

**Albemarle County Planning Commission  
FINAL Minutes December 17, 2019**

The Albemarle County Planning Commission held a public hearing on Tuesday, December 17, 2019, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Tim Keller, Chair; Daphne Spain; Jennie More; Julian Bivins, Vice-Chair; Bruce Dotson; Pam Riley; and Luis Carrazana, UVA representative.

Members absent: Karen Firehock.

Other officials present were Jodie Filardo, Community Development Director, David Benish, Planning Director; Carolyn Shaffer, Clerk to Planning Commission; Cameron Langille; Mariah Gleason; Roger Johnson; J.T. Newberry; and Andy Herrick.

**Call to Order and Establish Quorum**

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

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

Mr. Keller asked if there were any matters from the public not listed for public hearing on the agenda that anyone would like to speak to.

Mr. Sean Tubbs (Piedmont Environmental Council) said he didn't know if any of the Commissioners would not be there in a couple weeks. He said because he was not a reporter at that moment, he hadn't kept best track of who is where. He said that for those Commissioners who might be leaving or staying on that he wanted to thank them for their service. He said over the years, he had a chance to watch the Commission as a reporter and now, as an advocate.

Mr. Tubbs thanked the Commission for helping to fulfill Albemarle County Planning Commission's task of promoting the orderly development of the County. He said it takes long meetings and, at times, impassioned arguments, as well as a lot of patience.

Mr. Tubbs said that in doing some research for the Broadway Blueprint work session, he came across the minutes from the October 2016 joint City-County Planning Commission meeting. He said Mr. Peter Thompson of The Center (formerly The Senior Center) came to talk at that time about the relocation of that organization to Belvedere. He said this was now something that is four months away, and that Mr. Thompson has a concern. He said he wouldn't talk about that that evening because in the future, the Commission would be hearing a lot from him and others about the need to make sure that the City and County are working together better in the implementation of infrastructure that fulfills the Comprehensive Plan goals.

Mr. Tubbs said on that point, one of the Comprehensive Plan goals that's been in both jurisdictions' Comprehensive Plans for years is the goal of reducing single-occupant vehicles. He said this was something that, according to the American Community Survey data from the Census, really hasn't happened, but that there was a group of people and many pieces where they can get those things moving together.

Mr. Tubbs asked the Commissioners to mark their calendars for January 22, as the Center for Civic Innovations would be holding a forum to have people talk about what their obstacles are for why they continue to remain in a vehicle. He said this is something that he has personally been doing to try to make himself break the habit of driving, and that he wants to hear from others. He said there must be respect for what people do, and the idea is to reduce the numbers, not replace the system completely.

Mr. Tubbs pointed out an email that his colleague from PVCC, Mr. Peter Krebs, had sent the Commission regarding the Hyland Park amendment, specifically the proffer amendment. He said it may be in the Commissioners' email boxes and that Mr. Krebs could explain it much better than he could regarding their position about the Class A trails versus the Class **B** trails. He recommended taking a look at this and consider what that means.

Mr. Keller informed Mr. Tubbs that he would have an opportunity to speak to that at that point.

Mr. Tubbs said he was not sure he could speak in the detail Mr. Krebs did, and so he would refer the Commission to the letter.

### **Consent Agenda**

There were no consent agenda items.

### **Public Hearing Items**

#### **ZMA201900011 2231 Seminole Lane**

Mr. Cameron Langille, Senior Planner with the Planning Division of the Albemarle County Department of Community Development, presented. He said the rezoning request sought out to change the zoning of one property from CO Commercial Office to the (HC) Highway Commercial Zoning District.

Mr. Langille said the property in question has a physical address of 2231 Seminole Lane and is located on the east side of Route 29. He presented an image, noting that the property is directly across 29 from where Walmart is located. He explained that Seminole Lane was represented by a small stub street, which comes off of Route 29 and goes in slightly in front of the property. He said the other road across 29 is Hilton Heights Road.

Mr. Langille said that further east to the subject property is the Carrsbrook subdivision and that to the north, there are different commercial properties, such as a gas station and a couple restaurants. He said the property immediately south was undeveloped at that time.

Mr. Langille presented a zoomed-in image, indicating to where Seminole Lane comes off Route 29, noting there is a stop light. He said currently, there is a 2.5-story structure on the property that was built in the 1970s. He said historically, the structure has been used for office space and that he did not believe there was currently a tenant in it.

Mr. Langille said the property is adjacent to the Carrsbrook subdivision, but that the topography was interesting. He said the property sits approximately 30 feet below where the residential lots in Carrsbrook are located, so when one is in Carrsbrook, one cannot see the property unless they get right up to the property line and look down that slope.

Mr. Langille presented a Google Street View of what the property looks like. He said in the 2.5-story structure, there is a basement in one area, noting that it was difficult to see.

