

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on February 21, 2024 at 1:00 p.m. in Lane Auditorium on the Second Floor of the Albemarle County Office Building, 401 McIntire Road, Charlottesville, VA 22902.

BOARD MEMBERS PRESENT: Mr. Jim H. Andrews, Mr. Ned Gallaway, Ms. Beatrice (Bea) J.S. LaPisto-Kirtley, Ms. Ann H. Mallek, Ms. Diantha H. McKeel, and Mr. Michael Pruitt.

ABSENT: None.

OFFICERS PRESENT: County Executive, Jeff Richardson; County Attorney, Steve Rosenberg; Clerk, Claudette Borgersen; and Senior Deputy Clerk, Travis O. Morris.

Agenda Item No. 1. Call to Order. The meeting was called to order at 1:00 p.m. by the Chair, Mr. Jim Andrews.

Mr. Andrews said Master Officer Dana Reeves and Officer Raymond Lily of the Albemarle County Police Department were present at the meeting to provide their services.

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Agenda Item No. 2. Pledge of Allegiance.  
Agenda Item No. 3. Moment of Silence.

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Agenda Item No. 4. Adoption of Final Agenda.

Hearing no amendments, Mr. Andrews asked if there was a motion to adopt the final agenda.

Ms. McKeel **moved** to adopt the final agenda as presented.

Ms. LaPisto-Kirtley **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.  
NAYS: None.

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Agenda Item No. 5. Brief Announcements by Board Members.

Ms. McKeel said that today, County Executive Jeff Richardson would present his recommended budget for FY25. She said that she would like to remind everyone that Superintendent Matt Haas would be presenting the FY25 funding request from the School Division to the School Board tomorrow evening. She said that the presentation would take place in Lane Auditorium at 6:30 p.m. She said that she hoped to attend, and she would appreciate the company of others.

Ms. Mallek said that in October 2023, the USDA (U.S. Department of Agriculture) began designating Virginia counties as primary natural disaster areas. She said that producers had until June 2024 to apply for coverage if needed. She said that producers should contact their County's FSA (Farm Service Agency) service center in Louisa for assistance. She said that Mayor Scott Fisher could help with application processing.

Ms. Mallek said that the Citizen Police Academy would be held on March 9, 16, and 23. She said that the Police Department was pleased to offer this program again, which was highly recommended by residents in the White Hall District who had participated over the years. She said that the purpose was to provide community members with insight into daily Police Department operations and the role law enforcement played in creating safe communities. She said that applications were available by contacting Master Police Officer Joe George at [georgej@albemarle.org](mailto:georgej@albemarle.org).

Ms. Mallek said that her final announcement was that the Alliance to Advance Climate-Smart Agriculture was a funding pilot from the USDA through Virginia Tech. She said that Albemarle County was one of the counties whose farmers could participate in the program. She said that many different agricultural and climate practices were listed in the application, and there were stipends available for those who participated. She said that the website [allianceforcsa.org](http://allianceforcsa.org) had more information for anyone interested.

Mr. Pruitt said that he would address one topic from their previous session, which was that early voting for the presidential primary was still ongoing. He said that voters can cast their ballots in person at the 5th Street County Office Building (COB-5th). He said that the process was simple; it took him no more than three minutes yesterday. He said that he strongly encouraged everyone to exercise their right to vote before in-person early voting ended on Saturday, March 2, 2024. He said that the actual day of election, Super Tuesday, would be on March 5. He said that voting ahead of time was more convenient, but regardless of when people vote, the process would be easy. He said that he urged citizens to make their voices heard by voting.

Ms. LaPisto-Kirtley said that regarding the Police Academy, for anyone who was unable to attend in March, Police Chief Sean Reeves informed her that there would be other academies offered in the future.

Ms. LaPisto-Kirtley said that at their Places 29 North CAC (Community Advisory Committee), they had a presentation about native plants and pollinator gardens. She said that the CAC approved of the suggestion that developers should incorporate pollinator gardens in small areas, such as near sidewalks or other locations where people would not be walking through. She said that the initiative aimed to benefit the environment, insects, and birds.

Mr. Andrews said that he wanted to mention the Piedmont Master Gardeners was providing grants for youth education related to horticulture and gardening. He said that educators and schoolyard garden coordinators in Charlottesville and Albemarle County could apply for these grants but added that applications must be submitted by February 26. He said that they could visit [piedmontmastergardeners.org](http://piedmontmastergardeners.org) for more information.

Ms. LaPisto-Kirtley said that she neglected to mention that at their SWAAC (Solid Waste Alternative Advisory Committee) meeting, they discussed their initiative to implement a program through SWAAC for recycling pickleballs. She said that since pickleballs tended to break, they ended up in landfills, which was not good. She said that currently, they had one 55-gallon drum at Darden Towe for collecting these broken pickleballs. She said that they planned to install another drum at the Ivy Convenience Center. She said that twice a year, someone from North Carolina would collect these broken pickleballs for recycling purposes. She said that this initiative demonstrated their commitment to environmental protection and reducing landfill waste.

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Agenda Item No. 6. Proclamations and Recognitions.

There were none.

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Agenda Item No. 7. From the Public: Matters on the Agenda but Not Listed for Public Hearing or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.

Ms. Marta Keane, CEO of JABA (Jefferson Area Board for Aging) and Rio District resident, said that she would like to express her gratitude for the Board's time today and share with them the handout in front of them, which contained stories that illustrated their recent activities. She said that pages 8, 9, and 10 were significantly impactful. She said that these stories helped bring the numbers they would see to life by showing what their aging service coordinators could achieve.

Ms. Keane said that she would like to provide an update regarding their insurance counseling. She said that their Part D counseling program had lasted for eight weeks and had taken place at Fashion Square Mall. She said that they had assisted almost 2,400 people, and half of them had left feeling reassured that no changes were necessary. She said that the other half had benefited from savings of \$1.9 million due to plan changes. She said that this was a substantial achievement.

Ms. Keane said that moving forward, they would be launching a new program in collaboration with TJPDC (Thomas Jefferson Planning District Committee) through a grant. She said that TJPDC had a program mobility manager, and they had subcontracted with JABA without any cost to them, as everything was covered under the grant. She said that their role would be to serve as mobility specialists for their hotline, complementing their existing senior helpline service.

Ms. Keane said that this would enable them to assist in directing individuals to appropriate transportation options, assess their satisfaction levels, and subsequently measure and track the existing gaps in transportation services available today. She said that they all recognized the gaps in their service, but the information was largely anecdotal. She said that when asked about seniors' transportation experiences, she had to say not great, but that was not particularly useful for grant applications. She said that they would soon address these issues and identify areas where they could improve their services.

Ms. Keane said that additionally, she wanted to share that Weldon Cooper had released the new census data. She said that once again, their region had experienced growth, with 24% of the population now over 60 years old. She said that this signified that many people preferred to age in place or move there. She said that isolation was a significant problem for seniors, not just during the COVID-19 pandemic but every day. She said that it negatively impacted cognitive, physical, and emotional health. She said that their services at JABA aimed to address these issues by helping seniors stay in their communities successfully. She said that she appreciated their support and the opportunity to share these stories with them.

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Ms. Lori Schweller, Williams Mullen, said that she was there to provide some brief comments regarding the proposed affordable housing program. She said that they had been closely monitoring this program for quite some time and were excited about its potential impact. She said that however, they must address certain concerns that arise from the proposed changes in the program's parameters, specifically the shift from 80% area median income (AMI) to 60% AMI and from 10-year affordability periods to 30-year affordability periods. She said that these adjustments would have a significant financial impact on projects undertaken by developers, possibly even more so than the percentage of units dedicated to affordable housing.

Ms. Schweller said that they were somewhat apprehensive that the program, as currently proposed, although not intended to make developers whole, may not achieve its intended goals. She said that during their rezoning matter for Willow Glen Park Phase 2 over a year ago, they discussed specific numbers related to a developer's ability to provide 60% AMI housing if they received a one-third tax abatement for the project's real estate taxes, not incremental real estate taxes. She said that this situation was quite different from what they were considering today. She said that since the program was put in writing, there had been no developer roundtables or opportunities for feedback to address these concerns. She said that she would like to request at least one opportunity for feedback regarding the proposed program.

Ms. Schweller said that they required clarity regarding three fundamental aspects. She asked what was the increment, what was the baseline, and what was the final figure, representing the difference they calculated at 10%. She asked how this was determined. She said that secondly, regarding timing, how could developers proceed with land use applications considering the uncertain affordable housing commitment of 20% at 60% AMI for 30 years. She said that it was uncertain if the grant would be approved. She said that since it was a discretionary grant, there was a question as to what the timing of that would be and how that worked.

Ms. Schweller said that third, she would ask what the cash-in-lieu option was. She said that she learned at the Planning Commission work session that there was a cash-in-lieu option for special use permits and rezoning for rentals. She said that she was unaware of that, and that more information about that option in the affordable housing program would be beneficial. She said that in summary, she hoped they could have more discussion before action.

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Agenda Item No. 8. Consent Agenda.

Ms. McKeel **moved** to approve the consent agenda as presented.

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.  
NAYS: None.

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Item No. 8.1. Approval of Minutes: May 4, 2022.

Ms. LaPisto-Kirtley had read the minutes of May 4, 2022, and found them to be in order.

**By the above-recorded vote, the Board approved the minutes of May 4, 2022.**

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Item No. 8.2. Resolution of Intent for a Potential for a Zoning Text Amendment (ZTA) to Permit Residential Use in Commercial Zoning Districts.

The Executive Summary as forwarded to the Board states that in April 2019, the Thomas Jefferson Planning District Commission (TJPD) released the Comprehensive Regional Housing Study and Needs Analysis. The report identified the need for an additional 10,070 affordable housing units in Albemarle County by the year 2040. On July 7, 2021, the Board approved Housing Albemarle, the County's new housing policy, but delayed implementation of the following elements until a package of developer incentives to support the construction of affordable housing could be approved and implemented:

1. the increased percentage of affordable housing units in residential developments subject to rezonings or special use permits;
2. the increase in compliance periods for affordable housing units; and 3) the new price levels for both affordable for-sale and for-rent units.

Based on feedback received from several work sessions, including the December 2023 and January 2024 work sessions, staff drafted an Affordable Rental Housing Incentive Program (ARHIP) for the Board's consideration. Analyzing the potential for additional housing options with this program may include amending certain existing commercial zoning districts to allow residential uses. Additional uses may allow for affordable housing options that currently do not exist.

Staff seeks to provide the Board with options resulting from this analysis in Winter 2024. If the analysis finds that a Zoning Text Amendment (ZTA) is warranted, staff will determine the resources needed and recommend a timeline to complete the project. The timing of the schedule would consider the ongoing efforts on the County's Comprehensive Plan update and the Zoning Ordinance Modernization Project. As necessary, staff would seek Board input on policy and/or ordinance changes that could impact the County's affordable housing policies.

No budget impact is expected for the analysis. The budget impact of a ZTA would depend on the number of changes to the regulations and how those changes aligned with future affordable housing incentive policies.

Staff recommends adoption of the proposed Resolution of Intent (Attachment A).

**By the above-recorded vote, the Board adopted the Resolution of Intent (Attachment A):**

**RESOLUTION OF INTENT**

**WHEREAS**, the County of Albemarle is committed to ensuring that safe, decent, affordable, and accessible housing is available for all residents, and to improving the livability of all neighborhoods;

**WHEREAS**, the County of Albemarle has recognized affordable housing options as a priority and has assisted with redevelopment initiatives;

**WHEREAS**, the County's Zoning Ordinance is intended to implement the policies, goals, and objectives of the County's Comprehensive Plan; and

**WHEREAS**, analyzing the potential for additional housing options may include amending certain existing commercial zoning districts to permit residential uses, facilitating additional housing options that currently do not exist;

**NOW, THEREFORE, BE IT RESOLVED** that for purposes of public necessity, convenience, general welfare, and good zoning practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending Chapter 18 of the Albemarle County Code, and any other sections of the County Code deemed appropriate to achieve the purposes described herein.

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Item No. 8.3. FY 24 Second Quarter Financial Report, **was received for information.**

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Item No. 8.4. AC44 Draft Goals and Objectives: Rural Area Land Use and Transportation, Development Areas Land Use and Transportation, and Community Facilities, **was received for information.**

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Item No. 8.5. Facilities and Environmental Services (FES) Quarterly Report, **was received for information.**

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Agenda Item No. 9. **Presentation:** County Executive's FY 2024-2025 Recommended Budget.

Mr. Jeff Richardson, County Executive, said that he was pleased to present the County Executive's Recommended Budget for FY25. He said that the main topics he would cover were the approach to budget development with an eye on their Strategic Plan, local economic trends and drivers, a detailed look at the recommended budget for FY25, and their upcoming budget work sessions leading up to budget adoption.

Ms. Richardson said that he wanted to introduce two colleagues who would be assisting him: Jacob Sumner, Chief Financial Officer, and Ryan Davidson, Deputy Chief of Budget.

Mr. Richardson said that the beginning of this process was in August 2022 when they were at the North Fork Research Park discussing their FY24-FY28 Strategic Plan. He said that with guidance from the Board and input from staff, they had identified six goals for the next five years, focusing on opportunities and addressing concerns and capacity issues. He said that they were now in their second year of implementing the FY24-FY28 adopted budget.

Mr. Richardson said that as they moved forward with their budget recommendation for FY25, they had considered various balancing factors. He said that their discussions and guidance from the Board, starting with Strategic Plan development and extending through five-year financial planning and other topics, had shaped their budget proposal. He said that not all Strategic Plan goals would progress at the same pace or require the same financial resources. He said that during their current fiscal year, FY24, they aimed to allocate new revenues where they were most needed, and where processes improvements alone could not drive different outcomes.

Mr. Richardson said that the displayed slide represented examples from this current year. He said that they aimed to clarify what they had done and highlighted the Strategic Plan areas with the greatest need and opportunity. He said that the examples displayed were not exhaustive but served as a representation of their work throughout this year. He said he was proud that this recommended budget before them today was balanced on the same tax rates as the current year, as shown on the slide in front of them. He said that balancing this budget required more effort this year than in previous years.

Mr. Richardson said that he wanted to acknowledge their Budget and Finance team, who were present in the auditorium. He said that these individuals had played a significant role in helping them balance the budget. He said that he wanted to recognize their department leadership present in the auditorium who had also contributed to this process. He said that this was just part of their team that has been working tirelessly since winter to achieve budget balance. He said that he could not express his gratitude enough to their team of employees at the department level and across all departments.

Mr. Richardson said that it took many people to get them where they were today. He said that he



wanted to take a moment to recognize several key partner agencies. He said that he would like to thank the City of Charlottesville and Sam Sanders and his team. He said that they dedicated about half a day in mid-December to collaborate with key City staff to prepare for this year's budget. He said that there was significant overlap between City and County government in terms of the work they did together. He said that this session provided clarity on some operational and capital matters that they needed to address. He said that the Board's guidance and leadership were instrumental in this process. He expressed his gratitude very much.

Mr. Richardson said that he wanted to express his gratitude to Dr. Matt Haas and his team at Albemarle County Public School (ACPS) System. He said that they worked closely together throughout the year, and Dr. Haas and his team dedicated significant time to collaborate with their Finance team, led by Jacob Sumner, as well as other key staff members to work through the year with their eye on the budget and other related topics that they needed to work together on to be the best they could be.

Mr. Richardson said that they had several key partner agencies that he was unable to thank due to time constraints; however, he wanted to acknowledge their contributions because they had collaborated closely in recent months to reach their current position.

Mr. Richardson said that this budget was based on available revenues. He said that he wanted to delve into the financial factors that led them into FY25. He said that Board members would recall that in the fall, they received a visit from Virginia Tech University's Dr. Cheryl Bailey, who had been visiting them to discuss economic indicators looking approximately 12 months ahead. He said that the current slide represented a snapshot of their work from last fall. He said that Dr. Bailey and her team, in conjunction with their Finance team, stated that they were observing signs of economic cooling and should take steps to prepare for this.

Mr. Richardson said that there were two additional drivers, which were interest rates and inflation. He pointed out that the left side of the screen showed current interest rates, which were higher than in recent history, affecting the County's borrowing capacity, and U.S. inflation, which had stabilized from where they were one to two years ago, but remained higher than pre-COVID levels.

Mr. Richardson said that the next two slides would provide local context by comparing year-over-year data to determine their current position. He said that these statistics represented some of the largest industry sectors. He said that healthcare costs continued to rise alongside increasing demands. He said that military intelligence spending had increased. He said that the development market, indicated by the 37.5% increase in the middle column, was stronger than it was a year ago, which was a positive sign. He said that fourth-quarter activity was particularly strong; however, he noted that some of this could be attributed to new apartment units coming online across the County, possibly shifting from prior years' focus on single-family homes.

Mr. Richardson said that elements of their tourism sector were depicted in the final two sections of this slide, showing passenger boardings at CHO (Charlottesville Albemarle Airport) up 17% from last year as they approached pre-pandemic levels in 2019. He said that the vibrancy at their local airport suggested a strong regional economy. He said that finally, tourism revenues were up 17.5% year over year, indicating that their community remained a popular weekend and seven-days-a-week destination.

Mr. Richardson said that he would next examine several economic indicators. He said that the red numbers represented changes from the previous year. He said that he would discuss inflation, employment rate, and unemployment, which was currently 2.5%. He said that their population growth had been consistent and stable compared to previous years. He pointed out that on the right side of the slide, they saw a slowing of their economy for this region, although it remained strong. He said that real estate assessments had increased by 4.1%, which was over last year's record of 13%. He said that consumer-driven revenues were strong at 4.7%, but they had cooled from last year's record. He said that finally, the same with business-driven revenue, or gross receipts from businesses.

Mr. Richardson said that real estate assessments for 2024 went up by 4.1%, but pre-2022 growth was solid, they just had the two years in 2022 and 2023 where they saw the spike.

Mr. Richardson said that the preview for FY25 was to continue building on the momentum initiated in year one of their five-year Strategic Plan. He said that they were experiencing momentum in year two of this five-year plan. He said that as they reviewed this budget, there were numerous projects that would be completed or opened that year, demonstrating their progress as they moved forward.

Mr. Richardson said that they approached annual budgeting in the context of the five-year plan and in connection with the outlook of the economy. He said that as they discussed FY25, there were a couple of main themes, including organizational adaptability. He said that their aim was to deliver services differently because the problems had changed in some of the areas they served. He said that he wanted them to listen for mentions of cross-departmental work. He said that for several years, they had emphasized cross-departmental work in their organization because their community issues had become more complex and required assistance from multiple departments. He said that he wanted them to listen for their key agency partnerships. He said that they remained strong, and they collaborated with their key agencies to help them accomplish things that they could not do alone.

Mr. Richardson said that this was a journey, and for some of them, they had been part of this journey for quite some time. He said that he wanted them to think about all of what they were discussing today being grounded in data-driven analytics. He said that he arrived at work that day, and on his desk

was this month's Public Management Magazine for City and County Management, which had the front-page title of "Using Data to Drive Success."

Mr. Richardson said that they aligned well with this, as this Board had encouraged investment in large-scale cross-departmental systems that drove IT-related analytics, which would help them understand not just their current performance but also where they needed to invest for the future. He said that they were starting to see a return on that investment. He said that he would discuss a couple of examples that day, but it was not just about their IT Department; it was about all of their departments, who had embraced this change. He said that it was alive and well, and they were truly beginning to see the fruits of their labor.

