

Andy Reitelbach

From: Avon Park <avonparkhoa@gmail.com>
Sent: Sunday, November 26, 2023 6:39 PM
To: Planning Commission
Cc: Andy Reitelbach
Subject: Statement of the Avon Park Homeowners Association re: 1906 Avon St. Extended
Attachments: Statement of the Avon Park Home Owner's Association 11_28_2023.docx; Meeting Summary 1906 Avon St. Extended Sept 12_2023.docx

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The Avon Park Homeowners Association will be presenting a statement during the hearing on Tuesday November 28, 2023.

In advance, please find our statement and a summary of the meeting held between our organization's leadership, the property owners and a representative of Shimp Engineering.

As an additional reference, you may wish to review our statement of February 14, 2023, which is on file in the county office.

Thank you in advance for your review of these materials.

Robbi Savage, Chair
Avon Park Homeowners Association

To: Albemarle County Board of Supervisors
Albemarle County Planning Commission
Albemarle County 5th & Avon Citizens Advisory Committee

From: Avon Park I Homeowners Association (APHOA)

Date: November 28, 2023

Subject: Statement on the 1906 Avon Proposed Development

Good evening. My name is Robbi Savage and I am the Board Chair of the Avon Park Homeowners Association.

On Tuesday February 14, 2023 we came before you en masse to share our concerns about the proposed 1906 Avon St. Extended Development. The Planning Commission has copies of our statements, and those of our community residents on file.

On Tuesday September 12, 2023, the Board Chair and Vice Chair of the Avon Park Homeowners Association (APHOP) met with the 1906 Avon Street Extended's property owners Jenny and Don Smith and Kelsey Schlein, Shimp Engineering. This was a cordial and productive meeting and we appreciate the proposal modifications agreed to at that gathering, (see meeting summary attached).

Given the progress made thus far, we would like to focus our comments on two of the most critical issues that remain, density and traffic (and related parking)

DENSITY: APHOA appreciates the revisions made to the density request from R-15 to R-10 and while this is an improvement it still well above the R-6 maximum density approved for Avon Park I, Avon Park II, (classified as a PRD), and Mill Creek. Shimp Engineering is requesting special dispensation from existing county policies and the approved comprehensive plan. The property owners have indicated that the R-10 density is to allow for cathedral ceilings in what are now being referred to as condos rather than apartments. To rezone the property from R1 to R-10, remains unprecedented in our area. Is it possible to grant the property owners a building variance to allow for cathedral ceilings and at the same time zone the development R-6?

A rezoning request to R-6 is much more consistent with the character of the already existing neighborhood. The Avinity and Spring Hill Village communities that the consultant is using to justify a higher density in the development are located in the growth area between Avon Street Extended and Highway 20.

According to the comprehensive plan, this area is specifically intended to have a higher density than the area to the west of Avon Street Extended. These communities to the east of Avon Extended cannot therefore be used to justify increasingly dense building on the west side of Avon Extended, especially since it would not be comparable to the adjacent Avon Park I and II communities.

Avon Street Extended is the corridor to the future entrance to Biscuit Run State Park. As future developments are built in this region of Albemarle County, we have the opportunity to plan a more well thought out and visually appealing area leading up to the park. Mill Creek South, Avon Park I and II, and Spring Hill Village (once the vegetation matures) do not contribute to a feeling of high density as you approach the future park entrance.

Requested Action: Consistent with the comprehensive plan and other developments west of Avon Extended, we respectfully request that 1906 Avon Street Extended be zoned no higher than R-6,

ACCESS:

This issue is an extremely important issue to our community. For more than 5 years it has dealt with the construction of the Avon Park II development. Traffic, speeding cars, heavy equipment and large trucks throughout the day, accompanied by noise and dust, has plagued the residents and disrupted their lives. The expectation that this type of disruption will happen again is extremely upsetting.

Creating a second entrance to the new community, by extending the Hathaway Street directly onto Avon Street Extended, would lessen the traffic issues on Arden Drive that would be exacerbated by the current design. And, with the density of R-6, a separate entrance is more feasible.

Arden Drive, up to Hathaway Street, is a dangerous road, with a steep slope, combined with a curve that creates blind spots at the Arden Alley. APHOA has notified the Virginia Department of Transportation (VDOT) (2011, 2013, 2016, 2018). An increase in traffic poses a significant safety risk to our community. Also troubling is the fact that Hathaway Street runs adjacent to our playground and dog park. Increased vehicular activity that utilizes both Arden Drive and Hathaway Street would be a direct threat to our residents, children and pets.

