

**Albemarle County Planning Commission
Final Minutes April 23, 2024**

The Albemarle County Planning Commission held a public hearing on Tuesday, April 23, 2024, at 6:00 p.m.

Members attending were: Fred Missel; Luis Carrazana; Julian Bivins; Karen Firehock; Nathan Moore; Lonnie Murray

Members absent: Corey Clayborne

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

Call to Order and Establish Quorum

Ms. Shaffer called the roll.

Mr. Missel established a quorum.

**Public Hearings
SP202300018 Kappa Sigma International Headquarters**

Syd Shoaf, Senior Planner, said that he would provide the staff report for the Special Use Permit SP202300018 Kappa Sigma International Headquarters. He said that it was a request to amend an existing special use permit to relocate and enlarge a previously approved building. He said that the subject property was approximately 6.14 acres and located south of the City of Charlottesville at 1610 Scottsville Road, zoned R1 Residential.

Mr. Shoaf said that the site had been home to the Kappa Sigma International Headquarters since 2004, and the comprehensive plan designated it as Urban Density Residential. He said that the existing building on the site was approximately 22,977 square feet in size and was three stories tall. He said that it was used for administration, meetings, the museum, and library space.

Mr. Shoaf said that the first special use permit to construct the existing building was approved in 2004 and another special use permit was approved in 2006 to expand the building and construct another building on the site. He said that currently, there was a major site plan amendment under review to construct the approved building expansion. He said that the surrounding properties were zoned Residential or Rural, and the property to the north was also owned by Scottsville Holdings, LLC and zoned R1 Residential. He said that it contained a pavilion and overflow parking for the Kappa Sigma International Headquarters.

Mr. Shoaf said that additionally, to the north was the Galaxie Farms subdivision, which was zoned Planned Residential Development (PRD). He said that to the west and southwest was the Avinity Estates subdivision, which was also zoned Planned Residential Development. He said that lastly, to the south and southeast was Somerset Farm, which was zoned Rural Areas (RA). He said that the applicant had proposed to relocate an enlarged and approved building, shown with the highlighted label on the right of the slide. He said that the applicant was proposing to move the building from the parking lot to be adjacent with the property line of Avinity Estates townhomes.

Mr. Shoaf said that the proposed building was a one-story building approximately 8,790 square feet in size, with a maximum height of 27.5 feet to the center peak of the roofline. He said that it would be used to store archives and memorabilia associated with Kappa Sigma. He said that additionally, any building space may be used for meetings and support facilities such as research, classroom space, storage, and guest suites. He said that the previously approved building from SP200600021 was approved to be approximately 1,266 square feet with the same uses. He said that additionally, the applicant was proposing a new delivery area and accessway to the rear of the proposed building, as well as a new landscaped area between the existing building and the proposed building.

Mr. Shoaf said that the next slide depicted a cross-section of the proposal. He said that to the left were the Avinity Estates townhomes, and in between the townhomes was an existing 6-foot privacy fence and roughly 12-foot open space parcel owned by the Avinity Estates HOA, which contains existing vegetation. He said that on the Kappa Sigma property, there was a 20-foot use buffer that consists of existing vegetation, and the building was set back 50 feet, which meets the County setback requirement. He said that the finished floor elevation of the proposed building would be between 8 feet to 27 feet below the finished floor of the townhomes in Avinity Estates.

Mr. Shoaf said that the dashed gray line over the proposed building corresponds to the cupola heights in the image shown below, which showed proposed renderings of what the building could look like. He said that if approved, it would be subject to the Architectural Review Board's analysis to ensure compliance with entrance corridor guidelines. He said that the next slide showed a zoomed-in image of the cross-section from the previous slide. He said that the red dashed line was from the average height of eyesight of someone who was 5'7", and above the proposed building was the dashed gray line which corresponds to the maximum height of 27.5 feet of the cupola of the building.