Mr. Richardson said that he liked the next slide because it demonstrated discipline and responsibility. He said that this was the FY25 recommended budget, but they must engage in multiyear budgeting. He said that annual budgeting involved decisions that affected subsequent years. He said that decisions from previous years were part of the budget story for the current year, and the decisions made by the Board in the coming recommended budget could impact them in future years.

Mr. Richardson said that in FY24, the Board directed nearly \$5 million in ongoing revenues to be placed in the capital fund due to attention paid to economic cooling suggested by Virginia Tech University. He emphasized that last year they achieved \$5 million in operational growth, which they subsequently pulled back, resulting in FY24's \$4.9 million one-time transfer to capital. He said that this year, they had pulled that back out, helping initiate their budget process for both Local Government and Schools as they entered their budget cycles.

Mr. Richardson said that his team had been looking ahead to FY25, FY26, and considering economic drivers while anticipating economic cooling. He said that he was committed to presenting them with a balanced budget for FY25. He said that they would begin to incur costs resulting from previous policy and funding decisions, such as new courts, which were initially a capital expense that would now require revenue for staffing and operating the new building and expanded square footage.

Mr. Richardson said that grant-funded initiatives scheduled for FY25 would necessitate additional local funding. He said that they had anticipated these requirements several years ago when they brought down federal dollars, and they would continue to monitor FY26 as they planned for future expenses and obligations that would require local funding beyond next year.

Mr. Richardson said that regarding federal ARPA (American Rescue Plan Act) money, while it felt like a distant memory, these funds had been a significant part of their County budgets since FY21. He said that CARES (Coronavirus Aid, Relief, and Economic Security Act) and ARPA funding were designed to support communities during the challenging times brought on by COVID-19. He said that they used these funds for one-time expenses that would make a meaningful impact in their community, such as purchasing supplies, granting funds for business adaptation, and supporting rent and utility payments for households experiencing income loss. He expressed pride in their judicious use of these funds, adhering to federal guidelines provided when they received this money. He said that now, these funds were almost exhausted, and they had spent them as intended. He said that they had returned to local funding driving local programs and services. He emphasized that it was important for this Board to understand that they used one-time money for one-time programs that could be scaled down or eliminated if they chose to do so.

Mr. Richardson explained that their past decisions continued to influence future budgets through various examples. He said that over the past several years they had launched numerous pilots. He said that pilots served as valuable tools in local government decision-making processes. He added that they provided opportunities to experiment and that they had been choreographing this for the community they served. He said that there was no obligation to continue, and they had followed this approach. He said that some of these pilot projects had concluded, while others had gained momentum.

Mr. Richardson said that they aimed to keep them moving forward. He said that examples included active threat field training exercises and the emergency financial assistance program. He said that in the middle of the slide they discussed new facilities. He said that they focused on the Capital Improvement Plan (CIP), the cost of borrowing, and the cost of debt service. He said that they had two facilities scheduled to open in 2025 that would require staff to function: one was the new modern court system, and the other was their public safety operations center at JCPenney.

Mr. Richardson stated that they accepted grants. He acknowledged that if they wanted to maintain a program or service after grant funding ended, they must cover the ongoing expenses themselves. He said that they had been successful in receiving FEMA (Federal Emergency Management Advisory) SAFER (Staffing for Adequate Firefighters and Emergency Response) grants to support firefighter hiring, but now that these grants were expiring, they had planned ahead and were transitioning to local funding. He added that they would also gradually move away from federal and state funding for transit services, both for CAT (Charlottesville Area Transit) and MicroCAT. He said that they planned to invest locally to continue these services.

Mr. Richardson said that their total budget for FY25 was \$629 million, which was an increase of \$74.3 million from their current year's budget. He said that this increase was partly due to annual fluctuations in the capital program, as well as the timing of capital outlay, debt issuance, and the buildout before facilities open. He said that furthermore, they had experienced local growth in tax revenue, which was reflected in the budget's growth.

Mr. Richardson said that the all-funds budget for FY25 was \$629 million, while the general fund revenues for the same period were estimated at \$432.2 million. He said that during their budget season, they primarily focused on the general fund because that was where all tax revenue was received, serving as the primary funding source for local schools, capital and debt, as well as local government services. He said that this was also where the Board of Supervisors has the most policy discretion.

Mr. Richardson explained that several years ago, they adopted a formula for allocating shared revenues between Local Government, joint debt and capital, and County Government operations. He said that this formula determined that 54% went to Schools, 10% was allocated for joint debt and capital, and 36% was directed toward County Government operations.

Mr. Richardson said that regarding general fund expenditures, the recommended expenditures of \$432.2 million was balanced, with 44% of the funds allocated to Public Schools through transfers from the general fund budget. He said that new revenue and growth in the FY25 budget included \$10.1 million for Public Schools' operating funds by formula, \$9.3 million for workforce and customer service investments such as compensation, healthcare, and software system upgrades, a 2.2% increase in partner agencies' funding, a 2.1% additional investment in MicroCAT and CAT public transportation services, \$2.8 million in obligations, and \$1.1 million for safety and well-being initiatives like opening the general district court and increased funding for the County's costs for the additional firefighters added during the last three budgets.

Mr. Richardson said that in terms of capital, Schools' capital for the next year amounts to \$206.8 million. He mentioned that the slide showcasing investments highlighted High School Center 2 and Elementary 1, both of which had checkmarks for FY25. He added that schools had indicated they were struggling with increased construction costs, which amounted to approximately \$11 million for both schools combined. He said that he was pleased to report that in the FY25 recommended budget, these costs had been included through the collaborative efforts of their Finance and Budget team working closely with School staff. He said that below these two schools, there was an alignment to the capital budget for other items listed.

Mr. Richardson said that the next slide represented Local Government expenditure of \$128.9 million, which followed the same concept. He said that he would like to draw their attention to the broad array of projects and investments that this organization was involved in, which was tied back to their Strategic Plan. He said that they would discuss a little later the transportation leveraging, parks, and fields, and plans to open Biscuit Run in FY25.

Mr. Richardson said that he remembered being in Lane Auditorium when the Governor signed the documents transferring 1,200 acres to Albemarle County Government, and he was proud to say that FY25 was when they would open Biscuit Run Park. He said that they had plans for a northern convenience center, County office renovations, investments in their courts opening in FY25, and other projects listed.

Mr. Richardson said that he would like to take a moment to highlight each of the six Strategic Plan goals in relation to the FY25 recommended budget. He said that goal number one was safety and well-being. He said that the Board would be familiar with the design of these slides because each month he had the opportunity to come under the County Executive's report to discuss their progress in their Strategic Plan in terms of their people, partnerships, and programs. He said that an example was their Human Services alternative response team (HART).

Mr. Richardson said that he had asked earlier to keep in mind adaptability, and this team consisted of individuals from Human Services, Police, and Fire. He said that in the first six months since its formation this team had provided support for 149 9-1-1 calls in their community. They went to the field on these calls and connected individuals with resources and followed up to try to prevent additional moments of crisis.

Mr. Richardson said that in the past 150 calls that the team had managed since it went online, they had halved the time spent by the Police Department on calls for service related to mental health issues in the field. He said that their expertise and ability to handle these calls had made an immediate impact in the field. He said that they had also freed up capacity for other 911 call responses by emergency responders.

Mr. Richardson said that also in terms of safety and well-being, he would like to discuss emergency management. He said that several years ago, this Board had approved a local emergency management position to provide focused efforts during emergencies in the County. He said that this function had provided substantial support during its startup and throughout the pandemic.

Mr. Richardson said that in the past year, emergency management had led active threat field training exercises that brought together Police, Fire, regional public safety partners, County Government leadership, and Public Schools for learning, training, simulations, and a full-scale exercise at one of their schools during the summer. He said that this effort highlighted their strengths and identified areas of improvement which departments were now working on addressing. He said that this pilot program was deemed essential, and plans were in place to conduct another exercise focusing on cross-jurisdictional events in FY25.

Mr. Richardson said that they were also planning for the safety and security of this fall's presidential election. He said that every four years they had a presidential election, and they were

focusing on public safety with their key partners.

Mr. Richardson said that also in the strategic goal of safety and well-being, he wanted to highlight continuous improvement. He said that their Police Department was focusing on how technology could enhance officers' work. He said that this budget supported a photo speed camera pilot on Hydraulic Road, drone programs for search and rescue efforts, and continued work on cybercrime labs to aid in investigations.

Mr. Richardson said that in DSS (Department of Social Services), their child welfare team had experienced high turnover but was now fully staffed. He said that this stability allowed them to focus more on standards and enhancing the well-being of the full child.

Mr. Richardson added that the Fire Department had participated in a five-year plan work session with the Board that fall, discussing their system challenges. He said that nationally, there had been a decline in volunteer availability while there had been an increase in calls for service, particularly in the Development Area. He said that due to the 24-month lead time in deploying newly recruited firefighters, long-term planning was critical for the sustainability and success of the fire system. He said that over the past three budgets they had hired 50 professional paid firefighters in Albemarle County using federal grant money. He said that as this grant money was retired, they had planned ahead to take on this obligation locally. He said that they were prepared to do so.

Mr. Richardson said that all departments were focusing more on data collection and analytics to identify trends and focus areas for improvement.

Mr. Richardson said that next he would discuss goal number two, which was to have a resilient, equitable, and engaged community. He said that by FY25, advancements would be made in their Climate Action Program. He said that the team enjoyed their work, and momentum had been steadily built since the 2020 adoption of the Climate Action Plan. He said that this plan drove how they operated their buildings and supported their community in reducing carbon impacts in two large areas, which were buildings and transportation. He said that in 2023, Albemarle County cut their greenhouse gas emissions by more than 10%.

Mr. Richardson said that the focus now was on resilience and preparing for challenges such as drought, severe weather, and related items. He said that they would develop a Countywide greenhouse gas inventory dashboard, create a climate resilience plan, and work with community-based organizations to advance resiliency. He said that projects and programs in the community, two of their key partners, included the University of Virginia and the City of Charlottesville.

Mr. Richardson said that their third goal was infrastructure and placemaking, focusing on universal broadband. He said that they would achieve universal broadband in 2025; currently, they were 84% complete of the 38,000 total passings required to fully serve Albemarle County. He said that they still needed to complete 6,100 passings. He said that was what remained in Albemarle County. He said that they had achieved this through exceptional staff efforts, successful federal funding pull-downs, and public-private partnerships. He said that they never could have anticipated how important this would become going into COVID-19, but now they truly understood its importance and appreciated the leadership in this area.

Mr. Richardson said that in December, they celebrated the acquisition of 462 acres of land adjacent to Rivanna Station, which was home to three defense intelligence agencies on 29 North. He said that the station was currently completing a nearly \$100 million expansion project that would fully develop the Army's land holdings at Rivanna Station. He said that this project was identified in a 2017 study of the station's future planning, which envisioned an expansion of its mission. He said that acquiring the land and securing site control were the primary obstacles to realizing this full plan.

Mr. Richardson said that Albemarle County, with this Board's support, had successfully overcome these challenges. He said that they were moving forward with phase two: site readiness. He said that they would work in FY25 to complete master planning and rezoning and attracting durable partners to support the site's future funding. He said that he would remind their community that Rivanna Station currently supported 3,000 employees in their area.

Mr. Richardson said that by acquiring that property, they had sent a clear message to the Department of Defense (DoD) that the County valued their work in the community and wished to retain those jobs there. He said that he believed they would remain in their community. He said that they now shifted their focus to expanding the station's footprint over time to maximize its potential, given their strategic location just two hours away from Washington, D.C.

Mr. Richardson said that their fourth priority was quality of life, and that he wanted to focus on transportation. He said that this budget allocated \$5.1 million for transportation funding, supporting both state-funded and federally funded road and bike-ped projects. He said that was the County's leveraging money. He said that \$1.85 million was allocated for public bus service through CAT. He mentioned that Mr. Williams in the City had effectively utilized federal funds during COVID-19 to maintain affordable CAT services, and that \$500,000 was allocated in the recommended FY25 budget for CAT support.

Mr. Richardson said that the budget also provided \$1.74 million in funding for MicroCAT, their pilot on-demand transit service. He explained that initially state-funded, MicroCAT would be primarily locally funded in FY25. He said that since its launch in October, over 8,500 ride requests had been made

through this service in the Pantops and Rio 29 areas. He said that in FY25, their community would see construction, with transportation investments totaling approximately \$65 million through their partnership with VDOT. He said that they would be discussing specific projects during budget work sessions.

Mr. Richardson said that goal four was quality of life, and affordable housing remained a priority as they implemented Housing Albemarle, the Board's adopted affordable housing policy. He said that later today, the Board would consider action on developer incentives, which would introduce new requirements for projects to provide more affordable units for longer periods. He said that this recommended budget included an additional \$2 million for the housing fund, a tool that supported worthy projects leveraging other public and private sector funds to address housing needs.

Mr. Richardson said that also in the category of quality of life, in FY25, Biscuit Run was set to open, featuring 4.5 miles of signed trails awaiting the completion of the public access needed to open the park. He said that they were looking forward to this development.

Mr. Richardson said that, also under quality of life, roadway litter pickup would continue, building upon last year's plastic bag tax that aimed to reduce disposable plastic bag usage in retail establishments and decrease their presence in waterways. He said that with the first year now complete, their ability to forecast revenues was improving, and they were shifting their focus toward developing a long-term strategy for utilizing those funds. He said that according to state law, this funding must be allocated for environmental-related programs.

Mr. Richardson said that in FY25, they would direct funds, estimated at up to \$100,000, toward contracting services for Keep Albemarle Beautiful roadway litter cleanup and campaign. He said that they believed they could clean more than 60 roadway miles regularly starting next year using the funds received from the plastic bag tax. He reminded the honorable Board members that it was February, which was when they received the most complaints from citizens regarding trash and litter issues.

Mr. Richardson said that goal five was centered around education and learning. He said that their School staff and School Board would present their operational and capital needs during one of the Board of Supervisors' dedicated budget work sessions. He said that they strongly supported their exceptional educational opportunities. He said that the largest annual expenditure in their budget was the transfer to their School System. He said that as he mentioned earlier, this proposed budget added \$10.1 million to the School's budget, which represented an increase of 5.6% from their current year's budget.

Mr. Richardson said that they were closely monitoring the state's budget process. He said that he was sure the Board was doing the same and he would like to bring their attention to the budget amendments introduced for the two items displayed in front of them. He said that the amendments involved the loss of over \$3 million in grocery tax and the loss of \$4.4 million in the standards of quality sales tax and the re-benchmarking. He said that they were closely watching the state budget, and their hope was that the state budget would help replenish some of this lost funding.

Mr. Richardson said that he was concluding his remarks, and he would like to discuss workforce and customer service. He said that for several years, they had discussed with the Board the need not just to update software within their organization but to substantially overhaul them. He said that they called this their Core Systems Modernization Program. He said that there had been extensive work to prepare for two major systems that would go live in 2025.

Mr. Richardson said that as the financial system upgrade was developed and configured as they moved into FY25, it would provide near real-time information on budget, procurement, and purchasing at staff's fingertips. He said that it would significantly streamline their audit process, which currently required a considerable amount of staff time over an extended period. He said that in Community Development, they had a system launching in FY25 after months of process mapping and reengineering to ensure they leveraged the new system's capabilities. He said that this built upon the success of the digital application system launched last year, allowing real-time and on-demand application tracking for applicants. He said that staff expected this to reduce calls to the permit office, emails to the front desk, and create a smoother handoff as plans were reviewed by external partners.

Mr. Richardson said that this Board had taken a significant leap of faith when they allowed Albemarle County Government to undertake a Countywide classification and compensation study. He said that the final report was delivered to Albemarle County on April 27 of last year. He said that in 2022, the organization was experiencing a system-wide vacancy rate of over 11%, so for every nine people, there was an empty chair. He said that since then, they had added 138 people to the organization, increasing their resource capacity.

Mr. Richardson said that they achieved this by focusing on several areas, including fully implementing the classification and pay study with their support. He said that the study was implemented almost in its entirety last July, and the remaining parts were implemented effective January 1 of this year. He said that they had accounted for the full-year cost implications of this change and would fully pay for it in the upcoming year. He thanked the Board for this action. He said that as of now, every position within the County General Government was at market rate, midpoint, or above.

Mr. Richardson said that their recruitment efforts had been more successful recently, building stronger applicant pools and hiring individuals faster than they did two years ago. He said that last fall, they had examined their revenues and found that their local economy performed better than expected. He said that this allowed them to complete this study within nine months of receiving the report and were

able to get the final piece of that implemented. He said that they were also able, on January 1, to provide a 2% across-the-board increase for all County Government employees, which would continue through FY25, recognizing that they were now at market across the board.

Mr. Richardson said that in the fall of 2025, they planned to present market information, local economic information, and performance updates on their budget to the Board for mid-year considerations for the following year. He said that this momentum was largely due to their significantly reduced vacancy rate compared to two years ago and their improved turnaround time for filling vacancies. He expressed appreciation for the Board members' support.

Mr. Richardson said that as they filled positions more quickly and hired new employees, they observed a reduction in overtime and holdovers. He said that it led to increased advancement in training and development opportunities for their staff. He said that when they offered training and development and had a fully staffed department, employees could attend these sessions to improve their skills. He said that they could also focus more on Q2 work, which included expanded outreach, communication efforts, strategic partnerships, and meetings for improvement discussions. He said that finally, better Strategic Planning, reengineering, and long-range visioning.

Mr. Richardson said that they were now in year two of the five-year Strategic Plan, and they had made significant progress. He said that during FY23, ahead of the new plan, and in FY24, the first year, they engaged in visioning, scoping, and planning work necessary to build the foundation for the ambitious Strategic Plan.

Mr. Richardson said that when he looked at FY25, he saw evidence through all of their departments that they were building momentum where it counted. He said that they were transforming how they delivered programs and services as their community grew and changed. He said that they were addressing problems by developing refined solutions, leveraging expertise, collaborating with key partner agencies, utilizing technology, and maintaining durable partnerships. He said that he had discussed the connection between their capacity and the Strategic Plan throughout the presentation. He said that this final slide served as a reminder that they must continue to manage day-to-day operations in their County Government.

Mr. Richardson said that their efforts directly impacted the community they served. He said that \$216 million for Social Services, 17,000 swimmers in their lakes, 1,000 fire alarms installed, 2 million visitors to their County parks, 419 miles of roads swept, 170 tons of debris collected, and more was accomplished. He said that he was very proud of their staff. He said that they would recognize their efforts during their town hall meeting, where they would discuss the recommended budget.

Mr. Jacob Sumner, Chief Financial Officer, said the Board had hard copies of the recommended budget, which would be available online later that day for public review. He explained that this presentation marked the first step in the FY25 budget calendar process. He said that they would hold a public hearing to discuss the recommended budget the following week. He said that after that, they would have several work sessions in March to delve into the details of the recommended budget, covering topics such as the operating fund, general fund, revenues, and various departments.