Requested Action: We have not seen an analysis by Fire/Rescue on the adequacy for emergency vehicles. Is Fire/Rescue prepared to say that the roads are good enough to handle all the anticipated emergency services? The APHOA is requesting that the primary access to the proposed development be from Avon Street Extended. We also request that the Fire Marshal conduct a comprehensive assessment of the proposed changes to Hathaway Street to determine whether the street is wide enough for emergency vehicles and first responders to safely access the community with cars parked on both sides of the street. We are also asking that the Virginia Department of Transportation (VDOT) be engaged to assess the official "straight away" length, which by our measurements has a length of 713'10" and width of 32'1". By our measurements the width of Arden Drive is 32'7."

If, for some reason, this is not possible, we ask that, like Avon Park II, a permanent emergency access road be constructed and that signs be very prominent to direct all

1906 Avon St. Extended to use this access and not Arden Dr. We ask that the County require all construction related traffic to use the construction entrance location until such time as the final house is completed.

We have a several additional questions.

1. How will the planned footpath affect the border trees?
2. What is the parking ratio for the new proposed development?
3. Who will own and manage the new apartments?
4. What does the following mean: ADU Rentals for 10 years only
5. What does the following mean: Credit for over 15%--credit to whom and for what?
6. How should we interpret the Concept Plan regarding the proposed rezoning, what will the proffers provide the neighbors – Number 1 of the proffers. As we understand it “general accord” means that it has to more or less look like this, but that consider flexibility is allowed as long as the intent of the development remains the same. Is this limited in the proffer to the street network, pedestrian ways and the envelopes (setbacks). We would ask for more details regarding the house footprint, the entrance signs and any specific amenities.
7. Is the construction entrance prohibited from connecting to Hathaway. As we understand it, after the early part of construction, this does nothing to prohibit construction traffic from using Hathaway once the road stone is down. It needs to be made clear that all the concrete trucks, home builders trucks, etc. will not be able to use Hathaway during the remaining construction phase by this proffer, which should last until the last house is constructed and completed.

The APHOA is committed to working cooperatively with the County of Albemarle and with the property owners to help shape a development that fits with the existing communities west of Avon Street Extended (which is not in the development zone) and to successfully address and resolve the remaining concerns raised by our community.

Respectfully,

Roberta (Robbi) Savage, HOA President
Maryam Tatavosian, Vice President
Matthew Denhard, Special Projects Coordinator
David Hudspeth,
Jeff Wolford
Home Owners

Argand Holdings, III, LLC, Justin Maker,
Sr. VP, Sentinel Trust Company
Eileen Barnett
Kate Barnes
Linda Coiner
Ignacio De Cardenas
Tara De Cardenas
Kelly Denhard

Lucy B. Hartley
Andrew Hopun
Beverly Ingram
Emmad Kabil
Katie A. Kabil
Chad Langston
Ashley Leidy
Mary Lewis

Amelia Manning
Peter Meister
Sarah Meister
Janet Meyer
Rebecca Merhar
Nish Dalal
Dennis O'Connell
Teresa Olson
Steven Olson
Shelly Pellish

Daniel Shumate
Dr. Zeyad T. Saluki
Ida Simmons
Leigh Ann Skipper
Jeff and Debby Smith
Denise Spathos
Jaye Uργο
Elke Zschaebitz



Meeting Summary 1906 Avon St. Extended Development proposal

On September 12, 2024 HOA President/Board Chair Robbi Savage and Vice President Maryam Tatavosian met with Kelsey Schlein (Shimp Engineering), Don and Jenny Smith (property owners) to discuss the concerns of the Avon Park I Home Owners. At the outset, APHOA acknowledged that the developer and property owners have made improvements to the original proposal. The new proposal lowers number of units and the decrease from R-16 to R-10 and proposed a roundabout as a traffic calming device. The HOA officers indicated, however, that significant concerns, remain, which include;

SEPARATE ENTRANCE: The Avon Park I community opposes the use of Arden and Hathaway as the primary entrance for the 1906 Avon Street Extended community.

Discussion: The community's number one concern is the use of Arden and Hathaway as the primary entrance to the proposed development and will continue to petition the Albemarle County Planning Commission and Board of Supervisors for a separate entrance from Avon St. Ext. into the development.

The Avon Park I neighborhood experienced a significant increase in noise, traffic, illegal parking, etc. from the construction from Avon Park II community. This has been extremely stressful, frustrating and irritating for the residents of Avon Park I.

To address this concern, Stanley Martin built an access road from Avon Street Extended to the development site. This is a permanent road designed for use by construction and emergency vehicles. This significantly reduced the amount of heavy vehicle traffic on Arden and Hathaway.

It is understood that the blue house with the steep slope driveway to Avon Street Extended, will remain on its current site. If this is the case, access to Avon Street Extended has already been approved for this property, which undermines the argument that the steep slope inhibits construction of a direct entrance to the new development off Avon St. Extended is not viable.

In addition, the proposed development is larger than Avon Park II and as indicated above, Stanley Martin installed an alternative access point for use by construction and emergency vehicles. To us, the density/gross floor triggers the requirement for two access roads. so at very least, 1906 Avon St. Ext needs to create an access road during the construction period for trucks and emergency vehicles.

