

**Albemarle County Planning Commission  
FINAL Minutes January 11, 2022**

The Albemarle County Planning Commission held a public hearing on Tuesday, January 11<sup>th</sup>, 2022 at 6:00 p.m.

Members attending were Daniel Bailey, Luis Carrazana, Fred Missel; Julian Bivins, Chair; Corey Clayborne; Karen Firehock

Members absent: Jennie More.

Other officials present were Andy Reitelbach; Bill Fritz; Rebecca Ragsdale; 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. Rapp 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](http://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.

**Items for Public Hearing**

**ZMA202000013 Overlook Hotel Pantops PDMC Amendment and SP202100010 Auto Superstore SP Amendment**

Mr. Andy Reitelbach introduced himself as senior planner with the Albemarle County Planning Division. He stated that he was presenting a staff report on two separate applications that were interrelated. He said they were ZMA2020-00013, the Overlook Pantops PDMC amendment, and SP2021-00010, the Auto Superstore SP amendment. He said to provide context on where these applications were, he had circled the location where the first application, the hotel, was proposed in Pantops. He said the aerial view was looking from the north to the top of the screen which was the south. He said they could see the edge of the Rivanna Ridge Shopping Center in the top left, the Carriage Hill Condos and Apartments were in the top right, and Route 250 went across the screen in the bottom left. He said the green area in the center was the site of the proposed ZMA and the SP, which also involved the auto dealership seen to the right.

Mr. Reitelbach stated that while there were two separate applications, they were interrelated. He said the zoning map amendment was a request on Tax Map Parcel 78-73A7, which he had labeled and could be seen in the photo on the right. He said there was a related special use permit request, which was for Tax Map Parcel 78-13, which was also labeled, so it could be seen how the parcels were adjacent to one another. He said the zoning map application was a request to amend the application plan approved with ZMA2002-0008, to allow a hotel as a use permitted on

this parcel and to remove a tree conservation area that was designated on the application plan approved back in 2002.

Mr. Reitelbach said the special use permit was a request to amend the previously approved special use permit, SP2002-13, to remove conditions and language in it that required an offsite landscaping easement. He said even though the special use permit applied to TMP- 78-13, that offsite landscaping easement was on Tax Map Parcel 78-73A7, which was the parcel proposed to be rezoned to allow the hotel. He said that was a summary of how these two applications were connected and why they were coming before the Planning Commission together in one presentation and as one staff report.

Mr. Reitelbach said the zoning of these parcels was of different zoning districts. He said 73A7, the subject of the ZMA for the proposed hotel, was currently zoned PDMC, or planned development-mixed commercial, which was a planned development zoning district that allowed flexible, mainly commercial uses, and at PD-MC to include several parcels to be east and southeast, including the Rivanna Ridge Shopping Center. He said the subject parcel was really the outermost parcel of this PDMC and was the last undeveloped parcel that was located in it. He said the special use permit application that related to 78-13 was zoned HC or highway commercial. He said the overlay districts of these parcels were within the entrance corridor, and there were managed steep slopes on both parcels as well. He said there was a small area of preserved steep slopes on 78-13; however, it was on the west and southwest part of that parcel and was not relevant to the request of removing the landscaping easement requirement condition.

Mr. Reitelbach said when looking at the Pantops Master Plan, both of these parcels were largely designated as community mixed-use, which was signified by a brown color on the screen. He said it recommended a wide variety of uses, including hotels as a specifically designated primary use. He said the recommended building height for this land use designation was two to four stories, and the rear of those parcels on the opposite side of the parcels from Route 250, where those parcels were adjacent to the Carriage Hill residential community. He said there were areas designated as parks and green systems of those two parcels.

Mr. Reitelbach said he would now discuss the specifics of these items. He said the ZMA was a parcel that was part of a larger PDMC district that included the Rivanna Ridge Shopping Center and outparcels. He said the applicant was requesting to amend the application plan to allow a hotel on this parcel, which was currently not a permitted use under the current plan. He said as he mentioned in the previous slide, a hotel was a primary recommended use in the community mixed-use land designation in the Pantops Master Plan. He said the applicant was also requesting to remove a tree conservation area located on this parcel. He said this was approved with the previous rezoning on the applicant's plan for screening purposes, but it was currently largely devoid of trees. He said this development would be subject to ARB approval. He said the applicant was requesting that an entrance be allowed directly onto Route 250, as there were no available street stub-outs to connect to, including from the other adjacent PDMC-zoned parcels. He said that entrance would be subject to VDOT approval at the site planning stage.

Mr. Reitelbach said that as he had mentioned, there were a lot of managed, steep slopes on this property, which were permitted to be disturbed by the zoning ordinance. He said that however, any disturbance degrading retaining walls or that sort of thing would be subject to the regulations found in the ordinance for that overlay district. He continued that it would be reviewed at the site

planning stage and must be approved by County engineering. He said there was no development in the rear of the parcel; that portion was designated as parks and green systems. He said it was important to note that this part of the parcel was actually the location of a proposed future roadway that was identified in the Pantops Master Plan, where Rolkin Road would continue from its intersection at Hansen Road, continuing onto the northwest.