Mr. Langille said the existing zoning is CO Commercial Office. He said by right, there is a variety of administrative office rights, accessory uses, and facilities that are allowed in the CO District. He explained that the image presented showed that everything that surrounds the property (except for the Carrsbrook subdivision) is currently zoned (HC). He said the reason the property was zoned CO was because when the County adopted the ordinance in 1980, an office user was there, so it made sense to make the zoning match up with what the existing use was. He reiterated that everything else that is along Route 29 north, west, and south of the parcel is zoned (HC).

Mr. Langille said that in terms of overlay zoning districts, the property is in the Entrance Corridor, the Airport Impact Overlay District, and at the rear of the property (or eastern edge), there are managed steep slopes. He said this was the area where he explained how the grade differentiates the site from Carrsbrook.

Mr. Langille presented 'an image from the Places29 Master Plan that shows the future land use recommendations. He noted it calls out two types of future land uses on the property. He said approximately one-tenth of an acre is Commercial Mixed Use and that the rest of the property is designated for Office, Flex, R&D, and Light Industrial uses.

Mr. Langille said the Commercial Mixed-Use designation is meant to apply to areas that have already been developed, or have been approved for commercial uses and shopping areas. He said uses include retail, automobile, commercial service, and some office types. He said that secondary uses in the Commercial Mixed-Use designation do include things that would be classified as Office, Flex, R&D, and Light Industrial.

Mr. Langille said the staff report includes a lengthy summary of all the different types of uses that can be classified under Office, Flex, R&D, and Light Industrial. He said the aim of this designation is to apply to an area where there will be a range of employment-generating uses, and then non-retail commercial areas of Route 29.

Mr. Langille let the Commission know he could answer any questions about the specific uses outlined in the staff report, after the presentation. He said in summary, the (HC) Zoning District is the closest zoning district to Office, R&D, Flex, and Light Industrial that one can get without actually going to the Light Industrial Zoning District.

Mr. Langille said with the application, there would not be a proffered development plan, but that the applicant did provide staff with a concept plan for how the property could be developed. He indicated on the plan to a building that is about 2,800 square feet and that parking could be put in on site on the sides of the building, as opposed to having it in the front (which is consistent with Neighborhood Model principles). He said the plan also shows the ability to have future interconnections with adjacent properties, particularly the one to the south that is currently undeveloped. He noted again that the concept plan was meant to demonstrate how the property could be developed.

Mr. Langille indicated to the top of the image representing the east side of the property, explaining that this is where the managed slopes are located and that, based on the proffer to not encroach into some of the slopes, one could see that it is possible to get a building on the site as well as all the other necessary improvements without disturbing the area much.

Mr. Langille presented another concept image that shows how grading would occur if the site was developed as the specific use, noting how it showed the limits of the disturbance.

Mr. Langille said staff recommends approval of the zoning request. He said the factors favorable include that the request is consistent with the land use recommendations of the Places29 Master Plan.

Mr. Langille referred to the staff report, noting that under Number 2, the language on the screen was different than what he had written originally. He said originally, there was one aspect of the application that was not consistent with the buildings and spaces of human scale Neighborhood Model principle. He said the applicant is proposing a proffer about the architectural elements that would be necessary on a future building.

Mr. Langille said in speaking with ARB staff, staff looked at this and didn't think it would allow them to require, at the site plan stage, that the building's front facade that faces Route 29 appears like the true front entrance. He said staff wanted it to have things like windows and doors, even if it was not the primary entrance, and so there could perhaps be faux windows to give the appearance so it was not a blank wall.

Mr. Langille said that in terms of the language in the draft proffer statement, he has been working with the applicant and that they came to an agreement that morning on some revised language that they feel meets the Neighborhood Model principle. He said therefore, the request is consistent with all the applicable Neighborhood Model principles, at this point.

Mr. Langille said another reason staff is recommending approval is that it includes proffers that will help create the interconnected transportation network both for vehicles and pedestrians. He said the applicant is including a proffer about making sidewalks connect out to the existing sidewalk, which will be converted into a larger multi-use path at some point. He noted that staff was potentially looking into a Smart Scale application for this.

Mr. Langille said he included the revised proffer language in the presentation for the Commission to read.

Mr. Dotson said he had two questions for staff. He asked if he was correct in assuming that this was north of the area that would be part of the form-based code, in the future.

Mr. Langille replied yes, noting that this property was not located within the Rio-29 Small Area Plan boundaries.

Mr. Dotson said there is a statement in the staff report that he had seen a couple times recently that uses the phrase, "When the original zoning ordinance was adopted in 1980." He said his understanding is that there was zoning prior to 1980 and in 1980, there was a comprehensive rezoning. He asked if the statement was accurate, or if it was making reference to the comprehensive rezoning.