Response: The expectation was that 1906 Avon St. was to have an exit to Avon St. Extended. However, the property that needed to be used for the entrance was not available for sale. And, the Blue House driveway was approved decades ago and is "grandfathered in" to the old rules. The updated rules do not allow for the kind of slope needed to construct a new road and an access for the new community.

Mr. and Mrs. Smith are open to the potential for a construction road, separate from Arden and Hathaway and will proceed to connect the Virginia Department of Transportation to see if the VDOT will approve (similar to the construction and emergency road for Stanley Martin Avon Park II).

ZONING AT R-6:

Avon Park I opposes the new developments' designation as anything above R-6. Consistent with the other communities in the area and Albemarle County's Master Plan, this development should be zoned as R-6.

Discussion: While the developer has reduced its request from R-16- to R-10, history clearly demonstrates that if a development is zoned for higher than R-6, the density and height can be increased with a simple revision of the building plan.

Response: The agreement is to build consistent with R-6. The request for R-10 is related to high of the single family homes and the "lofts." The intention is to have cathedral ceilings for what are designed to be individual lofts of about 3000 feet per floor. Each will be elegant, will have access via an elevator, etc.

LIGHTING AND LANDSCAPE BUFFERS:

There is significant concern that the parking area, and its lighting, will be a continuing disturbance and irritation to the residents of Avon Park I.

Discussion: The HOA requests that a fence be built between the two communities and that any installed lighting to shine away from Avon Park I. The HOA also wants to see a robust landscaping plan along the border between the two communities.

Response: Mr. and Mrs. Smith are agreeable to fencing and lighting that will avoid encroachment into the homes on Tudor Court.

LAND USE AGREEMENT:

Avon Park I and Avon Park II are entering into a "Land Use Agreement" that provides for a monthly payment from Avon Park II to Avon Park I. This amount will be for the use of our amenities (e.g., the playground, dog park and mountain view seating). In addition, Avon Park II agrees to split the costs of snow removal, trash collection, etc.

Discussion: We would expect that once complete, 1906 Avon Street Extended will engage in a similar relationship with the Avon Park I community.

Response: Mr. and Mrs. Smith are open to the potential of a "Land Use Agreement" for shared roads, snow removal and the use of any amenities that are not incorporated into their new community.

APARTMENT CONCERNS:

Many in our community do not support apartments in the new neighborhood unless there is on-site management to control; noise, trash collection problems, traffic, parking, etc.

Discussion: The concern is that with rental apartments there will be an increase in traffic, noise and overall encroachment into the Avon Park I community, especially if there is no onsite management provided.

Response: Jenny Smith outlined their plans for the new community, indicating that both the single family homes and rather than apartments we refer to them as Condos or "lofts." The plan is for 12, 3000 feet units on the 3 levels. Rent per unit is expected to be \$5,000 per month with vaulted ceilings (which is why we want the R-10 for the height of the ceilings. There will be elevators and underground parking for each unit.

There will be a management company responsible for the day to day operations and the Smith's indicated that they are expecting to live in the new community themselves. Plan B would be simply townhomes.

QUESTIONS –

- 1) Are we correct in our understanding that Shimp is suggesting apartment buildings with 6 units in each building (total of 12) with 5 new sf homes, the original single family home and the 3 townhomes. 21 total. If R-6 allows for 21 units, (3.65 acres), why request R-10.

Response: Not to increase the number of units but to accommodate cathedral ceilings.

- 2) Has a water modeling assessment been done that ensures that there is adequate fire flow for the multi-family buildings being proposed in the revised plan?

Response: Yes

- 3) Is the newly proposed roundabout designed to be a traffic calming device? Is so, has it been demonstrated to reduce speeding and will there be a shoulder for pedestrians and bicyclists?

Response: Yes, and Yes

Andy Reitelbach

From: David Storm <davidastorm@gmail.com>
Sent: Sunday, November 26, 2023 6:02 PM
To: 5th & Avon Community Advisory Committee; Andy Reitelbach; Planning Commission; Board of Supervisors members
Subject: Re: Planning Commission Public Hearing: ZMA2022-00004 1906 Avon Street Extended
Attachments: ZMA 202200004 (1906 Avon) November 2023 comments.pdf

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Andy,

I'll be at the Mountain View PTO meeting during the Planning Commission meeting on the 28th, so I revised my previous comments from last year's submission to account for the most recent documents I was able to review. I've copied the Planning Commission and the Board of Supervisors as well. Thanks for a great job keeping all informed on this.