Mr. Reitelbach said the slide shown was from the application plan provided by the applicant, which showed the layout of the proposal. He said the proposed hotel building was in the center, and the yellow shading in the middle was the tree conservation area that was proposed to be removed. He said there was a landscaping easement up in the top right that was a green rectangle, which was proposed to remain in the site plan if the ZMA was approved, and it would be required that the conditions of that easement continue to be maintained. He said the portion of that landscape easement that was proposed to be removed and was subject to the special use permit could be seen in a light orange color on the left side of the screen, in the west- southwest portion of the parcel, adjacent to TMP-87813.

Mr. Reitelbach said he would provide more information on the special use permit request. He stated that it was the location of an existing auto dealership that was proposed to remain. He said the original SP from 2002, which permitted the outdoor storage and display use for that dealership, had conditions and language in it requiring an offsite landscaping easement to screen that use of the outdoor storage unit and display, so this easement was on the rear of the parcel 78-73A7, which the applicant was now proposing to put the hotel on in the center and front portions of that parcel.

Mr. Reitelbach showed a sheet from the conceptual plan that was provided by the applicant, showing the easement that was proposed to be removed there in the rear of 78-73A7 to allow for the hotel to be constructed on that parcel. He said in staff's review of these two applications, there were several factors favorable. He said they were consistent with the uses recommended by the Pantops Master Plan and the community mixed-use land use designation. He said the requests were consistent or mostly consistent with the applicable neighborhood model principles. He said no development was proposed for the rear of the parcels, especially 78-73A7, which was where that future extension of Rolkin Road was identified in the Pantops Master Plan, so that extension could still happen in the future whenever the County decided to move forward with the project.

Mr. Reitelbach continued that there were no unfavorable factors identified with these applications. He said the staff's recommendation was to approve the zoning map amendment, ZMA202000013. He said staff also recommended approval of the special use permit for the Auto Superstore, SP202100010, with six conditions. He said they were the same conditions that were approved with the original SP from 2002; the only change was the conditions discussed per the landscaping easement on the adjacent parcel had been removed, but all of the other conditions remained the same. He showed the suggested motions for the special use permit and the suggested motions for the zoning map amendment.

Mr. Bivins asked to see the slide that showed the physical buildings on the adjacent lot. He asked why staff said there were no stub-outs there. He said he struggled with disconnected properties, and there seemed to be an opportunity to connect either from Abbey Road into this site or from Hansen Road into this site, instead of having to create another entrance onto 250. He asked if that had been discussed with the applicant when working on this project.

Mr. Reitelbach responded that staff had recommended early on in the review that the applicant look into trying to connect with these travel ways near the bank near Hansen Road and 250, and some office buildings. He explained that those were all parking lots and private travel ways owned by private property owners, so it would require their approval to allow the property owner of the proposed hotel to use those. He said his understanding was that the applicant did try to reach out to them, and nothing was able to come of that, but they may be able to provide some more information on that. He said he thought the other issue was that there were some topographical challenges on this site. He said that where the hotel was proposed was significantly lower in elevation than the office buildings and the bank directly next door.

Mr. Bivins said that it seemed that when they looked at these types of projects, particularly as they drove up 29, most of the hotels that were there were actually part of something larger, so if nothing else, there should be a way to create a pathway for people to walk to the various restaurants that were in there, as opposed to getting in their vehicles to drive a hundred yards back into the shopping center. He said that was something he would like for them to encourage.

Mr. Missel said he had a question about the easement next to the SunTrust bank shown on the concept plan that was required to be maintained. He said he did not see any grading on that site and wanted to know if Mr. Reitelbach knew if “remaining” meant undisturbed, or if it required additional landscaping to be replaced if it was disturbed.

Mr. Reitelbach said they were proposing to keep the easement there, and any landscaping that was required by that if it were disturbed in the construction of this hotel would be replanted in the manner to ensure that the conditions of the easement were maintained. He said the applicant may be able to provide more information on that as well.

Mr. Clayborne asked where the closest transit stop was to this parcel.

Mr. Reitelbach said he did not know. He said he would have to look into it and get back to him about it.

Mr. Clayborne said he read in the report—perhaps as part of SmartScale but he wasn’t sure—there were some anticipated improvements to get rid of the center turn lane going up 250 to put in some medians so there was more control when drivers made that left turn. He asked if Mr. Reitelbach had to give a range, if he knew when those improvements would be done, and if they would coincide with the construction of this or were as far as 12 or 15 years out.

Mr. Reitelbach said his understanding was that the project was in the planning stage, and he believed it had already been funded. He said the center lane in 250 that was a turn lane for both sides would be removed, and a median placed in there to prevent turning left into all the various driveways along 250, and there would only be median breaks in certain sections. He said his understanding was that this was well on its way and moving forward.

