

**Albemarle County Planning Commission
FINAL Minutes January 14, 2020**

The Albemarle County Planning Commission held a public hearing on Tuesday, January 14, 2020 at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Julian Bivins, Chair; Karen Firehock, Vice-Chair; Tim Keller; Jennie More; Bruce Dotson; Rick Randolph; Corey Clayborne; and Luis Carrazana, UVA representative.

Other officials present were Mariah Gleason; Tori Kanellopoulos; Francis MacCall; Cameron Langille; David Benish, Chief of Planning; Jodie Filardo, Director of Community Development; Amelia McCulley, Deputy Director of Community Development; Andy Herrick, County Attorney's Office; and Carolyn Shaffer, Clerk to the Planning Commission.

Call to Order and Establish Quorum

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

Election of Officers

Chair

Mr. Benish asked if there were any nominations for Chair.

Mr. Keller moved to nominate Mr. Bivins for Chair.

Mr. Benish asked if there were any other nominations. There were none.

Mr. Randolph seconded the nomination, which carried unanimously (6:0). (Mr. Bivins abstained from the vote.)

Vice-Chair

Mr. Bivins asked if there were nominations for Vice-Chair.

Ms. More moved to nominate Ms. Firehock for Vice-Chair.

Mr. Keller seconded the nomination, which carried unanimously (7:0).

Secretary

Mr. Dotson moved to nominate Mr. Benish as Secretary and Ms. Shaffer as Deputy Secretary.

Mr. Keller seconded the motion, which carried unanimously (7:0).

Discussions of 2020 Planning Commission Rules of Procedure

Mr. Benish said that for this item, and for agenda items 4 and 5 (appointment of Commissioners to committees, boards, and bodies; and setting meeting times, days, and locations for 2020), he would like to move these items until after the public hearing items. He said this would become agenda item 9, prior to covering Committee Meeting updates. He asked if a consensus was needed.

Mr. Herrick said this was correct. He said if the Commission wished to defer discussion of the Rules of Procedure, committee appointments, and meeting dates and times until after the public hearings, the Commission could do so.

Mr. Bivins asked if a vote was needed.

Mr. Herrick said no, as long as there was a consensus, as the setting of the agenda itself was not a formal item on the agenda.

Mr. Bivins asked the Commissioners if items 3, 4, and 5 could be moved to later in the meeting, and received consensus.

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

Mr. Bivins asked if there were any matters from the public not listed for public hearing on the agenda (including consent agenda) that anyone would like to speak to.

Mr. Sean Tubbs (Piedmont Environmental Council and City resident) welcomed the new Commissioners. He expressed he was pleased to see Mr. Clayborne appointment to represent the Rivanna District after previous experience on the Charlottesville City Planning Commission. He said he hoped Mr. Clayborne's experience would help bridge the gap between some of the needed regional cooperation, especially on the subject he wanted to speak about, which was transit and community mobility.

Mr. Tubbs said he has become a committed transit rider in the past year and for him, this works because he lives in the City near Charlottesville area transit and has figured out how to work the system through much trial and error. He said not many people can do this because many people have obstacles and barriers that keep them from getting onto a bus.

Mr. Tubbs said that as the regional transit agencies work towards working better and more cohesively, it was important to hear the stories of those who do not seek transit and are not willing to for some reason. He said collecting those stories is important to planners, and is also important to storytellers such as himself. He said holding conversations about this could start to break up some of the log jams that were keeping people from trying.

Mr. Tubbs said that in looking at the Comprehensive Plans for both Albemarle and Charlottesville, there is a very good target for reducing the number of single-occupant vehicles. He said that to that end, PEC is co-sponsoring with the Center for Civic Innovations and the City of Charlottesville a listening session next week at City Space, January 22, at 6:30 p.m. He said the idea was to get people to attend to talk about why they are not using transit. He said the event will be facilitated by the Institute for Environmental Negotiation at UVA, and that representatives from UVA, JAUNT, UVA Transit System, and UVA's Transportation Demand Management. He said he would also be there to listen.

Mr. Tubbs asked if the Commission had any suggestions of specific individuals who might benefit from the event, or anyone they have heard who may want to try out transit. He said these were the things the County's planners need in order to create a better system. He said he was happy to give the Commission any briefings on this, pointing out that at least one of the rezoning's they would be discussing could benefit from transit use in the future.

