

**Albemarle County Planning Commission
FINAL Minutes March 1, 2022**

The Albemarle County Planning Commission held a public hearing on Tuesday, March 1, 2022 at 6:00 p.m.

Members attending were: Karen Firehock, Chair; Corey Clayborne, Vice-Chair; Luis Carrazana; Fred Missel; Julian Bivins; Jennie More.

Members absent: Daniel Bailey.

Other officials present were: Charles Rapp, Director of Planning; Rebecca Ragsdale; Ben Holt; Bill Fritz; Andy Herrick, County Attorney's Office; and Carolyn Shaffer, Clerk to the Planning Commission.

Call to Order and Establish Quorum

Ms. Firehock said the meeting was being held pursuant to and in compliance with Ordinance No. 20-A(16), "An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster." She said opportunities for the public to access and participate in the electronic meeting were posted at www.albemarle.org/community/county-calendar when available. She said there would be further instruction for public comment during public hearings.

Ms. Shaffer called the roll.

Ms. Firehock established a quorum.

Other Matters Not Listed on the Agenda from the Public

There were none.

Consent Agenda

There were no items on the consent agenda.

PUBLIC HEARING

SP202100018 Greenbrier Veterinarian Expansion

Mr. Bill Fritz, Community Development Department (CDD), said there was a veterinary office approved for the existing structure on Greenbrier Drive—the use was approved in the 1990s. He said the veterinary office had special use permits to allow an expansion and to change hours of operations, among others. He said the applicant proposed to expand into the additional buildings on the property. He explained the use was limited to 370 Greenbrier Drive, and the applicant requested to use 380 and 386 Greenbrier Drive.

Mr. Fritz said the property had split zoning of highway-commercial and C-1 commercial. He said the surrounding properties were zoned commercial. He noted there was industrial zoned use to the south and other commercial activities in the area. He said the nearest residential unit property line was over 700 feet away from the proposed use. He said staff recommended approval. He

explained the property had been approved for veterinary use multiple times and had operated since the 1990s with no known issues.

Mr. Fritz said the applicant requested the flexibility to occupy any portion of the buildings on the property. He said the applicant would not likely use all of the space at once. He said a community meeting for the proposal had been held, and there were no comments from the meeting on the project. He said staff recommended approval of the proposal with one condition—that the use be limited to 370, 380, and 386 Greenbrier Drive.

Mr. Clayborne asked if the main entrance would change with the expansion.

Mr. Fritz responded that there were no proposed changes to the entrance, parking, or buildings. He mentioned the exterior signage could change. He said there was a site plan approved for the property, and the proposal was in compliance with the site plan.

Mr. Bivins mentioned that there was a condition that stated, "there shall be no outside exercise area; however, walking animals is permitted and shall be delineated." He asked why the condition said, "shall be delineated" instead of "may be."

Mr. Fritz said the condition was part of previous approvals, and the applicant was not requesting a change. He said the condition simply stated that an area be parked for pet walking.

Mr. Bivins asked if there had to be a fenced area.

Mr. Fritz responded that there did not have to be a fence.

Ms. Jo Higgins explained the initial permit granted in the 1990s was for a veterinary emergency room which serviced Charlottesville, Albemarle, and the surrounding counties. She said the veterinary practice had expanded to include surgery, three internal medicine doctors, a cardiology doctor, and an oncology doctor. She said before the practice had opened, the nearest pet oncology or cardiology services were in Richmond or Northern Virginia.

Ms. Higgins said the applicant hoped that the other tenant spaces could be used to expand into dermatology, ophthalmology, neurology, and a rehab and recovery room for surgery. She mentioned that the next closest vets were in Manakin-Sabot or downtown Richmond. She said the proposal did not entail all the buildings were for veterinary use. She explained that overtime, as the spaces became available, the veterinary practice wanted the flexibility to bring on more specialists and to move around the space to provide full service at the location.