Mr. Rapp confirmed that as Mr. Reitelbach mentioned, it was a funded project that was awarded. He said he did not believe they had allocated a specific year as to when they would move forward, but they were in the process of doing it at the state level with VDOT. He said he would look into that and see if he could find it during this meeting. He said it was within the next few years, and

typically those kinds of projects were around a four-year time frame but depended on the availability of funding each year.

Ms. Firehock said it would be great if he could find that out. She said she imagined it would take a few years for this site to be developed and asked if there were any further questions or comments for staff.

Mr. Carrazana said he couldn't find it, but he thought he had read that they were looking to reduce or eliminate a setback requirement.

Mr. Reitelbach said there was a special exception application submitted to reduce the setback on the hotel. He explained that for any structures over three stories or 40 feet, they required a setback, so the application had been submitted so they could build a four-story hotel; however, a few weeks ago, the applicant resubmitted to the ARB some revised plans where they redid the grading and put the bottom floor underground so only three stories would be visible above grade and 250. He said there would no longer be a need for the setback to be waived for that if it was dropped down to three stories above grade. He said that was something staff was still reviewing to make sure it would be verified for sure before it went to the Board of Supervisors. He said that was where it stood on the setback.

Mr. Carrazana said that his read was that it still seemed to be an open question as to whether they were going to redesign with three stories instead of four.

Ms. Firehock said they could visit that topic again, but it was certainly a condition that could be placed upon this if necessary and if it was unclear. She said perhaps when it was time in the meeting, the County Attorney could tell them a bit more about whether they needed to get to that level of detail with this application. She asked if there were any further questions for staff before they heard from the applicant. She said it was a somewhat confusing application with the strange geography of the parcel, so she would not be surprised if there were more questions.

Mr. Justin Shimp introduced himself as an engineer with the project and said that Kelsey Schlein was also present and had worked on the application materials. He said it was true that it was a little complicated because of all the history. He said he did not have a lot to add to the staff presentation from a standpoint of technical items, but he could give a bit of context to how things came to be. He said that there was a transit stop at the Applebee's, so it was very close by. He said they approached the neighbors at the Truist Bank about a connection through specifically for pedestrians because there was a grade issue, and he had some illustrations to show that connection being nearly physically impossible, but they did approach them from a pedestrian standpoint and were unable to make progress. He said there was a sidewalk along 250 that connected to their project, so someone could easily walk from the site to the Applebee's or Bojangles or Rivanna Ridge Shopping Center. He said a landmark that people might recognize was the Tip Top Restaurant across the street from the project.

Mr. Shimp showed a color image of the limits of the original zoning, stating that the red boundary was the PDMC district, which they were seeking to amend. He said at the same time, there was a strip of yellow in far-left corner of the map that was zoned to highway commercial, which was a Dennis Car Dealership at the time. He said it was a different car dealership now, but the special use permit they were seeking to amend was related to that parcel.

Mr. Shimp showed a slide with the original zoning application plan. He said they had done more technological updates since the previous plan was done in 2002. He said he believed the copy shown was actually a 1998 map that was amended in 2002.

Ms. Firehock asked if he had a way to enlarge his presentation because a few commissioners said it was difficult to see.

Mr. Shimp said he would try a different setting for that.

Ms. Firehock said while he was doing that, it would not count as time for his presentation. She said the commissioners said that changing a setting on Zoom might help the commissioners.

Mr. Shimp asked if it looked any better.

Ms. Firehock said he should continue.

Mr. Shimp said the current slide showed the master plan, which was highlighted because a hotel was noted as a primary use in this district. He said they often tried to be more generic with these zoning application plans, but this particular plan was saying it would be a specific hotel. He said this followed with the history of the parcel where it was given sort of a block-by-block designation. He said if going back to the old map, there was high volume retail, grocery shopping center, and an office with a church. He said their site once was a hotel and was then changed to office, and they were now trying to change a portion of it back to being a hotel. He said the benefit of these zoning districts was the ability to create a master plan for them, but it sometimes needed to be amended during these processes.

Mr. Shimp showed a map he had referred to earlier and wanted to restate information about the easements. He said there were two being removed, shown in light pink, which were tied to the special use permit for the auto place. He said that strangely, the special use permit conditions for the auto storage display of vehicles contained a condition for the adjacent property. He said it was actually unclear as to whether the owner of parcel A7 could not violate the easement for the special use permit. He said it was seemingly done at the last minute when it was processed. He said looking back at the file, they could not find evidence from the staff or the County or even the landscape planners as to why it was included. He said it looked like it had been added on at the Board meeting when it was originally approved. He said that similarly, the conservation easement area was discussed as there being some trees that would remain, but in looking at the picture that staff provided, there were very few trees in that zone. He said that again, they could not find any particular evidence as to why that was there or why that was important, so they were proposed to be removed and replaced with the hotel and its associated parking. He said that was why it was a bit more specific of an application than they would normally submit, but he thought County staff wanted to see more specific design given that it was a challenging parcel and to flush these issues like how pedestrians get around, where the vehicle points are, and what could be done there. He said this specific plan was meant to address that.

