Albemarle County Planning Commission
Final Minutes Regular Meeting
January 28, 2025

The Albemarle County Planning Commission held a public meeting on Tuesday, January 28, 2025, at 6:00 p.m.

Members attending were Fred Missel, Luis Carrazana, Corey Clayborne, Karen Firehock, Julian Bivins, Lonnie Murray, and Nathan Moore.

Members absent: None.

Other officials present were Michael Barnes, Richard DeLoria, Syd Shoaf, and Carolyn Shaffer.

Call to Order and Establish Quorum

Ms. Shaffer called the roll.

Mr. Missel established a quorum.

Public Hearing

ZMA202300005 Berkmar Flats

Syd Shoaf, Senior Planner, said that tonight he will be presenting staff's presentation on Zoning Map Amendment application ZMA 202300005 Berkmar Flats. He said that he would first discuss the location and then highlight the differences between the proposal in June 2024 and the current proposal. He said that the subject property is located north of Charlottesville, between Woodburn Road and Berkmar Drive.

Mr. Shoaf said that it is situated near the Victorian Heights development with 88 units, the Berkmar Overlook development with 52 units, and the Woodbrook apartment development with 244 units. He said that the property consists of three parcels, Tax Map Parcel (TMP) 45-81, 45-82, and 45-82A, totaling 3.62 acres. He said that all three parcels are currently zoned R6 Residential, with one parcel containing an existing structure at 2175 Woodburn Road. He said that the parcels to the southwest are zoned R6 residential, comprising the Berkmar Flats development.

Mr. Shoaf said that the adjacent parcel to the northeast is also zoned R6 residential, featuring a single-family residence. He said that to the north, across Woodburn Road, is the Rural Areas (RA), and to the southwest, across Berkmar Drive, the parcels are zoned Highway Commercial (HC). He said that the subject parcel contains steep slopes along its frontage with Berkmar Drive and is within the airport impact overlay district. He said that the three parcels are located in the Places 29 Master Plan, with a future land use designation of Office/R/Flex/Light Industrial, which allows residential as a secondary use.

Mr. Shoaf said that this is the proposal, which is the same as the June 2024 Planning Commission meeting. He said that the applicant proposed to redesign 3.62 acres from R6 residential to R15 residential to construct 54 units. He said that this is the applicant's initial proposal from June 2024, which has been referenced in the staff report as the vehicular connection. He said that it includes two access points to the site, one from Woodburn Road and one from Berkmar Drive, connected by an internal travel way.

Mr. Shoaf said that additionally, a 50-foot private inter-parcel connection was proposed for the adjacent parcel to the north. He said that staff recommended approval for this proposal because

it provided an internal vehicular connection to connect Woodburn Road and Berkmar Drive's access points. He said that the proposal currently under review by the Planning Commission was the resubmitted proposal, which had been referred to as the non-vehicular connection proposal in the staff report.

Mr. Shoaf said that the applicant could provide further details during their presentation, but the key difference between this proposal and the initial proposal was that the internal vehicular travel way had been replaced by a pedestrian connection. He said that the applicant had decreased the amount of impervious area on site and increased the recreation areas and amenities within the site to address the Planning Commission's concerns from the June 2024 public hearing; however, this proposal did not provide the interconnectivity.

Mr. Shoaf said that the applicant proposed two proffers. He said that the first was for the conceptual plan to be developed in general accord, which pertained to the following essential elements: the location of buildings, recreation square footage, and sidewalks along Woodburn Road. He said that the second proffer was for 15% of the total residential units to be affordable housing. He said that it was worth noting that this application had been received prior to the change in the County's 20% housing policy. He said that in summary, there was one positive aspect: the proposal included a provision of on-site recreation amenities and an increase in recreation amenities. He said that, however, staff was concerned that the primary use of the property was not residential, but it was consistent with the character of most surrounding properties and their current residential zoning.

Mr. Shoaf said that there was no interconnection provided within the site to connect Woodburn Road and Berkmar Drive's access points. He said that a private interconnection to the adjacent parcel to the north was proposed, but a public easement would be preferred for that connection. He said that staff recommended denying the Zoning Map Amendment request for ZMA 202300005 Berkmar Flats.

Mr. Bivins said that on page 6, where they discussed schools, he thought it would be helpful if they could include a date for Center II before presenting it to the Supervisors. He said that he believed Center II was expected to open in 2027. He said that they had Agnor Hurt Elementary and Burley Middle, and they had that funding had been provided for Center II, with an anticipated capacity of 400 seats. He said that the construction was underway on the Lambs Lane campus, and it was expected to be completed shortly. He said that including this date may be beneficial, as one of the Supervisors was well-versed in Center II’s details.

Mr. Missel said that he had one question regarding the Victorian Heights subdivision, located to the south. He asked if that subdivision had any requirements for interconnectivity with Woodburn.

Mr. Shoaf said that Victorian Heights, located to the north of the site, had been approved and featured an internal private travel way. He said that while discussing this topic, Woodbrook Apartments had also been approved by the Board, and their site plans were currently under review. He said that they were proposing an internal private travel way as well.

Mr. Missel asked what the name of the development was between Swede Street and Empire Street.

He said that was the Berkmar Flats Overlook.

Mr. Missel asked if that development had any requirements for interconnections.

Mr. Shoaf said that as they could see on this map, there was a stub out to the site located on Swede Street. He said that when this proposal came before the Planning Commission for the first

time, there was discussion about the issue of the existing Rivanna Water and Sewer Authority (RWSA) pipe. He said that the problem was that there was a grading issue at that location. He said that as a result, a pedestrian and vehicular interconnection were not possible at that site.

Michael Barnes, Director of Planning, said that to clarify, the first subdivision came in and Swede Street was graded too low, unfortunately. He said that the pipe he was referring to was actually the main pipe coming from the water treatment plant, which was a significant piece of infrastructure. He said that moving it was quite cost-prohibitive, and he believed it was unwarranted. He said that the Service Authority was not excited about that move, either.

