

**Albemarle County Planning Commission
May 5, 2020**

The Albemarle County Planning Commission held a virtual public hearing on Tuesday, May 5, 2020 at 6:00 p.m.

Members attending were Julian Bivins, Chair; Karen Firehock, Vice-Chair; Tim Keller; Jennie More; Bruce Dotson; Rick Randolph (arrived at 6:33 p.m.); Corey Clayborne; and Luis Carrazana, UVA representative.

Other officials present were Tori Kanellopoulos; Andy Reitelbach; Charles Rapp, Planning Director; Jodi Filardo, Andy Herrick, County Attorney's Office; and Carolyn Shaffer, Clerk to the Planning Commission.

Call to Order and Establish Quorum

Mr. Bivins called the regular meeting to order at 6:00 p.m. and established a quorum. He said this was a virtual meeting that was held pursuant to and in compliance with Ordinance No. 20-A(6), "An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster."

Mr. Bivins said the public could access and participate in this electronic meeting by following the link available at www.albemarle.org/calendar, or by calling 877-853-5257.

Mr. Bivins asked Mr. Andy Herrick (Deputy County Attorney) to move the Commission through Item #2.

Resolution adopting procedures for public meetings under section 6 of Albemarle County's Ordinance to ensure the continuity of government during the COVID-19 disaster

Mr. Herrick said the Board of Supervisors adopted an Emergency Ordinance first on March 27, then an amended ordinance on April 15 that allowed for a number of special operations during the COVID-19 emergency.

Mr. Herrick said of special interest to the Planning Commission is its ability to conduct virtual public meetings during the emergency. He said those are spelled out in Section 6 of the ordinance. He said the Board of Supervisors has granted the authority for bodies such as the Planning Commission, Board of Zoning Appeals, Architectural Review Board, and other public bodies associated with the County to meet virtually.

Mr. Herrick said they have prepared a resolution by which the Planning Commission would accept the County's authorization to meet electronically. He presented the proposed resolution to the Commission, noting that it included a number of "whereas" clauses that recite the circumstances in which they find themselves. He said the provision at the bottom said, "The Commission hereby approves the conducting of this meeting through real-time electronic means consistent with Section 6 of the ordinance."

Mr. Clayborne moved to adopt the resolution proposed by staff.

Mr. Dotson seconded the motion, which carried unanimously (6:0). (Mr. Randolph was absent from the vote.)

Consent Agenda

Mr. Bivins asked if anyone cared to pull the item on the consent agenda.

Mr. Clayborne moved to approve the consent agenda. Mr. Dotson seconded the motion, which carried unanimously (6:0). (Mr. Randolph was absent from the vote.)

Public Hearing Items

SP202000003 H&H Car Care

Ms. Tori Kanellopoulos, Senior Planner, presented. She said this is a public hearing for a Special Use Permit request for an auto detailing use within an existing 1,800-square-foot metal building.

Ms. Kanellopoulos said the request is to use the existing metal building on a site with five other buildings, totaling 5.78 acres. She said the parcel is located on Avon Street Extended and is located across Avon Street to the east of the Lake Reynovia and Mill Creek neighborhoods, located south of the Cale Elementary School and Avinity Neighborhood.

Ms. Kanellopoulos said the metal building is located at the rear of the site at 1833 Avon Street Extended. She said the other uses on the property are existing Commercial and Industrial uses. She said only the roof of the existing building is visible from Avon Street.

Ms. Kanellopoulos presented additional pictures of the site. She said the image on the left shows the existing building and customer parking area in the front, and the image on the right shows the existing parking area to the rear of the building.

Ms. Kanellopoulos said the property is zoned Light Industrial, as shown on the map, which allows certain commercial uses, including auto detailing, by Special Use Permit. She said nearby and adjacent parcels are zoned Light Industrial, with one parcel to the east zoned R1 Residential. She said the existing required 30-foot buffer with this residential parcel is not changed with this proposal.

Ms. Kanellopoulos said the property is designed Office - Research & Development, Flex, and Light Industrial in the Southern and Western Neighborhoods Master Plan. She said this designation allows commercial uses as secondary uses and that therefore, this proposal is consistent with the Comprehensive Plan designation.