Mr. Shimp said he heard a question about the future VDOT improvements, and he had heard from a few people in a community meeting who were curious. He said he was meeting with VDOT engineers on the previous Thursday morning about the particular impacts to one of the

commercial sites. He said there would be a median from where the Wawa was located all the way up to the entrance to Hansen Road. He said this would be a right-in/right-out only situation. He said VDOT had determined it would make entrances and traveling safer up and down the corridor. He said he could bring the matter back up if there were specific questions about it.

Mr. Shimp said he thought that showed a rendering from design development that showed the view from the entrance from Route 250. He said on the left was the bank drive-through and through the trees was the office building. He said he believed they were 25 or 30 feet below the office building location with their first floor. He showed another picture that showed how they stepped the building to be three stories. He said one of the ARB comments was to integrate the slope better, so they essentially picked up the grade on one side for a walkout condition to continue a three-story appearance from the street side. He said it also had a nice side patio that people could use. He said a simple way to think about it was that in the 2002 special use permit and rezoning, a variety of these easements were placed on at the last minute. He said as the master plan had evolved, they revised it and essentially created a plan that followed those guidelines and worked with the ARB guidelines for design at a site like this. He said at the end of the day, they were wiping the slate clean on something that was cobbled together over a few different approvals from a long time ago. He said now they would not go to the Board to add an easement at the last minute, because something like this situation may happen 20 years later. He said this was just an example of cleaning up those things and making a project that matched the master plan.

Ms. Firehock asked if there were questions from the Commission for the applicant.

Mr. Clayborne asked if Mr. Shimp could talk about what kind of hotel they would be building there, so the public was aware.

Mr. Shimp said he could share what he knew and emphasized that there was a caveat with the type of zoning, where they could start with one type of hotel and change to a different one, because the County did not classify between, for example, an extended stay hotel and a more traditional hotel. He said the owner had been pursuing an extended stay type of hotel, and that was what was submitted to the ARB. He said they were looking to continue down that path, but he wanted to caution that there were zoning settings that could change that to a more conventional hotel.

Mr. Clayborne said he believed he saw in the packet a circulation plan that suggested pedestrians walk along the sidewalk up 250 to go to Applebee's or another place. He asked if there were any conversations about softening that travel path. He said he sometimes ran along that route, and it was not pleasant when cars drove by at 50 or 60 miles per hour. He asked again if they had discussed softening the walking experience from the hotel to the shopping center.

Mr. Shimp responded that they were cognizant of that early on and made an effort to try and connect them, as it was possible to put stairs that connected up to the SunTrust—but those property owners were not amenable to that sort of request. He said it did help in this particular location that there was a turn lane coming in, so traffic merged over to turn right, and there was a bit of a reduced-speed condition there. He said he had taken a walk through that area to drop a vehicle off at a Pantops car dealer and walked to his office downtown. He said it was a walk of busy traffic in places, but they didn't really have another option here. He said he did think for the

short distance and the fact of the turn lane being there was a little better than the normal condition. He said Mr. Clayborne was right that it was not an ideal pedestrian experience, but the applicant thought it was workable.

Mr. Bivins said many of them saw what happened at Stonefield where there was a connection between Stonefield and the properties above it, and they put stairs in. He said there was a small community of commercial spaces behind that, which were also a link. He said what he had heard from everyone involved was that it had created a flow between those two pieces of property that everyone was pleased about. He said he was disturbed that the supposed caring bank, which was what SunTrust used as its new marketing language as it went from SunTrust and BB&T, Truist was not willing to consider a stairway or something so people did not have to go on 250. He said if that were not a possibility, they could perhaps get economic development people to discuss with the bank that it was helpful for people to be able to walk by them—and it would create a nexus of caring. He said he was sorry that they were not willing to provide some means for people to come from that piece to join the commercial sector there together, as this was to go before the Supervisors for approval. He said he was baffled by a stairway or entrance walkway would get a no or no response. He said his suggestion was to have a conversation with economic development because they may be able to arrange for a conversation between the two parties.

Mr. Shimp responded that he was happy to try and do that, but they had gotten no traction. He said there was an unfortunate thing that happened with pathways across privately owned properties, attorneys discuss liabilities, and everyone shuts down about it. He said they were not opposed to reaching out and moving that forward, but he was not optimistic.

Mr. Bivins said there was no more liability than the other buildings that were over there, which people who work over there still use. He said he used to go there to eat at a few restaurants, and there were always people walking around there at noon to go to those businesses. He said hopefully they would see this as extending their community and not be so focused on the liability. He said he would recommend working with staff to connect with the Economic Development Office to advance that one piece.

