

**Albemarle County Planning Commission
FINAL Minutes June 16, 2020**

The Albemarle County Planning Commission held a public hearing on Tuesday, June 16, 2020 at 6:00 p.m.

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

Members absent: None.

Other officials present were Lea Brumfield; Tori Kanellopoulos; Frank Pohl; Andrew Knuppel; Charles Rapp, Planning Director; David Benish; Andy Herrick, County Attorney's Office; Mariah Gleason; Rebecca Ragsdale; Michaela Accardi; Amelia McCulley; Jodie Filardo; Bart Svoboda; Vivian Groeschel; and Carolyn Shaffer, Clerk to the Planning Commission.

Call to Order and Establish Quorum

Mr. Bivins called the regular electronic meeting to order at 6:00 p.m. and established a quorum. He said this meeting was held pursuant to and in compliance with Ordinance No. 20-A(6), "An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster."

Mr. Bivins said that electronically present that evening were: Mr. Keller, Ms. Firehock, Mr. Randolph, Mr. Clayborne, Mr. Bailey, Mr. Carrazana, and himself.

Mr. Bivins said the public could access and participate in this electronic meeting by following the links available at www.albemarle.org/calendar, or by calling 877-853-5257.

Consent Agenda

Mr. Bivins asked the Commissioners if they would like to pull an item from the consent agenda. Hearing none, he asked for a motion.

Ms. More moved to approve the consent agenda.

Mr. Clayborne seconded the motion, which carried unanimously (6:0). (Ms. Firehock was absent from the vote due to technical difficulties.)

Public Hearing Items

SP202000006 Scott's Ivy Exxon

Ms. Tori Kanellopoulos, Lead Planner for the project, said that Mr. Pohl (County Engineer) and Mr. Todd Pitsenberger (Petroleum and Pollution Response Program Manager at the Department of Environmental Quality) were available that evening to also answer questions. She said this a Special User Permit request for an expansion of an existing auto service station called Ivy Exxon to add four additional service bays for a total of seven bays.

Ms. Kanellopoulos said the site is located at 4260 Ivy Road, also called Route 250 West. She said to the east of the site are residential and agricultural uses, and that to the west are commercial and institutional uses including offices, a restaurant, and a church.

Ms. Kanellopoulos said the two adjacent parcels to the west are also zoned C1 Commercial. She said the building shown directly to the west of the Ivy Exxon site is being used as a publishing house. She said the second site to the west is currently undeveloped; however, there is a Special Use Permit currently under review for a new vet clinic and offices. She said the parcel directly adjacent to the east is zoned C1 Commercial and is owned by the Rivanna Water and Sewer Authority (RWSA). She said the next parcel to the east is zoned RA Rural Area, has one dwelling unit, and is also used for agriculture.

Ms. Kanellopoulos presented pictures from staff's site visit. She said the image on the left shows the existing fuel pumps and auto service station. She said the image on the right shows the existing parking area to the east of the service station.

Ms. Kanellopoulos presented additional pictures of the site to show more of the existing parking area. She said the image on the right also shows the existing dwelling unit at the rear of the site.

Ms. Kanellopoulos said the community meeting requirement was met in the form of mailed letters with information about the proposal, with response options including contacting staff via email or phone call, or using an online input form.

Ms. Kanellopoulos said the applicant mailed letters to property owners within a one-quarter-mile radius of the proposal. She said the letters were mailed on May 1, and recipients were given until May 15 to provide comments, questions, and concerns. She said staff continued to incorporate feedback after this date, as the Planning Commission public hearing was moved later, providing more time for responses. She said staff received approximately 8 individual responses. She said the major concerns heard were stormwater management, access to the site, traffic, groundwater contamination, and scale.

Ms. Kanellopoulos said the property is zoned C1 Commercial, which allows for auto service stations not served by public water or a central water system, by Special Use Permit. She noted that the existing auto service station is a by-right use in the C1 District. She said regardless of approval or denial of the Special Use Permit, the existing use may continue by right. She said therefore, staff has analyzed the potential impacts of the proposed expansion.

Ms. Kanellopoulos said nearby and adjacent parcels are zoned C1, Rural Area, and Village Residential. She said the property is designated Rural Area in the Comprehensive Plan. She said the property was rezoned to C1 Commercial in 1980 as part of the comprehensive rezoning of the County.

Ms. Kanellopoulos said the property owners in the nearby area were previously within a Development Area known as Ivy Village. She said Ivy Village was removed as a Development Area from the Comprehensive Plan in 1989, as the area was considered mostly built out and is within a water supply watershed.

Ms. Kanellopoulos said nearby uses include a post office, garden center, restaurant, medical offices, church, recently closed country store with gas pumps, and residential uses. She said the auto service station is an existing use and has been in operation for more than 50 years.

Ms. Kanellopoulos said the proposed height of the building expansion is 24 feet. She said adjacent and nearby structures have varying heights, ranging from approximately 16 feet to more than 30 feet in height. She said the proposed expansion is approximately 3,200 square feet, which would bring the total square footage of the auto service station to approximately 5,150 square feet. She said nearby commercial and institutional uses have a range of building footprints as well, ranging from approximately 2,500 square feet to 10,000 square feet.

Ms. Kanellopoulos said the proposed expansion will also require Architectural Review Board approval, which will include considering the surrounding context.

Ms. Kanellopoulos said the existing use is a 1,950-square-foot auto service station with three service bays and two fuel pumps. She said the proposal is for a building addition of 3,200 square feet for four additional service bays. She said the resulting building would have seven service bays.

Ms. Kanellopoulos said there is no proposed change to the number of fuel pumps, and the number of employees is not proposed to increase.

Ms. Kanellopoulos said the applicant estimates that 8 cars are serviced on a typical day at the existing service station, which would increase by five vehicles with the expansion to a total of 13 vehicles per day. She said customer and employee parking would be within the gray parking area shown on the application plan. She said parking over repaired vehicles would be located at the rear of the property, within the yellow area shown on the application plan. She said a landscaping buffer is shown on the east side of the property.

Ms. Kanellopoulos said given that the Special Use Permit is for the expansion of the existing use only, staff has analyzed the potential impacts of the proposed expansion. She said the applicant estimates that the expansion would result in 5 additional cars serviced per day, equating to an additional 10 vehicle trips per day. She said staff did not find this increase in traffic to be of substantial detriment.

Ms. Kanellopoulos said the existing structure is located partially within the 100-year floodplain, according to GIS. She said the applicant must submit a Letter of Map Change to formally determine the location of the floodplain. She said the applicant expects that the existing building is not located in the floodplain, and this letter must be approved prior to any site plan, stormwater management, building permit, or other site planning related approvals.

Ms. Kanellopoulos said if the floodplain is adjusted, the stream buffer would also be adjusted. She said the applicant is proposing plantings within the revised stream buffer for mitigation, which is included as a condition.

Ms. Kanellopoulos said the proposed expansion would require a Virginia Stormwater Management Program (VSMP) application, and would need to meet the minimum standards for channel and flood protection.

Ms. Kanellopoulos said additionally, the concern of petroleum release has been brought up. She said the release of petroleum is prohibited by law, and is considered an illicit discharge. She said given that a Letter of Map Change is required prior to any site plan approvals, and that the applicant will need an approved VSMP application, staff finds that stormwater management has been addressed.

Ms. Kanellopoulos said the proposed expansion would not generate a significant increase in water usage, and there does not appear to be a need to improve the existing water and sewer systems, based on the impact of the expansion and talking with the Department of Environmental Quality (DEQ) and Virginia Department of Health (VDH) staff.

Ms. Kanellopoulos said existing groundwater contamination was brought up as a concern, and DEQ provided information to staff, including that the existing contamination at the Toddsbury site across the street has had substantial corrective action, and that natural attenuation has occurred at both Toddsbury and at Ivy Exxon.

Ms. Kanellopoulos said DEQ does not have any concerns with the proposed expansion, and does not anticipate the expansion to have any effect on the existing groundwater contamination.

