

**Albemarle County Planning Commission
FINAL Minutes October 6, 2020**

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

Members attending were Julian Bivins, Chair; Karen Firehock, Vice-Chair; Tim Keller; Rick Randolph; Daniel Bailey; Jennie More; Corey Clayborne; and Luis Carrazana, UVA representative (joined at 6:11 pm).

Members absent: none.

Other officials present were Charles Rapp, Director of Planning; Francis MacCall; Paty Saternye; Tori Kanellopoulos; David Benish; Cameron Langille; Andy Reitelbach; Megan Nedostup; Andy Herrick, County Attorney's Office; and Carolyn Shaffer, Clerk to the Planning Commission.

Call to Order and Establish Quorum

Mr. Rapp said the meeting was being held pursuant to and in compliance with Ordinance No. 20-A(14), "An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster." He said opportunities for the public to access and participate in the electronic meeting will be posted at www.albemarle.org when available.

Mr. Rapp noted that all Commission members were electronically present.

Mr. Bivins asked Mr. Rapp to call the order to establish a quorum. All Commissioners noted their presence, with the exception of Mr. Carrazana (who arrived later in the meeting).

Consent Agenda

Mr. Bivins noted there were two items on the Consent Agenda and expressed his need for guidance from Mr. Herrick and Mr. Rapp. He said he wanted more information on Item A before moving forward.

Mr. Herrick answered that if Mr. Bivins were interested in having a separate discussion of Item A, there could be a motion to remove Item A from the Consent Agenda and to then approve the other items on the Consent Agenda in a separate motion.

Ms. More moved to remove SE202000011 Old Trail Creekside V Phases 1 and 2 from the Consent Agenda.

Mr. Keller seconded the motion, which carried by a vote of 6:1. (Ms. Firehock dissented.)

Mr. Bivins asked Mr. Herrick if this item would be moved to Old Business.

Mr. Herrick replied that the Commission could place it on the agenda where they saw fit and that it would be an item for a discussion. He suggested it could either be discussed before or after the public hearing, but that it would need to be discussed on the main agenda. He added that the Commission would want to move to approve the rest of the Consent Agenda.

Ms. Firehock moved to approve the remainder of the Consent Agenda (Approval of Minutes of the September 1, 2020 and September 15, 2020 Meeting).

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

Mr. Bivins said he would like to proceed with the hearing for the Zoning Map Amendment and then hear the special exception item (SE202000011).

Public Hearing

ZMA20200009 Forest Lakes PDSC Amendment

Ms. Tori Kanellopoulos, lead planner for the project, said this was a rezoning request to amend an existing Planned Development Shopping Center to increase the maximum square footage permitted and revise building locations. She said the rezoning would allow an additional 110,000 square feet of development within the PDSC Zoning District.

Ms. Kanellopoulos said the proposed development is located on Worth Crossing and can be accessed from a right turn lane off of Route 29. She said it is approximately one mile east of the airport and directly across Route 29 from the Hollymead Town Center. She said there are a variety of commercial, retail, and office uses around the site and across Route 29, with residential areas to the south and east of the site.

Ms. Kanellopoulos said the proposed development is located in the Forest Lakes Shopping Center adjacent to the existing Food Lion. She said the 3.43-acre site is mostly undeveloped and has a paved access road that connects from Route 29 into the existing parking lot for the shopping center. She said there are two restaurants and a gas station along Route 29 to the north and west, and the property directly to the north is undeveloped.

Ms. Kanellopoulos presented some photographs from the site, including views from the Food Lion parking lot looking east towards Worth Crossing.

Ms. Kanellopoulos presented pictures showing the pipe-stem portion of the property that connects from Route 29 and the shopping center parking lot.

Ms. Kanellopoulos presented pictures showing the property looking from the east side of Worth Crossing and looking west back towards Route 29.

Ms. Kanellopoulos said the property is zoned Planned Development Shopping Center (PDSC) and is one of six parcels in the existing PDSC as approved with ZMA1988-16.

Ms. Kanellopoulos said the zoning of the property would not change with this request. She said the request for additional square footage and revised building locations only apply to Tax Map Parcel 46B4-3 and does not apply to the other parcels in the PDSC.

Ms. Kanellopoulos said adjacent zoning districts include Commercial and Residential.

Ms. Kanellopoulos said ZMA1988-16 rezoned approximately 14 acres to PDSC with proffers and an application plan. She said the rezoning established approximately 4 acres in outparcels, one of which is the frontage area along Timberwood Boulevard. She said those outparcels do not have specified square footage requirements and were now all developed, except for the frontage

area. She said the rezoning established two tracts and specified a maximum of 71,800 square feet of development on those tracts, which were labeled Tract II and Tract III.

