

Albemarle County Planning Commission
FINAL 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 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.

The meeting moved to the next agenda item.

From the Public: Matters Not Listed for Public Hearing on the Agenda

Mr. Keller invited comment from the public on other matters not listed on the agenda. Hearing none, he said the meeting would move to the next item.

Consent Agenda

Approval of Minutes: April 23, 2019; May 7, 2019; and May 14, 2019

Mr. Keller asked if any commissioner wished to pull an item from the consent agenda for discussion. Hearing none, he asked for a motion.

Mr. Bivins moved to approve the consent agenda. Ms. Firehock seconded the motion, which passed by a vote of 5:0.

PROJECT: ZMA201700005 Hollymead Town Center Area C, Blocks II and VII

Mr. Keller asked for the staff report.

Mr. Reitelbach, senior planner with the Community Development department, stated that he would provide the commission with background information on the specifics on the zoning map amendment proposal; overview of the application's consistency with the comprehensive plan; factors favorable and unfavorable; and the staff recommendation.

Mr. Reitelbach said that this rezoning is not a rezoning to change from one zoning district to another, but instead a rezoning to amend on the proffers and code of development for a previously approved

rezoning (ZMA2001-20, which was approved in 2003).

Mr. Reitelbach said that this specific rezoning involves two tax-map parcels in Hollymead Area C. These two parcels are known as Block II and Block VII. Mr. Reitelbach indicated on a map that Block II is a parcel on the southwest side of Timberwood Boulevard and is currently a vacant parcel. He said that Block VII is also a vacant parcel, located on the east side of Berkmar Drive.

Mr. Reitelbach indicated on the map to a parcel in between the blocks where there is a recently constructed Staybridge Suites Hotel, to provide more context.

Mr. Reitelbach said the overall size of Area C is 37 acres. Block II is about 3.93 acres, and Block VII is 2.02 acres. He said the current zoning for all parcels in Area C is planned development mixed commercial. Mr. Reitelbach indicated to an area on the screen that represents the planned development mixed commercial district.

Mr. Reitelbach displayed another map that represents the plan for the area. He indicated to two parcels that are in different land use designations in the Places 29 master plan.

Mr. Reitelbach indicated Block II on the map and said it is urban mixed use and centers, which calls for community and regional retail service office and a mix of residential types.

Mr. Reitelbach indicated Block VII on the map, which he said is commercial mixed use and calls for primarily commercial and regional retail service office. He said that residential in this area is a secondary use. Mr. Reitelbach said this land use designation in the master plan is interesting in that the master plan specifically states that no more commercial mixed use should be designated in the future in the county – that it should become more urban-mixed use, such as indicated on the map.

Mr. Reitelbach said the proposal for this rezoning has three separate, yet interrelated parts.

Mr. Reitelbach said the first part of the proposal is to amend the proffers which were approved in 2003. He said the amendments to these proffers are to reference the revised code of development, which is also part of this application, as well as to remove a reference to the application plan. Mr. Reitelbach said the reason is that this is a plan development zoning district, and an application plan is a required part of a plan development zoning district. He said that by having it in the proffers, it's a redundancy and is not strictly required.

Mr. Reitelbach said the other two parts of this rezoning are to amend the code of development, and to amend the application plan. He said there are several parts of the code of development to be amended - especially the uses table - to allow for residential in Blocks II and VII where it is not currently allowed.

Mr. Reitelbach said part of the proposal is to amend the ranges of the allowable square footage for non-residential uses in Blocks II and VII. He said that currently in Block II, non-residential requires 35,000 to 58,000 square feet of non-residential space. Mr. Reitelbach said the applicant is requesting to amend that to zero to 58,000 square feet, and up to 95,000 square feet for a hotel use only; as well as permitting residential at a range of zero to 130 units.

Mr. Reitelbach said that in Block VII, the applicant is requesting to amend the uses table for the non-

residential from the currently existing required square footage of 12,000 to 25,000 square feet of non-residential to a range of zero to 25,000, as well as to amend the residential (which is not currently permitted) to a range of zero to 100 units.