Mr. Bivins clarified that there were no vacant spaces on the property for immediate occupancy. He asked if there would be additional entrances, such as rear entrances, to the veterinary offices when it moved into the other tenant spaces.

Ms. Higgins said the buildings all faced outwards and had individual doorways into tenant spaces. She explained the special use permit was to allow the tenant space to be used for veterinary uses. She said doors could be closed off if one party rented two adjacent spaces, and there were doors built into the architecture that allowed a single space to be shared. She said it was typical of a strip mall site.

Mr. Bivins said the practice Ms. Higgins mentioned in Richmond was essentially one city block of disparate buildings. He explained that all the buildings were accessible internally from the main entrance. He asked if the applicant had envisioned a similar layout for the space.

Ms. Higgins said it had become routine to consolidate the reception areas for the offices of veterinary practices, but it was difficult to do unless the building was designed for the layout. She explained some of the tenant spaces had been interconnected, so an animal could go to an overnight observation unit from a surgery unit without leaving the building.

Mr. Carrazana asked if there was enough parking at the site to accommodate the expanded use.

Ms. Higgins explained that whenever a tenant changed over, they had to receive a zoning clearance, and the use had to verify parking availability. She said various parking requirements applied to the site because of the mixture of uses. She explained that with veterinarian uses, the space for animal storage was not counted when determining parking requirements. She said it took about five years for practices to fill the previous expansion, and the next expansion could take another five years or longer to fill. She said the time it took was dependent on whether other veterinary practices wanted to move to the space. She explained the space could not be rented if the parking requirements were not met.

Mr. Fritz said Ms. Higgins was correct in her explanation.

Ms. Firehock opened the hearing to public comment. She said there were no speakers signed up for comment. She closed the public comment period.

Ms. Higgins said the applicant had sent letters out to the public for response, and only one was returned. She said the clients and community had been supportive because having veterinary practices in the local area was important.

Mr. Missel moved to recommend approval of SP202100018 Greenbrier Veterinarian Expansion with the conditions outlined in the staff report. Mr. Bivins seconded the motion. The motion carried unanimously (6-0).

Committee Reports

There were none.

Board of Supervisors Meeting – February 6, 2022

Mr. Rapp said the Board approved the special use permit for Caliber Collision at the corner of Rio Road and Route 29 as recommended from the Planning Commission as well, with minor changes to the front shared use path and landscape strip, and also approved the subdivision text amendments for the maintenance of private improvements, removing the need for maintenance agreements and putting that to a note on the plat to help verify what was required to maintain those in fortuity.

Old Business/New Business

Mr. Missel said he would be unable to attend next week's meeting.

Mr. Rapp said there was nothing scheduled for the work session agenda next week, so he was going to suggest they adjourn to the March 15 meeting.

Mr. Missel said that would be better for him.

Mr. Carrazana said there were a few submittals that had come before the Planning Commission that were less than complete from his standpoint. He said it was not a pattern, but he wanted to avoid it becoming one. He said they liked things to be decided unanimously, and they talked through it, which was something he appreciated about this Commission, however, when proposals were incomplete, individually they filled in the gaps. He said they were now reacting to what was actually there, and today was a good example, but they had had others. He said he wondered if there was a question perhaps for Mr. Rapp about what the path was to codify what constituted a complete proposal that came before the staff and then before the Planning Commission.

Mr. Rapp said it was something they had discussed internally as they started their comprehensive plan update and their zoning ordinance update, and as they knew, they had a very old zoning ordinance, so this had not been evaluated in any depth in quite some time. He said starting in July, they hoped to start this phase two of their zoning ordinance updates and would focus a lot on development standards. He said it would then spin into the development review process and improvements to that, and he thought those two options provided an opportunity for what information they wanted to see on rezonings and special use permits, and what information they did not want to see in order to get better development and meet their development goals throughout the County. He said Mr. Bill Fritz was working on this a lot with him.

Mr. Fritz said a part of this would be coming back to the Planning Commission to figure out what defined a complete application so they could build that understanding so everyone was working from the same set of rules.

