

**Albemarle County Planning Commission  
Final Minutes May 28, 2024**

The Albemarle County Planning Commission held a public hearing on Tuesday, May 28, 2024, at 6:00 p.m.

Members attending were: Fred Missel; Luis Carrazana; Corey Clayborne; Julian Bivins; Karen Firehock (arrived at 6:04 p.m.); Nathan Moore; Lonnie Murray

Other officials present were: Michael Barnes, Director of Planning; Khris Taggart; Syd Shoaf; Margaret Maliszewski Frances MacCall; Kevin McDermott; Rebecca Ragsdale; Andy Herrick, County Attorney's Office; and Carolyn Shaffer, Clerk to the Planning Commission.

**Call to Order and Establish Quorum**

Ms. Shaffer called the roll.

Mr. Missel established a quorum.

**Other Matters Not Listed on the Agenda from the Public**

There were none.

**Consent Agenda**

Mr. Moore motioned the Planning Commission adopt the consent agenda, which was seconded by Mr. Carrazana. The motion passed unanimously (7-0).

**Public Hearings**

**SP202300021 Flow Hyundai**

Khris Taggart, Senior Planner, introduced himself and said that Planning Manager Margaret Maliszewski assisted in the review and was present that night as well. He said that he would be presenting the staff's recommendations for the special use permit and associated special exception.

Mr. Taggart said that as with all SUPs, a recommendation to forward to the Board was required. He said that regarding the special exception, the Planning Commission was not obligated to provide a recommendation; however, if they chose to offer comments on the request, those would be included in the transmittal summary for the Board's consideration.

Mr. Taggart said that he would address the SUP first and then proceed with the special exception. He said that the subject properties were located on the west side of Route 29 between 2070 and 2150 Seminole Trail. He said that both properties housed automobile dealerships, while residential areas lay across Berkmar Drive to the west and Route 29 to the east. He said that the subject property was currently vacant and predominantly wooded.

Mr. Taggart said that provided were a couple of street views displaying the existing conditions of the property from Route 29 and Berkmar Drive. He said that the SUP request sought permission for outdoor display, storage, and sales of vehicles within the entrance corridor overlay. He said that he would refer to this as outdoor display throughout his presentation. He said that this plan indicated designated spaces in blue and yellow shading, with the yellow areas also marked for vehicles awaiting repair. He said that while motor vehicle sales were permitted by right in the zoning district, outdoor display was a special use.

Mr. Taggart said that SUPs for outdoor display were evaluated under Section 30.6, which limited the factors considered for determining whether the outdoor display aligned with entrance corridor design guidelines.

He said that the ARB applied these guidelines during its review of this request in February of this year and voted no objection to the SUP request, contingent upon revisions to the concept plan that could be resolved during final site plan review. He said that standard conditions for approval were also required.

Mr. Taggart said that the favorable factor for this request was that the outdoor display use would conform to EC design guidelines if the ARB's recommended conditions were upheld. He said that for this reason, staff recommended approval of the special permit for outdoor display with those conditions.

Mr. Taggart said that in association with the SUP request, there was a request for an exception from Supplementary Regulation 5.1.31b, which mandated that vehicles awaiting repair be situated where they were not visible from any public street or residential property. He said that vehicles waiting for repair were proposed to occupy the yellow highlighted spaces, totaling 248 spaces.

Mr. Taggart said that most of these spaces would be visible from both public streets and residential properties as currently proposed. He said that one reason for this visibility was that Berkmar Drive was elevated between 2 feet and 28 feet above them. He said that from Berkmar Drive, views of vehicles waiting for repair would be available south of the building into the parking lot with an open view at the entrance to the site.

Mr. Taggart said that from Route 29, views would be available of these spaces from a distance at the site entrance. He said that Victorian Heights, highlighted in orange on the map, was a development currently under construction across Berkmar Drive to the west. He said that units within this development would be elevated between 15 feet and 64 feet above where the vehicles waiting for repair would be located, allowing views into most of these areas.

Mr. Taggart said that there had been no previous requests or exceptions for the requirement for screening vehicles waiting for repair; however, there were many examples of screening vehicles through the SUP and site plan review processes. He said that in these instances, visibility had been limited by positioning the spaces so that buildings, topography, fencing, landscaping, or a combination of these features screened the vehicles from public streets and residential properties.