Mr. Bivins closed matters from the public and moved on to the next item.

Consent Agenda

Mr. Bivins asked if anyone cared to pull the item that was on the consent agenda.

Mr. Randolph moved to approve the consent agenda. Ms. More seconded the motion, which carried unanimously (5:0). (Mr. Clayborne and Mr. Randolph abstained from the vote.)

Public Hearing Items

SP201900003 Hunters Way Coffee Shop

Ms. Mariah Gleason, Senior Planner in Community Development, presented the Special Use Permit request.

Ms. Gleason said the subject parcel is located in the Rural area, just south and west of Exit 124 for Shadwell on I-64. She said the parcel lies about 5,000 square feet outside of the Pantops Development Area, as measured along Route 250.

Ms. Gleason presented a closer look at the area on a map, noting that the subject parcel is part of a 16-parcel legacy zoning of Commercial and Industrial Development in the Rural Areas. She said this was adopted in 1980 with the adoption of the Zoning Plan. She said businesses in the development include a daycare facility, a self-storage facility, AmeriGas Propane, a UPS Customer Center, as well as a host of other businesses.

Ms. Gleason said the applicant is requesting a coffee shop to be located on this parcel, which is zoned Highway Commercial (HC) and fronts along Route 250. She said the proposal indicates that the coffee shop will be a maximum of 700 square feet with no interior dining space or public restrooms. She said the coffee shop intends to serve customers via a walk-up window as well as a potential drive-thru window.

Ms. Gleason said if the applicant decides to include a drive-thru window with the Site Plan Amendment, this will be evaluated with the Site Plan Amendment and not with this use. She said the drive-thru window would also be subject to supplementary regulations as dictated in Section 5 of the Zoning Ordinance.

Ms. Gleason said prior to the approval of the Zoning Text Amendment ZTA201800002, the restaurant use (which, in this case, is a coffee shop) could be approved by a major Site Plan Amendment. She said she offered this as history because this was the first time this was having to be done via a Special Use Permit, with the adoption of the ZTA by the Board of Supervisors in February 2018. She said she would walk through some of the evaluation criteria that staff used specific to this request.

Ms. Gleason said when the ZTA was approved by the Board of Supervisors, it required that eating establishments not served by public water or an improved central water supply would instead be approved by a Special Use Permit, prior to the adoption of the ZTA when it simply would have been evaluated based on water use. She said that according to the ordinance, they would have made sure that the parcel consumed no more than 400 gallons of water per acre, per parcel, per day.

Ms. Gleason said that now, with the ZTA, if a restaurant is requested, instead of simply evaluating it on the basis of water usage, they are allowed to evaluate it on a range of criteria that is more comprehensive. She said she included a list of some of those criteria, which are traffic, hours of operation, visibility, lights, water, smell, change to the character of the area, compliance with the Comprehensive Plan, etc. She said each of this criterion was taken into account by staff in the evaluation of the Special Use Permit per Section 33 of the Zoning Ordinance, as seen in the staff report.

Ms. Gleason said staff has concluded that the Special Use Permit request meets the criteria of Section 33 for approval.

Ms. Gleason said based on staff's evaluation, they recommended some conditions concerning the approval of the Special Use Permit. She said all of the elements were aspects of the proposed development, but that staff recommended finalizing them as conditions to ensure that the proposed use will not create substantial detriment to adjoining properties and businesses in the future. She said they effectively work to limit the size, scale, and intensity of the proposed use on the property. She said all the conditions were within the proposal that the applicant gave to staff.

Ms. Gleason concluded her presentation.

Ms. Kelsey Schlein (Planner with Shimp Engineering) introduced herself as a representative for Hart Rock Farm, LLC, the applicant. She was joined by Justin Shimp, Project Engineer.

Ms. Schlein said Hunter's Way Coffee Shop is a proposal for a maximum 700-square-foot coffee shop with no indoor seating or public restrooms. She said the applicant is agreeable to all conditions, as proposed by staff in the staff report and as presented to staff in the applicant's narrative.

Ms. Schlein said the property is located at the intersection of Hunter's Way and Route 250. She said there is an existing auto shop use on the property and at the front of the site, there are two Nationwide Homes locations (one of which was removed from the site, and the other being actively removed from the site). She indicated to a map, explaining that this was the hatched area of redevelopment proposed on the property.