David

On Wed, Nov 8, 2023 at 5:34 PM Andy Reitelbach <mreitelbach@albemarle.org> wrote:

Good afternoon everyone,

As you have previously expressed interest in the rezoning application ZMA2022-00004 1906 Avon Street Extended, I wanted to let you know that it has been confirmed for a return to the Albemarle County Planning Commission for a public hearing, scheduled for Tuesday, November 28, 2023, at 6:00pm. This meeting will be a hybrid meeting, held in-person in Lane Auditorium at the County Office Building – McIntire Road, while also being available for virtual viewing via Zoom. The link to the Zoom webinar can be found on the County calendar for the November 28th date. The calendar can be accessed via the following link:

<https://www.albemarle.org/Home/Components/Calendar/Event/4236/16?seldept=5>. The meeting agenda and the staff report for this project will also be available on the County calendar for November 28th approximately 5-7 days prior to the public hearing.

During the public hearing, there will be a portion of the meeting dedicated to allowing members of the public to speak about this project, either in-person or virtually via Zoom. Each speaker is limited to three (3) minutes. You are also welcome to email comments or letters to the Planning Commission in advance of the meeting. The email address for the Planning Commission is PlanningCommission@albemarle.org. Emails sent to this address will go to all seven Planning Commissioners. At this meeting, the Planning Commission will consider this proposal and make a recommendation to the Board of Supervisors, who will make the final decision to either approve or deny this application at a later meeting. The future meeting with the Board of Supervisors has not been scheduled at this time.

Best regards,

Andy

Andrew Reitelbach

Senior Planner II

[Albemarle County](#)

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areitelbach@albemarle.org

434.296.5832 x3261

401 McIntire Road

Charlottesville, VA 22902

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Sent from my iPhone

813 Harris Road
Charlottesville, VA 22902

November 14, 2023
via-email

Andy Reitelbach
County of Albemarle
Department of Community Development
401 McIntire Road, North Wing
Charlottesville, VA 22902

RE: ZMA Application 202200004 Resubmittal

Dear Andy:

Thank you for the opportunity to comment on the revised 1906 ZMA application (ZMA 202200004). I did not see many changes from the previous submittal, so many of my comments remain the same. I'll try to organize these on some overarching themes of transportation, density and affordability, recreation, and impacts. For the reasons set out below, I cannot be in favor of this rezoning as currently presented.

Transportation

Avon has been redesignated as minor arterial, so the development might be too intense for that future designation and others might be more appropriate, even with the reduction to 21 homes.

There is no safe multimodal transportation network here yet. Sidewalks are piecemeal between Route 20 and Swan Lake Drive, so calling access to Mill Creek Shopping Center as within a 20-minute "walking shed" seems disingenuous at best and dangerous at worst. There are no safe walking or biking options to get to the shopping center; the proposed path down greenspace to Avon Street serves no purpose other than attempting to circumvent the need for a vehicular connection to Avon from the neighborhood directly. CAT does not yet serve the area and does not have current plans to expand there. Any hopes of meeting the comprehensive plan for multimodal transportation rely on future actions by other actors, particularly scarce county transportation dollars or increases in CAT investment by local municipalities.

Private roads are disfavored for many reasons, maintenance being chief among them, yet this development requires one in the form of an "alley." This modification from the previous proposal is actively worse for all involved. There is only one way in and out of this proposed rezoning, and that is through another residential neighborhood. I am not certain how many trips are being proposed with the new configuration. On the August 9, 2023, revised narrative, the proposal seems to add 341 daily trips (nearly 125,000 annually – an increase of 50,000 annual trips from the previous submittal), but page 2 of the Site & ZMA details sheet says 182 daily trips for 66,000 yearly trips through the adjoining neighborhood. (I don't think 11 daily trips from 12 mid-rise

multifamily dwelling units is realistic per ITE trip generation.) Is the developer pursuing a VDOT waiver to allow a direct connection to Avon to alleviate that burden on the existing neighborhood? If not, why not? A VDOT waiver seems the most direct route for residents and would be of benefit to them. A connection to Avon may require fewer homes on the parcels or different grading of the public road. Relying on a potential future connection to another parcel, owned by another entity, seems like wishful thinking and a way to avoid responsibility for proper connectivity in the corridor.

R-10 Request and Building Size and Affordability

This proposal does nearly nothing toward addressing the affordable housing issue in the county. Fifteen percent (15%) of 21 homes is 3 homes. At 80% of AMI the proffer is not reaching the affordable housing crisis where it most acutely hits. Additionally, private roads, in this case the alley, are a large risk for anyone buying or renting affordable housing. Private roads add potential high hoa costs for road maintenance, snow removal, etc., creating issues for those who buy under the proffer.

On pages 1 and 2 of the August 2023 narrative, the applicant's request for R-10 zoning would allow for an additional 5 feet of building height, but to keep the construction to 1-to-3 stories. This request seemed odd at first, but then I understood. This would allow for 9-foot ceilings in the units. 9-foot ceilings are seen as an amenity of many homes, providing for additional natural lighting opportunities and a greater feeling of openness. It also allows developers to charge a premium over construction with 8-foot ceilings while obligating the homeowners to heat and cool additional space, adding to their ownership costs without providing additional affordability help.