Mr. Reitelbach said these two changes would revise the overall not-to-exceed for this uses table. He said the non-residential would increase from 275,000 to an overall not-to-exceed of 353,000 square feet. Mr. Reitelbach said residential would change from a range of 80 to 100 units to a range of 80 to 370 units.

Mr. Reitelbach said there are also proposed amendments to the build-to lines in the architectural standards table, which would help make Block VII reflect the other blocks where there is mixed use allowed. He said there are also additional pages amended throughout the code of development that are reflecting the changes made in these two tables.

Mr. Reitelbach said the application plan is also proposed to be amended to reflect the changes made to the code of development, including the permitted uses and square footage of non-residential uses, as well as depicting the locations of proposed additional buildings.

Mr. Reitelbach displayed the two main tables in the code of development that are proposed to be amended, showing what the changes are. He also showed the proposed amendment to the application plan, showing the locations of the proposed new buildings for residential units.

Mr. Reitelbach said another aspect of this rezoning application was the community meeting, which is required for all rezoning. He said this application was first submitted in 2017, and the community meeting was held in early 2018, where items such as the height of the buildings, traffic, and the number of hotels currently going up in the area were brought up by community members.

Mr. Reitelbach said that regarding the height of buildings, this is not being changed in the code of development. He said it would remain the same as it currently is, which limits the maximum height at four stories.

Mr. Reitelbach said that a due-diligence traffic analysis was provided by the applicant. He said the county's transportation planner reviewed this and has no objection to the rezoning request.

Mr. Reitelbach said regarding hotels, there was a hotel recently constructed between the two subject blocks. He said there was also another hotel proposed somewhat to the east of this area.

Mr. Reitelbach said that because there have been substantial changes made to this application since the first submittal in 2017 and from when the community meeting was held in 2018, staff does recommend that the applicant return to the Places 29 North CAC prior to the Board of Supervisors meeting to provide a current update on the status of this application and the factors that are in it currently.

Mr. Reitelbach said there are several factors favorable to this application. He said the request is consistent with the use and density in the Places 29 master plan. Mr. Reitelbach said the request is also consistent with the majority of the neighborhood model principles, and that the amendments to the code of development would maintain the overall plan and vision for Area C of Hollymead Town Center.

Mr. Reitelbach said there are also several factors unfavorable. He said this proposal does not meet the

housing policy in the comprehensive plan, requiring 15% affordable housing.

Mr. Reitelbach said that recreation areas and green space are not currently provided on the application plan, nor mentioned in the code of development for the blocks. He said that because the applicant was originally limited to non-residential uses, there was not necessarily a need for green space at that time, but with the proposal for residential uses, it is recommended that residential space be included that meets the requirements of the zoning ordinance.

Mr. Reitelbach said that this project would result in additional students enrolled at area schools, of which the elementary school and high school located in these two parcels are already over capacity.

Mr. Reitelbach said there are staff recommendations for the rezoning request that would make the application stronger prior to going to the Board of Supervisors, including a technical change to the proffers to better match the reference to the application plan that is being removed. He said that several items should be addressed in the code of development in the application plan, including affordable housing and parks and recreational space.

Mr. Reitelbach concluded his presentation and made himself available to questions after the public hearing.

Mr. Keller asked if there were any questions for staff before having the public hearing.

Ms. More said she saw a discrepancy in the narrative in Attachment C. She said that in staff's report where it references Block II, it says the request is to change from the 35,000 to 58,000 square feet range, to a range of 0 to 58,000 square feet. She said that in Mr. Shimp's narrative on page 2, where it refers to Block II, the first bullet doesn't really speak to a minimum. She said it just speaks to a square footage remaining at 58,000 square feet; whereas in Block VII, it does make the reference to a minimum of zero.

Mr. Reitelbach responded that the proposed revisions to the code of development provided by the applicant (found in Attachment D) does show the minimum to be zero square feet for Block II.

Mr. Keller opened the public hearing and invited the applicant to speak.

