

**Albemarle County Planning Commission
FINAL Minutes December 7, 2021**

The Albemarle County Planning Commission held a public hearing on Tuesday, December 7, 2021 at 6:00 p.m.

Members attending were Julian Bivins, Chair; Rick Randolph; Daniel Bailey; Karen Firehock; Jennie More; Tim Keller; and Luis Carrazana.

Members absent: Corey Clayborne.

Other officials present were Mariah Gleason, Senior Planner, Community Development Department; Cameron Langille, Principal Planner, Community Development Department; Bill Fritz, Development Process Manager, Community Development Department; Charles Rapp, Director of Planning; Andy Herrick, County Attorney's Office; and Carolyn Shaffer, Clerk to the Planning Commission.

Call to Order and Establish Quorum

Mr. Bivins called the meeting to order. He 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." He said opportunities for the public to access and participate in the electronic meeting will be posted at www.albemarle.org/community/county-calendar when available. He asked Ms. Shaffer to call the meeting to order and establish a quorum.

Ms. Shaffer called the roll and established a quorum.

Consent Agenda

Mr. Bivins asked if anything should be pulled from the consent agenda for further review.

Mr. Randolph moved to approve the consent agenda, seconded By Mr. Keller.

Mr. Herrick clarified that the motion was to approve the consent agenda.

Mr. Bivins confirmed that was what they were doing.

The motion passed 6-0.

Other Matters Not Listed on the Agenda from the Public

Ms. Shaffer said there was no one signed up.

Public Hearing

SP2021-00003 Caliber Collision

Ms. Mariah Gleason introduced herself as a Senior Planner in the Planning Division of the Community Development Department. She stated that she would be presenting a special use permit request, SP2021-00003, Caliber Collision for their consideration. She said that the location of the special use permit was located on Route 29 at 1720 Seminole Trail, on Tax Map Parcel 45106. She said the property was about 500 feet north of the intersection of Rio Road and Route 29. She said that businesses and uses were highly diverse in this area and included retail and commercial business, restaurants, storage facilities, motor vehicles, sales, rentals and repairs, medical facilities, grocery stores, public facilities, and others. She said the property's immediate neighbors were Storage Solutions Center to the north and west, Jefferson Coin to the south, and Albemarle Square Shopping Center located across Route 29.

Ms. Gleason said the subject property was zoned as highway commercial, seen in bright red on the slide, as were the neighboring properties. She said the surrounding properties were generally zoned as commercial, shown on the slide in pink. She said the permitted uses in the highway commercial zoning district were diverse; however, body shop uses required a special use permit.

Ms. Gleason said the applicant was proposing to use the existing building on the property for body shop use, and all the work and repair activities for the body shop would occur within the enclosed building. She stated that vehicles awaiting repair would be parked to the side and rear of the parcel behind a screening fence. She said the proposal would require a site plan to amend the previously approved site plan, because they were making changes to the parking area and areas in front of the building to make the parcel more consistent with the recommendations of the comprehensive plan, which in this case was the Rio-29 Small Area Plan.

Ms. Gleason reported that staff found many positive aspects with the proposal; however, it was inconsistent with the use and form recommendations of the Rio-29 Small Area Plan, which again served as the comprehensive plan and visioning document for the local area. She stated that the Rio-29 Small Area Plan designated this property as a core area. She explained that core areas were characterized by a highly urban and pedestrian friendly environment, with buildings recommended to be three to six stories in height, be built close to the street, have windows on the ground floor along the street, and have active first floors. She said that as provided in detail in the staff report, the Rio-29 Small Area Plan did not readily recommend auto service uses like body shops in the core, but it permitted them by exception if they had minimal impacts on surrounding uses and if a certain building form was achieved.

Ms. Gleason said that specifically, the plan recommended that the uses were part of a mixed-use development, with the oriented uses located in the back of the property. She said this proposal was not consistent with the form and use recommendations of the Rio-29 Small Area Plan, and because of these inconsistencies, staff was recommending denial of the proposal. She said that should a commissioner wish to recommend approval of the proposal, staff has recommended the condition as shown on the slide, which primarily solidifies the positive aspects of the proposal. She offered to answer questions.