Recreation, Parks, and Open Space

There is nearly no real effort at meeting the guidance for parks, recreational amenities, and open space in the revised narrative. One central green space does not address recreational needs for adults and anyone besides young children. We have already determined that it is not safe to get to Mountain View Elementary School for recreational activities without a vehicle, and the applicant wisely does not suggest that. The applicant pins its hopes on future bicycle and pedestrian connectivity to Biscuit Run Park, which while greatly desired in the corridor study, continues to compete with many other needs around the county for bicycle and pedestrian improvements. Will the applicant hold off building homes until that connectivity exists? Additionally, the applicant appears to reach the minimum greenspace requirement only by achieving a waiver of the sidewalk and planting requirements. Having no sidewalks around some of the building envelopes is not pedestrian friendly.

Much of the "conceptual greenspace" that the applicant suggests might be "utilized by the community" (entry 12 in Response Letter #1, page 5 of the concept plan) on the property fronts Avon Street at such a slope (a 20' drop in a 120' space) to make it unusable for anything. Additionally, page 6 of the concept plan shows this space as stormwater management and microbioretention, which should not be counted as greenspace as it certainly cannot be utilized by the community. The other greenspace that fronts along Avon Street with its suggested

pedestrian connection to Avon does not have much utility either. No one would want their children to play there due to the risk of the traffic along Avon Street. Just because it's greenspace doesn't make it recreational or of value to the neighborhood or the surrounding community.

Lastly, the reduced setbacks at the back of the property rely on the open space provided by another development's homeowner's association. The open space of another neighborhood does not relieve this developer from meeting setback requirements. These homes should not encroach on the enjoyment of the property by the members of the other homeowners' association.

Piecemeal Rezoning Along Avon and Impacts

This application continues a trend we see of piecemeal rezoning along Avon Street in lieu of an updated Master Plan for the area. The original master plan was adopted in 2015, with a corridor study completed in 2020. Since the adoption of the master plan, we've seen zoning map amendments for multiple parcels without taking into account what Avon Street, particularly south of Interstate 64, is becoming. Master Plans are supposed to be updated every five years, and with County Staff pausing to update the comprehensive plan, this piecemeal rezoning along Avon Street risks not allowing a comprehensive vision and plan for development along a crucial roadway in the Southern Urban area. This rezoning application is not such a winning application for the reasons set out above that we need to continue to approve rezonings without pausing to think about the greater context in which this rezoning would appear.

While there are definite impacts on the adjacent neighborhood, through which the developer seeks to move all vehicular traffic, the impacts from 21 homes are minimal on the school system. ACPS is in the process of planning a new elementary school to address overcrowding at Mountain View ES, Walton MS has capacity currently and the school division is conducting a middle school study, and the School Board recently adopted a capital plan that includes capacity improvements at all of the division's comprehensive high schools. As an arterial road, Avon Street Extended has capacity for the development, but there is no good multimodal plan and no mass transportation plan through CAT at this time, which will only serve to add to the traffic along Avon Street Extended.

So much of this application appears to rely "on the kindness of strangers" for its success: a future connection to Avon through an adjacent parcel; smaller setbacks due to another neighborhood's open space; recreational opportunities at Biscuit Run park when it opens; relegated parking that faces the community; a private alley to be supported by future residents and their homeowners association, including at great risk to those who purchase affordable housing in the neighborhood; all while seeking multiple waivers for sidewalks, plantings, and usable open space and refusing a connection to the primary road. There are inaccuracies in the narrative or site & ZMA details, little impact on affordable housing, and no real effort at improving transportation, all with minimal proffers to offset the impacts to the surrounding community, particularly the neighboring development and the nearly 125,000 annual trips through the adjacent property the applicant proposes to add.

I encourage the applicant to make additional changes to address the areas noted above. As it currently exists, I encourage the Planning Commission to recommend denial of the rezoning request and the Board of Supervisors to deny the rezoning request.

Sincerely,

A handwritten signature in black ink that reads "David A. Storm". The signature is written in a cursive, flowing style.

David Storm
Scottsville District

cc: Albemarle County Board of Supervisors
Albemarle County Planning Commission
5th & Avon Community Advisory Committee

Andy Reitelbach

From: Avon Park <avonparkhoa@gmail.com>
Sent: Tuesday, November 28, 2023 4:31 PM
To: Andy Reitelbach; CShaffer@albemarle.org
Subject: Final Copies of our statement, talking points and meeting summary for official records
Attachments: Statement of the Avon Park Home Owner's Association 11_28_2023.final.docx; HOA Talking Points Planning Comm 11_28_2023 Final.docx; Meeting Summary 1906 Avon St. Extended Sept 12_2023 final.docx

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Hi There,

We noticed some typos in the documents we submitted.

Please find the Avon Park HOA documents attached.

Thanks so much.