Mr. Taggart said that staff acknowledged that the types of vehicles waiting for repair in the site would have little visual difference between display vehicles, and that the topography made meeting the visibility requirement challenging. He said that however, the ordinance was clear, and the site layout could do more to relegate parking and reduce visibility, including positioning the vehicle repair building near Berkmar Drive so as to provide greater screening, limiting parking areas to locations behind buildings, and providing additional landscaping, including evergreens along Berkmar Drive and at the perimeter and interior of the parking areas.

Mr. Taggart said that because methods for screening were available but had not been used to a sufficient degree to minimize impacts, staff could not recommend approval of the special exception request. He said that the Planning Commission was not required to make a recommendation on special exceptions; however, if the Commission chose to provide comments, they would be included in the transmittal summary to the Board.

Mr. Moore asked when they would have conversations with the applicant regarding stormwater runoff associated with this proposal.

Mr. Taggart said that Engineering would review that during the final site plan review.

Mr. Moore said that he would like to bring up for the Commission's discussion that this had been an issue of concern for many neighborhoods in the Rio area as more and more land on that side of Route 29 was paved over. He said that their stormwater drainage infrastructure offered a couple of options, including pipes that could direct water straight into the Rivanna or a channel that would carry it under Route 29 and

pass through the Woodbrook neighborhood. He said that the latter option was less desirable since they were already experiencing significant flooding issues in that area.

Mr. Bivins said that regarding page 3 of the staff report, they had outdoor storage highlighted in blue, which to his understanding meant that only customer cars could park in that area. He asked if a customer's car was parked there and they needed to leave it while they went to lunch or performed other tasks on Route 29, would they be prohibited from parking in the yellow zone near the garage. He said that this zone was reserved for vehicles awaiting repair, as opposed to the blue spot designated for customers. He said that actually, the purple areas were only available for customer parking. He asked if there were any customer parking spots in the back of the property and if not, he recommended adding some. He said that the applicant could answer that question.

Mr. Bivins said that he was not opposed to granting the exception. He said that right next door was a Ford dealership, and right next to that was the former site of Price Chevrolet and Hyundai. He said that this area did not, in his opinion, feel like an exception when all the other car lots around it had visible cars from Berkmar Drive. He said that if they continued up to where the putt-putt used to be, now occupied by a dermatological clinic and Harvest Moon, people would notice the parked cars there, even though they may not see cars being worked on.

Mr. Bivins said that this area did not feel any different than the surrounding areas. He said that with Better Living's entrance from Berkmar Drive, there was industrial activity on the east side of the street that he would not support exempting or prohibiting them from doing what everyone else did. He said that they should have appropriate screening to the extent possible, but not a complete prohibition.

Mr. Murray asked for further clarification on the type of screening that would be considered acceptable from staff's perspective.

Mr. Taggart said that the first suggestion was to rotate the vehicle repair building so that it could have more screening from the frontage, rather than just at the end of the building. He said that the second recommendation was to restrict parking areas to locations behind the building. He said that the last suggestion was to provide additional landscaping along Berkmar Drive and the perimeter, as well as interior landscaping for increased screening purposes. He said that these were three separate suggestions.

Mr. Missel said that under the special use permit recommended actions, numbers four and five were directly from the ARB report, and there were other recommendations in addition to those. He asked if there was a reason why the other recommendations were not included in the conditions or recommended actions. He said that the two that were mentioned in the special use permit were landscape plan and lighting plan. He said that according to their letter, it discussed freestanding poles, either dark brown or bronze or black, complete landscape plan, revising the parking schedule to match the number of spaces shown on the site plan, and standard plant health.

Margaret Maliszewski, Planning Manager, said that the difference was that there may have been more detail in the ARB action letter. She said that some of those details fall under the landscape plan condition and lighting plan condition, while others may not be directly related to the SUP but would be addressed through the final site plan.

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

Kelsey Schlein, planner with Shimp Engineering, said that tonight she would represent the property owner and applicant Flow 2110 Seminole LLC. She said that joining her was Justin Shimp, their project engineer, who was available to answer any questions they may have during this meeting.

Ms. Schlein said that as Mr. Taggart mentioned in his staff report and presentation, their request was for outdoor sales, storage, and display of vehicles within an entrance corridor. She said that in addition to this

request, they had also submitted a special exception application regarding the visibility of vehicles awaiting repair. She said that she would address that further throughout her presentation.

