

**Albemarle County Planning Commission
FINAL Minutes
October 10, 2023**

The Albemarle County Planning Commission held a public hearing on Tuesday, October 10, 2023, at 6:00 p.m.

Members attending were: Corey Clayborne, Chair; Fred Missel, Vice-Chair; Julian Bivins; Luis Carrazana; Lonnie Murray; Nathan Moore (remote); Karen Firehock (arrived at 6:42 p.m.)

Members absent:

Other officials present were: Kevin McDermott, Director of Planning; Andy Herrick, County Attorney's Office; Ben Holt; Amelia McCulley; Dave Shifflett; Andy Reitelbach; and Carolyn Shaffer, Clerk to the Planning Commission.

Call to Order and Establish Quorum

Ms. Shaffer called the roll.

Mr. Clayborne established a quorum.

Ms. Shaffer stated that Mr. Moore was requesting to participate virtually.

Mr. Moore stated that he was participating virtually due to a positive COVID-19 diagnosis. He said he was located at his home in the County.

Mr. Bivins moved that the Commission allow Mr. Moore to participate remotely. Mr. Murray seconded the motion, which carried unanimously (5-0). (Mr. Moore was remote; Ms. Firehock was absent).

Public Hearings

ZMA202200012 Arbor Oaks Townes

Andy Reitelbach, Senior Planner, said that before the Commission was a rezoning request for application number ZMA 2022-12, known as Arbor Oaks Townes. He said that to provide some context regarding the location of the property subject to this rezoning request, he had provided an aerial view of the site, which was highlighted in yellow and was directly across from Hydraulic Road at the intersection that leads into the Lambs Lane campus where Albemarle High School was located, as well as the Georgetown Green townhouse development. He said that the proposal for this application consisted of one parcel that was currently zoned R-4, which allowed for four units per acre. He said that the property was approximately 0.96 acres in size and was currently vacant with scattered trees throughout the site. He said that the applicant was seeking to rezone the property to R-15, which permitted 15 units per acre.

Mr. Reitelbach said that in addition to the rezoning request, the applicant had offered proffers for contributions toward transportation improvements, open space preservation, and affordable housing. He said that the applicant proposed to develop a one-acre property with a maximum of 14 units, all of which would be single-family attached units such as townhouses. He said that the

development would be a cluster division, which necessitated 25% open space. He said that the density of the development was 14.6 units per acre, and the applicant offered 15% affordable housing, which equated to two out of the 14 units. He said that there were two associated requests with this rezoning: a planting strip waiver or exception request and a central sewerage system request.

Mr. Reitelbach said that the planting strip exception request required action by the Planning Commission tonight, while the central sewerage system request did not require action by the PC but did require action by the Board of Supervisors due to the need for a private pump or lift station and force main required by ACSA on the property. He said that he had highlighted the subject parcel on the screen and it was square-shaped, zoned R-4 by right because it was less than 1 acre in size, allowing for up to three residential units. He said that the surrounding properties were predominantly residential, with varying densities from R-15 to R-10.

Mr. Reitelbach said that other R-4 properties were to the northeast, and across the road was Georgetown Green, zoned R-6, and the school's campus that was zoned Rural Areas. He said that the property was subject to overlay districts, including the Entrance Corridor Overlay and the Airport Impact Area Overlay. He said that in the comprehensive plan, this property was designated as Urban Density Residential, which was indicated by the orange color on the screen. He said that land use designation recommended residential uses at 6 to 34 units per acre along with supporting uses. He said that this proposal recommended 14.6 units per acre, which fell within the recommended range.

Mr. Reitelbach said that no supporting uses were proposed with this rezoning. He said that the maximum residential building height for Urban Density Residential was four stories or 45 feet, which conformed to that recommendation. He said that the surrounding properties were largely other Urban Density Residential, with neighborhood density residential to the east and urban mixed-use to the north along Hydraulic Road. He said that to the west, there were rural areas, including Georgetown Green and the school's campus. He said that the next slide showed a graphic of the proposed concept plan and its layout, featuring one central private street. He said that although it was considered private due to the applicant's intention to subdivide it, it functioned more like a parking lot than a traditional street.

He said that there were two rows of townhouses on either side; eight townhouses were proposed in block two on the right and six townhouses in block one on the left. He said that there were areas of green space surrounding it, with some amenities located in the green space as well. He said that when reviewing the concept plan provided by the applicant, staff would look to ensure that the site plan conforms to it. He said that the concept plan included two blocks of townhouses with a total of 14 units. He said that it was a private street that operated as a parking lot and served as a parking lot for all the units.