Ms. Kanellopoulos said the proposal is to amend the existing Planned District to allow for an additional 110,000 square feet of development on Tract III. She said this would bring the total allowable square footage to 181,800, plus unspecified development permitted on the outparcels. She said while the exact use for the site had not been included with the application, the by-right uses in the PDSC were already permitted on the site. She said the request was for additional square footage, but does not alter the permitted uses already available to the property.

Ms. Kanellopoulos said a 2,000-square-foot civic open space is provided adjacent to the undeveloped property to the north. She said this space will have shade trees and outdoor seating. She said the asphalt path along Worth Crossing will be continued along the front of the property. She said any new buildings along Worth Crossing must have at least two material treatments, a first-floor height of at least 12 feet, and a minimum façade transparency of 6%; or, there must be a planting buffer along Worth Crossing, similar to the existing buffer behind Food Lion.

Ms. Kanellopoulos said a virtual community meeting was held on August 3, 2020 at 6:00 p.m. She said community members in attendance asked about the potential traffic impact of the development, how access to the site would function, and what potential uses of the site could be.

Ms. Kanellopoulos said ZMA1988-16 allowed for 71,800 total square feet on Tracts II and III, outlined in red on the application plan. She said the current rezoning request would allow for an additional 110,000 square feet of development entirely on Tract III, as outlined in blue on the presented map. She said Tract II would still have 71,800 square feet of allowed development (outlined on the map in green), resulting in a total of 181,800 square feet between the two tracts (outlined in red). She said there were approximately 14,000 square feet of development currently remaining between Tracts II and III.

Ms. Kanellopoulos said the property is designated Community Center and Urban Mixed Use in the Places29 Master Plan. She said the intent of this designation is to create places with retail, services, commercial uses, and employment generators that are near or adjacent to residential uses. She said Community Centers are intended to primarily serve the Places29 community. She said the Places29 Master Plan also contains specific height and building footprint regulations for use categories in Community Centers. She said the application plan for this rezoning includes height and footprint requirements that are consistent with the master plan.

Ms. Kanellopoulos said the application plan also lists uses that are prohibited in this particular PDSC, consistent with the master plan recommendations. She said that wholesale distribution and manufacturing processing, assembly, fabrication, and recycling uses are prohibited, for example. She said the permitted uses are the remaining by-right uses in the PDSC.

Ms. Kanellopoulos said the development would create a vehicular connection to Worth Crossing, which would then connect back to the existing shopping center and existing access way. She said the development would reserve frontage along Route 29 for the future multiuse path called for in the master plan and would continue the existing multiuse path along Worth Crossing.

Ms. Kanellopoulos said the development would create a 2,000-square-foot civic open space adjacent to the undeveloped parcel to the north, which should eventually be expanded into a

larger civic space once that parcel also develops. She said the master plan calls for civic open spaces of at least a quarter-acre in centers.

Ms. Kanellopoulos said the proposal is consistent with the relevant Comprehensive Plan policies, including the Growth Management Policy, directing new employment areas to Development Areas and incorporating Neighborhood Model principles, and redeveloping underutilized parcels already zoned for commercial, retail, and office uses.

Ms. Kanellopoulos said the Development Areas chapter recommends that infill development be compatible with existing adjacent and nearby development, which may include architectural and landscape requirements. She said the application plan includes architectural feature requirements along Worth Crossing and if those are not provided, a landscape buffer must be provided instead. She said the preference is for consistency with the Neighborhood Model principle of buildings and spaces of human scale, especially along Worth Crossing, which faces existing residential development and will extend the existing asphalt multiuse path.

Ms. Kanellopoulos said given the proposal is adjacent to the existing shopping center, staff also found that a landscape buffer could be appropriate instead, to be consistent with the existing buffer along Worth Crossing. She said parking must be screened from residential uses, regardless of whether the architectural features are provided.

Ms. Kanellopoulos said the proposed development is within the Entrance Corridor and will require Architectural Board approval during site planning for visibility from Route 29.

Ms. Kanellopoulos said Proffer #4 (per ZMA1988-16) limits the total number of daily vehicle trips to 10,350. She said the area included in this proffer was outlined in blue on the map shown and includes a total of approximately 24 acres, including parcels outside of the PDSC. She said the applicant provided a table showing trip counts for all the parcels and applied the 36% reduction approved by staff in 1988 for pass-by trips. She said the remaining trip count is currently 3,230 trips per day and therefore, the potential traffic impact of this proposal is limited by this proffer.