Robbi Savage, Chair

Avon Park HOA Board

To: Albemarle County Board of Supervisors
Albemarle County Planning Commission
Albemarle County 5th & Avon Citizens Advisory Committee
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Date: November 28, 2023
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7. Is the construction entrance prohibited from connecting to Hathaway? As we understand it, after the early part of the construction, this does nothing to prohibit construction traffic from using Hathaway

once the road stone is down. It needs to be made clear that all the concrete trucks, home builders trucks, etc. will not be able to use Hathaway during the remaining construction phase by this proffer, which should last until the last house is constructed and completed.

The APHOA is committed to working cooperatively with the County of Albemarle and with the property owners to help shape a development that fits with the existing communities west of Avon Street Extended (which is not in the development zone) and to successfully address and resolve the remaining concerns raised by our community.

Respectfully,
Roberta (Robbi) Savage, HOA President
Maryam Tatavosian, Vice President
Matthew Denhard, Special Projects Coordinator
David Hudspeth,
Jeff Wolford

Denise Spathos
Jaye Uργο
Elke Zschaebitz

Home Owners

Argand Holdings, III, LLC, Justin Maker,
Sr. VP, Sentinel Trust Company
Eileen Barnett
Kate Barnes
Linda Coiner
Nish Dalal
Ignacio De Cardenas
Tara De Cardenas
Kelly Denhard
Andrew Hopun
Beverly Ingram
Emmad Kabil
Katie A. Kabil
Chad Langston
Ashley Leidy
Mary Lewis

Amelia Manning
Peter Meister
Sarah Meister
Janet Meyer
Rebecca Merhar
Dennis O'Connell
Teresa Olson
Steven Olson
Shelly Pellish
Daniel Shumate
Dr. Zeyad T. Saluki
Ida Simmons
Leigh Ann Skipper
Jeff and Debby Smith

Good evening commissioners. My name is Robbi Savage and I am the President and Board Chair of the Avon Park Homeowners Association.

On Tuesday, February 14, 2023, our resident came before you en masse to share our concerns about the proposed 1906 Avon St. Extended Development. The Planning Commission has copies of our statements and those of our community residents on file.

On Tuesday, September 12, 2023, the Board Chair and Vice Chair of the Avon Park Homeowners Association met with the 1906 Avon Street Extended's property owners Jenny and Don Smith and Kelsey Schlein, Shimp Engineering. This was a cordial and productive meeting and we appreciate the proposed modifications agreed to at that gathering, (the meeting summary was provided previously).

Given the agreements made to date, I will focus my comments on the most critical remaining issues – density and access, with several questions listed below.

DENSITY: The Avon Park Community appreciates the revisions made by the developers to revise its zoning request from R-15 to R-10. While this is an improvement, the request is still well above the R-6 maximum density approved for Avon Park I, Avon Park II, (classified as a PRD), and Mill Creek.

Shimp Engineering is requesting special dispensation from existing county policies and the approved comprehensive plan because the property owners have indicated that the R-10 density will allow for cathedral ceilings in what is now being referred to as condos rather than apartments. If this is the case, it is possible to provide a height variance for the 3 condos rather than allowing for an R-10 variance for the entire community?

A rezoning request to R-6 is consistent with the Comprehensive Plan and with the character of the existing neighborhood. The Avinity and Spring Hill Village communities that the consultant used to justify a higher density are located in the growth area between Avon Street Extended and Highway 20.

Requested Action: Consistent with the comprehensive plan and other developments west of Avon St. Extended, we ask that 1906 Avon Street Extended be zoned no higher than R-6.

ACCESS:

This issue is extremely important to our community. For more than 5 years Avon Park One has dealt with the construction of Avon Park II. Throughout the day there was increased traffic, speeding cars, heavy equipment, and large trucks. The noise and dust plagued the residents and disrupted their lives, so much so that residents along Arden documented deliveries at 4 am in the morning.

If direct access to the development is not, feasible, we ask that a construction/emergency access road be installed to ensure that type of disruption will not happen again.

Creating a second entrance to the new community, by extending Hathaway Street directly onto Avon Street Extended, would lessen the traffic issues on Arden Drive that would be exacerbated by the current design. And, with the density of R-6, a separate entrance would likely be more feasible.

Requested Action:

The residents of Avon Park One are requesting that the primary access to the new development be from Avon Street Extended not through Arden Dr. and Hathaway St.

Again, if a separate entrance is not feasible, we would ask to see the Fire/Rescue analysis on the adequacy of emergency vehicles. Is Fire/Rescue prepared to say that the roads are good enough to handle all the anticipated emergency services?

If not, we ask that the Fire Marshal conduct a comprehensive assessment of the proposed changes to Hathaway Street to determine whether the street is wide enough for emergency vehicles and first responders to safely access the community with cars parked on both sides of the street.

Like Avon Park Two, we ask that a permanent emergency/construction access road be constructed with very prominent signage directly all 1906 Avon St. Extended to use this access and not Arden Dr.