Mr. Missel said to confirm what staff said, the landscape easement looked like it would not be impacted by grading according to their grading plan. He asked if that was accurate.

Mr. Shimp said that was true for the most part. He stated that it could be seen where their retaining wall clipped the corner of that area that there was to be some grading in that zone and on the other end. He said it was a steep slope, so disturbing that did not help in any way. He said they were disturbing it slightly, but any affected trees would be replaced through the original site plan for that project. He said only a portion—perhaps a quarter—of the land was being disturbed, not the entire thing.

Mr. Missel said it would be helpful if the plants could be supplemented to serve as screening and adjoining property softening, if there were some additional plants that could be added beyond the original landscape easement, which had different conditions. He said the second thing he wanted to clarify was that the building was still four stories, even though there were only three stories seen from the entrance corridor.



Mr. Shimp confirmed that was correct and that it would be classified as four stories. He said at the front entrance, which was pictured in the middle, it would be a four-story building, and up on the street side, it was three stories. He said he expected by building code it would still be called a four-story building.

Mr. Missel said he was trying to understand the image shown exactly. He said it seemed that the side that was facing 250 was actually just in the ground for one story, but it was in fact a four-story building.

Mr. Shimp said that was correct, and the picture did not show it quite correctly, because there was a retaining wall along the corner where there were four windows shown currently. He said two of them would be below, with a retaining wall between them and the sidewalk. He said they would be egress windows rather than a full window.

Mr. Missel said that question was relative to the special exception, and he knew that was still being discussed, but he was not sure if it was entirely true that only three stories were visible from the entrance corridor. He said especially if it were in keeping with their model, it seemed like the four stories would be visible from an oblique angle.

Mr. Shimp said the stepback came as a technicality issue, and the side of the building that faced 250 was how it would be measured. He said they were not trying to say it was anything other than a four-story building. He said it was a technicality as a result of some of the comments the ARB had, and they were trying to soften that grade rather than having it all be four stories.

Mr. Missel said his last question was if Mr. Shimp knew if the adjoining remainder, the triangular parcel that was "Happy Boxes Pantops, LLC" had any future development plans.

Mr. Shimp replied that he had not heard anything about that parcel. He said he believed there was still a site plan and preliminary plan for storage buildings of source that may or may not be valid still, but they had not done anything on that property.

Mr. Missel said part of the reason he asked that was because it was somewhat wooded at the moment, so it provided a bit of a buffer. He said to Commissioner Bivins' point, there were retaining walls built along the edge of the property entirely on that side, so it would be challenging. He said there was a question of whether they would ever want to consider some kind of pedestrian interconnection between those two parcels and if it would even be possible.

Mr. Shimp said nothing was impossible for a pedestrian connection because stairs could be used. He said from a vehicular standpoint, that was a non-starter. He said again, they were on the side of Pantops Mountain, so they were doing grading. He said there was not a particular problem with that, but he was not sure when that would come up. He said it might be site plan connectivity question, but there was no objection to that, although it was unclear whether it was necessary or would be of use there.

Hearing no further questions, Ms. Firehock moved onto the next agenda item.

## **Public Hearing**

Ms. Shaffer read the rules for public hearing.

Mr. Dick Ruffin said his question had to do with the access onto 250. He asked if they moved from Overlook Hotel onto the through lanes, or if there were a way to make the exit from the hotel onto the right-turn lane that went to Hansen.

Ms. Firehock said that was a question for the applicant, and they would be coming back to answer any questions that came up during the public hearing process. She asked if there was anything else, he wanted to speak about.

Mr. Ruffin said that was all.

Ms. Firehock said they would have the applicant address his question when it was their turn. She asked if there were any more speakers.

Ms. Shaffer said there were none.

Ms. Firehock asked if they must close the public hearing before the matter went back before the applicant or if the applicant's closing comments were part of the public hearing.

Mr. Herrick said that the applicant's closing comments were part of the public hearing.

Ms. Firehock said there was a chance for the applicant to offer any additional comments as well as answer the question brought up by a member of the public.

Mr. Shimp stated that as to pulling out on the turn lane, once the construction of the median began in 2026, it would be fairly in line with the construction thereafter. He said people would pull out and head east only, which would be a safer maneuver out of the lot but also a little less convenient. He said he thought if naturally making that move into the turn lane, there would be no room to go completely across, but people would do strange things on the road sometimes—and VDOT put these concrete medians up to limit that to whatever extent they could. He said as long as people were making a right turn, the risk of impacts or accidents would go down at this location.

Ms. Firehock asked if Mr. Shimp had anything else to discuss.

Mr. Shimp said he did not, but he was available to answer any other questions.

Ms. Firehock closed the public hearing and said the matter was now back before the Planning Commission.

Mr. Bivins said his understanding of what was being planned there was going from east to west, the only way to easily access this project was to turn left onto Rolkin Road and then either go past the hotel and make a U-turn.

