Mr. Bivins closed the public hearing.

Mr. Keller said it was interesting to look at the calculation for how many cups of water are contained in 400 gallons of water. He said this is a lot, which could then translate into many traffic trips in and out.

Mr. Keller said when there was another project on 250 East (a church), there were many discussions about turn lanes there and about Hunter's Way. He said they had discussed the sun in drivers' eyes and the lack of traffic signalization. He asked if the traffic impacts being projected were truly accurate.

Ms. Gleason replied that based upon staff's internal review with Transportation Planners and VDOT's comments, this did not seem to be a concern. She said when trip traffic comparisons were being considered between the coffee shop business models, according to the International Trip Engineers (ITE) trip generation manual, coffee shops with no drive-thru windows generate approximately 100 vehicle trips per day, and drive-thru-only coffee shops generate approximately 330 trips per day.

Ms. Gleason said that within the estimate provided by ITE, staff believed that the numbers in the manual sounded right.

Mr. Keller noted they just heard from one of the speakers that the vehicles trips that were in the business model for a possible company were much higher than those figures. He asked if Mr. McDermott could speak again to that piece of 250 and the changes that are being proposed.

Mr. Keller said that when he goes to UPS, there are times when there are 8-10 cars backed up in the turn lane, going east. He said he was therefore wondering about the ramifications of doubling or tripling those numbers during high-volume times of day.

Mr. Kevin McDermott (Transportation Planner) said this was not subject to a TIA review. He said staff looked at the numbers and pulled the ITE generation numbers, noting that they seemed accurate. He said the 100 vehicle trips during peak hour was what the number translated to, and to 330 vehicles if it were a sit-down place.

Mr. McDermott said he was recently looking at some additional information on pass-by trips for a similar use and that the expectation was, based on some Florida DOT numbers he saw, that upwards of 90% of the vehicles that would be going there would be pass-by trips for this type of use. He said that considering that most of the vehicles will be coming in from heading westbound on 250, there will be few left turns and that people will quickly recognize that it is very difficult to make a left turn during peak hour, which may even reduce the number of people that make that decision to go in from that direction.

Mr. McDermott said he didn't have the specific traffic numbers for what the vehicle trips to the coffee shop from westbound or eastbound would be, but that he would assume it will mostly consist of people making a right-in, right-out in the morning and few making a left turn.

Mr. Keller asked if Mr. McDermott believed that the left turn serves as traffic calming in the area where there is a 45-mph speed limit and people often want to drive faster than that. He said they are always thinking about ways to slow the traffic down to make it safer.

Mr. McDermott asked if Mr. Keller was imagining how the left turn would serve as a traffic calming.

Mr. Keller said that people coming on a two-lane road would see people waiting to turn.

Mr. McDermott clarified that it is a three-lane road there.

Mr. Keller acknowledged there is turn lane.

Mr. Benish said the center turn lane is well over 600 feet in that area.

Mr. McDermott said the VDOT facility is just down the road and that there are often vehicles waiting to turn into the VDOT facility in the morning. He said anytime there are additional vehicles that are stopped in the road, it creates a friction point which could reduce speeds in the area for people who are not part of that line of traffic heading into town.

Mr. Randolph said ironically, the existence of traffic imposes significant constraints on the ability for the site to function in a more extensive business fashion that the applicant is presenting. He said anyone who drives the corridor knows that they would have to be out of their mind to try to access the corridor driving east on 250 in the morning because they would not be able to make a left-hand turn. He said one can barely make a right-hand turn out of Hunter's Way, especially between Thanksgiving to January 1, because UPS exits all of its trucks exactly at rush hour.

Mr. Randolph said there is a compounding effect of significant congestion and a choke point there, and everyone is considerate to the UPS trucks, which backs everyone up on 250 into the Shadwell intersection where Route 22 comes into Route 250. He said meanwhile, all the traffic coming in from Lake Monticello trying to get west to go to UVA and the hospital all gets backed up.

Mr. Randolph said there are constraints that mitigate against some of the concerns that have been raised about traffic.

Mr. Randolph said in all probability, Rivanna Village would have a coffee shop. He said he didn't know if it would have a drive-thru window, but that it would probably address some of the demand for coffee that will originate. He said he didn't know what Breezy Hill's eventual configuration would be, but that assuming it comes in at a permitted 60, for instance, with the combination of Glenmore and Rivanna Village, some of the demand may actually be addressed onsite.

Mr. Randolph said that then, any skilled drivers going west that want coffee in the morning will deduce that while they might get coffee in five minutes, it will take them ten minutes to get out because of the amount of traffic. He said he genuinely believed the applicant is accurate, that this will be a site that is best suited for local businesses in the location.

Mr. Randolph said in the non-rush hour, the traffic that goes through there could easily handle the additional traffic. He said once rush hour is complete in that corridor, it is very easy to move east and west going in both directions. He said his point was that traffic actually mitigates the uses and the problems that would otherwise be assigned to the site.

Mr. Randolph said he did have other concerns he wanted to address -- not with the application, but with issues he sees with the application mainly because of nonconforming use in the Rural Area. He said he wanted to address Mr. Tubbs' and Mr. Butler's points.

Mr. Dotson asked if there was a potential problem of someone in a truck not turning into the site, but pulling up along Hunter's Way. He asked if this would be prohibited or if it was currently prohibited. He asked if this would be a function of site plan review or if it was a VDOT matter.

Ms. Gleason replied that staff did not consider the size of trucks and vehicles accessing the site. She said this would come in the Site Plan Amendment in terms of figuring out what the site could handle in term of turning radii and if something would need to be limited based on VDOT concerns. She said in terms of limiting trucks on Hunter's Way specifically, she did not know if that would be a possibility or not because it is a public road.

Ms. Gleason said there is an entrance associated with the site, but that she was not sure of the constraints it would have on what types of vehicles could access it. She said she imagined that with the auto repair shop being there, there is a breadth of vehicles that can currently access the site.

Ms. Gleason said to answer the question, staff did not look at the range of vehicles that could make it into the site versus not.

Mr. Benish said staff does take into consideration the predominant type of vehicles that have to negotiate, and so the radii assumes some larger private vehicles. He said in terms of parking on Hunter's Way, it is a public road and that to some extent, given the character and alignment of

the road, parking could affect site distance and that if it did become a problem, VDOT could enforce that issue because of the curvature (both vertical and horizontal). He said there are ways to address this that have come up at other locations (e.g. Greenbrier Drive, Commonwealth Drive) where very large vehicles become an impediment and it becomes more of an enforcement issue.

Mr. Benish said it was a good point that with UPS being there, there may be some larger vehicles that may stop somewhere on their way, and that staff could be more cognizant of this in the site plan process. He said they did not foresee a significant issue, however.

Mr. Randolph added that there was no space there to park a truck, unless someone is getting out on the right side of the truck. He said if someone tries to get out of their truck on the left side and step down in the highway, they are taking their life in their hands, as there is no adequate shoulder there. He said he has bicycled through there and there is barely enough width to ride a bike. He said he couldn't imagine trying to put a tractor trailer there.

Mr. Dotson said he was thinking more about a straight truck.

Mr. Randolph said he was delighted to see the application before the Planning Commission and then going to the Board of Supervisors, as it was a case of a nonconforming use in the Rural Area that the Board extensively discussed. He said this was a case where originally, it looked as though the applicant would be invalidated from being able to improve the site.

Mr. Randolph said in looking at the history of the site, the County has been responsible in 1986 and 1991 to permit businesses in the Rural Area on this site. He said there is someone who owns the site and wants to develop it within the constraints that were established. He said he believes the applicant is trying to be a good actor in understanding the challenge of doing so in this location.

Mr. Randolph said the request does raise some questions, however, and that Mr. Butler had cited the Rural Area. He said the problem he had in going through the criteria for review of new uses in the Rural Area was that he believes the County is operating under a binary approach -- that it is either rural or development area. He said when actually looking at the location on Hunter's Way and the level of commercial, industrial activity, there is a microbusiness cluster there in the Rural Area, and yet they want to assign to this cluster all of the characteristics of the Rural Area. He said the County permitted it in 1986 and 1991, and it is thus a legacy project and no one in the room has responsibility for it.

Mr. Randolph said one of the things that the application causes the Commission to think about, going forward, is if they truly have the proper evaluative tools in hand to assess a locality such as this in evaluating land use decisions when they are being measured on a binary basis. He said it's an either/or -- either rural or development area. He said there are localities where there is a mix between the two, and that the County needs to have some other way of approaching, evaluating, and assessing it for both the Planning Commission and Board of Supervisors.

Mr. Randolph said looking at the Rural Area criteria, they are not really accurate or applicable to the locality. He said it is invalid, therefore, in some ways to say to the applicant that they must be measured by those criteria. He said they need to look at this more thoroughly.

Mr. Randolph said he didn't have a problem with the application because it was very self-limiting. He said the traffic patterns would limit it, inherently, but that it does raise broader issues that need to be discussed at another juncture.

Mr. Clayborne said the applicant had begun to touch on one of his concerns. He said he drove by the site that day and noticed that in the middle island, there are many cars stacked up to get worked on, and it is therefore a tight site. He said he was driving a 4Runner, which is a typical SUV, but in going around the loop, it was not easy to navigate. He said he would imagine that a structure such as a hardware store and a coffee shop with a large drive-thru, and intermingling pedestrian, would pose to be a challenge.

Mr. Clayborne said he did like the thought of earmarking some of the spaces in front of the building, if there was going to be a walk-up. He said he could see queuing happening at the drive-thru, and that someone potentially backing up or crossing the path on foot seemed like a bad idea.

Mr. Clayborne said he didn't have an issue so much with the proposal, but that he would like to see some of the spaces in the front earmarked for walk-up traffic.

Mr. Dotson agreed with Mr. Clayborne. He said he had also visited the site that morning and noticed how full the parking lot was, primarily from the auto shop, because the two buildings being replaced are not generating any traffic. He said perhaps this is a temporary condition, knowing that the auto shop does not need to leave those spaces open for other businesses, and so this may take care of itself.

Mr. Dotson said his concerns were of a nature that they would be addressed during the site development plan, and included the parking adequacy, possible conflicts as 239 cars flow through the site, and trucks in the public right of way.

Mr. Bivins said he was pleased that they went from a drive-thru to a walk-up, and that that evening, he understood that they were only dealing with a walk-up.

Ms. Gleason confirmed that that evening, the Commission was looking at whether or not the use is allowed on the site, and not necessarily the design of it.

Mr. Benish clarified that a drive-thru could be permitted, but that this was primarily about the use, which could include the drive-thru.

Ms. Firehock asked if because they were not doing the site design, they would not discuss that evening whether or not they wanted to request that there be a walk-up window and designated parking for use of that.

Mr. Benish replied that the Commission could recommend that the walk-up be identified during the site planning process, and that this could be carried forward to the Board of Supervisors. He clarified that in the approval process, there is the ability for the applicant to come back and as a by-right use, they made need an exception, but that they could do a drive-thru in the future. He said the Commission's review that evening was focused on the 700-square-foot kiosk-style use, which could include a drive-thru.

Mr. Randolph commented that if the applicant were to do a drive-thru, they would hopefully utilize the expertise that Chick-fil-a has developed on drive-thrus. He said there had been a concern about the drive-thru on Pantops, and that this has worked incredibly well. He wondered if there could be an adequate amount of lane space around the proposed coffee shop, adding that if they

follow a similar type of drive-thru approach, it will not be as problematic as others have been in the past.

Mr. Dotson recalled that there had been discussion about the use of the term "coffee shop" versus "restaurant use." He asked if staff could clarify this. He said he understood that "restaurant use" was defined and that he believed he had heard preference for using that term.