Finally, we ask the County to require all construction-related traffic to use the construction entrance location until such time as the final house is completed.

We have several additional questions.

1. What are the planned amenities for the new development and green space?
2. How will the planned footpath affect the border trees?
3. What is the parking ratio for the new proposed development?
4. Who will own and manage the new apartments?
5. What does the following mean: ADU Rentals for 10 years only
6. What does the following mean: Credit for over 15%--credit to whom and for what?
7. How should we interpret the Concept Plan regarding the proposed rezoning,
8. What will the proffers provide the neighbors – Number 1 of the proffers.
9. As we understand it “general accord” means that it has to more or less look like this, but that flexibility is allowed as long as the intent of the development remains the same.
10. Is this limited in the proffer to the street network, pedestrian ways and the envelopes (setbacks)?
11. What are the details regarding the house footprint, the entrance signs, and any specific amenities?
12. Is the construction entrance prohibited from connecting to Hathaway? As we understand it, after the early part of construction, there is nothing to prohibit construction traffic from using Hathaway once the road stone is down. It needs to be made clear that all the construction vehicles are restricted from using Arden and Hathaway during the remaining construction phase by this proffer, which should last until the last house is constructed and completed.

Our HOA is committed to working cooperatively with the County of Albemarle and with the property owners to help shape a development that fits with the existing communities west of Avon Street Extended (which is not in the development zone) and to successfully address and resolve the remaining concerns raised by our community.



Meeting Summary 1906 Avon St. Extended Development proposal

On September 12, 2023, HOA President/Board Chair Robbi Savage and Vice President Maryam Tatavosian met with Kelsey Schlein (Shimp Engineering), and Don and Jenny Smith (property owners) to discuss the concerns of the Avon Park I Home Owners. At the outset, APHOA acknowledged that the developer and property owners have made improvements to the original proposal. The new proposal lowers the number of units and decreases from R-16 to R-10 and proposes a roundabout as a traffic calming device. The HOA officers indicated, however, that significant concerns, remain, which include;

SEPARATE ENTRANCE: The Avon Park I community opposes the use of Arden and Hathaway as the primary entrance for the 1906 Avon Street Extended community.

Discussion: The community's number one concern is the use of Arden and Hathaway as the primary entrance to the proposed development and will continue to petition the Albemarle County Planning Commission and Board of Supervisors for a separate entrance from Avon St. Ext. into the development.

The Avon Park I neighborhood experienced a significant increase in noise, traffic, illegal parking, etc. from the construction of the Avon Park II community. This has been extremely stressful, frustrating, and irritating for the residents of Avon Park I.

To address this concern, Stanley Martin built an access road from Avon Street Extended to the development site. This is a permanent road designed for use by construction and emergency vehicles. This significantly reduced the amount of heavy vehicle traffic on Arden and Hathaway.

It is understood that the blue house with the steep slope driveway to Avon Street Extended will remain on its current site. If this is the case, access to Avon Street Extended has already been approved for this property, which undermines the argument that the steep slope inhibits construction of a direct entrance to the new development off Avon St. Extended is not viable.

In addition, the proposed development is larger than Avon Park II and as indicated above, Stanley Martin installed an alternative access point for use by construction and emergency vehicles. To us, the density/gross floor triggers the requirement for two access roads. so at the very least, 1906 Avon St. Ext needs to create an access road during the construction period for trucks and emergency vehicles.

Response: The expectation was that 1906 Avon St. was to have an exit to Avon St. Extended. However, the property that needed to be used for the entrance was not available for sale. And, the Blue House driveway was approved decades ago and is "grandfathered in" to the old rules. The updated rules do not allow for the kind of slope needed to construct a new road and access for the new community.

Mr. and Mrs. Smith are open to the potential for a construction road, separate from Arden and Hathaway, and will proceed to connect the Virginia Department of Transportation to see if the VDOT will approve (similar to the construction and emergency road for Stanley Martin Avon Park II).

ZONING AT R-6:

Avon Park I opposes the new developments' designation as anything above R-6. Consistent with the other communities in the area and Albemarle County's Master Plan, this development should be zoned as R-6.

Discussion: While the developer has reduced its request from R-16- to R-10, history clearly demonstrates that if a development is zoned for higher than R-6, the density and height can be increased with a simple revision of the building plan.

Response: The agreement is to build consistent with R-6. The request for R-10 is related to high of the single family homes and the "lofts." The intention is to have cathedral ceilings for what are designed to be individual lofts of about 3000 feet per floor. Each will be elegant, will have access via an elevator, etc.

LIGHTING AND LANDSCAPE BUFFERS:

There is significant concern that the parking area, and its lighting, will be a continuing disturbance and irritation to the residents of Avon Park I.

Discussion: The HOA requests that a fence be built between the two communities and that any installed lighting to shine away from Avon Park I. The HOA also wants to see a robust landscaping plan along the border between the two communities.