Mr. Reitelbach said his understanding was if approaching from the east from 64, Route 250 West would have to be taken past the hotel, make a U-turn at the next available intersection where there was a median break, and then come back eastbound on 250 to make a right into the hotel property.

Mr. Bivins asked if this was all because they could not get an entrance off of Abbey Road. He said his other question was related to Mr. Missel's observation, and he believed they needed to discuss the special exception. He said Mr. Missel had brought their attention to the fact that it was a four-story building, and he would like to at least give it some attention before it went before the Supervisors.

Ms. Firehock said she could comment but asked if anyone else would like to go before her.

Mr. Rapp said he would give an update on the VDOT project. He said that what they called "starting development"—which was design, engagement with the public, and right of way—was meant to take place towards the beginning of 2023 and would commence for about three years with construction starting in March of 2027.

Mr. Carrazana said that was the other reason he had brought up that stepback issue. He said he was not clear from the report exactly how that was being dealt with, and after seeing the rendering, he still had some concerns. He said he was not quite sure that the renderings in the site plan were in sync. He said the site plan showed some curved retaining walls that wrap on the street side, or west side of the building. He said in the renderings, that was not seen. He said the last rendering they saw where the walkways were trying to use the topography was a good use. He said that however, the lack of landscape around there hindered that approach. He also mentioned the issue of it being a four-story building and said it did help to have the ramp to go up, but he was unsure about how this aligned with the retaining walls seen in the site plan.

Ms. Firehock said they had some discussion already about as Mr. Missel said, the oblique angle from which it may still be considered a four-story building, and there would be some vegetation removed by the construction of the building. She said in her opinion, he would be able to add a condition for additional landscaping or screening if that would help to soften that. She said he certainly did not have to exempt them from the proposed stepback, which was another tool available to them. She said if he felt if there were some solutions that the Commission might recommend in a motion, they certainly could add those to suggest a staff motion. She said she knew sometimes it was difficult to construct those on the fly, but they did it all the time.

Mr. Missel said to him, there were two issues running in parallel. He said one was the aesthetic issue, which he had seen before when he served on the ARB. He said he was not speaking for the ARB, but the reason for lowering it and nestling into the site, as Mr. Shimp said, was to mitigate the aesthetic impact of that height from the entrance corridor. He said the other parallel track was what the height regulation said. He said to him, they felt like independent things, and he did not know enough about the specific height regulations, although he had tried to do some quick preliminary research, but he would be interested to know more. He said maybe this was what staff was referring to when they said "still in discussion" or something like that. He said he would be interested to know what the actual requirement was for building height in this district. He continued that he thought that the aesthetic and the requirement for building height impact were two independent issues.

Ms. Firehock asked if Mr. Reitelbach or Mr. Rapp would like to comment on the actual regulation regarding stepback for a four-story structure and how far it had to be stepped back. She said something that might be hard for a hotel-type structure was that stepping it back may basically

get rid of a row of rooms. She said for Mr. Missel's benefit, this was all why part of the Planning Commission existed: Many things were not straightforward, so they had the opportunity to come up with their own recommended solutions.

Ms. Ragsdale said the requirement was for every over-third story or 40 feet or above, there should be a setback at 15 feet. She said parallel to the rezoning and the special use permit review had been the review on the building. She said in this case, they were relying on the ordinance, and if they did need the setback, that could be waived or modified by the Board of Supervisors. She said they also had been relying on the ARB feedback to this point regarding what would be appropriate at that location. She said the technical aspect of it was how they got to the design that was appropriate. She said it was a newer design that they had seen as they were wrapping up the staff report, so that was where they were in the process.

Ms. Ragsdale said if there were specific concerns about the appropriateness of the setback there, or if they liked what they saw, maybe they needed a waiver or not; if they were okay with the way it was constructed in the concept so far, working with the grade and as they went back to 250, it was a four-story building. She said if there were specific comments they would like to make, they would certainly consider that as they went forward—but primarily to date, it had been the ARB weighing in on that and deciding technically whether or not they need the setback waiver. She said this was a relatively new design, and they did not have a site section that might help with that. She said that was what she suggested as far as moving the between the Commission and the Board. She said the Board was always happy to have feedback as well on special exceptions.

Ms. Firehock said their job was always difficult because they usually were not looking at things that were straightforward.

Mr. Missel said when reading the code that talked about every story that began over 40 feet, minimum setback of 15 feet or more, to him that was the technical requirement that still applied. He said he did not know why it would not apply, but if there were precedent that stipulated an aesthetic of it only being visible as three stories was sufficient enough to no longer require a waiver, he could support that. He emphasized that his sense was that it was more about the technical piece that she mentioned, so he would support that approach.

Mr. Herrick said he would defer to the planners on the technical requirements, but procedurally, the applicants had requested a special exception, had an application pending, and unless or until they withdrew that request, the application was entitled to a Commission recommendation one way or the other. He said his suggestion from a procedural perspective would be that the Commission make recommendations on the ZMA, the SP application, and the special exception request—unless or until any of those were withdrawn.

