

**Albemarle County Planning Commission**  
**DRAFT MINUTES June 18, 2019**

The Albemarle County Planning Commission held a meeting and public hearing on Tuesday, June 18, 2019, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Tim Keller, Chair; Julian Bivins, Vice-Chair; Jennie More; Daphne Spain; Karen Firehock; and Luis Carrazana, UVA representative.

Members absent: Bruce Dotson, Pam Riley.

Other officials present were Leah Brumfield, Senior Planner; David Benish, Interim Director of Planning; Carolyn Shaffer, Clerk to Planning Commission; Andy Reitelbach; Rachel Falkenstein; and Andy Herrick.

**Call to Order and Establish Quorum**

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

**PROJECT: ZMA201800013 Rio Road W**

Mr. Keller asked for the staff report.

Ms. Rachel Falkenstein, principal planner, presented the staff report, and stated this was a public hearing.

Ms. Falkenstein said the purpose of this public hearing was to hear a request to rezone 3.3 acres from C-1 Commercial to NMD Neighborhood Model District. She said the property is located at 664 Rio Road West. She indicated on a map that the property consists of four parcels on the northside of Rio Road West (about 3.32 acres). Ms. Falkenstein said there is one structure on the property right now (a single-family home) and that the rest of the property is vacant.

Ms. Falkenstein said the property is currently zone C-1 Commercial and indicated to it on a map. She indicated to adjacent properties that are also C-1 Commercial or HC Highway Commercial. Ms. Falkenstein indicated to the comprehensive plan designation within the Rio-29 small area plan, the core area, and the flex area. She said the front portion of the site, as well as some of the east portion, is in the core area.

Ms. Falkenstein said the applicant is requesting to rezone this property to NMD. She said the property has been divided into three blocks.

Ms. Falkenstein said Block I is "active urban," fronts along Rio Road, and is about 1.5 acres. She said in this block, up to 112 multi-family residential units are proposed, as well as allowing commercial retailer office uses, and up to 290,000 square feet of development.

Ms. Falkenstein said Block II is labeled as "local manufacturing and neighborhood services" on the map. She said in this block, up to 310,000 square feet of development would be allowed with uses for office, R&D flex, light industrial self-storage, distribution, commercial auto sales, service, and multi-family.

Ms. Falkenstein said Block III is neighborhood green space. She said no development is proposed here and the intention is to keep it as open space, with a shared use path along the back. Ms. Falkenstein said this is an area called out on the Rio-29 plan for green space and a linear park.

Ms. Falkenstein presented a page in the application plan that shows a section of the site facing west. She pointed to Rio Road on the left side of the screen to give a sense of the scale and form of the proposed development. Ms. Falkenstein said the applicant is proposing street improvements to the Rio Road street frontage, including an eight-foot sidewalk, street trees, and a future right-of-way dedication.

Ms. Falkenstein said in Block I, 3-6 stories in height would be allowed, with a building setback above four stories, and there are form standards to help create an active street frontage there. She said the ground floor of the building would be constructed to commercial retail standards so that, at some time in the future, it can convert to a retail use, should the market allow.

Ms. Falkenstein said there would be transparency standards for windows and pedestrian entrances for the first floor of Block I.

Ms. Falkenstein said that between Blocks I and II, there would be surface parking to serve both blocks. She said in the Block II building, form standards allow 2-6 stories of building, also stepped back above the fourth story, and some lesser form standards proposed within the code of development, such as pedestrian entrances.

Ms. Falkenstein said both Block I and II buildings will be subject to ARB review during site plan due to the visibility of the entrance corridor.

Ms. Falkenstein said Block III consists of green space. She said a shared use path and some landscaping is proposed in Block III.

Ms. Falkenstein said on May 21, the Planning Commission held a work session to discuss two questions relevant to this project. She said the first question was if there should be a timing commitment to the construction of Block I. Ms. Falkenstein said the applicant shared that their intention is to build the Block II building first, and that the use for that would be a storage building. She said there is no commitment to a timing for the construction of Block I.

Ms. Falkenstein said that during the commission's discussion, there was mixed feedback. She said some commissioners felt that a timing commitment should be provided, while others felt that screening (in lieu of a timing commitment) would suffice.

Ms. Falkenstein said that since May 21, the applicant hasn't provided a time commitment. She said they have provided a proffer for screening. Ms. Falkenstein said staff doesn't feel it is sufficient and would like to see this be a more robust screening requirement, should the Planning Commission recommend the screening.