Ms. Schlein presented images showing the context of the location from Route 250, noting the property is located within an established Industrial and HC-zoned subdivision.

Ms. Schlein said that in terms of the proposed site design, there were many moving parts to the application. She said a major Site Plan Amendment was originally submitted in May of 2018, which included the proposed coffee shop use. She said the ZTA201800002 was then adopted on February 6, 2019 but that it was approved, however, prior to the approval of the major Site Plan Amendment on the site. She said it was an amendment because there is an established site plan on the property, and so this is amended every time there is a removal of a building or establishment of a new building.

Ms. Schlein presented the building footprint, explaining there is a proposal for a 5,200-square-foot hardware store. She said this is a by-right use on this property. She said attached to this is the maximum of the 700-square-foot coffee shop. She indicated to hatches on the footprint that represented the general circulation of how customers would navigate the site and access the coffee shop.

Ms. Schlein presented the proposed elevation, noting that the site was subject to ARB review and so the applicant had already submitted a preliminary ARB application and have had a preliminary meeting where they received comments back from the ARB. She said the applicant was now trying to get all the moving parts to catch up with one another and move forward with the Special Use Permit request in order to get back before the ARB for a final review.

Ms. Firehock asked if there was a walk-up window as well as a drive-thru window, or if it would be one or the other.

Ms. Schlein replied that the applicant will need to come back to the Board of Supervisors for a Special Exception to approve the location of the drive-thru window. She said ideally, there would be both, but that this hadn't been fully designed because the applicant needed to get the impact of the drive-thru location.

Mr. Clayborne asked if Ms. Schlein could talk about how the site plan might change with the walk-up window. She said the site seemed very car-centric and asked what the thought was behind it.

Ms. Schlein replied that there was a previous iteration of the plan where there was a crosswalk proposed for the walk-up. She said in further communication, the pedestrian access would likely be accessed on a different side so that one is not traversing a drive-thru lane as a pedestrian to try to access the window.

Mr. Shimp said there were retail parking spaces in front for the hardware store, and that a few of those could be reserved for a five-minute walkup. He said a drive-thru would be a separate approval, but that the walk-up would be a part of the equation.

Mr. Bivins asked about customers accessing the coffee shop internally.

Ms. Schlein replied that as far as internal access, this was not fleshed out.

Mr. Shimp replied that as the conditions are written, one cannot go into the coffee shop and sit down, as there are no internal seats allowed. He said one could, however, walk up, get coffee, walk out and take their coffee to other businesses.

Mr. Bivins asked if there would be seating inside the hardware store.

Mr. Shimp replied there would be no seating allowed in the hardware store.

Mr. Randolph said it seemed like an odd arrangement for a coffee shop when coffee culture is for people to be able to be seated and be convivial over a cup of coffee. He asked what the reason was for the non-sit-down approach and if the applicant was concerned about triggering a water standard on the site.

Ms. Schlein replied that the non-sit-down approach was part of not triggering the water usage. She said that with the hardware store and the existing automotive repair shop, part of limiting the indoor seating and public restroom was about limiting the water use on the site.

Mr. Shimp said the applicant was working on this before the ZTA on a by-right basis that required a very limited amount of water. He said the vision always was not purposely trying to prohibit

people from gathering for coffee but that given the site constraints and ordinance, this is what resulted. He said there is a particular brand looking to be on the site that has this business model that consists of a small, drive-thru shop.

Ms. More said there were one or two renderings that showed a possible useable rooftop space. She asked if this would be associated with seating at all.

Ms. Schlein replied that this space was not affiliated with the coffee shop use. She said this would be for the hardware store or, if there was an office established inside the building, could serve as a lunch space. She said if it was open to the public, this could be used as a place to sit, but that it was not proposed as part of the coffee shop.

Ms. More remarked that outdoor spaces could be attractive for seating.

Ms. Gleason clarified that the indoor seating would be associated with the coffee shop use and not any other use. She said, for example, the automotive repair shop has a waiting area and seating already on-site and allowed. She said similarly, the hardware store would be able to allow indoor seating if this was their intention.

Ms. Gleason said the indoor seating was only limiting the coffee shop use, and that part of this was because staff wanted to put parameters around the size and scale of the coffee shop. She said when there is indoor seating, more trips and water use is generated. She said this was an effort to make sure this did not impact other potential uses by right on the site.