Mr. Sumner said that there would be a joint work session with the School Board on March 11 to discuss school matters and review their Capital Improvement Plan. He said that in April, they would hold a public hearing on the budget on April 17, followed by another meeting on April 24 to set the tax rate. He said that finally, on May 1, they would have the adoption of the budget, the appropriation of funding, and the Board would set the tax rate for the calendar year.

Ms. McKeel expressed her gratitude to Mr. Richardson and all of staff for their diligent efforts. She said that she would ask questions as they reviewed the budget during their subsequent budget work sessions. She said that this presentation showed the importance of the work plan and staff having time to work the work plan, and what they could get done in a limited amount of time.

Mr. Gallaway said that he was not seeking answers that day but wanted to discuss certain points that came to his mind while listening to the budget presentation. He said that as someone who had served on the School Board, he was aware that the School Board prepared a needs-based budget. He said that during his tenure with Ms. McKeel on the School Board, there were years when significant gaps existed. He said that this was just how budgeting worked. He said that in the current budget, Mr. Richardson had presented a balanced budget, which was required.

Mr. Gallaway said that there were numerous ongoing projects in this budget, but some initiatives had been postponed due to revenue dips. He said that he was not ready to discuss these postponed initiatives now but believed their community should be informed about them. He said that they were accustomed to seeing a School budget presentation that highlighted needs-based spending. He said that if they were to create a needs-based budget, what would their funding gap be for projects they could not or did not undertake due to their strategic planning.

Mr. Gallaway said that he would like to have this conversation that year, particularly considering some priorities that he thought were important but may not be as robustly addressed due to the current revenue situation. He said that he would not highlight specific areas now because he was already aware of them or some of them. He said that as they went through the budget, they could discuss these points further.

Mr. Gallaway said that he wanted to mention that one example was the housing fund. He said that they could not invest in it that year at the same level as in the previous two years. He said that that was an example of what he was talking about, which was neither negative nor positive; it simply reflected that they had to make budgeting choices. He said that he believed it was important for the public to see them have this conversation. He said that he was not seeking answers during today's meeting.

Mr. Gallaway said that he was delighted to learn that some of the cost increases for elementary schools, in particular, would be covered through the CIP. He said that he was uncertain whether these costs were covered before or after the School Board made adjustments and did not want to see a reduction in capacity, as they had experienced in previous instances.

Mr. Gallaway said that he planned to focus on this issue throughout the year, avoiding revisiting some things in the past. He said that he was specifically thinking of Greer.

Mr. Gallaway said that he had a question about the MicroCAT program, and whether they would receive information from the analysis of the pilot project regarding whether all of the fixed routes that were currently in place were still needed, or whether some of those routes could be replaced. He said that if MicroCAT could serve a fixed route along Rio Road, for example, they would no longer need that fixed route, which could potentially lead to cost savings.

Mr. Gallaway said that during the MicroCAT presentation, the presenters mentioned that such programs often revealed which routes were strong and where new routes may be needed. He said that eliminating one route might not necessarily imply that they needed another one elsewhere. He said that he anticipated this information would be included when discussing transit funding now that resources were being allocated to MicroCAT. He said that he was pleased to hear that 8,000 riders had expressed interest in MicroCAT services so far. He said that the feedback he had received was overwhelmingly positive.

Mr. Gallaway said that some of his other concerns he would share with staff prior to future meetings, as they pertained to topics they would likely address during work sessions. He said that overall, he was satisfied with today's progress and commended everyone involved in this process.

Ms. Mallek said that she was grateful for this recognition of the staff's efforts. She said that the Board would now continue this work to maintain their strong Triple Triple A rating. She said that this rating enabled them to achieve other objectives that would be impossible without first completing the necessary groundwork. She agreed that providing a list of what they had not included would be beneficial for their public, allowing them to understand where their input would be most valuable without having to read through all 400 pages of the budget.

Ms. Mallek recalled 30 years ago advocating for changes that were not initially included in the draft. She said that this role was essential for their public to be able to do. She said that she looked forward to future work sessions where they could continue to refine their proposals and advocate for their inclusion.

Mr. Pruitt said that this was a great year, and that he was impressed by what Mr. Richardson and staff had been able to put together. He said that this was a year of significantly limited financial capacity, and despite this constraint, they had managed to achieve what could be considered stand-up-and-cheer moments, such as Biscuit Run opening in 2025 and eliminating rural broadband gaps in the County by 2025. He said that these achievements were not made overnight or magically; they were the result of hard work. He said that he would like to genuinely commend the effort that went into creating this budget.

Mr. Pruitt said that he was very interested in understanding how they accounted for increased construction costs in the capital outlays for Schools. He said that he was curious if this accounting was done before or after the Schools identified their expected capital shortfalls. He said that he had experienced some conversations in passing with his colleagues on the School Board that indicated they had anticipated additional requests in this area. He said that he was curious if this increase in construction costs had already been factored into their request or if it would cut into some of what they planned to ask for.

Mr. Pruitt said that he would like to make a broader statement about this budget. He said that it was exceptional in that it fulfilled many of their commitments and built their capacity as a Government to work effectively together. He said that they were making pay competitive and investing in internal systems so the members of the Government could do their jobs better.

Mr. Pruitt said that the title itself was "Building Momentum," which implied that there was continuous or greater acceleration with what they were already doing. He said that with their experiences in AC44 and community expectations. He said that he had received significant communications about today's considerations, with infrastructure investments being a dominant topic. He said that they must build 500 affordable homes in Albemarle annually to meet their minimum goal.

Mr. Pruitt said that these were significant goals, and they must maintain momentum in the coming years. He said that while they had built the capacity to start tackling that, he did not believe that at this rate, especially with the forecast and additional obligations, that they would be able to hit that ramp in the coming years. He said that he just wanted to say that out loud to the community and to his colleagues on the Board. He said that significant additional commitments would be necessary to execute their plans effectively. He said that innovative solutions would be required for addressing extremely low-income

owner-occupied homes.

Ms. LaPisto-Kirtley said that she loved this budget presentation, and that she agreed with others regarding the aspects that were not included in order to inform the public. She said that she was aware that they were constructing three new schools: two elementary schools and one high school. She said that she had concern about the progress of the school in the northern feeder pattern, as it appeared to be delayed. She said that she was unsure if the current date was definitive or if it could be subject to change due to factors such as cost, supply chain issues, or other unforeseen circumstances. She said that she had received numerous inquiries from concerned residents regarding overcrowding in schools; however, she was reassured by the School Board's efforts to address this issue through redistricting.

Ms. LaPisto-Kirtley said that she was impressed with the IT modernization initiative, as she believed it would significantly improve their ability to serve the public more efficiently and effectively. She said that this modernization would also contribute to cost savings by increasing efficiency.

Ms. LaPisto-Kirtley said that she was also interested in learning more about the improvements being made to their parks, as this was a priority for residents of Albemarle County.

Mr. Andrews said that he shared his colleagues' enthusiasm for delving into this matter. He said that he was impressed by the work and eagerly anticipated examining it in great detail. He said that he agreed that understanding what they were not doing was important, as it had significant implications for various aspects of the budget, including the Schools CIP.

Mr. Andrews said that Mr. Richardson mentioned they would focus on identifying organizational adaptability, key partner agencies, and ensuring that the approach was grounded in data-driven analytics. He said that he would like to see examples of where savings had been realized, such as reduced overtime or improved outcomes and response times. He said that this would help them better understand the process implications for the public they served.

Ms. McKeel asked which staff member the Board members should direct their future questions to.

Mr. Sumner said that they could send their questions to him, and he would compile them and provide a response as done previously. He said that they would typically post these answers on the website as well.

Mr. Gallaway asked who would be organizing the budget town halls.

Ms. McKeel asked if they could present to the CACs (Community Advisory Committees).

Mr. Richardson said that there would be upcoming communication from Emily Kilroy regarding the estimated timeline for budget-related town halls. He said that she would be updating the entire Board in the coming days. He said that they would have the chance to address other related topics such as transportation or operational issues influenced by budget constraints or current events in the respective district. He said that Ms. Kilroy would be in touch with the Board via email soon, and they planned to schedule these town halls with the relevant staff in March.

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#### Agenda Item No. 10. **Action Item:** Housing Albemarle Developer Incentives.

The Executive Summary as forwarded to the Board states that in April 2019, the Thomas Jefferson Planning District Commission (TJPDCC) released the Comprehensive Regional Housing Study and Needs Analysis. The report identified the need for an additional 10,070 affordable housing units in Albemarle County by the year 2040.

On July 7, 2021, the Board of Supervisors approved Housing Albemarle, the County's new housing policy, but delayed implementation of the following elements until a package of developer incentives to support the construction of affordable housing was approved and implemented:

- 1) the increased percentage of affordable housing units in residential developments subject to rezonings or special use permits;
- 2) the increase in compliance periods for affordable housing units; and 3) the new price levels for both affordable for-sale and for-rent units.

Since 2022, the Board has considered various tools to serve as developer incentives, including an Affordable Housing Overlay (Feb. 16, 2022) and an Affordable Dwelling Unit (ADU) Program (May 4, 2022), but directed staff to continue to explore alternatives. On May 4, 2022, the Board directed staff to submit a Resolution of Intent to consider amending the Zoning Ordinance to include an Affordable Dwelling Unit (ADU) program. On May 17, 2023, the Board approved the Grants or Loans for Affordable Housing ordinance to enable grants and loans that could be granted as part of an affordable rental housing grant program.

To provide stakeholder input to the Board of Supervisors, the Board worked with the Central Virginia Regional Housing Partnership (CVRHP) to host a work session on developer incentives, ahead of a future joint work session of the Albemarle County Planning Commission and Board. This session was held on December 4, 2023 and included representatives from the developer community. As a result of the discussion, staff committed to bring back a proposal for financial incentives to subsidize affordable housing, an inventory of county-owned land available for affordable housing development, and proposed changes to planning review process to support affordable housing projects, such as expedited review.



This Executive Summary is focused on financial incentives to subsidize affordable housing.

Based on feedback received during the December 2023, and January 2024 work sessions, staff drafted an Affordable Rental Housing Incentive Program (ARHIP) for the Board's consideration (Attachment A). The proposed incentive program is designed to support developers' efforts to include affordable dwelling units in their residential construction projects. The proposed incentive would be available to construction projects that contain 11 or more residential units, and which make at least 20 percent of the total residential units available to households with incomes at or below 60 percent of area median income in accordance with Housing Albemarle. The incentive would be provided as a rebate of 10 percent of the project's real property tax each year for a 30-year term.

Adoption and implementation of an Affordable Rental Housing Incentive Program would not impact the current budget, rather it would allocate a portion of future revenue from developments to such grants, and the remainder of the revenue growth would be available to support other local services. The amount of impact would depend on the number of developers seeking grant support and the number of affordable units for which they are seeking funding. The Board would have the opportunity to understand the budget impact of a particular grant as part of the approval process.

Staff recommends the Board approve the proposed Affordable Housing Incentive Program (Attachment A).

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Ms. Stacy Pethia, Assistant Director of Housing, said that she and Mr. Jacob Sumner would be presenting the proposed Affordable Rental Housing Incentive Program. She said that they would be discussing affordable housing needs in their County, the details of the proposed program, and the specifics of the proposed incentive. She said that they would also provide a brief overview of upcoming housing activities in Albemarle County and open the floor for questions from the Board members.

Ms. Pethia said that to provide context, for approximately the last 20 years, their County had been addressing affordable housing needs at the 80% AMI (area median income) level for both rental housing and homeownership opportunities. She mentioned that in 2019, a study called the Comprehensive Regional Housing Study and Needs Assessment was commissioned by the Thomas Jefferson Planning District Commission (TJPD) and the Regional Housing Partnership (RHP). She said that this study examined housing needs in terms of affordability across the County from 2018 to 2040.

Ms. Pethia explained that in 2018, over 7,700 current residents who lived in housing were paying too much for their housing costs. She said that by 2040, this number was projected to increase by approximately 2,300 additional households experiencing housing cost burdens. She emphasized that their goal was not to build 10,070 affordable housing units but rather to create 2,300 additional housing units to meet affordable housing needs by 2040.

Ms. Pethia said that the remaining housing needs that exist today could be addressed through new construction and energy efficiency upgrades in existing homes. She noted that many rental units cost \$900 per month, but old buildings with drafty windows and outdated furnaces may result in additional \$200 expenses, pushing housing costs to unaffordable levels. She said that addressing affordability issues in both new housing and existing units was what they were looking for.

Ms. Pethia said that the housing study's data from 2018 and 2019 had been updated using current census data and information from the U.S. Department of Housing and Urban Development (HUD). She said that as of 2021, 10,331 households with incomes at or below 80% AMI were paying too much for their housing, representing a slight increase from previous years.

Ms. Pethia said that in 2021, the majority of cost-burdened households had incomes at or below 60% AMI. She noted that building affordable housing at 80% AMI was nearly covered by the affordable housing construction pipeline, which had 1,185 units designated for this income level through proffers.

Ms. Pethia said that adjusting recommendations for rental housing to accommodate 60% AMI households was necessary. She explained that housing units marketed at 60% AMI could effectively address the gap that currently existed in their housing options. She said this point led them to the Affordable Rental Housing Incentive Program proposed by staff.

Ms. Pethia said that the purpose of this incentive program was to assist developers in filling the gap between the current accepted proffers of 15% affordable housing and increasing that to 20% of total units being affordable at 60% AMI instead of 80% AMI. She specified that the program specifically targeted rental housing, as this was what they were authorized to do through state code.

Ms. Pethia said that there were four overarching objectives of the proposed program. She said that these were supporting the creation of affordable rental housing units, supporting the preservation of existing affordable rental housing units through their rehabilitation, leveraging market activities to advance the goals of Housing Albemarle, and providing transparent and accountable stewardship of public investments.

Ms. Pethia explained that eligible projects involved new construction, expansion of existing properties, conversion of existing properties from office space to residential rental properties, or substantial rehabilitation of existing rental units. She said that the incentive applied to projects with 11 or more units, primarily located within the Development Area to ensure adequate infrastructure support.

Ms. Pethia said that the applicant, in the case of new construction, must have control of the project site and obtain an approved rezoning if applicable. She said that in the case of substantial rehabilitation, there would be no need for rezoning. She said that the proposed process was that the developer would request the incentive first, followed by Board approval, rezoning process if applicable, and no incentive payments would be released until the rezoning was approved. She reiterated that the project must provide a minimum of 20% affordable housing units.

Mr. Jacob Sumner, Chief Financial Officer, said that the program requirements for this incentive program would be that there would have to be a demonstrated financial need with the project, the number of units reserved for households at or below 60% of the AMI, and that the maximum affordable gross rents would be set by Housing Albemarle. He said that another requirement was that affordable units would be dispersed throughout the building and development complex, and they should be comparable in size to market-rate units. He said that the affordability period for this program was 30 years.

Mr. Sumner said that on December 4, 2023, the County hosted a joint work session on developer incentives between the Board, the Planning Commission, and the development community. He said that during this session, several considerations for drafting the Affordable Rental Housing Incentive Program were discussed. He said that first, there should be consistency in applying the incentive, second, there should be clarity and ease in calculating the incentive amount, and that incentive should also be tied to real estate taxes. He said that finally, there should be consideration for the impact of market-rate rental revenue by changing the number of affordable units from the 15% requirement to a 20% requirement.

Mr. Sumner said that staff was recommending that projects qualifying for this program and adhering to the program requirements would receive an incentive equal to 15% of the development's real estate tax bill. He said that the maximum term for this incentive would be 30 years, which would coincide with the term of affordability. He said that this incentive would require continual adherence throughout the affordability period to the program requirements and would also necessitate a board-approved performance agreement with the developer.

Mr. Sumner said that the incentive payment would be made after all real estate taxes had been paid annually. He noted that this incentive program served as a template and a starting point, intended to initiate discussions with developers regarding the inclusion of affordable housing in their projects. He said that this template represented a minimum requirement. He said that, for instance, if a project provided affordable housing beyond these base requirements, such as deeper discounts in rents or additional units beyond 20%, staff would evaluate these cases individually.

Mr. Sumner said that regarding the 15% figure, although initially listed at 10% in their packet, after further refinement of the model used to develop this incentive program, staff arrived at a 15% recommendation today. He said that if the Board wished to proceed with this 15% incentive amount, a motion for approval must include an amendment reflecting this change. He said that staff also recommended that incentive amounts, including those in adjustments made prior to shared revenue calculations, be accounted for separately. He said that this would occur before splitting shared revenues between joint capital and debt, School operations, and County Government operations.

Mr. Sumner said that as mentioned by the County Executive in his budget presentation slides, certain items were removed from shared revenues before this split took place. He said that performance agreements ran through the EDA (Economic Development Authority) served as one example. He said that staff proposed that these program incentives be deducted from shared revenues before they were divided among capital, debt, School operations, and County Government operations.

Ms. Pethia said that in January, staff met with the Planning Commission (PC) to present the developer incentive package for their feedback. She said that they had previously attended a joint work session with developers in December, so they took the program to them for their input. She said that the PC raised six concerns or considerations. She said that one was structuring the program as a loan instead of a grant, which had not been considered at that time, but may be considered in the future. She said that others were utilizing the program to incentivize rental housing outside of Development Areas, providing incremental increases in the incentive amount for a higher percentage of affordable units, using the program for projects with fewer than 11 units, and offering a renewal option at the end of each compliance period.

Ms. Pethia noted that the second, third, and fourth items were included in the clause within the program description itself, that projects falling outside of these parameters would be considered on a case-by-case basis, allowing flexibility for other types of projects. She said that the renewal option would also be open for discussion, falling outside of the program's parameters and considered case-by-case. She said that finally, ensuring incentivized projects were consistent with the Comprehensive Plan, that hopefully these incentive requests would come before any rezoning, and would be dependent upon the rezoning being approved for that project, which would ensure through the rezoning process that the projects that were funded for new construction were in line with the Comprehensive Plan.

Ms. Pethia said that regarding the housing program overall, the Community Development Department (CDD) was working on an Affordable Housing Facilitated Review Pilot. She said that this pilot would involve specific projects that come forward and have a team that facilitated communication and cooperation throughout the entire approval process.

Ms. Pethia said that in 2022, the Board adopted a resolution of intent for an affordable dwelling

unit program ordinance. She said that staff had drafted such an ordinance, which would be brought back to the Board later this year. She said that additionally there was a review underway of some County-owned properties to determine which may be suitable for affordable housing.

Ms. McKeel said that they had been discussing this matter for quite some time now and believed they were getting to a good place. She asked Ms. Pethia to address the concerns raised by an earlier speaker during public comment.

Ms. Pethia said that she believed that every project was unique, making it challenging to determine one specific number. She said that the speaker that afternoon mentioned a developer who required 33% of a rebate to meet their objectives. She said that another project may need 9%. She said that selecting a starting number and establishing it as a baseline seemed appropriate.

Ms. Pethia said that staff could try that for a while and would monitor progress and success through this method and amend it if necessary. She said that creating a program that suited everyone perfectly was always going to be difficult. She said that staff felt strongly that they had identified a number that provided incentives without making developers whole, while also ensuring that the County's operations remained secure in the future.

Ms. McKeel said that this, like the capital improvement program, was not set in stone; it could be revisited and adjusted if necessary. She emphasized that it was essential for people to understand this flexibility. She said that when discussing affordable housing, they must consider the issue of overcrowded apartments and homes, which created other needs. She said that in her district she had witnessed numerous instances where adults and children were crammed into one apartment due to affordability concerns. She said that this situation often led to unhealthy and unsafe living conditions, particularly for children.