Ms. Falkenstein said the second discussion question from the May 21 work session was about affordable housing. She said the Planning Commission unanimously felt that affordable housing should be provided with this development, and the applicant has since provided a provision in the code of development

providing 15% of all units to be affordable. She said this would be affordable to those residents making 80% or less of the area median income, consistent with the county's affordable housing policy.

Ms. Falkenstein said staff does not recommend approval unless revisions listed in Attachment 6 are completed. She said this would be inclusive of a timing commitment to the Block I construction. Ms. Falkenstein said staff does not feel this development is consistent with the NMD or Rio-29 without a commitment to Block I.

Ms. Falkenstein said Attachment 6 contains some other, more minor, recommendations. She pointed out that if the Planning Commission is comfortable with the screening commitment in lieu of the timing commitment, staff would like to see a more robust screening commitment. Ms. Falkenstein said some other minor changes to the code of development and application includes timing of the shared use path, timing of the sidewalk, a change to proposed parking, and other minor changes.

Ms. Falkenstein concluded her presentation and offered to answer questions.

Mr. Keller asked if the commissioners had questions for staff before opening the public hearing. Hearing none, he opened the public hearing to hear from the applicant.

Mr. Shimp came forward to speak, and introduced his colleagues, Ms. Kelsey Schlein and Mr. J. Garlick.

Mr. Shimp said the core issue revolves around the timing of the construction. He said there was a discussion about this during the last work session, and would review the project team's thoughts in detail.

Mr. Shimp said the site is a very car-centric area featuring one-story buildings, and the project is stepping outside the norm for this particular section of the county. He said he agrees with the county's long-range vision for this area, but getting there will require some flexibility. Mr. Shimp said one cannot simply introduce an immediate change to a 30-year development pattern. He said they are looking for ways to phase the sequences of the construction of the project to achieve the project goals in a buildable manner.

Mr. Shimp said the storage building and residential have been discussed, but what's before the Planning Commission is a form-based code in a neighborhood model application format. He said a variety of uses are being proven. Mr. Shimp said storage and residential are the most likely uses in the short term, where the market currently is, but that nothing would stop these from serving a variety of other uses in the future. He said this lays out the plan for 30 or 50 years of what the site could be.

Mr. Shimp said that related to the form of development, two blocks have been established, and there's a future type-C street (which he indicated to on the plan) that would form the block. He said that at a time when that's ready to happen, an easement would be dedicated across the property for it so that, as parcels around it develop, it can contribute to the grid network.

Mr. Shimp indicated to vision of the streetscape. He said it shows what the county has a vision of, and showed a building with four floors. Mr. Shimp indicated on the streetscape illustration to future bike lanes, a separation strip or planting strip, sidewalk, and a frontage zone where there could be plazas for shops in the future. He noted there are more details in the application if anyone wished to talk through it.

Mr. Shimp indicated to a cross section where there would be green space behind Building II, and a stream that's been piped over time. He said there was a discussion that the county, as part of their greenway plans, would open that up and would have a trail with an asphalt path built on the other side of that.

Mr. Shimp said one of the items in the staff's recommendation is about a step back at a 40-foot height. He said this is something he is concerned about but can work with staff on it.

Mr. Shimp said that regarding storage use, folks in town typically find it to be objectionable. He said the history is that one-story metal buildings aren't particularly attractive and tend to take up a lot of real estate. Mr. Shimp said the demand for these large buildings is that people are living differently than they did 20 years ago. He said many people no longer have large homes to store their things in, either due to affordability or lifestyle choice. Mr. Shimp said the benefit of storage building projects is that one building that's 100,000 square feet essentially replaces a 4- or 5-acre one-story operation. He said as a land use, it's something that the market demands, and that the project is an efficient and effective way to provide it. Mr. Shimp said it would be very low traffic and would serve as a convenience and use to everyone living around it.

Mr. Shimp presented a rendering of the front of the building. He showed the streetscape features a planting island. Mr. Shimp said they are dedicating the right-of-way to build it all and agreed to construct the planting strip and widened sidewalk as part of this project. He said the storage building sits two stories in the ground, and four stories in the back, working with the grade. Mr. Shimp said there will be surface parking in between the buildings.

Mr. Shimp said timing and screening presents a challenge. He said at the last work session, there were comments that it may not be feasible to build the residential building. Mr. Shimp said it's very much the applicant's intention to build the residential building, but that conditions regarding applying for a building permit for the front building before receiving a certificate of occupancy on the second building would mean the second building could never start. He said there are logistical construction and financing issues associated with the conditions.