Mr. Dotson asked if there is precedent for the scale and configuration. He said in the staff report, The Human Bean was cited, and that he may have seen a sign on one of the elevation renderings that said, "The Human Bean." He asked if there was experience with this format.

Mr. Shimp said The Human Bean is a chain and established business model. He said they are located throughout the country, including in Oregon. He said ironically, there was a hardware store he visits in Waynesboro that has a similar setup where there is a much smaller stand (a 5' x 10') building that serves coffee and that one can drive up to it on their way out. He said it was somewhat unusual to be located in new construction, but that this particular brand has figured out a way to make it work.

Mr. Shimp said the owner of the property would be a licensee of The Human Bean's operation.

Mr. Bivins opened the public comment portion of the hearing.

Mr. Sean Tubbs said PEC was not taking a specific position on the issue, as they support the notion that land use applications should be reviewed independently, especially when that use falls outside the spirit of the Comprehensive Plan. He said he noted that staff recommended approval and did not list any unfavorable factors in the staff report, but that they would suggest some questions and comments to take into consideration.

Mr. Tubbs said he first wanted to draw attention publicly to the statement in the staff report that this is not consistent with the Comprehensive Plan because it is not in a designated growth area. He also pointed out that while the statement that the Board of Supervisors has never initiated any action to change the zoning designation as a reason to include in the staff report was technically

true for this parcel, the Board has sought to limit commercial development on similar parcels throughout the County with the same zoning that is outside of the designated area.

Mr. Tubbs pointed out that there is a new Board of Supervisors and that they may benefit from having more information about that, and that in the Commission's deliberations, it would be good to hear of what they have to say about recent information about this class of properties.

Mr. Tubbs stated his agreement with staff that this does not represent the Economic Development policy of Albemarle, as it is outside of the Development Area.

Mr. Tubbs said his remaining comments dealt with water usage on the site. He asked if the water would come from a well. He said the staff reports that water consumption was considered and that because he didn't see many written details, he had further questions. He said there was reference to The Human Bean as the franchise included in the staff report, as well as examples of three potential stores which put the usage drastically below the 400-gallon limit, but that he still wondered what kind of volume this included.

Mr. Tubbs asked how much water would be used and what kind of business model would work there. He asked if 239 vehicle trips per day was truly accurate, especially when the applicant's narrative stated that the operating hours would be from 4:00 a.m. to 11:00 p.m. He asked how accurate and realistic the 42.5-gallon average was that is used in the three Human Bean examples. He asked if this was the franchisee, or if this was just being used as an example. He asked if there were other comparative examples to consider.

Mr. Tubbs noted that The Human Bean's site selection franchise does say that a successful franchise is 15,000 vehicles per day. He said he didn't believe they would get this as the proposed site.

Mr. Tubbs said he looked forward to hearing more about the water usage.

Mr. Morgan Butler (Southern Environmental Law Center) emphasized that regardless of the stale HC zoning on the property, it is located in the Rural Area, and that the Rural Area chapter of the Comprehensive Plan was clear that, "Restaurants, as a rule, are most appropriate in the development areas where public water and sewer is available and streets and parking lots can handle traffic generated by a successful business." He said it identifies a potential exception to that rule for small restaurants in existing historic communities in a crossroads community, but that two of those three conditions were not met with the proposal.

Mr. Butler said that other parts of the Rural Areas chapter make clear that new Rural Area uses should, "Be suitable for existing rural roads and result in little discernible difference in traffic patterns." He said that, in other words, they should not be drawing traffic into the Rural Area from nearby interstates and highways.

Mr. Butler said that on that point, SELC acknowledges the applicant's statement suggesting that the proposal will not generate significant new trips on 250, but rather, will capture existing trips on Route 250. He said it seemed prudent, however, to step back and look at the situation, and assess whether the use could attract a fair amount of new traffic.

Mr. Butler noted that the location is closer to the I-64 interstate exit than the Starbucks that is located off of Route 250 and Pantops, and would likely be much quicker to get to most times of the day.

Mr. Butler said he also noticed that the hours of operations are proposed to be from 4:00 a.m. to 11:00 p.m., meaning the coffee shop would open one hour earlier in the morning and stay open one hour later than the Starbucks.