Mr. Missel asked if that was included in the concept plan.

Mr. Shoaf said that Swede Street was not highlighted in this plan, but the one provided in June 2024 did show it. He said that on the left side of the map, they could see Sweet Street, and then it transitioned into the area before them, which was where the mini four seating area label was located. He said that if they would like, they could clean up that visual.

Mr. Missel said that he would like to clarify the location of the water line.

Mr. Shoaf said that it ran along the property line.

Mr. Missel asked if it ran along the area with the five-foot setback on the map.

Mr. Shoaf said yes.

Mr. Missel said that it looked like their building would be very close to that.

Mr. Barnes said that it was worth noting that the upper parking lot was actually situated on top of an easement, which was distinct from the situation with Swede Street, where it was multiple feet below the grade. He said that therefore, they would need to grade down significantly to connect.

Mr. Missel said that the pipeline was higher.

Mr. Barnes said that he was certain that the engineer could provide them with the specific numbers, but he would offer some general information. He said that Swede Street was currently at this elevation. He said that the water line was relatively close to that street, situated on the bank. He said that if they were to drop the bank on this property, it would likely require lowering or relocating the main water line. He said that again, this was due to the nature of this project, which involved a principal service line. He said that he believed that the Service Authority had not been enthusiastic about moving the water line either.

Mr. Shoaf said that he also wanted to correct the agency in charge of this area; it was the RWSA, not the Service Authority. He said that although he had not mentioned this in his presentation, the by-right zoning for this parcel was for 28 units, and final site plans were currently under review. He said that he had had correspondence with both the Virginia Department of Transportation and RWSA regarding the proposed connection, and they had both noted to him and the applicant that this connection was not feasible without the modifications suggested by Mr. Barnes.

Mr. Missel said that to state the obvious, the only potential interconnection possibility was Woodburn Road, even though one had already been accommodated in the adjacent development.

He said that to clarify, at the time of the Berkmar Flats development, there was no requirement for that development to connect to Woodburn Road.

Mr. Shoaf said that he was not a planner at the time, and therefore, he was not aware of the specific circumstances surrounding that rezoning.

Mr. Barnes said that they left it as an emergency access point rather than a full access point. He said that he believed that the staff at this point would have wished that they had designated it as a full access point from the outset.

Mr. Bivins said that Mr. Missel's question was if there was a connection between Swede Street and another development. He said that he did recall that there was a two-way exit onto Woodburn Road from the intersection of Empire Street, Swede Street, and Marsac Street, which was a cul-de-sac. He said that within the cul-de-sac, there was an emergency exit between the cul-de-sac and Woodburn Road.

Mr. Bivins said that to address the Chair's question, which he believed was the same one he had, all three new projects had three streets. He said that during his visit to Victorian Heights, he observed that the streets allowed for a continuous route from Berkmar to Woodburn. He said that therefore, the odd development out would be the one they were discussing tonight, which did not provide a similar crossing option between the community and Woodburn Road if needed.

Mr. Missel said that he also noticed that Swede Street continued through. He said that it would likely continue as an interconnection to the south.

Mr. Murray asked if there was an opportunity of utilizing Swede Street as a pedestrian connection, perhaps by installing stairs or another type of pedestrian access.

Mr. Shoaf said that he had correspondence with RWSA regarding this matter, and they suggested that it would not be feasible due to VDOT's system not accepting it. He said that he believed the applicant could provide additional information to that point.

Mr. Missel opened the public hearing. He asked if the applicant had a presentation.

Kelsey Schlein, Planner with Shimp Engineering, said that she is joined tonight by Justin Shimp, their engineer for the project, Whit Graves, the builder, and JT Maxwell, the property owner. She said that she would like to begin by thanking the Planning Commission for the feedback and comments they provided at the meeting in June. She said that tonight, they were presenting a significantly improved concept compared to their previous presentation six months ago.

Ms. Schlein said that however, she was aware that they are in a challenging position, given that their previous recommendation for approval from staff has been changed to a recommendation for denial, due to changes they made in response to feedback from the Commission. She said that she was aware that they were not where they want to be, but she would like to delve into the details of the site grading, as she believed it was crucial to understanding the layout of this site and why it is been designed the way it is.

Ms. Schlein said that it was also essential to consider the grading of the other sites in the Berkmar area, particularly the development at Victorian Heights, which features 24 feet of retaining walls to support its grading. She said that their goal was to achieve a more pedestrian-scale, human-friendly design that aligns with the neighborhood model principles. She said that with that in mind, she would focus on the site grading tonight, but wanted to keep the bigger picture in mind, as this project represents 3.6 acres in the development area and 54 units, which was an efficient use of land that could help prevent premature expansion of the development areas, which was a key concern that the comprehensive plan team has been addressing over the past few months.

Ms. Schlein said that with that in mind, she would proceed with her presentation, which includes the staff report from prior to June and the June Planning Commission staff report, which recommended denial due to connectivity concerns. She said that they made some changes between the time the staff report was published and their presentation to the Commission. She said that they upgraded the access to Woodburn Road from emergency access only to full access, and they added a private interparcel connection.

Ms. Schlein said that this change addressed staff's concerns about interparcel connections and allowed them to move forward with a recommendation for approval. She said that in their previous concept, as Mr. Shoaf demonstrated in his presentation, they had envisioned a continuous vehicular connection through the site. She said that this created significant grading challenges, which she would discuss later in this presentation.

Ms. Schlein said that to illustrate their original vision, she would like to pull out some quotes from the minutes, as this was what they had heard. She said that they wanted to incorporate more connected green space, human-scale design, and pedestrian-friendly access to the future shared use path on Berkmar Drive, which would connect to Target. She said that they aimed to create a place where people could enjoy living. She said that this guiding principle informed their redesign.

