

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

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

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

Members absent: Bruce Dotson, Pam Riley.

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

Call to Order and Establish Quorum

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

The meeting moved to the next agenda item.

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

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

Consent Agenda

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

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

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

Items Requesting Deferral

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

Mr. Keller asked for the staff report.

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

Mr. Reitelbach said that this rezoning is not a rezoning to change from one zoning district to another, but instead a rezoning to amend on the proffers and code of development for a previously approved rezoning (ZMA2001-20, which was approved in 2003).

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

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

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

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

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

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

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

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

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

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

Mr. Reitelbach said that in Block VII, the applicant is requesting to amend the uses table for the non-residential from the currently existing required square footage of 12,000 to 25,000 square feet of non-residential to a range of zero to 25,000, as well as to amend the residential (which is not currently permitted) to a range of zero to 100 units.

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

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

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

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

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

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

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

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

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

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

Mr. Reitelbach said there are also several factors unfavorable. He said this proposal does not meet the housing policy in the comprehensive plan, requiring 15% affordable housing.

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

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

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

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

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

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

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

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

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

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

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

mixed-use residential.

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

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

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

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

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

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

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

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

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

Mr. Shimp said that regarding the factor unfavorable of a lack of affordable housing, he was not sure if

the 15% affordable housing requirement existed in 2001. He said he is trying to work within the confines of the existing proffers.

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

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

Mr. Shimp offered to answer questions.

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

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

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

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

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

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

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

Mr. Shimp said he didn't have any specific responses to Mr. Tubbs' comments. He says he agreed with

the idea of moving to form-based code for flexibility. Mr. Shimp said there is economic development for the county to consider with parcels that sit empty, and that these empty parcels do no good for economic development or for people who might want to live near their workplaces.

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

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

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

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

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

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

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

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

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

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

Mr. Bivins asked the applicant to speak to the impact on the school system and how he anticipates working with the school system regarding the increase of students in an area that is clearly over capacity by consensus from the school board. He also asked Mr. Shimp to respond to staff's request to offer at least 15% affordable housing on these pieces of property.

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

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

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

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

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

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

Mr. Shimp replied that in Block I, there's a restaurant along 29, there will be a hotel in the middle of Block I, and a commercial office planned for the back of Block I. He said that Block IX is commercial and

contains retail buildings that the applicant has started but has not finished. Mr. Shimp said that Block III has an assisted living facility that's semi-commercial use. He said commercial would be allowed in Blocks II and VII, but he recognizes that getting 20,000 square feet of retail space in one of those blocks is unlikely, and that a 3,000 square foot retail space and 60 units was more likely.

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

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

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

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

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

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

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

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

Mr. Keller summarized what he thought he heard – that there seems to be support for this proposal, with the recommended changes that staff has made, and then three items that are not specifically called out by staff: 1) open space in parks, 2) assistance for educational needs of the county, and 3) affordable housing (15%). Mr. Keller asked if that summary was correct.

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

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

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

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

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

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

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

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

Mr. Keller introduced the next item.

Public Hearing Items

PROJECT: ZMA201800013 Rio Road W

Mr. Keller asked for the staff report.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ms. Falkenstein said the second discussion question from the May 21 work session was about affordable housing. She said the Planning Commission unanimously felt that affordable housing should be provided with this development, and the applicant has since provided a provision in the code of development providing 15% of all units to be affordable. She said this would be affordable to those residents making 80% or less of the area median income, consistent with the county's affordable housing policy.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Shimp said he did agree to the 15% affordable housing, and the 14-foot ceiling height, so the building will create the look of the envisioned streetscape. He said though it may not have the demand today for commercial, it is stepping in that direction. Mr. Shimp said there are very positive attributes to this project, and he would like the commission to take a chance to give flexibility to make it happen so that the property does not sit vacant due to restrictions.

Mr. Shimp offered to answer questions.

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

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

Ms. Kilmer also said she was concerned about parking. She said there was proposed relegated parking and perhaps later having the opportunity to transform it into a roadway connection and getting rid of the parking. Ms. Kilmer asked where the residents of this apartment building would park their cars. She noted that discussion of residents riding bicycles in the future was not realistic. Ms. Kilmer said

Charlottesville is spread out enough that most people still require an automobile. She said the parking in her building alone is very tight and she cannot afford to offer any of her parking. Ms. Kilmer said all her employees occupy the entire parking lot. She said that with the proposed building in the front and warehouse in the back, she was curious as to how that roadway or walkway works at the back end of the property and expressed doubt about its feasibility.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Garlick said while the demand for form-based code exists, that it doesn't always work, especially in a location where you're the first to do it. He said the lack of timing commitment isn't about wanting to do the project but rather, it's about hedging against the possible risk of a recession that delays the development and has a requirement that makes it unfeasible. Mr. Garlick said financing on the project is

a concern. He said that the plan is to sequence each piece of the project one after the other and there are no plans to leave out the apartment building. Mr. Garlick said there is plenty of demand for apartments, and that won't change over the next five years. He said the commission has probably dealt with developers in the past who did things they shouldn't have and made commitments that they shouldn't have, but that the project team intends to proceed with their plan.

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

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

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

Ms. More also asked about the timing of the installation of the sidewalk and street trees being concurrent with the installation of Block II screening, which staff asked to be enhanced, and would happen if Block I construction hadn't commenced yet. She said she hasn't heard Mr. Shimp respond to some of the other moving parts, and expressed concern that it does not feel ready for the Board of Supervisors.