Ms. Schlein said that their site was approximately 6 acres in size, with frontage on Route 29. She said that this location falls within an entrance corridor, which was why they were before the Commission tonight. She said that to the left, one could see Berkmar Drive and automobile dealerships on either side: Malloy Ford and Malloy Chevrolet. She said that the views from Route 29 show the current vacant wooded site looking south towards Malloy Ford and north towards Malloy Chevrolet.

Ms. Schlein said that their concept plan included three structures as part of this automobile dealership development with affiliated outdoor sales, storage, and display areas. She said that in response to Mr. Bivins' question about customer parking near the vehicle repair area, they envisioned this area as primarily serving customers who had dropped off their vehicles for repair. She said that therefore, it would fall under the vehicles awaiting repair requirement. She said that if further clarification was needed to allow for additional parking in that area, they were happy to do so.

Ms. Schlein said that the reason they separated the uses in this manner was because the front part of the site was dedicated to outdoor storage and display. She said that they wanted to permit maximum flexibility possible in the yellow areas shown, which would be designated as both spaces for outdoor storage and display and vehicles awaiting repair.

Ms. Schlein said that this was due to fluctuating demand at auto dealerships; they received cars that needed places to park and display them, sometimes with greater demand for vehicle repair. She said that she would discuss this further later in the presentation. She said that in many cases, it was difficult to discern between vehicles awaiting repair and those for sale; the only way was whether they had license plates. She said that she had a picture of that later on.

Ms. Schlein said that focusing on the special exception, one could see in the provided image the grade drop from Berkmar and the Victorian Heights residential construction. She said that as the grade dropped from this high point, the water tower was near this property. She said that this was one of the highest points in this area.

Ms. Schlein said that what they were focusing on was the word "visible" with this special exception; it was nearly impossible to eliminate visibility from every public right-of-way and residential property, especially with the Victorian Heights development. She said that they were proposing and requesting the exception because there would be places where vehicles awaiting repair would be visible.

Ms. Schlein said that the view of Woodburn Road, looking over the Victorian Heights construction, showed that they were at the highest point near the water tower, overlooking the site. She said that the taller tree area was the highest point of the site adjacent to Berkmar. She said that they updated their section in the application to include grading for Victorian Heights as well. She said that the portion of the property, designated for multifamily dwellings, permitted structures up to 60 feet tall or four stories high.

Ms. Schlein said that the finished floor elevation of these residential units was at 534 feet. She said that the rise from the 510 elevation of Berkmar Drive had a steep slope and a large building at the top of the hill with a vista across the property. She said that eliminating visibility from Berkmar would be impossible, especially from taller units in the proposed Victorian Heights development. She said that they could see the 40-foot grade drop across their site from Berkmar to Route 29.

Ms. Schlein said that regarding vehicles awaiting repair, she wanted to clarify that this was not a body shop which required a separate special use permit. She said that these vehicles were here for routine maintenance and parts, not body work. She said that provided was an example of another site in Albemarle County where vehicles awaiting repair looked nearly indistinguishable from those for sale based on their condition. She said that the license plate was the only way to differentiate them.

Ms. Firehock said that Ms. Schlein had discussed that the residential structures being built across the street would undoubtedly be able to look down on them and could not be screened from that perspective. She asked whether the ordinance was also intended to screen from people driving by. She asked if this was an issue or immaterial.

Ms. Schlein said that regarding additional screening measures along Berkmar, they were amenable to this idea, especially considering the multi-use path crossing through that area. She said that if it enhanced the pedestrian experience, they would be happy to add more screening. She said that from Route 29, given the grade was going up, in certain vistas one could see vehicles on the lot in some areas.

Mr. Carrazana said that regarding Ms. Firehock's previous point, neighboring properties did have screening from the street, creating a buffer. He said that while acknowledging that upper floors might still have a view into the parking lot, the street view was an integral part of the ordinance and its objectives. He said that the applicant already had some context to work with and he would encourage they incorporate it into their site plan or maintain existing trees along the street edge, at minimum.

Ms. Schlein said that they would definitely be open to adding some screening. She said that the difference between the two sites was that they were cut down much more, and they were stepping this development into the grade as they worked up. She said that there was an existing berm in this area, but they could certainly plant more landscaping. She said that these were somewhat different site conditions because they had totally cut the grade down to achieve these sites.

Mr. Clayborne asked if Ms. Schlein could respond to Mr. Taggart's suggestion regarding the rotation of the building. He said that he was curious about the design team's response to that proposal.