Ms. Schlein said that she would like to highlight some major changes. She said that their prior concept, as shown in this burgundy layout, featured a vehicular connection from Woodburn to Berkmar Drive through the entire site. She said that however, to meet Albemarle County's minimum parking requirements, they had to limit the site to no more than 5% impervious surface area. She said that this necessitated significant earthwork and asphalt to achieve.

Ms. Schlein said that the gray area represents their current layout, which breaks up the two connections and allows them to maintain the high portion of the site while keeping the low portion low. She said that by doing so, they reduced their impervious paved area by approximately 13,000 square feet. She said that this change also highlighted the increased open space. She said that the yellow area in this layout shows the original plan with extensive impervious surfaces for building sites and vehicular connections. She said that with this revised concept, the stormwater facility became open space, and they were no longer doing primarily underground detention.

Ms. Schlein said that this facility could serve as part of the open space program and be incorporated as an amenity for the site. She said that additionally, it helped address the issue of asphalt and heat generation in a residential community. She said that by removing the underground detention, they could reduce the heat island effect on this development. She said that they had a proffered commitment to increase the recreational areas on the site beyond the code requirements.

Ms. Schlein said that according to the Albemarle County code, subdivisions with more than 30 units required at least 200 square feet of recreational space per unit, not to exceed 5% of the site area. She said that they had agreed to increase their requirement by 20% beyond the code, allowing them to allocate less site area to asphalt and more to recreational spaces. She said that the revised grading plan showed a steepness gradient of the site, explaining why so much of it was dedicated to asphalt to meet the minimum parking requirements.

Ms. Schlein said that they needed to create a flat landing for the inner parcel connection, which limited the amount of asphalt needed. She said that the design allowed for a safe and efficient flow of cars, with ramping travel ways, while keeping the amount of asphalt to no more than 5%. She said that this also ensured that Americans with Disabilities Act (ADA) spaces were limited to no more than 2%. She said that she would like to provide some context on the amount of earthwork involved in making the connection. She said that the cross-section showed the existing grade of the site. She said that the proposed site section was different from the previous section.

Ms. Schlein said that the yellow on the cross-section highlights the significant cut they made to the site to create the connection and accommodate the parking requirements, which had resulted in two separate entrances. She said that the high side of the property remained high, while the low side was lower. She said that she also wanted to draw attention to the fact that they had previously discussed the by-right site plan, which was very close to approval. She said that this rezoning would be the first phase, and it would largely incorporate into the phase two plan. She said that one item she would like to note was that their current primary use designation in the R/Flex/Light Industrial District was working against them from the comprehensive plan, which was last updated in 2011.

Ms. Schlein said that the draft future land use map currently recognized the development along Berkmar Drive, including this site, as urban density residential. She said that in contrast, the site they were currently working with was more holistic in its approach, with residential being a supporting use for the surrounding commercial uses. She said that however, if this rezoning moved forward, it would be consistent with urban density residential principles. She said that she was simply calling attention to these points, which everyone was well aware of.

Ms. Schlein said that she would like to highlight the site context and how, in the context of Albemarle County, this development was relatively walkable. She said that the shared use path between Woodbrook and the existing roundabout behind Hilton Heights, which was expected to come online, would provide a continuous path from this site to Target, spanning nearly three miles. She said that this was an amazing amenity that residents could benefit from living in this area. She said that she would like to bring to their attention a few other destinations in the area, including the big box stores such as Lowe's and Walmart, as well as several salons, spas, and fitness studios that were conveniently located near this development.

Ms. Schlein said that unfortunately, she was out of time. She said that she would like to make one final statement. She said that six months ago, as they had previously discussed, the issue of interconnectivity remained a challenge. She said that this exhibit illustrated their difficulty in making a connection to Swede Street. She said that the waterline elevation and road design shown on their concept plan demonstrated how the road would be designed if it were continued.

Mr. Moore said that he had some questions regarding the grading for the inter-parcel connection off to the right. He said that one concern he had was that they should avoid replicating the issues seen on Swede Street, where the connection could not accommodate the intended use.

Ms. Schlein said that the alignment works with Victorian Heights, and this image illustrated that their inter-parcel connection was directly aligned with Victorian Heights' inter-parcel connection. She said that one thing that was not an issue was the utility conflict, which was a significant advantage because, as they had asked, it was often wondered why it could not be made to work. She said that they could move some dirt around and figure it out. She said that there was not a utility conflict in that location, which meant they did not have that obstacle to overcome.

Mr. Moore said that that helped clarify things. He said that he was also wondering, if they referred back to the new walkability plan, approximately how many parking spaces could be expected in the off-Woodburn section versus the off-Berkmar section.

Ms. Schlein said that their traffic count was more informative, and it aligned with the initial allocation they had in mind. She said that the single-family attached town homes would have driveways, and there would be parking spaces for approximately 18 dwelling units. She said that the off-street parking for Berkmar would accommodate approximately 22 units, with parking spaces located on that side.

Mr. Bivins said that he also wanted to thank the applicant for coming back with a plan that was certainly different and responsive to their earlier discussions. He said that he had a couple of observations and questions. He said that he understood that the portion of the project currently on Woodburn Road was by right. He said that he had expressed his concerns about the narrow road, and he had also acknowledged that only one side of that road was in the development area and the commercial zone.

Mr. Bivins said that given the road's narrow width and the 32 residences, it seemed that the Berkmar Drive side would be more suitable for a higher density, considering its two-lane configuration. He said that he was trying to clarify if this was indeed the case. He said that he wanted to address his concerns regarding the shared use path and the walking path along the right side of the property. He said that the Chair had spoken earlier about the importance of having alternative routes for emergency situations.