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

Mr. Shimp said he is not saying we're not amenable to more screening, but that's what was offered. He recognized staff's recommendation to enhance it, and said he is open to suggestions of how it could be

enhanced. Mr. Shimp said that for the rest of the items (parking, step backs), those can be worked out with staff and are not fundamental issues.

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

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

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

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

Mr. Shimp said yes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Carrazana said it seems the developer is open to a timeline if they don't build the building by a certain date (two years), that they would then proffer the screenings. He said that he thinks they may be

open to a timeline, maybe more than what is currently understood, and then the proffers would come into play if that building was being delayed. Mr. Carrazana said there may be some room to negotiate a timeline as far as when those proffers kick in and when the screenings move forward.

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

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

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

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

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

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

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

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

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

Ms. Falkenstein said that is correct.

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

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

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

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

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

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

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

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

Mr. Bivins replied that is correct.

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

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

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

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

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

Ms. Falkenstein said that the Rio 29 small area plan envisions Rio Road as what is deemed a "boulevard street section" that has robust sidewalks and calls for 8- to 10-foot sidewalks on either side. She said that's because Rio Road is intended to transform into a more active streetscape. Ms. Falkenstein said it's the core of this Rio 29 development area that will hopefully become a more vibrant street and have a lot

of pedestrian activity such that it would need wider sidewalks to support that activity. She said the process is still in the study phase of determining what the final right-of-way width for Rio Road would be and whether or not there is a need to move the existing curb, or if it can stay where it is and fit the improvements within the existing curb to curb. Ms. Falkenstein said she is working with a consultant to look at that in more detail. She said they don't have any near-term plans to go in and re-do Rio Road, but incrementally as properties along Rio Road redevelop, they will start to ask for these facilities along the road.

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

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

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

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

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

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

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

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

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

Mr. Keller asked if there was a motion.

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

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

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

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

Ms. Firehock said that is correct.

Mr. Keller asked if there was a second.

Mr. Bivins **seconded** the motion.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The motion passed by a vote of 5:0.

Mr. Keller thanked the applicant for being the first for this movement forward we're trying to do in this area. He expressed special thanks to staff and said Attachment 6 was helpful and appreciated.

Ms. Spain expressed her thanks for the addition of affordable housing and AMI on the front page of the staff report.

Ms. Firehock said that commissioners have a package from Dunlora with signatures requesting moratorium on development in the 29/Rio corridor. She said she is bringing this up because it would be helpful for council to weigh in on moratoriums in Virginia.

Mr. Keller asked if council could be given heads-up on this and bring it up under new business.

Mr. Firehock said she thought she would bring it up since it was related to the previous topic.

Mr. Keller said he never received a copy of the document Ms. Firehock is referencing, and that he would need to review that first before commenting.

Mr. Keller said if there are questions for council, to bring it up under new business.

Mr. Firehock said she would wait until next week.

Committee Reports

Mr. Keller asked if they would like to hold off on committee reports until all commissioners are present.

Ms. Firehock said the committees didn't meet, so there was nothing to report.

Ms. More said that CCAC met last week and received updates about the Jaunt Crozet connector. She said they are getting together with communities to make sure that bus stops are welcome in their neighborhoods and have been doing test runs and are officially launching their first version of this on August 5.

Ms. More said they heard from Rivanna Water and Sewer Authority and would recommend to any CCAC to have them come to present, because they give an overall view of what they do and how it works for the Albemarle County Water and Sewer Authority – how they sell the water to them, how the product gets to the customer. She said they talk specifically about upgrades that have happened or are scheduled to happen to meet the demands of water usage in the Crozet area. Ms. More said she would highly recommend them as a great presentation.

Ms. More said they had a quick update about Barnes Lumber, which is an item that will be coming to the Planning Commission.

Ms. More said they also had a presentation from the Downtown Crozet Initiative, a group that has come out of the Barnes Lumber redevelopment to work with all commercial development interests in all of downtown Crozet (not just Barnes Lumber specifically).

Ms. More said the CCAC meeting was one hour and 45 minutes.

Review of the Board of Supervisors Meeting

Mr. Benish reviewed the June 5, 2019 Board of Supervisors meeting. He said that one item on that agenda that had been reviewed previously was ETA201711 - amendments for definitions and rules of construction to the ordinance (updating terms of definitions, consistency language, etc.). Mr. Benish said this was adopted as the Planning Commission had reviewed it.

Old Business/Items for Follow-up

There was no old business presented.

New Business.

Mr. Benish said he would be presenting a new three-month agenda next week, since there is no first week meeting in July. He said there have been some changes that will be useful for the commission to know about what's coming up in July and August.

Mr. Benish said staff was working to set up a resolution of intent to begin work on the Affordable Housing policy and hopes to bring that to the commission in July.

Mr. Benish said that Barnes Lumber, which was scheduled at the same time as South Wood, will have to be moved later and will come to the commission in August, as the applicants are unavailable for most of July.

Mr. Benish said that next week's will be a very long meeting due to an added item about a building violation that had to be processed within a certain period of time.

Mr. Keller asked the commission to let him know their recommendations for breaks, so they could be planned into next week's meeting.

Adjournment.

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

David Benish, Interim Director of Planning

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

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