

**Albemarle County Planning Commission  
November 22, 2016**

The Albemarle County Planning Commission held a regular meeting on Tuesday, November 22, 2016, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Bruce Dotson, Mac Lafferty, Pam Riley, Jennie More, Daphne Spain, Tim Keller, Chair; Karen Firehock, Vice Chair and Bill Palmer, University of Virginia (UVA) representative. Ms. More arrived at 6:04 p.m.

Other officials present were Trevor Henry, Director of Facilities and Environmental Services; Megan Yaniglos, Principal Planner; Rachel Falkenstein, Senior Planner; Elaine Echols, Acting Chief of Planning; David Benish, Acting Director of Planning; Sharon Taylor, Clerk to Planning Commission; Andrew Gast-Bray, Assistant Director CDD/Planning Director and John Blair, Senior Assistant County Attorney.

**Call to Order and Establish Quorum:**

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

**Public Hearing Items.**

**a. SP-2016-00019 Planned Parenthood South Atlantic**

MAGISTERIAL DISTRICT: Rio

TAX MAP/PARCEL: 061000000013A0

LOCATION: 2964 Hydraulic Road

PROPOSAL: Revise condition one (1) to impact a 15-foot buffer to allow a walkway and enhanced landscaping from previously approved special use permit (SP2000-035).

PETITION: Professional offices under Section 17.2.2(11) of the Zoning Ordinance.

ZONING: R-10- Residential- 10 units/acre; professional offices by special use permit

OVERLAYS: Entrance Corridor, Managed Steep Slopes, Airport Impact Area

COMPREHENSIVE PLAN: Urban Density Residential – residential (6.01 – 34 units/ acre); supporting uses such as religious institutions, schools, commercial, office and service uses in Neighborhood 1 of Places29 Master Plan. (Megan Yaniglos)

Ms. Yaniglos summarized the staff report in a PowerPoint presentation.

**Proposal:**

This is a request to revise condition one (1) from a previously approved special use permit to impact a 15-foot buffer to allow a walkway and enhanced landscaping. The enhanced landscaping includes the removal and replacement of dead and dying vegetation; planting new vegetation and replacing the deteriorating fence along the eastern property line along Townwood as well remove three (3) parking spaces to create a courtyard. The applicant adjusted the plan so that the courtyard is not within the buffer so we are only talking about the landscaping enhancements with a special use permit.

Ms. Yaniglos reviewed a map showing the location of Planned Parenthood on Hydraulic Road with parking behind; Garden Court; Townwood Townhouses and the 15' buffer with the courtyard located outside of that buffer area.

Ms. Yaniglos reviewed the conceptual plan pointing out the landscaping to be removed, which included 11 large trees with 7 located along Garden Court and the rest are located along Townwood. In photographs of the site, Ms. Yaniglos pointed out the parking spaces and trees covered in ivy that are going to be removed; the existing fence located on the Garden Court property to be removed since the other fence on Townwood being replaced is actually on the Planned Parenthood property and so the Garden Court fence will remain; the large tree that is covered in ivy that is going to be removed; and the dumpster and some of the ivy in various trees.

**Factors Favorable:**

Staff found that no significant impacts would be created by the enhancements as noted in the report.

**Factors Unfavorable:**

**None Identified**

Staff recommends approval of SP-2016-019 Planned Parenthood with conditions. The condition as it is currently written from the previous special use permit does not allow for maintenance of any disturbance of the buffer to even maintain or enhance the landscaping, which is why the applicant is coming before the Commission today. Staff recommended that condition be revised, which is in the report and on the slide. Ms. Yaniglos apologized that the numbering of the conditions was mixed up; it should be #2 and it is #2 in the staff report.

**Recommended Conditions:**

1. Development and use shall be in general accord with the conceptual plan titled "Planned Parenthood" prepared by Nelson Byrd Woltz Landscape Architects and dated September 16, 2016 (hereafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in accord with the Conceptual Plan, development and use shall reflect the following major elements within the development essential to the design of the development, as shown on the Conceptual Plan:
  - *location of buildings and structures*
  - *location of parking areas*
  - *location of buffer*

Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

2. A buffer strip of a minimum of fifteen (15) feet in width shall be maintained along the northeast (Townwood) and southwest (Garden Court) abutting property lines with landscaping and screening to be approved in accordance with Section 32.7.9. The agent may authorize the removal of vegetation within the buffer if deemed by the agent to pose a clearly demonstrable danger to buildings or other structures or otherwise a danger to public safety. A six-foot-high opaque fence shall be placed between the parking lot and the Townwood units.
3. All outdoor lighting shall be arranged or shielded to reflect light away from adjoining residential districts and away from adjacent streets.
4. The building shall be no more than three stories in height and designed in keeping with character of the area, and consistent with the sketch plan named "Roslyn Ridge Offices" dated 7/11/00 that was approved with SP2000-035.
5. Building square footage shall be limited to 8,000 square feet.