Mr. Shimp, engineer for the project, introduced himself and the property owner, Dr. Hurt, and stated he would give a brief presentation.

Mr. Shimp thanked the county staff and mentioned that Elaine Eckles worked on this before her retirement, which goes back to 2001 when it was first submitted. He said the project has been narrowed down to a simple change which he believes will make the project more successful.

Mr. Shimp said regarding the rezoning application from 20 years ago and imagining what things would look like today, that things didn't turn out that way. He said that retail was very different when the project was first planned out. Mr. Shimp said the market has changed and that this is a large part of why these properties sit vacant, as they tend towards a commercial zoning when really, the need is more mixed-use residential.

Mr. Shimp said since the master plan was last adopted, Block II has moved fully into urban mixed use, and discussion of limiting out these strictly commercial districts and everything becoming urban mixed use is the direction the project is moving towards. He said the sites have sat vacant for a long time, and the infrastructure is there. Mr. Shimp said there has been a lot of construction, but not a lot of success with getting those projects off the ground because zoning isn't what it needs to be to match today's market.

Mr. Shimp showed a map and indicated to surrounding land use for residential, commercial, and mixed-use to provide a reference. He said the Hollymead Town Center area is lacking in residential opportunities, proportioned to commercial opportunities.

Mr. Shimp addressed the table found in the staff report in Attachment D and said that the applicant proposes changing a couple line items and fixing all other references to the changed items in the code of development. He provided an example, and said that in Block I, there was discussion of a "casual dining restaurant" in the original code of development. Mr. Shimp said that Bojangles, the fast food restaurant, was submitted, and staff at the time had to figure out if a fast food restaurant was allowed in this district. He said this project veered away from tables and uses and got into language about what the restaurant could be.

Mr. Shimp said the tables have created a lot of confusion over time, and the goal is to simplify this. He said the proposal reduces the requirement for some amount of commercial and provides opportunity for an amount of residential that would be an urban scale, in the 30-unit-per-acre range.

Mr. Shimp noted that the proposal increases the maximum square footage in order to match the maximum allowed in the block. He said that originally, 275,000 square feet would be allowed, but that would have to be a subset of smaller amounts of the maximum allowed in each block.

Mr. Shimp provided an example: if the total of all blocks was 400,000 square feet, but the allowed was 275,000, this creates a problem for developers. He said the banks and appraisers would say that if someone else builds the maximum on their property first, you have zero square footage.

Mr. Shimp said that adjusting the not-to-exceed of 353,000 square feet is about enabling commercial development of any kind. He said he found that no one could get a project financed because of the zoning constraints. Mr. Shimp said that these restrictions seemed like a good idea in 2001, but have created some unforeseen issues that the proposal aims to correct.

Mr. Shimp said it makes sense to turn the blocks from strictly commercial into some residential opportunities in an area where residential is needed. He said the proposed numbers are up to 130 units in the large block (Block II), and up to 100 units in the smaller block (Block VII). Mr. Shimp said that this would allow for multi-family units or potentially for townhomes.

Mr. Shimp said that all the building heights, setbacks, and form of the development stays the same as the original code. He said the use allowed would be residential.

Mr. Shimp said that regarding the factor unfavorable of a lack of affordable housing, he was not sure if the 15% affordable housing requirement existed in 2001. He said he is trying to work within the confines of the existing proffers.

Mr. Shimp said that regarding the lack of recreational space, this was a good point. He said this wasn't envisioned, but he is happy to work with staff between now and the Board Supervisors meeting to come up with a reasonable green space allotment per unit.

Mr. Shimp said regarding the impact on area schools, residential development in this area is inevitable. He said that this is positive in that the area is the right place for residential development, and that's something to be dealt with. Mr. Shimp said the much higher mix of residential is good for everyone in this location and community, and that with the area's transportation infrastructure and amenities, there is no better place for folks to live.

Mr. Shimp offered to answer questions.

Mr. Keller said they would answer questions when he comes back.

Mr. Bivins opened the public portion of the hearing and instructed those from the public who wished to speak the rules and guidelines for speaking time.