Mr. Shoaf said that the special use permit application was reviewed under the factors of consideration as outlined during the zoning ordinance. He said that staff believes that the proposed special use permit will not be detrimental to adjacent parcels, will not change the character of the area, will continue to be in harmony with the R1 Residential zoning district, and is consistent with the comprehensive plan. He said that there were nine conditions drafted for this special use permit, which he would not review, but would state that they were carried over from the previously approved special use permit.

Mr. Shoaf said that condition one was modernized with new language, and staff added condition 1(c), 1(d), and 1(e) to address the new building. He said that in summary, there were two factors favorable, the first that it is consistent with the review criteria for special use permits contained in the zoning ordinance, and the second that the use is consistent with the Southern and Western Neighborhoods Master Plan. He said that staff did not identify any factors unfavorable. He said that staff recommends approval with the conditions as recommended in the staff report and update to the concept plan to construct pedestrian improvements along Route 20.

Mr. Moore said that he did not have any questions about the building itself, but they had received a couple of emails from the public regarding potential sound and noise. He asked if County staff could explain the County's noise regulations for this particular type of zoning and what could be done if a neighbor felt that the use was too loud.

Bart Svoboda, Deputy Director of Community Development and Zoning Administrator, asked if Mr. Moore could repeat his question.

Mr. Moore asked if he could provide details on the County's rule about noise that hit the neighbors' property and what they could do if it was too noisy.

Mr. Svoboda said that they had two types of noise; one was a nuisance noise, and one was a land-use noise. He said that land use noise had a decibel rating and time that was allowed. He said that nuisance noise was frequently from parties or other events, and was an audible issue determined by the police department. He said that events for R1 Residential zoning were allowed to have 60 decibels per the zoning ordinance. He said that for land use noise, zoning staff would investigate it and enforce the zoning regulation, and if it was a nuisance noise through the County code, the Albemarle County Police Department would investigate that and proceed accordingly.

Mr. Moore asked if there was a well-established process in case things got noisy.

Mr. Svoboda said yes.

Ms. Firehock said that in order for the applicant to get the building below the sightlines of the people at Avinity, they would have to cut into the slope. She asked if it was a steep slope at all.

Mr. Shoaf said that it was not a steep slope. He said that there were steep and managed slopes on the site, but those were in a different location from the proposed building.

Ms. Firehock asked how deep of a cut they were making into the hillside.

Mr. Shoaf said that it was between 8 and 27 feet, but the applicant could provide further details.

Mr. Bivins said that it was mentioned in the process that there was going to be group guestrooms. He asked if the County had a specific process for guestrooms in these types of constructions. He said that it would not be an AirBnB, but he would like to know if there were additional processes that must be followed in order for them to have a hotel.

Mr. Shoaf said that he was unaware of any specific regulations. He said that the previous SPU had approved eight guest bedrooms, so this approval had already been given for eight guest bedrooms.

Mr. Bivins asked if this was within the eight.

Mr. Shoaf said yes, this was within the eight.

Mr. Missel opened the public hearing. He asked if the applicant had a presentation.

Amy George said that she was with Roudabush and Gale, serving as a consultant for Kappa Sigma fraternity. She thanked Mr. Shoaf for his detailed explanation of the project. She said that the project site contained an existing building consisting of a central portion and a wing. She said that they were working on a site plan amendment for the western wing of the northern side of the property.

Ms. George said that as Mr. Shoaf mentioned, the initial proposal involved constructing a new building in the middle of the property adjacent to the parking lot. She said that however, they had decided to move and rotate it up along the border to create more lawn space and emulate the Jeffersonian style between the two structures. She said that they took Mr. Bivins' concerns about maintaining guest rooms into consideration, incorporating them as part of the original SP while carrying those uses forward.

Ms. George said that the primary functions of the building would be for archival memorabilia storage, classroom spaces, and potential meeting spaces. She said that they had collaborated closely with the architect to create an accurate rendering of the building and took into account the concerns of neighboring property owners regarding their views of Carter Mountain.