Ms. Kanellopoulos said there is an existing joint access easement that crosses the Ivy Exxon property, and is also used by two adjacent properties to the east. She said one is used by RWSA, and the other by a residential property. She said there were concerns from the residential property owners that this access easement could change. She said the access easement and/or access to these properties may need to be adjusted during site planning in order to meet current VDOT standards for access management and safety.

Ms. Kanellopoulos said VDOT finds that the existing ingress/egress for the entire Ivy Exxon property does not meet VDOT's current design standards, and that upgrading to meet current standards could potentially affect the joint access easement. She said given that this is a site plan requirement and affects access to the entire Ivy Exxon site, staff finds that this should be addressed during site planning.

Ms. Kanellopoulos said there is also a note on the application plan stating that access for all parcels will remain, even if the access easement or layout needs to be adjusted, and that the final location and proposed landscaping area will be determined during site planning.

Ms. Kanellopoulos said there are additional regulations that apply to the auto service station use, which are found in Section 5.1.31 of the Zoning Ordinance. She said the applicant has included these requirements as notes on the concept plan. She said these include screening any cars awaiting repair from public streets and residential properties, as well as performing all vehicle repair services within an enclosed building.

Ms. Kanellopoulos said staff is recommending approval of the Special Use Permit application with conditions. She noted that one condition has been removed since the staff report was finalized, which was the sixth condition on stormwater management shown crossed out on the slide. She said Mr. Pohl, County Engineer, was available to answer questions on removal of this condition, if any.

Mr. Clayborne asked if Mr. Pohl could speak to why the sixth condition was stricken.

Mr. Pohl replied that the Nutrient Credit Program is a State-required program, and there are certain criteria that allow the restrictions to use off-site nutrient credits. He said the County shall allow use of off-site nutrient credits, unless the criteria set forth by the State cannot be met. He said it was not something that the County can disallow.

Mr. Randolph observed that last week, the Commission had looked at a proposal for an automobile dealership on Route 29. He said one of the things that he brought up then was the high amount of lighting. He noted that in Ivy, for this application, they are proposing that there will be a full cutoff and a motion sensor during overnight hours. He said it seems that they can do this on Route 250 West, but cannot do this on Route 29 North heading out. He said he was struck by the contradiction there between the two and the lack of consistency.

Ms. More said she would circle back to the sixth condition. She said while she understood why this was crossed off, she would still like to know more about how stormwater will be managed, even though they cannot have the condition that it will be managed on-site. She said given the flooding that has happened in that area, and that it appears that part of the existing structure is in the floodplain, she wanted to know where she could find more information about how stormwater will be managed.

Mr. Pohl replied that the applicant will still have to meet the quantity requirements on-site. He said it does not alleviate the applicant from meeting the channel and flood protection requirements, but prevents the County from restricting the use of off-site nutrient credits for quality reductions or requirements. He said the flooding and channel requirements remain.

Ms. Firehock said it was stated in the staff report that the site predates the need to have had a site plan because of the age of the property and use. She asked if this meant that the current footprint has no stormwater management, and if the new stormwater management that is proposed would apply to the entire site and not just the addition.

Mr. Pohl replied that the way the rules are written is that the existing conditions are what they are today. He said there is a provision that allows some reach-back to correct past problems. He said this application is considered redevelopment, so there will be an additional 20% reduction requirement for quality. He said there is not an additional reduction requirement for channel protection or flood protection.

Ms. Firehock said there was a picture in the staff report that showed the site plan next to an image from above of the site, and currently, there is parking going on in what the County would call the "stream buffer." She said she wanted to clarify that once the new plantings were done, the applicant would no longer be able to park cars in what is now a stream buffer that is without buffer. She said there is no vegetation there now except some grass, and gravel. She said she was trying to be clear that they would be prohibited from parking cars there.

Ms. Firehock said in the image that was shown, there were three cars shown parked there whenever the picture was taken. She said when she was there, she herself parked in that spot, as did Supervisor Palmer and others. She said this is the image where three cars are seen parked at the edge of the bridge abutment. She said many cars are parked there, close to the creek. She said she wanted to be clear that this would be vegetated.

Mr. Bivins asked if Ms. Firehock was talking about this location that was very close to the road.

Ms. Firehock said yes.

Mr. Pohl responded that if looking at the plan, there is a greenspace that is now shown there. He said there is also an access easement in that location, which provides access to the adjacent parcels. He said there is discussion about how those rights will be maintained. He said if access

needs to be maintained, he did not foresee parking being allowed in the access. He said he could see that parking would not be allowed there, but there may not be as much landscaping there.

Ms. Firehock said this addressed another question she was going to ask. She said the Eatons have their farm access, and in the drawing she was looking at, it almost looked like they would have to use the same entry and exit as patrons to the gas station, and that she knew that they did not want to compete with those cars coming in and out. She said they wanted to have their own dedicated access point. She said this is something she did not think they were rectifying that evening, but that she wanted to bring it to staff's attention, if they were not already aware, so that this could be addressed during the site planning stage.

Ms. More said she wanted to follow up on Ms. Firehock's comment about seeing the image with the many cars. She said she had more concerns than the number of cars there. She said what she saw there, with a quick count, was about 24 cars in the image staff showed. She said she wanted to bring this up for other people to consider as it relates to the numbers that were in the staff report about how many cars could be expected to be seen on the property with the additional bays, if this were allowed. She said she had an issue with the calculation of only having so many additional cars with only so many more bays because in this image, they were seeing 24 cars parked around just with the bays existing now. She said this goes back to a deeper concern of the sensitive nature of this area, the water supply, watershed, and floodplain.

Mr. Keller said he wanted a clarification of the count. He said if someone brings their car for repair, usually (in his experience), there is a second person in a second car who then takes that person elsewhere. He said this car then comes back, and the repaired car leaves. He said there are then four car trips associated with one car being repaired. He asked if this was how staff or VDOT would count this, or if it was only counted as two car trips.

Ms. Kanellopoulos replied that she believed it was only counted as two car trips. She said Mr. Keller's point about how it could happen was fair, but that it is normally counted as two.

Mr. Keller said in today's world, there are very few people who are able to go in, have their car quickly repaired, and then leave -- even for a State inspection or oil change. He said at this challenging intersection of Ivy and Owensville Roads, he thinks they need to be realistic in what those increased vehicle counts will be.

Mr. Keller said his question was about both stormwater and groundwater. He asked if there is a mechanism to know for certain that these older than 50-year-old tanks are not leaking into the groundwater. He asked if there is a test that can be done.

Mr. Keller said his second question was about the stormwater, acknowledging that there are many issues. He said on 5th Street, there was a body shop that came to the Commission some time ago, and there were discussions about a scrubber that would clean all the water that would come off and out of that site because of chemicals associated with bodywork and oil changes. He said he wondered if there was any discussion when there is additional use. He said he understood if they are extending the use on a site, but that they are increasing the number of vehicles that will be serviced, and wanted to know if there is any mechanism for cleaning of the site so that at least, in theory, there would not be more pollution added after the fact.

Ms. Kanellopoulos said to address the first question, she would defer to Mr. Todd Pitsenberger from DEQ.

Mr. Pitsenberger said this facility is no different than any other facility with regards to the requirements that it has to comply with, such as the underground storage tank regulations. He said that facility is in compliance, so they are meeting the requirement for forming regular release detection and corrosion protection to minimize the corrosion of the tanks and theoretically, to detect a release quickly, if and when one does occur. He said this is only as good as the equipment, the operator, and the amount of attention the operator pays to it. He said all indications are that this operator is doing everything that he is required to do by the regulations, at this point.

Mr. Pitsenberger said to conclusively know and to answer Mr. Keller's question, they would have to be drilling down the side tanks all the time, which is not a good practice, to confirm that they are not actively leaking. He said the release detection equipment has the ability to detect releases at small quantities, and this facility is currently in compliance with those requirements.

Ms. Kanellopoulos said to address Mr. Keller's second question, the proposed expansion would require a site plan for the whole site, and the applicant would need to meet all current site plan regulations. She said she was not sure, offhand, if those would include any additional cleaning regulations. She said she could look into what those requirements could be.

Mr. Pohl said he supposed Mr. Keller was worried about oil spills and things of that nature.

