

**Albemarle County Planning Commission
Final Minutes January 9, 2024**

The Albemarle County Planning Commission held a public hearing on Tuesday, January 9, 2024, at 6:00 p.m.

Members attending were: Fred Missel; Luis Carrazana; Corey Clayborne; Julian Bivins; Karen Firehock; Nathan Moore; Lonnie Murray (virtual via Zoom).

Other officials present were: Michael Barnes, Director of Planning; Andy Herrick, County Attorney's Office; David Benish; Margaret Maliszewski; and Carolyn Shaffer, Clerk to the Planning Commission.

Call to Order and Establish Quorum

Ms. Shaffer called the roll.

Mr. Murray requested the Planning Commission allow his remote participation in the meeting due to his road being flooded out. He stated his location as his residence.

Mr. Clayborne motioned to allow Mr. Murray to participate remotely in the meeting, which was seconded by Ms. Firehock. The motion passed unanimously (6-0).

Mr. Barnes established a quorum.

Other Matters Not Listed on the Agenda from the Public

There were none.

Election of Officers: Chair and Vice Chair, appointment of Secretary, if needed

Ms. Firehock motioned to nominate Mr. Missel for the position of Chair, which was seconded by Mr. Carrazana.

Mr. Barnes asked if there were any other nominations for Chair at this time. Seeing none, he asked the Clerk to call the roll.

The motion passed unanimously (7-0).

Mr. Missel asked if there were any nominations for Vice Chair.

Mr. Bivins motioned to nominate Mr. Carrazana for Vice Chair, which was seconded by Mr. Clayborne.

Mr. Missel asked if there were any other nominations for Vice Chair at this time. Seeing none, he asked the Clerk to call the roll.

The motion passed unanimously (7-0).

Public Hearings

a. SP202300007 Home Depot Outdoor Sales, Storage, and Display

Margaret Maliszewski, Planning Manager, said that when she last presented to the Commission, it was in September of last year. She said that she was presenting tonight on the same topic, which was the Home Depot request for a special use permit for outdoor storage display and sales for their new store proposed at the Fashion Square Mall. She said that as they discussed in September, the proposal was to demolish the Sears store, located at the north end of the mall, and replace it with a new Home Depot store with a garden center.

Ms. Maliszewski said that areas for sales, storage, and display were to be located in and around the garden center and along the front of the new store facing Route 29. She explained that the applicant had discovered that the condition of the mall was such that a portion of the north end of the mall must be demolished in addition to the Sears building. She said that this meant that the parcel to the south, which was not included in the original application, was now part of the project.

Ms. Maliszewski said that to meet legal requirements, the project description needed to be updated with that parcel, and as a result, a new public hearing would be required. She said that with this shift in the project, the applicant has taken the opportunity to make a few changes to the design. She said that the Home Depot store was now proposed as a stand-alone building with a travelway between it and the mall. She said that there had been minor alterations to the size and shape of the building and the garden center.

Ms. Maliszewski said that areas proposed for sales, storage, and display had been redistributed along the building elevations to coordinate with these changes. She said that these redistributed display areas and the architectural design modifications did not significantly change the visual impact of the proposal on the entrance corridor. She said that displayed on the screen was the current proposal in the overall mall site, highlighting the new travelway in pink. She said that the next slide depicted the architectural design of the current proposal. She said that as they discussed in September, most special use permits were reviewed under Section 33.8 of the ordinance.

Ms. Maliszewski said that SPs for outdoor storage display and sales were reviewed under a different section that was under 30.6, the entrance corridor overlay section. She said that this section limited the factors to be considered when determining whether the use was consistent with the applicable design guidelines. She said that those guidelines were the entrance corridor design guidelines, which the ARB applied. She said that the ARB reviewed this revised proposal in December of last year and unanimously voted to recommend approval of the request with staff's recommended conditions. She said that the Commission were presented with the same conditions that the ARB recommended, which were very similar to what the Commission had recommended in their September meeting, with just two minor changes.

Ms. Maliszewski said that the first change was a modification in Condition 6. She said that the Commissioners may recall from their discussions that the applicant requested clarification regarding planting along Route 29 requiring VDOT approval. She said that they acknowledged at the time that the VDOT review and approval would occur with the final site plan; however, they had taken this opportunity to clean up that condition by refining its wording. She said that the second change involved merging what was Condition 8 with Condition 1 for consistency with their standard language for SUP conditions. She concluded that staff recommended approval with the conditions listed in the report.

Mr. Missel asked if there were any questions from the Commission. Seeing none, he opened the public hearing. He asked if the applicant would like to speak.

Ms. Megan Nedostup stated that she was from Williams Mullen and would be representing the applicant, Home Depot. She said that present with her was John Karacus from Home Depot and Dan Boyle, the project's architect. She said that they were now redeveloping Sears, initially intending to expand the construction slightly. She said that when the Home Depot crew entered Sears for the first time, they discovered that there was only one wall instead of two, as previously thought.

Ms. Nedostup said that they had to retrieve all the plans from a large room filled with old 1970s documents. She said that upon reviewing these plans, it became clear that there was only one wall, necessitating the removal of a portion of it. She said that after discussing this situation, they identified an opportunity to take down more of the walls and implement the framework for the Places 29 redevelopment plan, which included the travelway to go through.

Ms. Nedostup said the following slides provided views from Route 29 and Rio Road, a map illustrating the portion of the mall that would be demolished, and an aerial photograph with an orange star indicating the Sears location. She said that the following slide showed the concept plan from the submitted application, in which an orange line represented the new footprint of the proposed Home Depot, while the gray area signified the former Sears location and prior submittal. She said that the green area denoted the section of the mall that would be removed. She said that they (Planning Commission) could see where the travel way was now situated.