Ms. Schlein said that the long, narrow building was designed for vehicles awaiting service. She said that this was just a conceptual design, and some pavement details may not have been accurately represented. She said that the elongated structure allowed for more bays to be incorporated into the repair shop. She said that furthermore, this orientation enabled them to maximize the number of bays available in the repair shop.

Mr. Clayborne asked if there was a difference in the code or governing documents that distinguished a body shop from a vehicle maintenance shop.

Ms. Schlein said yes, there was as far as the permitted uses.

Mr. Taggart said that the special exception definition included body shops and automobile repair shops.

Mr. Herrick said that there were separate uses in the zoning ordinance for public garages and body shops. He said that public garages were more for mechanical repairs.

Mr. Clayborne asked if the subject application was a public garage.

Ms. Schlein said that it was for routine maintenance that would typically be received at a dealership, such as oil changes or replacement of recalled parts from the manufacturer.

Mr. Clayborne said that it may relate to the comprehensive plan, but for the future planning for these types of facilities, he wondered how many more times they would be sacrificing acres of asphalt just for cars to be parked there. He said that they discussed this regarding the Tesla dealership as well. He said that when he saw this plan, it reminded him of a vehicle maintenance garage that was selling cars on the side. He said that he wondered what the future would look like with 300 cars parked on a sea of asphalt. He said that this was something the Commission should discuss at a later date.

Mr. Murray said that the applicant had already heard a comment from his colleague about stormwater. He said that they had also discussed the visibility of the site from the road and potential apartments. He said

that although their code did not directly address this issue, there was an opportunity to consider the view from those apartments down onto the rooftops of the buildings.

Mr. Murray said that if they were to green the roof, it would provide an attractive view for apartment residents while also offering benefits to the buildings and earning stormwater credits. He said that this would be a great way to enhance that space. He said that furthermore, when he was at the Jeep dealer in Staunton getting his new vehicle, he noticed they had solar panels on their roof. He said that they were selling electric vehicles and could charge them from the rooftop as well. He said that this was another amenity that may not be directly covered in their code but seemed like a valuable consideration for this project.

Ms. Schlein said that all points were well taken. She said that they mentioned their EV charging stations in the application. She said that it was likely that they would see more of these in the future. She said that it was almost mandatory for new auto dealerships to cater to a diverse customer base by incorporating such facilities. She said that as part of their planning, they had accounted for EV charging stations. She said that the point about green roofs and stormwater management design would be addressed during the final engineering phase.

Mr. Bivins said that he recommended the applicant take time with clients to consider the points made by his colleague regarding this manufacturer's swift transition to electric vehicles. He said that by crafting their dealership in a forward-thinking manner and presenting it to consumers, they may gain an advantage over competitors. He asked how one could access the Hyundai dealership from Route 29.

Ms. Schlein said that there was a direct entrance off of Route 29 present at the location. She said that this provided the closest access point to the Malloy Ford dealership. She said that a central travelway ran through the site, extending to Berkmar Drive.

Mr. Bivins said that there would be two ways to access the property. He said that at the other three dealerships, multiple entry points for clients or tow trucks were present, eliminating the need to always use Route 29. He asked if a deceleration lane would be available so that drivers could smoothly enter the site without having to abruptly slow down.

Ms. Schlein said that the taper was visible in the design. She said that according to any turn lane requirements, if it was necessary, it must be implemented, with no exceptions. She said that fortunately, there were two access points and an alternative route available via Berkmar. She said that the sites adjacent to the road had multiple entry points; however, they were commercial properties developed 50 years ago, and VDOT would not permit additional entrances on Route 29 at this time.

Mr. Bivins said that his other question was regarding the back street, and he wanted to clarify something. He said that earlier in the discussion, it was stated that there would be a multimodal pathway on the eastern side of the street.

Ms. Schlein said yes, that was correct. She said that to her knowledge, Phase 1 was funded, but she was unsure about Phase 2.

Mr. Barnes said that there was a VDOT-funded project for a shared use path running from Sam's Club or Walmart on the east side, coming back to the intersection of Woodbrook. He said that there was a sidewalk on the west side; however, the proposed shared use path would be located on the east side.

Ms. Schlein said that the path would ultimately connect to Rio.

Mr. Bivins asked if one went to Berkmar Extended, it was located on the opposite side of the street and featured a multimodal path rather than a sidewalk.