Ms. Kanellopoulos added that when the rezoning was originally approved in 1989, Route 29 was a narrower road with fewer traffic signals and other traffic management systems. She said significant transportation improvements have occurred since that time and therefore, there is no major traffic impact expected with this proposal.

Ms. Kanellopoulos said staff found that the request was consistent with the majority of the recommendations in the Places29 Master Plan, the Comprehensive Plan, Neighborhood Model principles, and that it provides for additional development opportunity on an underutilized parcel that is already zoned for commercial, retail, or office uses.

Ms. Kanellopoulos said based on the favorable factors and analysis outlined in the staff report, staff recommends approval of the rezoning request.

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

Mr. Keller asked Ms. Kanellopoulos what the attendance numbers were for the virtual community meeting.

Ms. Kanellopoulos replied that she believed about 7 or 8 residents attended the meeting. She said she did not receive any follow-up requests for information from those attendees, but did receive a couple of emails asking for more information from nearby business owners. She said she had not received any specific questions other than requests for information about the proposal.

Mr. Keller said in the future, he believed it would be helpful for the Commission to have numbers for the community meetings to get a sense of how much interest there was or wasn't.

Mr. Keller asked if the pipe stem was associated with more than just the particular parcel. He asked if, in other words, it was something that had been part of the planning that has allowed other businesses in the shopping center to be able to either enter from 29 North as opposed to the primary entrance that is signaled, or to leave there.

Ms. Kanellopoulos replied that it was required with the original rezonings to have a joint access easement to allow the other businesses to use it as well. She said it was a right turn-in only and that she did not believe anyone could exit back onto Route 29 that way.

Mr. Keller asked if this would remain as part of this proposal.

Ms. Kanellopoulos replied yes.

Mr. Keller said discussions have been heard from the community and questions have been asked as preparations are made to move into an area where more people are going to businesses and offices, but that they are not sure what the makeup will be in the next 5-10 years. He said his question was one that community members have asked and so he would ask Ms. Kanellopoulos as well as the applicant. He asked if this building were something that could be converted to residential use in the future if it were to not be a successful commercial entity. He asked if, with its many square feet, it was something that could be condominiumized into rental or sold residential space.

Ms. Kanellopoulos replied that she would have to defer to the applicant on how they would be designing the building or multiple buildings. She said residential is allowed by special use permit in this district, so if it were possible to convert the buildings, a future applicant could ask for residential at up to 15 units per acre.

Mr. Keller said this was why he asked the question.

Mr. Randolph said he had a question about 46B4-4 in relationship to 46B4-3. He said at the northeastern corner of 46B4-3, the application indicates the existence of 2,000 square feet for a potential park. He said the park looked to be extremely elongated and narrow in terms of its depth. He said its width is significant. He asked if there was any discussion as to whether the park could be wedded to a similar type of park at 46B4-4 in the future so that the area would have something more significant in the way of greenspace.

Ms. Kanellopoulos said she could let the applicant speak more to their plans for the civic space, and that her understanding was that the link was intended to be part of the walking path or sidewalk that would be established there, similar to some of the pass-through areas in Stonefield. She said the intent was that it would be able to connect to the existing development to the north in the future, adding that that parcel was not part of the Planned District. She said when looking

at the master plan, civic space is shown mostly on the parcel B4 to the north, and the intent would be that they could interact and combine in the future.

Mr. Randolph said he would wait for the applicant to address this.

Mr. Bivins asked if Tract I was anywhere near Tracts II and III.

Ms. Kanellopoulos replied that she did not believe there was a Tract I and that she was unsure why they were called Tracts II and III.

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

Mr. Justin Shimp, project engineer, said he was joined by Ms. Kelsey Schlein and explained that they represented JaZan Limited Partnership, the property owner. He said essentially, they were trying to get the piece of property with some zoning that matches the Comprehensive Plan and is not tied to a 1980s strip center development. He said he believed this would be favorable to all parties involved.

Mr. Shimp shared his presentation with the Commission. He said the site was open grass land that appeared to have been previously graded, but not developed. He said it had been graded out for the proposed 1988 plan. He said there were no sidewalks on Worth Crossing and that the applicant was proposing a shared use path along this corridor.