Mr. Shimp said the project team is careful about what it can promise because there are things that aren't entirely within its control. He said they would like to build the storage building first so that people living in the residential building wouldn't have construction driving traffic past it. Mr. Shimp said they want to work from the back, out. He said that most likely, each piece gets built one after another, but having the restriction would damage the chances of the whole project being successful, and the applicant is not comfortable with that.

Mr. Shimp proposed to go with a screening solution. He said a phased site plan would be submitted that would show both buildings at once, what happens with landscaping after the first building is built, and then how that transitions. Mr. Shimp said it would also show an agreed-upon condition regarding timing of installing the streetscape. He said if they build the first building on the back but the front building is delayed, that within two years after the certificate of occupancy for the back building is issued, they would commit to widen the sidewalk, build the street trees, and make the full streetscape improvement.

Mr. Shimp said he did agree to the 15% affordable housing, and the 14-foot ceiling height, so the building will create the look of the envisioned streetscape. He said though it may not have the demand

today for commercial, it is stepping in that direction. Mr. Shimp said there are very positive attributes to this project, and he would like the commission to take a chance to give flexibility to make it happen so that the property does not sit vacant due to restrictions.

Mr. Shimp offered to answer questions.

Mr. Bivins asked if anyone from the public would like to speak on this matter.

Ms. Denise Kilmer (Photoworks Group, 700 W Rio Road) said she does business next door to the proposed project. She said she came seeking information to determine how this would affect her property. Ms. Kilmer said she had already given up the front of our property many times and that there isn't much left to give. She expressed concern about the widened sidewalk, and how it would transition across her shared drive, expressing doubt that it would physically work.

Ms. Kilmer also said she was concerned about parking. She said there was proposed relegated parking and perhaps later having the opportunity to transform it into a roadway connection and getting rid of the parking. Ms. Kilmer asked where the residents of this apartment building would park their cars. She noted that discussion of residents riding bicycles in the future was not realistic. Ms. Kilmer said Charlottesville is spread out enough that most people still require an automobile. She said the parking in her building alone is very tight and she cannot afford to offer any of her parking. Ms. Kilmer said all her employees occupy the entire parking lot. She said that with the proposed building in the front and warehouse in the back, she was curious as to how that roadway or walkway works at the back end of the property and expressed doubt about its feasibility.

Ms. Kilmer said she many questions as to how the site will look and said she would like to see the site plan. She said she and her husband purchased their business property in 1986, do not foresee leaving that space, and wish to protect their property.

Mr. Jeff Kilmer (Photoworks Group) said he shares the commercial entrance with the subject property. He said he recognized that that the property would someday sell and be developed and clarified that he was not there to say that it shouldn't be developed. Mr. Kilmer expressed concern that, if converted to the neighborhood model district zoning, there will be no minimum parking requirements. He said he did not know where parking would be. Mr. Kilmer said he read there are no minimum parking requirements for housing of 112 units and said he did not want residents parking on his lot. He said if they park across the street at the library, they would be jaywalking across Rio Road, which is not a safe situation. Mr. Kilmer said that while he is not anti-development (he built the Photoworks building 30 years ago), he is concerned about parking.

Mr. Bivins asked if anyone else would like to speak to this matter. Hearing none, Mr. Keller invited the applicant to speak again.

Mr. Shimp said that before addressing those concerns, he wanted to state that the developer did approach the county first with the storage plan for the site and mentioned there were bigger plans for the site, which the county agreed to. He said historically, this was somewhat started by the planning department and while he thinks it's a good idea, it creates challenges that is different than a by-right development scenario on this property.

Mr. Shimp said regarding the parking concern, he questions if the county has a substantial interest in regulating minimum parking. He said promoting an area of public transit while requiring large parking lots incentivizes people to live with cars. Mr. Shimp said that while that's thinking far out, it is a matter of trying to establish a zoning district that thinks that far ahead. He said if that corner becomes a restaurant in the future, you wouldn't need two cars for every unit.

Mr. Shimp noted that people take other forms of transportation, and that there's a critical mass of people in the subject area who can walk there. He said he believes that is the long-range vision and was the purpose of laying the code out.

Mr. Shimp said parking will have to be provided to make the project work, and he is not against the county's recommendation of requiring a case-by-case study with a site plan for what the parking should be, which is the standard. He said he believes there should be a required maximum number of parking spaces rather than a minimum. Mr. Shimp said in the future, when the road needs to go through, that it wouldn't create a zoning violation because the buildings would be there. He said if a certain number of parking spaces was required and it's decided, for example, to lose twenty of them to build a road, it wouldn't be possible due to violation of zoning.