Mr. Barnes said that coming from the Hollymead Town Center on Berkmar Drive, there existed a shared use path that extended along Berkmar, situated behind Sam's Club. He said that the proposed project

aimed to expand this path from its current location to Woodbrook and may potentially continue in future phases towards Rio.

Mr. Bivins thanked Mr. Barnes for the clarification. He said that they were told to place some purple parking (referencing the sitestie plan) near the repair shop so as to avoid being out of compliance and prevent complaints about cars parking in that area. He said that he would say again that regarding the Berkmar roadway, while it was essential to provide street-level screening opportunities and enhance the aesthetic appeal for pedestrians and cyclists, he did not believe it was reasonable to expect that a 500-foot elevation should never have vehicles parked in front of it. He said that given its visibility to Walmart and the credit union, there were often cars parked along that stretch.

Mr. Moore said that his first question regarding stormwater runoff, which he had discussed briefly with staff, pertained to the neighborhoods across Route 29, where more impermeable surfaces had been developed. He said that one possibility was whether there were any options for incorporating permeable surfaces during the construction phase; this would be a design phase consideration. He said that he would inquire about the owner's current plans for managing stormwater runoff, given the area's location on a small ridge with limited drainage options to the north or south.

Ms. Schlein said that as far as pervious surface, it was definitely a possibility within the realm of options to manage stormwater compliance. She said that they had not conducted any formal engineering or reached that stage yet; however, all their analysis for quantity and quality treatment would be completed if this project moved forward and progressed to final site engineering.

Mr. Moore said that the strong storm last weekend caused the banks behind Woodbrook to overflow. He said that regarding the visibility of cars awaiting repair, he was curious if from the vantage point of the fourth story of Victorian Heights, gazing eastward towards Malloy Ford or Malloy Chevy on Route 29, one would be able to see the cars at those dealerships. He said that he was curious about this.

Mr. Moore said that earlier, his fellow Commissioners mentioned screening from Berkmar so that people walking along a wooded path could enjoy the scenery. He said that however, using 150-foot tall trees for screening seems impractical. He said that he agreed that solar panels on the roof was a good idea for the facility. He said that regarding the screening, again, it would not bother him if people saw cars there.

Mr. Missel asked why the applicant would not proactively suggest screening of the parking lot on Berkmar Drive.

Ms. Schlein said that they still must meet the requirements of the code, and those were outlined in Section 32.7.9. She said that all of those would be met.

Mr. Missel asked why that was not shown on the plan.

Ms. Schlein said that they may need to indicate additional shrubs along the spaces, but the requirement for screening in parking areas was in the code and therefore would be met.

Mr. Missel asked if the applicant was amenable to modifying the plan to show more screening on the Berkmar Drive side.

Ms. Schlein said yes, certainly.

Mr. Missel said that he understood the orientation of the building, and if one rotated the building by 90 degrees, they would be looking at the back of the building if driving along Berkmar Drive. He said that it potentially may not be better than looking at cars. He said that he had another observation, which was that considering the grades, this parking would likely be relatively level but perched higher. He said that there was an opportunity to create a series of planting islands, and one had already been shown in the design. He said that if a couple more could be added on the interior, it would help reduce reliance on the perimeter

buffer along the road and benefit from landscape layering. He said that it may make the area more visually appealing. He said that finally, if they were also going to present the recommended comments provided by staff as part of the special exception, referenced on page five, number three, which included providing additional landscaping, including evergreens along Berkmar Drive and at the perimeter and interior of parking areas, he would ask that "preserving existing landscaping, including evergreens" be added to the report.

Ms. Schlein said that the existing landscaping might present difficulties, especially concerning the construction of the multi-use path, as maintaining an appropriate grade would prove to be quite challenging.

Mr. Missel said that perhaps "wherever possible" or something similar could be considered. He said that if this approach were to be pursued, it may appear unsatisfactory, and they might need to reintroduce new elements. He said that he was attempting to identify a method to reduce costs without having to install new plantings while still achieving the desired outcome, provided that they could utilize what was already available.

Ms. Schlein said that their goal when designing sites is to preserve existing tree canopy whenever possible. She said that in this particular case, given the multi-use path's location, it may be challenging to preserve any existing trees; however, they were committed to adding additional landscaping and enhancing the area along Berkmar to create a visually appealing environment.