Mr. Keller said yes. He said with an oil change, there is a certain amount of drippage that occurs, even if a pan is used. He said if they are talking about many of these changes in the course of a year, he wanted to know if this meant there would be a significant amount on the ground, and if it is going onto the site when people spray off the floors for cleaning.

Mr. Pohl said he would open this up to the owner to explain how this is done. He said he believed it was all done in the building. He said spilling oil on the ground is not allowed, and it is illegal to drain oil on the ground.

Mr. Bivins said the applicant could address this during his speaking time.

Mr. Pohl said he was not sure how to address the question, as it was not in his jurisdiction to regulate something that would be considered as illegal anyway.

Mr. David Benish said he had not had a chance to address the traffic assumptions. He said he did not know the specifics of all the detailed analysis for this application, but as a general rule, staff will use the ITE manual for the traffic estimates. He said the ITE manual is based on observations of similar types of uses. He said the issue of additional people coming to pick up and drop people off would theoretically be picked up in those surveys and assessments of various sites if it is a common practice. He said this was not an extra calculation they do, as they rely on the ITE numbers, but that he believes those ITE numbers would include it.

Mr. Keller said he was basing the estimates in terms of numbers that indicated there would be a certain number of vehicles that would be added through the new facility, and that this number seemed to be doubled, which was why he asked the question, as it did not seem as if anything was factored in.

Ms. Firehock said her question was about another comment that was brought to her attention from the public about a downstream dam called Clover Lake, in West Leigh. She said this dam

has suffered severe damage from a recent highwater event and has not been repaired yet. She said there was some concern about whether or not the County was factoring in the issue of adding additional stormwater. She said she understood that the applicant will have to attenuate their volume rate of discharge, but that she would like it to be acknowledged that the County will address that concern of the downstream for a dam that is in a failed state on Little Ivy Creek.

Mr. Benish said he believed this dam is in a different watershed than this property. He said he was not sure which lake they were referring to, but that there is a lake in West Leigh that has a dam failure issue, which will be in a different sub-watershed than this property. He said he would have to make sure they were talking about the same lake or dam.

Mr. Randolph said he believed Mr. Benish was right, as heading up the hill going east on Route 250 and then going down to come to where West Leigh is, it is a different watershed.

Mr. Benish said they would take note of that comment and make sure that they are talking about the right lake. He said he would follow up and make sure that if it is upstream and above this site, they would take this into consideration.

Ms. Firehock said she had just received the comments that day and hadn't had time to research it.

Mr. Benish said there are many smaller, failing dams, so it could be another one. He said he was just familiar with the West Leigh dam.

Mr. Pohl said it could be the Little Ivy Creek lake, which has a road going over the dam. He said he has heard there were issues with that particular dam. He said he did not know if he would have the authority with an applicant to address off-site issues. He said the authority he does have is to make them follow the State regulations, which is to contain the stormwater in accordance with those regulations. He said he could consider it, but didn't know if it would change the application.

Ms. More said on page 4 of the staff report, in the section talking about the floodplain and stream buffer, it says the LOMC must be submitted prior to site plan, or VSMP approval, as the building cannot be expanded if it is located within the floodplain. She said it says that if the floodplain is adjusted, the stream buffer would also be adjusted. She said she would like to see a map overlay and a rough rendering of a site plan on top of what they have now that is currently considered as floodplain prior to the letter, which would be a question for the applicant.

Ms. More commented to staff that it seemed to her as if this is a very important thing to know. She said she understands that there are many things that come to the Planning Commission and that not every box is checked, as some things get sorted out at the site planning stage. She said this, however, is a huge question mark. She asked if this is common practice, particularly in a place that is so sensitive, to move through all of this without having to answer to this very important question.

Mr. Pohl said they do not have the FEMA map on the screen, but that there are some elevation cross-sections in Little Ivy Creek. He indicated on the concept plan to a culvert in the lower righthand corner, and explained that at the outfall of that, the elevation is approximately 513, as shown on the mapping. He said there was a study done on this river, and they do show contours, which indicate that a study was completed. He said they will have to verify the 513 number, but that this was the number shown in the study.

Mr. Pohl said the site is around 515. He said the process is really a process of having or presenting better topographic information to FEMA to adjust that floodplain. He said it is not a change because of grading or filling the floodplain, but a change because there is better information to show exactly where it is. He said to him, it is less of a concern. He said if there were a fill, he would agree that this would need to be fleshed out more in depth, but that with this type of application, it is not as critical. He said it is more of a paperwork process than an engineering process. He asked if this made sense.

Ms. More replied that it did make sense. She said she knew they could not have all the information, but that even with Mr. Pohl's expert opinion about not being as concerned about it, she would still feel more comfortable having had that information because of where the property is located. She said she did understand, however.

Mr. Charles Rapp (Director of Planning) said he wanted to make sure they were all on the same page about the question Ms. Firehock had regarding the existing access to the neighboring properties, and that there were not expectations that could not be met. He said this is a commercial site, and typical practice with VDOT would be to limit the number of commercial entrances onto a commercial property and space them appropriately, or as much as possible, towards those minimum standards.

Mr. Rapp said he understood the request, and that it is about a request to want to maintain a separate access to the adjacent property, but he did not want to give the impression that this could certainly be taken care of at the site plan stage. He said this is a commercial property, with access through it. He said he was sure the applicant could speak to this more, but the general intent VDOT would mostly have and would advise staff to follow is to start to limit some of those commercial entrances and access points onto that property for safety reasons.

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

Mr. Scott Collins (200 Garrett Street, Charlottesville) said he is a civil engineer representing the applicant, Mr. Scott Ramm, who is the owner of Scott's Ivy Exxon.

Mr. Collins expressed that the staff report was clearly laid out, and that from the discussions, the Commission is homing in on some of the relevant aspects of the request. He said he would share some background information, as well as some of the details of discussions that have been ongoing.

Mr. Collins said as it was pointed out in the staff report and some of the comments, the applicant has been very successful on this site with the number of cars going there. He said the applicant is a small business owner who is thriving in this location, which he has owned since 2012. He said it has been in existence for over 50 years.

Mr. Collins said the applicant is now seeing, as a business owner, the need to be more efficient and productive, which is the purpose the request to add bays on the back of the site to help with productivity. He said while oil changes are straightforward, many people also have to bring in their cars to be diagnosed to figure out what the issues are. He said the applicant puts these on the lifts, diagnose them, determine the issues, then call the owners.

Mr. Collins said the vehicle owners are not always by the phone ready to receive those calls, so many times, the applicant will find himself in a position of waiting. He said while waiting, he has

to put the car back together and take it off the lift, then move it to be able to get to another car as he waits for answers, parts, etc. He said this is lost productivity and therefore, efficiency.

Mr. Collins said the applicant is asking for a simple request to increase the number of lifts so that he can be more productive. He said by being more productive, he can service about 5-8 more cars a day, and that he would possibly have to limit some of the cars there. He said this was the main goal.

Mr. Collins said as a small business owner, the applicant thought they could go through the building permit process and site plan process in order to get an expansion and move forward, but unfortunately, he was faced with the daunting task of bringing a site that is 50 years old, which is outside of current standards, into current County standards. He said this mainly has to do with water usage, which relates into all other aspects, including ARB, water quality, and everything associated.

Mr. Collins said the applicant made a business decision that it is necessary to go forward with this expansion, and is going forward with the concept of bringing the site up to current standards. He said this is a daunting task and is a financial undertaking for a small business owner.

Mr. Collins said what is interesting is that everything they are talking about is being rectified as they go through the process. He said in terms of stormwater management, there is an existing site that has a fair amount of impervious area that sheet flows straight to the stream. He said that with improvements through the site plan development for this project, water quality will be implemented to the State standards and will help mitigate some of this existing impervious area that does run off to the stream.

Mr. Collins said there are concerns about the cars and what people will see when driving down Route 250. He said going through the architectural review process does require screening and landscaping. He said the parking areas will require landscaping areas. He said current standard County ordinances require screening of the cars, in some aspects. He said much more landscaping and buffers will be added to the site throughout the process that will greatly change what the site looks like when driving down Route 250.