Mr. Butler said that even with the proposed conditions limiting the square footage and prohibiting indoor seating and public restrooms, this applicant ran afoul of key tenants of the Comprehensive Plan. He said SELC did sympathize with the applicant's situation of having the Zoning Ordinance change while their site plan was under review, but that the zoning on the parcel has been consistent with the Comprehensive Plan for a very long time, and that the zoning changes to begin limiting it were in the works for quite a while.

Mr. Butler said that if the Commission was inclined to give the application consideration, SELC would recommend it consider a condition that would prohibit a drive-thru, as this would help reduce its potential to attract new traffic and thereby, reduce its overall impacts.

Mr. Butler said if the Commission does recommend approval in any form, it seemed critically important that the conditions on the Special Use Permit make it very clear that the permitted special use is limited to a coffee shop and not the broader restaurant use, which would have even greater impacts. He noted that the applicant's project narrative stated that the Special Use Permit being applied for is to allow a restaurant.

Mr. Butler said that further, although the conditions staff has proposed do make clear that any coffee shop use developed on the parcel has certain limitations, it was not entirely clear from those conditions that the Special Use Permit is limited to a coffee shop. He said this was something that the SELC strongly urged the Commission to nail down, with clarity, if it is inclined to recommend approval of any form of the Special Use Permit application.

Mr. Shimp said the water usage and consumption was very extensively studied with staff for about a year. He said the applicant was very close to approval of the plan when the Board initiated the Zoning Text Amendments. He said the reason there were not as many details seen was because they were fleshed out well beforehand.

Mr. Shimp said the applicant received sales figures from the other Human Bean operations, and the applicant was able to compute the peak on one month in their busiest day how much liquid they consumed and sold off-site. He said the conditions staff has put on the proposal speak to scale, and that the applicant was not looking at having a 5,000-square-foot restaurants in the Rural Area.

Mr. Shimp said one could make a strong case that historically, rural areas have had small shops such as this to serve people in the community. He said traffic-wise, traveling on this route in the morning, certainly people driving by in that line of traffic will be inclined to stop there, but that he didn't see the site drawing traffic off the interstate to head that way and back as it would not be a fast trip. He said the shop was centered to serve people who are already driving by, as well as the businesses who are already there. He said he understood that this was on the fringe of the Rural Area, but that there can be services for those people at the historically established businesses, the character of which is very industrial.

Mr. Shimp said looking at the applicant's architecture, it is moving in a much more correct direction for design of a Rural Area with its brick and historic warehouse look as opposed to the metal buildings out there. He said this will fit in with the surroundings and character of the area without having impacts on water or traffic.

Ms. Schlein said that in terms of the narrative and reference to restaurant use, the language was taken specifically from the Zoning Ordinance and what use is requested. She said "restaurant" is the requested use, and that the applicant was more than willing to agree to it being restricted to coffee shop use. She said she was not sure if this would be a condition.

Ms. Gleason replied that this would need to be kept to "restaurant" use because of the language of the ordinance. She said in the definition Section 3 of the ordinance, "coffee shop" is encapsulated within the umbrella of restaurant uses.

Mr. Benish said zoning's preference would be what constitutes a coffee shop if it is not defined in the ordinance. He said the preference was to stay with the uses designated in the ordinance. He said a recommendation can be made to the Board of Supervisors, however.

Ms. Schlein said in terms of the proposed hours of operation, this was mostly informed by UPS's hours of operation and how the coffee shop could possibly serve those employees and drivers getting to work early in the morning.

Mr. Bivins asked if the intention was to place notice about the establishment on I-64 placards.

Mr. Shimp replied that he did not know. He said any business can request that VDOT add it to the signage, but that the applicant has not discussed it yet.

Mr. Bivins closed the public hearing.

Mr. Keller said it was interesting to look at the calculation for how many cups of water are contained in 400 gallons of water. He said this is a lot, which could then translate into many traffic trips in and out.

Mr. Keller said when there was another project on 250 East (a church), there were many discussions about turn lanes there and about Hunter's Way. He said they had discussed the sun in drivers' eyes and the lack of traffic signalization. He asked if the traffic impacts being projected were truly accurate.

Ms. Gleason replied that based upon staff's internal review with Transportation Planners and VDOT's comments, this did not seem to be a concern. She said when trip traffic comparisons were being considered between the coffee shop business models, according to the International Trip Engineers (ITE) trip generation manual, coffee shops with no drive-thru windows generate approximately 100 vehicle trips per day, and drive-thru-only coffee shops generate approximately 330 trips per day.