Ms. Firehock asked Ms. Gleason if she knew how long the property had been vacant.

Ms. Gleason responded that she did not know.

Ms. Firehock said she believed it had been several years but did not know for sure.

Mr. Randolph asked Ms. Gleason to cite any examples of existing buildings currently on this block of Seminole Trail that were consistent with the recommendations in the small area plan in terms of the core principle.

Ms. Gleason said she would share her screen again and go to the aerial image of the block. She said that looking at the core, the light pink area around the urban core area, not many buildings were located consistently with the small area plan at this time. She said she had not actually looked into each building on each parcel to see if that were true, but she would generally say no, there were not many that would be consistent.

Mr. Randolph asked if in terms of uses in this corridor, that the small area plan was aspirational in terms of what it would like to see in building type, configuration, and height, versus what current zoning permits were in this area.

Ms. Gleason said that she thought that overall, this proposal was highlighting that the zoning they had in this area, and the existing character of the area was different than the visioning document for the area. She said that was not always true, but in this case, the current character was not the future vision that they saw.

Mr. Bivins asked if there were any further questions for the applicant. He asked for the applicant to be invited in.

Mr. Bret Flory introduced himself as being with Cross Architects. He said they were the architects working on this project, and he had been working with Caliber Collision for close to nine years doing most of their work across the country, around 300 sites nationwide. He said Caliber Collision was the world's largest collision repair company, with close to 1,400 locations, and one of the newest constructions was currently being completed on the east side of Charlottesville. He said they worked with all the major insurance companies and over 20,000 employees.

Mr. Flory said that Caliber set the standard in the industry for business operations, beginning in California 30 years ago and expanding to encompass the whole country. He said they had the highest customer service ratings in the country in this market and had to run a first-class operation to keep their business. He said they basically did not go anywhere without the insurance companies supporting them, so every one of their businesses was a successful location that they maintained.

Mr. Flory said that they used top-of-the-line equipment, with a paint booth that had stage three filtration carbon filters so the air coming out was cleaner than the air they breathed walking down the sidewalk. He said all of the work was done inside so there was no noise or additional decibel levels being added to the area. He said the car appointments were typically scheduled with the insurance companies to ensure things moved expediently, but if cars did have to wait outside, they would be parked behind the fence—and the way the site was oriented had the parking area on a hillside and a storage unit facility on the backside, with the building shaped in a way that it was screened from the highway.

Mr. Flory said they had been working on this project since January, and there were a lot of hurdles to clear when asking for a special use permit for something like this, which they were accustomed to. He said that staff had been very supportive for the most part, and they had received staff approval

for this special use permit from every reviewing staff member, including the Architectural Review Board for the building and the landscaping. He said they hired a traffic engineer to get an access management exception for the plan for the driveway separation, and to confirm they did not need a deceleration lane. He said that the County engineer indicated that VDOT had approved it. He said they had approval from zoning and from planning, but they were trying to follow the Rio-29 Small Area Plan. He said he supported permit planning and trying to improve areas, and he felt this would be a major improvement.

Mr. Flory said the lot had been vacant for at least a few years, and this was a very challenging building for someone to take on, but it worked for Caliber, and they were happy to be there. He said they had tried to improve the building and were investing in improvements to install the 14-foot-wide shared-use path out front and the eight-foot buffer, and they had coordinated that with all relevant departments. He said he was unaware of any other businesses along that area that had even put a shared-use path in. He noted that they were screening the rooftop units and were making the building look a lot better. He said that even though they had approval from the Architectural Review Board for the building, they were willing to look at it further to get it more consistent with their desired heights; while they would not do three to six stories, they could do something to improve the height if it made a difference.

Mr. Flory said there were several automotive uses in this area, and Caliber Collision was a good fit and would be considered a complementary type of use. He said they considered themselves a neighborhood service, because all of the customers were around the retail areas. He said the business appreciated the County's time and request and their consideration of approval with the conditions that the Planning Department recommended. He said they had no issues whatsoever with those conditions, and he was happy to answer any questions. He said they had a few renderings they could show.

Ms. Hernandez asked if they could see the site plan on the screen.

Mr. Bivins confirmed that they could.