Ms. Firehock said she believed part of the rationale provided in the application and made in writing by the applicant's own request was that the building was far enough back from 250 that it somewhat mitigated the effect of the three stories, and the setback requirement was trying to avoid a "dark cavern" approach. She commented that 250 was a wide road though, and the building was not right up against the road as other structures might be. She said it was in the Commission's purview to say they technically supported this County standard because it made sense and had its place, but in this particular instance, it was not necessary to impose that to fulfill

a harmonious design that was not overshadowing the pedestrians or the joggers running down the road. She said she liked to operate by the book as much as possible, but she thought this was an instance in which they could use some of their discretion. She said these things did not necessarily have to be linked, and they could decide that the setback was not necessary—but to soften the feel of a four-story building on one side, they would still like to request additional landscaping. She said those were just some of the things to consider.

Ms. Firehock commented that it was not the rule nor a law but was her opinion that it was helpful for motions to come from the Commissioner whose district the project was in. She said it was not required but was preferred since they were the representative of that area. She asked if there were any other comments or questions.

Mr. Clayborne said he wanted to go back to a comment Mr. Bivins had made earlier about how to access the site, as he had brought up a really good point. He asked if someone went down 250 to make a U-turn, if the next available spot was at Stony Point Road or somewhere else. He said he would like a better understanding of that and how that played out against a SmartScale project.

Mr. Rapp stated that SmartScale project had not been fully designed. He said what Mr. Shimp shared was a conceptual design, and over the next couple of years, they would be working through figuring out trip generation and requirements for turning and identifying best locations for those movements there. He said they were a few years out from knowing the specifics of exactly what turning movements would be allowed and where they would break. He said there currently was just an open lane, so the idea was to restrict that and bring some of those vehicular movements to specified areas where it was most safe, so they would have to go through a process.

Ms. Firehock said it was awkward at present, and it would be better but not perfect to have to do U-turns, with people from out of town trying to navigate around the road. She said a question to consider was whether any business put in that location would have to have the same situation. She asked if it were simply a problem for this hotel or a general problem. She said they had a lot of traffic problems and traffic design issues plaguing Route 250, and this would be a problem regardless of who occupied that site. She assumed that if this project would be approved that VDOT design of crossovers would take that into account.

Mr. Bailey said he thought that 250 from a transportation perspective was challenging, but as Ms. Firehock had rightfully pointed out, if the use were a hotel, it generated trips—but likely fewer trips than another type of facility like a doctor's office. He said the use and the conceptual plan presented was well thought out, and the use of topography and incorporating the building into it lessened his concerns about the setback requirement. He said he had what was considered a two-story house, but he had a walk-out basement, so he understood that it was a gray area. He said based on the way that the plans had been laid out, he did not have any major concerns with it and was inclined to support the application and the special exceptions.

Mr. Bivins said he would support this project also.

Ms. Firehock said Mr. Bivins' audio cut out.

Mr. Bivins stated that he supported the project and keeping with Mr. Missel's suggestion and Mr. Carrazana's suggestion about the treatment in the front; while it was not their issue, it should be kept in the notes that there should be some consideration about how they offered this. He said now that they were fully aware that the entrance was going to be from 250 East, it would effectively be a four-story building. He said while it may sit on the side in a way that makes it more appropriate, it was important how they created that so it had some aesthetic and worked for people walking or running up and down that area. He said that he would like to see a condition that included the landscaping and treatment of the entrance to be a consideration when they moved this forward. He said that he did support it.

Ms. Firehock said that someone on the Commission could recommend additional landscaping in that area without getting into specifics, and staff could work with the applicant to improve the screening around the lower corner.

Mr. Carrazana said he agreed with Mr. Bivins and agreed with Ms. Firehock's point that the distance this hotel would be away from the street would render the setback meaningless, even if it was a four-story building. He said he did not think from a visual standpoint that it would have much of an impact given how far it was. He said what they were seeing was still fairly conceptual, and he was not sure if the complexity of the topography and the retaining walls they would end up with were fully vetted yet, so there was an opportunity to bring back some landscaping. He said there was a section of this site that looked bare, but it also was quite wooded towards the back, and they would be losing some of those trees as well. He said there was an opportunity to think about how they would mitigate the four stories a little more with landscaping and then introduce that three-story elevation with the ramp-up they were doing, which could be effective. He said he would encourage the applicant to consider how they could buffer with trees towards the front of the site to help mitigate the visual impact of the four stories.

Ms. Firehock said any type of condition such as that was definitely in keeping with offsetting the impact of this particular structure, and it was very much within their purview to add such a condition. She asked if anyone was prepared to make a motion, keeping in mind some of the issues the Commission had raised so far.

Mr. Clayborne said he was prepared to make a motion. He asked if it was correct that there were three separate motions. He also asked if the context of their conversation applied predominantly to the special exception.

Mr. Herrick asked Mr. Clayborne to clarify his question.