Ms. Gleason said that within the estimate provided by ITE, staff believed that the numbers in the manual sounded right.

Mr. Keller noted they just heard from one of the speakers that the vehicles trips that were in the business model for a possible company were much higher than those figures. He asked if Mr. McDermott could speak again to that piece of 250 and the changes that are being proposed.

Mr. Keller said that when he goes to UPS, there are times when there are 8-10 cars backed up in the turn lane, going east. He said he was therefore wondering about the ramifications of doubling or tripling those numbers during high-volume times of day.

Mr. Kevin McDermott (Transportation Planner) said this was not subject to a TIA review. He said staff looked at the numbers and pulled the ITE generation numbers, noting that they seemed accurate. He said the 100 vehicle trips during peak hour was what the number translated to, and to 330 vehicles if it were a sit-down place.

Mr. McDermott said he was recently looking at some additional information on pass-by trips for a similar use and that the expectation was, based on some Florida DOT numbers he saw, that upwards of 90% of the vehicles that would be going there would be pass-by trips for this type of use. He said that considering that most of the vehicles will be coming in from heading westbound on 250, there will be few left turns and that people will quickly recognize that it is very difficult to make a left turn during peak hour, which may even reduce the number of people that make that decision to go in from that direction.

Mr. McDermott said he didn't have the specific traffic numbers for what the vehicle trips to the coffee shop from westbound or eastbound would be, but that he would assume it will mostly consist of people making a right-in, right-out in the morning and few making a left turn.

Mr. Keller asked if Mr. McDermott believed that the left turn serves as traffic calming in the area where there is a 45-mph speed limit and people often want to drive faster than that. He said they are always thinking about ways to slow the traffic down to make it safer.

Mr. McDermott asked if Mr. Keller was imagining how the left turn would serve as a traffic calming.

Mr. Keller said that people coming on a two-lane road would see people waiting to turn.

Mr. McDermott clarified that it is a three-lane road there.

Mr. Keller acknowledged there is turn lane.

Mr. Benish said the center turn lane is well over 600 feet in that area.

Mr. McDermott said the VDOT facility is just down the road and that there are often vehicles waiting to turn into the VDOT facility in the morning. He said anytime there are additional vehicles that are stopped in the road, it creates a friction point which could reduce speeds in the area for people who are not part of that line of traffic heading into town.

Mr. Randolph said ironically, the existence of traffic imposes significant constraints on the ability for the site to function in a more extensive business fashion that the applicant is presenting. He said anyone who drives the corridor knows that they would have to be out of their mind to try to access the corridor driving east on 250 in the morning because they would not be able to make a left-hand turn. He said one can barely make a right-hand turn out of Hunter's Way, especially between Thanksgiving to January 1, because UPS exits all of its trucks exactly at rush hour.

Mr. Randolph said there is a compounding effect of significant congestion and a choke point there, and everyone is considerate to the UPS trucks, which backs everyone up on 250 into the Shadwell intersection where Route 22 comes into Route 250. He said meanwhile, all the traffic coming in from Lake Monticello trying to get west to go to UVA and the hospital all gets backed up.

Mr. Randolph said there are constraints that mitigate against some of the concerns that have been raised about traffic.

Mr. Randolph said in all probability, Rivanna Village would have a coffee shop. He said he didn't know if it would have a drive-thru window, but that it would probably address some of the demand for coffee that will originate. He said he didn't know what Breezy Hill's eventual configuration would be, but that assuming it comes in at a permitted 60, for instance, with the combination of Glenmore and Rivanna Village, some of the demand may actually be addressed onsite.

Mr. Randolph said that then, any skilled drivers going west that want coffee in the morning will deduce that while they might get coffee in five minutes, it will take them ten minutes to get out because of the amount of traffic. He said he genuinely believed the applicant is accurate, that this will be a site that is best suited for local businesses in the location.

Mr. Randolph said in the non-rush hour, the traffic that goes through there could easily handle the additional traffic. He said once rush hour is complete in that corridor, it is very easy to move east and west going in both directions. He said his point was that traffic actually mitigates the uses and the problems that would otherwise be assigned to the site.

Mr. Randolph said he did have other concerns he wanted to address -- not with the application, but with issues he sees with the application mainly because of nonconforming use in the Rural Area. He said he wanted to address Mr. Tubbs' and Mr. Butler's points.