Ms. Yaniglos offered to answer any questions.

Mr. Keller invited questions for staff.

Mr. Dotson said one of the features of this is converting some parking places into a courtyard and he did not see anything in the conditions that address that being approved.

Ms. Yaniglos replied that can occur outside of this special use permit because it is outside of the buffer so they could come in today and make that change without the enhanced landscaping as a site plan amendment so that was not addressed with the Commission.

Mr. Keller opened the public hearing and invited the applicant to speak.

Zuzana Ponca, architect, with Nelson Byrd Waltz Lantz Architects, said we are working with Planned Parenthood to improve their landscape, install the courtyard, and replace the fence along Townwood Court. Ms. Ponca said since staff has explained all the issues we are dealing with at the site so well she would just walk the Commission through the design process and where we ended up with our design. This would also include the fence design as well. In August, we had a very productive meeting with the local neighbors from Garden Court as well as Townwood who expressed some concerns about a plan that we developed for that meeting including the courtyard cutting into the 15' buffer and replacing plantings some large shade trees along the parking areas. Therefore, we have addressed both of these concerns by reducing the size of the courtyard so you can see it is outside of the buffer now in selecting species of shade trees for the parking lot that are medium sized trees.

Ms. Ponca said, as staff mentioned, we are removing a number of large trees from the property that have compromised either by lightning, dead in certain cases and some by evasive vegetation such as ivy. All together, we are planting about 17 mid-size trees and enhancing the buffer as well with about 23 small trees that are all native. The tree types to be planted will be Red Maple, Dogwoods, Redbuds and Service Berries – mostly small screens focused on providing screening to the adjoining properties.

Ms. Ponca pointed out on the previous plan of the courtyard where it actually cut 7' into the buffer. There were some concerns by the neighbors about the possible noise and the desire for some additional screening. So we are providing evergreen shrubs along the fence line and the edge of the courtyard has pulled back inside of the 15'. In the section, you can see the screening in the 15' buffer along the fence line that exists now next to Garden Court. Just to recap this is the condition of the existing fence that we will be replacing; and, then this is the proposed design. It is a friendly fence design so it will have a front face on both sides on the neighbor's side as well as the side for Planned Parenthood.

Mr. Keller invited questions for the applicant.

Mr. Dotson said the ivy you mentioned and you can see it in the photographs that has attacked the existing trees - how will that be prevented that from reoccurring.

Ms. Ponca replied we were working with an arborist who will actually come in prior to construction and they will remove all the evasive vegetation including there will be extensive pruning done on the trees not maintained over the last 15 to 20 years. She said we are also planting native understory ground cover and shrubs as well.

Mr. Dotson asked does the ivy originate beyond your property in the back yards; and, if it does will it creep back.

Ms. Ponca replied yes, there is a chance that it will. However, we have not looked into the other properties since they are private properties and there is a fence line. However, with English Ivy, it is common that it originates in other spots as well; but the goal at this property is that the buffer is going to be maintained from now on.

Mr. Dotson said one of the concerns he saw from a letter from a neighbor that the terrain is such that the height of the shrubbery and the trees that would be planted would not be even as tall as the top of the fences. He asked is that accurate?

Ms. Ponca asked which side of the property is it on; is it Garden Court.

Mr. Dotson replied that he did not know which side.

Ms. Yaniglos noted that it was on the Garden Court side.

Ms. Ponca explained that they do not have a survey of this area; however, the grade actually slopes down a little bit about a foot from the edge of the fence here towards the courtyard. She said we are planting shrubs that are going to be about 5' tall; the fence is 6' tall; but we are also planting trees mid-sized trees of 15' to 25' tall. She said if you look at it in elevation, the trees would screen the view to the courtyard.