Ms. George said that the proposed building would be 8 to 27 feet below the Avinity property level; this was not an indication of the amount of cut on their property. She said that the maximum cut on their land would likely be around six feet. She said that they planned to grade the area back up to the existing vegetation level and install a retaining wall if necessary. She said that there would also be a loading area behind the building for caterer access and connection to the building itself.

Ms. George said that the building elevation was limited by the parking lot's elevation, as they could not set the structure too far away from the parking lot due to accessibility concerns. She said that the elevation shown on the plan represented the relative elevation it should have. She said that she would be glad to address any questions the Planning Commission had.

Mr. Missel asked if the Commissioners had questions for the applicant.

Ms. Firehock said that she was still grappling with the image, as when examining both the picture and the scale, the diagonal land appeared to extend from the bottom where the trees were, up to what seemed like the top of the first story. She said that this raised a question regarding the six-foot height, as it would imply that from the tip of the line to the roofline, there was only one story's distance.

Ms. George said that it would have an average cut of six feet. She said that the cross-section was a slice across the middle of the site.

Ms. Firehock asked if that would be the deeper cross-section of the site they were looking at.

Ms. George said yes.

Ms. Firehock said that she knew how to use a scale ruler, so she could see that it did not make sense.

Mr. Carrazana said that he had a question along those same lines. He said that he was trying to reconcile the information in Section 4.3 with the site plan, as there appeared to be a retaining wall situated behind the structure. He asked if this was accurate.

Ms. George said that there was a three-to-one slope at that point. She said that there may be a retaining wall, but they had not confirmed yet if it was necessary. She said that the rough grading plan suggested she could implement a three-to-one tieback slope in addition to a two-to-one grade in front of the existing trees.

Mr. Carrazana asked if they could achieve that section cut without a retaining wall.

Ms. George said that at certain sections, yes.

Mr. Carrazana said that he saw that there was not a retaining wall indicated on the site plan. He said that it might be located where the driveway entered the area.

Ms. George said that there will be a slight retaining wall where the driveway is.

Mr. Carrazana said that the cross-section showed that it was through the center of the building.

Ms. George said yes. She said that it was not at the loading area.

Mr. Carrazana said that clearly, they had a little vertical wall behind the building, so there was some kind of space for patios or something and a little brick wall. He said that he assumed this was a retaining wall.

Ms. George said that there might be a retaining wall in some portions along that area; however, at that point, she was capable of grading down from the existing slope and in front of their pre-existing evergreen trees to the patio, leaving a ditch and ascending to their patios behind the building with a three-to-one slope. She said that as mentioned earlier, this was rough grading, and she did not expect a large retaining wall for this project.

Mr. Missel said that it should be pointed out that it was a vertical and horizontal exaggeration; it was two-to-one vertical to horizontal.

Ms. George said that yes, it was very exaggerated.

Ms. Firehock said that it was not to actual scale.

Mr. Carrazana said that it could be a bit confusing, particularly considering the similarity in scale between the building's vertical elements and the retaining wall. He said that that was the same scale.

Mr. Murray asked if Ms. George knew what kinds of trees and what kind of vegetation would be planted there.

Ms. George said that the existing vegetation within the 20-foot buffer consisted of a mix of pine and deciduous trees, along with some junipers. She said that a pair of staggered rows of evergreen trees, specifically Leland cypress, were planted in front of the 20-foot buffer.

Mr. Murray said that a primary concern was the potential harm to the tree roots if the slope was excavated. He said that given that the trees would be situated above the proposed construction, it was crucial to maintain their health, as any tree falling could result in significant damage to the building.

Ms. George said that it would definitely be addressed during the site plan stage. She said that the evergreen trees currently present, standing around six to eight feet tall, had not yet reached full maturity.

Mr. Bivins asked who owned the wooden security fence that ran across the property line.

Ms. George said that she believed that it belonged to Avinity Estates.

Mr. Bivins said that there was the fence near the property line as well as a section of trees.

Ms. George said that the trees were located on her property.