Mr. Shimp said the heart of the issue was that the development, as zoned, would have to follow the pattern he presented on the screen, which had a limited amount of space and about 5-8 spaces per 1,000 square feet. He said this was a very outdated form of development that had been envisioned as the future in 1988. He said things have changed and, relating to some of the questions he heard earlier, things were still changing presently. He said it is currently a challenging time to predict what would happen on those parcels.

Mr. Shimp presented a drawing of the new, proposed development. He said this would allow a building to be placed anywhere upon the parcel. He said the setback is a 30-foot maximum setback along Worth Crossing and that essentially, any building will be up along Worth Crossing. He indicated on the drawing to where the applicant designated a "No Parking" zone, which would restrict parking on the front. He said the effect of this is that there could not be a vehicular travel way between Worth Crossing and the building. He said this was what the applicant was guaranteeing with this drawing and that otherwise, it would be a matter of following the parking ordinances for Layout B.

Mr. Shimp said the applicant was also proffering a shared use path along Worth Crossing as part of a future plan to connect to Proffit Road and a shared use path there.

Mr. Shimp said the applicant's task was to look at the master plan recommendations. He presented some language from the master plan, which included building square footages for various uses, heights of buildings, etc. He said the applicant copied these into their form regulations, which were also presented on the screen.

Mr. Shimp presented an exhibit that illustrated the vehicular connectivity in white, the required pedestrian connectivity in blue, and the multiuse path along Worth Crossing in red.

Mr. Shimp said in terms of the strip of greenspace proposed, which Mr. Randolph had asked about earlier, the thought was that in the near term, this could be a sitting space for people traversing the path, which would be connecting the businesses along Route 29 to the residential at Worth Crossing. He said the space was placed on the property line such that when the next parcel was developed, a similar shape would be added to that and that collectively, it would become a wider greenspace with more options. He said the details were not yet fleshed out at that time, and that the master plan did not have many specifics on this.

Mr. Shimp said what the applicant did try to do was make something that works for the development on the sole parcel, but also leave it open for future development and redevelopment to attach onto it to make it a central amenity or recreational space that is referred to in the Comprehensive Plan.

Mr. Shimp noted that all the uses that are already allowed are staying and that the applicant is restricting a few uses out. He said the traffic is not allowed to increase from what was previously approved and that there were no added traffic impacts as a result of the rezoning. He said the applicant was simply trying to make the site buildable, in a modern sense, in a way that matches the Comprehensive Plan.

Mr. Shimp concluded his presentation and offered to answer questions.

Mr. Keller said simply stated, the park would not ultimately be a park, but an outparcel. He said the applicant was asking for a 110,000-square-foot increase without offering much to the County in return.

Mr. Shimp responded that the applicant was trying to make the parcel developable as it should be. He said a commercial parcel in the Development Area should be used for businesses. He said most commercial parcels do not have a maximum square footage (e.g. Highway Commercial). He said the 110,000 square feet was not a particularly large floor area ratio or anything unusual in commercial development, and so he did not think this meant anything other than the zoning needing to match the Comprehensive Plan, which was what the applicant was trying to get to.

Mr. Shimp said regarding the park space, there was no particular plan the applicant was aware of for a County park there. He said the idea was to have some greenspace for people to use, but this was shared about the center and the applicant was one piece of that, so they wanted to try to address that in a way that makes sense at the moment and for the future. He said it has to be a collection of redevelopment of the parcels overall to create some sort of civic space. He said even then, without there being a plan from the County, he did not know how having a pocket park would work. He said this was the kind of thing where if it were spelled out more specifically in the plan, the applicant would have more to respond to, but that this was not spelled out.

Mr. Randolph said he wanted to follow up on Mr. Keller's point. He said Mr. Shimp was asking the Commission to basically sign off on a 253% increase in terms of the amount of square footage. He said he was concerned about the fact that Mr. Shimp mentioned that potentially, the property immediately to the north (46B4-4) could also have a similar configuration of 2,000 square feet that would provide some greenspace there and a walkthrough.

Mr. Randolph said he was not seeing the robust, creative design that was pedestrian-friendly and captures the imagination of residents in Forest Lakes, or that this additional development would

ultimately deliver to those residents anything monumentally different than a standard, cookie cutter strip mall development. He challenged Mr. Shimp to come up with a plan (if the application were to proceed to the Board of Supervisors) that was more innovative and, especially in the age of COVID-19, addresses much more of a pedestrian-friendly, walkable, and sittable kind of environment along the 2,000-square-foot corridor that eventually leads to the walkway that will get over to Route 29.

Mr. Randolph said he was not seeing the integrated plan that captured his imagination when Mr. Shimp was asking for a 253% increase in terms of square footage.

