

**Albemarle County Planning Commission
FINAL Minutes February 18, 2020**

The Albemarle County Planning Commission held a public hearing on Tuesday, February 18, 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; and Luis Carrazana, UVA representative.

Members absent: Corey Clayborne.

Other officials present were Michaela Accardi; Andy Reitelbach; Stacey Pethia; David Benish, Chief of Planning; Andy Herrick, County Attorney's Office; and Carolyn Shaffer, Clerk to the Planning Commission.

Call to Order and Establish Quorum

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

Mr. Bivins acknowledged that in the audience, there were students attending from the Department of Urban and Environmental Studies.

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 that anyone would like to speak to.

Hearing none, 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.

Ms. More moved to approve the consent agenda. Mr. Keller seconded the motion, which carried unanimously (6:0). (Mr. Clayborne was absent.)

Public Hearing Items

ZMA201900014 Commercial Development TMP #61-134A

Ms. Michaela Accardi, Senior Planner, presented the staff report. She said TMP 61-134A is an undeveloped and forested 0.9-acre parcel located on the east side of the 1400 block of Route 29 (Seminole Trail). She said it is immediately south of Fashion Square Mall and located adjacent to the BB&T at the south of the site, and near the Courtyard by Marriott.

Ms. Accardi said the property's current zoning is Planning District Shopping Center (PDSC), and the proposed zoning for this application would remain PDSC. She noted this is not a conventional rezoning application, but is a request to approve the application plan for the property. She said

she would explain this more in depth when she provides an overview of the proposal.

Ms. Accardi said the property is located within the Entrance Corridor Overlay District and the Airport Impact Area Overlay District. She said it includes managed steep slopes, and that by-right uses on the property include shopping centers, retail sales, and service uses as well as residential (up to 15 units per acre by Special Use Permit).

Ms. Accardi said the property is located within the Places29 Master Plan and the Rio-29 Small Area Plan. She said the Rio-29 Small Area Plan designates it within the “Flex” future place type, which is intended to have the highest amount of flexibility in building form and use. She said the Small Area Plan states that buildings can have a range of heights and uses, but that buildings should be comfortable for pedestrians.

Ms. Accardi said the Rio-29 Small Area Plan includes more detail than other long-range plans in that it has specific form and site design standards, including that for height, the buildings should be between 2-5 stories tall. She said buildings should be set back 3-10 feet from the edge of the right of way, and buildings on boulevards should be stepped back above 4 stories, or 50 feet. She said buildings with larger footprints should avoid blank walls. She said parking should be relegated to the side and rear of properties, as well as include landscaping to screen from streets. She said block sizes should be between 300-400 feet in length.

Ms. Accardi said the Rio-29 Small Area Plan also envisions the area as a place enhanced through conservation, with a network of sustainable and usable public amenity spaces. She said it includes a future conservation network plan that shows a shared use path along the subject property’s frontage on Seminole Trail. She said the shared use paths are intended to be multifunctional, serving as both recreational amenities and commuter routes.

Ms. Accardi said the Small Area Plan includes a future connectivity plan that will highlight Seminole Trail as a thru corridor, and that those significant changes along this travel way may not be feasible. She said it calls for a shared use path along the length of the corridor.

Ms. Accardi said the property owner and applicant are requesting approval of a Zoning Map Amendment application plan for the subject property’s portion of an existing Planned Development Shopping Center. She reiterated that the proposal is not a request to rezone the subject property or otherwise amend the zoning map. She said the subject property’s existing zoning is PDSC, and the proposed zoning is also PDSC.

Ms. Accardi said the first phase of this application plan includes a proposal for Phase I, or 0.5 acres of the site, proposing a 1.5-story retail structure with parking, landscaping, and a 14-foot-wide shared use path along Route 29. She said Phase II is undetermined, or undisclosed, and identified as future development that would require an amendment to the application plan to address that phase.

Ms. Accardi said in summary, she would highlight staff’s evaluation of the factors favorable and unfavorable. She said the factors favorable are that this Phase I proposed use is permissible within the existing zoning district, and would also bring this portion of the existing zoning district into compliance with the requirements of Zoning Ordinance Section 8.5, which requires an approved application plan.

Ms. Accardi said the proposed development is consistent with multiple applicable Neighborhood

Model principles. She said the proposed development provides a 14-foot shared use path along Route 29, which is consistent with multiple portions of the Rio-29 Small Area Plan.

Ms. Accardi said the rear portion of the site (noted as Phase II in the application plan) is reserved for a future phase of development. She said this phased approach enables timely response to redevelopment of the Fashion Square Mall property and future construction of a new avenue that is identified in the Rio-29 Small Area Plan, between Route 29 and Hillsdale Drive.

Ms. Accardi said the factor unfavorable is that the building height in the proposed Phase I of the project is 1.5 stories, which is inconsistent with the recommended height standards in the Rio-29 Small Area Plan, calling for between 2-5 stories.