Mr. Benish replied that "restaurant" is a defined term in the Zoning Ordinance. He said he did not think there was a defined "coffee shop" use, and therefore, providing some parameters that state that this has to be a coffee shop would require defining what constitutes a coffee shop and when it would cease to simply be a coffee shop. He said staff's preference is to stay with what is defined in the ordinance, adding that they believe the size of the building governs that, and that even if it was a walk-up ice cream shop, it would likely be subject to similar conditions.

Mr. Keller asked if staff wanted to make the last two discussion items part of the motion, or if the Commission was comfortable with the motion, as general as it was.

Mr. Bivins replied that if Mr. Keller wanted to add those items to the motion, they could go from there. He said the Commission had before it the recommendation by staff with the three conditions listed.

Mr. Keller said he was hearing the enhancements from Mr. Randolph and Mr. Dotson on two different pieces. He asked if the Commission wanted to suggest a more limiting definition of the restaurant versus coffee shop use, or not.

Mr. Dotson replied that to him, it made sense to substitute "restaurant use" for "coffee shop." He said it sounded like that from the discussion, there was also interest in adding a condition to designate walk-up parking spots during the site plan.

Ms. More said that staff's condition and language was "coffee shop" uses.

Mr. Dotson moved recommendation of approval of SP201900003 Hunter's Way Coffee Shop (Restaurant Use), and that in the recommended conditions, the word "restaurant" is substituted with "coffee shop" in those three conditions; and that they would add a fourth condition that the applicant designate walk-up parking spots during the site development plan stage.

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

Mr. Bivins thanked the applicant, noting that the application would move on to the Board of Supervisors.

ZMA201900001 999 Rio Road East

Ms. Tori Kanellopoulos, Lead Planner for the project, presented the staff report. She said this was a public hearing for a request to rezone from R4 Residential to Neighborhood Model District on one parcel totaling 1.94 acres at the address of 999 Rio Road. She said she would start with a brief history of the application and previous public hearings, then move on to the background and context of the site, discuss the proposed code of development and application plan, and conclude with staff's recommendation and motions.

Ms. Kanellopoulos noted that Transportation Planner Mr. Kevin McDermott was present and available that evening to answer questions.

Ms. Kanellopoulos said the application has been through the full standard rezoning process once, with a community meeting in March of 2019 and two public hearings. She said at the June 25 Planning Commission public hearing, the Planning Commission recommended approval 4:1. She said at the September 18 Board of Supervisors public hearing, the Board voted to defer the application back to the Planning Commission with some requested revisions, mainly to revise the scale of the nonresidential uses and to further address traffic concerns.

Ms. Kanellopoulos said the applicant resubmitted their application on December 16 to address concerns from the Commission, Board, and community. She said she would discuss the main differences between the applications later in the presentation.

Ms. Kanellopoulos said the applicant held a second community meeting, which was not required. She said there were mixed comments from the community members at that meeting, with some residents still concerned with nonresidential uses and potential traffic issues, while others felt the project had been appropriately scaled back.

Ms. Kanellopoulos said the application is now at its second Planning Commission public hearing, and the Board hearing was tentatively scheduled for March 4.

Ms. Kanellopoulos said the project is located at the intersection of Belvedere Boulevard and Rio Road East and is at the main entrance to the Belvedere development. She said the site currently consists of a single-family home, with several accessory structures. She said the property is adjacent to the Dunlora neighborhood, is across Belvedere Boulevard from Covenant Church, and across Rio Road from CATEC.

Ms. Kanellopoulos pointed out that the County's GIS needs to be updated and that based on a plat submitted by the applicant, the parcel is not adjacent to Shepherds Ridge Road and does not have frontage on that road. She said there is a parcel in between owned by Dunlora, LLC. She presented an image showing the survey submitted by the applicant, along with another image showing the County's GIS.

Ms. Kanellopoulos said the property is currently zoned R4 Residential, which allows 7 units by right, and then up to 11 units with bonus factors such as affordable housing. She said nearby zoning districts include R4 and R2 Residential, Commercial and Office, C1 Commercial, and Neighborhood Model District.

Ms. Kanellopoulos said there are no environmental features on the site, such as steep slopes or stream buffers.

Ms. Kanellopoulos said the property is designated Urban Density Residential in the Places29 Master Plan. She said this classification calls for primary uses to consist of residential uses with densities between 6 and 34 units per acre. She said the proposal meets the density called for in the Comprehensive Plan, with a proposed density between 6 and 15 units per acre, depending on the ultimate number of units built, with a range between 11 and 28.

Ms. Kanellopoulos said that secondary uses in this classification include supporting uses such as retail, commercial, office, and institutional uses.

Ms. Kanellopoulos said the proposal also extends the existing multi-use path, as shown in the Places29 Master Plan. She said that if this was a by-right development, the applicant would only be a required to construct sidewalks and not necessarily a multi-use path.

Ms. Kanellopoulos said the Master Plan calls for these nonresidential uses to be located in Centers, or located outside of Centers by exception.

Ms. Kanellopoulos said that based on similarly designated properties in other developments such as Brookhill and Belvedere, the property's location near three Neighborhood Service Centers, and the goals of the Comprehensive Plan and Neighborhood Model District principles, staff agrees that the proposal is consist with the Comprehensive Plan.

Ms. Kanellopoulos said it is also consistent with other relevant Comprehensive Plan policies, including efficient use of the development area, promoting density within the development area to create new compact urban places, the housing policy of having at least 15% affordable units with rezoning's, directing housing activities to the development areas, and using rezoning's to ensure that a mixture of housing types that also supports all income levels of the County residents are included.

Ms. Kanellopoulos said the application plan shows the areas where certain features must be located during site planning. She indicated on the site plan to the buildable areas, explaining that any buildings would need to be contained within those areas. She said that all parking must be contained within the parking areas, with green amenity spaces in the remaining areas.

Ms. Kanellopoulos said the application plan regulates where the features must be located, where the code of development regulates the uses and types of housing permitted. She said the retail and/or office uses are only allowed in Block 1, per the code of development, and must be located within the designated buildable area.

Ms. Kanellopoulos said Block 1 will have between 3 and 14 single-family attached and/or multi-family units, with up to 6,000 square feet of retail or office uses.

Ms. Kanellopoulos said that Block 2 is residential only and would have between 8 and 14 single-family attached or detached units.

Ms. Kanellopoulos said there are two entrances proposed off of Belvedere Boulevard, which must meet VDOT standards at the site planning stage. She said although there is no vehicular connectivity between the two blocks, there is pedestrian connectivity (including through the central green) for the amenity-oriented lots in Block 2.

Ms. Kanellopoulos said one of the major concerns was the potential traffic impact from this development. She said this proposal did not meet the threshold for a formal Traffic Impact Analysis (TIA), but the applicant completed a traffic study, however, that found that the proposal would generate a maximum of 37 trips during peak hour, assuming maximum buildout.

Ms. Kanellopoulos noted that Transportation staff agree with these findings, and that the increase was not high enough to warrant offsite improvements. She said the applicant, however, has stated that they will continue to work with VDOT and dedicate the necessary right of way needed for

future improvements. She said VDOT is continuing their study of the intersection, working towards an improvement which will likely be in the form of an R-cut.

Ms. Kanellopoulos said that since the proposal is for Neighborhood Model District, the applicant has submitted a code of development, which would regulate the development in the proposal. She presented a snapshot showing the potential buildout ranges for residential and nonresidential uses. She explained that only Block 1 permits nonresidential uses, which are consistent with the nonresidential uses described in the Places29 Master Plan for the Urban Density Residential designation. She said the uses are intended to be at the Neighborhood Service scale and that at that point, only consist of a furniture store and office uses.

Ms. Kanellopoulos said the maximum building height permitted in both blocks is three stories, which is also consistent with the Comprehensive Plan. She said the applicant revised the maximum building height from four to three stories after receiving community feedback and has further reduced the maximum building height for nonresidential uses to be one story.

Ms. Kanellopoulos said the Neighborhood Model District also requires 20% of the site to be amenity and green space, and that the proposal meets this requirement, including a central green, a plaza, a natural playscape, and a dog park.

Ms. Kanellopoulos said the code of development also requires at least two housing types in the development and requires at least 15% of the units be affordable.

Ms. Kanellopoulos presented a slide showing some changes between the first and second applications. She said the proposed development was still within the recommended Comprehensive Plan density, and was now at the lower end. She said there was a 40% reduction in the density with this proposal. She said the trip count has decreased by approximately 50%, and the maximum square foot of nonresidential uses was now 6,000 square feet instead of 10,000, which is also a 40% reduction. She said the maximum height for nonresidential uses is now one story instead of three, and the permitted nonresidential uses are now only limited to a furniture store or office, while the first submittal allowed a range of retail, commercial, and office uses. She said there is now additional green and amenity space as well.

Ms. Kanellopoulos said there are also four special exceptions and waivers included with the proposal, and that the purpose of those was to provide amenity-oriented lots in Block 2. She said these lots require frontage, and therefore, the proposed amenity is a private street. She said this type of development has been approved before in the County, including at Riverside Village, and that staff supports all the special exceptions to allow for amenity-oriented lots and emergency access for Fire Rescue, with no other traffic allowed.

Ms. Kanellopoulos said the Planning Commission had previously approved those special exception requests at the June 25 Planning Commission hearing.

Ms. Kanellopoulos said that based on the favorable factors and analysis, as outlined in the staff report, staff recommends approval of the rezoning request as well as the special exceptions for amenity-oriented lots.

Ms. Kanellopoulos said she had the motions for the Commission's consideration, noting that after that, there were also four motions for each of the special exceptions.

Ms. Nicole Scro (applicant) said she was formerly a land use and zoning attorney at a local law firm and started a real estate development company, Gallafrey, in September 2018. She said she proposed a rezoning at 999 Rio Road East. She said Ms. Kanellopoulos covered the changes and timeline.

Ms. Scro said that in terms of community engagement, she met with the homeowners off of Shepherd Ridge Road several times, at their homes, as well as with the homeowners off of Fowler's Ridge Court several times, as they are adjacent to the property. She noted that this is considered Dunlora, but that it is a new project. She said she discussed with the homeowners screening along the project, and that their feedback was incorporated into what will eventually be put there, which is part of the code of development.

Ms. Scro said she also held two CAC meetings and met with the HOA of Belvedere. She said she has had continuous emails and phone calls with the neighborhood as well. She said she would summarize the key takeaways from meeting with neighbors, as well as from the Board of Supervisors meeting.

Ms. Scro said the takeaway, for her, was that the scale and intensity of the project was too big, given the traffic concerns along the corridor and the desire for preservation of green space where able. She said the community mobilized to get the area designated as Entrance Corridor and that in the past year, the Entrance Corridor was extended to include this property. She said traffic and green space were important to the community, as well as limiting commercial use because of the residential context of the area.

Ms. Scro said that from this feedback, the applicant has made several changes to the application. She said their revisions include scaling back density by 40%, going from 46 total units to 28. She said they have also decreased commercial use by a significant amount as well, going down 40% (from 10,000 square feet to 6,000 square feet). She said in terms of scale and intensity, they have restricted uses on the site, and now, only office and a furniture store are the only uses allowed. She said retail uses are no longer allowed, such as Chick-fil-a or Starbucks, which are the uses that generally create more traffic.

Ms. Scro said the applicant has designated 6,000 square feet of green space along Rio Road East, and the stepbacks or building off of Rio Road East is now further, which is about 34-39 feet. She explained that this is measured from the right of way, of which there is 20 feet. She said that from Rio Road East, it will be 54-60 feet until there is a building. She said the building up against Rio Road East is also the one-story building.