Mr. Flory said the site plan showed the shared-use path in front, as well as the required eight-foot landscaping along the highway and the shared-use path. He said the small area plan wanted to make it a pedestrian-friendly area, which he fully supported, but right now it was a highway with a posted speed limit of 45 miles per hour, so they may be the only people putting this shared-use path in until that changed. He said they were happy to do it to try and comply with the plan. He said as the Commission could see, there was a hill on the southside that was fairly steep, and storage on the north and west, with outdoor vehicle storage behind the L-shape part of the building. He said it would be completely fenced in with an approved fence.

Mr. Flory said the next slide was a perspective showing the northeast view; to the right is the storage use facility, and another angle from the southeast looking northwest shows how they would paint the building and the shared-use path and landscaping to meet requirements. He said they showed an overhead door on the side of the building but took that out, so there would be no overhead doors seen from the road. He showed an image of the parcel with the hillside on the left slope and the back of the building secluded. He then presented an aerial picture that showed the car dealership to the right and several other automotive uses nearby. He commented that Caliber Collision's building would be an asset to the community, stating that their painters were paid six figures and put a lot back into the community.

Ms. Hernandez said that concluded their slides.

Mr. Flory said they were trying to improve this and get as close to the spirit of the Rio-29 Plan as possible but would be willing to accept the conditions and consider another parapet to raise it up somewhat, although they already had the ARB's approval. He said they appreciated their time and consideration, and he was happy to answer any questions they may have.

Mr. Bivins asked if there were questions for the applicant at this point. Seeing none, he said they would open the public hearing. He asked if there were any people signed up for this item.

Ms. Shaffer said there was no one with their hand raised.

Mr. Flory stated that they did meet with the Community Advisory Council in March, and there was some mixed feedback in that case, but they did have some support as well. He said that it was very common that they had to get these approved with a special use permit, and he had told this to planning commissions and city councils all over the country that sometimes there were stipulations and conditions on the approval—and not once had they ever had any negative actions from sites not following conditions. He said he believed they would find this to be an asset to the area and an improvement to the site and the building. He offered to answer questions.

Ms. Firehock said that perhaps Ms. Gleason could help her with a question. Ms. Firehock said she was looking at the rendering and understood the purpose of the shared-use path, but it looked so wide on the site, and she wondered what the width of the path was. She said she hated to see sites become more impervious as a result of redevelopment, which seemed to be the case here.

Ms. Gleason responded that it was meant to be 14 feet, which matched the recommendation of the small area plan. She said the through corridor of the bike route on 29 was recommended to have a separation zone or planting zone that was eight feet, a shared-use path that was 14 feet, and a frontage zone that was 5 to 25 feet. She said the idea was that like a commuter route for cars, this would be seen as a commuter route for active travel options such as walking or biking, which was what informed the 14 feet. She said that the recommendation was developed with internal and external partner agencies.

Ms. Firehock said it appeared that there was not eight feet of separation. She said she did not see scale on there, but it did not look like there was eight feet of separation and instead there was a strip of grass and a 14-foot-wide path.

Ms. Gleason said that in the proposal's concept plan, there was an eight-foot measurement. She said that it measured out to be consistent with the recommended street frontage, where there was eight feet between the street and the shared-use path, 14 feet for the shared-use path, and an additional 22 to 23 feet between the side of the building and the exterior edge of the sidewalk shared-use path.

Ms. Firehock said she would prefer to flip that and have the shared-use path be eight feet. She said she understood there would be bike commuters, but it was sitting there by itself, next to a large hill, and it was hard to imagine the 14-foot path going through that hill. She said they created a bit of a super-wide path to nowhere in that spot, and if it would be possible, she would like to see shrinking it down in that location because it did not make sense when looking at the topography where it sits. She said that regarding the reuse of the building itself, she had no problem with what was proposed there.

Ms. Gleason said the recommended street frontage was meant to be on a greater scale than this site in particular, so it may look odd looking at a singular site, but the idea was that the implementation would be along a corridor in a general recommendation.

Ms. Firehock said she completely understood that, and she had done projects where they had to put in one section of sidewalk and wait five years for the next section, but if this ran into a slope, so they were not going to propose that someone bulldoze the hillside to continue that width of a path in that location. She said sometimes things looked good on paper, but in reality, they had to adapt.