Ms. Firehock said that they had a pre-meeting with the Chair, Vice Chair, and Mr. Rapp prior to the meeting just to make sure they were clear on the agenda and these types of things, and they did discuss the fact they did not have all the detail they would like, but they also discussed the fact that they had legally met the requirements for what they were supposed to provide. She said it technically was a complete application, it just was not having all the information they would like. She said that was why staff was diligently moving forward with trying to codify requiring some more information, and as she had spoken with Mr. Rapp, he had experienced other localities requiring things that Albemarle did not yet. She said notwithstanding the confusion about the height and the special exception, which was an unnecessary confusion.

Mr. Carrazana said that his point was that maybe technically the application was complete, but it left a lot to the imagination, and when they were asking to change the zoning from commercial to residential, there was a certain density being proposed that they did not have clarity on the height, because it was not in the proposal, and in his mind that made it incomplete. He said they did not understand the massing and also the issue of the stepback that was not addressed. He said he thought there were a number of things that while they followed the current code, but they should have a lot more information than they received to do their job properly and make the recommendations the Board was asking them to make. He said today he felt they were provided with lots of illustrative materials, but nothing in the actual proposal that was [inaudible 2:44:22].

Ms. Firehock said there was also some confusion about when special exceptions did and did not come to the Commission and whether they were required to come before them. She said they heard that staff reviewed them and maybe they went to the Board and came up at the site plan and not during this part, and she did not feel that was a satisfactory response for the Commission, and they needed to be clear on that and be consistent.

Mr. Herrick said that there was a difference between a complete application and an application that was not sufficiently constrained to the Commissioners' liking. He said that County Code Section 18-33.4 dealt with complete applications, and that a subsection of that dealt with the staff's determination of completeness of an application. He said he was assuming that since this application made it before the Commission, the staff must have determined that in fact this application was complete. He said that he had heard Commissioner Carrazana's concerns, which he would characterize as dissatisfaction that there were not sufficient constraints on the application, that they were asking for a rezoning that was not sufficiently constrained, and that there was some discomfort among some of the Commissioners about recommending an application that was not constrained. He said that he would again make a slight distinction between an application that was incomplete versus an application that made requests that were unconstrained.

Mr. Carrazana said he appreciated that clarification and agreed with him that it was certainly the situation today. He said he was hoping to get to where they could clarify some of the parameters so that if an application like this showed up in the future, it actually would be considered incomplete, so there were things that were missing that they could somehow put into the process so they were getting more information, so that the Commission could do a better job making the recommendations that they needed to make to the Board.

Mr. Rapp said that he believed they were all thinking similarly there, and he and Mr. Fritz had been discussing the extremely long list of the things that were required to be submitted, and they needed to take a look at that list in the ordinance and modify that to ensure they were getting the stuff that they wanted. He said it would allow what he just said, that a complete application would have to contain certain elements, and right now it did not get into things like building massing and height.

Ms. Firehock said it would take time for that change to be made, so to the degree that staff could communicate to applicants that while not required, the Planning Commission preferred to see more information in order to make a judgement on whether they could go forward with what they were asking for.

Ms. Ragsdale apologized for the confusion about the special exception. She said they had a ZTA a few months back to clarify an ordinance about who had the authority to approve a special exception, and that was only the Board, so the Planning Commission was not required to review special exceptions. She said like she said, there were some provisions in there where it could be referred to the Commission, but the staff and the Commission could not actually approve a special exception, so they were carrying forward recommendations whether it be from staff or from the Planning Commission when they took the special exception to the Board. She said she did not want that piece about who the approving body was to linger any longer. She said they heard what the Commission was saying about what was needed for this specific application going forward in regard to the level of detail they wanted to encourage applicants to provide while other ordinance improvements were being worked on.