Ms. Kanellopoulos said the proposed auto detailing business would use the existing 1,800-square-foot building at 1833 Avon Street, including the existing parking areas and garage. She said approximately five to six cars per day would be served. She said the use does not involve auto repair or mechanical repair. She said most of the detailing and washing would occur within the existing garage. She said larger vehicles would need to be detailed and washed in the existing parking areas to the side or rear of the building. She said these parking areas are gated and would be locked overnight.

Ms. Kanellopoulos said the existing parking area in front of the building would be used for customer parking, and there would be four employees.

Ms. Kanellopoulos said staff is recommending approval of the Special Use Permit application, with conditions. She said since the Commission had already seen the conditions in the staff report, she could return to them to address questions or comments as needed.

Mr. Keller said he had a question that was for Mr. Charles Rapp (Director of Planning) and Ms. Jodie Filardo (Director of Community Development). He said it seems that there have been a number of discussions in the County among the Supervisors, Planning Commission, and Economic Development Authority about the change in land from Light Industrial to Commercial. He said there is a well-argued piece in the staff report, and that he was not questioning this at all. He said he was questioning whether or not this really should be an unfavorable condition. He said in his mind, it is an unfavorable condition, even if they are positively inclined in this particular case. He said it was a bigger question and something the County deals with frequently.

Mr. Rapp replied that it was something staff could look into further, and that some greater flexibility with this was likely needed. He said it was worth debating whether or not this was an unfavorable condition, especially as they are seeing more of these cases coming before the Commission regularly.

Mr. Keller said this was no criticism of staff, and that it was well-covered and addressed in the staff report.

Mr. Dotson asked if Mr. Keller could clarify what he meant by “unfavorable condition.”

Mr. Keller replied that he was referring to the favorable and unfavorable for an action that staff provided. He said it seemed to him that they are often discussing providing alternative uses in Light Industrial areas, and yet, they hear from the EDA and staff that they do not have enough land prepared for Light Industrial in the County. He said it was somewhat like a steep slope, when staff is saying it is a condition, but there are ways to consider it differently. He said this would be his argument for why it should be an unfavorable, even if it is not a reason not to grant the change.

Ms. Firehock said her question was more of a technical question in terms of what will happen to the water from the car washing that occurs outside. She said she had read that there would be an oil separator, and that she assumed this was for the water that is going into a drain inside the building, before it goes to the water treatment plant. She said she is concerned about drain water and soap going into the drain and the outside not going to the water treatment plant, since there is a separated sewer system.

Ms. Kanellopoulos said she could let the applicant answer the question as well, but the Service Authority and Engineering did also review the application, and deemed that it met their criteria for the treatment of the water on the site.

Mr. Bivins opened the public hearing.

Mr. Rod Howard, owner of H&H Quality Car Care, said that everything they use is biodegradable. He said the EPA has checked out all of their products. He said they also have a mobile unit that goes out on the road, and they capture all water into a drain pit that is recaptured back into the vans. He said nothing else goes into the sewer line, or on the ground.

Mr. Howard said he has been in business in the City of Charlottesville and Albemarle County for about 30 years, detailing and cleaning cars. He said this is something he has been doing since he was 19 years old. He said they do a great deal of business in the surrounding area and would like to continue doing that.

Mr. Sean Tubbs (Piedmont Environmental Council) said this was a different time when the public is distracted by the pandemic and may not be paying as close attention. He said on this specific application, PEC does not have a position.

Mr. Tubbs said the Site Review Committee conferences that are usually held are publicly open meetings. He said both have been waived at the moment and are not being held, which was understandable as they are in the midst of a global pandemic. He asked if the Site Review Committee for this application was held.

Mr. Tubbs said he was trying to do some research as to whether this went to the 5th and Avon Community Advisory Committee. He said he found in the staff report that the CAC was waived, subject to code. He asked if he could get an explanation on the record, for the public, of what 33.24-C is that allowed for that to be waived.

Mr. Tubbs said that in a time like this, it is crucial that the process they have had and respected in the County for decades continues to be respected. He said they aspire to be a nation and community of rules and laws, and as they halt meetings in this new setting, the need for transparency and clarity is paramount at this time.

Mr. Neil Williamson (Free Enterprise Forum) thanked the Planning Commission and the County for moving forward with projects during this unprecedented time. He said the Free Enterprise Forum does not have a position on this specific application. He said he was in the unusual position, however, of agreeing with Mr. Keller regarding the unfavorableness regarding Light Industrial use. He said there may be a true need for zoning reclassification at this time to allow for more variety of uses, and that perhaps this is where they are headed with form-based code. He said they need to look at ways that properties can be maintained, moved forward, and utilized in different ways and determine how it impacts the public, rather than what is going on inside the metal building.