Mr. Shimp responded that he believed the idea of the applicant asking for more square footage needed to be taken into context. He said currently, the zoning is the strip center that does not contribute to anything nor anyone. He said this was one parcel and was not a big master plan like what has been seen on other projects (e.g. the master plan for 5th Street), and so there was not as much opportunity to design the center location.

Mr. Shimp presented a slide showing the center location from the Places29 Master Plan. He said the center was at the core of multiple parcels. He said the applicant viewed this as the need to not preclude this from happening and to contribute to it, in some way. He expressed that although he would like to have someone direct him on how the space should be designed in terms of what the County expects and what modern, mixed-use design entails, the applicant can only handle what they are able for this project. He said they have to rely upon the County's plans to preserve the spaces so that overtime, they develop.

Mr. Shimp said the increase in square footage was not adding traffic but was adding value. He said one could build 20,000 square feet with 300 parking spaces, according to the current zoning, but that this was not a good plan.

Mr. Shimp expressed he understood the concern about the connectivity in terms of making it something attractive and interesting, but that he did not think it was necessarily fair to bring square footage into it. He offered that it would be a benefit to the County to have more square footage and therefore, more businesses and opportunities.

Mr. Randolph said the challenge as he saw it was that the County was getting a single parcel to look at with the suggestion that perhaps when 46B4-4 is developed, there could be additional square footage set aside that would have a public benefit. He said he believed it was unfortunate that there are "salami tactics" where the Commission gets one piece at a time in isolation because the Commissioners, as planners, would like to be able to see the whole picture, how it is integrated, and how it actually works.

Mr. Randolph acknowledged that 46B4-4 was not before the Commission that evening, and so it was not germane to the discussion. He said he was trying to point out that, absent that, he did not see a significant commitment in the application to enhance connectivity and pedestrian enjoyment of the facility. He said he did not know what the configuration of the walkway would be in the end, and his concern was that it was not capturing his imagination as something that would be appealing for residents in Forest Lakes.

Mr. Shimp said he understood Mr. Randolph's concern.

Mr. Bailey said he wanted to understand the choice of location for the connection to Worth Crossing. He said there is an existing entrance in the back of Food Lion that is primarily used for a loading dock but that based on its configuration, he was struggling with the circulation of the vehicular traffic. He said having been there as recently as the past weekend, he wanted Mr. Shimp to walk him through the logic of suggesting that the entry for the proposed buildings be there versus perhaps shared with what exists beside Food Lion on the south side of the property into Worth Crossing.

Mr. Shimp indicated on an aerial view to a service entrance and asked Mr. Bailey if this was what he was referring to.

Mr. Bailey said yes.

Mr. Shimp said the issue is that because the development is in a different form than the Food Lion, the buildings will need to be drawn up to the road. He said they may be screened but that most likely, they will have frontages on Worth Crossing. He said in his mind, it would be strange to have that sort of truck entrance, where trucks are backing up and loading, shared with an entrance to what is more of a storefront situation. He said this was why the applicant separated the entrances, recognizing that until the other site is redeveloped, the developments have different feels.

Mr. Shimp said changing the way they design buildings from that of 1988, the applicant felt that the proposed vehicular circulation made more sense when shifted across from the neighborhood so that people could walk from the neighborhood to a sidewalk crossing, then come up and around, rather than tying things in closer to the loading area.

Mr. Bailey asked Mr. Shimp if he could speak to the pipe stem end. He said there is an excellent exit onto Route 29 from the gas station. He said since this was within the confines of the applicant's property, he was curious as to how the applicant would address the circulation of this where the one-way in often ends up with people going in the wrong way. He said near-accidents in that specific area seem quite concerning from a traffic and pedestrian point of view. He asked if he should derive anything from the width of the dotted line on the map as far as how much traffic the applicant expects to be pushing towards the ill-defined intersection.

Mr. Shimp asked if by "ill-defined intersection," Mr. Bailey meant the one entering the gas station.

Mr. Bailey said yes.

Mr. Shimp said because the building focuses towards Worth Crossing, the applicant expects activity there. He said the white line on the map on the screen represented the vehicular circulation pattern. He said people could go out that way. He said to his knowledge, there was not an easement across the gas station and so people could leave that way, although they were only supposed to come in that way. He said as far as any improvements that could be done there, he was not sure if they could be. He said there is a 20-foot-wide to 30-foot-wide strip there, and much of what happens there is a function of the entrances to the other sites.