Ms. Pethia said that the numbers derived from the housing study were based on HUD numbers. She said that they specifically tracked households that were housing cost burdened, meaning they paid more than 30% or more than 50% of their income for housing. She said that these households generally fell into one of three additional housing problems, including a lack of complete plumbing facilities or complete kitchen facilities, or overcrowded households. She said that focusing on income and affordable housing based on income was one of the fast ways to address overcrowding issues as well.

Ms. McKeel said that she had often heard about this overcrowding issue from teachers, principals, and other school staff members in addition to community members. She thanked Ms. Pethia for her clarification regarding the 15% as well.

Ms. Pethia said that they needed to provide the agenda materials as Finance was still calculating their figures.

Ms. McKeel said that in her district, there were numerous old apartment complexes that were privately owned by property management companies. She said that when considering the preservation of affordable rental housing units, particularly older ones, she had received at least four complaints from different unit apartment complexes in the past six weeks. She said that she did not want to deviate from their current topic, but she wanted to ask if Ms. Pethia had any thoughts about this issue. She said that it was a significant concern regarding quality of life, yet it appeared that due to state law, they may have limited options for assistance in this situation.

Ms. Pethia said that she was not well-versed in their inspections; therefore, this was a question for CDD. She said that she believed this program could assist in providing help and funding for renovations to bring those units up to code.

Ms. McKeel said that she had been informed by the Health Department that they could only inspect one specific unit if it was for someone who had qualified for what used to be called Section 8. She said that they could not examine the entire building; they could only visit one unit that had had a complaint registered against it. She said that at some stage, she would like to return to this topic with the Board and engage in a broader discussion about it, as she believed that it was a genuine cause for concern.

Ms. Pethia said that it was correct that if a person possessed a housing choice voucher and they contacted them to complain, they were limited to inspecting that specific unit. She said that for all units in the housing choice voucher program, all units were inspected annually to ensure they met housing quality standards. She said that through the County itself, those inspections were complaint driven, so the tenant in the unit would need to contact CDD, articulate their concerns, and subsequently, they would be able to arrange for an inspector's visit.

Ms. McKeel said that was the course of action she had recommended. She said that she believed a more extensive discussion might be necessary, but that was beyond the scope of this item.

Mr. Gallaway said that he had a lot and would try to get through them quickly. He said that starting with compliance, which encompassed adherence to the program and its guidelines. He said that participants must adhere to these requirements. He said that in other areas of the County, compliance may generate additional staffing, costs, issues, or timeframe. He asked for a comprehensive overview of what compliance would entail to ensure that those receiving incentives remained within the incentive program.

Ms. Pethia said that it would follow a similar structure to the way they currently monitored compliance with performance agreements for housing. She said that when examining a specific low-income housing tax credit property, twice annually, the County received rent records for all units covered under the performance agreement. She said that these records demonstrated that throughout the 12-month period, the units remained affordable, were rented at affordable rates, and housed qualified tenants. She said that they could track affordability year over year and every six months.

Ms. Pethia said that moving forward, they would implement a similar system for monitoring compliance in their properties. She said that by receiving rent rolls twice a year, they would ensure that 20% of the units remained affordable. She said that fluctuations may occur due to tenants moving in and out; however, they expected these percentages to stabilize within six-month reporting periods.

Mr. Gallaway said that it would not create a lot of additional work for compliance.

Ms. Pethia said that was correct.

Mr. Gallaway said that regarding performance agreements, they had constructed a complex but effective one with the Southwood development. He asked if they were considering implementing performance agreements for their current compliance efforts. He asked if Ms. Pethia could elaborate on the complexity of these new performance agreements. He asked if they would be simpler than previous ones or if they would require more effort. He said that to support Ms. Pethia's previous statement, the compliance effort should be simplified through performance agreements. He said that these agreements should continue to streamline their compliance checks moving forward.

Ms. Pethia said that was correct. She said that staff were working on creating a template for these agreements, which would be similar to the one currently used for the Low-Income Housing Tax Credit Project. She said that the new template was expected to be no more than three pages, unlike the extensive documentation for Southwood. She said that Southwood was a unique project due to its complexity and the extensive work involved. She said that these performance agreements would be much simpler in comparison. She said that this would have a standardized template that could be easily filled in when projects received incentives approval.

Mr. Gallaway said that he had appreciated the flexibility of the program, as no aspect was fixed. He said that he was occasionally concerned when he encountered the word "must" in certain sentences. He said that he hoped that as they collaborated with developers to better understand the program, they emphasized that if "must" posed a challenge in achieving their objectives, they could still rely on its flexibility. He said that although "must" may eventually become necessary, they currently lacked sufficient knowledge to define these requirements. He said that consequently, he would not review each instance individually; this was a general observation that the program's flexibility was essential.

Ms. Pethia said that they would work flexibility in.

Mr. Gallaway said that the order of process had been brought up, and he believed it was "go time", that they were going to make a decision and test drive this idea. He said that he still had a lot of things to comment on. He said that upon hearing the developers' request for another iteration or round of conversations, that after this got going, they should have workshops or work sessions with developers to discuss the order of operations in more detail than they were seeing in a packet.

Mr. Gallaway said that for instance, they should clarify whether incentives come first or rezoning. He said that all of this needed to be put out there. He said that this would require additional staff time, but if developers had projects in progress, they could serve as good examples for discussion. He said that this could alleviate some concerns or anxiety regarding whether this incentive package would achieve their goals.

Mr. Gallaway said that to restate the order of process clearly, they would have a conversation about incentives, the developer would receive approval for the incentives or performance agreement before the rezoning process, then they would apply for the rezoning, which must be separate from the performance agreement for incentives. He said that the performance agreement did not guarantee rezoning approval, as rezoning was still tied to impacts and other factors. He said that however, if they went through the process, they could count on it.

Mr. Gallaway said that he understood the concern about going through rezoning first and then receiving incentives but needed to clarify this order of operations. He said that this was because of the money tied up in obtaining the rezoning, then if the incentive package was not granted, the project could not move forward. He said that he was merely restating what they knew while emphasizing the proper order of events.

Mr. Gallaway said that regarding the current policy, he wanted to clarify that it was 15% at 80% AMI, which had specific cost implications. He said that the bonus density provided for reaching 15% helped offset these costs. He said that their goal was to increase this to 20% at 60% AMI as a minimum.

He said that to calculate the amount, they considered the rental income at 15% at 80% AMI, which generated a certain income. He said that when moving to 20% at 60% AMI, rental income decreased, creating a new gap. He said that the incentive aimed to fill this gap by providing rebates of taxes collected and addressing the decline in apartment values or rents due to the change. He said that

reduced tax collection and the rest of the shortfall for developers were factors considered in this calculation. He asked if this was correct.

Mr. Sumner said yes. He said that the objective was to address the change from 15% of units at an 80% AMI to 60% AMI at 20% of units. He acknowledged that rental revenues from these commercial properties decreased due to their income-based assessment approach. He said that lower revenues resulted in reduced assessed values, which in turn, marginally decreased their tax burden.

Mr. Gallaway said that they had not entirely bridged the gap nor discussed other incentives. He said that he believed Ms. Pethia had touched upon this point during her presentation. He asked Ms. Pethia if she could elaborate on other factors or additional considerations for a specific project that could help mitigate costs, given that there remained certain costs somewhere that made it challenging for the project to progress at 20% or 60% AMI.

Ms. Pethia said that this was an important observation. She said that they had the housing fund available for both non-profit organizations and for-profit developers. She said that in situations where affordable rental housing projects had faced challenges due to escalating construction costs and difficulty filling final gaps, they had sought additional funding. She said that for instance, they recently requested an additional \$700,000 for Virginia Supportive Housing, which had a \$1.4 million gap left to fill. She said that this was always an option.

Ms. Pethia said that depending on the percentage of affordable units in a project or its surrounding neighborhood, (CDBG) funding could be utilized for infrastructure projects. She said that these grants prioritized projects serving 51% low or moderate-income households with incomes at or below 80% of the AMI. She said that this could include apartment buildings in older neighborhoods where moderate-income families resided, allowing infrastructure to serve more than just one specific building. She said that there were other options available; they just needed to assess their needs and determine how they could assist.

Mr. Gallaway said that internal factors such as parking requirements, materials, and other elements could still be discussed. He said that although the tax rebate was a significant incentive that gained widespread support during the December conversation, other items should not be overlooked. He said that these could be critical for specific projects. He said that it would be important to communicate to stakeholders that these options remained available, just like in economic development projects where no tools or options should be removed from consideration. He said that regarding parking requirements, changing them could potentially offset costs in addition to existing incentives, allowing projects to progress smoothly.

Ms. Pethia said that was correct.

Mr. Gallaway said that he wanted to confirm that the team endorsed this as the program moved forward. He said that the mention of Willow Glen's 33% highlighted a unique project due to per-unit proffers and a subsequent road project cancelation. He said that this case demonstrated that certain site elements could be foregone in favor of affordable housing, such as connectivity in that instance. He said that as a Board, they had to make these decisions, but additional incentives could help projects proceed more efficiently. He said that the cash-in-lieu program was mentioned in public comment, and he would like to hear more information about its workings.

Ms. Pethia said that the cash-in-lieu option had always been available for rezonings. She said that developers would either proffer affordable units or pay a cash-in-lieu fee. She noted that this option had not been removed; it was part of the proffer system rather than an incentive program. She said that they could add a statement clarifying this in the document.

Mr. Gallaway said that he believed that would be a good idea. He said that whenever there was a new step that he was unfamiliar with, and he did not mean this to sound dismissive, but the time it took to get an application and a project through the entire process was not particularly swift. He said that this comment may be more suitable for Mr. Richardson or someone else to address. He said that he was aware that they were working on measures to make that process more efficient and streamlined.

Mr. Gallaway said that expedited review was also mentioned in the incentive discussion. He said that now, they were adding a step where they would have a conversation about whether or not an incentive could be approved, followed by determining the performance agreement. He said that these performance agreements should ideally be simple enough that they merely input names and numbers before moving forward.

Mr. Gallaway said that he did not want developers to perceive the extra steps as resulting in extra time. He asked if they could clarify the improvements in the review process they were implementing and the anticipated time frame for incentive approval. He said that this would provide developers with a sense of predictability, as discussed in December. He said that they could then follow up with details about the application improvements being implemented.

Ms. Pethia said that the application packet must be completed, containing information about the project and factors that would help determine whether or not they should offer an incentive. She said that the Board required this information for their decision-making process. She said that at least one staff member would promptly review these applications. She noted that she was training one of their housing staff to review these types of applications. She said that they currently reviewed site plans and rezoning

applications, so they had relevant experience. She said that consequently, they should efficiently progress from receiving proposals to drafting performance agreements and submitting them to the Board.

Mr. Gallaway said that he had not yet discussed this topic, so he apologized for bringing it up for the first time out loud. He said that the Board may need to take action to expedite these processes for them. He said that he was unsure of how this would be accomplished or if it would involve closed meetings. He said that they could discuss performance agreements during a public meeting since the information was relatively straightforward. He said that this was something that the Board should take responsibility for, ensuring that performance agreements did not take two to three months to reach the Board for decision-making. He said that this was more within the Board's control than staff's. He said that they must consider this matter further and discuss it openly.

Mr. Jeff Richardson, County Executive, said that CDD would implement the Affordable Housing Facilitated Review Pilot program. He said that this would involve creating a project team of staff experts who would collaborate with applicant representatives. He said that County staff in CDD would provide subject matter expertise in all necessary fields, offering a one-stop-shop experience for applicants. He said that the project team would meet regularly, working diligently to make decisions, identify obstacles, and find speedy resolutions to problems. He said that this initiative would be spearheaded by Ms. Jodie Filardo and her team.

Mr. Richardson said that the question at hand was also about considering overall departmental improvements, such as the reengineering work that occurs during core system modernization and software program replacement. He said that this department-wide, Countywide effort aimed to modernize processes. He said that the Affordable Housing Facilitated Review Pilot program would adopt a more targeted approach, aligning with Ms. Pethia's vision for her team and Ms. Filardo's team to collaborate with the County Executive's office.

Mr. Richardson said that the goal was to have all relevant parties present at the same time, allowing for more efficient identification of obstacles and faster problem resolution. He said that while it was difficult to predict exact timelines due to the varying quality of work that the County received, they hoped that this collaborative approach would lead to more efficient processes.

Mr. Gallaway said that projects that had already received rezoning in the past under the 15% and 80% guidelines may express interest in taking their development further. He said that if these projects were located in areas with significant potential for affordable housing due to existing services or infrastructure, they may consider pursuing additional development. He said that since they had completed numerous rezonings in the past, they should consider both parties reaching out to each other or encouraging such discussions. He asked if this possibility had been explored or considered.

Ms. Pethia said that it had not been specifically discussed, but yes, if they proposed a change in their project that would meet these program parameters by providing at least 20% of the units as affordable at 60% AMI, they could discuss this incentive. She noted that as the rezoning had already been approved, they did not have to worry about keeping those two aspects separate.

Mr. Gallaway said that he completely agreed that revenue delays should be off the top. He said that this decision would impact everyone in the community in similar ways to other items that come off the top. He said that he definitely agreed with this approach. He said that he would provide a few brief comments. He said that it was time for them to take action on this issue, put it into practice, and test its effectiveness. He said that, if necessary, they could always adjust their approach, and this was why the flexibility must be there.

Mr. Gallaway said that this allowed the Board, staff, and developers to be involved in the conversation and work together to ensure the project's success. He said that he wanted to avoid any misconceptions that 15% was fixed or unchangeable, so they must communicate this clearly. He said that developers may be anxious about this, but so was the Board; they did not want to implement a program that failed to achieve their goals. He said that to make this happen, they needed interested parties to come forward, discuss the details, and work through any issues that arose.

Mr. Gallaway said that it was also important to recognize that, like economic development projects, tax incentives should not be applied indiscriminately. He said that if completing six projects may prevent the seventh from being finished, this situation would be similar depending on the number of applications received. He said that the community must understand that not all projects can be completed automatically. He said that they must examine each project's impact on revenue coming in down the road.

Mr. Gallaway said that their experience in economic development projects could be applied here, improving their ability to manage such situations. By combining flexibility and knowledge gained through economic development projects, they could make this happen to provide affordable units. He said that although he may have missed some details, he appreciated the Board's patience and support.

Mr. Gallaway said that he endorsed the PC's recommendation to agree on a 30-year re-up period, which aligned with considering outsider program parameters on a case-by-case basis. He said that he appreciated everyone's efforts in working with the Board of Supervisors, TJPDC, the RHP, and conducting workshops and conversations.

Ms. Mallek said that she had learned much from Mr. Gallaway's insights and agreed with many of his points. She said that she was surprised when Mr. Gallaway mentioned that cash-in-lieu was still

thriving, as she personally believed that over the past 30 years, this had been their greatest failure. She said that they had invested \$16,000 but did not get the \$200,000 unit. She said that she hoped that the guy that was full speed ahead would get the unit somehow. She said that she understood if they had to have something else to balance it, but she would prefer that they did not fall into that hole again.

Ms. Mallek said that she concurred with the renewal proposal, provided that there was appropriate reinvestment, as one would expect for HUD projects. She said that they could not simply assume that additional funding would be available without demonstrating a commitment to investing their own resources. She said that another point that struck her was the statement that if costs increased, they would provide more funding. She said that the challenge for both of them was to ensure proper monitoring of the management process, so that no one felt they could be careless in their product development and expect the County to bail them out.

Ms. Mallek said that she was grateful for the availability of funds for NOAH (naturally occurring affordable housing) rehabilitation projects, as there were many invisible people in every district, whether in urban neighborhoods or at the end of the country road. She said that there were people without indoor plumbing in the White Hall District. She said that to address this issue and others, various programs had been developed to assist seniors in maintaining their homes.

Ms. Mallek said that doubling up was absolutely a feature in the Rural Areas as well. She said that in the past, the School Department had categorized homeless children based on whether they were doubled up with family members. She said that she hoped there were ways to help get at that statistic still, as well. She said that she had been a long-time supporter of the maintenance code, which should be discussed further. She said that vulnerable residents living in substandard housing often feared speaking up about their circumstances due to potential eviction. She said that addressing maintenance code issues would provide a solution for these individuals.

Mr. Pruitt said that he was enthusiastic about this document and was grateful for the opportunity to participate in its voting process today. He said that he was aware that this had been a lengthy undertaking that he had been following, however, this was his first opportunity to contribute publicly. He acknowledged that he was relatively new to this discussion. He said that he would like to share two brief comments and observations about this document before moving on to more specific questions.

Mr. Pruitt said that first, there was a very essential part of this program that he felt they missed out on to what had become standard business practice in Albemarle County, which was the simultaneous requirement of a zoning map amendment. He said that when comparing inclusionary zoning policies in other localities, upzoning was the benefit they received in exchange for their more modest inclusionary zoning requirements. He said that this practice was already commonplace.

Mr. Pruitt said that he would like to highlight that there may be some alarmism from the developer community regarding this issue because it appeared to affect all projects. He said that this was because their zoning map was inconsistent with their stated priorities and Comprehensive Plan goals, which necessitated a zoning map amendment for every conversation they would have to have. He said that this was a concern for him, and that it influenced the way they did business, and this program was built around that fundamental assumption, which was an unusual way of doing business in Albemarle County.

Mr. Pruitt said that he was excited about this program but would like to point out one weakness that stood out to him. He said that they recently examined areas such as Avon Park in his own southern neighborhood. He said that this was a location where they had very limited options for infill, and their continued development depended on creative infill. He said that to achieve a 20% at 60% AMI, scalability would be essential for successful projects.

Mr. Pruitt said that large developers could more easily satisfy this requirement than smaller ones. He said that as geographical constraints increased, finding suitable plots for development became increasingly difficult. He said that they must collectively be creative in how they delivered infill. He said that smaller-scale creative infill may present unique challenges, but exploring alternative solutions could help them leverage these opportunities better.

Mr. Pruitt said that he appreciated Mr. Gallaway's comments in addressing timeline concerns. He said that while they may not scrutinize these matters extensively, they still wanted to expedite the approval process for performance agreements. He said that their concern lay in understanding whether these matters must be presented before the Board or if they can be handled through administrative approval. He said that as someone who valued housing-related data, he was curious about the necessity of reviewing these details in-depth. He asked if it required the applications to come before the Board, or could it be an administrative decision.

Mr. Gallaway said that he would think that it would, speaking in the same way that economic development projects came forward. He said that if they got to the point where they got a housing advisory committee, that committee would likely serve a similar function to the EDA.

Mr. Gallaway said that ultimately, this was a budgetary matter that would require consideration by this body. He said that in a case where the offsetting revenue over 30 years was projected at \$18 million, he did not think he wanted staff to have to make that decision. He said that they must determine whether that made sense or not.

Ms. McKeel said that as they gained experience with these cases, it may be worth considering

adding them to the consent agenda in some manner. She said that if concerns arose, they could pull them, as they had done with several Airbnb-related changes. However, she did not recommend starting with this approach immediately. She said that as they became more familiar with the process, this could potentially expedite matters in some form.