Mr. Clayborne said when he made these additional conditions, like one for landscaping, where they had talked quite a bit about exploring a pedestrian connection between the site and the bank and the rest of the commerce area, whether through stairs or another walkway. He said that and the landscaping piece were the two issues he had written down. He asked if that would go with the exception.

Mr. Herrick said that Mr. Clayborne would need to specify which of the matters he would like to add that condition to. He said the current motion that Mr. Reitelbach had prepared talked about the conditions recommended in the staff report, which were only for the special use permit. He

said if the Commission wanted to recommend additional conditions, the Commission would need to specify which of the items the Commission wanted to attach those conditions to.

Mr. Clayborne **moved** to recommend approval of SP202100010 Auto Superstore SP amendment recommended by staff in the staff report.

Mr. Bailey **seconded** the motion, which passed unanimously (6-0). Jennie More was absent from the vote.

Mr. Clayborne said he believed this was where he would add the context of their conversation about additions.

Mr. Clayborne **moved** to recommend approval of ZMA202000013 Overlook Hotel Pantops PDMC amendment for the reasons stated in the staff report, with the following two recommendations: Condition one was that the applicant take on the exploration of developing a pedestrian connection between this property and the adjacent bank property so people could walk to the areas of commerce. Condition two was that additional landscaping be provided towards the front of the property at 250 that recognized the building was four stories tall approaching 250 East.

Mr. Herrick said that what Mr. Clayborne was recommending were recommendations, because it was a rezoning. He said that what was recommended would be recommendations rather than conditions.

Mr. Clayborne confirmed this.

Mr. Herrick said that provided Mr. Clayborne was agreeable to that, Mr. Clayborne had made a motion to approve the zoning with those recommendations, assuming that was what he intended to do.

Mr. Clayborne said yes, that was what he had intended to do.

Mr. Bailey **seconded** the motion.

Ms. Firehock asked if there was further discussion.

Mr. Missel said Mr. Reitelbach had mentioned the applicant was requesting a special exception. He asked if that was to be addressed separately or if it was part of this motion.

Mr. Herrick said the special exception would be handled separately.

Ms. Firehock asked if there was further discussion. Hearing none, she asked Ms. Shaffer to call the roll.

The motion passed unanimously (6-0). Jennie More was absent from the vote.

Mr. Clayborne **moved** that the Planning Commission recommend approval of the special exception request SE202100016 Overlook Hotel, with the recommendation that landscaping be

explored at the front of the property to acknowledge it was a four-story building when approaching 250 East.

Mr. Missel **seconded** the motion.

Ms. Firehock asked Mr. Clayborne if he wanted the landscaping recommendation to be more specific as to whether it was a meadow, shrubs, or another feature.

Mr. Clayborne said he would prefer not to get more specific until it went before the ARB.

Ms. Firehock said she wanted to make sure he did not want to add language to make it more specific.

Mr. Clayborne said he wanted it to be landscaping that acknowledged the fact that they were trying to mitigate that it was a four-story building, since they were giving an exception to the setback rule.

Ms. Firehock clarified that it would be some substantial landscaping that would provide screening and softening.

Mr. Clayborne said yes, and making sure they recognized the exception for the setback.

Ms. Firehock said she did not know if the motion needed to be amended, but perhaps the conversation could be acknowledged in the minutes. She asked if there was any further discussion. Hearing none, she asked for the roll to be called.

The motion passed unanimously (6-0). Jennie More was absent from the vote.

### **Review of Board of Supervisors Meeting from December 15, 2021**

Mr. Rapp said there were two public hearings on December 15 for land use applications. He said the Board unanimously approved a special use permit for the Education Transformation Centre in Earlysville that had been before this Commission. He said the Board also approved a ZMA for Rio Pointe, which had been Parkway Place when it came before the Commission. He said it had a new name and owner but was mostly the same project.

Mr. Bailey said if he remembered correctly, those were the ones on Rio Road that were not part of the Rio Corridor traffic study.

Mr. Rapp clarified that they were right at the corner of John Warner Parkway and Rio Road, adjacent to the roundabout. He said it was included in the study, and he would continue to work with them and VDOT as the project moved forward. He said they had incorporated some things like the multi-use paths along the frontage that they planned to send down Rio Road.

Mr. Bailey said he was not sure which apartment building it was because there was another in that area.

Mr. Rapp said there was another currently in review that was on the other side of 29.



**Old Business/New Business**

Mr. Bivins said that they had approved a project on the corner of Belvedere and Rio and asked if that project would be moving forward.

Mr. Rapp responded that the project was not moving forward as of now, and they had nothing in review. He said he was familiar with the project that had been approved.

**Adjournment**

Ms. Firehock **moved** to adjourn the meeting, which was **seconded** by Mr. Bivins and passed unanimously.

The Planning Commission adjourned its meeting at 8:20 p.m. to January 18, 2022.



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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: 02/01/2022
Initials: CSS