Mr. Bivins said that in this case, he pointed out that the Victorian Heights path to the north and the path to the south could be used as an emergency route, allowing vehicles to drive through. He said that he was concerned that this was the only viable option, and that the shared use path on the left side of the property may not be suitable for vehicles. He said that he was worried that this could leave 22 households without a way to exit the property in the event of an emergency, particularly since Berkmar Drive had a history of issues. He said that he was struggling to understand why he should be comfortable with this arrangement, given his traditional discomfort with it. He said that it appeared that staff had acknowledged his concerns by not providing an alternate route, which only added to his concern.

Ms. Schlein said that to clarify, both concepts had been presented to VDOT and the transportation staff, and from a transportation impacts perspective, not having a connection had not been a concern. She said that this was a benefit. She said that in the grand scheme of the transportation network in this area, this development was a minimal impact. She said that if this project had been built by right for 54 units, they might have chosen the original concept. She said that they had gone back to the drawing board and come up with a better concept.

Ms. Schlein said that considering the property's current designation as 28 units, there could be 28 units exclusively accessed from Woodburn or Berkmar. She said that in terms of impacts beyond the current by right, once the property was designated as urban density residential, they could utilize bonus factors to exceed 28 units by right. She said that ultimately, they were not at a greater impact than they would have been in the by right scenario, as they were only at one entrance.

Mr. Moore said that he had a question to note, which he believed was briefly mentioned in passing regarding the Victorian Heights project. He said that since he did not have the plan for that project in front of him, he wanted to inquire about a specific point. He said that he wanted to know if there was a pass-through connecting Berkmar to Woodburn in that area. He said that if someone enters Berkmar, they could loop through Victorian Heights to access the back entrance without having to go that far.

Mr. Bivins said that he appreciated the clarification. He said that he would like to revisit his previous point. He said that he was wondering if it would be possible to daylight the pipe south of the location, allowing for a connection to the road. He said that this was a common practice in other areas, where pipes were exposed. He said that by daylighting the pipe, they could avoid the need for a more complex and expensive solution.

Ms. Schlein said that Swede Street was the main water supply from the reservoir, and therefore, it was a critical component of their infrastructure and could not be lifted up.

Mr. Bivins said that he was thinking about the multiple places he had seen where pipes were daylighted.

Ms. Firehock said that those creeks were typically daylighted until they were buried, whereas their water supply was one that they actually wanted to encase and protect in order to transport it.

Mr. Murray said that they mentioned earlier that the design was based on the County's requirements for parking spaces. He said that he was wondering if the facility had sufficient parking, or if they felt that there was excess parking in this design.

Ms. Schlein said that she believed they were currently four spaces short of the requirement, so they would need to apply for a site modification. She said that in her view, the parking they needed was included in the design. She said that Victorian Heights had added parallel spaces along the streetscape as well. She said that although those spaces had been shown in front of their site at one point, they were later suggested for removal. She said that she believed that the parking they needed was still located in this particular location.

Mr. Murray said that he was in favor of reducing parking requirements, and that was why he was considering alternative solutions.

Ms. Schlein said that they had successfully implemented this approach in other locations and certain neighborhood models that they had worked on. She said that as a result, they had been able to reduce the parking requirement, especially in multi-family projects. She said that on average, they had been able to achieve about 1.7 parking spaces per unit in the County. She said that in some projects, they had even been able to reduce the requirement to 1.3 or 1.4 spaces per unit. She said that in this location, however, they were already a little short, and since they did not have a lot of street parking available, they would likely stick with the minimum requirement.

Mr. Murray asked what was the closest distance to a transit stop.

Ms. Schlein said that a transit stop was located very nearby, which she indicated on the map.

Mr. Murray said that he was curious to know why the proposed connection was being considered a private easement rather than a public one.

Ms. Schlein said that she believed that the Victorian Heights connection was also a private access.

Mr. Murray said that in the past, he had heard concerns about the lack of light industrial and commercial properties in their area. He said that he believed that, just as they discussed the development of residential areas, they also needed to consider the commercial and light industrial sectors, as they were crucial to their tax base. He said that this funding was essential for supporting schools and infrastructure.

Mr. Murray said that he thought it was essential to their neighborhood model, which prioritized walkability and accessibility. He said that as they had demonstrated, it was possible to walk to a big box store and other local businesses from there. He said that however, he was concerned about the adaptability of these buildings to accommodate changing needs. He said that for example, he wondered if they could be repurposed to include commercial space on lower floors, or serve the local community with amenities like a coffee shop or bookstore.

Ms. Schlein said that taking a residential building that was permitted under the residential building code to commercial was a very challenging process. She said that the likelihood of a conversion was difficult, however, since the portion of the site adjacent to Berkmar was likely to be a rental

product, and the portion adjacent to Woodburn was likely to be a for-sale product. She said that she believed that when one maintained control over a larger portion of property, there was always the opportunity down the road, many years from now, to redevelop it in a different way. She said that for instance, maintaining control of the entire parcel as a rental product did not preclude the possibility of future redevelopment.

Mr. Murray said that he encouraged them to consider adaptability when designing these buildings and sites. He said that as they developed the growth area, he thought it was essential to think about the future. He said that one of the big problems he saw was that they often locked things in time, making it difficult to accommodate changing needs. He said that in the past, neighborhoods had evolved over time, with single-family housing giving way to multi-family housing, which then became commercial spaces.

Mr. Murray said that eventually, a city would form. He said that with their current zoning and approach, they had essentially frozen development in time. He said that this was putting them in a challenging position. He said that in this context, he thought it was worth considering how to incorporate adaptability into some of these areas, allowing them to potentially accommodate small-scale commercial use in the future.

Mr. Moore said that he appreciated Mr. Murray's comments because it would be beneficial to have mixed-use possibilities. He said that in this case, he was not convinced that every parcel needed to do every job, given the proximity of the site to various amenities such as a bank, salon, print shop, dentist, and child care center. He said that it was a quarter-mile walk, which was not an excessive distance. He said that there was already light commercial activity nearby, just not on the site itself.