Mr. Collins said the front of the site is wide open, and one can enter and exit from the entire frontage of the site. He said this is the way this used to be done long ago, but not anymore. He said VDOT wants to limit those spots where one enters and exits the site to help decrease conflict points. He said there is a unique situation where a driveway access runs through the property, which has to be worked out. He said he possibly foresees an entrance and exit together on the site that is closest to the stream, and perhaps an exit point on the other side of the gas pumps. He said these are all aspects the applicant will work through with VDOT. He said over half (if not two-thirds) of the frontage of the site is closing up to help reduce those conflict points.

Mr. Collins said as far as traffic, Ms. Kanellopoulos and Mr. Benish were correct that the estimates all stem from the ITE manual. He said what is interesting is that the service part of the gas station doesn't generate an ITE study and has no real values added to it, but what it does have is when there are gas pumps, there is an incredible amount of traffic associated with the gas pumps, with about 600-700 trips per day for the gas pumps. He said 75% of that, if not more, is drive-by that is going into work or coming home. He said on an average day, the applicant sees about 100-200 trips at the gas pumps. He said this is a rural gas station, but that urban ITE manual trips are applied to the gas station. He said all of that is covered in the overall trips.

Mr. Collins said as far as stormwater management and the floodplain, Mr. Pohl was correct that the applicant will have to submit a Letter of Map Revision because there is updated topography on the site. He said they have done enough study and work on the site to figure out what the grades are on the site, and then they overlaid this with the elevations that FEMA provided from their floodplain studies on this portion of the stream. He said based on overlaying those two mappings, one can see where they expect the floodplain to show up on the site versus the old information from some time ago. He said the building is outside of that, and they will have to go through the process as part of the final site plan.

Mr. Collins said as far as the floodplain, one can see from the existing conditions versus the final conditions that they are pulling that parking lot back from that stream buffer and from where the stream buffer from the LOMR will ultimately be. He said they will add additional plantings in that area as well. He said they are doing a fair amount of stormwater management with that, and providing stormwater management to meet the requirements for the State with the redevelopment of the site.

Mr. Collins said all of this plays into bringing this more irregular use into more conformance. He said this was a request to continue to operate on the site in a more efficient manner.

Mr. Scott Ramm said as far as the County and State requirements, he would defer to Mr. Collins. He said he could, however, speak to the car count with having the gas. He said what he hoped to do, with the increase in the repair facility, is to make his technicians more efficient to avoid duplicate work. He said Mr. Collins mentioned that if they have to wait for approvals or parts to come in, there is another bay that the technician can work in. He said he was looking to have at least two bays per technician so that they can be more efficient.

Mr. Ramm said with the gas station and the number of cars that come in for that, the additional 10 cars per day is a very low percentage of the overall traffic that is already there. He said he could answer additional questions about the business side of the application.

Ms. Firehock asked if the applicant could address Ms. More's earlier question about why there were so many cars parked around the facility. She said she did not know if those were cars waiting for parts. She said Ms. More had referred to counting 24 cars in the image the Commission was shown.

Mr. Ramm said without knowing the day or time, it was hard to say, but that they have about 8-9 employees there at a given time, and so 8-9 cars will be employees', and then the standard is two cars per bay. He said most people will drop their car off for the day, so this would be approximately 10 cars per day dropped off there, making the total go up to 20. He said if someone doesn't pick up a car the same day it is finished, there would be extras. He said they also have two vehicles that shuttle customers to work in, so this would eliminate some of the car count for the friend or co-worker picking someone up.

Ms. Firehock said this was helpful. She asked if there would be additional cars parked outside because more people would be leaving their cars to be dropped off and picked up later.

Mr. Ramm replied yes. He said they are anticipating some percentage of more cars to be able to repair because technicians will be more efficient, as said in the application. He said there are some days where County officials will come, and 2-3 of them will be parked there, so sometimes those cars get counted. He said sometimes people stop for a drink or use the restroom, so those

cars get counted. He said the gas station component brings in cars also.

Mr. Bailey said he recognized this was a concept plan, but on the plan, there is auto service parking in the back envelope and landscaping at 0.3 acres. He asked how many cars the applicant believed this would effectively hold as far as that area.

Mr. Collins replied that some of this area would be parking, but that a fair amount of this is circulation with getting cars in and out of the bays, moving them around, and circulating them from behind the site. He said there will be some screening back there as well because this is just a parking envelope, and that parking envelopes include landscaping requirements as well. He said the 0.3 acres could probably park at least 20-30 cars.

Mr. Bailey asked if this would allow for the circulation.

Mr. Collins replied that at least 20 cars would allow for circulation.

Mr. Bailey said he read in one place of the application that all cars waiting to be worked on, as well as already-repaired vehicles, would be parked in this area. He said he wasn't sure and wanted clarification, as there are some places in the application that seemed inconsistent. He said in different parts of the application, he didn't know if the parking area was mainly for the repair cars, or if someone would park on the righthand side of the building until they are pulled into bays, or if they are put in the back area waiting to be put in bays.

Mr. Collins said many times, the cars that will be serviced will be parked in the back as they wait to be serviced and are being serviced. He said when they are complete, and the customers come by to pick them up, often times these cars will be moved out more to the front. He said this is more of what they would find on the side of the building. He said the cars waiting to be serviced would be more in the back.

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Ms. More said Mr. Collins had mentioned showing the plan overlaid with what he suspects will be a new and updated image of where the floodplain is. She asked if he had something like this to show the Commission, or if this was something he imagines.

Mr. Collins replied yes. He said this actually shows up in the application plan, in blue on the site. He said this is actually the limit of the overlay at the 513 contour. As Ms. Kanellopoulos highlighted the area on the screen, Mr. Collins explained that this was the overlay of the 513-elevation contour on the site, which is consistent with the floodplain study that is provided by FEMA along this stretch of the stream, just downstream of the culverts. He said this was fairly recent, at those culverts are fairly recent. He said they have done a lot of work in that area, which is why they have elevations (as Mr. Pohl alluded to), whereas in other places, there is an overlay map of what this area used to be, which is why it was showing that the building was in the floodplain.

Mr. Collins said that with the new topography the applicant provided with this application, they can accurately determine the location of the floodplain on the property based on the current topography of the site, which is why they know that it is not within the limits of the building, but it is substantially reduced. He said they have also created a buffer that is even greater than the floodplain area at this time.

Ms. More asked if Mr. Collins could also speak to the approximate location of the existing septic drain field. She said there were notes in the staff report about some field work that would need to

be done. She said this is in close proximity to this parking area that would be tucked behind, rather than having so many cars visible to the corridor. She asked if Mr. Collins had any concerns as to where the septic drain field is.

Mr. Collins replied that this is in the back-parking lot area, and is a parking area currently. He said it is a graveled area. He said this would be more than likely be upgrade to pavement. He said the drain field can be under gravel, pavement, or most different types of surfaces, so it can still operate in that location. He said it is outside of the footprints of the building, and meets the requirements as being far enough away from the building.

Mr. Collins said all of this will be confirmed as part of the final site plan process as well, as it will have to go through the Health Department for the review of the septic system and well.

Mr. Keller asked if Mr. Collins could show on the site plan if, with any of the 2018 flooding that resulted in fatalities in the greater Ivy area, the current site with the current topography flooded.

Mr. Collins replied that Mr. Ramm had told him it flooded around the front of the site and reached around the side, but did not flood the building. He said this is consistent with topography and as seen with the site, it was picking up drainage along the front of the site. He said the 513 contour wraps around where the culverts are, and this area was consistent with the water from that recent flood.

Mr. Keller asked if, with the proposed elevation changes that the applicant is making, the applicant could speculate what flooding ramifications off-site would occur in response to those elevation changes. He asked if the changes, while protecting that site, will push more water to the east and further downstream because of the channelization and what they all know about how flooding occurs, with the increase in velocity of the water when the channel is smaller and tighter.

Mr. Collins replied that he had a simple answer. He said they do not have any negative or adverse effects on the downstream channel because they are not changing the elevations on the site. He said they are not filling in order to get this portion of the site out of the floodplain. He said it is simply out of the floodplain because of its current elevations.