Mr. Shimp expressed the desire for flexibility in the future around parking. He said he realizes that neighbors do not want future residents of 100 units parking in their lots, and that he is agreeable with the short-term staff recommendation. Mr. Shimp said in the future, if there will be more projects in this zone, he believes there will be consideration given towards maximum parking rather than minimum. He said he will work with staff on the traffic demands strategy, as the county recommended.

Mr. Shimp said another question that came up was about the creek in the back. He indicated to neighboring property on a map, noting green way being at the back. Mr. Shimp said he believes the county owns the strip of land between the indicated area and Route 29 as part of a stormwater basin. He said there is an opportunity for that strip to become a trail that connects Berkmar Drive through to 29 as an alternate path with relatively few properties to cross and noted that it wouldn't affect the immediate neighbors on Rio Road.

Mr. Shimp said one of the challenges of implementing this street section is that it requires some widening. He said their agreement with VDOT is that they will dedicate more land than needed for the sidewalk and landscape strip, such that there is a wider landscape strip where VDOT in the future can take whatever they need to make the ultimate section of this work.

Mr. Shimp said on the sidewalk, the property edge will have to dive back to the road to match the sidewalk across the street. He said the planting strip will be in front of the buildings, but as one approach the edges (as he indicated on renderings), the sidewalk will transition back to a 5-foot sidewalk that's along the edge of the road right now. Mr. Shimp said this will be dealt with as redevelopment happens on the entire corridor, and that the project is setting up to be the first property with the wide sidewalk. He said the project is providing the right of way necessary so that whatever the county and VDOT decide for the ultimate section, they can come and build with the proposed building and sidewalk remaining in place.

Ms. Spain said she was confused because in the previous application, Mr. Shimp had argued that there is a big demand for residential units up 29 North, and that in the subject application, he is arguing that there isn't enough demand to justify building the residential units first. She asked Mr. Shimp why the residential buildings wouldn't be built first.

Mr. Shimp said there is plenty of demand for residential units in the area. He said if the site plan was approved today just for that building, we'd get financing and build it with no problem. Mr. Shimp said because there are two buildings, the applicant doesn't want to build the residential building first because it's a tight site, and they don't want residents being disturbed by construction for 8-12 months. He said ideally, if things go to where the applicant has control, the storage building will be built first and then the residential building would start. Mr. Shimp expressed concern about having a restriction that a bank would use to deem the project as an unsafe investment. He said even if they were both residential buildings, they would still build the back one first, and then the front one. Mr. Shimp said it is a sequence of construction issue more than a demand issue, and that ample demand exists for residential all over Albemarle County.

Mr. Bivins asked Mr. Shimp to show the slope map to give a sense of what the slope is between Blocks II and III and if it's going to be useable, expressing concern that one side in particular looked extreme.

Mr. Shimp said that's why the Block II building has two basements in it, to make up the grade. He indicated to the side view on a rendering of the building, noting there are two stories above-grade, and two more stories and a partial basement below grade that gets down to the lower level. Mr. Shimp said the front building steps down one whole level and has four stories in the front and five stories in the rear. He said they are doing the same thing with the back building to make up the grade so the site becomes more useable.

Mr. Bivins said he didn't understand how he would easily access the greenway (hoping and anticipating the apartments are built in front of it).

Mr. Shimp said a staircase going down to indicated side of the building will be necessary due to the grade. He said this point was brought up early on and is part of the application. Mr. Shimp said from the county's master plan standpoint, the thought is that this greenway connects through from Berkmar to Route 29.

Mr. Bivins asked whether or not the storage building would allow for the storage of vehicles, RVs, and campers and if so, if they are to be stored in the parking lot.

Mr. Shimp said that no RVs, boats, or cars would be stored in the parking lot. He said one would pull up by the building underneath a canopy to large glass doors, roll storage items into an elevator, then into the building to store it. Mr. Shimp said the land is useful for apartments parking, so storage of vehicles would not be allowed.

Ms. Firehock asked Mr. Shimp if they would still be able to build by-right storage units here and if the applicant is trying to work with the county's vision for the future by including an apartment building.

Mr. Shimp said you cannot build a storage building by-right, and that many things can be built with C-1 except for storage. He said there was a meeting about a special use permit with staff for the storage, and that's when it was realized that there could be a mixed-use vision and that commercial on the first floor is not in the market right now. Mr. Shimp said if we could work with the ceiling height and form that could be commercial, the county would be very supportive of that.