Mr. Bivins said his colleague had pointed out something he had struggled with in the past. He said in the past, they had what felt like very detailed, very specific plans come to them that colleagues had to remind him that they did not mean a hill of beans, because they had not gone before the ARB if it was in an entrance corridor, or they had not gone through site review. He said it looked like they were doing something on a piece of property that made sense, and they had been excited about a number of those when they were sent to the Board of Supervisors, and after being approved the property got flipped. He said the property would get flipped because of the zoning they agreed to and not the images they were all enticed by or the amenities provided, but simply because the zoning was changed.

Mr. Bivins said they spent a lot of time discussing a piece of property on Proffit Road and what they thought would happen there, and the whole thing went in a completely different direction after they approved the zoning map amendment. He said he would love to get excited about what they saw was exactly what they would get, but they also did not know how they balanced that, so he was interested in hearing how Mr. Rapp and Mr. Fritz come to something that gives more certainty in what they were seeing and bringing before the Board of Supervisors and what exactly would be seen in this community. He said likewise, they could also make it a lot less complicated and be much more lenient with the use of properties. He said he had been frustrated by properties they thought would be built and then something completely different was put on there that had nothing to do with the images that convinced them it was a good project.

Ms. Firehock said to be clear, if there was an application that included things that they mentioned like bike lockers and electric charging stations, and it was proffered and approved, then it would still have to carry forward. She said on the issue of illustrations, it was possible for someone to proffer a specific building design.

Mr. Bivins said they had seen that before.

Ms. Firehock said they could proffer the massing and all sorts of other things that the Commission could not ask of them.

Mr. Bivins said they did not typically proffer.

Ms. Firehock said if they did not want to constrain themselves, why would they? She said the Commission said they wanted to see more to be more favorably inclined for what it was they were voting for, and the more things actually proffered or codified or put in the plan of development, the more favorable a response would be had from the Commission, and the vaguer it was, the less inclined they would be to approve it because they did not know what they were approving besides massing and a particular use.

Mr. Fritz said this conversation mirrored a lot of the conversations staff had been having, and he reiterated that as they went through this, they would be coming back to the Planning Commission to get an understanding of first what the legal framework that must be worked under through the state code and what best practices were within and outside of Virginia, and what the expectations were of the Board, the applicant, and the Planning Commission in order to build a process around that.

Mr. Missel said that having seen and worked with the County on a lot of projects over the past 35 years, it seemed there was a fair amount of variation that had occurred in terms of the level of detail that was required for different types of applications. He said ten or fifteen years ago, the

amount of detail that was required was extremely high, and that had fallen off a bit, which he thought was to the benefit of both the County and the applicant, mostly for the reason that Mr. Bivins stated, which was that as a Planning Commission or Board of Supervisors, they would see something that they thought was the case and it turned out to not actually be supported, like the situation where the property ended up being flipped.

Mr. Missel said at the level of rezoning, the applicant needed a level of flexibility to be built into their zoning that may cover some unforeseen conditions that would be learned as they moved further in the process. He said for himself, the amount of information that was in the rezoning versus the amount on the site plan versus the amount in the comprehensive plan and all those things needed to be aligned and the amount of detail had to be in accordance with the amount of information the applicant had at that time. He said it was a balancing act, and he was not disagreeing with Mr. Carrazana's or anyone else's comments, but it was a challenge.

Items for Follow-up

Ms. Firehock said she did not have much follow-up on the comprehensive plan. She said she knew of quite a few applicants for the Citizen Advisory Committee and once it was finalized and a schedule was formed, staff would begin working on the different topics, beginning with growth. She asked Mr. Rapp if that was correct.

Mr. Rapp said phase one would be on growth management and capacity.

Ms. Firehock said several of them had already sent her the topics they would like to engage with. She asked if there were any other items for follow-up.

Adjournment

At 8:57 p.m., the Commission adjourned to March 15, 2022, Albemarle County Planning Commission meeting, 6:00 p.m. via electronic meeting.



Charles Rapp, Director of Planning

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

Approved by Planning Commission
Date: 03/15/2021
Initials: CSS