Mr. Bivins said that after visiting both sites yesterday to assess the visibility, it was difficult to determine that unless standing on the second floor of one of the four homes there, individuals from the Avinity side would not be able to see over the fence.

Ms. George said that one resident shared the provided photo of the view from their patio during a community meeting.

Mr. Bivins asked if the view was from the ground floor.

Ms. George said yes, it was the view from their patio.

Mr. Bivins asked if the new building would have a lower height compared to the existing main building and would not quite reach halfway.

Ms. George said that the main objective was to align the central portion of the building with the main roof line, which would determine the maximum height for the main roof. She said this referred to the center portion between the peaks.

Mr. Bivins said that when descending, it would be approximately 10 feet from the boundary of the existing trees. He said that it was a lovely site, which he visited the other day. He said that it was neoclassical architecture, which everyone knew his thoughts on. He said that he would be restraint in his comments about that, given that Thomas Jefferson had anticipated an evolution with neoclassic.

Mr. Bivins said that regardless, the building was well-constructed, and it seemed unlikely that any proposed additions would be inferior. He said that the focus would likely continue to transition. He said that his primary concern was not whether those behind the structures could see the mountain, because he believed they would, but rather how to connect the back of the parking lot to the new building without making the back of the existing building decay or be subject to, as Mr. Murray mentioned, the land in that area deteriorating after being disturbed.

Ms. George said that there were 30 feet between the back of the building and that area. She said that this distance was due to the existence of a 50-foot setback, which included a 20-foot buffer. She said that the 30 feet in question comprised the tie slope, the ditch, and the patios.

Ms. Firehock said that she had another question, and it was not about the grade. She said that she wanted to understand more about why a new building was necessary. She said that she had reviewed their application, which mentioned memorabilia and classes. She said that they initially considered a half-sized structure sufficient, but now they were requesting double the size. She said that she was curious about any changes in planning or demand that led to this increase in square footage.

Ms. George said that the originally proposed building at the middle of the site was more than 8,000 square feet and was a two-story building.

Ms. Firehock asked if they were making it wider with this new proposal.

Ms. George said yes. She said that they were flattening it out.

Ms. Firehock asked if Ms. George could explain why they chose to do that. She said that they came before the Planning Commission to change their already-approved plan and she struggled to understand why.

Ms. George said that the intention appeared to be creating a more formal space between the two buildings, adhering to the neoclassical Jeffersonian style already present on the lawn. She said that this was particularly relevant because Kappa Sigma was founded at UVA, directly connecting it to the Jeffersonian history.

Ms. Firehock said that she was aiming for a specific architectural style, rather than primarily focusing on adding more programming space.

Ms. George said that it would have the same amount of space.

Ms. Firehock said that she had misunderstood staff's statement earlier. She said that the footprint had doubled in size.

Ms. George said yes.

Mr. Missel said that the application mentioned "grass pave," which was a carryover statement that said that all grass parking areas must be grass paved unless product is deemed equivalent. He asked if the applicant could please specify where the grass pave would be.

Ms. George said that they proposed that the fire entry, or rather the fire access section, be situated in front of the building. She said that this would be grass-paved to allow for access from both the front and rear.

Mr. Missel asked if it would be something like stabilized turf.

Ms. George said yes.

Mr. Missel asked if they would be making any amendments or changes to the stormwater plan.

Ms. George said that the stormwater management plan was being updated due to the building wing addition. She said they would consider the proposed information presented, the proposed wing, and make any necessary adjustments to the pond to ensure compliance with current requirements.

Mr. Missel asked if Ms. George was referring to the existing pond.

Mr. Missel said yes.

Mr. Missel asked if there were any members of the public who wished to speak on this item.

Sammy Barnes said that he lived at 3421 Montague, the lot in the center of where the new building was proposed. He said that he had taken the photograph mentioned earlier. He said that the fence's downward slope allowed them to see over it despite its eight-foot height. He said that their house was a significant investment, which they bought with the intent of it being their final home, and the views of Carter Mountain were a priority for them.