Ms. Scro said the landscaping in the 6,000-square-foot buffer will likely be at the height of the building, preserving the beauty and green space of the area while also meeting the needs and demands of the development area.

Ms. Scro stressed that if this were built by right, there would be a 5- to 20-foot stepback, and so they would be required to be up against the road. She said that there is also an exemption for single-family homes, so if it were built by right, there likely wouldn't be included into the design from the ARB. She noted that by going through a rezoning, they are enabling the ability to designate the front part of Rio Road East for green space and incorporation of input from the ARB.

Ms. Scro said regarding traffic, this was a small project that, from the beginning, VDOT and the

County Transportation Planner has considered the impact from the project to be minimal. She noted, however, that the applicant still reduced the traffic impact from the initial proposal by 52-59%. She said the results are that during the peak hours, this development will only produce one car every two minutes, which is a minimal impact.

Ms. Scro presented the concept plan from the application plan that Ms. Kanellopoulos showed. She said the back portion of the design included a cluster of small houses (800-1,600 square feet in size), which was preserved. She said there were previously going to be some townhouses with smaller units below it, instead of an apartment building. She said these were beneficial and have been done in Riverside Village. She said they allow for the homeowner to gain supplemental income from an accessory unit, and that these units are usually more affordable as well.

Ms. Scro said the benefits of the project include consistency with the Comprehensive Plan (higher intensity), keeping with other Comprehensive Plan guidelines, and connection of the multi-use path. She said the 10-foot path allows for pedestrians as well as cyclists. She said it runs from the subject property down to McIntire Plaza. She said the area has great bike-ped infrastructure, and that the applicant would be connecting where the path stops at Rio Road East to Belvedere Boulevard, where it picks up again. She noted how this was important for events as well, such as the Charlottesville Marathon and Half-Marathon. She said the plan was for the multi-use path to continue along Rio Road East as well.

Ms. Scro reminded that if the site were allowed to be built by right, they would only be required to build a sidewalk, which would not accommodate a bicycle.

Ms. Scro presented a glimpse of the designs the applicant was pulling as inspiration for the back cottages. She said they were consistent with the density and sizes of the proposal out West. She said the benefit of the homes was that because they are smaller and the construction costs are lower, they can provide houses at a price point that are not seen in Charlottesville and Albemarle. She said they are trying to provide a home for $280,000-380,000.

Ms. Scro said she checks the MLS and that often, one cannot find a new house at that price point. She said if one wants to live in Charlottesville and cannot buy a house, they typically either have to buy a townhouse, live in a surrounding county or a place like Scottsville, or buy an older house. She said older houses are not as environmentally sensitive and are not as healthy for the occupant.

Ms. Scro presented an image showing context of the corridor. She showed an image of a 350-unit apartment complex (The Reserve at Belvedere) as well as what will be The Center. She said these were well-built-out areas and that the proposal was half the size of this. She showed pictures of apartments that looked similar to townhouses.

Ms. Scro reiterated the benefits of the proposal, including meeting the Comprehensive Plan, having a minimal impact to the area, and providing innovative housing to address affordability. She said not only were the back houses trying to hit the 100-120 missing middle housing price point, but that they were also requiring 15% affordable housing. She said the applicant has tried its best to be responsive to neighborhood concerns.

Mr. Clayborne asked to go back to the conceptual site plan. He asked about the building parallel to Rio Road and about its façade in the front versus the back.

Ms. Scro replied that it had not yet been designed, but that it would be subject to ARB review. She said they anticipate an entrance off of Rio Road as well as an entrance off of the parking spaces. She said the building had not yet been designed.

Mr. Justin Shimp (Project Engineer) said that as someone who attends the ARB meetings often, he could say that it will have a front façade, which is a requirement of the corridor. He said the building will have the appearance and functionality that requires a sidewalk entrance. He said if one is walking down Rio Road on the path, they could enter through the front door of the building, and that this is an Entrance Corridor requirement.

Mr. Clayborne said his comment was likely more for the ARB, but that thought should be given to utilities such that transformers and HVAC equipment is not facing Rio Road in the Entrance Corridor. He said this was why he asked about the façade.

Mr. Randolph asked why the applicant felt that Scottsville was an undesirable place. He reminded the applicant that people living in Scottsville choose to live there because they like a small-town environment.

Ms. Scro apologized, noting that she loves Scottsville and that it is wonderful. She said the project provides more affordable homes and that if one works in Charlottesville, it is an option for them if they otherwise cannot afford to live in Albemarle County.

Ms. Firehock said she was curious about the townhomes, noting that the diagram said, "Front/Back Porch," which she was confused by as it can only be one or the other. She asked if the townhomes were facing the road, and what she would be seeing if she turned off of Rio Road (back or front of the house).

Mr. Shimp replied that this was the front. He said there is a rear alley behind, and so the garage is in the back, and the front porch is on the street to allow for walking out the front door onto the shared use path.

Ms. Scro said the label was only for the bump-outs, which are all representative of front and/or rear. She showed a picture from Riverside Village of what the townhomes would look like, explaining that it would be facing Belvedere Boulevard. She said this was only to give an idea of a similar property.

Ms. Firehock said she read the entire application, and in terms of the furniture store, she was concerned that it becomes narrowly defined that the space can only be a furniture store. She said the County has problems with reusing other large sports stores, and that she was curious about why a furniture store was proposed.

Ms. Scro replied that the reason for this was that The Artful Lodger was thinking about relocating there, and so the applicant wanted to provide them that opportunity. She said a furniture store would still be a minimal traffic impact use. She said in talking with The Artful Lodger, it seemed as if they would want an open space that could be easily converted to an office use, and so it was allowed to be either a furniture store or an office use.

Ms. Firehock said it would then not be stuck in one use.

Ms. Scro replied it would not be limited to a furniture store, but that a furniture store was the only

retail use that would be allowed. She said this being said, she believed The Artful Lodger has chosen a different site with more warehousing space, and so the applicant may avoid this discussion altogether, but that this was the thinking behind it.

Ms. Firehock said she just didn't want the space being forced into a vacancy because of a strange use requirement. She said her other question was about the application in Attachment 7, page 5, where the changes were highlighted in red. She read, "In response to neighborhood feedback, we revised the maximum allowable height from four stories to three stories, 45 to 40 feet."

Ms. Kanellopoulos replied that this was the first narrative, and Attachment 8 contained the narrative update. She said this narrative was still referring to the previous submittal. She apologized for the confusion.

Mr. Bivins opened the public hearing.

Mr. Kent Schlussel (1171 Riverchase Road, Dunlora) said he spoke to the Commission last fall, when the request for rezoning came before it. He said in that session, 15 residents spoke against the rezoning and that only one person spoke for it. He said the Commission heard real data on traffic, and the incompatibility aspects of building apartments on commercial property along this part of Rio Road.

Mr. Schlussel said that all these issues still exist, and that the traffic has only gotten worse. He said when the request was presented to the Board of Supervisors, most of the members had concerns similar to those of the community. He said the developer then requested deferral so that they could work on the proposal.

Mr. Schlussel said that during the discussion of the Board of Supervisors, the Board recommended removing the commercial property. He said the current request maintains the commercial property and that the plan is not comparable to the existing community from the railroad tracks at Pen Park Road, where there are no apartment buildings and only single-family homes (some attached), churches, and schools.

Mr. Schlussel said the current proposal, as the last one was, is based on the Comprehensive Plan. He said the current Comprehensive Plan is not working anymore for the area. He said they do not have the infrastructure, nor does the plan take into account all the changes that have occurred in the area to include the increased traffic coming from 29 North, where development has significantly increased in the past few years with the building of over 1,000 apartments and homes along 29.

Mr. Schlussel said the plan is a plan and is not mandatory.

Mr. Schlussel said he has spent many years in the military, and as a civilian working for the Department of Defense. He said they have plans for everything, including plans for the plans. He said when a crisis starts, the plans have to change. He said the current Comprehensive Plan for this part of the County is not working anymore. He said the Comprehensive Plan is at a crisis. He said the Commission should not change current zoning of the parcel just to meet some plan when the plan is not working.

Mr. Schlussel noted that the developer said that one reason for the commercial property was to make the proposal economically feasible. He said he hoped the developer's economic status

does not become a criterion on which to make a recommendation to change the zoning.

Mr. Schlussel said when he stands on the corner, he sees a nice urban park. He noted that in a previous Comprehensive Plan, when they had the Meadowcreek Parkway, that this location was going to be a green space.

Mr. Schlussel said he knows the development is based on its own merits, but that as a Planning Commission, it seemed that they must consider existing, surrounding communities and those underway. He said if they do not consider the existing communities, it would be like trying to put together a puzzle one piece at a time without looking at all the other pieces.

Mr. Schlussel said with no improvements to infrastructure coming for at least a decade, and many other reasons, this rezoning proposal should be denied and should be kept R4.

Ms. Judy Schlussel (1171 Riverchase Ridge) said she is a member of the Rio-29 CAC. She said Albemarle County has a pastoral image that is quickly vanishes as terms such as "Master Plan," "Comprehensive Plan," "Neighborhood Model," and "Form-Based Code" become part of the language of the governing bodies. She said these are plans, not laws. She said they have all heard that if Plan A doesn't work, go to Plan B. She said Planning Commissioners should now consider going to Plan B.

Ms. Schlussel said the experts who have talked to the CAC about form-based code indicated that in order to have success, infrastructure must be first in place. She said VDOT representatives have stated that the infrastructure improvements are many years in the future. She urged the Commission to be realistic in looking at Rio Road, noting that it is only so wide and that there is only so much creativity that can go into making the traffic flow smoothly. She urged them to also remember safety aspects.

Ms. Schlussel said Planning Commissioners need to take a bold step to say, "Enough is enough" by putting a moratorium on development until it is thoughtfully evaluated as to what type of development is truly needed. She acknowledged that the County needs green space, but noted that the few dog parks spaces proposed should not be counted as green space.

Ms. Schlussel said at the September meeting, the Board of Supervisors indicated that too much was planned for the small space, and that it did not want to see a commercial entity there. She said the developers plan now includes townhomes facing Belvedere Boulevard, but still has included a commercial entity.

Ms. Schlussel said the developer has stated that she was approached by The Artful Lodger furniture store. She said that at the CAC meeting, when questioned about truck traffic, the residents were told that only small box trucks (not tractor trailers) would be used. She asked if they were to believe that the furniture store's displays would stay stagnant and that no truck traffic in this small development would disrupt the lives of the residents. She asked if those in the Rio/Belvedere area were to expect to see a neon commercial sign among their single-family residences and across from the Covenant Church, which would be out of character. She reminded that commercial property must have proper lighting.

Ms. Schlussel said that at the CAC meeting, the developer was asked questions about the new proposal, and responded that she did make some changes, but that financially, this was all she could come up with. She said that with such a statement, if this meant that those in the community

who have lived in the area to 25 or more years should yield to her proposal for her own personal financial gain, completely ignoring traffic, noise, and light pollution.

Ms. Schlussel urged the Commission not to rubber-stamp approval, but to evaluate the negative impact that rezoning would have on the Entrance Corridor, considering the surrounding aesthetics. She said the long-awaited wildflower area has become reality, and asked if they wanted the image of driving past the beautiful flowered area surrounded by single-family homes to come upon 999 Rio Road labeled "Neighborhood Model" that will still have a busy image of trying to fit too much in too small of a space.

Ms. Schlussel urged the Commission to act responsibility and to not approve the rezoning request.

Ms. Kathie Hullfish (817 King William Drive, Dunlora) said she followed the initiation of development of the proposal for some time and that overall, she applauded the system of County governance that allows and encourages input from its citizens.