Mr. Sean Tubbs of the Piedmont Environmental Council came forward. He said the subject of this rezoning came up at the joint meeting of the Economic Development Authority and the Board of Supervisors. Mr. Tubbs said there was the question of whether economic development staff should be involved in the analysis as some of these uses change. He said there was a question from a supervisor of how this affects economic development goals.

Mr. Tubbs said that while he does not hold a position on the rezoning, he believes it is something that might come down the pike. He said the council understands the market has changed, that there is more demand for homes now, and potentially a need for more flexibility. Mr. Tubbs said that several studies done over the years have pointed to the affordable housing crisis and have called for more residential flexibility. He said that this particular rezoning doesn't include affordable housing, but that the applicant should consider staff's recommendations on affordable housing.

Mr. Tubbs said the question remains of where the subject blocks should go, and how they will affect other planning issues in the community. He asked how this project would affect the schools' long-range planning forecast; what response time the schools would need to potentially add classrooms; and what effect it would have on the fourth high school. Mr. Tubbs said that all these issues, including economic development, are linked.

Mr. Tubbs said that while he does not take a position on this rezoning, he believes that the county's consideration of form-based code might provide some of the flexibility the developer of the project is requesting.

Mr. Bivins asked if anyone else from the public would like to speak. Hearing none, Mr. Keller invited the applicant to come forward again for questions.

Mr. Shimp said he didn't have any specific responses to Mr. Tubbs' comments. He says he agreed with the idea of moving to form-based code for flexibility. Mr. Shimp said there is economic development for the county to consider with parcels that sit empty, and that these empty parcels do no good for

economic development or for people who might want to live near their workplaces.

Mr. Keller asked if the commissioners had any questions for the applicant.

Ms. Firehock asked if the applicant could expand on his earlier statement regarding recreational space, open space, and willingness to work with the county. She said that in the staff report, she had noticed terms such as “pocket park.” Ms. Firehock said that sometimes those parks are so small as to be useless. She said she would like to hear what Mr. Shimp’s thoughts on green space and recreational space, if the project would be adding significant residential space.

Mr. Shimp offered examples in other zoning districts. He said other districts have a square-foot-per-unit standard for green space. Mr. Shimp said he would like to work with staff on having a certain amount of green space in any given development, not limited to pocket parks. He said these spaces will be small because they are in urban-form developments, but there should be some kind of ratio to figure out that would make the space useful for people without compromising the ability to get a reasonable density in the spot as needed.

Mr. Shimp said that before the Board of Supervisors meeting, he would like to come up with a square footage per unit for an active recreation form. He said the exact form would be determined once there was a site plan in place. Mr. Shimp said there was not yet a buyer for the lots, and the exact end result of the layouts is uncertain. He said he would prefer to have a standard percentage per unit that will address this in the site plan, once it is known what the units actually are.

Ms. Firehock reemphasized that she would like the green space to be useable space, and not just counting every space between the curb and the sidewalk as open space. She said she would like a place where people could congregate and enjoy recreation, because otherwise the less green space that is present, the less likely it is that these are long-term places that people want to live. Ms. Firehock said the residences would become more transient in nature because they wouldn’t feel like a place where you can set down roots.

Mr. Shimp said the county requires the recreational area in the site plan to be in one place, in a meaningful space. He said one cannot add up every parking island, for example, as a green space in this scenario, and that the applicant anticipates creating a meaningful green space.

Mr. Bivins asked when the park-and-ride that had appeared on page 20 was edited out. He said that opportunities exist in Area C for park-and-ride, at least in Block VI, and that it appeared to have been removed.

Mr. Shimp replied that the applicant is not doing any work in Block VI.

Mr. Reitelbach said there was a previous rezoning in 2013, which involved Blocks IV and VI, and believed it was removed at that time because Block VI is currently all residential.

Mr. Bivins asked why the park-and-ride was originally there.