Mr. Shimp said this was a question he would have to look into to determine what could be done, if needed, in that location. He said essentially, the applicant's property at that point is all an easement across the area shared by the various users in that site plan. He said all of this would have been approved by the County and built in the 1980s and 1990s and has been that way since.

He said he was not sure if they could change things there, given how much land they actually own there and if easements encumber it, but that it was something he could investigate.

Mr. Bailey said he appreciated Mr. Shimp looking into this, as it was a confusing and potentially unsafe entry and exit point there.

Mr. Shimp suggested that signage could possibly be added along the portion of land the applicant owns and that he could look into this.

Mr. Bivins said that it appeared that between the two pieces of property, there are about 14,800 square feet that have not yet been developed on Tract II.

Mr. Shimp said yes, and that this went back to the plan shown on the screen that showed an area in yellow.

Mr. Bivins asked Mr. Shimp if the yellow area on the map would capture the 14,800 square feet.

Mr. Shimp replied yes. He said this was the remaining developable area.

Mr. Bivins asked Mr. Shimp if he was including this square footage in the 110,000 square feet.

Mr. Shimp replied yes. He said this 14,800 square feet would essentially disappear into the 110,000 square feet and was not in addition to it.

Mr. Bivins said this was interesting, as it had appeared to him that it had been in addition to the 110,000. He asked Mr. Shimp if he were looking for 95,200 additional square footage to have allocated to Tract III.

Mr. Shimp replied yes.

Ms. Kelsey Schlein, Planner with Shimp Engineering, clarified that the 110,000 square feet was exclusively for that parcel, and that there would be 14,000 square feet remaining to be developed on Tract II with the existing Food Lion parcel.

Mr. Bivins asked if there were plans or anything the applicant could share as far as what could happen on the 14,800 square feet.

Ms. Schlein replied that she did not believe there was a specified redevelopment plan for the 14,000 square feet, and that the applicant simply did not want to prohibit the square footage from being realized at some point in the future on the adjacent parcel.

Mr. Bivins asked Ms. Schaffer if there was anyone from the public who wished to speak at that time.

Ms. Schaffer replied no.

Mr. Bivins asked Mr. Shimp if there was anything else he wanted to share with the Commission.

Mr. Shimp said he understood the questions pertaining to the open space and amenity space. He said when the applicant comes across a parcel such as this that is for redevelopment, they are

bound to what they can control. He said he believed that the master planning efforts and the Comprehensive Plan were what would ultimately guide the redevelopments, but that the applicant cannot fix the center in one project on one parcel. He said the nature of these projects is that it will take time, which is why there are comprehensive plans that guide a future path for the development the County would collectively like to see from individually owned parcels.

Mr. Bivins closed the public hearing and brought the matter back to the Commission for discussion. He invited Mr. Frances MacCall, Deputy Zoning Administrator, to provide further information.

Mr. MacCall said he wanted to provide some clarification on the use that Mr. Keller had asked about in terms of potential conversion of the space to residential. He said this is PDSC zoning (Planned Development Shopping Center) and in this district, the special use permit is not an option for uses as it is in the C1, HC, and CO districts. He said this would be if this was a Planned Development Mixed Commercial development, and so he wanted to be sure this was clarified.

Mr. Keller said he appreciated this. He said what they know is that zoning, as it stands all over the United States, is in a state of significant flux, especially where it revolves back to housing, density, and affordable housing. He said his question was a generic one about, in terms of the structure (rather than the zoning), whether this sort of structure could be converted. He said he has heard in national Zoom discussions the difficulties of doing this kind of conversion because of the complete stripping down of the structure to its bones, and that it is much easier and cheaper to start from scratch.

Mr. Keller said because Mr. Shimp often has thoughtful, outside-of-the-box solutions, he thought he would throw out this idea to see what Mr. Shimp thought about it.

Mr. Bivins said he was somewhat walking down the same path that he heard Mr. Shimp say – that the 14,700 square feet was going to be included in the 110,000. He said he was happy that Mr. Shimp said that. He said Mr. Shimp's colleague (Ms. Schlein) then came up and disabused him of that thought. He said he was now stuck in a place where he had previously been feeling very comfortable and wanted to put this out for discussion. He asked the Commission if they should be going for 110,000 square feet or if they should be looking for 95,000 (if they were looking to move forward at all).

Ms. Firehock commented that she would probably view this site differently as if they were starting from scratch entirely and what the appropriate uses should be. She said they were looking at whether they can do the same thing with a much higher density and acknowledging the fact that their roads and structures have changed dramatically since this was first proposed.