Ms. Firehock said she understands the order of events but is concerned about lack of commitment for any time frame to build the apartments. She said unless a commitment exists in writing, she can imagine the site sitting with only a storage unit and either being sold to someone else with improved zoning on it, or the owner coming back to the commission years later saying the market doesn't support apartments and requesting another storage unit.

Mr. J. Garlick with Greenscape Development Partners said that when the project team was approached by staff to do this project the way it is now, he was immediately attracted to the idea of being able to do a project with some creativity that met a need of the market and future needs of Albemarle county. He said that form-based code is exciting, especially in this area.

Mr. Garlick said while the demand for form-based code exists, that it doesn't always work, especially in a location where you're the first to do it. He said the lack of timing commitment isn't about wanting to do the project but rather, it's about hedging against the possible risk of a recession that delays the development and has a requirement that makes it unfeasible. Mr. Garlick said financing on the project is a concern. He said that the plan is to sequence each piece of the project one after the other and there are no plans to leave out the apartment building. Mr. Garlick said there is plenty of demand for apartments, and that won't change over the next five years. He said the commission has probably dealt with developers in the past who did things they shouldn't have and made commitments that they shouldn't have, but that the project team intends to proceed with their plan.

Ms. Firehock asked that if it was easy to get financing for apartments, as said, why apartments aren't being put in with commercial and retail below. She asked why a storage building would back onto the greenway versus an apartment building. Ms. Firehock said if it was an apartment building there, the greenway could serve as an amenity, whereas now, the apartment will back onto a storage unit, which in terms of the viewshed, it would look onto a parking lot and a bulky building. She asked what is the attraction of the storage units, noted that there are already many storage buildings in the area, and want to know the logic behind including it.

Mr. Garlick said it's a dance between rents, cost of construction, and the product put forward and getting it all to work out so it makes for a feasible project. He said using the type of construction where there is a 14-foot ceiling on the main floor, and going four stories above grade with one story below, that cost of construction will push the limits of what the market can bear (not financing, but what the market can bear with rents). Mr. Garlick said that especially where they've committed to 15% affordable housing, its right at its limit. He said the only way they were able to make that commitment was to push some of the costs off onto the storage project so that the storage project is absorbing some of the cost of the apartments. Mr. Garlick said it's the dance between providing two projects that could be complementary to each other and therefore making both feasible.

Ms. More said staff acknowledged that some of the proffers were written and staff's responding to them in this report. She said that while she heard that the applicant is not comfortable with the timing commitment, she hasn't heard Mr. Shimp address the concern about the screening that would be between Block II prior to the start of Block I. Ms. More said she hasn't heard a response to staff's concern that if there was no timing commitment, what was submitted as screening isn't adequate. She asked Mr. Shimp if he is willing to follow staff's recommendation.

Ms. More also asked about the timing of the installation of the sidewalk and street trees being concurrent with the installation of Block II screening, which staff asked to be enhanced, and would



happen if Block I construction hadn't commenced yet. She said she hasn't heard Mr. Shimp respond to some of the other moving parts, and expressed concern that it does not feel ready for the Board of Supervisors.

Mr. Shimp said the proffer states there would be screening in accordance with the landscape ordinance, which is a row of shrubs and trees every 40 feet along the parking. He indicated to rendering and explained that if the first building was built and they didn't immediately start construction of the next building, they would build a travel way and a few parking spaces and indicated to where there would be a row of screening shrubs and some medium to large shade trees every 40 feet. Mr. Shimp said this is what the zoning ordinance requires if one were to build parking right along 29, and the thought is if they're building 200 feet off the road and 30 feet down the hill, this is a good start.

Mr. Shimp said he is not saying we're not amenable to more screening, but that's what was offered. He recognized staff's recommendation to enhance it, and said he is open to suggestions of how it could be enhanced. Mr. Shimp said that for the rest of the items (parking, step backs), those can be worked out with staff and are not fundamental issues.

Ms. More asked if the timing of the installation of the sidewalk and street trees should be concurrent with installation of Block II screening, if Block I construction hasn't yet commenced.

Mr. Shimp said he mentioned earlier that he is thinking in the mindset of a two-year window in that, but that it could be shorter. He said they would proffer that after the certificate of occupancy is issued for the back building and a period of time (1-2 years) has passed where they are getting ready to build the second building, and if they could not build within that timeframe, then we have to install the sidewalk and the trees.