Mr. Collins said most of the time, when they talk about flood map revisions, developers are talking about filling a portion of the site in order to make it usable and outside of the floodplain. He said this is increasing the channel available for flow and can have an adverse effect on the downstream properties. He said this was not the case with their application because there is no grading operation or filling of the site in order to decrease that channel. He said it was all staying the same elevation, and is just about how the floodplain overlays on the existing contours.

Mr. Collins said that the applicant is decreasing some of the impervious area within what will be the new floodplain, and the stormwater management that is being implemented will help alleviate some of the downstream flooding.

Mr. Randolph said he wanted to look at the septic field. He asked Mr. Collins if he could tell him more about Building #42-72. He asked if there was any proposed change in the level of occupancy in that building. He said it looks on the plan as if the septic field services not only 42-72, but also 42-60. He asked if he was correct that one septic field covers both structures.

Mr. Ramm said it was his understanding that there were two septic fields (one for each building). He said there is one well supply for both buildings. He said he didn't know about the septic because the site development plan had information from when he bought the properties.

Mr. Randolph said he heard that the answer to his question was that these were two separate septic fields for the two buildings.

Mr. Ramm said it was possible, but that he did not know for a fact.

Mr. Randolph said it was then possible there were two, but that this was not known definitively.

Mr. Ramm said this was correct.

Mr. Randolph asked if there was no concern about the fact that the applicant is proposing putting asphalt down over an existing septic field, and the problems that could arise if the field needs to be replaced and they have to tear up all the asphalt to access the field and make the improvements.

Mr. Ramm replied that many companies make repairs without digging up septic fields. He said he did not know what is allowed as far as what they can cover a septic field with.

Mr. Collins said in his time, he has done a fair number of septic fields, and they can definitely be placed underneath asphalt. He said this is done in many applications, especially on smaller commercial sites like this one. He said he has done a fair amount in Fluvanna and Louisa as well. He said Mr. Ramm was correct in saying that oftentimes when servicing these drain fields, it is more about pumping and cleaning out. He said asphalt has a life span as well, and there is a lot of give and take with many things having to be maintained. He said it is a fact that over time, if the drain field had to be replaced, by the time this occurs, it is very likely that some of that asphalt would have to be overlaid or redone anyway.

Mr. Randolph said hearing Mr. Collins' explanation, what he is submitting would happen here is that a new septic field would be put in so that it would be an updated septic field and then, the asphalt would be put down. He asked if alternatively, the asphalt is being installed over the existing septic field, the condition of which is 50 years or older and the longevity of its performance or function is unknown.

Mr. Collins said this was a two-part question. He said the entire application, through the final site plan process, will have to go through VDH, so it will get a permit. He said any aspects of this drain field will be looked at through that permit process, and if any upgrades need to happen, this would be done at the same time. He said to say that the septic field is 50 years old may be true, but perhaps there has been some work done on it. He said they didn't really know the answer to that question, per se, but that much of this will be determined with the requirements of the final site plan.

Mr. Collins said that as far as putting the pavement across it, technically with the amount of gravel and compaction that has happened on that area over the last 50 years, that area is, for the most part, impervious and paved. He said the only thing that is different is that it does not have pavement on it, but that the gravel is impervious according to DEQ and everyone else. He said putting 2 inches of pavement over it is not going to substantially change the back of that site.

Mr. Clayborne congratulated Mr. Ramm on his success. He asked if Mr. Ramm could address how spill containment will be addressed in the new design.

Mr. Ramm replied that it would be the same as they are doing now, so if they are working on a car, there are absorbent mats to catch fluids as well as drain pans and containment. He said they recycle the oil and antifreeze they take out of cars. He said [inaudible] come in and clean his floors, which sucks up all the water they use. He said the water is then taken off-site to be recycled, so he does not put that water back into their septic or out onto the lot.

Mr. Clayborne asked Mr. Collins if this project is sprinklered.

Mr. Collins replied no. He said it does not meet that requirement.

Mr. Clayborne asked if he was sure that it doesn't meet that requirement. He asked if Mr. Collins knew where he was going with this question.

Mr. Collins replied that he did not know where he was going with the question, but that the project did not need to be sprinkled based on the size.

Mr. Clayborne encouraged Mr. Collins to look at this more closely. He said he would look at this as an S1 classification in the Building Code, which is where automotive repair functions fall. He said looking at Chapter 9 in the IBC or VSUBC, he thinks there is a provision that anything that is over 5,000 square feet in that classification would require that. He said he wanted to bring that up with the wellbeing there. He said the applicant wants to make sure they are rock solid and that he would push back on his response in his initial observation.

Mr. Collins said when the codes talk about square footages, they also talk about open areas. He said this is two buildings adhered together, so there will be those types of separations as well, but all of that goes into the design of the building and is all part of the building permit process as well. He said he understood Mr. Clayborne's question now.

Mr. Bivins opened the hearing for public comment.

Ms. Shaffer read aloud an email sent from Mr. and Ms. Louis and Susan Eaton: "During the 2018 flood, which destroyed a large percentage of our pasture grass from petroleum runoff, approximately 7-8 trees (including walnuts, ranging from 35-60 years old) were killed, and they are still standing. Additionally, a cucumber tree of the Magnolia family -- approximately 240 years old and 55 inches in diameter -- was killed. Many olive trees, which resist virtually every weedkilling chemical, was destroyed.

"The Albemarle Comprehensive Plan (page 7.32) states that "crossroads communities are intended to provide only essential goods and services for the immediate area. Therefore, they should be limited in size, with careful, delineated permissible uses. Expansion of infrastructure such as roads, water, or sewer should not be provided to these crossroad centers."

Ms. Jo Higgins (Project Development, Ltd.; Mt. Tory Road, Lyndhurst) said she was speaking on behalf of the adjacent property owner to the west, Casper Richmond. She said they do not oppose the application and its use for business growth. She said they have a sincere desire that the Village of Ivy is enhanced and not negatively impacted.

Ms. Higgins said she had sent a memo to the Planning Commission the day prior, and wanted to make sure it is in the public record. She said there are two issues -- scale and noise. She said the staff report very specifically goes through the noise ordinance that applies to residential, but the concern here is the proximity of the business immediately to the west. She said it already experiences noise during the work hours, and is an office and retail building. She said the ordinance specifically relates to nighttime noises and operational hours.

Ms. Higgins said she and Mr. Richmond are asking that there be some mitigation of the increased noise impacts by potentially adding a condition that specifically states that all vehicles will be worked on inside the building. She said the staff report talks about this, and that a note on the application plan will be carefully enforced during site plan review. She said after that, however, it is really not an enforceable activity unless it is a special condition on the approval of the permit. She said they are asking that the equipment, automotive tools, generators, and things that generate noise be located within the mill building, and that sound insulation be provided.

Ms. Higgins said she took pictures and visited the site various times, and during the time she was there at the end of the month and the first of the month (likely when inspections were being done), there were 44 cars parked on the site. She said they want the business to be acceptable and successful, but they would like a condition on the permit limiting the volume quantity of cars so that it is an enhancement to the Village of Ivy and not a detrimental impact. She said it has inherent problems with screening, so they think this is a reasonable thing. She said the suggested vehicle count of 24 seems to be the average, but that currently, 14 cars were parked there on a Sunday, when the business was closed.

Ms. Higgins said the Commission has a right to ask for an upgraded application plan so that these issues that were raised could be more fleshed out, and that she recommends this be pursued.

Mr. Ted Gill said he is a family member of the Eatons, east of this property, and that Mr. Eaton was present with him and wanted to make a comment.

Mr. Louis Eaton (4222 Ivy Road, US 250) said he is the neighbor of the Exxon station. He said one thing mentioned earlier was the dam, and that West Leigh Lake is directly through the railroad tunnel opposite the property, and is part of the tributary of Little Ivy Creek. He said there has been a lot of talk about the contours and topographic makeup. He said he worked as a topographic engineer for the U.S. Geological Survey in the 1960s. He said his elevations of Charlottesville West, noting they are accurate. He said he gathered from Mr. Collins the idea that one could change the topography.