Mr. Gallaway said that he did not disagree, but it was not an open checkbook. He said that each item had a dollar amount associated with it, so that was the part that the process should be designed to reach the Board swiftly so that they could promptly examine that aspect and then make their decision.

Ms. McKeel said that she believed that after they had gained familiarity with certain matters, they could potentially include them on the consent agenda. She said that if someone raised a concern, they could consult staff or remove the item from the agenda. She said that this was still some time away.

Mr. Pruitt said that he also wanted to bring up a point related to the broader Albemarle Housing plan, which, upon reviewing the entire document, seemed to propose creating an Albemarle-specific housing advisory committee that could potentially take on this responsibility. He said that this could still come before the Board for final approval on the consent agenda; however, this housing advisory committee could be used to address some of the case backlog.

Mr. Pruitt said that it was discussed how this could also be utilized to reauthorize continued terms. He asked whether this would require editing of the ordinance or if they could proceed using it as currently drafted. He asked whether creating a new thing from scratch would be necessary. He said that given that there was a 30-year timeframe for this issue, perhaps it did not need immediate attention.

Ms. Pethia said that they could add a clause in the draft proposal before they made it public.

Mr. Pruitt asked if the list of tools used for attaining those, would those be the same suite of tools used for new constructions or substantial rehabilitation, such as leveraging the housing trust fund or some other tool.

Ms. Pethia said that they had a range of tools at their disposal that they could utilize. She said that it was about selecting the appropriate tools for specific projects. She said that no options were off-limits when considering these tools, and all options remained open for discussion.

Mr. Pruitt apologized for not realizing this earlier; however, his understanding was that this regulation applies to the entire County, including the area of Scottsville that falls outside their zoning jurisdiction. He asked if this was accurate and if this regulation applied in the Town of Scottsville.

Ms. Pethia said no, this would not apply to the Town of Scottsville.

Mr. Pruitt said that this was because Scottsville was a town, not a Development Area. He said that he could see the Town of Scottsville leadership being very frustrated by this, and their zoning authority being hamstrung. He said that he would like to join the PC and would prefer to see the structure as a forgivable loan rather than a grant. He said that this preference had been discussed before but he wanted to say it again for the public record.

Mr. Pruitt said that the main way significant amounts of affordable units were delivered was through the low-income housing tax credit (LIHTC), which was a major tool for both private and non-profit developers. He said that structuring the project as a grant would lower the eligible basis and reduce the amount of federal dollars developers could receive. He said that he would expect that they would still apply for it since it was money on the table.

Mr. Pruitt said that by structuring the project as a grant, in his view, they were agreeing to pay for the amount instead of the federal government. He said that this was never the position he wanted to be in as a local government; he would much rather the federal government pay for something. He said that it was unclear what additional burden or difficulties a forgivable loan structure would introduce that would make this a more complicated program and why they would not pursue this as an option.

Ms. Pethia said that at present, they did not have any structures in place for implementing a forgivable loan program. She said that this appeared to be the most significant obstacle. She said that they specifically removed the term "grant" from this draft in order to address those concerns. She said that to utilize low-income housing tax credits in Virginia, the state was okay with a tax abatement. She said that they could not use the term "tax abatement," so they had simply replaced it with "incentive."

Mr. Pruitt said that they seemed to have found a middle ground in language that satisfied all interested parties. He said that if this was indeed how everyone interpreted this program, then he rescinded his discussion. He said that he believed that Ms. Schweller's voiced concerns had been addressed, including the cash-in-lieu, the timeline, and sequencing. He said that she had also inquired about baselines.

Mr. Pruitt said that although they had discussed this previously, he was not certain if it was explicitly stated. He said that there had been a shift from focusing on incremental changes in tax revenue to examining the gross tax basis instead. He said that this addressed Ms. Schweller's question about what was being considered as the baseline, which was a significant benefit for developers.

Mr. Sumner said that was correct. He said that it was not the increment from what the current tax



would be to the tax afterward but was on the entire amount. He said that this approach promoted predictability, consistency, and ease of calculation for both staff and developers when creating packages for projects.

Mr. Pruitt thanked Mr. Sumner for his response. He said that in earlier discussions involving representatives from Williams Mullen and other developers' lobbyists, there was this idea that they expected to be made whole, which he thought was the wrong way to go. He said that this was a regulation not intended to make developers whole but rather for the health of their community. He said that they did not expect to pay benefits every time they enforced design and construction requirements.

Mr. Pruitt said this was not about making developers whole; instead, they were imposing necessary regulations for ongoing community safety. He said that they also were making developers competitive in the market. He said that he believed that their approach started from what they considered a best estimate of what was necessary for competitiveness. He said that he agreed that this process should be iterative. He said that he read numerous reports about what Montgomery County did right and how they could apply those lessons.

Mr. Pruitt said that the main consistent finding across all evaluations was that there were many things they could not do because the General Assembly has hamstrung the County. He said that the one thing they did to that the County could do was continuously improve the program. He said that focusing on the main metrics of the term of affordability, incentive value, and the AMI target, had been done in the most successful program in the country, which had changed them significantly over its lifespan for continued success. He said that he would like to know if and how the County planned to improve this program.

Mr. Pruitt said that because of the way the Board of Supervisors functioned, he would like to have a structured decision point in the near future, whether that was one or two years, even if it was to decide to continue what they were doing. He said that he would appreciate if their office could present the next iterative step for them to evaluate. He acknowledged there were uncertainties but agreed that they were ready to proceed now. He said that he wanted to be prepared for examining specific iterative changes based on market performance of the credit. He said that he was very excited about this.

Ms. LaPisto-Kirtley said that she would like to return to Ms. McKeel's discussion regarding units that were currently infill or that were rented but not habitable. She said that she understood they could not inspect the building in question due to its complaint-driven nature but wanted to know if they had someone inspecting the apartments where they provided vouchers for rentals to verify that the apartment was indeed livable.

Ms. Pethia said that before approving any lease for a voucher holder, their inspector conducted an inspection of both the inside of the unit and the outside of the property. She said that these inspections ensured compliance with housing quality standards issued by HUD, which were set to change soon. She said that as of July, they would implement a new inspection process with updated rules and regulations, which she had not yet memorized and could therefore not share.

Ms. Pethia said that they currently conducted an initial inspection followed by subsequent inspections every other year to streamline the process. She said that if they found that too many units had entered abatement due to failed inspections or failure to make necessary changes, they would halt rent payments on behalf of tenants until those changes were made. She said that regular inspections ensured that their tenants' units passed inspection standards.

Ms. LaPisto-Kirtley asked if the conducted inspections had proven successful.

Ms. Pethia said yes.

Ms. LaPisto-Kirtley said that made her happy because she had a strong dislike for slumlords, as they all did. She said that she appreciated the expedited review process and overall procedure. She said that she was looking forward to voting for this today. She said that she would like to inquire about the distribution of affordable units. She said that Ms. Pethia mentioned that the mix of affordable unit styles, square footage, and number of bedrooms, among other factors, must be equal to or greater than the mix of market rates.

Ms. LaPisto-Kirtley said that regarding square footage, she asked if it increased costs for developers or if it remained constant if the square footage was the same. She said that it seemed like a potential area where developers could save money by having smaller units, depending on the unit size or number of bedrooms. She asked if this was important or did not matter.

Ms. Pethia said that the requirements were designed to maintain consistency with the rezoning process. She said that it may be necessary to adjust the wording in these requirements. She said that she would review them thoroughly to ensure that they accurately reflected their Zoning Ordinance and requirements for a rezoning application, and that the language matched. She said that this uniformity was essential for maintaining consistency with the market-rate units, which was also consistent with their rezoning process.

Ms. LaPisto-Kirtley said that she agreed with the style but found the square footage noticeable. She said that she was aware that their previous affordable housing program did not fare well due to their lack of a list of individuals who could purchase or rent affordable properties. She said that she was

wondering if they did not have an affordable rental list, whether this program would be successful.

Ms. Pethia said that they were working on creating a waiting list for both rental units and affordable for-sale units. She said that they hoped to launch a pilot program by July 1. She said that they had been finalizing necessary details so that they could market these units directly to individuals on their waiting list. She said that while proffered rental units had typically filled without issues, they had faced challenges in filling for-sale units. She said that this was due to the difficulty of finding individuals who met income requirements for purchasing housing at today's County prices.

Ms. LaPisto-Kirtley said that the developer must ensure that the purchase of a home remained affordable for a duration of time. She asked if that period of time was 90 days or 180 days.

Ms. Pethia said that developers could proffer both timeframes, so the choice depended on their proffer.

Ms. LaPisto-Kirtley asked if the developer could offer either 90 days or 180 days of affordability and it was not required by the County.

Ms. Pethia said that she believed that it was a minimum of 90 days. She said that some developers had increased this period to 120 days or even 180 days in order to provide additional time for marketing purposes. She said that this was the time frame they needed to market the property as affordable. She said that if they did not find a buyer within this time frame, they could then sell at market rate.

Ms. LaPisto-Kirtley asked if one was a developer, why would they go 180 days when they could go 90 days before flipping it to a market rate.

Ms. Pethia said that she did not know, she thought it was an effort on their part to try to get those units filled.

Ms. LaPisto-Kirtley confirmed that there was no penalty if they went to 90 days, then flipped it to market rate.

Ms. Pethia said that was correct; that was how the system had worked thus far.

Mr. Andrews said that he appreciated the feedback provided during the discussions, which he found insightful. He acknowledged that numerous significant points had been raised and expressed excitement about the topic. He said that he wanted to briefly address the expedited review process, ensuring that it was promptly added to their agenda. He said that he was unsure if there were plans for queue jumping but appreciated that developers were expected to submit applications that did not require constant revision due to their thorough preparation.

Mr. Andrews asked if he could view slide 12 of Ms. Pethia's presentation again. He said that upon comparing the two documents, he aimed to understand the changes resulting from the PC's input. He said that in the revised version he noticed two key points. He said one was utilizing programs to incentivize rental housing development outside designated Development Areas, and two was ensuring that incentivized projects were consistent with the Comprehensive Plan. He said that he was attempting to grasp what they needed to do in terms of flexibility as far as Development Area versus Comprehensive Plan language.

Ms. Pethia said that it was an excellent question. She said that they had not discussed that slight challenge with the PC. She said that if it was a by-right project outside of the Development Area or a rehabilitation project for an existing property outside of the Development Areas, then consistency with the Comprehensive Plan was not relevant. She said that consequently, the focus would be on projects seeking rezoning, and that those larger rental housing projects would typically occur within the Development Area. She said that they must consider how this would be implemented.

Mr. Andrews said that he agreed that they would be concerned about smaller projects and infill projects and whether they could find a way that could extend these incentives in some way that could apply to them. He said that he appreciated the proposed amendment to change the program from grants to incentives. He said that the amendment in Attachment A increased the incentive percentage from 10% to 15%. He said that although there was a suggestion to include cash-in-lieu, he suggested they not revise that now.

Mr. Andrews said that there was some concern about how that would work, and he would ask that they not take the time to address that now, but to do so in the next iteration of this program. He asked for clarification on whether they should approve the proposed Affordable Housing Incentive Program, as amended to reflect 15% in financing of the properties' real property tax increment.

Ms. Pethia said yes, there was a prepared motion from staff.

Mr. Andrews said that he would like to confirm that they had reached a consensus on which amendments had been discussed. He said that his understanding was that they were currently focusing on the 15% at this time.

Ms. Pethia said that was correct. She said that if they wanted to include language about the cash-

in-lieu payment, they should do so. She said that it appeared that they may not be in favor of this option.

Mr. Andrews said that he was not suggesting that he was unsupportive, but he was unsure if they were ready.

Ms. Mallek said that she was not proposing a modification. She said that she was hoping that both were considered.

Mr. Andrews said that he thought Mr. Gallaway had been suggesting a modification regarding the cash-in-lieu. He apologized for his misunderstanding.

Mr. Sumner said that he would like to add some clarification as well, ensuring consistency in their language. He said that they should address both the change in percentage from 10% to 15% and clarify that this applied to the real estate tax bill rather than the increment.

Mr. Andrews said that he understood. He said that it would mention the real estate tax bill and not the increment. He said that these details would be included in the first paragraph under Section 3. He noted that there were just two modifications required: replacing "increment" with "bill" and changing "10%" to "15%".

Ms. McKeel said that when discussing property management and apartment complexes, they had been successful in addressing one-off situations involving individuals with vouchers. She said that she was referring to the other residents in those complexes who faced similar issues but continued living there due to affordability, despite not having a voucher.

Ms. LaPisto-Kirtley said that perhaps it might be a state issue, and legislation was required. She said that she completely agreed. She said that regarding cash-in-lieu, she would like to clarify that this referred to a payment made in lieu of providing an affordable unit. She said that if they wished to pay for the entire cost of a unit, this was acceptable. She said that if they only intended to cover a small portion of what a full unit would cost, she had concerns about this arrangement.

Ms. Pethia said that she was unsure if the County had a specific amount for cash-in-lieu for units. She said that she would need to verify this information. She said that so far, she had observed that these amounts had ranged from approximately \$1,200 per unit to around \$20,000 per unit.

Mr. Andrews asked if this process were to have the incentives approved first and the rezoning coming later, the rezoning would then request a proffered cash-in-lieu, which the Board would then evaluate as to whether it was appropriate and met the needs.

Ms. Pethia said that was correct. She said that this incentive program was designed to help avoid cash-in-lieu proffers.

Mr. Pruitt said that he had a significant lack of understanding of the County's housing policy concerning the cash-in-lieu program. He said that it was surprising that this option was not widely utilized. He said that in other localities, cash-in-lieu was a common method for funding housing funds and meeting development goals. He said that there was curiosity about the calibration of this program and whether it warranted further review by both staff and the Board. He said that as they considered growing and scaling their housing fund, cash-in-lieu was anticipated to be part of the conversation. He said that a comprehensive overview of their current program and potential future directions for cash-in-lieu payments should be provided at some point.

Mr. Gallaway said that he wanted to comment on several aspects regarding this topic. He said that during the PC meeting, Ms. Firehock raised the issue of Rural Area Comprehensive Plan Development Area. He said that it appeared that she was discussing the possibility of Esmont and whether additional units could be considered. He said that rezoning would be necessary, but this would not preclude other options from being explored if they were presented in the future. He said that rezoning in the Rural Area to get to that density may face a different hurdle than the incentive conversation.

Mr. Gallaway said that the Board should be ready, especially with the flexibility of the incentive amount. He said considering the current interest rate environment, the costs were higher. He said that to get them in line, knowing they will be on the spreadsheet, even a one basis point change could have significant financial implications. He said that if the Federal Reserve reduced rates, although not drastically, this could result in substantial sums at stake that make it challenging to achieve the desired profit margin for developers. He said that they just had to be ready for that.

Mr. Gallaway said that they also needed to be ready to address underwriting challenges in the development world due to changing property valuations from market rates to deeper affordability levels. He said that this could impact developers' loan placements, so they must remain open-minded and attentive to these factors. He said that regarding rental units, he believed they had been successful in filling them; however, there seemed to be a misconception that they were not focusing on rentals.

Mr. Gallaway said that this notion came from their PC, which he addressed at the RHP meeting. He said that they needed to share more information about the available tools for promoting rental units not just within their jurisdiction but across the region as well. He emphasized that it was important for all of them to promote this message.

Mr. Gallaway said that home ownership presented unique challenges due to costs, but their rental efforts had been successful. He said that they must understand that if they approved a development with 20% units, those people would indeed occupy those units. He said that he was unsure of how to address this issue further than continually reminding people of their progress in rental units.

Mr. Gallaway said that there were immediate next steps shown, but since they had now addressed the incentive question and they would disseminate this information, he anticipated the conversation about establishing a trust fund would emerge. He said that they currently had a housing reserve but lacked a trust fund. He said that the trust fund was their next significant policy initiative after concluding the incentive conversation. He expressed interest in initiating timeline discussions and determining when they could begin exploring this topic.

Mr. Andrews asked if they had a motion.

Mr. Steve Rosenberg, County Attorney, said that he would like to provide the Board with guidance regarding the form of the motion. He said that before proceeding, he would like to confirm that he had understood the consensus about two changes to the policy or program. He said that he would like to clarify the change from 10% to 15%. He apologized if he had missed any details during the prior discussion about the basis for calculating this 15% rate. He said that he would like to confirm whether the consensus was that this 15% rate was based on the entire tax bill annually for a specific property, rather than just 15% of the increase in the value of that property.

Mr. Sumner said that was correct.

Mr. Rosenberg said that he was referring to the first sentence in Section 3. He said that he believed altering the second sentence to refer to 15% of the real property tax bill would create an inconsistency compared to the information provided in the first sentence.

Mr. Andrews said that he believed that the net increase in property tax revenue was not primarily concerned with affordability. He said that it focused on the development of the property.

Mr. Rosenberg said that in any case, his suggestion would be for a member of the Board to propose a specific motion regarding the approval of the program with two amendments to Section 3. He said that the first amendment was to change 10% to 15%, and to change the word "increment" to the word "bill". He said that this ensured clarity in the motion and avoided confusion when reviewing the minutes.

Mr. Pruitt said that he had transcribed the amendments. He asked to see the original language as well.

Mr. Pruitt **moved** that the Board approve the proposed Affordable Housing Incentive Program as presented, with the following two changes to Section 3: first, change 10% to 15%, and second, change the word "increment" to the word "bill."

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.  
NAYS: None.

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## **Albemarle County Affordable Rental Housing Incentive Program (ARHIP)**

### **I. Introduction**

The Affordable Rental Housing Incentive Program (ARHIP) aims to support the construction or preservation of affordable rental housing units in Albemarle County's Development Areas. The incentive program is supported by an increase of property tax revenue to Albemarle County generated by an incentivized project, and may be provided to affordable housing projects that achieve one or more of the affordable housing objectives outlined in *Housing Albemarle*. All incentive awards are approved by the Albemarle County Board of Supervisors. Incentive awards are disbursed in annual or bi-annual installments only after all real estate property taxes have been paid.

### **II. Program Goals**

- A. Support the creation of affordable rental housing units;
- B. Support the construction of residential rental projects in which 100% of the residential rental units are provided as affordable housing;
- C. Stimulate the inclusion of affordable rental housing in projects where affordable housing may not otherwise be made available;
- D. Support the preservation of existing units of affordable rental housing through rehabilitation of those units;
- E. Leverage market activities to advance the goals of *Housing Albemarle*; and
- F. Provide transparent and accountable stewardship of public investments.

### **III. Fiscal Approach**

The ARHIP is supported by the net increase in property tax revenue generated by the project receiving incentive funding. The total amount of incentive funding to be provided each year will be equal to 15 percent of the property's real property tax bill provided that at least 20 percent of the total residential units on the property are provided as affordable housing in conformance with the requirements outlined in *Housing Albemarle*.

Disbursements will only be made if Albemarle County taxes for the project area are paid in full, the Albemarle County Board of Supervisors has approved a rezoning of the project site (if applicable),

and the project maintains compliance with the County's affordable housing requirements. The maximum term for the incentive is 30 years from the date a Certificate of Occupancy is issued.

#### **IV. Program Requirements**

Staff consults with applicants to determine whether a prospective project qualifies for funding under the ARHIP based on the eligibility criteria outlined below. If staff determines a project does not qualify for the incentive, staff will not recommend to the County Executive's Office that the project be considered.