Ms. Hullfish said the proposal for rezoning this small parcel of land, along with arguments to maintain current R4 rules, are all compelling on many logical and emotional levels and brought forth with the same basic intentions in mind -- to maintain the standard of living and make the County a better place to live, work, and play.

Ms. Hullfish said that as a long-time neighborhood resident, she now believed that the Commission should approve the current application and pass the recommendation on to the Board of Supervisors. She said her evolving opinion was based on the following factors. She said that by markedly reducing the number of dwellings, the applicant has made substantial alterations to her proposal, which should assuage citizens' concerns of traffic input.

Ms. Hullfish said the applicant has listened to the many concerns about aesthetics of a multi-story apartment complex and eliminated it.

Ms. Hullfish said the applicant has made assurances that the one-story commercial space, understandably proposed for financial success, will be limited to small businesses with small customer flow.

Ms. Hullfish said most importantly, the revised proposal is appropriately disruptive, yet respectful, of the status quo in an attempt to address the County's most critical need for affordable housing.

Ms. Hullfish said to her neighbors to wish to leave the zoning as-is, she asked them to consider the evolving needs of the County's citizens and the need to compromise. She said they live in an incredibly polarized world, and that all of them can and should reach out to the middle to find common ground and make the County the best place to live, work, and play.

Ms. Marcy Springett (895 Charter Oaks Drive, Dunlora) said she appreciated Ms. Hullfish's comments, but that she was of the opposite opinion. She said the application to rezone 999 Rio Road should be denied. She said there is a legacy issue.

Ms. Springett said she did not care for the developer's new suggestions. She said the required rezoning does not fit with the Dunlora community and does not conform to the September 18, 2019 Board of Supervisors' guidance. She said the current Comprehensive Plan, which is only a

guide, calls for the orderly development of an area to best promote the health, safety, morals, order, convenience, prosperity, and general welfare of all of the inhabitants.

Ms. Springett asked how the present application promoted health. She said the rezoning request adds 62-73 vehicular trips per day and will have to include extra school bus stops, could cause traffic jams in and out to Belvedere and Rio Road, adds more asphalt, and eliminates green space.

Ms. Springett asked, with regards to safety, how they could put more buses and cars on Belvedere Boulevard without stopping right-turn traffic coming from Rio Road. She asked how making an R-cut, causing slower traffic to move across rapidly moving vehicles coming in both directions, would make things any safer.

Ms. Springett asked, with regards to order, what order is there when they introduce more density to an already densely developed area with limited infrastructure and overcrowded schools.

Ms. Springett said in terms of convenience, there were many convenience stores less than a mile away that have gone out of business.

Ms. Springett asked what prosperity was there and where the new businesses were. She said she recently heard that the County proposes to put a massive apartment complex in the Fashion Square Mall. She asked where any of those new people would work.

Ms. Springett asked, with regards to general welfare, where the green spaces were. She said the promoted changes are destroying all the beautiful natural forests, meadows, and streams along East Rio Road. She said this would become just walking and biking on concrete. She said there are no more forests, no more parks, and that she hears that there was a suggestion of tearing up the brand new wildflower field that was not even blooming yet.

Ms. Springett said therefore, her displeasure with the developers of the area must be shared with the Planning Commission, the Board of Supervisors, and their hard-working staff who have created this miasma of despair. She said this was all because of a misguided, ill-conceived Comprehensive Plan. She urged the Commission to stop the massive infill development all along Rio Road East.

Mr. John Springett (895 Charter Oaks Drive) said the Board of Supervisors deferred the 999 Rio Road rezoning request on September 18, and that this was based on the concerns of over 500 people in the community and surrounding communities. He said the deferral focused on the current insufficient and dangerous transportation infrastructure, the force-fitting of unneeded and unwanted commercial activities into a residential area, and the incompatibility of the proposal with the existing communities.

Mr. Springett said it appears that the applicant simply did not listen. He said he was at this meeting, and he knows that it was not a "picnic," but was a back-and-forth among a number of people. He said the items he just mentioned almost resulted in having the application thrown out. He said it was a very difficult meeting for everyone.

Mr. Springett said the applicant has not listened and has again placed unneeded and unwanted commercial and retail activities in the middle of a residential area. He said they have added to an already-dangerous traffic situation by introducing commercial delivery trucks (i.e. for the furniture store) into a very limited space.

Mr. Springett said the applicant was again proposing building that are incompatible with the neighboring communities, all of which are in direct contravention to the Board of Supervisors' September 18 meeting. He said the Commission could watch the video of the meeting and that it was direct.

Mr. Springett said furthermore, the applicant has stated that unless the property is rezoned, she cannot meet her profit goals. He said this was silly and that if she cannot make a profit on R4 property, another developer will. He said it was not the responsibility of Albemarle citizens to ensure one builder (or any builder) makes as much money as they would like to. He added that the revised proposal was so unclear that it can be interpreted as virtually the same as the original proposal.

Mr. Springett said there were questions raised about transportation and an R-cut, as well as a corridor study that needed to be done before anything was approved in the area. He asked Mr. McDermott has not yet had a chance to conduct this study, fund it, or contract for it. He said therefore, they were right back where they started.

Mr. Ed Guida (2238 Shepherds Ridge Road) said most of what he wanted to say had already been said. He said he wanted to still speak to the commercial space. He said the property was bought some time ago and has not been improved, so obviously, someone decided to buy the property and was now selling it. He said the developer has indicated that a commercial property is required to make this financially viable, so the real point was about money. He said someone has to make money. He noted, however, that no one has to buy that particular piece of property at the current price, theorizing that perhaps the price will go down when another developer will come in and will not require rezoning.

Mr. Guida asked the Commission to act responsibly and deny the application.

Mr. Whitman Cross (900 Charter Oaks Drive, Dunlora) pointed out the effect of The Center (formerly The Senior Center) opening in 100 days, sometime in April. He said this would bring 400-500 cars per day (minimum) because it also contains Greenberry's and a Sentara satellite clinic. He said people going to those locations do not have to be members of The Center, and that this would be added to The Center's visiting members, which would grow rapidly with the announcement of its opening.

Mr. Cross said he has been involved in some of the work towards the new Center as a volunteer, and that they were not only talking about traffic, but about people with limited movement, bad eyesight, and poor hearing coming to the intersection with no traffic light crossing two lanes of speeding traffic to make a left turn to go to the City.

Mr. Cross said that in the Commission's consideration, he would suggest they contact Mr. Peter Thompson (Director of The Center) and speak to him about his projections on the traffic and the effect upon his members on additional cars, even 70 cars a day. He said he was not sure that the applicant was aware of the impact that lines of 10-15 cars trying to get out onto Rio Road will have on their business.

Mr. Sean Tubbs (Piedmont Environmental Council) said the proposal was a compromise between the original application that was before the Commission last June, went to the Board of Supervisors in September, where it was then deferred and sent back. He said the legislative and

community input process that has resulted has reduced the project scope, and yet, it goes a long way towards supplying the additional homes that the community needs as the area continues to have a growing employment base.

Mr. Tubbs noted that the UVA Research Park and the University itself was expanding, as well as the City of Charlottesville employers and the Broadway Blueprint. He said if there are many employers coming to the area, people have to live someplace.

Mr. Tubbs said there is still a higher amount of residential development than would be allowed without the rezoning, and that this was in a place where the community has been planning for years, and continues to plan. He said in this way, the proposal does meet many of the goals of the Comprehensive Plan, and that PEC would reserve judgment on if this plan is better or worse than the one seen previously.

Mr. Tubbs said that to the speaker who asked where the jobs were, he wanted to be very specific about one particular data point. He noted that UVA projects another 5,700 employees, roughly, over the next 10-15 years. He said this comes from their Transportation Demand Management Plan, and that UVA is trying to get a handle on where the employees will park and live, and how those things will be connected together. He said people are studying the issue, and asked if not on the proposed site, where people would live.

Mr. Tubbs said he was somewhat disappointed that the commercial uses have been so stripped back, noting that in the future about 10-15 years, if the County is very restrictive on this, they could have a lost opportunity. He said he echoed a previous speaker, however, who said they need to find a common ground and that what they had before them was an acceptable compromise.

Mr. Tubbs thanked the Commission for their deliberations last June regarding the transportation study. He said his understanding was that on February 11, the Commission would have a first crack at the Community Development Workplan, and that he believed that study was prioritized in this plan. He said they will want to make sure this is done as quickly as possible. He said the County has invested in transportation planners, including Mr. McDermott, who have become much more creative about trying to find the matching opportunities for local grants.

Mr. Tubbs said that regarding The Center, Mr. Thompson would also talk about his support for the Route 11 bus, which is supposed to be bi-directional but does require many of the improvements that are called for in the workplan.

Ms. Scro said she spoke with Mr. Thompson of The Center and that they are supportive of the project. She said they had some questions about parking, and that she had a slide about this if anyone wanted to discuss it. She said she also met with the residents of Belvedere who often use the entrance and that they are also supportive of the project. She said the community at large includes the people immediately next to the project, who the applicant has met with often and have addressed their concerns, as well as Belvedere and The Center, and that therefore this part of the community has been heard and is satisfied with the proposal.

Ms. Scro said if the site were to be built by right, there would be larger, expensive homes right up against the road. She said she didn't think this was something that the community or the Commission wants, nor was it good planning. She said this rezoning affords the opportunity for better design, addresses affordability, and satisfies some other community needs. She said there are many competing interests and that the applicant has accomplished a lot with a small space.

Mr. Bivins closed the public hearing.

Mr. Dotson mentioned the slide the applicant showed of the proposed uses, noting that it showed the use "office" and that staff had also used the same term. He said when he looks at the code of development, however, it was somewhat more precise and that it says, "Office, Research and Development (R&D), and Flex." He said this is actually what the Commission was being asked to recommend for approval.

Mr. Dotson asked if either the applicant or staff could provide a concept of the R&D and Flex uses.

Ms. Kanellopoulos replied that this language came from the Places29 Master Plan as a designation. She said she could let the applicant weigh in on what they think some of those uses may entail, but that it seemed as though their intent was to simply use "office."

Ms. Scro said the term is from the Master Plan, and that she believed staff's desire was to pull away from the Zoning Ordinance using a plethora of different specific uses and instead using more general and fewer uses. She said there is a definition in the Master Plan that consists mostly of medical, professional offices.

Mr. Shimp said he has done some site plans in the City around the old Silk Mills building, and that there are office users there that also have some lab space. He said this is what he thinks of when hearing the term "Flex" and "R&D."

Mr. Dotson suggested that the County Attorney may have more insights.

Mr. Herrick said as the applicant noted, "Office/Flex/R&D" is described in some detail in the Places29 Master Plan. He said he could read it, but that it was several paragraphs long, and that there were several definitions of what "office use" includes. He said there is a separate definition of "R&D" and "Flex" and that perhaps at some point, staff could present this on the screen.

Mr. Dotson asked if the Commission was being asked to recommend "Office/R&D/Flex" or if it was being asked to recommend "Office." He said if they are only being asked for "Office," then they don't need to understand the other two.

Ms. Scro said that it does say "Office/R&D/Flex," which is the term used in the Master Plan.

Mr. Keller said that on the project west of Route 29 on Rio Road where the storage facility is proposed, there was discussion of the residential phase having the lower level that could be either commercial or residential. He said they had the same discussion for Southwood for the commercial space along 5th Street. He asked staff if they have addressed the possibility of that flexibility in this space as well.

Ms. Scro asked if he meant self-storage.

Mr. Keller said that he was saying it could be residential. He asked if the space was being constructed in a manner that would allow it to be adapted to be residential.