Mr. Dotson asked if 15' to 20' is at maturity, and Ms. Ponca replied yes.

Ms. Firehock said she also had the misfortune of living next to neighbors where everyone planted ivy all around and she spent every weekend pulling ivy – so it would need to have constant vigilance to rip up the new ivy that would be reestablishing. Ms. Firehock suggested a very robust ivy eradication with regular maintenance on that site or else the new trees that you plant will end up looking exactly like the ones that we have seen in the pictures that have to come out. She questioned the choice of Red Maples since it is the most common tree found in cities; it is pretty; it is tough; but it also does not like to be a parking lot tree necessarily since it is impacted by impervious surfaces. She said Red Maples is not something she would pick to put next to a place where it will tend to be stressed by the amount of heat radiating off the parking space so she was just questioning the choice of Red Maple.

Ms. Ponca replied they are removing a number of Red Maples that were established here that are in deteriorating conditions. She pointed out the tree in the Townwood area is about 6' back from the parking lot and then there is plenty of space for the roots to grow on the other side – so we are not concerned about that.

Ms. Firehock said it might have enough root area; but it might still be a hot planting site for ideal conditions for that tree and she hoped they would work with their client to come up with some kind of maintenance plan to remove the ivy.

Ms. Ponca replied yes, there has definitely been discussions about maintenance because this is a big investment to them and it is important to maintain the site.

There being no further questions for the applicant, Mr. Keller thanked the applicant.

Ms. Firehock invited public comment.

Eddie Giles, resident of Garden Court and Garden Court board member, said we realize some improvements need to be done at Planned Parenthood; but we do have some concerns about putting in an outside patio. There are residents that live over there, some are retired, and they want to sit back, relax and open their front doors; and, they are concerned about the noise if anyone is coming outside and would like to see the taller trees that can help buffer the sound. The neighbors would also prefer a lower lighting that it does not illuminate a lot of lighting. He asked if there would be smoking outside because one of the units was adjacent to this area and the concern about people outside smoking and talking with the odor coming into the unit and all of that. He said we wanted to bring some of the concerns that residents have over there when you make a decision on this.

There being no further public comment, Ms. Firehock closed the public comment and invited applicant rebuttal.

Ms. Ponca asked to respond to the comment about the lighting, which she forgot to mention. She said the light that is located there currently would be replaced with a smaller shorter pedestrian light that is going to be shielded so the glare should be less. She said our client expects that this space is going to be more of an overflow space that is going to be used by families of the patients that are going to be waiting there just for a short period. They fully expect to have a non-smoking sign in the courtyard so that should not be an issue. In regards to the tall trees, we drew some elevations and it is much less likely that you will have good screening from Garden Court with very tall trees medium and smaller sized trees are much more effective because their crown is essentially in front of the two levels of the windows.

Mr. Keller invited questions for the applicant.

Mr. Lafferty asked if the fence to be removed is 6' high and the one being replaced is 6' high, and Ms. Ponca replied yes.

Mr. Keller invited further discussion. There being no further public comment, Mr. Keller closed the public hearing to bring the matter before the Commission for discussion.

Mr. Dotson noted the review process as brought out has actually been an example perhaps of how the neighborhood meetings work. The issue of the ivy has come out and he completely agreed with Commissioner Firehock's concerns about that. He thinks it is good that the lighting will be of the more modern and less obtrusive type; the question about the terrain had been adequately addressed; and the courtyard we really have nothing to say about that would be allowed even if we denied this. He would observe that in all likelihood he has not seen specifically that this is like adding one more patio behind one of the townhomes, perhaps a patio behind a townhome could even be closer than this. As a former smoker many, many years ago, he shares the concern if the wind is blowing in the wrong way that he would hope that the applicant at a health facility might not allow smoking on that patio. After any discussion, he would be prepared to make a motion.

Mr. Lafferty moved to recommend approval of SP-2016-00019 Planned Parenthood South Atlantic Amendment with the conditions outlined in the staff report.

Mr. Dotson seconded the motion.

There being no further discussion, Mr. Keller asked for a roll call.

The motion passed unanimously by a vote of 7:0.

Mr. Keller noted that SP-2016-00019 Planned Parenthood South Atlantic carries and will move onto the Board of Supervisors.

(Recorded and transcribed by Sharon C. Taylor, Clerk to Planning Commission & Planning)