Mr. Keller said they had several of these in the last couple of years, such as the Hardee's site and a car repair service. He said in looking at this, he would like to know if they looked at comparables in the last couple of years since the Rio-29 Plan to see what staff recommendations were, and whether there were any denials before. He said if there were consistency from a staff point on this, he would be inclined to support staff, and he would like to know what the staff recommendations on the last several were.

Mr. Rapp said that they had a similar construction of a mattress warehouse store a few years ago, just south of the Fashion Square Mall entrance drive. He said the site plan had included this multi-use path and frontage. He continued that one of their conditions was to construct the building in a way that additional floors could be added on to meet the height requirement. He said the other site, the Hardee's at the corner of the Rio-29 ramp, only came before the Commission because there was an entrance corridor requirement for outdoor storage display. He said they were limited to reviewing the use, and it was just if the outdoor storage was in compliance with the entrance corridor regulations. He said it was discussed as part of that project, but the focus was limited to that outdoor display.

Mr. Rapp said this was, as Mr. Randolph pointed out, the first one they had in that core area; they had not had the small area plan in existence long enough to have much of this materialize yet, so this would be a first test case for them. He said as Ms. Gleason pointed out, it was something they went back and forth over in the context of current zoning, but there was the long-range plan that they referenced for special use permits and rezoning applications, which was where they had a consistency issue.

Mr. Randolph said the other two buildings that Mr. Rapp had just cited were new buildings or were an expansion of an existing building. He said if the applicant there was talking about putting in a new building, he would totally support staff in the recommendation that this application not be approved, because it was not multi-story. He said that because it was an existing building and the use was inconsistent with what was recommended by the small area plan in this location, which was aspirational going forward, it was totally consistent with the existing businesses that surround it and complement it. He said this was a service that was an adjunct service to the other businesses, competitive though it would be for them. He stated that he saw no reason to put this against the small area plan, which was something that looked forward and aspired the County to pursue and implement.

Mr. Randolph said that saying to the applicant that they wanted to support only the ideal application here would thereby reject their application. He noted that Ms. Firehock was correct that it had been over two years—in his recollection maybe three years—that Goodwill had vacated the building and it lay there waiting for an applicant, lessee, or business to purchase it. He said they had to look at phases. He stated that they were getting part of the vision of the small area plan here in terms of the

14-foot multi-use path in the front. He said they would not know what would happen with the automobile business over the next 10-20 years, but a lot of cars going forward would be made of plastic, some still with steel exteriors, that would need collision services, although the demand remained uncertain. He said this application seemed to fit the site at the current time and was appropriate in terms of the character of the community, and he did not see any reason to deny the application.

Mr. Keller said he would like to hear from the two commissioners that had the jurisdiction on either side of 29 before making a decision.

Ms. Firehock said she wanted to put out for consideration that while this was not required by County code, she wondered if this was an opportunity—since they were making a very paved site even more impervious, understanding it was meeting the County's desire to have a 14-foot-wide travel way—for this section to be permeable pavement, which was a tool available to them. She emphasized that this would not increase the stormwater runoff from this site, which a traditionally paved path would do.

Mr. Bailey said he wrestled with this a lot because he was a part of the Rio-29 Small Area Plan and was excited it was recently adopted and moving forward. He said as he thought about it more as they went through it, he agreed with his fellow commissioners that they were still in an aspirational phase with the small area plan, and the building had been sitting empty for many years. He continued that when looking at the current development, it felt to him that the momentum would start on the other side of 29, where they had the mall and the Albemarle Square Shopping Center, and more of the retail and urban mixed-use living components were there already—whereas on the west side, there was more of an auto alley and more disjointed development. He said along those lines, it was consistent with the kind of uses on that side and he was inclined to support the application, with a suggestion of going one step further with permeable pavement and using a permeable paver or something that added a bit more appeal, which would be nice if they were putting hardscapes in front.

Mr. Bailey stated that he was leaning more in support of filling an empty building, because he did not want to risk a bunch of empty buildings as they tried to create a path to the future of what they want the area to be. He said they had a long road in front of them, and they had to keep taking steps that way, but he felt the biggest momentum would come from the side with the mall and Albemarle Square, towards that small area plan, as opposed to this side of 29.