Mr. Shimp replied that they had not gotten into that detail on this project because the streetscape is much different at 999 Rio Road than at the 664 Rio Road project. He said they have been

contemplating a commercial user as the first user there. He said he believed the zoning would permit a conversion either way, and that the block with the conceived commercial building is commercial and residential, but the thought was that it would be commercial. He said the applicant hasn't thought as far ahead as specific construction, but that this was on the table.

Ms. Kanellopoulos presented the use definitions on the screen, noting that "Office" includes a variety of office types such as medical, real estate, or professional. She said "R&D" could include administrative, engineering, scientific research, technology research, software development, communications, and GIS. She said that these didn't involve manufacturing, whereas "Flex" may include several uses such as a manufacturing facility with a warehouse space for components and complete products, a showroom for the sale of products, office space or administrative duties, and even a business incubator for a startup company.

Ms. Kanellopoulos said she discussed this with Zoning staff as well, and that they found it acceptable to use the Places29 language, then evaluate a use when it came in. She said this was a bit more of a form-based code type way of listing things, and that this would be the same as listing "furniture store" as its own line, since that is not a listed use in the Zoning Ordinance.

Mr. Dotson asked if he was correct if the proposal was to approve "Flex" and "R&D" in addition to "Office."

Mr. Shimp replied this was correct. He said the definitions before the Commission would include the range of businesses that would be permitted. He said they often think of them as an office user, but that the County dives into more details on that and that the applicant did not want to foreclose on those potential users and employers being there. He said the impact would be the same as an office, but that the inside space would be different.

Ms. Firehock said she was curious why the applicant didn't consider a use in the commercial part of the development that would be more scaled towards neighborhood needs. She said much of the objection is that they are putting a business use in what people are seeing as a residential area, although there are some large churches and institutional uses across the street on a very wide road. She asked what the applicant's thinking was regarding this. She noted that although there were many offices along Route 29, there were not many small office spaces available in the County.

Ms. Firehock said there is a nice cottage community planned behind the commercial space and that while it would be lovely if they all lived there and walked to their office, this almost never works.

Ms. Scro replied that what is missing in the commercial space is a place for a tenant to own its own building. She said her thought was still that the 6,000-square-foot office would be an 8-10 employee business. She said this would be a small business that would own a space and that they could therefore have a lower monthly cost for their space. She said this was something not often found in Albemarle -- that there are places people can rent, or are depreciating and left vacant. She said what is not found is a place where the small business can own. She added that the 6,000 square feet could also be chopped up to accommodate multiple users.

Mr. Shimp said perhaps what Ms. Firehock was suggesting was something more retail or restaurant oriented.

Ms. Firehock said she was thinking about something that would provide a convenience to the neighborhood.

Mr. Shimp said the first proposal very much envisioned that, and what the applicant heard was that there was a potential risk of high impact from those users outweighed the benefit. He said this corner, in the future, sets up for a lot of pedestrian traffic and bikes, but that it was tricky. He said conceptually, the applicant was on board with this, but that the compromise was in order. He acknowledged that perhaps Ms. Firehock was right and that perhaps many years later, someone would come back and ask for a community service there, and it could be discussed then.

Mr. Randolph said he wanted to raise a question about parking. He said in the minutes in Attachment 9 of the Places29 (Rio) CAC second meeting on December 5, there is indication that there would be approximately five townhouses and five basement apartments, but that eleven were just showed to the public and Commission.

Mr. Randolph said evidently, the applicant made the suggestion that the configuration would be like Riverside Village. He pointed out that he thinks it is dangerous to automatically qualify one application by citing another one, when Riverside Village is located right along the Rivanna River adjacent to Route 20 and doesn't have any neighborhoods to its west (because there is a river there), and that the neighborhoods to the east are across Route 20. He said there is then Darden Towne to the north, and then commercial to the south.

Mr. Randolph asked if the applicant could define where in Attachment 9 it says there would be a two-car garage for each unit. He asked if this was for each one of the eleven units, and if so, if there are going to be eleven apartments, where those cars would go if a couple lives in an apartment, which would add two additional cars per unit.

Ms. Scro said there was some confusion. She said there are eleven small houses shown in the plan, and that there are five townhouses that each have a basement unit. She presented a slide showing where the parking for each unit would be, noting that they meet the requirements without the allowable 35% reduction.

Ms. Scro said she only mentioned Riverside because the unit is designed similarly and that it can be difficult to visualize those things. She said she only used that example because it was the only place in which a similar unit has been built in Albemarle.

Ms. Scro indicated on the plan to where the two-car garage would be located, as well as to the location of the basement unit. She said each of the five townhouses has a two-car garage for the top portion of the unit, and that there are five spaces for the five basement units.

Mr. Randolph asked if the applicant would agree with the statement that the Board of Supervisors, when they considered the application on September 18, had not necessarily wanted the nonresidential aspect completely eliminated. He asked if this was an accurate statement.

Ms. Scro replied that she didn't think that the primary concern was whether or not there was commercial, but that the primary concern was the intensity and impact of traffic. She said that by allowing a low-traffic user, they were still meeting the call of the Board.

Ms. Scro recalled that there was a question about it being okay to eliminate commercial, and that the answer was no. She recalled Ms. Palmer mentioning how she understood the desire for

commercial on the front part of Rio Road because it is a highway there, and so she understood the desire for a buffer of some kind for the units. She said she spoke to the people who live in the Ryan Homes along Fowler Ridge Court and that there were quite a few who didn't anticipate how impactful the area would be. She said some of those people are even trying to resell their houses and are having difficulty.

Ms. Scro said there were split thoughts on the commercial space, but that the real focus was on the scale, intensity, and impact. She said she has addressed this while still providing a buffer and a quality of life for people who live there.

Mr. Carrazana said the R-cut had been mentioned a couple times. He asked staff if VDOT had a current plan for the R-cut and if it was scheduled in the capital plan.

Mr. McDermott replied that the R-cut was not scheduled. He said staff was working on the development of a concept and cost with VDOT for the R-cut, and that they were planning to make an application to Smart Scale for this in the fall. He said they would find out in Spring of 2021 whether or not the application was funded for the R-cut.

Mr. Carrazana said there are other developments happening currently.

Mr. McDermott agreed, adding that staff has been looking at this intersection for a while, prior to any application for 999 Rio Road, with the understanding that the continued development in Belvedere (including The Center and SOCA) will eventually generate the need for some sort of improvement at the intersection. He said there was a standard signal that was considered for a while, but that this was not the primary option. He said they were considering an R-cut because they tend to see better flow with an R-cut for the primary direction of travel along Rio, as well as additional safety benefits of an R-cut versus a standard signal.

Mr. Carrazana wished Mr. McDermott luck with Smart Scale, noting that it was something that they tend to see a lot in the proposals where the infrastructure lags behind the development. He said The Center will bring a lot of traffic volume, and that the development on the road will only continue. He said it seems as if the County always lags behind, and he was not sure what mechanism they could bring to better connect the development with the infrastructure. He said the problem is seen in many areas in the County.

Mr. McDermott agreed, acknowledging that the County is playing catch-up with its transportation infrastructure throughout the County. He said that unfortunately, VDOT will not allow the County to put in something like a signal unless the intersection already meets the warrants. He said there have also been some other applications in the area, and that part of the problem is that Smart Scale judges by nonresidential-approved proposed development or potential development. He said The Center and other commercial sites there increases the County's potential for receiving funding through a Smart Scale grant.

Mr. McDermott said that if the Smart Scale application was not approved, staff would continue to monitor the intersection and if action needed to be taken, they would move forward with something else to address safety and congestion issues.

Mr. Dotson said he wanted to follow up on Mr. Randolph's questions about parking. He said it was his understanding that inherent in the project proposal was a 35% reduction in the parking requirement. He referred to Attachment 7, page 12, that said, "We request the maximum

aggregate reduction of the minimum required parking spaces -- 35%. If such a reduction were granted, the range of minimum required spaces would be reduced to 18-99." He said the applicant was providing 69 parking spaces. He said therefore, with the 35% reduction, the 69 proposed parking spaces would not be able to accommodate the entire range of possible mixtures of uses and use types.

Mr. Dotson said Note 2 was added to Table D that says, "Minimum parking requirements may restrict some uses that historically require large amounts of parking." He said it sounded to him very tentative as to whether there is adequate parking represented in the concept.

Ms. Scro said that this was the old plan and that in the old plan, there was the possibility (because retail was allowed) that a large restaurant wouldn't be there because restaurants are very intensive in the amount of parking required. She said if this were to be proposed, they would not have been able to meet the parking requirements, but that this has changed.

Ms. Scro presented a slide showing how the applicant does meet the parking requirements under the new code of development. She said it did not show the requirements with a 35% reduction.

Mr. Dotson said there were 6,000 square feet of nonresidential there.

Ms. Scro confirmed this.

Mr. Dotson asked if 11 parking spaces was adequate for this.

Ms. Scro replied that it was not 11, but 24 spaces.

Mr. Dotson asked if 24 spaces was then adequate for 6,000 square feet.

Ms. Scro replied yes, noting that between 15 and 24 spaces is the requirement based on a furniture store or an office.

Mr. Dotson asked if the addition that says, "Minimum parking requirements may restrict some uses" was no longer relevant.

Ms. Scro replied that staff wanted this requirement because they wanted a reminder that if the applicant proposes a 5,000-square-foot restaurant, they will somehow have to meet parking requirements and that this may restrict the allowed use. She said this was relevant to the prior iteration of the application, and was the reason for that condition.

Ms. Kanellopoulos said that approving the code of development approves the range of allowable uses and units, but that the applicant at the site plan stage still has to meet all parking requirements. She said the 35% reduction is usually something that is evaluated at the site planning stage, and so they would ask for that, and Planning, Zoning, and Engineering would determine whether or not the site would allow for that.

Ms. Kanellopoulos said that whether or not there is a reduction, the applicant has to meet parking requirements at the site planning stage.

Mr. Benish said that also, for uses after construction, there is a clearance process that requires that other subsequent uses meet parking requirements.

Mr. Dotson said that he wanted whatever goes in to be a successful project and not find out later that after the applicant have gotten 90% of the approvals needed, there is a problem.

Mr. Randolph said his recollection of the Board meeting was clear, and that it was not very long ago. He said he felt strongly, as his notes show, was that he loved some of the project but that he was skeptical of the location. He said other Board members echoed the fact that they felt there was too much going on in the location. He said the complexity and confluence of land use factors were operating at the same time and that it was "busy."

Mr. Randolph said the proposal raised a couple of issues. He said the first was that the Commission was looking at a mini Neighborhood Model development in very little acreage. He said he would submit that it raises a need for the County to develop better tools to assess a development like this. He said what they need is a set of infill development criteria with performance measures and some definitions, as well as some policies.

Mr. Randolph said the proposal was not an isolated case of where the County is seeing infill projects and that they really don't have the right assessment tools to evaluate them. He said they were using criteria that were inauthentic and don't apply.

Mr. Randolph said they have again, as part of the stated Neighborhood Model criteria, the need for a neighborhood center. He said this was being waived here because they are submitting that there are other contiguous centers within several blocks. He said this didn't change the fact that for Neighborhood Model, they are looking for a center, and that there is no center in this mini Neighborhood Model.

Mr. Randolph said this problem came up with Southwood where the applicant could define wherever the applicant wanted a center to be, and staff conceded that it had a center. He said the center, however, was not a logical, organic center in terms of a commercial/retail and non-profit community nexus for everyone in the community. He suggested that the center was something that the Commission needed to consider.