Applicants should contact the Albemarle County Office of Housing via email at [ADU@albemarle.org](mailto:ADU@albemarle.org) to establish whether a proposed project qualifies. Qualifying projects may be eligible for incentive funds, but are not entitled to receive funds. The amount of incentive offered, if any, is at the sole discretion of the Board of Supervisors.

Approval of an application under the ARHIP does not grant a project vested rights for development or grant any third-party benefit. The Board of Supervisors reserves the right to set priorities among applications under consideration. The Board may reject an application if it does not provide the information requested, or if circumstances change. The Board may offer other incentives for projects such as infrastructure investment, matching funds, or the like.

Projects falling outside of the incentive program parameters will be considered on a case-by-case basis.

All Affordable Rental Housing incentives are subject to a written and signed performance agreement.

##### **A. Eligible Projects**

To be eligible for an Affordable Rental Housing incentive, the proposed project must meet the following general eligibility criteria:

1. Eligible projects must have proposed new construction, an addition to an existing structure, conversion of an existing non-residential structure to residential units, or the substantial rehabilitation of an existing affordable multifamily structure.
2. Eligible projects must have at least 11 residential rental units.
3. Eligible projects must be located within one of Albemarle County's designated Development Areas.
4. The applicant must own or have site control of the eligible project site.
5. If the proposed project is not a by-right development, an applicant's rezoning application must be approved by the Board of Supervisors.

- 6. At least 20% of the total residential rental units in the eligible project must be offered as affordable housing as defined under *Housing Albemarle*.

**B. Rental Project Requirements**

In addition to the general eligibility criteria outlined above, proposed projects that include affordable units for rent must meet the following additional criteria:

- 1. **Financial need** - Applicant’s pro forma must demonstrate that the tax incentive is necessary in order to provide affordable (as defined below) rental units in the project.
- 2. **Affordability requirements** – The applicant must make at least 20% of the total number of units in the project available to households with gross incomes no greater than 60% of area median income (AMI) as determined by the U.S. Department of Housing and Urban Development and adjusted by household size.

The maximum rents for affordable rental units must be determined by multiplying the AMI by the factors in the found in the table below for the appropriate unit size for each affordable rental unit provided. The factors include an allowance for tenant provided utilities.

Unit Size	Factor
Efficiency	0.009479
1 bedroom	0.010833
2 bedroom	0.013542
3 bedroom	0.016927
4 bedroom	0.018958
5 bedroom	0.021802
6 bedroom	0.024646

- 3. **Distribution of Affordable Units** – The affordable rental units must be equally distributed within the development and within buildings. The mix of affordable unit styles, square footage, and number of bedrooms must be equal to or greater than the mix of market rate units. Affordable units may float within an eligible project to ensure the required percentage of each affordable unit type is maintained throughout the compliance period.
- 4. **Affordability Compliance Period** – Rental units designated as affordable must remain affordable for a period of 30 years. The applicant must record a covenant running with the land in favor of the County, which provides that for 30 years from the date of issuance of the first Certificate of Occupancy for the ADUs that:
  - No ADU may be rented for an amount that exceeds the limits set by the Albemarle County Office of Housing;



- The covenant is senior to all instruments securing permanent financing; AND
  - The covenant is binding upon all assignees, mortgagees, purchasers and other successors interest.
5. **Consistency with Comprehensive Plan** – The applicant's project must be consistent with the land use recommendations of the Comprehensive Plan.

#### **V. Application Requirements**

Complete applications must include the following information, and all supporting documentation as described below:

##### **A. Application Form**

The application form must be completed in its entirety, and signed by the applicant. The project information to be provided on the form includes the following:

1. Project name; contact name, title, organization, contact information, and signature;
2. Estimated total amount of incentive funding requested;
3. Total number of residential units broken down by size and unit type;
4. Total number of affordable units broken down by size and unit type;
5. Type of project (new construction, conversion, rehabilitation, acquisition for preservation);
6. Proposed rental prices of the affordable units.

##### **B. Project Narrative**

The project narrative should be no more than three pages, and must include the following information:

1. A description of the existing site and use of the existing property including, if appropriate, a justification for the elimination of existing sound and rehabilitable housing.
2. A description of the proposed project including site location, neighborhood characteristics, access to transportation options, community amenities to be provided or that are located within ¼ mile of the project site.
3. A description of the type of construction materials to be used.
4. A description of the accessibility features to be included, or how units may be adapted to meet future accessibility requirements.



5. If the existing site includes occupied residential dwelling units, a description of any relocation support services to be offered to existing residents.
6. A description of how the proposed project will meet the objectives of *Housing Albemarle*.
7. Outline of the project schedule.
8. A description of the ownership structure of the proposed project, and declaration of any mutual identity of interest between the applicant, the construction contractor, or property management company.

**C. Financial Information**

1. Development budget with detailed project costs;
2. Budget sources and uses;
3. Three different 30-year pro forma operating cash flow scenarios (income and expense analyses)
  - a. Scenario 1: affordable units ***without*** the incentive– demonstrate 10-year average cash on cash return<sup>1</sup>.
  - b. Scenario 2: affordable units ***with*** the incentive – demonstrate 10-year average cash on cash return.
  - c. Scenario 3: showing the necessary ***increase in unit rents*** (from Scenario 1) to achieve the same cash on cash return as with the incentive (Scenario 2).
4. Rent structure, by unit type. If the rent structure has varying rents within unit types (e.g., multiple rent levels for 1 bedroom units), include a roll up of total count by unit type.
5. Demonstration of how real estate taxes without the exemption were determined.
6. Demonstration of each component of the applicant’s equity including invested cash and any deferred fees.
7. Economic feasibility, market analysis, or evidence of cost comparisons when appropriate.

**D. Supporting Documentation**

1. Conceptual site plan and supporting maps.

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<sup>1</sup> Cash-on-cash return, or the cash yield, measures the cash income earned on the cash invested in a property.

2. Initial schematic or architectural drawings of floor plan(s).
3. Documentation of site control and supporting materials including:
  - Property tax printout for all parcels showing tax account numbers and legal descriptions; and
  - Copy of deed
4. Copy of market study provided to senior lender for the project.

**E. Additional Information**

Such other information that is reasonably necessary.

**VI. Application Approval**

**A. Review of Program Requirements**

The Albemarle County Office of Housing (ACOH) will determine if applications meet the program and application requirements.

If an application is complete and meets program requirements, the ACOH will work with the applicant to draft a term sheet for the incentive.

**B. County Executive Review**

The County Executive will review applications and make recommendations for moving applications forward for public hearing.

**C. Final Approval**

The Board of Supervisors has the final approval of all incentive requests. The Board may accept or reject the application, or may approve the application with suggested modifications.

**D. Execution of Agreement**

Following approval of the application, staff will prepare, or cause to be prepared, an ARHIP agreement. The agreement must be fully executed by all parties before incentive funds can be disbursed.

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**Recess.** The Board recessed its meeting at 3:53 p.m. and reconvened at 4:08 p.m.

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Agenda Item No. 11. **Discussion Item:** Fontaine Interchange Improvements.

The Executive Summary as forwarded to the Board states that in Round 4 of Smart Scale, the Charlottesville-Albemarle Metropolitan Planning Organization (CA-MPO) submitted an application for improvements to the US 29 and Fontaine Interchange that were estimated to cost just over \$12 million. Specifically, the project would replace the existing unsignalized diamond interchange with a partially displaced left-turn.

The new interchange would allow closure of the current left-turn movement from northbound US 29 (across southbound US 29) to westbound I-64 through the addition of a free-flow U-turn for northbound traffic exiting US 29 at Fontaine to return south along 29 and use the existing I-64 westbound on-ramp. The project would also remove the left turn movement from eastbound Fontaine onto US 29 northbound, requiring a U-turn movement (with a loop, which is pavement outside of the normal traffic lanes that allow for larger vehicles to safely make a U-turn on a divided roadway) immediately west of the Fontaine/Ray C Hunt intersection to access the northbound 29 ramp. A shared-use path is proposed through the segment. See Attachment A for project design sketch.

This project was intended to be more cost-effective than a Round 3 Smart Scale application that

proposed replacing the existing diamond interchange with a diverging diamond, which was not successful. The Round 4 application was successful.

Recently, stakeholders have expressed concern that the proposed partially displaced left turn interchange does not meet the long-term needs of the rapidly developing area. Since then, Albemarle County have worked with stakeholders and VDOT to determine next steps for this project.

Given stakeholder concerns, VDOT has prepared at least four alternatives to the awarded project that fit within the awarded project's footprint and budget. VDOT and CA-MPO staff have presented these alternatives to the MPO Policy Board at their January meeting. While no official action is needed to proceed with the project as originally awarded, the MPO Policy Board would need to take official action to 1) request VDOT use one of the alternative designs, or 2) cancel the awarded project and consider submission of a different design in a future round of Smart Scale - in which the project would not be guaranteed to receive funding. The MPO Policy Board, which includes two members of the Albemarle County Board of Supervisors, will need to take official action (or choose not to take action) at their February 28th meeting. This agenda item and presentation are intended to inform the Board of Supervisors about the future of project that will impact Albemarle County, though no official action is needed by the Board.

There is no budget impact associated with this item. There is no local match required either for the project already awarded funding or any of the alternatives presented.

Staff recommends the Board share their questions and concerns regarding the Fontaine Interchange Improvements.

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Mr. Kevin McDermott, Deputy Director of Planning, said that he would provide a brief background on the project. He said that in 2020, the Charlottesville-Albemarle MPO (Metropolitan Planning Organization) submitted a SMART SCALE application for improvements to the US-29 and Fontaine Interchange. He explained that since then, stakeholder concerns had led the VDOT to reassess the proposed project. He said that VDOT had hired a consultant for additional analysis and exploration of alternative solutions.

Mr. McDermott said that the MPO Policy Board was scheduled to make a decision on this project at their February 28 meeting. He mentioned that some of their Board members sat on the MPO Policy Board, so they were presenting this information to ensure that the full Board was aware of this upcoming decision and to provide everyone with an opportunity to share their thoughts on the project with those members of the Policy Board prior to their meeting.

Mr. McDermott said that the project's location was centered around the Fontaine-US 29 intersection, where US 29 intersected with I-64 to the south, and the Fontaine Research Park was situated nearby. He said that the primary concerns they aimed to address through this project included congestion at the ramp terminus where the 29 bypass and Fontaine intersected on both sides during peak hours. He said that the congestion often extended almost into the main line. He noted the insufficient storage for the left-turn lane from northbound 29 onto westbound I-64 due to limited space and bridge piers. He said that as a result, they observed traffic congestion entering the main line at 29 and experienced several significant crashes due to drivers attempting a left turn into the southbound traffic on 29.

Mr. McDermott said that to remind everyone of the ongoing development in the area, the Seig property, located in the southwest quadrant of the interchange, was currently under review for a large mixed-use development combining residential and commercial properties. He said that The Regents School was under construction, a private school situated on Reservoir Road. He noted that the Fontaine Research Park, managed by UVA, had plans for expanding services, including a new biomedical building near completion. He said that Piedmont Housing was an affordable housing project currently under review on the north side of Fontaine, just across from Fontaine Research Park.

Mr. McDermott said that the submitted project proposal aimed to address traffic issues in the area by implementing several changes. He said that first, it proposed closing the 29 northbound to 64 westbound movement and redirecting traffic up to Fontaine, where drivers could make immediate left turns and return to the highway or 29 without restrictions or signals. He said that secondly, the northbound exit ramp would continue to allow drivers to turn right onto Fontaine, accessing either the Fontaine Research Park or into the City.

Mr. McDermott said that key modifications included drivers coming from west of the interchange and wanted to get to northbound 29, needing to travel through this interchange, make a U-turn at a designated location, and then turn right onto northbound 29. He said that additionally, if drivers were exiting the interchange and wished to proceed westward, they would need to follow a detour and return. He said that all other movements operated similarly, except for the left turn, which was known as a displaced left turn.

Mr. McDermott said that in this case, traffic heading westbound on Fontaine intending to go southbound on 29 crossed over the traffic at a signalized intersection before making the displaced left turn. He said that this design allowed for smoother traffic flow and quicker clearance of the movement. He said that additionally, there was a shared-use path depicted in the design that would connect proposed shared-use paths on Fontaine, extending into the City and connecting users west of the interchange.

Mr. McDermott said that some concerns had been raised about this design, firstly because it was somewhat confusing. He said that when this project was presented to the Board, they shared concerns along with staff members. He said that the project was submitted with several changes fairly late in the application period for SMART SCALE but was chosen due to the other problems that were identified earlier. He said that there were also concerns about the out-of-direction travel for access to and from the west side of the interchange, which he had mentioned. He said that further analysis showed that the design may not be able to handle future expected traffic volumes from additional traffic over the next 20 years, potentially leading to failure. He said that the design was difficult for pedestrians to navigate, and the loon in front of Ray C. Hunt Drive was undesirable.

Mr. McDermott said that VDOT had explored various alternatives for modifying this design, which had gone through multiple iterations. He added that the Policy Board had been presented with some of these iterations in recent meetings, focusing on the base plus option. He said that new signals were added at the ramp termini, eliminating the need for a displaced left turn. He said that the preliminary analysis indicated that this change would operate sufficiently into the future, even better than the previous displaced left turn.

Mr. McDermott said that additionally, a second southbound lane was added to reduce queuing and allow for faster exits when given a green light. He said that the shared-use path would remain on the south side of the roadway, but users no longer needed to cross as many lanes. He said that the design also closed the existing left turn from 29 northbound to I-64. He said that the traffic now would come up, waited at the signals, but still made the two lefts to come back.

Mr. McDermott said that VDOT was presenting three options for the project to the Policy Board next week: moving forward with the funded design of the displaced left turn, support the alternative design that he just walked them through, or cancel the project and evaluating other options that may address the problem more effectively. He said that canceling the project would require additional funding through SMART SCALE, which was not guaranteed due to its competitive nature. He said that VDOT was still working on the full analysis of the alternative design, and he hoped they would have a little more information on it to share with the Policy Board. He said that the Board members could share their thoughts on the project or ask questions.

Ms. McKeel asked if Mr. McDermott could please review the proposal once more for their benefit.

Mr. McDermott said that realistically, it did not make a lot of changes from the existing conditions, but it did signalize the two-ramp intersection. He said that the modification added a second lane that would be dedicated for left turns, with the existing lane dedicated for through, right, and left turns, allowing for smoother traffic flow. He said that it maintained two dedicated right-turn lanes leading into the City and toward Fontaine Research Park. He said that the additional through right/left turn enabled vehicles traveling northbound on 29 to access westbound 64 by making a left turn at the appropriate signal, followed by another left turn to proceed in the desired direction. He said that the shared-use path was introduced along the south side, separated from traffic by a small barrier at the bridge because it was a narrow bridge. He said that upon crossing, this path connected with another proposed shared-use path. He said that other than that, there were not a lot of changes out there.

Ms. McKeel said that she would recommend discarding the current project design, as she found it overly confusing. She said that she had a question regarding this alternative design. She said that it appeared that VDOT believed this new design would effectively accommodate future traffic along this road due to upcoming construction projects between Piedmont Housing and the University.

Mr. McDermott said that was correct. He said that he would reiterate that they informed them that they had only completed a preliminary analysis at that point, and that he was hoping that they would provide more details when they presented to the Policy Board. He said that at that point the preliminary analysis did indicate that those two signals had outperformed the single signal they had previously.

Ms. McKeel said that accepting this option was preferable to having no option at all due to the rapid changes taking place. She said that while she was not certain that everyone would agree with her, there was no guarantee that they would receive funding if they returned to the drawing board and revisited SMART SCALE. She asked if concerns were raised between now and the meeting date, those involved would be able to address them and potentially halt the process.

Mr. McDermott said that he believed there was no hard deadline from VDOT. He said that he knew they really wanted to move forward with a project out there because this had been funded for a while. He said that it would probably be up to their representatives on the Policy Board to ask VDOT for additional time if that were necessary. He said that he was not sure if that was available, but it might be possible.

Ms. McKeel said that she appreciated the simplicity of this recommendation, and she found that it made a lot of sense upon examination. She said that she would support this alternative at present and recommended they cancel the other one.

Mr. Gallaway said that he assumed that they had considered the queuing that would occur for both cars and tractor trailers when turning left. He said that he did not want to inadvertently recreate the issue they were trying to solve going southbound there when there would be tractor trailer activity going that way. He asked if they had discussed this with them.

Mr. McDermott said that they had pointed out that issue, and VDOT had assured them that they had considered it as part of their analysis.

Mr. Gallaway said that they decided to close the left turn at the intersections, and one of the other options was to keep it open and still do this iteration. He said that it was likely the safety concerns that led them to close it.

Ms. Mallek said that they informed them that they needed to close it and find a solution.

Mr. Gallaway said that the original project, which allowed seamless turns without stopping, was part of the confusing design's appeal. He said that it kept traffic flowing smoothly for tractor trailers, which now had enough speed to navigate the hill. He said that he still agreed that they needed to get them up there and circulate efficiently. He said that he was unsure about how signage worked in this area.

Mr. McDermott said that he did not know that yet.

Mr. Gallaway said that all westbound traffic coming north would have to go up and navigate through this area, which may not be intuitive. He said that he was unsure why they were not getting on the interstate at the interstate exit.

Ms. Mallek said that they would figure it out and provide big pictures.

Mr. Gallaway said that he believed that they would eventually figure it out, but he wanted to clarify what exactly the plan was.

Mr. McDermott said that he agreed these were valid questions to ask VDOT at the meeting. He said that right now, this was still very preliminary, and he was sharing the information he had available about it.

Mr. Gallaway asked if this would be a vastly cheaper project.

Mr. McDermott said that it would appear so. He said that since 2020, when they submitted this application, all costs had increased. He said that it seemed possible that this could be the case. He mentioned that one of the requirements for any change to a SMART SCALE project was that it fit within the current budget. He said that they had been informed that this fits within the current budget. He added that he was not certain if it was significantly cheaper or not.

Mr. Gallaway asked if Mr. McDermott knew where the savings would go. He asked if the savings went back to the state for other SMART SCALE projects.

Mr. McDermott said that was correct. He said the money went back to the state.

Ms. Mallek said that she was grateful for this development, which had been long-awaited since even 20 years ago when people were requesting more stoplights, particularly at the bottom of the southbound ramp. She said that now that the proposal had been made, she was excited about the possibility.

Ms. Mallek said that for the 18-wheelers, the engineers had calculated the turning radii and other factors, considering that at Earlysville Road there was a two-lane turn onto Hydraulic Road South. She said that 18-wheelers were present there all day, every day, often starting in the left lane before moving over to the right lane to navigate the corner. She said that drivers must pay attention to avoid accidents. She said that she hoped that they would consider this aspect when designing the new stoplights, as they may need to make wider turns to keep the trailer's rear end off the grass. She said that she assumed that the two stoplights would work together. She said that once a queue started, they could clear a group of trucks and get them out of the way efficiently. She said that she was optimistic about this change and glad to let go of options 1 and 3, and fight for option 2.

Mr. Pruitt asked if Mr. McDermott could help in identifying the location of the shared-use path in the simplified version displayed on the screen.