Mr. Eaton said the post office was flooded, as well as everything in Ivy, two years ago. He said one problem they have that no one seems to know about is that when the water went through with such force through the tunnel towards West Leigh Lake, it gashed out a 15-foot hole there. He said now, they have a standing water level in the creek about 2 feet higher than it has ever been. He said about 6 weeks ago, there was about 2-3 inches of rain. He said the bottom of his property is flooded about halfway down from the Exxon station, so there is a new thing to work with there that does not seem important here in the discussion.

Mr. Eaton said that being a topographic engineer, he also takes issue with Mr. Collins' comment about the fact that gravel really isn't a leaching agent and is no better than asphalt. He disagreed, and said no one believes something like that.

Mr. Eaton said when he applied for a loan to purchase some land adjoining him, he was told that he was in the floodplain. He said the floodplain consists of looking at the contours, and although sometimes they take additional elevations, much of FEMA's work is done looking at the contours that he did elevation work for. He said his house was supposedly in the floodplain. He said it is 20 feet out of the floodplain. He said he is a friend of the applicant, but is against the scope and size of the expansion, as well as the traffic volume that will come out of the site. He said he was not against the idea of having more business, however.

Mr. Bivins asked the applicant if he had any comments before the public hearing closes.

Mr. Ramm said in terms of traffic, one thing that VDOT will require is significantly reducing the amount of road frontage entrance. He said there will be a large planting between the canopy and the highway. He said he had no way to study this, but that his feeling is it will significantly reduce the number of cars that have been willingly coming in for gas, as it will tighten up that spot. He said with the amount of reduction and ways people can get in and out, he thinks they will see more reduction in gas customers, though they will see an increase in repair customers. He said overall, they will likely have a net decrease in the number of cars. He said this was his assumption on what he could see on what VDOT will require, but he had no way to quantitate that at this point.

Mr. Ramm said as far as petroleum runoff, FEMA did come visit the site after the flood in Ivy, and the business was not missing any product, and didn't have water contamination in anything. He said he did not know if the building runoff came from elsewhere, but there was no loss of any product with contamination.

Mr. Bivins closed the public hearing and brought the matter back to the Commission for discussion.

Ms. More said perhaps she was understanding, but she was thinking again about the drain field and having trouble with the response she got and what is in the staff report, which states there is an existing drain field on the property that will need to be field-verified during site planning, and no parking or structures will be permitted on, or encroaching on, the drain field. She said she feels like this is different than what she heard from the applicant.

Ms. More said she did want to specifically ask about the events that happened a couple years ago and if there was flooding in the office of the building. She asked if she was able to ask this question now that the public hearing was closed.

Mr. Bivins suggested that Mr. Pohl could answer.

Mr. Pohl asked if they were talking about the drain field or septic field.

Ms. More replied that this was on page 5 of the staff report.

Ms. Kanellopoulos said she reached out previously to the Health Department, and there were two options. She said the drain field has to be field-verified no matter what. She said the applicant could choose to not have parking or pavement on it or, if they are going to have pavement on it, then the depth of the drain lines needs to be at least 30 inches. She said field verification includes locations of sewer lines, septic tanks, conveyance lines, distribution boxes, which all have to be located on the plan and reviewed by the Virginia Department of Health.

Ms. More said anecdotally, she had heard that the office of the building did flood, even if it was just 1-2 inches of water. She said she had driven through the area when the water was still there and once it receded. She asked Mr. Pohl if he knew the answer.

Mr. Pohl replied that he was not sure. He said he was not even sure that that storm was not greater than 100-year storm event. He said he could not remember how much rain fell. He said it was a very large, isolated, concentrated storm event in that area and that it very well could have flooded, but it doesn't mean that it wasn't greater than a 100-year storm, either.

Ms. More asked Mr. Pohl if he had any comments about the damage to the dam and the suggestion that the existing conditions for the stream is that perhaps it was higher than it was previously.

Mr. Pohl replied that he remembered visiting Mr. Eaton after that storm event, on his farm. He said Mr. Eaton had mentioned some things that had occurred on the other side of the railroad tracks. He said there was discussion at the time about the dam, and that the community also called in about the dam through a Board member about repairing the dam. He said he could go out again and have a visit, but that he did not have any comments at this time, as he would have to see what Mr. Eaton was referring to.

Ms. Firehock asked Mr. Pohl if he could respond to her question. She said earlier, she was asking about whether the storm water that would need to be treated would apply to the entire site, or only the addition of the new impervious surface. She noted the site currently does not have any stormwater management. She asked if the new stormwater management (since it will only apply to the additional impervious surface) was resulting in not necessarily getting a site that is much better off in terms of stormwater than what they currently have (with the exception of adding some buffer plantings), or if it would be better off because there will be more environmental mitigations in place that would mitigate in addition to the new impact.

Mr. Pohl replied that the requirements are for redevelopment to provide an additional 20% over and above what is required for the additional impervious surface. He said there will be 20% more provided to provide some offset of what is existing. He said it would not be 100%, but that there is an additional 20% based on the new proposed impervious (not 20% of the existing). He said it may not be 20% of the existing, but could be 5% or 10% of the existing, for example. He said it is directly added onto what the reduction requirement is for the new development.

Mr. Keller said he would like to hear staff's comments related to the person who called in as the agent for the adjacent property owner, and the two conditions she proposed.

Ms. Kanellopoulos said that as far as vehicles being repaired within the building and equipment being stored in the building, those are contained in the additional requirements in the Zoning Ordinance, per 5.1.31. She said the applicant will have to meet those, and that they are included as notes on the application plan. She said staff does not usually require additional conditions that repeat what is in the ordinance, so it would be addressed through those ordinance requirements.

Ms. Kanellopoulos said that with the proposed expansion and additional service bays, they would expect that the vehicles would therefore all be repaired within the building (as they should be, per the ordinance) and not repaired outside the building, which would mitigate those noise impacts. She said there is a condition on hours of operation from 7:00 a.m. to 9:00 p.m., which are the current hours, and that those are within the typical range the County requires for other rural uses

such as farm wineries (which need to turn off music after 10:00 p.m.), so it is in keeping with those typical rural use noise ordinance limits.

Mr. Keller said there was also a question about the number of vehicles allowed on-site.

Ms. Kanellopoulos said staff did not include a condition for how many vehicles can be parked on the site, and that there are two portions to the parking requirement. She said the first is the parking requirement in Section 4.12 of the Zoning Ordinance, which is for the actual use. She said the fuel pumps do not have their own parking requirement, but the auto service station does have a requirement and that between the employees and the service bays, it adds up to 24 spaces required. She said those 24 spaces would have to be in the gray area shown on the application plan. She said the applicant could include an additional 20% above that (an extra 5 spaces) if they chose to, but that is the limit for the parking requirement.

Ms. Kanellopoulos said beyond that, in the yellow area, is where additional vehicles that have been serviced are proposed to be stored. She said per the ordinance, those are allowed to be there. She said if they have not yet been repaired, they have to be screened from the public right of way and from any residential properties, per the ordinance.

Ms. Kanellopoulos said any concerns with cars being parked would be related to any visual impacts and to the character of the area, so staff found that since cars awaiting repair would be at the back of the site and not visible from the street or public residences, and since the existing character of the site in the area would include parked cars that are visible, that there would not need to be a condition to limit the number of total cars.

Mr. Keller asked if, for the public, Ms. Kanellopoulos could explain the noise ordinance and how that would work.

Ms. Kanellopoulos said her understanding is that for commercial uses, the noise ordinance limit is 65 decibels allowed, and that typically, the noise ordinance would be enforced on a complaint-based system. She said staff is not aware of any specific noise complaints that have been filed, but whether or not there was actually a condition on noise or if it is just going with the noise ordinance, that is how it would typically be enforced.

Mr. Bailey said the site, as seen on the concept plan, shows the new parking area as being new, although the pictures show it as an existing gravel area that people have already been parking on. He asked if, regarding things being subject to stormwater improvement of new development, he could get some clarification on whether the existing gravel (which is considered an impervious surface and improvement) will be existing, or if the yellow area is actually considered new. He said the pictures shown of the site looks like it is an existing parking that has been graveled over, and that the applicant's engineer referenced that it has been used and is quite matted down with existing gravel.