Mr. Randolph said another issue that still plagued the application was that they can say that under the Neighborhood Model criteria, the form and content of the proposal is consistent with the intent of the Neighborhood Model. He noted that the scale and location, however, are inconsistent. He said that while the form and content may be consistent, the scale in this small site and the amount of activity going on, and the location on a corridor with increased traffic, must be considered.

Mr. Randolph said in terms of traffic, the Board received a projection from The Center about this, but it was not scientifically based and was simply conjecture based on Mr. Thompson's estimation from the current Senior Center and how many people arrive either driving alone or together. He said Mr. Thompson' belief was that this is about 50/50. He said they do not have the kind of traffic analysis that they should have to truly evaluate whether or not the scale and location are consistent in this locality.

Mr. Randolph agreed that the form and content have improved each step of the way. He said he still believed that in terms of being consistent with the Comprehensive Plan, the Comprehensive Plan is silent about traffic impacts in this location.

Mr. Randolph asked if the proposal was compatible with the surrounding area, and that he raised

that question on September 18. He said that although it was more compatible at one story versus the previously proposed four stories, he wanted to know the intent of the commercial versus the actual operation of the commercial. He said they do not know what the level of activity will be in the business. He said the furniture store may not go in, but something such as a night club could, which would be a very different usage and parking demand.

Mr. Randolph asked if the project satisfied a commercial need. He said perhaps there is a need in the corridor, but that he did not believe this was the best location to address that need. He said looking at the corridor, they do not see any other type of operational business. He said there are gas stations and churches there, but it is not really a retail corridor. He asked if the County wanted to change East Rio into becoming another 29 North as a retail corridor. He said he didn't think so, and that he didn't think this was what the neighbors were looking for.

Mr. Randolph said in terms of modifications based on feedback, what was cited to the Board was a similar project in Redmond, Washington called "Conover Commons." He noted that Conover Commons was a brand new development, behind which were mountains. He said it was not infill development in an urban location with all the other contending uses.

Mr. Randolph said while he did feel that the application was improved, he didn't feel that the applicant has addressed the concerns he raised on September 18 and that many members of the Board raised previously.

Mr. Clayborne said that for him, the issue was the story combined with the graphics. He said when he thinks of a Neighborhood Model District, he thinks about the hand-drawn sketches Ms. Scro presented that showed the cottages around some common space. He said when he sees the plan, he sees an image of a box that could be some office or flex space, or perhaps a furniture store, and that it didn't seem to jibe.

Mr. Clayborne said if the story was such that the box on the plan he referred to was a clubhouse that served the community, and attached to it was a catering kitchen that would hope to accept the young entrepreneur that just graduated from the CIC program to serve the community and the needs of the clubhouse, he could likely be on board. He said the way it was presented seemed forced and didn't seem to be logical, and therefore, it was difficult for him to support the project as presented.

Mr. Dotson said he thought the applicant has made significant changes and met with neighbors, but that the bottom line was that by "bending over backwards," they have experienced "back pain." He said he did not feel the application was ready for prime time at this stage.

Mr. Dotson said he particularly had trouble with the "Flex" use, as this was a very potentially different concept than what has been described as "office."

Mr. Dotson said he wasn't sure if the particular furniture store was in the picture, but that this was a downtown kind of commercial use. He said it could be Albemarle's downtown, but it was not a commercial hinterland, which this project was, unless they proposed making this a commercial strip.

Mr. Dotson said that with a restriction on uses, the parking adequacy concern he had where he was afraid the project was doomed because it would never be able to provide enough parking may no longer be an issue. He said that traffic safety, however, is. He said this is a chokepoint

and that he was not so much concerned (except it's related to safety) with how many trips are generated. He said he was more concerned with how people get on and off the site, and what that means in terms of other cars coming out of Belvedere.

Mr. Dotson asked if people coming off of that site would take chances because they want to jump into the traffic flow and have been waiting what seems like a long time. He said someone would let someone out of Belvedere to let someone in, but they get rear-ended; or as often happens, they waited two or three seconds, the person coming off the site didn't come out right way, so then the two start at the same time. He said it creates an unclear situation, and he worries about the safety.

Mr. Dotson said he had a smaller concern with the townhouses. He said the applicant has done a nice job of having a large green setback on Rio Road, but that it seemed that the consequence is a bulge of the townhouses onto Belvedere. He said as he reads the code of development, they have zero front setback. He said for a three-story building with zero setback, when this is totally unlike anything else in the area, he was not sure that this setback was appropriate.

Mr. Dotson said that in a previous written comment, he thought that a different application that was all residential would be more appropriate. He said he was not convinced that the best thing was to develop it under R4, and that the applicant has reduced the number of residences, but that he did not see commercial use fitting at this location.

Ms. More said when they first started talking about the nonresidential piece, it was a furniture store or office, and now they have gotten into "Office/Flex/R&D." She said Mr. Randolph made mention of retail and a night club. She asked if those would be allowable uses under what was presented.

Ms. Kanellopoulos replied that what would be allowed under what is currently presented in the code of development was the only allowed retail use being a furniture store. She said no other retail was allowed. She said "Office/R&D/Flex" was allowed.

Ms. Kanellopoulos said another option in the motion would be to make a recommendation that the applicant either remove Flex and R&D or just one. She said in reading the definition of R&D, it was more focused on office, software development and the like and specifically says, "No manufacturing." She suggested that removing "Flex," which does mention manufacturing, could also be an option. She said "Office" and "R&D" are very similar.

Mr. Randolph noted that the mention of the night club was intentional hyperbole, on his part.

Ms. More said she originally had concerns about the parking shown in the plan, mainly because she was working under the assumption that people who might live there would have company visit. She said perhaps if there is nonresidential use, those spaces wouldn't be used, and so visitors could park there. She said she was not sure how that would work as she was not seeing a lot of parking for people who might visit, or the assumption that for an accessory dwelling unit, there is only one person living there with one car. She said she didn't want the conversation to be car-driven but that she saw the potential for the project to be under-parked, and that a big part of that was what would happen with the commercial use.

Ms. Kanellopoulos said part of the reason for not having the parking reduction request evaluated immediately was because since there is a range of potential densities allowed, this would be

something that would be easier to address at the site planning stage. She said the very detailed concept plan was not actually part of the application, and that it was just the block plan with the buildable areas. She said it was therefore difficult to know exactly how many units there would end up being.

Ms. Kanellopoulos said the applicant would need to include in their parking reduction request things like visitor parking and shared parking opportunities, and that based on what was proposed, staff would evaluate that.

Ms. Kanellopoulos said that with the nonresidential component, it is a minimum of 500 square feet, or a maximum 6,000 square feet, and that those entailed vastly different parking requirements.

Ms. More said in terms of the traffic impact, the area had seen an intense amount of development, and that she knew The Center was coming. She said when the application was first before the Commission, it was frustrating when they talk about concurrent infrastructure, which she has learned doesn't happen. She said VDOT's answer on the added traffic from The Center and SOCA was that they have to wait for the impact to occur, and then study the impact. She said the Commission knew that the timeline was not something that would happen quickly. She said she shared the safety concern that others have expressed about the particular intersection.

Ms. More pointed out that more often than not, the Commission is asked to look at projects where they don't have the traffic analysis, they wish they had, and County-wide, they are looking at places that are longing for infrastructure improvements. She said this is always a discussion point, and that they do not have the tools they need. She said even if they can there is a project that will occur, the timeliness of that isn't such that it could address safety issues. She said the Commission is often in a position where they have to assess a project and hope that there will be an infrastructure plan to address safety.

Mr. Keller said the Commissioners were all saying this about transportation on many projects and that soon, they would be talking about it again on 250 East. He said he supported the project previously and still did. He said he had camped on the Dunlora property 50 years ago and that finding out it was being developed into a residential neighborhood stressed him out, just like development next door to the neighbors was distressing to them.

Mr. Keller said that elected and appointed officials have asked staff to provide them density in the development areas, and they have done their best to do it. He said the boards come back to tweak it and all try to make it better. He said he believed that while there have been very important issues raised by everyone who has spoken from the dais, and from the audience, and about the project, the applicant has tried to address a number of issues discussed, and they have heard these as they have been present for other projects as well in the growth area.

Mr. Keller said they were hearing about the lack of available commercial, and especially the more flexible type of commercial. He said they have been talking about how they need to have more mass transit, and that this was located on a major route where there is the opportunity (with enhanced public transit) to be able to do that. He said they have the entryway into the center of the City that has a commuting bike lane and a recreational bike lane that ties the County into the center of the City.

Mr. Keller said he thought it was crazy if the Commission was not supporting residential development in the area, even though it is a tight site.

Mr. Keller said Mr. Randolph has raised very important issues that have been frustrating since he was on the Planning Commission four years earlier. He said they and staff have talked many times about how they need a more prescriptive format for infill projects that are a smaller scale.

Mr. Keller added that they are ultimately contemplating form-based code in the development areas County-wide, the discussions wouldn't occur because this would be a decision made by staff without people being able to weigh in as everyone was and being able to use whatever pressure they can on their appointed and elected officials to think about it differently. He said they needed to be thinking about budgeting sooner rather than later for how they were going to do this. He said he was saying this directly to Ms. Filardo, noting she was well aware of this.

Mr. Keller said he didn't have a problem with commercial use in the project. He said the point about whether or not the commercial was truly responding to the large number of residents within walking distance internally from Belvedere and from Dunlora was valid. He said they know of communities around the country where with new developments, there is a requirement for neighborhood commercial. He said he believed staff was nudging towards this in other ways.

Mr. Keller said he would be disappointed if they pulled out the commercial completely. He said that the idea of flexibility, however, where something could be commercial but has the ability to be turned into loft residential (and vice-versa) was where the County's zoning has put them in a corner because they don't have that flexibility. He said looking at projects like this, they need to consider how to allow for that flexibility without having to come back for major Special Use Permits and additional costs to developers.

Ms. Firehock said she has changed her mind several times throughout the evening. She said she was leaning towards supporting the development. She noted that she didn't agree, however, that the office-flex was the best commercial use for that corner. She said she spends a lot of time looking at real estate listing for sale and lease for Office/Flex/R&D because she runs such a company. She said there is a lot of space available, and that she would be concerned to see the same sort of inflexible office space that is available all over Route 29 plopped down there as well.

Ms. Firehock said the reason she was not concerned about a commercial use at the edge of the development was because while there are neighborhoods behind and around the development, the reality of the intersection is that there are institutional uses across the intersection and it was not as if when you see the townhouses, they look across to a bucolic neighborhood. She said they are looking at a large institutional use and very busy road, and that the commercial building does provide a physical buffer from what almost functions as a highway.

Ms. Firehock said they couldn't condition the design of the building, but that a great deal of care could be put into the design such that it looks much more harmonious with the residential character of the area, and that it could be designed in such a way that it could be converted in the future as a live/work space. She said she didn't want to see another stamped out, one-story brick office building that sits for lease for years because there was already enough of that in the County.

Ms. Firehock said the development was much improved. She said the green space setback has done a lot to soften the jarring nature. She said she did share Ms. More's concerns that there is little buffer for the townhouses against the road, so perhaps this could be tweaked in the site

design phase. She said she was also concerned about visitors parking.

Ms. Firehock said when she was on the Planning Commission in Charlottesville, there was a development where the business use wanted to use the parking lot from 9:00 to 5:00, and then the residents would come home from their day jobs in a walkable community and park there. She said they did agree to that and that it has worked very well. She said if there is that type of business where people do not stay later at night, they could do a lot with those spaces.