Mr. Williamson said he agreed with Mr. Tubbs' call for transparency in this uncertain time.

Mr. Bivins closed the public hearing.

Mr. Herrick said he could address the basis for Section 18-33.24 that Mr. Tubbs referred to. He said there are specific provisions regarding potential waiver of a community meeting. He said he was unsure as to whether this community meeting was waived for the reasons stated in 18-33.24. He said as the Commission may be aware, the County is taking alternate steps to accept public input on these applications. He said there are ways that the County is soliciting public input even in the absence of face-to-face meetings. He said even though people are not coming into the County Office Building, the County is still accepting comments in lieu of a face-to-face meeting via various avenues.

Mr. Herrick said he would defer to Mr. Benish and Ms. Kanellopoulos as to whether a community meeting was held in this case, and if not, the grounds for waiving.

Ms. Kanellopoulos asked Mr. Rapp if he preferred to answer the question.

Mr. Rapp replied that in this particular instance, the community meeting was waived based on the factors stated in the ordinance that would permit such a waiver. He said primarily, this application was unlikely to generate any significant public concerns due to the nature of the request, the acreage affected, the proposed density, the proposed scale, and the potential impacts of the development. He said this was an existing industrial site and did not have any particular requirements unique to it, and that it was also not very visible from the roadway.

Mr. Rapp said as Mr. Herrick had mentioned, there is a process set up for engaging the public through multiple avenues (virtual meetings, mailers, recorded presentations) and to maintain the typical process.

Mr. Herrick added that Subsection A of that ordinance spells out the purposes for a community meeting, and that they have tailored the approach for public input to meet those purposes even in the absence of the ability to meet face-to-face.

Ms. Firehock said she heard the applicant say that the materials that were being used are biodegradable and that when they have their mobile vans out, they would catch their runoff in a drip can. She said she was still concerned about even biodegradable materials going into the storm drain. She said she would ask that when they get to the site plan, that Engineering pay close attention to that. She said it was in the Moores Creek Watershed, which is impaired, and that excess nutrient contamination is a problem in the urban ring and in this part of the County. She said even biodegradable materials, in excess, can cause a problem for aquatic life due to nutrient enrichment and oxygen depletion.

Ms. Firehock said she was not talking about stormwater, but specifically about the soap products that might go into the storm drain. She apologized if she misunderstood the applicant at all.

Mr. Bivins welcomed Mr. Randolph into the meeting, as he arrived late.

Mr. Randolph said he reviewed the application closely with former Planning Commissioner Pam Riley, and that they both came to the same conclusion that they did not see any significant issues on the application.

Mr. Randolph moved to recommend approve SP202000003 H&H Car Care with the conditions as outlined in the staff report.

Mr. Keller seconded the motion, which carried unanimously (7:0).

Mr. Bivins said the recommendation would be moved forward to the Board of Supervisors.

Committee Reports

There were no committee reports.

Old Business

There was no old business.

New Business

Mr. Bivins said if anyone were interested in receiving a hard copy of the Commission’s materials, he and Mr. Randolph were receiving copies that Friday, and that anyone else could let him know if they were interested.

Ms. More said she usually does not use hard copies unless there are applications with many attachments.

Mr. Bivins said he understood there would be two extra copies if anyone was interested.

Mr. Carrazana said he would like a copy.

Mr. Keller asked if they were sticking with the same agenda that was proposed in the spreadsheet that Mr. Rapp had sent some time ago, indicating that he would not need hard copies for those three items.

Mr. Rapp replied yes, with the exception of the high school that was removed. He said there were some minor modifications happening with that plan.

Mr. Keller said it would be nice if the week before, staff could ask the Commission each time and save on paper on the less complex applications.

Mr. Rapp said the agenda for next week was already online, so for any Commissioners who want to take a look at the two items online and decide they would like paper copies, they could make that request.

Adjournment

At 7:10 p.m., the Commission adjourned to May 12, 2020 Albemarle County Planning Commission meeting, 6:00 p.m. via Zoom.



Charles Rapp, Director of Planning

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

Approved by Planning Commission
Date: May 19, 2020
Initials: CSS