Mr. Missel asked if there were any members of the public who wished to speak on this item. Seeing none, he asked the Clerk if there were any speakers signed up online.

Ms. Shaffer said that there were none.

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

Mr. Murray said that he believed that the quality of vegetation was particularly important since there would be a public path along Berkmar. He said that one could easily install non-native, unsightly thujas or other undesirable plants; however, it would be more beneficial to incorporate native landscaping that provided value along the walking path. He said that this would significantly enhance this project.

Mr. Missel asked if Mr. Murray would suggest any changes to page 5.

Mr. Murray said that he would determine whether any changes were necessary while other Commissioners discussed the item.

Mr. Bivins said that he appreciated that everyone wanted to have an enjoyable and shaded multi-use path, but it was unfair to expect a single applicant to create that when the other sites nearby were not contributing. He said that when the County engaged in the multi-use path project, they should consider working with all of the property owners along the pathway to ensure some uniformity in the design. He said that he did not support requiring this applicant to provide a parkway while others did not match that standard. He said that they should ensure equal treatment for all properties instead of placing the burden on one specific property that was coming before them.

Mr. Missel said that he understood Mr. Bivins' point regarding equity across sites. He said that when evaluating each site individually, every site had its unique characteristics. He said that the potential differences in grades, height, and visibility might necessitate treating this parcel differently from adjoining parcels that had already been developed. He said that he heard what was being said but needed more information about the final grading, setbacks, and distance between the building and property line to make a well-informed decision. He said that to him, it was essential to establish a standard of excellence and then consider any adjustments necessary due to site-specific factors.



Mr. Bivins said that he appreciated that but was also seeking uniformity in treatment for both Property A and Property C, so they were being treated consistently. He said that he wanted them to be treated equally.

Mr. Missel said that he liked the idea of the County being the entity to ensure uniformity.

Mr. Bivins said that when one would be passing behind Walmart and proceeding past the Chevrolet dealer, there should be a common treatment that would extend all the way to Berkmar. He said that he was uncertain about how this could be accomplished given that development had already reached the road. He asked what obligations the last developer had in such a situation. He said that if no other party was coming before the County, they must question what they were requiring of that last developer. He said that he was sensitive to this issue due to the inability to coerce the other properties.

Mr. Missel said that he understood Mr. Bivins' point. He said that in this case, technically, there was not a enforcing issue. He said that since it was a special exception, they were not even voting on it. He said that they were at least setting a standard, and then there could be some flexibility within that.

Mr. Moore said that in terms of seeing the number of cars parked nearby from the fourth floor, adding a few more did not bother him aesthetically. He said that he believed that their Planning staff had already taken notes on the stormwater issue, so he would not reiterate it further.

Ms. Firehock said that she had a question for staff and a comment. She said that when they recently reviewed an application from Home Depot for outdoor storage at the mall, they had to add numerous tree islands because they were redeveloping the parking lot and needed to adhere to different standards than when the shopping mall was built. She asked if there would not be a similar requirement here. She said that this was also a redevelopment project, so she wondered if they needed to meet the same standards for tree islands in the parking lot, or if that only applied because it was a shopping center. She said she was trying to understand what landscaping requirements the County had for the parking lot.

Mr. Taggart said that with the site in question, there existed an overlay of an outdoor display. He asked if the reference being made pertained to the same outdoor display that had been reviewed by the Architectural Review Board.

Ms. Firehock said yes, although there were extra tree islands in the parking lot, they were not meant to screen the outdoor display itself. She said that she was trying to ascertain if the scenario was similar since it was also a parking lot.

Ms. Maliszewski said that with the final site plan, all requirements for standard landscaping in and around the parking areas would apply. She said that staff had been examining this issue for a while now. She said that to her recollection, they performed the calculations, and according to their findings, one interior parking lot tree was required for every ten parking spaces, just as was the case at Home Depot.

Ms. Firehock said that the concept plan was difficult to understand in those terms because those details had not been provided yet. She said that her only comment was regarding the fact that this application was replacing many trees with pavement. She said that she recalled a previous discussion about stormwater and recommended denying the request to double the impervious surface area of a building at their last hearing.

Ms. Firehock said that she suggested using permeable pavement, which would make it the greenest parking lot on Route 29 and attract environmentally conscious customers. She said that this type of parking could accommodate pickup trucks and parked cars but not large delivery vehicles like 18-wheelers or cement trucks. She said that she would propose keeping travel ways as regular asphalt while making the parking areas permeable.