Mr. Bivins thanked everyone from the various communities who came out to share their thinking on how this particular project may impact the way they live and the way they call their community home. He said having spent some time working with people who are trying to figure out what house and home looks like (that perhaps doesn't look like his house or home), that this site was quite interesting to him. He said it presents a set of options that the County speaks to, but that their price points don't allow them to walk to. He said if the applicant could bring in the project in a way that has been described, he would be very pleased about that.

Mr. Bivins said he was also somewhat ambivalent about the "Flex" space and that perhaps if the Commission did get beyond the first motion, they may think about removing "Flex" from this. He said some of the work they hear from the Economic Development department in the County is that there are people who are looking to have temporary spaces or space that they can move into and building something. He said being able to facilitate that kind of entrepreneurship would add in that direction.

Mr. Bivins said he appreciates how precious The Center is, but that he also wanted to recognize that The Center was cutting itself off from a major of its community when it moves to this location. He said that while people will drive there (and there will be JAUNT buses going there), unless they really do have a two-way public transit that will be there, it will be a drive-in, drive-out kind of place. He said while this may work for many in the community, he was uncomfortable for that being the place that they are protecting from any kind of local competition.

Mr. Bivins said when they put a hospital clinic there, that is a place that they have no idea what will look like or how many people will use it. He said it may be that the commercial space has doctors or nurse practitioners in it, and that this may be a wonderful addition in terms of healthcare access. He said he was glad it would not be a furniture store, but hopeful that it might add value to the broader community and allow the people in the development (if approved) to live in a different way.

Mr. Bivins said he was very supportive of the project, and particularly in the way that they have seen over the course of his three years on the Commission, it has been an oddity for him to see a 50% reduction or movement in a project when there has been pushback. He said perhaps this was a new way of being as far as giving harsh, critical feedback and the applicant coming back with changes.

Mr. Dotson moved to recommend denial of ZMA201900001 999 Rio Road for reasons that include: discomfort with the nonresidential portion, which was not appropriate, in his opinion; remaining concerns about parking adequacy; concern about traffic safety; and concern about residential setbacks of zero in a portion of the site.

Mr. Randolph seconded the motion. The motion to deny failed to pass, with a vote of 3:4. (Mr. Bivins, Ms. Firehock, Mr. Keller, and Ms. More dissented.)

Ms. Firehock moved to recommend approval of ZMA201900001 999 Rio Road.

Mr. Keller seconded the motion. He said he wondered about adding some of the points Mr. Dotson had made.

Mr. Bivins asked how they would do this.

Mr. Keller wondered if Mr. Dotson's list could become conditions of concern they pass on for further review.

Mr. Herrick said the Commission needed to make a recommendation one way or the other on the application that has been submitted. He said that to the extent the Commission wishes to state reasons for its approval, if this is what the motion is, that is fine. He said in terms of adding additional conditions to what the applicant's application is, the applicant is entitled to a recommendation one way or the other on the application that has been submitted.

Mr. Keller asked if the Commission could add conditions.

Mr. Herrick said that after the Commission makes its recommendation one way or the other on the application that has been submitted, it may entertain other motions.

Mr. Keller said they would have those other conditions.

Mr. Herrick said in terms of the waivers on the modifications, this was true. He said he thought that Mr. Keller was referring to modifying the ZMA.

Mr. Keller said he was going to the next stage, which would give them the opportunity to share the concerns that were spoken to be addressed within those.

Mr. Herrick said the Commission would then have to evaluate the Special Exception modification requests.

Mr. Bivins said this would be after they went through the series of motions in front of them.

Mr. Herrick said this was correct.

Mr. Benish clarified that the Commission can, and has in the past, made a recommendation for approval, but since the Commission's recommendation is just a recommendation to the Board, if there are things, they believe the Board should address, they can identify those. He said in Mr. Dotson's list, he identified parking and the setback as an example. He said if there is a consensus that that should be something the Board pays attention to, they could add it to their recommendation, noting that he was not suggesting that they do.

Mr. Bivins said if he was hearing Mr. Benish correctly, the Commission would move this and take the two issues up after they dealt with the motion before them.

Mr. Benish replied no, clarifying that they would make them part of the recommendation. He said he was not suggesting that they should, but that this was a possibility. He said if the approval is based on certain conditions the Commission believes the Board should address, they can identify that.

Mr. Bivins asked if there was someone who would like to modify the motion.

Mr. Herrick said that this would be just a way of relating concerns to the Board rather than modifying the applicant's application.

Mr. Benish said this was correct as far as identifying the concerns.

Mr. Bivins said they still had a motion that was properly seconded.

The motion was carried by a vote of 4:3. (Mr. Randolph, Mr. Dotson, and Mr. Clayborne dissented.)

Mr. Bivins asked if this was the time where the Commission would have the conversation about the recommendations, or if they would move forward with the waivers.

Mr. Herrick replied that if the Commission wishes to make recommendations to the Board, it was free to do so. He urged them to keep in mind that there were four additional items still pending before the Commission.

Mr. Bivins suggested that they move forward with the four other items, and then make their recommendations to the Board.

Ms. Firehock asked for clarification on the four other items.

Ms. Kanellopoulos replied that the four items were essentially together, but required four separate actions. She said the Planning Commission would approve Special Exceptions just to allow for amenity-oriented lots, including waivers for curb and gutter and sidewalks. She said this would include amenity-oriented lots in a form similar to that of Riverside Village. She said this was a code requirement that they have to be approved by the Planning Commission.

Mr. Herrick said they were in Attachment 5 of the staff report, but that staff had also prepared individual suggested motions to address each individually.

Mr. Bivins said the first motion was about private street authorization.

Mr. Dotson recalled that those had been previously submitted for approval, unless they had been modified significantly.

Mr. Bivins said they had not been.

Ms. Kanellopoulos said the votes were still procedurally required.

Ms. Firehock moved to approve the requested private street authorization for amenity-oriented lots in Block 2 for the reasons outlined in the staff report in Attachment 5. Ms. More seconded the motion, which carried unanimously (7:0).

Ms. Firehock moved to approve the requested special exception to waive the curb and gutter requirement for the proposed private street in Block 2 for the reasons outlined in the staff report in Attachment 5. Ms. More seconded the motion, which carried unanimously (7:0).

Ms. Firehock moved to approve the requested special exception to waive the sidewalk requirement for the proposed private street in Block 2 for the reasons outlined in the staff report in Attachment 5. Ms. More seconded the motion, which carried unanimously (7:0).

Ms. Firehock moved to approve the requested special exception to waive the planting strip requirement for the proposed private street in Block 2 for the reasons outlined in the staff report in Attachment 5. Mr. Clayborne seconded the motion, which carried unanimously (7:0).

Mr. Bivins asked if there was discussion desired on the list of items that the Commission wished to pass on to the Board of Supervisors for consideration and, if so, if there was a list of the items that would be easy to understand.

Mr. Keller asked if Mr. Dotson would read his list.

Mr. Dotson said his understanding was that the minutes would contain this as well, but that the Commission was trying to have a companion summary of the issues that they would like to Board's attention to. He said this included the allowed uses in the code of development, parking adequacy, traffic safety, and setback for the attached units.

Ms. More agreed, adding that when they were having final discussions, she had brought up many of those points but still felt it was appropriate to support the project. She said the concerns listed were ones that the Commission sees quite frequently, but that it was important not to have them become lost in the minutes and instead lift them up into a list.

Ms. Firehock said she assumed they also didn't have to only be included in the detailed verbatim minutes, but could also be a part of the action item list. She said they would then have the assurance that it goes fast.

Mr. Dotson said they have, in the past, had discussions about adopting as a resolution with the request that they be forwarded to the Board.

Mr. Keller said this was what he meant.

Mr. Keller moved that the Planning Commission recommend to the Board of Supervisors that the concerns that Mr. Dotson just raised be forwarded to the Board for its consideration in this application.

Mr. Randolph seconded the motion.

Mr. Keller asked if there were other points they wanted to raise.

Mr. Carrazana said that if he had had a vote, Mr. Bivins' pointed had shifted his direction, mainly because his point of looking at different types of residential was important. He said it was important to have a vision to look for different ways of meeting a need in the County, noting that there were many other communities in the country that have this need. He applauded looking for

opportunities to address that.
Mr. Carrazana said he also found the idea of limiting use compelling, particularly to Mr. Dotson's point about "Flex." He said he didn't think "Flex" was an appropriate use in that area, and that perhaps this could be clarified that they were actually talking about "Office" and "R&D."

Ms. Firehock said she thought that "Office/R&D/Flex" was one category.

Mr. Bivins replied that it is.

Mr. Benish said Zoning would evaluate that as the uses come in, and that the intent was to give office uses the flexibility within it to have assembly and things that are other than just office-service type uses.

Mr. Randolph said the reason for "Flex" being included was the recognition from the Planning Commission seven years ago that the County had commercial enterprises that wanted to, as they were developing a product, incorporate some industrial capacity to produce it. He said rather than moving out of the locality, it would permit them to stay in the same building and have the flexibility into segue into doing some very limited production. He said he and Mr. Don Franco had talked about it and saw the need, so it was included with the support of the Planning Commission.

Mr. Randolph said that "Flex" is very much an integral part of the zoning category, but whether or not this was an appropriate use in this location was an appropriate question to be posed to the Board.

Mr. Bivins said this gets to the more basic question about commercial operation in that particular space. He said he didn't know if they necessarily needed to lift this point up, but that it would be included in the notes to the Board and in the minutes.

Mr. Dotson said to respond to Mr. Carrazana's comment, in the first statement about addressing the Board to particularly address appropriate uses, they could call attention to "Flex."

Mr. Herrick said Mr. Keller had made the motion to forward the concerns. He asked Mr. Keller if he was amending the motion to incorporate the "Office/R&D/Flex" concern as well.

Mr. Keller replied yes.

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

Mr. Bivins informed the applicant that the application would be moving forward to the Board of Supervisors at the scheduled meeting.

At 9:11 p.m., Mr. Bivins announced a recess.

At 9:19 p.m., Mr. Bivins called the meeting back to order.

Discussions of 2020 Planning Commission Rules of Procedure

Mr. Benish said there were only two minor changes to the Rules of Procedure that staff recommended. He said these were under "Order of Business" and "Organization of the Agenda."

Mr. Benish said the agenda used to include "Regular Items" and explained that the Commission's regular items are actually all "Public Hearing Items." He said "Regular Items" were a carryover from years before, when every subdivision, plat, and site plan went to the Commission. He said this was being changed to "Action Item."

Mr. Benish said there was also an added category of "Presentations." He explained these are different from "Work Sessions," during which there is dialogue and feedback sought after. He said "Presentations" were more about informing the Commission of items' status reports. He said this language is more reflective of what is seen on the Board of Supervisors agendas.

Mr. Benish said staff was open to listening to other suggestions from the Commission, but that they had not heard any yet.

Mr. Herrick said he did not have any further explanations of those, and that he had simply drafted the two suggested additions from Mr. Benish. He said separately, he has had conversations with Mr. Keller, who has had some additional suggestions. He said he would defer to Mr. Keller to mention those.

Mr. Herrick said it was his recommendation that they simply go with the two changes recommended by staff, but if Mr. Keller wished to address his points, he would welcome that.

Mr. Keller agreed with Mr. Herrick. He said what they discussed was something that has come up many times that Mr. Dotson has talked about, and that this was the official mechanism to send items to the Board of Supervisors. He said they felt, however, that what they had was working at that point.

Mr. Randolph said in terms of "Deferrals," with that evening's hearing being a case in point where there was a decision by the Board to defer an application to the Planning Commission, the Commission voted 4:3 to move it to the Board for their consideration. He said he felt it was important to always give applicants the opportunity to defer on an application. He said it was an inherent right that they should be able to exercise.