Ms. Accardi said with these factors in mind, staff recommends approval of the ZMA, with a couple minor note revisions. She said one is an addition of a note on the application plan that indicates that the proposed Phase I building could support multiple stories for future construction, making it consistent with the Small Area Plan in the future. She said a second requested minor note is that the Entrance Corridor note in the first requirement listed is redundant, given that it is Entrance Corridor Guidelines.

Mr. Randolph referred to page 7 of the staff report, under “Respecting Terrain and Careful Grading of Terrain.” He asked, given the topographic characteristics of the site, how the site could ever meet the criteria of respecting terrain and careful regrading of terrain. He asked if it was the case, by the varied terms of the Neighborhood Model criteria, that it makes it very difficult for a site such as this one to meet the criteria.

Ms. Accardi replied that this question was fair, given the size of the property and that at this phase, there is just half of the 0.9 acres being developed.

Mr. Randolph said he looked at staff’s statement saying that the principle is generally not met, and that in reality, given the constraints of the site, the applicant is doing everything possible within the constraints of the site to meet the principle. He said he was rephrasing this because looking at this alone, he sees this as an objection or a potential objection where, in fact, based on the criteria, the applicant is doing the best they can.

Mr. Randolph referred to the section about human scale dimension, and asked if the expectation of staff was if this evaluation will be ready by the time this application goes before the Board of Supervisors.

Ms. Accardi replied she didn’t believe so, but that she would defer to Mr. Benish.

Mr. David Benish (Director of Planning) said the “pending” relates to the fact that the ARB does have some control in their final Certificate of Appropriateness. He said staff was comfortable with how the ARB would evaluate that site in this location.

Mr. Randolph said it may be the case that the Board will see this, and then the ARB will see it.

Mr. Benish said this was possible.

Mr. Randolph said he didn’t see this as a deal breaker for the Board, but that he was curious in the terms of the timing.

Mr. Benish said he did not check with Ms. Margaret Maliszewski as to the schedule of it, but that this was his understanding. He said the applicant may be able to answer.

Mr. Benish said the staff report refers to a future street interconnection that by phasing the project, it could make it possible to accommodate that connection. He asked if Ms. Accardi could show this visually or speak more about it to help the Commission understand it.

Ms. Accardi said there is a future connectivity plan, which is included in the Small Area Plan, and calls for a future avenue in the area. She said in the applicant's narrative, there was a note to this allowing for future redevelopment of the larger Fashion Square parcel that could be consistent. She indicated on the plan to a blue hatched line, which represented the proposed avenue.

Ms. Accardi said she and Ms. Falkenstein have shared this during a number of the work sessions on form-based code, that this is a conceptual future street network plan and not one that would require an exact location of the avenue. She said given the parcel's small size, however, in relationship to the larger Fashion Square Mall redevelopment, this was something that was included in the narrative by the applicant.

Mr. Dotson asked if, looking at the image Ms. Accardi presented with the traffic signals shown, this was in the current driveway into Fashion Square, and not on the actual parcel.

Ms. Accardi replied that Mr. Dotson was correct that this was not actually on this parcel, but relates to it.

Mr. Benish added that it was likely conceptual, so the concept is that the east-west connection would be somewhere in that general area.

Mr. Dotson said as a result of the project going forward and the bank that is already there, there is no point of connection to Route 29 that is not already developed, so he assumed it would be at the existing light.

Mr. Dotson said the size of the building on the diagram said 0.10 of an acre, and that he assumed this meant a roughly 4,300-square-foot building. He asked if 10 parking spaces was normal for a building of that size, or if this was small, given the mattress store use.

Ms. Accardi said that as part of the application, staff has Transportation Planners review, and that in the staff report, there is reference to the expected number of vehicle visits per day. She said this number is low, and that while this might be a smaller parking area than other developments seen, that the amount of parking is accommodated based on the needs of the business.

Mr. Dotson said the reason he asked this question was because if, by chance, a mattress store didn't go on the site, if there would be enough parking to accommodate other commercial uses that would be allowed by the PUD.

Mr. Benish replied that the uses would be subject to a zoning clearance, and part of the zoning clearance is to determine the adequacy of parking. He said if the future use required additional parking, either that use would not receive the zoning clearance, or additional parking would need to be arranged for.

Mr. Bivins opened the public hearing and asked to hear from the applicant.

Mr. Scott Collins, representative of the applicant, noted that Ms. Accardi did an excellent job in the staff report in presenting the conditions of what the applicant was asking for. He said one thing to note was that this was somewhat of a challenge for the owners, when they wanted to come forward with the project, and how it relates to Fashion Square Mall. He said the owners thought long and hard about how to make this project work for their current needs while not negatively affecting what could ultimately happen on the property with the ultimate redevelopment of Fashion Square Mall, if and when it happens at some time.

Mr. Collins said they came up with the application plan based on the current standards of what the owners needed for today's demands, and how it could be implemented and help with the ultimate planning and the goals that Albemarle County wants to achieve in the Places29 plan, knowing that many of those goals cannot be achieved until some redevelopment happens on that parcel. He said they put together the best application they could that incorporates all those aspects.