Mr. Dotson asked if there was a potential problem of someone in a truck not turning into the site, but pulling up along Hunter's Way. He asked if this would be prohibited or if it was currently prohibited. He asked if this would be a function of site plan review or if it was a VDOT matter.

Ms. Gleason replied that staff did not consider the size of trucks and vehicles accessing the site. She said this would come in the Site Plan Amendment in terms of figuring out what the site could handle in term of turning radii and if something would need to be limited based on VDOT concerns. She said in terms of limiting trucks on Hunter's Way specifically, she did not know if that would be a possibility or not because it is a public road.

Ms. Gleason said there is an entrance associated with the site, but that she was not sure of the constraints it would have on what types of vehicles could access it. She said she imagined that with the auto repair shop being there, there is a breadth of vehicles that can currently access the site.

Ms. Gleason said to answer the question, staff did not look at the range of vehicles that could make it into the site versus not.

Mr. Benish said staff does take into consideration the predominant type of vehicles that have to negotiate, and so the radii assumes some larger private vehicles. He said in terms of parking on Hunter's Way, it is a public road and that to some extent, given the character and alignment of

the road, parking could affect site distance and that if it did become a problem, VDOT could enforce that issue because of the curvature (both vertical and horizontal). He said there are ways to address this that have come up at other locations (e.g. Greenbrier Drive, Commonwealth Drive) where very large vehicles become an impediment and it becomes more of an enforcement issue.

Mr. Benish said it was a good point that with UPS being there, there may be some larger vehicles that may stop somewhere on their way, and that staff could be more cognizant of this in the site plan process. He said they did not foresee a significant issue, however.

Mr. Randolph added that there was no space there to park a truck, unless someone is getting out on the right side of the truck. He said if someone tries to get out of their truck on the left side and step down in the highway, they are taking their life in their hands, as there is no adequate shoulder there. He said he has bicycled through there and there is barely enough width to ride a bike. He said he couldn't imagine trying to put a tractor trailer there.

Mr. Dotson said he was thinking more about a straight truck.

Mr. Randolph said he was delighted to see the application before the Planning Commission and then going to the Board of Supervisors, as it was a case of a nonconforming use in the Rural Area that the Board extensively discussed. He said this was a case where originally, it looked as though the applicant would be invalidated from being able to improve the site.

Mr. Randolph said in looking at the history of the site, the County has been responsible in 1986 and 1991 to permit businesses in the Rural Area on this site. He said there is someone who owns the site and wants to develop it within the constraints that were established. He said he believes the applicant is trying to be a good actor in understanding the challenge of doing so in this location.

Mr. Randolph said the request does raise some questions, however, and that Mr. Butler had cited the Rural Area. He said the problem he had in going through the criteria for review of new uses in the Rural Area was that he believes the County is operating under a binary approach -- that it is either rural or development area. He said when actually looking at the location on Hunter's Way and the level of commercial, industrial activity, there is a microbusiness cluster there in the Rural Area, and yet they want to assign to this cluster all of the characteristics of the Rural Area. He said the County permitted it in 1986 and 1991, and it is thus a legacy project and no one in the room has responsibility for it.

Mr. Randolph said one of the things that the application causes the Commission to think about, going forward, is if they truly have the proper evaluative tools in hand to assess a locality such as this in evaluating land use decisions when they are being measured on a binary basis. He said it's an either/or -- either rural or development area. He said there are localities where there is a mix between the two, and that the County needs to have some other way of approaching, evaluating, and assessing it for both the Planning Commission and Board of Supervisors.

Mr. Randolph said looking at the Rural Area criteria, they are not really accurate or applicable to the locality. He said it is invalid, therefore, in some ways to say to the applicant that they must be measured by those criteria. He said they need to look at this more thoroughly.

Mr. Randolph said he didn't have a problem with the application because it was very self-limiting. He said the traffic patterns would limit it, inherently, but that it does raise broader issues that need to be discussed at another juncture.

Mr. Clayborne said the applicant had begun to touch on one of his concerns. He said he drove by the site that day and noticed that in the middle island, there are many cars stacked up to get worked on, and it is therefore a tight site. He said he was driving a 4Runner, which is a typical SUV, but in going around the loop, it was not easy to navigate. He said he would imagine that a structure such as a hardware store and a coffee shop with a large drive-thru, and intermingling pedestrian, would pose to be a challenge.