Mr. Shimp said the reason they want some time is because if they build the sidewalk and trees and come back three months later and start building a residential building, they will have to tear up the sidewalk and rebuild it. He said he realizes it's the benefit of starting one project after another, that they wouldn't have to do that because we could build both buildings and then the sidewalk and street trees; but if there was a delay outside of their control, then they would proffer and agree to build the sidewalk and street trees before Building I.

Ms. More asked if Mr. Shimp was agreeable (to installation of the sidewalk and street trees being concurrent with the installation of Block II screening, if Block I construction hasn't yet commenced).

Mr. Shimp said yes.

Ms. More asked about a note being included in the code of development to state that parking will be consistent with county code, unless a future parking and loading needs study is approved, to allow for a lesser parking standard. She said there are clearly concerns for neighboring properties. Ms. More said she understands that they are trying to create a balance between the vision for the area and how it might fit with existing properties.

Mr. Shimp said to consider the applicant agreeable to everything in staff's list of recommendations, except for the timing, to which he'd be agreeable to some kind of alternate screening proposal, but that he hasn't seen details put forth as to what that might be.

Ms. More said that perhaps the intent was for the screening to be consistent with the full screening requirements of the site plan. She said the section Mr. Shimp cited was just a small portion of the landscaping requirements that requires small shrubs, and that he didn't reference the canopy trees in the section. Ms. More said perhaps it was an error.

Mr. Shimp said that may have been an error. He said that along the entrance corridor, there are different requirements beyond what zoning has. Mr. Shimp indicated on a map to the entrance corridor. He said if they were to put a parking lot anywhere on that property, visible from Rio Road, they have to install the shrubs 2-3 feet in height and trees every 40 feet. He said the expectation is to have to install those, if they have not pulled a permit for the first building before they want a certificate of occupancy of the second building.

Mr. Keller asked if Ms. More had any further questions. Hearing none, Mr. Keller closed the public hearing.

Mr. Keller asked staff if they see a benefit of having the Proffer V right-of-way dedication and the improvements that would go along with that as something that staff and economic development could point to when other developers are trying to work within the system that is developing under the 29 project. He said the reason he asks is because, if those improvements were made first, and they become a model for what the width of sidewalks will be, what the plantings will be, and because of the land dropping off, that there is a de facto screening in effect that occurs from those improvements.

Ms. Falkenstein said she sees this as a compromise. She said if the developer isn't comfortable committing to the Block I building that has the desired form characteristic, they can at least get the desired streetscape characteristic along Rio Road with the early phase of development, and that this was the reason for their recommendation.

Mr. Keller asked if staff thinks that would be sufficient screening, given the fact that there would be some shade trees that are 40 feet apart in the parking lot next to the storage building portion, and the land dropping off.

Ms. Falkenstein said the building would still be visible, but it would help screen the parking area.

Mr. Keller said he is trying to get a sense of what staff is satisfied with, and then it can be determined if the Planning Commission is comfortable with that.

Ms. Falkenstein replied she is comfortable with that, and if the timing commitment isn't provided, she's comfortable with the alternative recommendations of screening and the Rio Road streetscape inclusive of the sidewalk.

Mr. Keller asked if that would be included in the first phase of the building that's further down the hill.

Ms. Falkenstein replied yes, and said there is leeway with the screening – that it can be the next planting season after the certificate of occupancy, so the applicant has a window to know if they will move forward with Block I.

Mr. Keller said he assumes there is something in the ways of a standard for the raw pad area for the residential building, if that's going to be several years off.

Ms. Falkenstein asked if he meant in terms of maintenance of that area.

Mr. Keller said no and asked if there is going to be a planting requirement or façade requirement of a temporary nature.

Ms. Falkenstein said there are requirements through stormwater and erosion sediment control that it be stabilized and vegetated.

Mr. Carrazana said it seems the developer is open to a timeline if they don't build the building by a certain date (two years), that they would then proffer the screenings. He said that he thinks they may be open to a timeline, maybe more than what is currently understood, and then the proffers would come into play if that building was being delayed. Mr. Carrazana said there may be some room to negotiate a timeline as far as when those proffers kick in and when the screenings move forward.

Mr. Keller said his question was about the buildings being built up front, as an example, and if they're concurrent with the warehouse structure.

Mr. Carrazana his understanding was that they would build the first building (warehouse) and then build the second building. He said in the case that it wasn't moving forward and there was a delay where the proffers would move forward, perhaps there is more commonality than previously thought.

Ms. Falkenstein said the applicant has proffered to install the Rio Road street trees and sidewalk within two years of the issuance of certificate of occupancy for the first building. She said if Block I has not yet commenced, staff would recommend that it would be pushed up so that it would be concurrent with the first building on the site, or within the next planting season thereafter. Ms. Falkenstein said staff's recommendation is that it not wait two years.