Mr. Bivins asked the applicant to speak to the impact on the school system and how he anticipates working with the school system regarding the increase of students in an area that is clearly over capacity

by consensus from the school board. He also asked Mr. Shimp to respond to staff's request to offer at least 15% affordable housing on these pieces of property.

Mr. Shimp said regarding the school issue, there were just a couple of projects on Proffit Road that went to the Planning Commission and the Board of Supervisors where schools never came up in discussion. He said that part of the issue is the time at which the proffers were submitted, and proffer legislation. Mr. Shimp said creating an urban mixed-use area in the master plan means we want people to move there. He said he was unsure how to address taking the school planning out on a parcel-by-parcel basis, because the question would be how the school-aged child that comes to this parcel to live is different than one that moves to an area rezoned under the current proffer legislation where there is no school proffer.

Mr. Shimp said his perspective is the county needs to think about what the urban area is going to look like, how many children are going to be there, and to plan for it. He said the issue can't be solved on a 2-acre or 3-acre residential parcel basis. Mr. Shimp said that to go parcel by parcel could run contrary to the county's overall objectives and would not result in the critical mass of people wanted in this neighborhood to achieve the mixed-use goals. He said the county should follow the master plan, put people in places where they want to live, and that government should deal with offering children in these areas the education they need.

Mr. Shimp said that regarding affordable housing, neighborhoods have been developed in the area without the affordable housing range. He said that while adding affordable housing is possible, it creates challenges because due to form-based code which entails certain setbacks and requirements that makes these buildings more expensive to build. Mr. Shimp said the applicant is hesitant because the product is not like a garden apartment, but rather more urban and expensive. He said that if the Planning Commission moves the project forward and recommends including affordable housing to the Board of Supervisors, the applicant would then take it into consideration and work with staff on it. Mr. Shimp said that while it presents a challenge, it is important to move it forward to the Board of Supervisors.

Ms. More expressed interest in viewing the bigger picture of Area C.

Mr. Shimp indicated to Blocks 1-9 on a slide in the application plan, which constitute Area C. He said that other development ongoing in Area C included site plans for Bojangles, which was built in front of Block I; a hotel under construction in the middle of Block I; and a hotel recently completed in Block VIII. Mr. Shimp said that the applicant owns Block IX, which has two foundations started in it, and that one is intended to stay commercial, adding that there are no immediate plans for it.

Mr. Shimp asked if Ms. More was referencing the bottom paragraph on the first page of his narrative. Ms. More replied yes, and said she understood it was speaking to maximums being tracked and not being tracked as square footage. She said that since staff stated the proposal is in keeping with the overall vision of Area C, she wanted to see where there remains a mixture of some commercial and residential, and that she mainly sees the residential that's already there.

Mr. Shimp replied that in Block I, there's a restaurant along 29, there will be a hotel in the middle of Block I, and a commercial office planned for the back of Block I. He said that Block IX is commercial and contains retail buildings that the applicant has started but has not finished. Mr. Shimp said that Block III has an assisted living facility that's semi-commercial use. He said commercial would be allowed in Blocks

II and VII, but he recognizes that getting 20,000 square feet of retail space in one of those blocks is unlikely, and that a 3,000 square foot retail space and 60 units was more likely.

Ms. More said it seems like what is being asked for is to move more towards a residential focus in those two blocks.

Mr. Shimp confirmed this, and said they are giving themselves the ability to have flexibility with the hotel statement. He clarified that in Block II, they allow for up to a 95,000 square foot hotel. Mr. Shimp said the applicant could build a hotel there if the ordinance is passed to expand the maximum square footage. He said that without this, nothing can be built there because it hits the limit. Mr. Shimp said a project failed there for that reason, in addition to the change in the market.

Ms. More said that staff indicated there would be a community meeting prior to going to the Board of Supervisors and that the meeting is an important piece when you have existing residential. She said one of the concerns that staff has that other commissioners have spoken about is green space and not just adding up pieces of green, but something that makes sense and is meaningful.