Mr. McDermott said that they knew for certain that the shared-use path would be located on the south side of the area beneath the bridge. He said that they knew this because they had to measure the distance between the piers and demonstrate that there was enough space for four lanes, a median, and a shared-use path. He said that the previous study or project had indicated that the path would run along the south side.

Mr. McDermott said that additionally, the City's funded SMART SCALE project planned to place a shared-use path on the south side as one exited the City. He said that Fontaine or UVA had expressed interest in extending this path across their property. He said that while there could be some benefits to placing the path on the north side, these details had not yet been fully explored.

Mr. Pruitt asked whether any of the plans involved a trans-Fontaine crossing in that area.

Mr. McDermott said that there was currently an at-grade pedestrian crossing at Ray C. Hunt Drive, which was visible in this image. He said that the UVA entrance featured a pedestrian and bike

crossing that connected to a small section of the shared-use path. He noted that this section would be extended into the City. He said that additionally, there was another section of shared-use path that ran along there before connecting back up to the main portion of the campus. He mentioned that UVA had expressed interest in constructing an off-grade crossing over Fontaine Avenue to connect the research park with the main campus; however, this was a long-term plan.

Mr. Pruitt said that while he was familiar with this intersection, he had driven through it maybe twice. He said that he had frequently been a pedestrian at this intersection as it was part of the RTF (Rivanna Trails Foundation), which was a significant local amenity for many people. He said that this location was particularly important within the RTF because most out-and-back routes to Ragged Mountain through Fox Haven begin by parking in Fontaine Research Park due to its ample parking availability.

Mr. Pruitt said that the southbound access was very important because it assisted individuals in crossing a more hazardous section of the road; however, the RTF itself crosses Fontaine at this intersection. He said that as pedestrians, some may illegally cross this road from south to north, and he knew others did so as well. He said that the current plans did not include that, and perhaps the general consensus was that the pedestrian crossing a half mile up the road negated this issue.

Mr. Pruitt said that no trail runners would go that far out of their way to use that intersection. He said that just as they currently crossed the railroad where they were not supposed to, they currently crossed here because it was a significant location. He said that the addition of the southbound shared-use path was exciting because it addressed a particularly vulnerable population, which were those who went out early in the morning in large groups and must cross a dangerous part of the road.

Mr. Pruitt said that while it would be ideal to have a north-to-south crossing as well, it may not be feasible at this time. He said that the Board should acknowledge the immense value of this free, non-profit-led local amenity that benefited the urban ring, and they should strive to protect access and enjoyment of this amenity as much as possible.

Ms. Mallek asked Mr. Pruitt where he thought the crossing would be most helpful.

Mr. Pruitt clarified that the developed section of the proposed shared-use path was located where people currently crossed.

Mr. McDermott indicated on the map where the trailhead was on the north side and where the RTF met the road. He said that as Mr. Pruitt mentioned, most people on the trail ran across the road at this location. He said that UVA had indicated they would like to extend the shared-use path, providing an opportunity to utilize a path that currently did not exist to get to the crossover. He said that one could access the trail and run along the north side here, using the power line easement. He said that he understood that this route was less direct, as Mr. Pruitt said.

Mr. Pruitt said that this location was also a confusing part of the RTF, so people often doubled back across the road multiple times.

Ms. McKeel said that if there was a connection present that was not there now, it could be very helpful. She said that they were currently crossing because there was nowhere to run right there.

Mr. McDermott said that he would be honest and say that it would be very challenging to install a mid-block crossing in this location. He said that the area was heavily trafficked; however, under the new alternative, there would be no need to redirect many additional vehicles around this loop. He said that therefore, there would be less traffic with the proposed alternative than under the funded alternative.

Ms. Mallek said that she expected that it would not be possible to add this feature to the project; however, she believed that it could serve as an ideal location for an underground tunnel similar to under 53 for Saunders Trail or for the Crozet Connector Trail under Eastern Avenue. She said that both of those tunnels were developer-built and executed easily. She said that a tunnel at this location would be significantly shorter than the one under 53.

Mr. McDermott said that in this location, both the north and south sides of Fontaine were actually up quite a bit, which may make constructing a bridge more feasible than attempting to build a tunnel. He said that this was what the University of Virginia was recommending; however, their location was near Ray C. Hunt.

Ms. LaPisto-Kirtley said that she believed that the first alternative was quite complex, as she spent a significant amount of time examining it. She said that it appeared even more perplexing than the diverging diamond interchange at 64 and 250. She said that the other alternative, however, seemed much simpler in comparison. She said that she preferred the alternative route. She said that she had a question regarding Fontaine Avenue's eastbound lanes, the two southern lanes. She asked if in the number one lane was for both straight and left turns.

Mr. McDermott said yes, this was a through lane, which enabled left turns onto northbound traffic and allowed vehicles to proceed straight ahead.

Ms. LaPisto-Kirtley said there were two right lanes on the off-ramp leading to Fontaine, located south of the signal. She asked whether both of these lanes were continuous or if only the right lane was continuous. She said that if both right lanes were continuous, there would be a risk of collision due to two

lanes merging into one lane at the signal.

Mr. McDermott said that he believed that the far-right lane would never have to stop. He said that this lane would always have a green arrow, while the second and third lanes would have different traffic signals. He said that in this proposed lane configuration the third lane was proposed as a left/through/right.

Ms. LaPisto-Kirtley asked if the lane in the middle would have to stop at the signal.

Mr. McDermott said yes.

Mr. Andrews said that his understanding was that there were two lanes diverging from the ramp and two lanes heading toward the east. He said that he did not see where there would be a need for slowing down. He said that currently, traffic from that ramp flowed freely onto Fontaine East for two lanes. He said that if one wished to proceed straight through Fontaine, they must take the third lane and then make a right turn while staying off the main road.

Mr. McDermott apologized for the oversight. He said that this proposal did add a second lane. He said that at present, there was only one lane in operation. He said that due to the additional lane, traffic signals must be maintained for both lanes. He said that Ms. LaPisto-Kirtley highlighted that there was now a second lane available for vehicles to proceed straight.

Mr. Andrews said that as far as either proposal is concerned, there was no widening of the overpass. He said that it was an existing overpass to be used with different lanes.

Mr. McDermott said that was correct.

Mr. Andrews said that the situation appeared confusing due to certain aspects. He said that he was not as confused by the first option as he was in agreement with the concern that this directed a significant amount of traffic toward Ray C. Hunt solely for turning around. He said that the trade-off was that traffic attempting to travel from US 29 north to I-64 west could now do so without stopping. He said that now they had to stop. He said that when discussing signal synchronization, it was not feasible to synchronize both the two Fontaine through signals and the truck traffic coming off the Fontaine northbound exit, turning left, and then turning left again. He said that these two directions of traffic presented a challenge for synchronization.

Mr. McDermott said that he agreed; however, he was not a signals expert. He said that the difficulty lay in synchronizing signal timings based on traffic levels. He said that the heaviest movement typically occurred in the p.m., specifically westbound traffic needing to make a left turn. He said that he assumed that they would want to ensure that this signal had a green light simultaneously with both of these movements' green lights, allowing them to move efficiently.

Mr. Andrews said that drivers could get queued up and they were still with the other because there were still going to be big trucks making that left turn and proceeding toward the second left. He said that this was undoubtedly an improvement over the existing left turn from 29 northbound to I-64 westbound, which was not signalized, leading to significant queuing. He said that as someone who drove there daily, he could attest that queuing was necessary because of the high volume of southbound traffic that needed to be crossed.

Mr. Andrews said that some trucks disregarded safety and simply went across regardless, putting everyone in danger. He said that in this case they would not have that option; they would have to make those two left turns. He said that as long as the traffic lights functioned effectively, they could clear that queue.

Mr. Andrews said that he hoped that they considered appropriate synchronization for different times of day, such as during peak hours when people left Fontaine Research Park or UVA and headed home versus other times when traffic was lighter. He said that he hoped there were indicators for waiting traffic since there were still quiet periods at this intersection. He said that he lived there in the early 80s when it was much quieter; however, that had changed over time.

Mr. Andrews said that he was concerned about the two lanes going southbound onto 29 south merging in just as other lanes were also attempting to go westbound on 64. He said that this had already been a problem for those people coming in and trying to go. He said that many of those people may be attempting to make an immediate left turn onto 64 eastbound, which required them to queue. He said that although there were two lanes to queue in, making it a good place to queue, the issue arose when they queued up too much and ended up blocking the through lane. He said that not only did this block the through lane, but it also obstructed the lane that was trying to merge.

Mr. Andrews said that he was cautiously optimistic that this was better, particularly for Ray C. Hunt and the Fontaine Research Project Park not to have truck traffic go through there and make a U-turn that way. He said that he hoped they conducted a thorough analysis of this in light of the development currently occurring or expected, because he could see several places where queues may form at the wrong time of day. He said that without that data, he could not say whether this solution would work or not.

Mr. Andrews said that he was unsure whether they could allocate some of the project savings

toward improving the shared-use path for pedestrians, as pedestrians would be crossing in both directions. He said that on the south side, they would have to cross two lanes, while on the east side, they would have to cross three lanes, one of which was constantly moving and had no signal for pedestrians.

Mr. McDermott said that he believed they would signalize the crossings of the ramps so that pedestrians would have a signal indicating when it is safe to cross.

Mr. Andrews asked if it would apply to the farthest right lane. He asked if there would be a complete halt in that case.

Mr. McDermott said yes. He said that he would reach out to VDOT to confirm that, but he believed that was a concern that staff would have as well. He said that free-flow right turns posed a significant safety hazard throughout the County that they had observed. He said that he would verify that, but he believed they would request that VDOT ensure that traffic stops for pedestrians at the push-button activated pedestrian crossing. He said that this would prevent vehicles from stopping for other vehicles but would require them to stop for pedestrians.

Mr. Andrews asked if Mr. McDermott had received all necessary feedback from the Board.

Mr. McDermott said yes. He said he wanted to mention that VDOT had been an invaluable partner during their project. He said that although he had failed to acknowledge their contributions earlier, he must emphasize their dedication and financial investment in their analysis. He said that VDOT had attended Policy Board meetings and MPO technical committee meeting many times, and collaborated extensively with their team. He said that he wanted to ensure that everyone recognized their invaluable assistance.

Mr. McDermott said that they had been diligently documenting concerns and feedback, which they would promptly share with VDOT. He said that their primary objective was to provide their Policy Board members with comprehensive information to facilitate informed decision-making during next week's meeting.

Ms. McKeel said she had a question regarding the project's budget allocation process. She said that Mr. Andrews made an interesting point about potential savings being used for the shared-use path. She said that after SMART SCALE funding was secured and a proposal was submitted, she wondered if it was possible to reallocate any leftover funds to another part of the project. She said that given their usual strict approach to budget management, she wondered whether it was possible.

Mr. McDermott said that he could verify this, but he believed that since this was one project, the shared-use path was part of the original proposal. He said that if there was something they needed to do to ensure that the shared-use path was safe, he thought that this would still fit within the same project.

Mr. Andrews said that if they could not establish a crossing where the RTF passes, they could secure a shared-use path extending to Ray C. Hunt on both sides as a connection. He said that this would be funded as part of the project since Ray C. Hunt was involved from the beginning.

Ms. Mallek said that all of the concerns people had described were all made worse by the speed on the bypass in both northbound and southbound directions. She said that the previous designation as a corridor of statewide significance had been a major obstacle in reducing speed limits on that stretch for years.

Ms. Mallek said that despite reaching 45 mph over the hill in the City, maintaining a 45-mph speed limit from George Dean Drive onwards would significantly improve safety for various merging and weaving situations. She noted that this issue was well-known by law enforcement but catching all speeding drivers along that straight stretch was challenging. She said that the rapid acceleration of vehicles coming off ramps in either direction exacerbated their existing problems in this area.

Mr. Andrews acknowledged that there had been several deaths in the past, which highlighted the urgency of the matter.

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#### Agenda Item No. 12. Closed Meeting.

At 4:48 p.m., Mr. Pruitt moved that the Board of Supervisors convene a closed meeting pursuant to section 2.2-3711(A) of the Code of Virginia under subsection (7), to consult with legal counsel and receive briefings by staff members pertaining to actual litigation concerning the Ragged Mountain Natural Area, in the case styled Board of Supervisors of the County of Albemarle, Virginia v. City Council of the City of Charlottesville, Virginia where consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the County and the Board.

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.  
NAYS: None.

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Agenda Item No. 13. Certify Closed Meeting.

At 6:01 p.m., Mr. Pruitt **moved** that the Board certify by a recorded vote that, to the best of each supervisor's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting, were heard, discussed, or considered in the closed meeting.

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.  
NAYS: None.

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Agenda Item No. 14. From the County Executive: Report on Matters Not Listed on the Agenda.

There was no report from the County Executive.

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Agenda Item No.15. From the Public: Matters on the Agenda but Not Listed for Public Hearing or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.

Mr. Matthew Helt, White Hall, said that he was speaking about Western Park. He said that at the November 15, 2023, Board meeting, he asked whether each Supervisor had visited the park. He said that he hoped they had since then. He said that Western Park was not yet a park, and in the 15 years that the County had owned the land intended to eventually become the park, they had funded two master plans, with the most recent one being in 2018, and they had constructed a playground. He said that during those 15 years, developers had built hundreds of millions of dollars in housing, roads, and sidewalks. He said that the County had built a playground while they were supposed to complete the park.

Mr. Helt said that there were three phases to the 2018 master plan. He said that the first phase included parking, pavilions, restrooms, playgrounds, overlooks, amphitheater, walking trails, and landscaping, and it totaled \$2.6 million. He said phase two included parking, restroom, playground, basketball court, play and sports fields, forest orchard, natural play area, bridge, walks and trails, costing \$2 million. He said that the third phase included the garden renovation, vortex lawn, natural play area, bridge trails, boardwalks, and a bridge. He said that this phase cost \$750,000, bringing the total to \$5,470,000 in 2018 dollars. He said that the County had some highly intelligent employees who could likely conduct inflation adjustments.

Mr. Helt said that in over 15 years, they had built one playground. He said that he believed this was not acceptable and that the County should strive for better results. He said that they should develop Western Park. He said that he would have provided written documents, including a copy of the master plan. He said that the County did not even possess a copy of the master plan they paid a contractor to create. He said that they had to reach out to the contractor for a copy. He said that once he received that from the County Attorney's office, he would ensure that each of them received a copy. He said that in 15 years, one playground had been constructed. He said that they should develop Western Park.

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Agenda Item No. 16. **Public Hearing: SP2023-07 Home Depot Outdoor Sales Storage and Display**.

PROJECT: SP202300007 Home Depot Outdoor Storage and Display

MAGISTERIAL DISTRICT: Rio

TAX MAP/PARCEL(S): 06100000013100, 06100000013200

LOCATION: 1531-1638 Rio Rd. East

PROPOSAL: Request for a special use permit to establish outdoor storage, display and sales of merchandise.

PETITION: Outdoor storage, display and sales serving or associated with a permitted use in accordance with Section 30.6.3.2(b) of the Zoning Ordinance on approximately 30.48 acres. No dwelling units proposed.

ZONING: Planned Development Shopping Center (PDSC) which allows shopping centers, retail sales and service uses; residential by special use permit (15 units/acre)

OVERLAY DISTRICT(S): Entrance Corridor, Airport Impact Area, Managed Steep Slopes

COMPREHENSIVE PLAN: Core (mix of uses including residential, commercial, retail, office, institutional, employment) and Flex (mix of residential, commercial, retail, office, institutional, and employment) Areas within the Rio29 Small Area Plan.

The Executive Summary as forwarded to the Board states that at its meeting on January 9, 2024, the Planning Commission (PC) voted to recommend approval of SP2023-07: Home Depot Outdoor Storage, Display, and Sales. Attachments A, B, and C are the Planning Commission staff memo, action letter, and minutes from the meeting.

The Planning Commission did not request any changes.

Staff recommends that the Board adopt the resolution (Attachment D) to approve SP2023-07: Home Depot Outdoor Storage, Display, and Sales.

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Ms. Margaret Maliszewski, Planning Manager, said that she primarily worked with the Architectural Review Board (ARB) and reviewed development proposals in the entrance corridor. She said that she would present a request for a special use permit for outdoor storage, display, and sales in the Entrance Corridor Overlay District (ECOD). She said that entrance corridors were streets leading to and through the County's historic areas. She said that the ARB was responsible for regulating design and development within these corridors, ensuring new development reflected traditional architecture and maintained orderliness and attractiveness.

Ms. Maliszewski said that the proposal concerned outdoor display associated with a new Home Depot store at Fashion Square Mall. She said that the site was located at the intersection of two entrance corridors: Route 29 and Rio Road East within the ECOD. She said that as a result, a special use permit was required. She said that the Home Depot store would be constructed at the north end of the mall, replacing the current Sears store. She said that the Sears store would be demolished, and the Home Depot store would be built as a standalone building, with a travelway between it and the remaining mall.

Ms. Maliszewski said that the proposed storage and display included the garden center at the north end of the new store and other locations distributed around the building and site. She said the items displayed in those areas would include lawn and garden items and related merchandise. She said that on the presented slide the elevations depicted the design of the main store and the garden center, along with their related storage areas. She said that the garden center was shown at the left end of the top elevation, while the fencing around the garden center was visible in the middle elevation. She said that the wall would face Rio Road. She said that the tool rental storage area was located at the left end of the bottom elevation, and its wall faced the remaining mall.

Ms. Maliszewski said that the ECOD section of the ordinance outlined factors to be considered for this type of special permit, specifically determining whether the use was consistent with the applicable design guidelines. She said that in this case, the ECOD design guidelines applied. She said that the ARB applied those guidelines in its review of this proposal, addressing various topics such as visibility, scale, building forms and features, materials, colors, screening, and lighting. She said that the details of that review could be found in the ARB staff reports.

Ms. Maliszewski said that on December 4, 2023, the ARB voted unanimously to recommend approval of the request with staff's recommended conditions. She said that the Planning Commission reviewed the proposal on January 9, 2024, and took the same action. She said that the conditions were typical for this type of request and included limits on the locations of the display, limits on illumination of the display, and landscaping to mitigate visual impacts. She said that their recommendation was for approval by adopting the resolution provided in the staff report.

Mr. Gallaway said that the conditions remained unchanged since the last time the application came before the Board.

Ms. Maliszewski said that nothing changed.

Mr. Gallaway said that the street now functioned as a throughway, allowing vehicles to drive from front to back. He asked whether the crosswalk nearest to Route 29 would align with the entrance of the old mall. He said that there was an entrance labeled "J" and a crosswalk labeled "D".

Ms. Maliszewski said the crosswalk led to a sidewalk alongside the newly constructed wall of the mall. She said that she believed that at the top end of that wall, there would be either a service entrance or an employee entrance.

Mr. Gallaway asked whether there would be a way to exit the Home Depot on that side.

Ms. Maliszewski said that she did not believe so; however, the applicant could provide further information regarding that matter.

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Mr. Andrews opened the public hearing.

Ms. Megan Nedostup, Williams Mullen, said she was representing Home Depot. She said that she was joined by a representative from Home Depot and architects who were there to assist with any questions. She said that the project aimed to redevelop and replace the existing Sears and a portion of the mall with a by-right Home Depot store and a garden center. She said that this included outdoor display and sales areas for products such as lawnmowers, grills, and temporary staging areas for items like mulch and lumber.