Mr. Keller asked the commissioners where they stood on this. He said he supports the staff recommendation on this.

Ms. More asked Mr. Keller if he supported what Ms. Falkenstein just stated about letting go of the timing requirement.

Mr. Keller said staff was saying that the front part would happen within a year or planting season of the back building being constructed.

Ms. More said that was in lieu of the commission letting go of a commitment on Block I.

Ms. Falkenstein said that's the way she stated it.

Ms. More said the way she understood it – it's reassurance that if there's no agreement on a time commitment for Block I after Block II, then this would be in lieu of that, and there would be expectations that would be concurrent and not a delay.

Ms. Falkenstein said that is correct.

Ms. More said she wanted to revisit the work session when the two-year issuance of the certificate of occupancy for Block II as a time commitment was discussed but it was said that it would be difficult to enforce. She asked staff if they could explain this.

Ms. Falkenstein said that without something tied to that, like issuance of a certificate of occupancy or building permit, it's difficult to enforce a commitment like this, short of bonding the full site, which she doesn't believe has ever been done and would be financially difficult for the applicant.

Mr. Keller asked if the points in the staff report had been answered.

Mr. Bivins said it feels as if everyone agrees that given the attempt to come to an agreed-upon timing, if the market is slow, they can go forward with the planting. He said they are not in conflict.

Mr. Bivins said he was concerned with what Block I is going to look like. He said he hopes there will be a façade or green space with some trees, and not just the brown dirt that's there right now. Mr. Bivins said that in the event the temporary screening does happen, he would like to see a small greenspace there instead of waiting. He said the real demonstration would be putting in the sidewalk, the trees, and having a greenspace in the event that Block I never gets developed and if it does, it would have to be dug up anyway, but it would be more attractive on Rio Road.

Ms. Falkenstein asked if Mr. Bivins would want some sort of developed greenspace, or would he be comfortable with grass or sod.

Mr. Bivins said he would like some greenspace that would invite a person to stand on it as opposed to mud.

Mr. Benish asked if Mr. Bivins didn't want an unmaintainable area consisting of dirt and components that don't look like its part of the frontage treatment of the property.

Mr. Bivins replied that is correct.

Mr. Benish said that staff thinks they know what the Planning Commission wants, but they have to figure out how to articulate it.

Mr. Carrazana said that its obvious they will spend some money to build a sidewalk and street trees on the edge of the property. He said that right after the sidewalk, it shouldn't just be dirt, and that having some amount of green façade, with some trees or shrubs on that end, would seem to make sense and be in line with the enhanced screening that was talked about in the proffers. Mr. Carrazana said it's an incentive to build the building and not just do the investment and the streetscape, which would be great to have, but it would be even better to have it with the building.

Mr. Benish said a maintained open space up to the parking area that would be built in Phase II is really what they are looking for.

Ms. Firehock said vegetated would be fine, intentionally maintained, but if it was a wildflower meadow, it would be fine. She said it doesn't need to be mowed every week – it just needs to not look like an abandoned space. Ms. Firehock said it should look intentional and not full of weeds and bare earth.

Mr. Keller asked Ms. Falkenstein about the concerns from the neighboring property, and about how sidewalks continue the expansion or non-expansion of the width of the roadway in an area undergoing change like this. He acknowledged she has spoken with many neighbors about that over the 29 Places process.

Ms. Falkenstein said that the Rio 29 small area plan envisions Rio Road as what is deemed a “boulevard street section” that has robust sidewalks and calls for 8- to 10-foot sidewalks on either side. She said that’s because Rio Road is intended to transform into a more active streetscape. Ms. Falkenstein said it’s the core of this Rio 29 development area that will hopefully become a more vibrant street and have a lot of pedestrian activity such that it would need wider sidewalks to support that activity. She said the process is still in the study phase of determining what the final right-of-way width for Rio Road would be and whether or not there is a need to move the existing curb, or if it can stay where it is and fit the improvements within the existing curb to curb. Ms. Falkenstein said she is working with a consultant to look at that in more detail. She said they don’t have any near-term plans to go in and re-do Rio Road, but incrementally as properties along Rio Road redevelop, they will start to ask for these facilities along the road.

Mr. Keller asked Mr. and Ms. Kilmer if they wouldn’t mind meeting with Ms. Falkenstein after the meeting to get her contact information for follow-up, and said he has to close the public portion of the hearing.