Mr. Langille replied that the statement must be inaccurate. He said he meant to say, "When the current version of the zoning ordinance was adopted in 1980."

Mr. Benish added that it could very well be possible that the zoning was substantially consistent with the original rezoning, but that he believed staff was referring back to the 1980 rezoning.

Mr. Dotson said he asked because with some other projects, the question will come up of how long the zoning has been in place.

Mr. Keller added that the Commission has seen this coming up lately, several times, and so staff may want to address this in order to be consistent.

Mr. Keller opened the public hearing.

Mr. Maynard Sipe, a land use attorney in Charlottesville, introduced himself, as well as the engineer for the project (Mr. Gathright) and *the* landowner (Mr. Garattia). He said they were available for questions.

Mr. Sipe said the rezoning was a simple request to, in a sense, remedy what was a spot zoning done in 1980, which was done in recognition of the existing use at that time. He said the applicant is simply looking for the opportunity to have more flexibility to develop the property consistently with all *the* other parcels around it that are zoned (HC).

Hearing no comments from members of the public, Mr. Keller invited the applicant to come forward again for questions from the Commission.

Mr. Dotson said he supported the request, and had one question. He asked when the proffers say, "The following uses will not be permitted," what the reasoning was behind those particular uses not being permitted. He said the uses do not strike him as obnoxious, loud, or generating problems and cited churches, cemeteries, and funeral homes as examples.

Mr. Sipe replied he came to the project after the initial discussion and application was filed. He said his understanding was that those were in response to some concerns from staff to limit the number of uses. He said the uses that are stricken are likely to be impractical for the property, anyway. He said he did not think the property was large enough to accommodate a funeral home or those kinds of uses. He said it would not be desirable for a cemetery. He said the proffer simply narrows down the field of uses to reasonable ones.

Ms. Riley said page 3 of the staff report refers to both the conceptual site layout plan and a conceptual grading plan. She said in terms of the grading plan, it has been offered for conceptual purposes only, but not proffered. She asked why this was.

Mr. Sipe replied that there is no ultimate use determined for the property at that time. He said this was something that was not commonly seen, but that it was a straight rezoning of the property and with no actual user, it was difficult to know the exact parameters of the design of the site at that time. He said the site plan, sketch plan, and grading plan were submitted simply to illustrate a typical use, or one type of use. He said the engineer has done a couple exercises like this to see what could fit on the property. He said the grading could change slightly, but would not likely change substantially.

Ms. Riley said she thought the language in the proffer was demonstrating that the applicant does not expect to have extensive disturbance to the areas of managed steep slopes in the rear, east side of the parcel. She asked if this was correct.

Mr. Sipe replied yes. He said there is a proffer that the applicant is restricting activity so that there will not be clearing or any disturbance, to the rear of the property next to Carrsbrook. He said this was done in recognition that the slopes are difficult there, and also to protect the neighbors.

Mr. Bivins asked to present the slide of blended land use, where there was a sliver of Light Industrial and Commercial Office. He asked if there was a reason this couldn't be pushed all out there in order to create one consistent land use on the particular parcel.

Mr. Langille replied that he was not entirely sure what exactly happened with that specific site but that he could say that many times, when they draw the layers for land uses, it's based on whatever the GIS layers have for the parcel boundaries at that time and that sometimes, this is not entirely accurate. He said there are properties elsewhere in the County where it is sometimes appropriate to have more than one future land use designation on them. He said many times, they will see properties that have some residential and some green space, and that he has seen mixed commercial on two different properties.

Mr. Bivins said this was true. He said he was puzzling over the driveway. He said the idea of having a Light Industrial driveway or road was something he wasn't sure would be helpful for VDOT or for looking down the road in the event something happens coming across with the connection onto Route 29.

Mr. Langille replied he didn't think so.

Mr. Keller closed the public hearing.

Mr. Dotson asked if staff had proposed language for the recommendation.

Mr. Herrick asked if the motion included any sort of acknowledgment of the revised Proffer 3 as well.

Mr. Langille replied that this should be included, with the reasons listed in the staff report, and the revised proffer previously shown.

Mr. Herrick noted that page 8 of the staff report included a motion that included the proffer revisions.

Ms. More asked if this included the one that was just shown on the screen.

Mr. Herrick said he believed they could rephrase the motion suggested in the staff report to move to recommend approval of the ZMA, with the proffer revisions, including Proffer #3, as recommended by staff.

Mr. Dotson moved to recommend approval of ZMA201900011, with proffer revisions as recommended by staff, including as recommended that evening.

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

Mr. Keller thanked staff and the applicant, noting that the request would be moving on to the Board of Supervisors.

## **Adjournment**

At 8:27 p.m., the Commission adjourned to January 14, 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: 01/14/2020 Initials: CSS
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