Mr. Carrazana said he agreed with both Mr. Bailey and Ms. Firehock and the different points they had made. He said the momentum would be over with the mall, but it was uncertain what would happen there in the long term other than that was where the small area plan would be implemented. He stated that he agreed with the point that Ms. Firehock was making with the 14-foot travel way. He said that could be used differently if there were landscaping and trees along that buffer, as it would give a better feel as those cars were moving very quickly. He said there was a divergence on the road to get on either Rio or 29, so it would be helpful to create a bit more of a buffer there and a bit more diversity instead of a 14-foot path all the way along that roadside, which, as Ms. Firehock pointed out, would not be continuous due to the topography. He said there was some flexibility with what they could do with the plantings, and he agreed it was a consistent use on an existent property that was unused, and the proposal would only be an improvement to the community.

Mr. Bivins said that he supported the project. He said everyone had heard him say that he struggled from the very first time they discussed the small area plan with how he thought the action should be on the other side of 29 and the challenges facing the west side of 29, with the main consideration of how to build a residential community. He said he recalled the conversation and some of the struggles that took place with making the improvements to the intersection of Rio/Hydraulic/29 exchange, and part of what they saw on the northwest side of that intersection was to facilitate the businesses between there. He noted that this was why they continued to see pull-ins and driveways to go to the businesses along that road, and it was in fact being looked at as a place where they expected commercial businesses to take place. He said for him, this was a continuation and living into that original design of that intersection, so he was okay with this.

Mr. Bivins stated he was also pleased from an economic standpoint that the project would provide a local piece of competition for Brown's, which was a helpful thing for the community to have. He said he was unaware that they had as many as 300 locations across the country, but it would be good for them to be engaged in competition with the businesses there. He said he would be more inclined for the applicant to do something with the façade than to wrestle with pavers. He suggested perhaps reducing the width of the walk and putting some visual presence and viable trees on the street there, but he first would like to bring some height to the façade to bring variation to the buildings, noting the large presence of the CVS up the road from the site with some plantings and a strip mall that he supposed someone would do something with. He said he would prefer a higher façade and street trees as opposed to the small section of permeable pavement, which he did not think would connect anything for the next 10 to 15 years. He concluded that he supported the reuse of a legacy building as opposed to tearing it down and having to dispose of everything that was there before, from an ecological standpoint.

Mr. Keller said he had an issue with the long façade, which was interesting in light of Mr. Bivins' comments about it. He said obviously one was along the ramp and could not be seen very much, but he was thinking of all the bays where the work would be done, and he would like to hear from Mr. Carrazana on that. He said he thought he understood what the Architectural Review Board was doing with not covering all of that façade in the front or covering it on the side, because it was a modernist approach to not decorate the box. He said it would have been an interesting opportunity for the two architects to speak and what the ARB's approach was.

Mr. Keller said he agreed with all of them on the economic aspects. He continued that on the west side of 29, he felt the whole time that the County had to put its responsibility and buy the park plan or plaza to spur the development, and maybe future Boards of Supervisors would see enough happening on the east side to think about that, but with all of the other things confronting the County at this point, he could see why that had not happened. He said while it was not necessarily their charge to think about economic development, they needed a tax base to do all of these things. He said they had a legitimate business that was going to be paying significant wages to at least some cohort of their personnel, and as Mr. Randolph pointed out, it may be a temporary one or not, but people kept a lot of cars for a long time that needed body work, and he assumed companies like this were going to move on to working on graphite and plastic.

Mr. Carrazana said that reminded him of a quote from Frank Lloyd Wright that a doctor can bury his mistakes, but an architect can only advise his client to grow some vines. Mr. Carrazana noted that for this proposal, he would recommend street trees.

Mr. Rapp said he thought the commissioners made a good point about the width of the 14-foot-wide path, and he knew there had been struggles with how to place trees and utilities there. He

said allowing some flexibility with the width could fit it to the roadway conditions with what might be on either side and future connections, but also help them work with the applicant and accommodate some street trees. He said he wanted to add that into their discussion, so they did not feel held to the 14-foot path if it were approved tonight. He mentioned that this had not been approved by the ARB yet; it had been submitted, but the ARB had not completed a full review or approved it.