Mr. Bailey said he didn't know if there is a loophole there, that there really is no stormwater management that would be required in that scenario if it is considered to already be built out and preexisting.

Mr. Pohl replied that land cover is what is used to determine runoff, as well as quantity and quality requirements. He said that paving gravel is considered a maintenance issue and is not changing land use cover. He said gravel is considered impervious because over time, the voids between

the gravel get filled in with dirt and compacted, and so it can become an impervious surface. He said to be conservative, when people put gravel in, the thought is that it is considered impervious when it is installed, even though one can put in gravel as drainage. He said it is a State standard that gravel is impervious.

Mr. Pohl said staff looks at what is existing impervious or gravel areas and compare them to proposed impervious areas, which is how they calculate the requirements for quantity and quality.

Mr. Bailey said if he understood Mr. Pohl's response correctly, they do not know, but the concept plan could (although not intentionally) be misleading because they do not have the true extent of how much impervious is currently located versus being proposed. He asked if they did, in fact, have those calculations.

Mr. Pohl replied that Ms. Kanellopoulos put up a plan of the existing so they could see what is currently gravel. He said when they have the site plan that comes in, staff will go out and verify the limits of that visually, with field verification, to make sure they agree.

Ms. Kanellopoulos said the applicant had estimated about an additional 5,000 square feet of new impervious area, and so this existing condition shows that part of the area is gravel, but another area is not included, though it was included in the new yellow parking area.

Ms. Firehock said she was still wondering what the other Commissioners thought about the comment on limiting the number of cars. She asked if 24 spaces are required, and they are understanding from the applicant that they will be able to be more efficient with having cars inside the building while they are moving them from one repair to the next, if it would be unreasonable to have a cap on the number of cars that could be parked outside at any one time (e.g. 35 cars). She said they could still leave cars outside for someone to come pick up the next day if they were waiting on a part.

Ms. Firehock said she did receive comments from the public about being concerned that the area is turning into a large car-parking lot, and that while it is a gas station, they were there to talk that evening about the merits of expanding that use, and what those impacts might be. She said she was curious as to what the Commission thought about the idea of limiting the total number of cars that can be outside at any one time.

Mr. Bailey asked what Ms. Firehock meant by "outside," and if she meant behind the screened area or outside of the proposed new parking screened area.

Ms. Firehock replied that she was talking about the overall total lot. She said they are required to have 24 cars, and so she was suggesting they have perhaps 35 maximum.

Mr. Bivins said they were allowed to have at least 30 because of the 5 extra spaces that Mr. Pohl mentioned. He said if nothing else, they would be close to 24 plus 5 spaces, so close to 30 vehicles parked there.

Mr. Randolph said he would find it valuable to hear the applicant's reaction on if there was a cap and how it would affect his ability to do business. He said it is important for everyone to be reminded that no one makes a living any longer as a gas station, as one just does not sell enough gasoline, and the profit margin is so smaller than one must operate by other means. He said they have already seen this in the case of Boyd Tavern, where it is the food and interstate business

that becomes the source of the sustainability of the potential business.

Mr. Randolph said in this case, the applicant is not proposing that there be fast food onsite, but instead, to operate financially, he is proposing that he be able to do repairs on a greater number of cars. He said he would love to hear from the applicant about what a cap might mean. He said he has indicated on the staff report (page 3) that he wants to allow the business to service 13 cars per day, increasing by 5 above the current 8 cars. He said he would love to have a figure because if Ms. Firehock was talking about a maximum of 18-20 cars per day, he would like to give the applicant a clear figure and a chance to respond to that.

Mr. Bivins asked Ms. Firehock for the number she proposed, noting he thought she had said 35.

Ms. Firehock said she did say 35.

Mr. Bivins asked Mr. Ramm if, having heard the exchange between Mr. Randolph and Ms. Firehock, he would like to make a quick and narrow comment on what was being discussed.

Mr. Ramm asked if the site is being asked to have cars that haven't been worked on to be screened so that no one can see them, and if it didn't matter if there were two there, 10, or 20. He said the facility and size of the space will limit, to some degree, how many cars they can have there. He said with the space next door to his, for example, is not under development, but that probably 90% of their entire surface area is parking. He said he would like to be able to have enough cars to be able to operate the business, be profitable, and service the community, and that he might have to turn people away if he is not allowed to park a car there.

Mr. Collins added that those parking areas include a lot of landscaping, as this will go through the ARB as well. He said right now, there is a site with no landscaping on those areas, and with all the cars parked there, this is all they see. He said this will already have landscaping along the front of the site, as well as street trees and many other features that will be required through the ARB review to bring the site up to current standards. He said he strongly believes that a cap is not necessary on this site because a lot of these cars are going to be screened, and the landscaping will hide many of the vehicles people currently see as they drive by the site today. He said it will drastically change through the ARB process.

Mr. Bivins stopped Mr. Collins' comments, as this commenting was an exception. He brought the matter back to the Commission to continue their discussion and move to a decision.

Mr. Bivins asked if anyone felt called to respond to Ms. Firehock's question, and heard no comment.

Ms. Firehock said she would be prepared to make a motion. She noted she believed that the site, while it would be adding some additional vehicle trips per day, would actually leave the site in a much better state than it currently is.

Ms. Firehock moved to recommend approval of SP202000006 Scott's Ivy Exxon, with the conditions 1-5 as outlined in the staff report. Mr. Randolph seconded the motion.

Mr. Clayborne said he would like to make sure that somewhere it is recorded that if this moves on to the Board of Supervisors, that the applicant needs to be rock solid and be able to defend with confidence whether or not a sprinkler system is required. He said for a site that is not on

public water, this is not a minor thing, by any stretch of the imagination. He said with the numbers presented that evening, the way that it is presented, he believes it needs a sprinkler system. He said he wanted to make sure that this is resolved when it goes to the next level.

Mr. Randolph said on the positive side, this applicant currently is, and historically has been, in compliance with all State and Albemarle County regulations. He said he has complete confidence in the site review process to identify and rectify any problems that are perceived on this site and with the project. He said he appreciates that the applicant has provided a concept plan, which the County, Planning Commission, and the Board do not always receive from applicants. He said he appreciates the enhanced landscaping and size limitations of the property, which will automatically (in some ways) cap the number of cars on the site.

Mr. Randolph said he still has concerns about the proximity of this property and the expanded business to a creek with a demonstrated capacity to flood. He said flooding events will not become more infrequent but, in all likelihood, will become more frequent going forward. He said he does have concern about the increased impervious surface area and therefore, the site's proximity to the creek contributing to increased runoff.

Mr. Randolph said overall, he could not see any reason not to indicate that this project shouldn't go to the Board of Supervisors, so he would vote for approval.

Ms. More agreed with most of what Mr. Randolph, and did have a lot of confidence in the process, moving ahead. She said the part that is a sticking place for her is that she has a huge amount of discomfort with the proximity to the creek and the nature of this area, with it being prone to flooding. She said it was not to say that she does not have faith in the process as it moves forward, but that she did not know if she was fully comfortable with things that may have happened that changed the area during the flood that occurred a couple years ago. She said she knows they have enhanced and more accurate ways to look at floodplains and stream buffers, but that they did not have that with them.

Ms. More said that because of the nature of the area, this is where she was having trouble supporting something that she otherwise would. She said she appreciates the need to have a small business be successful and achieve the goals that the applicant set forth, but that she was finding herself struggling with the other issues because of the nature of the particular area.

Mr. Keller said his fellow Commissioners articulated the dilemma they were facing quite well. He said the tipping point, for him, in supporting this is that it is an existing business that has been on the site, and that there is a positive track record. He said if this were a new proposal on this land, he would not be supporting it.

The motion carried by a vote of 6:1. (Ms. More dissented.)

Mr. Bivins informed the applicant that the Commission recommended approval and that the applicant would be working with staff to move this towards the Board of Supervisors. He said hopefully, the applicant heard the questions and feedback that were posed to them this evening and that, in their refinement of their plan, they will take those into consideration and be prepared to extend their conversation, when called upon, before the Board of Supervisors.