Mr. Barnes said that he wanted to address two concerns related to the previous description. He asked if could they provide the side view picture. He said that another neighbor, who could not attend, also inquired about this. He said that they were uncertain if soil tests or boring tests were conducted to verify the feasibility of excavations.

Mr. Barnes said that it was crucial for them to ensure that the ground floor could remain at 527 feet as per the new plan, without any future alterations due to an excessive amount of rock. He said that secondly, regarding the retaining wall, they were concerned about both their trees and foundations. He said that they sought assurance that the extensive excavation would not pose a threat to their foundations' stability in the future.

Sarah Haddon said that she also resided on Montague Street, situated directly behind the proposed loading area. She said that like her neighbors, including Mr. Barnes, and others in Avinity, she was grateful for the improvements Kappa Sigma had suggested to benefit residents. She said that although the issue of noise had been acknowledged, it remained a significant concern. She said that while it was reassuring to know that they could contact law enforcement, they preferred fostering better relations with their neighbors rather than reporting them.

Ms. Haddon said that she was curious about whether the fraternity headquarters might consider reducing the decibel levels. She said that last year's party, held nearby, had forced her to leave her home due to the noise. She said that she requested reconsideration of the time music stopped, currently stated as between 9:00 p.m. and 10:00 p.m.. She said that their neighborhood had many young children and medical professionals who needed to commute early in the morning. She said that she and other neighbors had a concern regarding the potential rental of the meeting space to others, as it seemed inconsistent with residential zoning ordinance.

Mike Davis said that he resided at 3431 Montague Street. He said that the proposed change appeared so radically different from what he initially saw when he purchased his house in 2020, that he likely would have been much more cautious about investing \$500,000 dollars into a property that was going to turn into a construction site. He said that he was very concerned that the developer's plans oversimplified the situation and did not adequately consider the various landscaping features present.

Mr. Davis said that he was also concerned that over time, changes would be made which may mitigate the views of Carter Mountain, which frankly was the only reason he selected this unit. He said that the illustrations in the plans did not accurately depict the trees' height; they were not eight feet tall as shown but rather small brush. He said that he was concerned that the trees that would be planted would also interfere with the view of Carter Mountain. He said that he shared the concern expressed by a previous member of the public regarding noise, stating that if this project proceeded, it was reasonable to expect an increase in attendance, which would inevitably lead to more noise.

Mr. Davis said that this development was very close to their residences on Montague Street, and he feared it would significantly detract from the reasons they initially chose to buy properties in this area. He said that in conclusion, he believed this was not an application for a minor change but a significant transformation that likely would have caused many of them at Montague Street to reconsider their decisions had they known these alterations were going to happen.

Mr. Missel asked if the applicant had a response to any of the comments from the public.

Ms. George said that she understood that one of the comments addressed the possibility of others using the space for rent. She said that the response was an emphatic no. She said that only Kappa Sigma would utilize the building, as it would not be rented out. She said that regarding the trees present, they were beyond the existing vegetation and consisted of a double staggered row of evergreen trees. She said that these Leland cypress trees stood at approximately six to eight feet tall. She said that after construction, they would remain in place. She said that they were committed to preserving them. She said that if necessary, they would add a retaining wall to protect the trees.

Mr. Missel asked if Ms. George could also address the question concerning the height, excavation, and risk of rock.

Ms. George said that they had not conducted any soil testing or assessed the rock depth at that specific location.

Chad Gephardt said that he served as the Executive Vice President for Kappa Sigma. He said that above the back area, French drains had been constructed during the first pass, which drained into the pond below. He said there were already tubes underground, so they already knew it could go down, but he did not know how far.

Mr. Missel closed the public hearing and the matter rested with the Commission.

Mr. Bivins would be valuable to ascertain whether the small pavilion on the right-hand side adjacent to Galaxie Farms traditionally hosted outdoor events. He said that it was Galaxie Farms under development nearby that would be the closest, and there would be a good amount of space over there. He said that he would challenge architects to think innovatively about reinterpreting neoclassic architecture, but that this was his personal perspective. He said that he was comfortable with the current situation and supported it.