Mr. Murray said that if they considered the potential impact, it could be said that they would have the same issue. He said that looking at downtown Charlottesville, for example, they had a much shorter distance to travel. He said that to achieve a truly walkable situation, he believed it was essential to consider the inconvenience of carrying groceries, even if it was only a quarter mile. He said that in his opinion, this was a significant drawback.

Mr. Clayborne said that he wanted to thank the applicant for the presentation. He said that he acknowledged that this was a challenging site they were working with. He said that he was curious if they could elaborate on the conversations they had had with staff regarding interconnectivity, specifically with regards to Woodburn Street. He said that he was trying to understand how those concerns had been addressed versus the conversations they had had with Fire and Rescue, who reportedly had no concerns.

Mr. Clayborne said that it appeared to be an inherent conflict, and in his mind, it was similar to Mr. Bivins' point about the fire-life-safety aspect. He said that however, if the staff had concerns and Fire and Rescue did not, he would like to hear more about how they attempted to resolve this discrepancy and the differences between the two perspectives.

Ms. Schlein said that from a planning and land use perspective, connectivity is a crucial principle, particularly in neighborhood models. She said that they are looking at ways to provide alternative routes for people to get around, which is a key consideration. She said that from a Fire Rescue standpoint, they are evaluating whether the development's design allows for safe access and egress for fire trucks, ladders, and other emergency vehicles.

Ms. Schlein said that they are checking factors such as the width and clarity of travel ways, the proximity of buildings to the fire access road, and the availability of fire hydrants. She said that fortunately, this design has already passed Fire Rescue review and meets their criteria, ensuring that emergency vehicles can access the site safely and efficiently.

Mr. Carrazana said that he also wanted to express his appreciation for the way they had incorporated many of the comments they had made. He said that it had been June, but it did not feel like it had been that long ago. He said that he appreciated the effort and thought this design was much more livable, with the inclusion of green space. He said that the fact that stormwater management was now an amenity, rather than an underground system, was an improvement.

Mr. Carrazana said that he also appreciated the reduction in impervious surfaces, which was a positive aspect. He said that there were several other benefits he saw in this design. He said that he would like to understand the interconnectivity opportunities. He said that they had a connection at the north. He said that he wondered if they were planning to build out this connection as part of the project to link it to Victorian Heights.

Ms. Schlein said that it was a reservation for a future connection.

Mr. Carrazana said that the other project was currently under construction.

Ms. Schlein said that yes, Victorian Heights was currently under construction, and their alignment and design were modeled after the existing situation. She said that as a result, they were experiencing the same challenges. She said that according to their plan, they had a reservation area marked by these two lines on the map, which indicated the edge of the pavement.

Mr. Barnes said that to clarify, there was a parcel of land situated between the two developments.

She said that yes, there was. She said that she would refer to a context map that she had here.

Mr. Barnes said that if there was a common boundary between the two developments, they would likely be able to make that connection today.

Mr. Carrazana said that he had assumed that was part of the discussion.

Mr. Missel said that this was why they were referring to the alignment.

Mr. Carrazana said that he was wondering why they were not implementing it now. He said that he understood now and appreciated the clarification.

Ms. Firehock said that she had two questions and a comment. She said that first, she would like to express her gratitude for the applicant's response to their comments. She said that she could understand the challenges of being responsive and the negative recommendation from the staff, as they had mentioned. She said that regarding the stormwater management, she had made an assumption and she would like to verify it. She said that they now had a stormwater pond, and she would like to know if it would be a wet pond or dry pond, considering it would be serving as a site amenity. She said that wet ponds had been shown to have higher efficacy for pollutant removal and were generally more aesthetically pleasing.

Justin Shimp, Project Engineer with Shimp Engineering, said that they had designed it, and he described it as an extended detention type, with a blend of characteristics from both. He said that due to the limited watershed area on this side, they could not create a wet pond. He said that instead, they typically incorporated engineered wetlands or similar treatment systems to mitigate the issue. He said that they could not sustain a true wet pond due to the insufficient watershed area.

Ms. Firehock said that now that she had this information, she wanted to ask about what they had mentioned before regarding storing the water in underground tanks for temporary detention. She

said that they were planning to release it to the stormwater system slower, to attenuate the flow. She said that in this case, now that they were treating the water with vegetation on the surface, they were also providing water quality treatment, not just quantity. She said that otherwise, they would have needed to purchase water quality credits elsewhere if they were only using underground storage tank detention.

Mr. Shimp said that the caveat was that there was some underground detention systems also incorporated sediment filtering, which could lead to improved water quality. He said that this was something they did frequently, as one of their manufacturers offered a system that effectively trapped sediment. He said that while it required more maintenance, as the sediment needed to be vacuumed out regularly, it did result in a removal rate. He said that according to the state's testing, this system achieved a 40% removal rate, or a similar level. He said that while some areas did have underground detention systems with sediment filtering, in general, above-ground systems were more likely to include water quality treatment.

Ms. Firehock said that it appeared to her that by bringing the tank above ground and utilizing vegetation on the surface, they were achieving better water quality treatment and mitigation than would be possible with an underground tank system.

Mr. Shimp said that the state advised on those numbers. She said that ultimately, it was more within her expertise to determine how they arrived at those numbers. He said that essentially, yes, there were multiple methods for above-ground attention, and they could receive a credit for removal due to vegetation, as she had mentioned.

Ms. Firehock said that if they had vegetation growing there, they would also be providing habitat for pollinators and other benefits, beyond just the tanks underneath a parking lot. She said that she apologized for the lengthy detour into stormwater management. She asked if they could please refer to the picture of the development's conceptual plan. She said that she was curious about how the different areas were designated, although she understood that was not the final version. She said that it seemed to her that the dogs had the largest recreational zone. She said that she knew that people in Albemarle County loved their dogs, but she wondered if that was intentional. She said that she was just not sure, but it seemed to her that maybe the dogs could frolic in the pollinator patch, while the people had a bit more open space.