Ms. Gleason clarified that the ARB said they had no objection to the special use permit, and they had not reviewed the site plan and discussed it at that level.

Mr. Bivins asked if the ARB would have a chance to hear their comments on this.

Mr. Rapp said one of the ARB liaisons was in the audience and may be able to provide some of that information.

Ms. Firehock said permeable pavers could be more subject to uneven settling and were more expensive and difficult to maintain, so in the interest of affordability and consistency throughout the corridor as the path was completed, permeable pavement would be easier to maintain and install for a consistent look, because there were all sorts of different pavers on the market. She said in terms of the width, she would recommend they should reverse their thinking on this particular case because they needed more landscaping at this site. She said they tidied up the bushes in the rendering compared to how they looked currently, but she would like to see trees—and to have trees to survive there, it would be great for them to have a 14-foot-wide planting strip and an 8-foot-wide path in this location.

Ms. Firehock said there was ample documentation that street trees also serve as traffic calming measures, because they create visual stimuli on the corridor and make people feel protected. She said if they actually wanted pedestrians and bicyclists to use that path, planting trees would buffer them against the traffic in the area. She said this was a site that she would surmise did not have great stormwater management, and she would like to make the small effort of putting in trees and permeable pavement to absorb the stormwater. She said that was the kind of condition she was looking for to be able to support this. She said the site was not attractive, so landscaping was the best thing at this point.

Mr. Bailey said he was happy to make a motion with some adjustment on the modifications and conditions.

Mr. Bivins clarified that they were talking about changing the planting strip from 8 feet to 14 feet. He said they were discussing a 14-foot shared-use path that would be 8 feet but with the caveat of giving staff the space to work out what the optimal ratio would be between those two functions. He said if that were accepted, perhaps they could move forward with that.

Mr. Bailey said he accepted those suggestions.

Ms. Gleason said she may have to remedy the conditions to make sure it was clear what exactly the Commission was voting for.

Mr. Herrick suggested that the motion would be that the Planning Commission recommend approval of the SP2021-00003 Caliber Collision application with the conditions as listed in the staff report with the following revisions: that the planting strip be 14 feet wide and that the shared-

use path be 14 feet wide with permeable pavement. He asked if that was along the lines of what he wanted to move.

Mr. Bailey clarified that it would be 8 feet wide on the shared-use path with flexibility for the staff to adjust as necessary with the applicant to best fit the site with the permeable pavement.

Mr. Bailey moved to approve SP2021-00003 Caliber Collision with the conditions as listed in the staff report with the following revisions: that the planting strip be 14 feet wide and the shared-use path be 8 feet wide, with flexibility for the staff to adjust as necessary with the applicant to best fit the site with the permeable pavement and to include street trees.

Mr. Randolph seconded the motion.

Mr. Bivins asked if there was any further discussion. Hearing none, he asked for the vote to be called.

The motion passed 6-0.

Mr. Bivins told Mr. Flory that he hoped he would sit with Mr. Rapp and Ms. Gleason to digest what had been discussed that evening, so that when they went to the Supervisors, they would sense that he had been responsive.

Mr. Flory said he would be happy to do that and greatly appreciated the Commission's positive support, and he agreed with all of their conditions.

Mr. Bivins told him to stay safe and that they looked forward to seeing his project. He told Ms. Gleason that going with the reuse of a legacy building was not going against her good work. He said they were still looking forward to the work taking place for the small area plan, and he hoped that big piece of green land by the lawnmower place was something they would see come before them soon.

Ms. Gleason said there were many positive aspects to this proposal, so she felt it was just weighing the consistencies and inconsistencies with the comprehensive plan in this case. She thanked them for the direction and feedback.

Adjournment

The Planning Commission adjourned its meeting at 8:06 P.M.



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: 01/11/2022
Initials: CSS

ALBEMARLE COUNTY PLANNING COMMISSION
FINAL MINUTES - December 7, 2021

ALBEMARLE COUNTY PLANNING COMMISSION
FINAL MINUTES – JANUARY 12, 2021