Mr. Bivins said that there would be a site review process where people could discuss this matter. He said that hopefully, the executive director could maintain communication with the four neighbors directly behind them, fostering dialogue similar to their homestay protocols. He said that the person on call should be known instead of contacting police. He said that if the Kappa Sigma executive director participated in these discussions, he would fully support this new, revised plan.

Ms. Firehock said that she was not in support of this application for a couple of reasons. She said that one, she had not heard a compelling argument for doubling the amount of impervious surface. She said that she preferred that they opted for a taller design rather than a wider one. She said that despite their efforts to lower the elevation, the current design seemed more impactful to her. She said that she was also concerned about the cut and fill plan. She said that she had insufficient

details to fully understand it. She said that although this was not a site plan review, she had witnessed some slopes in their area become unstable, even with retaining walls.

Ms. Firehock said that she empathized with the neighbors as well. She said that if they had purchased a townhome in the area and looked at the approved plan, they would see the proposed building was not in their backyard. She said that because there was no compelling reason shown to her, it had not been demonstrated that the building cannot be placed elsewhere on the site. She said that it could be at the original location, maintaining the same size structure and function. She said that the primary argument for changing the design seemed to be based on aesthetic preferences, which she found insufficient to move the use closer to neighbors and double the impervious surface of the site.

Mr. Missel said that he had the same thoughts, which was why he had asked about the stormwater management system. He said that considering the substantial stormwater management facilities located at the front of the site, he would ask if that did not offset the additional impervious surface in Ms. Firehock's view.

Ms. Firehock said that unfortunately, the majority of her career has been in stormwater management, and they had not been able to design systems that perfectly replicated the pre-existing conditions. She said that in developed areas, even if there was a stormwater pond with all the calculations and correct curve numbers, which they could discuss extensively regarding their generation and accuracy, there would still be impacts to the receiving waters. She said that although it would be ideal to achieve 100% offset of these effects through increased stormwater management, unfortunately, their capabilities were not yet advanced enough to perfectly achieve that.

Mr. Missel said that he understood her perspective on this matter; he was familiar with stormwater management as well. He asked whether this approach did not, in reality, affect any development within the County since it was evident that even with mitigation measures, new developments struggled to achieve 100%.

Ms. Firehock said that it was correct, but they already had an approved plan to meet their needs for space. She said that she had not heard a compelling reason for changing the plan that was already approved. She said that the design aesthetic of the building would be prettier in the one-story, spread-out format, but that was not enough to justify the change. She said that it seemed like it did not function better, and she not been convinced otherwise. She said that ultimately, it was up to the applicant to make a strong case for the change. She said that if they did not succeed in convincing her, they might need to come up with a more compelling argument when presenting to the Board of Supervisors.

Mr. Carrazana said that he had concerns regarding the building's location. He said that he recognized the efforts made to collaborate with neighbors and lower the elevations. He said that he found it challenging to comprehend how the nine-foot difference would be addressed in the design. He said that the presentation did not demonstrate how the entrance to the building, slab location, and the edge of the planting area would be integrated considering this gap.

Mr. Carrazana said that significant work must be done to ensure stability when presenting this plan to the Board of Supervisors and site plan review. He said that there was a risk that the soil may become unstable, and nothing had been presented about how they would stabilize it. He

said that [41:17 Flave Homes?] is a good firm and he was surprised at the materials they were looking at.

Mr. Moore said that despite his colleagues raising some points, this particular proposal did not bother him. He said that providing additional space for the fraternity's business seemed acceptable to him. He said that he agreed with Mr. Bivins regarding being mindful and having an on-site representative to address neighbors during noise incidents. He said that he was just looking at the last grand conclave's agenda, and multiple nights of loud parties could be quite painful for people's ears. He said that this was more about how the space was used rather than its construction, so he was ready to move forward with it.