Ms. Schlein said that this was a great question. She said that as she mentioned, this was conceptual at this point. She said that they would likely be pursuing modifications if the project moved forward to meet the code requirements, ensuring that the facility was more than just a few amenities, but rather a comprehensive space that allowed the dogs to have enough room to run around. She said that they had actually delved into dog park design in several of their other communities and had gained experience on how to set up gates and other necessary elements to accommodate the desired size.

Ms. Firehock said that she thought she would prioritize the people's recreational areas over the dog park. She said that perhaps they could create a smaller dog park in a corner. She said that she did not want to overstep the site's design; the idea just occurred to her. She said that she would like them to bring up the image of Victorian Heights that they had shown earlier, which was an aerial view. She said that they had been discussing how it would work in that context. She said that looking at that image, Victorian Heights was quite impervious. She said that in comparison, the subject site was much greener, thanks to the redesign.

Ms. Firehock said that while Victorian Heights met their requirements for through-roads, they sacrificed other things and did not have easy sites to develop; those had already been built up. She said that they were left with more difficult sites, like this one. She said that they would have to deal with soil movement, grading, and slope disturbance to make connections work, and the

result would be a very impervious site. She said that she appreciated the applicant's efforts to make this site greener. She said that she wondered if anyone really wanted to walk along the sidewalk with the retaining wall, which provided connectivity but was still dangerously close to the roadway.

Mr. Missel said that he appreciated their comments, and he was glad that they were focusing on the details because it indicated that they were supportive of the bigger picture. He said that the revised plan was a significant improvement, and he appreciated their efforts. He said that as others had mentioned, he thanked the applicant for responding to their comments. He said that he had a couple of questions. He said that regarding the better living across the street that they had shown, the connection to Berkmar Drive, he was wondering if it was possible to have this entrance across from that location. He said that he was curious to know where their property boundary was in relation to Berkmar Drive.

Mr. Shimp said that the stormwater management was in this area.

Mr. Missel said that he was wondering if there was a way to line those up, and if they had looked at that.

Mr. Shimp said that he did not think it was practical, and that was not something that VDOT's rules on commercial entrances would allow, which was to avoid conflicting left turns. He said that therefore, lining them up or offsetting them sufficiently would be necessary to avoid the conflicting left turns. He said that they had met the clearance requirements far enough to meet their standards, which meant they were offset sufficiently.

Mr. Missel said that reviewing the plan, he noticed that the non-vehicular plan, located in the upper left-hand corner, appeared to encroach on a 20-foot RWSA easement. He said that the building was situated very close to the edge of this easement, and he was concerned that it may be too close to a pipe that was parallel to the property line. He said that he wondered whether the building's proximity to the pipe posed any issues, particularly given the potential for a significant grade difference.

Ms. Schlein said that that they could have the parking lot and the driveway built over top of the pipe. She said that the problem lay in cutting down the slope where the pipe was located, and she said that uncovering the pipe was the main concern.

Mr. Missel asked if they would allow them to pave over it.

Ms. Schlein said that they would allow them to install pavement over top of it.

Mr. Missel said that at one point, he was considering the dog park comment as well, but his focus shifted to Mr. Bivins' mention of emergency egress and access. He said that it appeared that there was a connection between the two buildings, which zigzagged across the site. He said that he was wondering if the grades would accommodate a connection in or around the dog park, but he did not want to nitpick.

Ms. Schlein said that it was feasible. She said that the issue was not related to a VDOT right-of-way, but rather the pedestrian connection to the south.

Mr. Missel asked if nay members of the public wished to address this item.

Stacy Tanner said that her backyard was parallel to the main water line, right next to Swede Street. She said that she was concerned about the grading that will be taking place there, as well as any vegetation or screening that could be implemented along the entire property line adjacent

to the easement. She said that this would help maintain a good neighborly relationship with those nearby.

Ms. Tanner said that they were also concerned about potential water and erosion issues that could affect their property. She said that they were worried about fire safety, given the presence of cars and the limited maneuverability of a fire truck in the area. She said that they were concerned about access in case of an emergency, as the area would likely become congested. She said that overall, it would be best to keep the zoning at R6, because with less density there would be less problems with safety, vegetation, and erosion. She said that the green space was not usable; there was nothing there for children. She said that the quality of life there for the commercial businesses would be affected, so it would be nicer over there with a mixed-use space in that area. She said that she would like to see a better plan.

Tom McDermott said that he resided in Berkmar Overlook. He said that his question pertained to the shared use path that was mentioned as an amenity. He said that they were also interested in this feature. He said that he and his family had moved there a couple of years ago, and individuals they met at church and elsewhere expressed the notion that the Berkmar Drive extension had been sold to them as a shortcut to Earlysville. He said that they wanted a 45-mile-per-hour speed limit on Berkmar Drive and no more crosswalks.

Mr. McDermott said that given this, his question was: how confident were they in ensuring that the shared use path was actually constructed, and what steps could be taken to make it a reality. He said that the idea of transforming this neighborhood into a walkable community seemed challenging to envision without the shared use path. He said that he was concerned about this aspect.

Mr. Missel asked if the applicant had a response to the public comments.

Mr. Shimp said that the stormwater drainage issue, he believed, had been discussed prior to the last hearing. He said that regarding the site, particularly for those living in the Berkmar Overlook neighborhood, which could be seen on this drawing, the contours indicated a drainage divide that split the site roughly in half. He said that currently, all the water flowed in one direction. He said that with the proposed design, they would intercept and redirect the water, ultimately leading it down a different path.