Mr. Randolph said he hoped that going forward, the Commission would be mindful of that and avoid a repeat of situations where there is a motion made (especially by the Planning Commissioner of the district in which the application is located) for deferral, and then have the Commission turn around and decide to vote to deny. He said if an applicant does make a request for deferral, he believes they should, as a body, lend the applicant the opportunity as much as possible.

Mr. Bivins said this was a matter of calling the Commission to mind that they should be respectful and appreciative of when this comes before them.

Mr. Randolph agreed.

Mr. Bivins asked for clarification that Mr. Randolph was not asking for a change to the rules, but that he was asking the Commission to be mindful of this.

Mr. Randolph replied yes.

Mr. Dotson moved to accept the 2020 Rules of Procedure.

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

Discussion of Committees/Boards/Bodies to which Commission Members Serve as Liaisons

Ms. Firehock noted that the Resources Committee no longer exists.

Mr. Benish said he had a draft before him and that if they make changes they know about, they could modify the draft in real time. He said the draft includes predictions of who should be on the groups, and that he wanted to inform the Commission of one new Committee.

Mr. Benish indicated on the screen that the Charlottesville Albemarle University Planning and Coordination Council Tech Committee has been deleted. He said the Planning and Coordination Council group has been disbanded. He said what has been proposed and agreed to by City Council, the Board of Supervisors, and UVA is a new committee, the Land Use and Environmental Planning Committee (LUEPC).

Mr. Benish said that in some ways, LUEPC was a replacement and enhancement of the PACC Technical Committee. He said it is a staff-based, professional opportunity for a regular meeting of City, County, and UVA staff to share development plans and projects. He said it provides an opportunity for information sharing, collaboration, and problem solving.

Mr. Benish said LUEPC was being formed, and that there was an expectation that there will be a City and County Planning Commissioner and equivalent representation from UVA. He said they were still working through some of the operational process development, and so they did not necessarily need to appoint a Planning Commissioner that evening. He said they may want to further vet was this was all about. He said this would be a selection the Commission would need to make in the near future, and if they already had a good idea of who may want to attend, they could discuss it that night, though it was not necessarily required.

Mr. Bivins said it appeared that Mr. Benish naturally took the new representatives from those particular districts and placed them in those areas.

Mr. Benish replied yes, saying that he put what he thought would be the selections. He said he did leave the Advisory Council representative blank for Places29 North. He said this has typically been the Rivanna District representative, but the CACs do span magisterial districts, and thus some of them have dual appointments while others do not. He said though he left it blank, he assumed Mr. Clayborne would be on that.

Mr. Clayborne agreed.

Mr. Benish said if there was a desire for this CAC to have split representation, such as other ones, they could add another person. He said he would assume it was Mr. Clayborne, at that point.

Mr. Clayborne confirmed.

Mr. Dotson pointed out that the CIP committee was no longer the Oversight Committee, but was called the Advisory Committee.

Mr. Benish said he would revise this.

Mr. Dotson said he believed most of the Commissioners knew that he decided to retire from the Planning Commission at the end of May. He said the CIP Advisory Committee would not be meeting again in that timeframe, and if someone was interested, that seat was open.

Mr. Randolph said he would be interested in joining the CIP Advisory Committee again, but that if someone else was interested, he would defer to that.

Mr. Bivins said in thinking about the LUEPC, most of the land UVA has was in his district (Jack Jouett).

Mr. Benish said if the Commission agreed, he could list Mr. Bivins as the LUEPC representative. He said they had not yet determined if this would be a Board appointment, but that it was a good idea to have who the Commission would appoint, if it was decided to be self-selected.

Mr. Bivins asked the Commission if everyone was in agreement with the rest of the list.

Mr. Dotson said that in terms of the Long-Range School Planning liaison, he would be continuing this. He said he is an actual Rio District appointee to that committee, and so he was a voting member rather than a Planning Commission liaison. He said when they do discuss the Planning Commission role in the CIP, one topic that will come up is if it would be appropriate in the future to propose that there be a Planning Commission liaison member.

Mr. Bivins asked if Mr. Dotson had agreed to come back and do a presentation for the Commission.

Mr. Dotson replied yes.

Mr. Dotson added that he serves on the Form-Based Code working group. He asked if he was doing this as a Planning Commission liaison.

Mr. Benish said this was a good question, as it was not a standing committee. He said they could add this to the list.

Mr. Dotson said it occurred to him that Mr. Clayborne might be interested in the Form-Based Code working group.

Ms. Firehock suggested that Mr. Clayborne, as a new Commissioner, express interest in the committees he had interest in. She said some of the names were on the committees because that's who has been doing them for a while. She said he shouldn't feel as if he cannot express interest in one.

Mr. Clayborne said he didn't feel that way at all. He said he was very sensitive to what he takes on because his employment is in Richmond and although he lives in Albemarle, he is not there most of the time during the day. He said the two he was interested in participating in were the Pantops CAC (as he lives there) and Places29 North because his predecessor was on it. He said he would hate to take on a role and not be able to fulfill it with excellence.

Mr. Dotson said that the Form-Based Code working group does meet during the business day.

Mr. Clayborne said that this would preclude him from that group.

Mr. Benish said he would clean up the title on the list, as he had it listed as "steering committee."

Mr. Dotson said there is a steering committee and a working group.

Mr. Bivins asked if they were okay at that point because Mr. Dotson was still on it.

Mr. Dotson replied yes.

Mr. Bivins asked if they had filled in all the blank positions.

Mr. Benish replied no. He said Rivanna River Corridor Steering Committee liaisons were currently Ms. Daphne Spain and Mr. Keller.

Mr. Keller asked if there were two positions and not just one.

Mr. Benish said there were two.

Ms. Firehock said she thought there was one.

Mr. Keller said there had been one, but then it was changed to two, which was why he was added to it. He mentioned Mr. Clayborne as a possible liaison. He asked if they were funded for Phase II of the Rivanna River Corridor and if the PDC was currently working on that.

Mr. Benish replied yes and no. He said they were funded, but that there were staffing limitations for that effectively moving forward, though it should be.

Mr. Keller said it would not be as onerous as the CACs.

Mr. Clayborne asked if he could possibly conference call into the meetings, and when the committee meets.

Mr. Keller said they typically meet late in the afternoon and that they could figure out how to conference call in.

Mr. Benish said he would double-check on that committee.

Mr. Bivins asked if this completed the list.

Mr. Benish replied yes.

Mr. Bivins asked if this was a list the Commission needed to move to adopt.

Mr. Herrick replied that if the Commission was making formal appointments, they may want to adopt it. He said he wondered if Mr. Benish might want to come back with a final list.

Mr. Benish said with some name changes, he could put it on the Consent Agenda for action.

Mr. Herrick said they could then do a formal vote on the cleaned-up list.

Ms. More said she liked how there was a list with Board-appointed positions as opposed to the ones the Commission makes.

Mr. Benish said he debated about whether or not to leave those in the list because although the Commission doesn't make the decision on those, it gives them the full breadth of all the work they participate in. He said it was a good idea to add the Form-Based Code committee.

Mr. Bivins said they would anticipate seeing this as a consent agenda item.

Mr. Benish said this would likely be on January 28.

Set Meeting Time, Day and Location for 2020

Mr. Benish said the schedule was vetted for religious holidays and voting days, including primaries.

Mr. Bivins said that February 9, 2021 and March 16, 2021 do not appear to be listed and that Mr. Benish may want to consider this.

Mr. Bivins asked if the Commission would be adopting the schedule.

Mr. Herrick replied yes.

Mr. Clayborne moved to adopt the 2020 Planning Commission Schedule, with regular meetings being held at 6:00 p.m. in Lane Auditorium.

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

Mr. Bivins asked the Commissioners that if they know they will be absent from a meeting, to let himself, Mr. Benish, and Ms. Shaffer know so that they have a sense of whether or not they have a quorum.

Mr. Randolph said he would not be present on February 11.

Ms. Firehock said she would not be present on February 4.

Mr. Benish said Mr. Clayborne and Mr. Randolph each received a copy of the draft for the Planning Commission schedule for three months out. He reminded that many of those agendas were tentative and that there may be items on those agendas that have not been scheduled yet and that others could come off. He said this draft does provide an idea of the workload and that this is generally distributed at the first of every month, with updates that occur if there are major items that need to be updated.

Mr. Benish noted there has also been the practice of the Director (himself), the Chair, and Vice-Chair meeting periodically before Commission meetings (about once a month) and that they would continue to do that.

Mr. Dotson said another task that the Commissioners share is taking the lead in reviewing the minutes.

Ms. Shaffer said she would rotate this per meeting. She asked if Mr. Bivins wanted to be included in the rotation.

Mr. Bivins said he was fine being included in the rotation.

Ms. Firehock said if Mr. Bivins is too busy to review them, to let Ms. Shaffer know and she could switch it with someone.

Mr. Benish said with the current members, most of them were comfortable with not receiving paper copies of the staff reports. He said if there was one that they do need, to let Ms. Shaffer, Mr. Benish, or Ms. Groeschel know.

Ms. Shaffer said there were three people who wanted paper copies.

Ms. More said there were some agendas where she found it useful to have paper copies, such as when there is a map. She asked if there was a way to partially opt in to getting paper copies.

Ms. Shaffer told Ms. More to let her know what she wants a paper copy of, and she would make sure it is downstairs for her.

Mr. Benish said to keep in mind that many times, staff is in a time crunch to get the report out. He said if there are large format plans, they could provide the paper copies.

Ms. More said this included anything with a matrix.

Mr. Benish said staff would try to be mindful of what is easy to read on the screen.

Ms. Firehock said she noticed that sometimes when there are big maps they have to zoom into, the fonts are missing because staff has taken the maps from GIS or AutoCAD into a PDF. She said the font disappears and there is a box indicating it is missing.

Mr. Bivins said that at some point they could have a conversation about mechanics.

Ms. Firehock said she had a formatting request. She said she noticed that many times in the staff report where there is an inset showing the zoning, there is no key provided. She said she didn't like having to always look up what the colors on the maps mean.

Mr. Benish said this was a good point.

Mr. Bivins said they were finished with the calendar. He mentioned the absences that were noted before. He moved on to Committee Reports.

Committee Reports

Mr. Randolph noted that he had sent out his report from the Albemarle Broadband Authority.

There were no other committee reports.

Old Business

There was no old business.

New Business

Ms. Firehock said she felt that when a project is in a Commissioner's district, it is helpful for that person to make the motion or to give a clear indication of where they are leaning, and that she tries to give deference to the person whose district the project is in.

Mr. Bivins said there had been discussion about land use decisions, and that he and Mr. Benish could have a conversation about tools for assessing infill development.

Mr. Benish said he suspected this was an opportunity for Mr. Bivins to speak to Ms. Filardo at the time the workplan is presented. He said there is a lot of work in progress, and that priorities have been set by others, but that this would be a good opportunity to speak to things that perhaps are not on the agenda that need to be clarified or suggested.

Mr. Keller said that because Mr. Randolph has been in the loop on form-based code, but that Mr. Clayborne had not been, that perhaps time could be set up with Ms. Rachel Falkenstein to catch him up on the status of form-based code in the County (29 North and Crozet). He said he and Mr. Clayborne had the opportunity to take the form-based code training together from the Form-Based Code Institute, and that it was a positive thing to have an architect involved on the Commission.

Mr. Benish noted that Ms. Falkenstein was on maternity leave but that he could meet with Mr. Clayborne, along with Ms. Michaela Accardi.

Adjournment

At 9:48 p.m., the Commission adjourned to January 28, 2020 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 Services)

Approved by Planning Commission
Date: 02/04/2020
Initials: CSS