Mr. Murray said that he would like to share his concerns regarding the slope in the back and its ability to handle the potential risk of collapse.

Mr. Carrazana said that he was unsure of who the civil engineer was that [42:44 Flave?] had subcontracted. He said that at minimum, a geotechnical report should have been conducted prior to the proposal.

Mr. Missel said that the firm was Roudabush. He said that to Mr. Carrazana's point, it was unclear as to whether it was done.

Mr. Carrazana said that the applicant had said there was no field technical report done.

Mr. Missel said that was correct.

Mr. Murray said that he also thought the sound was an issue, but he did not think there was anything they could do in regard to that other than the suggestions already provided.

Mr. Missel said that regarding stormwater impacts and impervious surfaces, his understanding was that the site plan review process, along with water quality considerations, was sufficient for stormwater management. He said that concerning the retaining wall, they relied on the applicant's assurance that it had been graded to achieve a three-to-one slope and that drainage had been installed at the back, along with a French drain or another type of drain. He said that unfortunately, the materials provided made it difficult to visualize this clearly, possibly due to a vertical to horizontal scale discrepancy.

Mr. Missel said that at a recent CAC meeting he attended, they emphasized the need for an accurate cross-section illustration to address community concerns about visibility. He said that this section did not convey that information clearly to him. He said that if they proceeded with the site plan and building permit, there were code requirements in place to address water quality issues and ensure setbacks and stability. He said that wall requirements and engineering specifications were currently being discussed, focusing on a six-foot requirement. He said that considering this context, he believed there was a set of guidelines in place to address potential issues they might anticipate, so he leaned towards support of this proposal.

He said that regarding the 527-foot lower ground floor elevation, as depicted on all drawings, the recommendation stated that development must align with the conceptual plan and related criteria. He said that if an obstacle prevented adherence to the 527-foot elevation, he would like to know if the developers would be required to return for approval or if they could they adjust it at the site

plan stage. He said that the approved project heavily relied on this finished floor elevation's compliance.

Mr. Shoaf said that they could work with the County Attorney to create a suitable wording aligned with the concern. He said that if it got approved in its current form and this approach failed, they would have to return and amend the special use permit.

Mr. Missel asked if that was not given in the language in the staff report already.

Mr. Shoaf said no, it was not as specific.

Mr. Herrick said that that was correct. He said that if the base elevation were a concern, it needed to be added as a condition to the existing conditions listed. He said that the current conditions focused on the location and height of buildings; however, they did not specify the base elevation upon which the building would be constructed.

Mr. Missel asked if the attached materials were not sufficient to provide that.

Mr. Herrick said that the base elevation was not called out in the existing conditions as an essential element of the plan. In order for the base elevation to become an essential element, it would need to be specifically listed in the conditions, if the Board or Commission deemed it worth recommending.

Mr. Missel asked if Attachment 4 was the conceptual plan.

Mr. Shoaf said yes.

Mr. Missel asked if they needed something more specific than it being in general accordance with the conceptual plan attached.

Mr. Herrick said that the base elevation would need to be called out as an essential element on that essential elements list.

Ms. Firehock said that she would like to reiterate that her objection to the construction was not solely due to stormwater concerns. She said that primarily, she was concerned about the chosen location.

Mr. Bivins motioned that the Planning Commission recommend approval of SP202300018 Kappa Sigma International Headquarters with both the conditions stated in the staff report and an additional condition to require a base elevation of 527 feet, and to update the Concept Plan to provide pedestrian improvements along Route 20. The motion was seconded by Mr. Moore and passed (5-1). (Ms. Firehock opposed and Mr. Clayborne was absent)

Adjournment

At 7:30 p.m., the Commission adjourned to April 23, 2024, Albemarle County Planning Commission meeting, 6:00 p.m. in Lane Auditorium.



Michael Barnes, Director of Planning

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

Approved by Planning Commission
Date: 05/14/2024
Initials: CSS