Mr. Shimp said that this meant that the existing slope towards homes would be regraded, drainage captured, and redirected. He said that he understood why some people may be concerned, but it would be addressed. He said that he would like to make a general comment that supported Ms. Firehock's statements. He said that these sites were inherently challenging, with difficult land and development constraints.

Mr. Shimp said that they had spent countless hours trying to perfect this layout, but he acknowledged that it was not perfect. He said that in a perfect world, they might have achieved a different connection. He said that however, the trade-offs were necessary, as the fire marshal had pointed out. He said that requiring multiple access points for every development would lead to impractical conditions, such as excessive asphalt and adverse conditions.

Mr. Shimp said that these trade-offs were what they operated with, and they must balance the regulations, including converting apartments or townhomes to commercial spaces, which they could do with ease. He said that they could open a bakery in that location, except that it would be in violation of the zoning code, building code, and fire safety codes, which presented several challenges. He said that they had made their best effort to create a more livable and environmentally friendly layout from a grading perspective. He said that he believed that people would enjoy living there, and there was a trade-off in not having a direct connection.

Mr. Shimp said that as with every site, there were compromises that needed to be made, and they felt that this was a better outcome than the original proposal. He said that the shared use path was indeed an option that was currently under process. He said that they had clients who were already in negotiations with the Berkmar community, and he was not sure of the exact date for that.

Mr. Barnes said that the shared use path project was a funded initiative, and their Facilities and Environmental Services (FES) department was actively working on it.

Mr. Missel asked if the County would construct that.

Mr. Barnes said that their contractor would construct the project.

Mr. Missel asked if Mr. Shimp could share information regarding the screening between the properties.

Mr. Shimp said that one of the things they did not show here was that parking lots would be required to be screened, which would result in the addition of shrubs and other landscaping features. He said that this was a zoning requirement that they typically did not delve into in the concept plan. He said that to screen the parking spots, they would need to add trees and other landscaping elements along the edges of those areas, which would introduce additional requirements that were not immediately apparent from the site plan.

Mr. Barnes said that regarding the water line itself, RWSA would not want to have trees planted in their easement.

Mr. Shimp said that if they cut three inches of dirt over the water line, the plan was reviewed very closely, and their inspectors would closely monitor the contractor throughout the day to ensure that the work was done correctly. He said that if someone were to accidentally hit the water line, it could potentially affect thousands of people without water.

Mr. Missel said that he was surprised that they were able to pave over it.

Mr. Shimp said that if they needed to maintain it, they would likely rip up their asphalt in order to access the pipe.

Ms. Schlein said that RWSA had reviewed this plan, and it was the final site plan.

Mr. Missel closed the public hearing and the matter rested with the Commission.

Mr. Moore said that he would like to start by acknowledging the green features in this proposal, which he believed his colleagues and he had discussed at length in terms of the significant amount of pavement. He said that this new design did appear more attractive, with the landscaping effectively snaking around the existing infrastructure. He said that barring any last-minute issues, it looked ready for approval. He said that it seemed like a well-rounded proposal, with the added bonus of a new entrance from Berkmar.

Mr. Moore said that he appreciated the redesign process, which was lengthy but ultimately resulted in a better product in terms of interconnections. He said that as someone who lived in a neighborhood with limited access points, he appreciated the opportunity to have multiple entrances. He said that functionally, the only concern he had was that the parking spaces may be eliminated if one entrance was used, requiring a loop around to access the other side. He said that this was not a significant issue, as it was only a short detour to access either Victorian Heights

or the other side. He said that he believed this was a good use of approximately 3.5 acres to bring housing to the development area.

Mr. Bivins said that he appreciated having two entrances and exits. He said that this concept resonated with him, as it reflected the current state of their world, where things could quickly go awry. He said that although he would not advise anyone to sign up for it, he was concerned about the rising number of shootings, stabbings, and assaults in their community, which had caught his attention. He said that as a result, he was looking for places with high population density that may require quick evacuation. He said that if this area had a high-rise development, then they could have all kinds of park space.

Mr. Bivins said that however, given their community's aversion to high-rises, he would not expect that. He said that he was supportive of this plan. He said that he wanted to state that the water company's plans to dig up and install pipes throughout their community to bring water from Ragged Mountain was a pressing issue. He said that it seemed illogical to him that they could not accommodate a road due to the existing pipe infrastructure, especially when the water company would be moving and adding pipes throughout their community. He said that he felt compelled to bring this to their attention.

Mr. Bivins said that he believed that creating a community among multiple developments, such as the dentist's office, the school, and the Berkmar Overlook, and the current project, was beneficial. He said that however, their current approach of isolating each community from one another was frustrating, as it prevented them from forming a cohesive community among themselves. He said that this trend must come to an end, and he believed they could be part of the solution by saying they needed to stop this foolishness. He said that as one community, they were bringing these communities together, and they needed to provide them with ways to interact with each other in a meaningful way.

Mr. Bivins said that he had expressed his concerns about the water pipe, specifically why he thought it was a poor solution. He said that they could cover it with concrete, asphalt, and rocks, but they could not simply dig it up and relocate it, which did not make sense to him.

Mr. Missel said that he was not sure if it was gravity or a pressurized pipe.

Mr. Barnes said that the pipe was pressurized, and he was not aware of its exact size, but the main point was that it was the primary pipe coming from the plant, making it a large pipe. He said that as Mr. Bivins had mentioned, since it was under pressure, it could be moved, but the size of the pipe was the limiting factor. He said that therefore, it was very expensive to relocate, and it was also critical to its functionality that a bypass pipe be installed in the meantime. He said that in fact, they would likely need to build two pipes to accommodate the relocation.