Ms. Firehock said that Charlottesville had been exploring the use of permeable pavement, with one limitation being the lack of vacuum trucks for maintenance; however, the City now owned a vacuum truck

and others were available. She said that permeable pavement did not freeze in winter, which meant those parking lots would last longer without cracking or damage from freezing and water infiltration.

Ms. Firehock said that she said this considering the comments regarding stormwater and the massive change from tree cover to pavement. She said that they could do something momentous with this site and be the standout green dealership.

Mr. Clayborne said that the Commission's agency in this matter was determining whether or not the outdoor storage, display, and sales was consistent with the design guidelines. He said that unrelated to that, it was heartbreaking to see this green field site become a sea of asphalt for a business model that he did not think would even be relevant within their lifetime. He said that he had a seven-year-old and a three-year-old, and he doubted they would even buy cars, especially given that self-driving cars already existed. He said that to do all of that for 300 parked cars on black asphalt pained his heart, but he gave kudos to the comment regarding innovation, and he would support that. He said that he did not think this business model would exist in the next decade or so.

Mr. Bivins said that while he would love to believe that hydrogen or electric vehicles would take up as quickly as possible, he actually did not believe that will happen. He said that they lived far enough for people to remain uncomfortable unless they have 500-mile ranges in their vehicles. He said that he agreed with his colleague, but he thought they still needed to find a balanced approach to this issue. He said that some of his colleagues' suggestions about water runoff, green roofs, and solar panels would help set the standard for car dealerships. He said that in this particular dealership, they were moving quickly toward electric vehicles; however, he was not certain that the market was following suit.

Mr. Missel said that he agreed with his colleagues' comments, and they should not lose track of that when discussing climate action plans and the larger aspects that would govern the development of the County.

Mr. Murray said that regarding changes to the proposed conditions, he had one single word change that would improve this. He said that on page 5, number four, where it said, "landscaping shown on the plan may be required in excess of the minimum requirements," he proposed the word "may" be changed to "will."

Mr. Herrick reminded the Commission of a point raised by Mr. Clayborne, that the Commission was limited to reviewing whether outdoor storage display and sales conformed to the applicable design guidelines. He said that as they may have been aware, vehicle sales were a permitted use by right in the Highway Commercial (HC) district.

Mr. Herrick said that consequently, though a special use permit was required for outdoor storage display and sales, the Commission's role was confined to assessing consistency with the relevant design guidelines. He advised the Commission to ensure that any additional conditions imposed stayed within those parameters.

Ms. Maliszewski said that she would like to point out that the concern regarding the view from Berkmar and the additional screening required was actually related to the special exception rather than the special use permit. She said that the conditions numbered one through five on page five pertain specifically to the special use permit.

Mr. Missel said that another important point to consider was that while he understood the intention behind the comment, it was not about restricting the flexibility of the ARB in working with the applicant to design what they deemed appropriate. He said that they might not believe that adding excessive landscape features, for reasons unknown since details were lacking, was necessary.

Mr. Murray said that expanding upon the spirit of it, he believed in general, some way of capturing meeting minutes would be implemented. He said that however, it would be beneficial to see something that went beyond the standard approach here. He said that the specifics of what this entailed were between the

applicant and the ARB. He said that nonetheless, it would be nice to see an effort that goes above and beyond.

Mr. Missel said that he proposed adding a note under the special exception where it stated that staff would include their comments in the transmittal summary to the Board of Supervisors. He said that he would ask that they add the note on page five, number three, "providing additional, and where possible, preserve existing landscaping, including evergreens along Berkmar Drive, etc., ect."

Mr. Missel asked if by "comments about landscaping" meant all the comments on page 5 that include positioning the vehicle repair building, possibly limiting parking spaces. I know we've talked through those things. Mr. Moore said when he said "comments about landscaping" he was referring to Mr. Missel's summary from a minute earlier.

The motion passed unanimously (7-0).

Mr. Moore motioned the Planning Commission recommend approval of SP202300021, with the conditions outlined in the staff report, and transmitting to the Board their comments about landscaping.

Mr. Moore said that regarding the special exception, he understood there was no action required on the part of the Commission, but it appeared that several Commissioners voiced it as being an excessive requirement.

Mr. Missel said that it was duly noted.

### **Adjournment**

At 8:02 p.m., the Commission adjourned to June 11, 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: June 11, 2024
Initials: CSS