Ms. Nedostup said that they also discovered an opportunity regarding the tool rental center. She said that previously, tools would be visible from portions of Rio Road, but they were able to relocate it around the corner, which now had less visibility for the display areas and entrance corridors. She said that Ms. Maliszewski had also presented the revised concept plan, which included changes from the previous version in September. She said that the planting area discussed earlier had been implemented, with a note indicating it was subject to VDOT approval.

Ms. Nedostup said that another modification was adjusting the spine of the pedestrian access, creating a more direct route. She said that one point to note was that the expansion of the display and sidewalk had the front pavement designated and expanded to include a sidewalk connecting Rio Road to the store. She said that this ensured that pedestrians had an accessible pathway and enough space for the display area. She said that in a closer image, the adjusted display areas were evident, particularly the relocation of the tool rental center. She said that the temporary staging areas remained in their previous locations.

Ms. Nedostup said that the proposed parking arrangement was still being worked on and would be presented to the Architectural Review Board for landscaping along Rio Road. She said that provided was a closer view of the larger proposed planting area for which they sought feedback from VDOT during the site plan and ARB process. She said that the front elevations showed the tool rental center, previously coming out toward 29, was now situated away from the building's facade and around the corner, and the garden center remained virtually unchanged.

Mr. Bivins asked if the walkway would be leading up to the tool rental center and if it would be identified.

Ms. Nedostup answered that there would be a walkway on the other side, and there was a crosswalk that would get pedestrians to that directly.

Mr. Bivins asked if there was a way to delineate that there may be people walking across there.

Ms. Nedostup said yes.

Mr. Bivins said that there was a large green property situated across the street from this site on Rio Road. He said that the area has been considered for potential development and expansion over time. He asked if the front portion of that property might include a crosswalk to facilitate pedestrian access between the two sides of the street.

Ms. Nedostup said that a crosswalk existed there already. She said that during their site visits, they noticed that there was already a dirt path on the subject property, so they would just be formalizing that connection.

Mr. Bivins said that regarding the plantings along the frontage of the property facing Route 29, VDOT would have the authority to determine whether those plantings were appropriate or not.

Ms. Nedostup said that they would determine whether they conflicted with existing utilities.

Mr. Murray said that he had noticed in the images that some pictures showed trees raised up and surrounded by concrete. He asked if the applicant had considered lowering those areas to create curb cuts for capturing stormwater instead of preventing it from entering the tree-filled zones. He said that this would serve as a waste reduction measure, as these areas could function as stormwater capture facilities while also benefiting the trees by reducing the need for constant watering.

Ms. Nedostup said that they did not anticipate any of the trees being lifted up.

Ms. Firehock clarified that Mr. Murray was referring to the trees being planted in recessed planting beds to serve as best management practice for stormwater.

Ms. Nedostup said that she would discuss it with their team, but they had not discussed it thus far as part of the site plan.

Mr. Clayborne asked if there had been any discussion regarding visual access of rooftop equipment from Rio Road. He said that he was surprised that it did not appear in the conditions and inquired how this matter was addressed.

Ms. Nedostup said that they primarily focused on the display and the garden center. She said that as a result, they still needed to undergo the ARB process for the architecture of the building, including the rooftop equipment, which they would be completing soon.

Mr. Missel said he would like to clarify a point regarding the image displaying the plan of the building and the adjacent alleyway created between the existing structures. He asked whether they would be dismantling and reconstructing a wall at an arbitrary location or if it was there because of a structural requirement.

Ms. Nedostup said that there was a structure. She said that they had a discussion on how many bays needed to be removed. She said it was going back four (structural bays) in order to reach that location to provide the sidewalk and travelway.

Mr. Missel asked what the material would be on the other side of the building.

Ms. Nedostup said that the new structure would closely resemble the current mall, as it was intended to serve as a temporary wall during the redevelopment process of the shopping center. She said that they had already submitted an application to the ARB for the demolition and minor amendment for the interim condition.

Mr. Missel said that regarding the specific area with two walls, it would be an unpleasant environment. He said that he was wondering whether there were alternative methods to expand it slightly and create a more usable space, but he was unsure if anything would actually inhabit it. He said that this could provide additional space for maneuvering since parking near Home Depot required walking out into traffic or crossing the street to reach the sidewalk and continue on one's way. He said that he found it unusual that there was not a sidewalk adjacent to Home Depot, but he understood that this topic was slightly beyond their current discussion, although it remained related to the outdoor area.

Ms. Nedostup said that she appreciated those comments and acknowledged the challenge of achieving a balance between taking enough of the mall down structurally while still maintaining tenants in the mall and preserving space for some of those tenants. She said that Home Depot was relocating certain tenants to accommodate their four-bay expansion, but they did not want to cause excessive disruption during this process. She said that it was indeed on their radar to create a more streetscape-type environment when the redevelopment of the mall occurred, and it (the wall) came down.

Mr. Carrazana said that regarding the new construction, he would like to clarify if there were additional opportunities for openings besides the single door located in the center of the new wall.

Ms. Nedostup said that they were currently assessing this aspect as part of the site plan process and during discussions with the ARB. She said that she believed that this matter would arise; however, thus far, they had only considered a temporary wall with an entrance.

Mr. Missel asked if there were any comments from the public for this public hearing. Seeing none, he asked if there were any other questions or discussion from the Planning Commission.

Mr. Moore motioned to recommend approval of SP2023-00007 for Home Depot's outdoor storage display and sales, subject to the conditions detailed in the staff report, which was seconded by Mr. Clayborne. The motion passed unanimously (7-0).

Adjournment

At 8:10 p.m., the Commission adjourned to Tuesday, January 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: 02/13/2024
Initials: CSS