Mr. Shimp said he is amenable to going to that meeting between now and the Board of Supervisors meeting to update everyone on the final result. He said the primary concern from neighbors at the previous meeting was more about commercial properties and large hotels that they didn't want. Mr. Shimp said he feels things are moving in a direction that the community wants, but that more input could be gathered from the community before the Board of Supervisors meeting.

Ms. Spain said that Mr. Shimp seemed hesitant to commit to affordable housing in the same way he did with recreational space. She said that if the Planning Commission does not approve this proposal, it's not possible to build residential units on that block – it would remain commercial. Ms. Spain asked Mr. Shimp if the parcel would sit empty if it can't be developed with residential units.

Mr. Shimp replied that the parcels have already sat empty for a number of years, and he doesn't see immediate change in that. He said he hesitates to make commitments for his client where the cost of construction is going to be high which would also limit his ability to develop the property the same way it's been limited over time. Mr. Shimp said while he would like to see affordable housing everywhere, there is the reality of construction that, on certain projects, makes it difficult to achieve. He said that if the Planning Commission feels like affordable housing should be part of the project, then he can re-evaluate if it's feasible and if not, he will have to explain to the Board of Supervisors why it isn't, with the understanding that the Planning Commission recommended it.

Ms. Spain commented that there would be a maximum of 370 units and out of those, the proposal is a total increase of 250 dwelling units. She said this seems to be a lot of leeway in terms of what you could get for market rate and the balance with affordable housing. She also noted that she would like to see more enthusiasm for affordable housing, and that would be the basis for her vote.

Mr. Keller asked if there were further questions for the applicant. Hearing none, Mr. Keller closed the public hearing and proceeded with discussion and action.

Mr. Keller summarized what he thought he heard – that there seems to be support for this proposal, with the recommended changes that staff has made, and then three items that are not specifically

called out by staff: 1) open space in parks, 2) assistance for educational needs of the county, and 3) affordable housing (15%). Mr. Keller asked if that summary was correct.

Ms. More said she did see those pieces in staff's report.

Mr. Keller said regarding the specifics of the recommended changes on pages 10 and 11, 15% affordable housing is listed in Number 1, and parts of schooling are listed in Number 2. He asked if there was a need to be more prescriptive to staff as far as what the commission is interested in, or if commissioners were comfortable with the recommended motion as-is.

Ms. Spain said that in the staff report, it does say that affordable housing needs to be 15%.

Mr. Keller agreed that this point was taken care of in the report. He said the amenities (parks and recreation) wasn't prescriptive, nor was the schooling issue.

Mr. Bivins said there is a critical mass of individuals in this area, and there is a great desert of green space for recreation. He said he does not know how it would work, but it does seem like there could be a separate green space and that, in the original code of development, there was conversation that the pond on Route 29 would become an attractive feature. Mr. Bivins said it is not clear to him how that would be an attractive feature or how people in the community might access the space. He said if there was some way to make that happen, it would not only be helpful for the community, but would be an advantage to someone who is thinking of doing a project there. Mr. Bivins said he stands with Ms. Firehock that there needs to be something that has some sense of place to it.

Mr. Keller asked if there was more discussion. Hearing none, he asked if the commissioners were prepared to make a motion.

Mr. Bivins **moved** to recommend approval of **ZMA20170005 Hollymead Town Center Area C Blocks II and VII**, with the revisions as recommended by staff in the staff report, with the proffers and code of development and recommended enhancements to the code of development around the issues of affordable housing, green space, and the impact on the school system in that particular feeder district. Ms. Firehock **seconded** the motion, which passed by vote of 5:0.

Mr. Keller thanked the applicant and said this would be moving forward to the Board of Supervisors. He said the Planning Commission wishes the applicant well in working out details with staff before going to the Board.

Mr. Keller introduced the next item.

Adjournment.

At 7:59 p.m., the Commission adjourned to June 25, 2019 Albemarle County Planning Commission meeting, 6:00 p.m., Lane Auditorium, Second Floor, county Office Building, 401 McIntire Road, Charlottesville, Virginia.

David Benish, Interim Director of Planning

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

Approved by Planning Commission
Date: July 23, 2019
Initials: CSS