Mr. Benish said you can see the work in progress with the new Volvo dealership, which has the shared use path on Berkmar Drive and ends at the frontage of the property, which demonstrates the incremental approach. He said the new facilities tie into the existing facilities in the shorter term.

Mr. Keller said there are many questions around where there is something that is preexisting for many years before. He said the commission values local businesses and ones that have been in existence as long as Photoworks. Mr. Keller said he doesn’t believe the project would be working against them, and that it’s about the longer range plan and how it fits together, and how that comes about are challenges being faced all over the county.

Mr. Keller asked if there was anything else that needed to be addressed and asked if we were ready for a motion.

Ms. More said the only other comment she has is in staff’s Attachment 6, regarding the lot and building height, and that there was some mention about the applicant not being agreeable to some of what was suggestion, but that could get worked out later. She asked if she is understood that between staff and what would be approved by the ARB design, that she should be comfortable in letting that comment go.

Ms. Falkenstein said that if Ms. More is comfortable with how it’s worded, it can be worked out with staff and the applicant. She said if she has something specific to offer related to this topic, it would be helpful to hear what that is.

Ms. More said she didn’t want to revisit the topic, but that the comment seems like a loose end that stands out.

Ms. Falkenstein said if it's not worked out to staff's satisfaction before the Board of Supervisors, she will let the board know that this recommendation from the Planning Commission and staff has not been provided by the applicant.

Ms. More said she would not make the motion because she would want to put the timing piece in. She sensed that the other commissioners are more agreeable that in lieu of that, they're comfortable with doing the other commitments, and she is also sensitive to the challenges present, so she would be agreeable to it.

Mr. Keller asked if there was a motion.

Ms. Firehock **moved** that the PC recommend approval of **ZMA201800013 Rio Rd. W** with the revisions in Attachment 6 of the staff report, and the comments made about the character of the landscaping.

Mr. Herrick asked if the motion was intended to give a specific time, as it was suggested by staff that perhaps there be a limit of one year or one growing season to provide.

Ms. Firehock said this is what she was trying to refer to in specifics of the landscaping, with regards to time.

Mr. Herrick asked if her motion was intended to capture the fact that landscaping and screening would be required within one year of the certificate of occupancy of Block II, and frontage improvements.

Ms. Firehock said that is correct.

Mr. Keller asked if there was a second.

Mr. Bivins **seconded** the motion.

Ms. Spain said she thought that the screening would be required to occur concurrently with the construction of the storage facility.

Ms. Falkenstein said that typically with landscaping screening, we allow one planting season, which is six months, so its up to the commissioners to decide what timing they're comfortable with.

Ms. Spain asked if this meant six months from the issuance of the certificate of occupancy, or 6 months from the beginning of construction.

Ms. Falkenstein replied that it meant six months from the issuance of the certificate of occupancy.

Ms. Firehock said the challenge is there will be a lot of disturbance to the site, and whenever that certificate of occupancy gets issued, if you said within six months you might be putting in landscaping in July. She said there is already doomed landscaping in the county that's been put in at the wrong time, and that's why trees have died, and that's why flexibility should be given to hit the right season for success.

Ms. Spain asked if all the construction will not be screened, because the construction could also damage the landscaping.

Ms. Firehock said they need to be completely done, that if the certificate of occupancy is issued, there is no more machinery that needs to come in and move around there.

Mr. Keller asked if, rather than screening and having something temporary, could they have the model of getting the sidewalks and the proper streetscape profile, and would that in itself have a softening effect, given the way the topography slopes off, and the fact there would be the trees 40 feet on center distribution in front of that, at least the first parking bay was suggested by the applicant, that those in lieu of a specific short term screening.

Mr. Carrazana suggested that instead of having the trees 40 feet on center, on the first parking bay, that it's moved up further on the site closer to the street on the other side of the sidewalk, so that from a screening standpoint, you'll get the best effect.

Mr. Keller said he was always talking about the streetscape on the road, but besides that, this set further down.

Ms. Falkenstein said this is a requirement of the street scape – street trees, 40 feet on center, and the sidewalk, and the parking.

Ms. More said there is a question for council. The motion captured in Attachment 6 leaves out Proffer II. She asked if the commission is comfortable with screening in lieu of timing commitment, is everything from there down captured in the motion.

Mr. Herrick said yes, that his understanding is that this information is captured in the motion, and they've specified there's an alternate condition under the first bullet point on page 6.

Mr. Keller thanked the commission and staff and asked if all needed discussion had taken place, if there was a motion and a second.

The motion **passed** by a vote of 5:0.