Ms. Firehock said she could raise a caution that, in some respects, some of the commercial uses might be being overbuilt. She said harkening back to Mr. Keller's point, even though the pandemic would not last forever, she believed they will still see a shift in what the demand is. She said she was concerned that they were overbuilding in some areas.

Ms. Firehock said increasing the density to make the best use of the development envelope is, to her, a worthy endeavor. She said she would like to see more greenspace and amenities, but she would also put it back on the County, with some sympathy to Mr. Shimp, that the County needs to have a coordinated plan for greenspace and connectivity throughout the entire urban ring that they would then ask developers to contribute to or connect to, rather than asking each developer

individually to imagine a future scenario in which they might be part of the jigsaw puzzle without giving them the benefit of a thoughtful connectivity plan.

Ms. Firehock acknowledged that the County has drafted the Rio29 Form-Based Code and that there are grand plans for that area, but pointed out that there is no grand plan for Mr. Shimp to tell him where the County would like him to connect.

Ms. Firehock said she was comfortable with the application. She said if they are to develop, she would like to see the maximizing of use and space. She said perhaps she was oversimplifying the matter, but that this was her point of view.

Ms. More agreed with Ms. Firehock's summary of the question that was asked. She echoed some of the comments that Mr. Bailey and others made about how traffic will flow from the site. She said she would encourage Mr. Shimp to look at this carefully and ensure it is happening as safely as possible. She said one of the things she noticed on the map was a road that was not a one-way street that goes out onto Worth Crossing. She said this road would come down the side where the small greenspace is located. She said the traffic flow seemed unclear on the map. She said it is confusing if there is a right-in only and that it should be clear to people that this is only one way. She said what she saw on the map looked as if it had the potential to be confusing. She said she encouraged ensuring safety there for vehicles and for pedestrian access.

Mr. Clayborne asked that as the applicant moves forward, it is noted in the record that the Commission had a conversation about the traffic and safety concerns. He said aside from this, he was in full support of the proposal and staff's recommendation and was prepared to make a motion.

Mr. Clayborne moved to recommend approval of ZMA202000009 Forest Lakes PDSC Amendment.

Ms. Firehock seconded the motion, which carried by a vote of 5:2. (Mr. Keller and Mr. Randolph dissented.)

Mr. Keller explained for the record why he had voted no. He said he did not believe this was a bad project, but that the County needs to receive more in return for the significant square footage increase.

Mr. Randolph said he also voted no for the same reasons Mr. Keller stated.

Mr. Bivins encouraged Mr. Shimp, after hearing the Commission's dialogue, to continue to consider the issues discussed as he prepares to move forward to the Board of Supervisors.

SE202000011 Old Trail Creekside V Phase 1 and 2

Mr. Herrick informed Mr. Bivins that if the rest of the Commission was agreeable to discuss the special exception, they could do so.

Mr. Bivins asked if the Commission should hear from staff in terms of how they got here. He said his major question was how this went to a Consent Agenda item, and what were some of the issues that needed to be considered. He said he wanted to know if this should go to a public hearing or if counsel would suggest putting this into a Consent Agenda item.

Mr. Herrick said he would defer to Mr. Rapp and Ms. Saternye to address this if there are questions from the Commission about it.

Ms. Paty Saternye explained that the reason this item was on the Consent Agenda is that the Planning Commission approved it in 2017. She said it was the same subdivision layout, orientation, and circumstance. She said in the road plan, the applicant has added the trail system requested by the Planning Commission.

Ms. Saternye said the only reason it came back before the Planning Commission again is that the subdivision plat it was associated with was withdrawn for inactivity and thus, the special exception approval was no longer in effect. She said therefore, staff chose to put the item on the Consent Agenda because the Planning Commission had chosen to approve it previously and the only real difference was that the applicant merged two phases of the development together in the same plat. She said aside from this, it is the same development and same special exception request that had been previously approved.

Mr. Bivins asked Ms. Saternye if the only thing they were speaking to was January Lane.

Ms. Saternye replied that the only thing they were speaking to was Jackson Lane and whether or not this gets the exception of the coordination of streets as required by Section 14-409(A).

Mr. Bivins said when the Planning Commission approved this three years earlier, there were some of the same people on the Commission then as are currently. He asked if there had been any discussion at that time of not connecting the entrance, but having drivers come in and out off of Jarmans Gap.

Ms. Saternye replied that she was uncertain of that discussion, as she was not the staff member on the project at that time.