Response: Mr. and Mrs. Smith are agreeable to fencing and lighting that will avoid encroachment into the homes on Tudor Court.

LAND USE AGREEMENT:

Avon Park I and Avon Park II are entering into a "Land Use Agreement" that provides for a monthly payment from Avon Park II to Avon Park I. This amount will be for the use of our amenities (e.g., the playground, dog park and mountain view seating). In addition, Avon Park II agrees to split the costs of snow removal, trash collection, etc.

Discussion: We would expect that once complete, 1906 Avon Street Extended will engage in a similar relationship with the Avon Park I community.

Response: Mr. and Mrs. Smith are open to the potential of a "Land Use Agreement" for shared roads, snow removal and the use of any amenities that are not incorporated into their new community.

APARTMENT CONCERNS:

Many in our community do not support apartments in the new neighborhood unless there is on-site management to control; noise, trash collection problems, traffic, parking, etc.

Discussion: The concern is that with rental apartments there will be an increase in traffic, noise, and overall encroachment into the Avon Park I community, especially if there is no onsite management provided.

Response: Jenny Smith outlined their plans for the new community, indicating that both the single-family homes and rather than apartments we refer to them as Condos or "lofts." The plan is for 12, 3000 feet units on the 3 levels. Rent per unit is expected to be \$5,000 per month with vaulted ceilings (which is why we want the R-10 for the height of the ceilings. There will be elevators and underground parking for each unit.

There will be a management company responsible for the day-to-day operations and the Smiths indicated that they are expecting to live in the new community themselves. Plan B would be simply townhomes.

QUESTIONS –

- 1) Are we correct in our understanding that Shimp is suggesting apartment buildings with 6 units in each building (total of 12) with 5 new sf homes, the original single-family home, and the 3 townhomes? 21 total. If R-6 allows for 21 units, (3.65 acres), why request R-10?

Response: Not to increase the number of units but to accommodate cathedral ceilings.

- 2) Has a water modeling assessment been done that ensures that there is adequate fire flow for the multi-family buildings being proposed in the revised plan?

Response: Yes

- 3) Is the newly proposed roundabout designed to be a traffic-calming device? If so, has it been demonstrated to reduce speeding and will there be a shoulder for pedestrians and bicyclists?

Response: Yes, and Yes

Hi, My name is Tara de Cardenas and I would first like to express my appreciation for the committee and all that you do for our community.

Access to this development from Avon Ext. is of utmost importance to us. To plan the access road for the development on the neighboring property, before purchasing said property, and then blaming the owners for not selling to them, creates a weak foundation for their argument. If the land they own isn't large enough to put in a more appropriate access, we suggest that it isn't large enough for their project.

Our concerns about using Arden and Hathaway as the sole access to the development have been outlined before. This is not just another NIMBY situation. We have very real concerns about the use of Arden for both the construction of, and future access to, the proposed development. These include real safety issues due to Arden's steep curve, the alley that opens to Arden, and no sidewalk along the playground side of Hathaway.

I would like to ask the exact meaning of this statement on the Project Narrative: The construction entrance is restricted from connecting to Hathaway St.

Construction traffic, including the delivery of machinery and supplies, from infrastructure to building materials, at all hours of the day and night, has affected our health and well-being and I do not say this lightly. Our home rests between Avon Park II and Arden St. and we have had very little sleep or peace for the past few years.

While there is an emergency road to Avon Park II, and it did lighten the construction traffic a bit, the reality was that there was no way to enforce the use of that road and the builders did nothing to help. We strongly request that there be no access to this new development from Hathaway at all, or at the very least until the development is

finished. If Hathaway is connected initially, and a barricade is used, that key would have to be held by Avon Park 1, not the builder.

Regarding zoning, the comprehensive plan allows for R-6. While we understand the intent of maintaining 6 DUA while requesting R-10 zoning, and we understand that the intention is to only have a few houses that rise 5' above the 35' height allowed by R-6, the reality is that once this is zoned R-10 there is no going back.

In Avon Park we have experienced several variations over the years of plans for Avon Park II. We understand well how plans change and how promises are forgotten. Please stick with the R-6 zoning that is laid out in the comprehensive plan and that is found in every other neighborhood on the west side of Avon Ext. We would much prefer that special exemptions be made for these few taller buildings.

While there have been some recommendations for more infrastructure in our area, we have no promises. Avon Park waited 15 years for a promised sidewalk between our development and Mill Creek South. With a focus on funding and developing Biscuit Run, it is realistic to believe that there will be no public transport to our neighborhood in the near future nor bike lanes in my lifetime.

We have lived in our home for 12 years. The entire time we have been dealing with zoning issues. We have friends and family involved in the creation of the future comp plan. We see the work that goes into this plan and would ask that you respect that work and follow the plan

Tara de Cárdenas
1159 Arden Dr