Mr. Reitelbach said that as the applicant was doing a cluster division, 25% open space was required. He said that a pump station would be necessary for sanitary sewer, and the applicant was also proposing to dedicate approximately five feet of right-of-way along Hydraulic Road to provide a planting strip there and move the sidewalk a little bit farther back from the road because currently, the sidewalk was right up against the road. He said that he had mentioned earlier that this application did include a proffer statement.

Mr. Reitelbach said that there were three main separate proffers: one for affordable housing, which was the standard 15% of residential units constructed, resulting in two units; another for the concept

plan, which must be proffered if the applicant wished to have it serve as the guiding plan for development; and finally, open space was being proffered with dedication to an HOA. He said that regarding the additional request that required action by the Planning Commission, there was a planting strip exception request for modification to the street standards. He said that due to this, staff recommended and included a condition that parking lot landscaping requirements would be more appropriate than the planting strip requirements typically found along a street.

Mr. Reitelbach said that the rezoning request for Arbor Oaks Townes ZMA 2022-12 was recommended for approval by staff, as it complied with the majority of applicable neighborhood model principles. He said that there was one concern that had been identified, which was that the concept plan did not provide for an interconnection to the parcel to the east, which was a single-family home. He said that however, staff recommended approval of the rezoning request. He said that staff had no concerns with the planting strip exception request and recommended its approval with one condition, which was that landscaping should be provided along the private street, as it functions like a parking lot, consistent with the landscaping within a parking area section of the zoning ordinance rather than the planting strip portion.

Mr. Murray said that he could imagine a considerable number of students walking across the road to reach school but could not recall where the crosswalks were.

Mr. Bivins said that the principal crosswalk where children crossed the street was at Hydraulic and Whitewood, because there were signs indicating controlled walking and controlled intersections, and in the afternoon, an Albemarle Sheriff's deputy was present to assist with moving children across the street.

Mr. Carrazana asked if it was in the project to move the planting strip and the sidewalk from Hydraulic Road, or if they were proffering the land to do that.

Mr. Reitelbach said that it was shown on the concept plan.

Mr. Carrazana clarified that they were not just proffering the land to do that but were actually making the changes.

Mr. Reitelbach said that was correct.

Mr. Bivins asked if they knew if there were any discussion discussions regarding the possibility of not connecting to Hydraulic Road as shown on the concept plan, but instead to construct a shared road that came in from the single-family home, which would provide connectivity.

Mr. Reitelbach said that he was not aware if that had been considered.

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

Keturah Rowell said that he present on behalf of the applicant and could answer any questions. He said that regarding the planting strip in the parking lot, the primary reason for this request was that the parking lot was situated directly adjacent to the sidewalk, leaving no space for pedestrians to safely walk. He said that also, there was a green space located behind the sidewalk before the townhouses, which would serve as a landing area on both sides. He said that they had proposed keeping the open space to the left intact, as it was where the mature hardwood trees were, so they had incorporated this into their backyard and open space as well. He said that they ensured

that the construction to the right, which consisted solely of scrubs and brushes, and if they drove by, they could see this. He said that the entrance aligned perfectly with across the street. He said that they were in alignment with any potential road improvements or expansions that may be carried out by the County or VDOT in the future.

Mr. Bivins said that they were aware that the property was situated between two roads. He asked if it was feasible to consider widening that road slightly in order to access the private property from that direction, rather than having to add another lane.

Mr. Rowell said that the residents were a very old couple and did not want to be disturbed. He said that the best course of action was to build a path directly from their parking lot to their property line, and there was no separation there. He said that at some point in time, that could be vacated and dedicated to open space, providing a connection to the rear of their property if they eventually decided to sell it. He said that it should be noted that this parcel was not very developable due to its topography, which slopes steeply toward a stream at the back.

Mr. Murray said that he greatly appreciated the inclusion of permeable pavers in the plan.

Mr. Rowell said that the townhouses would be energy-efficient. He said that he have been constructed in this area since 1983 and preferred to implement energy-efficient measures and natural water retention systems.

Mr. Clayborne asked if there was any access control plan for the open space area. He asked if anyone could enter the area.

Mr. Rowell said that there would be a minor retaining wall at the back of the property. He said that they would fence the area as well to make it secure. He said that this was indicated on the concept plan.

Mr. Clayborne asked if there were any speakers signed up online.

Ms. Shaffer said yes, there was one speaker.

Barbara Corley said that she was a resident of the subdivision across the street from this proposed subdivision, which was Georgetown Green. She said that she was interested in how this property aligned with their road, which was also called Georgetown Green, even though the school and her subdivision shared the same road. She said that the developer who constructed Georgetown Green 55 years ago, in 1968, was zoned R-6, and included nine acres of public land for their homeowner's association. She said that she was concerned about the density of this project, as it proposed only 14 townhouse units on less than one acre of land.