Old Business/New Business

Community Meetings

Mr. Rapp said he wanted to give an update on community meetings and the process they have undergone throughout the pandemic to make sure everyone is on the same page. He said community meetings are required in the ordinance for Zoning Map Amendments, Special Use Permits, and Special Exceptions. He said the purpose of the community meetings is to provide some input and interaction with the community, discussions and back-and-forth, questions about projects with developers and with staff so that they can better prepare these applications for the Commission and Board.

Mr. Rapp said the ordinance says that the meetings may be held during CACs, which has been frequently done in the past. He said there is also the option to waive those meetings if it is unlikely to generate any public concern due to the reasons listed. He said this does not happen often.

Mr. Rapp said with the pandemic, they had an issue with conducting public meetings and having people attend in large groups. He said they worked with Mr. Herrick and the rest of the legal counsel, as well as with other management staff, to recommend Emergency Ordinance elements that were adopted by the Board, as well as an Executive Order, addressing many different things and allowing them to have the virtual meetings. He said one item it addressed is community meetings and allowing them to conduct those through alternative means, as they could not have CACs or community meetings in person.

Mr. Rapp said they looked at many different options regarding what they could utilize with their current technology and ways to still engage staff to meet the intent of the ordinance. He said they came up with a couple of options, based on the type of projects they started implementing.

Mr. Rapp said Option 1 was for the smaller projects that were less likely to generate concern or a lot of comment. He said they utilized Microsoft Forms, which is an online feedback form, with some set questions and provided some ways for people to call in or email staff to have discussions on the projects during a two-week comment period. He said those were for the projects that are much smaller in nature and more minor.

Mr. Rapp said they did have the caveat that if a significant number of comments were received, staff would proceed with the other option, which is a virtual meeting. He said this is before they had everything set up, and they worked with developers to see if they had a way to conduct this through Zoom or another platform. He said this was successful and that they have done a few of those as a way to get those going before having the CACs back online, to start getting back to somewhat of a normal process.

Mr. Rapp presented a list to show the meetings and how they evolved. He said over the past few weeks, they have started bringing back the CACs, such as 5th and Avon, which they thought was necessary for the Albemarle Business Campus project. He said they had meetings for 29 North and Hydraulic Road, and had the Crozet CAC working on their Master Plan. He said they would slowly be bringing these back on through a different online method calling Public Input, which is similar to Zoom, but more engaged with presenting plans and providing comments. He said those have been successful, and they continue to roll out those.

Mr. Rapp said for small projects where the requirement was waived, these included H&H Care Car that had come through the Commission, and MonU Park, which were very minor in nature. He said Scott's Ivy Exxon was a great example of using online forms, and that there was a lot of engagement that Ms. Kanellopoulos dealt with, as well as on a few other projects, which seemed

to be successful. He said now, they are working back towards the virtual meetings as they unveil the CACs and get into more of a routine with the options before them.

Mr. Clayborne asked Mr. Rapp if he thought Planning Commission meetings would continue to be held online for the foreseeable future.

Mr. Rapp replied that this would be the case at least for some time. He said there is Phase III, which does not have a set date. He said right now they are in Phase II, and that Phase III would allow some larger groups with social distancing. He said this would allow up to 50 people present for public meetings. He said they will want to make sure this is done safely, and so for the immediate future, they still plan to do virtual meetings.

Mr. Rapp said that next week, the Commission will have their first taste of a much more engaged meeting with a lot of public input. He said Mr. Fritz would be coming back next week to present the Yancey Lumber project and some Special Exceptions that have been requested for their site. He said he did see the virtual meetings proceeding for a while in the future, at least until they are cleared to move forward in a more controlled setting. He said it seemed that at least for another month or so, virtual was the route they were taking.

Ms. More said she would like to have a hard copy of the packet for the meeting next week, and asked if she could pick it up the next day.

Mr. Bivins said pickups usually happen on Fridays. He said Ms. Shaffer had made many copies, and they were not being picked up. He said it seems that only two Commissioners were picking them up. He suggested that if there is a meeting coming up where a hard copy is needed, the Commissioners should let Ms. Shaffer know, as she does not produce them until Thursday for a Friday pickup.

Ms. More said oftentimes if there are back-to-back meetings, they would be at the Commissioners' places.

Mr. Bivins said that because the offices are not open every day, and because staff has a schedule they are in, Ms. Shaffer plans to do all the publishing on Thursday so they can be ready to be picked up on Friday.

Mr. Bivins said he imagined many Commissioners would want a hard copy packet for Yancey. He said if they have a sense of that now, perhaps Mr. Rapp could give Ms. Shaffer some indication. He asked if anyone else wanted a hard copy.

Mr. Bivins asked if three people needed copies.

Mr. Rapp said staff appreciated as much notice as possible. He said they have some limitations to their copy center right now, but staff would take care of these, if needed.

Mr. Bivins said it is important, since there is a public piece of this, that because the Supervisors, Mr. Rapp, and his staff have been able to keep going, there are 650 building permits that turn into a value of \$108 million of activity, which is huge. He said this is huge work that the people in Community Development have done, and while he is not comparing it to any of their sister or non-sister communities, Albemarle County kept going while some of them are just starting to keep going.

Items for Follow-Up

Mr. Benish said an appointment needs to be made to the Rivanna River Corridor Study Committee, and that back in January when they made the appointments, they only made one appointment to this committee, but there were actually supposed to be two. He said there is a homework assignment for the Commission to think about who they would want, or who would be interested.

Mr. Keller mentioned he is a member.

Mr. Benish said the Commission could let either he or Mr. Rapp know who would be interested. He said what they would have to do technically is that there is a vote on the membership, and once the decision is made and if there are multiple people interested, they can decide at the end of a meeting, or let him know what that appointment is. He said Mr. Rapp can arrange a reapproval of that list of membership. He said this can be done at the next Commission meeting, or the one after. He said there is not an urgent meeting coming up immediately, but that it should be taken care of.

Ms. Firehock said that usually, it is helpful to know when and how often these groups meet, for those who have day jobs, to know whether or not the meeting times are doable. She said Mr. Clayborne, for example, has to go to Richmond for work.

Mr. Benish said he would confirm this, but that he believed it was either a 4:00 p.m. or 5:00 p.m. meeting. He said it is also very sporadic.

Mr. Keller said this was correct. He said it is sporadic in that it is tied to the funding of the phases of the joint study with the City, County, and Planning District. He said if this were known, perhaps this would give an idea of how many meetings there will be. He said it seemed to him that there were four meetings within a two-month period, and then no meetings within a six-month period.

Mr. Benish said there was almost six months of no activity, then more. He said he was new to the project, and that Ms. Elaine Echols has come back to do some contract work. He said she would not be doing that any longer, however, and that he and Ms. Rachel Falkenstein would pick up this work. He said he needed to get a better idea on what the upcoming schedule is. He said he understood from Ms. Echols and Ms. Falkenstein that there is not an imminent meeting coming up, but that it would probably be another month or so. He said he would confirm the time and when they think the next meeting will be, so they get a better sense for the upcoming work.

Mr. Keller asked what the technical name is of the project, as the last report is on the Thomas Jefferson Planning District website and one can visit to understand the phases of the project.

Mr. Benish replied that it is called Rivanna River Corridor Study, and the committee is considered the Steering Committee.

Mr. Benish reminded Mr. Bailey that as far as committees go, the way they have functioned in the past as Planning Commissioner representatives are that the Commissioner is automatically chosen to be the liaison for the CAC in their Magisterial District. He said there will be an upcoming Places29 (Rio) CAC meeting, and that he was asked to give Mr. Bailey notice that he would be

hearing from Ms. Falkenstein or another staffer about the upcoming meeting.

Mr. Bailey asked Mr. Benish if he could continue to send any email correspondence to his Gmail account, as his County email was having technical difficulties.

Adjournment

At 10:15 p.m., the Commission adjourned to June 23, 2020, Albemarle County Planning Commission meeting, 6:00 p.m. via electronic meeting.



Charles Rapp, 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:	07/07/2020	
Initials:	CSS	