Mr. Collins said one thing that had somewhat changed since the first submission of the application in November was that the applicant went through the ARB process, and that the application for the ARB resulted in the height of the building being somewhat taller than they had first contemplated. He said the building itself is 21 feet height across half of it, and then it steps up to 27.5 feet tall on the other half. He said it is roughly about a 2-story building to provide the height that is desired in the Rio-29 Small Area Plan.

Mr. Collins said the applicant had a good meeting with the ARB about the building. He said the majority of the discussion was about the materials and how the building works along the corridor. He said the scale of the building seemed to work well, especially with the pedestrian pathway being installed on the front of the property, and how it relates to all the other aspects.

Ms. Firehock said she understood from the application that the intended use was a mattress store. She said mattress stores come and go quite often, and so she was curious as to the ability of the space to be able to be used for other retail in the future. She asked if there was anything in the design that would make it difficult to convert it down the road.

Mr. Collins agreed that mattress stores do come and go often, and that is why the applicant has laid out the building as shown on the plan. He said they went through many different iterations of the building, and that the way it is placed allows the parking in the drive aisle to go up the side of the building. He said if the back half is ever redeveloped, it is a great spot to put a podium parking deck, or put parking tucked underneath the building and then build over top. He said there are many options, and the design and current layout does not preclude anything from being redeveloped, which was taken into consideration.

Ms. Firehock asked if Mr. Collins was saying that the building would have sufficient constructional integrity, that it could go up several stories if a future user, for example, wanted to put offices or apartments above it.

Mr. Collins replied yes, adding that it is also set up to where, in accordance with the Rio-29 Small Area Plan, the building (being along the road) is stepped back. He said coming in with a parking structure behind it, stepped back, and went up with the building behind it, it would provide 2-3 stories along Route 29, and then stepping up and going to 4-5 stories would be in keeping with

the plan.

Mr. Keller asked if there would be significant cut and fill.

Mr. Collins replied no, explaining that the site sets up about 2.5 feet higher than the BB&T bank, and that the retaining wall at the back of the site between Phase I and Phase II is only 6 feet in height. He said it ties back in quickly, and that there is not a lot of cut and fill required. He said they had to bring up the site somewhat, as there is rock there, but that by bringing up the site by 1.5-2 feet, they stay out of the rock.

Mr. Bivins opened the public comment portion of the meeting. Hearing none, he brought the matter back to the Commission.

Mr. Dotson said he would proceed with making a motion if there was no further discussion.

Mr. Keller said he wanted to further drill down into what Mr. Randolph had brought up, noting that he would be bringing up this matter on other projects as well. He said in this case, the applicant has answered about the front, and that in many ways, it will be more about the back parcel in his discussion.

Mr. Keller said the Commission has discussed their concern about changing the topography in a number of development areas, and that he believes they need to think about what the shelf life of the retaining walls is going to be. He said in this particular area, there are a number of significant retaining walls that are having an impact on what people think of as the beautiful rolling topography of Albemarle County. He said in this case, they have an answer that there will be little cut and fill, and a more minimal retaining wall, and that he was therefore less concerned.

Mr. Keller said the Commission has to think, as Ms. Firehock often notes, that the changes in topography are also a change in hydrology, and that there are significant impacts from that as well. He said he simply wanted to point this out because as they work towards what the form-based code will allow them to do, they need to make sure that there are significant site components to that as well. He said as Mr. Randolph said, they need to be looking at the careful grading and regrading of terrain and the impacts on not just one site, but the surrounding sites.

Mr. Dotson commented that this area of Route 29 would become the “mattress capital of the region.” He said he intended to make a favorable motion.

Mr. Dotson moved to recommend approval of ZMA201900014 Commercial Development, with the noted revisions outlined in the staff report.

Mr. Randolph seconded the motion.

Ms. Firehock commented that since it is a significantly wooded site, she hoped that when the applicant gets to the parts of their site plan for landscaping, they will consider having a nice canopy over some of the spaces. She said shaded pavement lasts longer, and treed shopping areas are more attractive to people, as they tend to spend more per item. She said she hoped the applicant would keep this in mind.

The motion carried unanimously (6:0). (Mr. Clayborne was absent.)

Old Business

Mr. Benish reminded the Commission about responding on the subject of a possible joint meeting to speak about housing with the Board of Supervisors. He asked Commissioners to respond to the email sent out about scheduling the meeting.

New Business

There was no new business.

Review of the Board of Supervisors Meeting - February 5

Mr. Benish said at the February 5 Board of Supervisors meeting, there was only one item that the Board acted on that the Planning Commission had previously reviewed, which was ZMA201900011 Seminole Lane. He said this is the commercial area along Route 29 North, across from Walmart. He said the Board approved that rezoning as recommended and reviewed by the Commission.

Mr. Benish added that the Planning Commission would be receiving a new calendar, as there had been some changes made.

Adjournment

At 9:23 p.m., the Commission adjourned to March 10, 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 Golden Transcription Services)

Approved by Planning Commission
Date: March 10, 2020
Initials: CSS