Ms. Corley said that she believed that the system of entrance and exit would be problematic due to its narrowness, despite being aligned. She said that they had adjusted it to align with their entrance and exit, but she was not sure if the Commissioners were aware that driving by during morning or afternoon rush hours could be challenging. She said that also, Lambs Lane would eventually serve as an artery to facilitate the flow of students from the nearby schools, including the middle school and elementary school, between Albemarle High School and Georgetown Green, and then out onto Hydraulic Road. She said that she discussed this with buildings and grounds, who mentioned the possibility of implementing a modified T-shaped design.

Ms. Corley said that she did not see how, if this property went in the way it was suggested, they would be able to do a modified T. She said that this was not her area of expertise, but she Googled it and found that it would not work if they were to put it in the way they currently had it. She said that even that the open space, even though it was designated 25%, when looking at those eight townhouses to the right, they do not appear to have any kind of backyard. She said that there was no open space between that section of the subdivision and the next-door neighbor, which was condos or apartments.

Mr. Clayborne asked if the applicant had a response.

Mr. Rowell said that what the speaker was referring to was that there was no green space available because it was all contained within one block. He said that the dedicated green spaces were not shown, as they were located behind that area. He said that the green space on the far left side of the plan was 20 feet deeper than the backyard, and on the right-hand side, there was a 30-foot gap between the lane and the edge of the actual unit. He said that the plan did not depict dotted lines to represent greenery because buildings could not be constructed line to line in a block concept plan. He said that plantings would be added to all these areas since there was no reason to keep them empty. He said that for the entrance, it aligned directly across from VDOT, which was a standard set by VDOT.

Mr. Clayborne closed the public hearing and brought the matter back before the Planning Commission.

Mr. Bivins asked Mr. McDermott to discuss the entirety of green-T and what VDOT had mentioned, because there were a few other pieces that were somewhat conflated there. He said that yes, there was a master plan in place to improve traffic flow around the Lambs Lane campus more effectively, as currently, there was only one entrance and exit point. He said that there had been discussions about how to enhance circulation around the Lambs Lane campus. He said that the decision on relocating bus stops and parking areas had not yet been finalized, and all of this was still in the design phase. He said that this movement was an attempt to alleviate the pressure faced by the Georgetown townhouses, which have had to share their entrance and exit for years, twice a day.

Mr. McDermott said that they were currently under contract with an engineering consultant who was examining some of the proposals that emerged from the Lambs Lane Master Plan. He said that those proposals included the construction of a loop road that would direct traffic from Lambs Lane around the south side of the high school and connect into Georgetown Green. He said that that was part of the Lambs Lane Master Plan. He said that the consultant was currently looking at how that road could be designed and also how it could intersect with Hydraulic Road, examining what that intersection might look like and how it could operate. He said that one of the options being considered was a roundabout or a traffic circle, commonly referred to as a green-T or modified-T, which was essentially a protected left turn, so people coming out of Georgetown Green could do a two-stage crossing with a protected left turn.

Mr. McDermott said that this was all still in design right now and he did not know exactly what would be recommended. He said that if that were the case, it would probably require some adjustment to the parcel across the street and this entrance. He said that this was a concept plan for the rezoning, and VDOT had acknowledged in their comments that they would need to submit a waiver for access spacing and there may need to be changes to their access anyway. He said that he believed that there was a lot more to come during the site development plan stage, and

the actual entrance may not look like this, and it would have to conform with whatever design they had for the other side.

Mr. Clayborne asked if this would be coming before the ARB because it was located in an entrance corridor.

Mr. Reitelbach said that was correct.

Mr. Bivins motioned to recommend approval of ZMA202300012 Arbor Oaks Townes, for the reasons stated in the staff report. Mr. Carrazana seconded the motion, which passed unanimously (7-0).

Mr. Herrick clarified that staff was recommending that the Planning Commission act on a revised resolution that he had sent out earlier that day by email and provided the Planning Commission paper copies of. That revised resolution dated October 9 would replace the original resolution included as an attachment in the staff report in this case. He said that minor stylistic revisions were made to the resolution to more properly conform with the ordinance.

Mr. Bivins motioned to approve the revised resolution dated October 9, 2023, approving a planting strip exception for Arbor Oaks Townes. Mr. Missel seconded the motion, which passed unanimously (7-0).

Adjournment

At 9:15 p.m., the Commission adjourned to October 24, 2023, Albemarle County Planning Commission meeting, 4:00 p.m., Lane Auditorium.



Kevin McDermott, Director of Planning

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

Approved by Planning Commission
Date: 11/14/2023
Initials: CSS