Mr. Bivins said that he appreciated what he was saying, but they did things here where they let infrastructure guide what their community would be. He said that the community was not just a pipe, but a living entity that was shaped by its surroundings. He said that they had mentioned earlier that there was an amphibian found in this area, which was a brilliant example of how nature could influence their decisions. He said that this was about people, and they were trying to create ways for kids to walk to school, so they could actually walk across these properties if there was a connection. He said that he would stop his rant about connectivity because he did not want to hear about hypotheticals about getting people from Charlottesville or Crozet on a bicycle when he was struggling to get someone from Victorian Heights to the school.

Mr. Murray said that he appreciated the receptiveness of the applicant to the Commission’s comments, particularly regarding the additional stormwater treatment. He said that this location was very close to the reservoir, and he believed it was worth emphasizing. He said that he wished

there was a way to have a pedestrian connection across that pipe, perhaps a stairway or a bridge that could be installed without disturbing the slope. He said that it seemed like a feasible solution, but he acknowledged that this was a challenging site. He said that a question for staff was: If they accepted this rezoning, even though it was a residential rezoning, did it still allow for community-scale commercial development, or would any future revisions require the County to revisit this decision?

Mr. Shoaf said that if this rezoning were to be approved, it would be an R-15 rezoning. He said that he reviewed the ordinance, which was initially brought to his attention, and found that retail commercial was only permitted by special use permit on R-15 zones. He said that therefore, they would need to obtain a special use permit. He said that he could further investigate this question and provide a more accurate answer regarding the type of commercial that would be allowed.

Mr. Murray said that it seemed to him that he would prefer, if possible, to accommodate this in the future, so that they did not rule it out entirely. He thought it would be beneficial to consider it now, rather than closing the door on it for the future. He said that perhaps they could explore this idea through the comprehensive plan. He said that they had discussed the importance of allowing for more commercial development within residential areas, and this situation may be a good example of where that would be particularly relevant. He said that he would just suggest this idea for consideration.

Mr. Clayborne said that he had to refer back to his notes from June, as it had been a while since he reviewed them. He said that upon reviewing his notes, he had expressed concerns about the green space and the amount of asphalt, which did not feel like a community-oriented design. He said that he would like to thank the applicant for revising the plan, which is a very challenging site. He said that he believed the revised plan was significantly improved. He said that as he studied it, the green space was now more effectively integrated into the topography.

Mr. Clayborne said that the applicant had achieved a reduction of 13,000 square feet of impervious area between the original and revised plans. He said that this came at the cost of some other elements. He said that he was willing to support this plan as long as it met the fire and life safety requirements, and he believed the applicant could work with the community and other interests to make this work.

Mr. Carrazana said that he agreed with many of the points made. He said that to the applicant, he would encourage them to consider how they will program the green space they have created. He said that while they had made significant strides in increasing green space and opportunities, he believed there was still room for improvement. He said that specifically, he thought about the dog park and the amount of space allocated to it. He said that he believed that incorporating walking trails, which did not necessarily need to be concrete or paved, could be beneficial.

Mr. Carrazana said that this could also help with stormwater management, which had been mentioned in relation to adjacent properties. He said that he thought this would be a valuable consideration. He said that he would encourage them to continue exploring how to program the amenities space around the buildings. He said that he was supportive of this proposal overall.

Ms. Firehock said that she was in support of this development. She said that Shimp Engineering was used to her saying she would want even more green space. She said that however, she understood that in order to protect the rural areas' green spaces and resist the pressure to expand the growth area during the upcoming comprehensive plan, they must make some compromises within the development area.

Ms. Firehock said that this development did bring them closer to the types of densities they had been advocating for. She said that regarding the comprehensive plan, the updated

comprehensive plan map, which would eventually be adopted, designated the parcel as a residential use, which made sense given that it was already surrounded by residential areas. She said that it would be unusual to develop it with its current zoning, and she believed people would likely be even more opposed to that idea. She said that she also wanted them to be mindful of the amount of impervious surfaces they were getting with new developments, as they strove to create an urban ring that was comfortable and enjoyable to live in.

Ms. Firehock said that if they simply paved over every inch of it, people would not want to live there. She said that by adding this green space and reducing the urban heat island, as their days got hotter and hotter, she believed this was a much more quality development. She said that this was why she was in support of it. She said that she thought the developer had made a genuine effort to meet their concerns, although they may not have fully addressed them.

Ms. Firehock said that they had a by-right development that was already approved, which was less dense, so they needed to balance all these factors. She said that she understood why staff had to say no to the two-entrance requirement, as it was not feasible for this steep site. She said that she had spent a lot of time on Saturday, walking around the top and bottom of the site, and comparing it to the developments next door. She said that it gave her a real perspective of what was possible.

Ms. Firehock said that regarding the two-entrance idea, it was not that the whole site was funneled to one entrance, but rather that the whole site could not access two entrances. She said that this meant that some sections could have one entrance, while others had the other. She said that ultimately, it would be up to the market to decide which side of the development people preferred, whether it was the one with the easier access or the one that required a longer drive. She said that she was in support of this development and appreciated the developer's willingness to listen to their concerns and try to address them as best they could.

Mr. Missel said that one benefit of going last was that he could concisely agree with everything that had been said by the other Commissioners. He said that to further emphasize a point that had already been mentioned, he also had the opportunity to walk around and drive around the two adjoining parcels, and he was struck by the significant differences between them. He said that both required extensive grading, and it was a reality that they would likely encounter similar challenges as they developed the remaining parcels located within the development area. He said that it was a trade-off that needed to be made in order to balance the need for control over the development area with the desire to create density.

Mr. Moore motioned that the Planning Commission recommend approval of ZMA20230005 Berkmar Flats for the reasons discussed this evening, including efficient use of the development area, increased green space, and enjoyability. Mr. Clayborne seconded the motion, which carried unanimously (7-0).

Adjournment

At 9:00 p.m., the Commission adjourned to February 11, 2025, at 4:00 p.m. Albemarle County Planning Commission meeting,

Michael Barnes, Director of Planning

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

Approved by Planning Commission
Date: 02/25/2025
Initials: CSS