Mr. Clayborne said he did like the thought of earmarking some of the spaces in front of the building, if there was going to be a walk-up. He said he could see queuing happening at the drive-thru, and that someone potentially backing up or crossing the path on foot seemed like a bad idea.

Mr. Clayborne said he didn't have an issue so much with the proposal, but that he would like to see some of the spaces in the front earmarked for walk-up traffic.

Mr. Dotson agreed with Mr. Clayborne. He said he had also visited the site that morning and noticed how full the parking lot was, primarily from the auto shop, because the two buildings being replaced are not generating any traffic. He said perhaps this is a temporary condition, knowing that the auto shop does not need to leave those spaces open for other businesses, and so this may take care of itself.

Mr. Dotson said his concerns were of a nature that they would be addressed during the site development plan, and included the parking adequacy, possible conflicts as 239 cars flow through the site, and trucks in the public right of way.

Mr. Bivins said he was pleased that they went from a drive-thru to a walk-up, and that that evening, he understood that they were only dealing with a walk-up.

Ms. Gleason confirmed that that evening, the Commission was looking at whether or not the use is allowed on the site, and not necessarily the design of it.

Mr. Benish clarified that a drive-thru could be permitted, but that this was primarily about the use, which could include the drive-thru.

Ms. Firehock asked if because they were not doing the site design, they would not discuss that evening whether or not they wanted to request that there be a walk-up window and designated parking for use of that.

Mr. Benish replied that the Commission could recommend that the walk-up be identified during the site planning process, and that this could be carried forward to the Board of Supervisors. He clarified that in the approval process, there is the ability for the applicant to come back and as a by-right use, they made need an exception, but that they could do a drive-thru in the future. He said the Commission's review that evening was focused on the 700-square-foot kiosk-style use, which could include a drive-thru.

Mr. Randolph commented that if the applicant were to do a drive-thru, they would hopefully utilize the expertise that Chick-fil-a has developed on drive-thrus. He said there had been a concern about the drive-thru on Pantops, and that this has worked incredibly well. He wondered if there could be an adequate amount of lane space around the proposed coffee shop, adding that if they

follow a similar type of drive-thru approach, it will not be as problematic as others have been in the past.

Mr. Dotson recalled that there had been discussion about the use of the term “coffee shop” versus “restaurant use.” He asked if staff could clarify this. He said he understood that “restaurant use” was defined and that he believed he had heard preference for using that term.

Mr. Benish replied that “restaurant” is a defined term in the Zoning Ordinance. He said he did not think there was a defined “coffee shop” use, and therefore, providing some parameters that state that this has to be a coffee shop would require defining what constitutes a coffee shop and when it would cease to simply be a coffee shop. He said staff’s preference is to stay with what is defined in the ordinance, adding that they believe the size of the building governs that, and that even if it was a walk-up ice cream shop, it would likely be subject to similar conditions.

Mr. Keller asked if staff wanted to make the last two discussion items part of the motion, or if the Commission was comfortable with the motion, as general as it was.

Mr. Bivins replied that if Mr. Keller wanted to add those items to the motion, they could go from there. He said the Commission had before it the recommendation by staff with the three conditions listed.

Mr. Keller said he was hearing the enhancements from Mr. Randolph and Mr. Dotson on two different pieces. He asked if the Commission wanted to suggest a more limiting definition of the restaurant versus coffee shop use, or not.

Mr. Dotson replied that to him, it made sense to substitute “restaurant use” for “coffee shop.” He said it sounded like that from the discussion, there was also interest in adding a condition to designate walk-up parking spots during the site plan.

Ms. More said that staff’s condition and language was “coffee shop” uses.

Mr. Dotson moved recommendation of approval of SP201900003 Hunter’s Way Coffee Shop (Restaurant Use), and that in the recommended conditions, the word “restaurant” is substituted with “coffee shop” in those three conditions; and that they would add a fourth condition that the applicant designate walk-up parking spots during the site development plan stage.

Mr. Randolph seconded the motion, which carried unanimously (7:0).

Mr. Bivins thanked the applicant, noting that the application would move on to the Board of Supervisors.

At 9:48 p.m., the Commission adjourned to January 28, 2020 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 by Carolyn S. Shaffer, Clerk to Planning Commission & Planning Boards, and transcribed by Golden Transcription Services)

Approved by Planning Commission
Date: 02/04/2020
Initials: CSS