Ms. Firehock said she had been a Commissioner at that time and remembered this fairly well. She said as seen in the illustration, the applicant had proposed that they are joining part of a larger street network. She said the way it had been proposed to the Commission was that staff recommended they also add a connection to Jarmans Gap Road. She said when they looked at the time it would take to implement the applicant's proposed way to exit Jarmans Gap Road, the gain in transportation efficiency was not significant enough to make a difference for the residents who live there. She said the County did want it to provide a pedestrian connection so that people can get out and mingle with their friends.

Ms. Firehock said another aspect was that it was across the street from another large subdivision and that this would create two intersections coming together, which is what is desired for a grid network. She said there was a concern, however, about traffic conflicts that may ensue from that.

Ms. Firehock said if the applicant had proposed what Mr. Bivins suggested, they would have then had that entrance and not be connected to the rest of the neighborhood. She said it was a conversation that revolved around whether there was a need for a second entrance, if it would provide for transportation efficiency by doing so, and what the benefit of doing that would be. She recalled that the argument from staff at that time was that Albemarle County seeks to have as much connectivity as possible and foster a grid network and that therefore, the other street should be added. She said while she generally agreed with that, she [inaudible] that it did not add much to the particular situation.

Ms. Firehock said this was her summary and that others may have a different summary. She said there was a report from that time that the Commission could read.

Mr. Bivins asked Mr. Benish if he had wanted to add anything.

Mr. Benish said Ms. Firehock had covered the background information well. He said there had been members of the public who attended the Planning Commission meeting years ago who opposed it.

Mr. Bivins asked if this opposition was with regards to the through street.

Mr. Benish replied yes.

Mr. Bivins said his comment was not about the through street and that he was not supporting that. He said he was wondering why the project hadn't been cited for five houses on Jarmans Gap Road.

Ms. More said Ms. Firehock summed up her recollection of the meeting, which she remembered very well. She said at that meeting, the matter before the Commission had only been the exception, and so she did not recall being presented with the idea that Mr. Bivins was suggesting. She said it was not that they would undo the exception, but that she believed what Mr. Bivins was suggesting may be better than having the access from the neighborhood, and if the access could be from Jarmans Gap. She said this was not something they had been asked to consider and that they would simply address the access all the way through and the exception for that.

Mr. Bivins said he was beginning to understand how they got there, and that he would move that the Commission accept the special exception.

Mr. Herrick suggested that if Mr. Bivins had the report in front of him, there was a staff recommendation at the bottom of the report. He said the form of the motion could simply be, "I move approval of the request for an exception," and then use the remaining language from the staff recommendation.

Mr. Bivins moved staff's recommendation to recommend approval of the request for an exception of Section 14-409C for the coordination of roads required to provide a public road connection to Jarmans Gap Road.

Mr. Randolph seconded the motion.

Ms. More asked Mr. Bivins if he was moving that it stay the same way as it was approved.

Mr. Bivins replied that he was moving that it be as recommended by staff and in the way that Ms. Saternye explained it to the Commission that evening. He said he pulled the item off the Consent Agenda because it was different enough and because having the conversation was helpful for the Commissioners to be able to reflect on.

The motion carried unanimously (7:0).

Committee Reports

Mr. Clayborne said he attended the Pantops CAC meeting on September 28. He said there was a presentation given by Mr. Tim Padalino (Chief Parks Planner) of the Village Park draft master plan. He said the other half of the meeting was about including accessibility and reporting on progress there.

Review of Board of Supervisors Meeting – September 16

Mr. Rapp said there were three public hearings at the September 16 Board of Supervisors meeting for legislative applications. He said the Board approved the ZMA request for Spring Hill Village that had come before the Planning Commission with the entrance modifications. He said the Board also approved the special use permit amendment for the new stream crossing for Pleasant Green, as well as the new zoning text amendment for fill and waste areas.

Old/New Business

Mr. Bivins said many of the Commissioners likely saw in an email that day information about a test for COVID-19 that was available. He asked the Commissioners to spend some time taking the COVID-19 survey. He expressed his understanding that Zoom meetings would continue to take place for some time.

Mr. Bivins also mentioned the possibilities for Aldi and Lidl stores to open in Albemarle County.

Mr. Rapp said next week, the Commission would meet and discuss a proposed Zoning Text Amendment regarding recycling. He said the following week, Mr. Kevin McDermott would provide the Commission an overview of the various transportation projects that were recently applied for funding.

Items for Follow-Up

There were no items.

Adjournment

At 7:07 p.m., the Commission adjourned to October 13, 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: 11/10/2020
Initials: CSS