Ms. Nedostup said that regarding Mr. Gallaway's question about entrances, there would not be a public entrance on the southernmost side of Home Depot. She said that as shown, there was an existing crosswalk leading to the Belk entrance, and that there was an entrance further south. She said that a sidewalk proposed along the new mall wall would connect to either existing entrance. She said the crosswalk across that travelway was intended for those who wished to access the mall from Home Depot or vice versa.

Ms. Nedostup said there was existing vegetation that they hoped to maintain and supplement with additional screening. She said that the garden center would be located in the parking lot along Rio

Road. She said that currently there was no landscaping in this area. She said that as part of the project, they would provide the required landscaping for trees within the parking area, not just along Rio Road but also along Route 29 and the front of Home Depot.

Ms. Nedostup said that the concept plan included a staging area along Rio Road with some in the rear, and additional display areas in front of the store. She said that the tool rental center would be tucked away for those who wanted to rent ladders or other items. She presented a slide showing an enlargement of the plan with the landscaping and sidewalk that would be installed, which were not part of the special use permit, but would be a great enhancement for the site.

Ms. Nedostup said that they also proposed some landscaping along Route 29. She said that there used to be some large trees along Route 29, but when the grade-separated interchange was constructed, those trees were removed. She said there were several utility easements in that area and that they were working with VDOT to potentially enhance the landscaping; however, this may not be possible due to those easements.

Ms. Nedostup said she would address the fencing. She said that they did not have a picture of the final appearance of the fencing. She said that the bottom 10 feet of the garden center fencing would consist of three layers: first, a metal vertical fence; second, a black expanded metal mesh fence; and third, a black fabric mesh. She said that the second 10 feet would include a black vertical metal fence and a chain link fence, but with a decorative vertical fence added for security purposes.

Ms. Nedostup said that they had a condition that prevented their material from going above the fence line, so the design would differ from some of the examples shown. She said that the pictures demonstrated temporary staging of mulch and other materials. She said that the store's presence would be less noticeable once the landscape was fully grown. She said that the product would be below the fence line, adhering to their restrictions.

Ms. McKeel said that she would like to clarify whether the existing lighting would remain or if it would be updated. She said there were images on slide 7.

Ms. Nedostup said that they were old. She said that they would be replaced with new lighting. She said that they would be lower and full cutoff to meet the ordinance requirements.

Ms. McKeel asked for more information about the landscape islands in the parking lot.

Ms. Nedostup said that the landscape islands would be installed with the new parking lot, which would have the required landscaping for the parking lot.

Mr. Gallaway asked whether the through road would allow two-way traffic.

Ms. Nedostup said yes. She said that initially, they planned to only use the Sears building; however, upon Home Depot's construction staff entering the site, they discovered that there was one wall instead of two walls as initially believed. She said that consequently, they had to demolish the mall wall in order to build Home Depot. She said that this situation provided an opportunity for a standalone store with the travel way in between, which coincided with what was envisioned in the Rio 29 Small Area Plan.

Mr. Gallaway asked whether the fence was designed due to ARB standards or other County standards.

Ms. Nedostup said that they recognized that the ARB would likely have concerns regarding the view of the product. She said that they collaborated with Ms. Maliszewski and the ARB to develop a solution that would address these concerns. She said that this solution involved installing security fencing made of metal mesh, which was typical, while also incorporating a decorative vertical fence along the entrance corridor.

Ms. Maliszewski said that the ECOD design guidelines were very specific that chain-link fences could not be visible from the entrance corridor. She said this was a significant aspect of the design process.

Mr. Gallaway asked to see the slide with the rendering view from Rio Road looking south, which showed vegetation growing up through the cracks in the median, and said that they had just specified a very specific treatment to the fence because it was on an entrance corridor, but the conditions depicted on the slide were allowed to exist. He said that they had discussed the importance of adhering to the strict guidelines of design elements for entrance corridors during their AC44 conversations, and that maintenance and the continuation of those strict guidelines needed to continue.

Mr. Gallaway said that seeing this slide now was a pure accident, and that if they required applications to follow these guidelines so strictly that they created products that did not even exist yet, while simultaneously allowing this to exist, it was not in line, and he did not think that was right.

Ms. Mallek asked, regarding parking lots, if it was possible to utilize lowered islands for stormwater management instead of having large curbs surrounding everything and forcing the water to exit in a specific direction.

Ms. Nedostup said that they consulted their civil engineer during the site plan process to explore

that possibility but have not yet determined whether it was feasible.

Ms. LaPisto-Kirtley said that her question pertained to the trees and shrubs that would be planted. She said that she hoped that they would all be native trees and plants where possible.

Ms. Nedostup said that she could not remember precisely what they had specified for the landscape plan; however, they would adhere to the County's guidelines for the plant recommendation list.

Ms. LaPisto-Kirtley said that if there were any small areas where these plants could be placed, they should plant pollinator plants.

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Mr. Andrews noted that there was no one signed up for public comment. He closed the public hearing and brought the matter back before the Board.

Ms. McKeel said that she was very supportive of the project, and she was excited about it.

Mr. Gallaway said that the only change was that this building was now separate from the others. He said he was happy that this project was finally underway, and he hoped that Home Depot would be motivated to undertake further redevelopment on the property once this initial project was completed and out of the way.

Ms. Mallek said that she believed it would be excellent.

Mr. Pruitt said that he was pleased to welcome Home Depot as a neighbor. He said that for three years, he had had a gift card that he could not use.

Ms. LaPisto-Kirtley said this was an excellent beginning for Fashion Square Mall, alongside the J.C. Penney renovation.

Mr. Andrews said that he was supportive and pleased to have a refreshing look at that property.

Mr. Andrews asked if there was a motion.

Mr. Gallaway **moved** that the Board of Supervisors adopt the Resolution attached to the staff report as Attachment D.

Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.

NAYS: None.

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**RESOLUTION TO APPROVE  
SP202300007 HOME DEPOT  
OUTDOOR STORAGE, DISPLAY, AND SALES**

**WHEREAS**, upon consideration of the staff reports prepared for SP202300007 Home Depot Outdoor Storage, Display, and Sales and all of their attachments, including staff's supporting analysis, the information presented at the public hearings, any comments received, and all of the relevant factors in Albemarle County Code §§ 18-30.6.3(a)(2)(b) and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

1. not be a substantial detriment to adjacent parcels;
2. not change the character of the adjacent parcels and the nearby area;
3. be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in the Planned Development Shopping Center zoning district, and with the public health, safety, and general welfare (including equity); and
4. be consistent with the Comprehensive Plan and the applicable design guidelines.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby approves SP202300007 Home Depot Outdoor Storage, Display, and Sales, subject to the conditions attached hereto.

\* \* \*

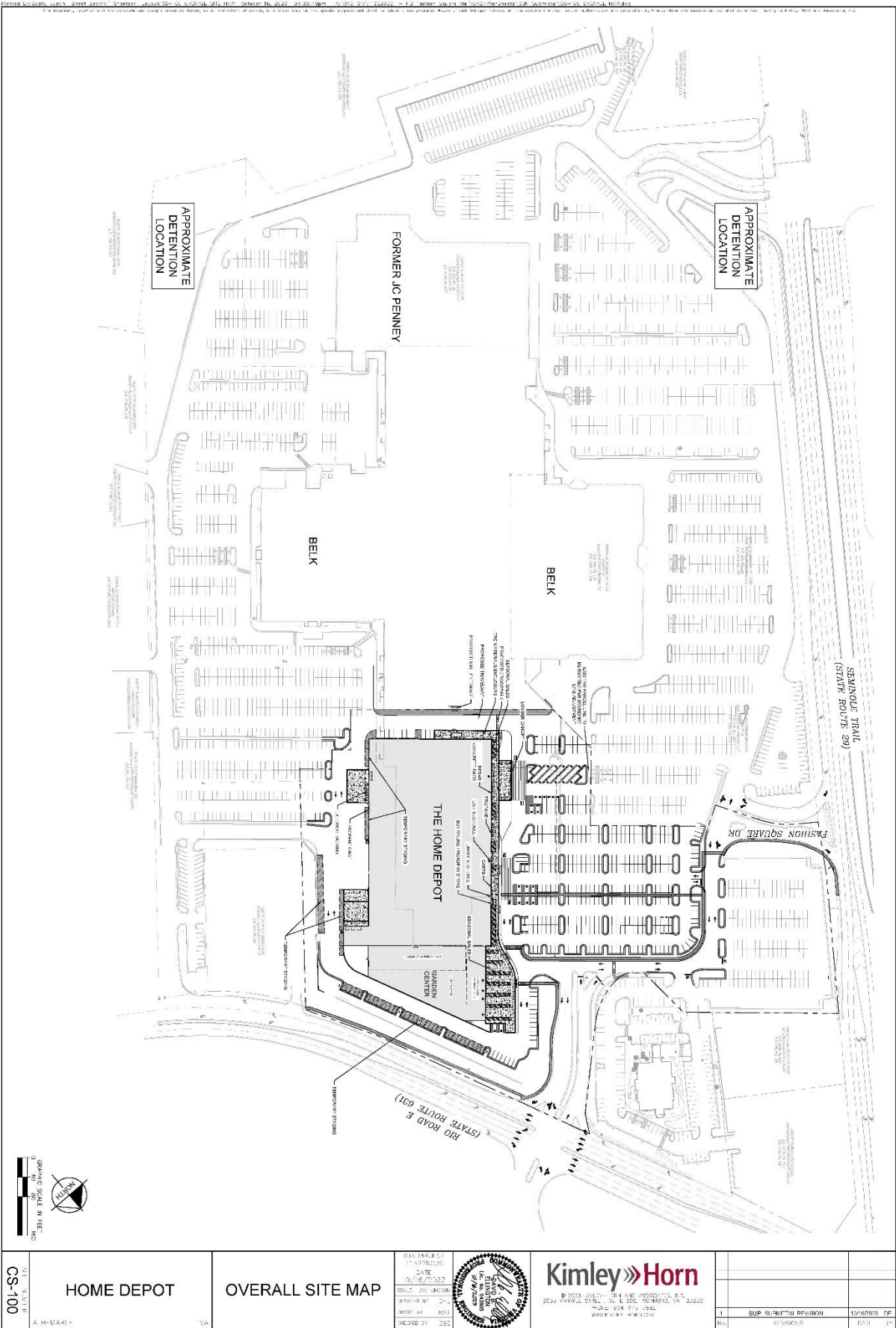
**SP202300007 Home Depot Outdoor Storage, Display, and Sales Special Use Permit Conditions**

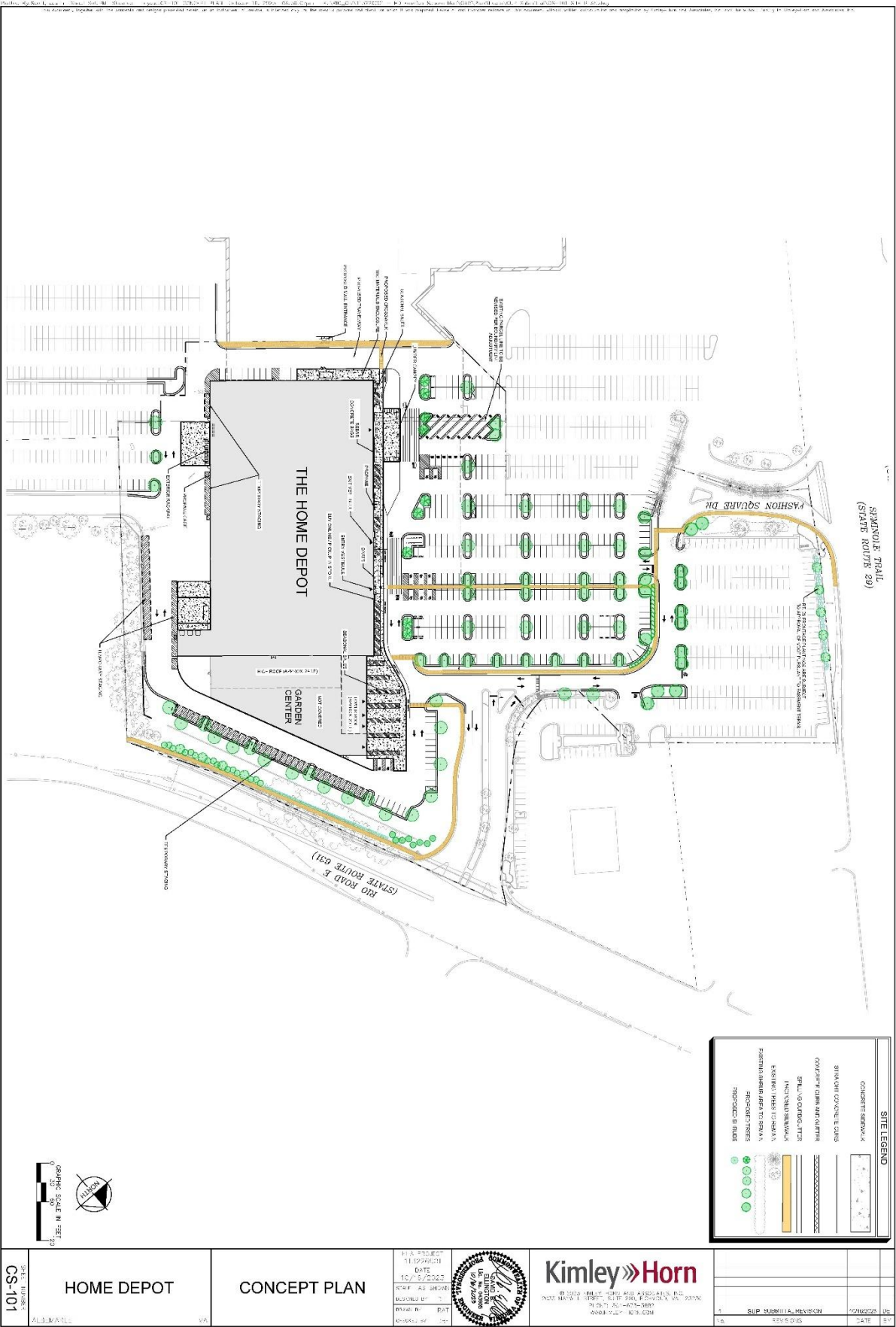
1. Development must be in general accord with the Home Depot plans (the Plan) drawn by Kimley Horn dated 10/16/2023 (Attachment A6), and MG2 Home Depot plan sheets DD50-08 and DD50-09 dated 11/16/23 (Attachment A7). To be in general accord, development must reflect the following major elements essential to the design of the development:
  1. Location of areas of storage, sale, and display; and
  2. Location and design of fencing.
2. Products for storage, display and/or sale must not be stacked higher than the adjacent garden center fence.
3. The color temperature of garden center light fixtures must not exceed 3000K.

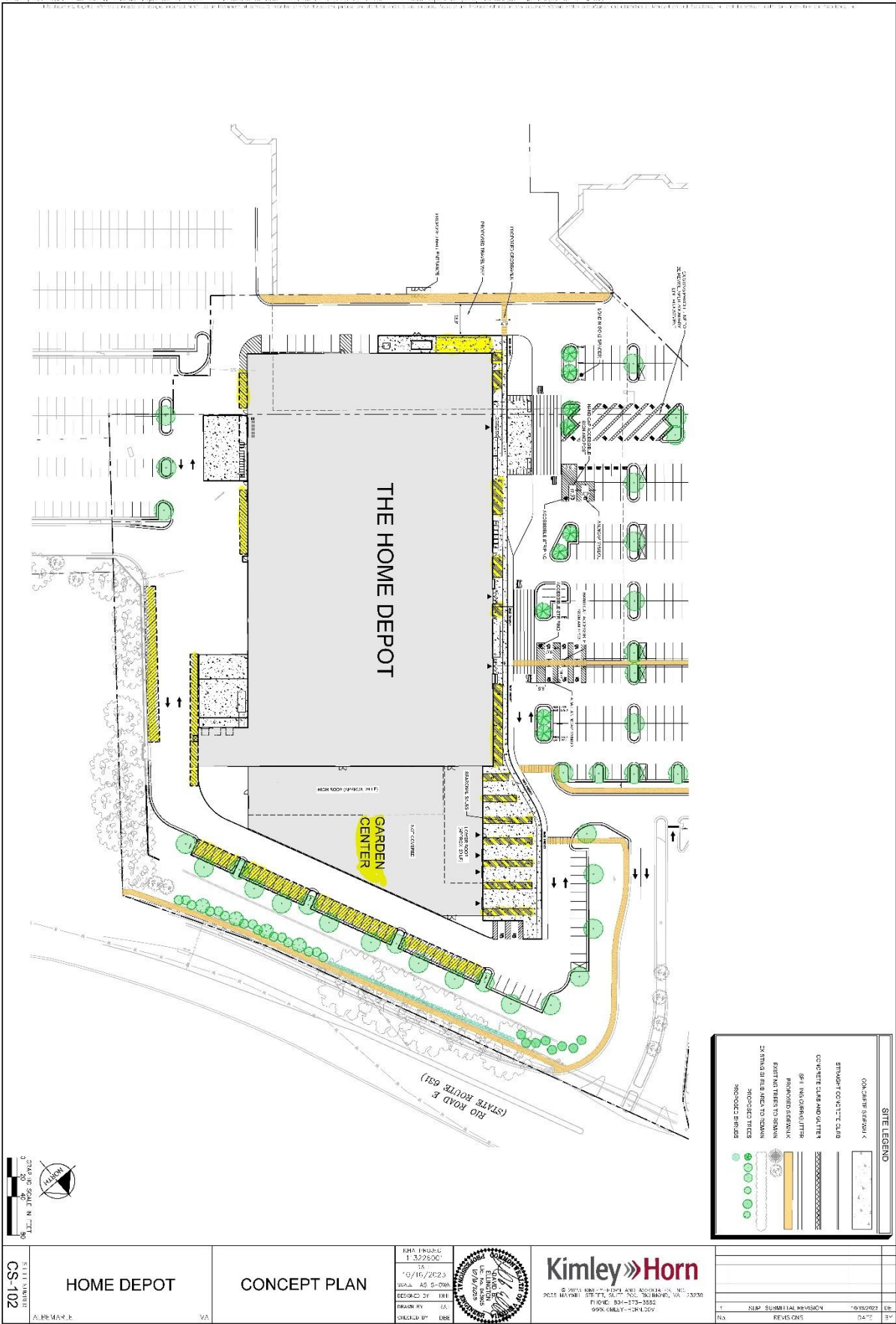
4. Outdoor illumination, including illumination of items for storage, display, and sale, must not exceed 30 footcandles at the display areas facing Rt. 29 and 20 footcandles elsewhere.
5. All outdoor illumination must be full-cutoff fixtures.
6. Large shade trees, 3½" caliper at planting, spaced 35' on center, and interspersed ornamental trees are required along the Rt. 29 frontage of parcel 61-132. An alternative planting within the existing planting area located between the parking lot and the right-of-way may be approved by the ARB with the final site plan, subject to VDOT approval.
7. The Rio Rd. frontage of parcel 61-132 must be landscaped as shown on the Plan, except that the landscape plan must be revised to include more diverse species along Rio Rd. Other changes to the landscape plan may be approved by the ARB with the final site plan.

[illegible]

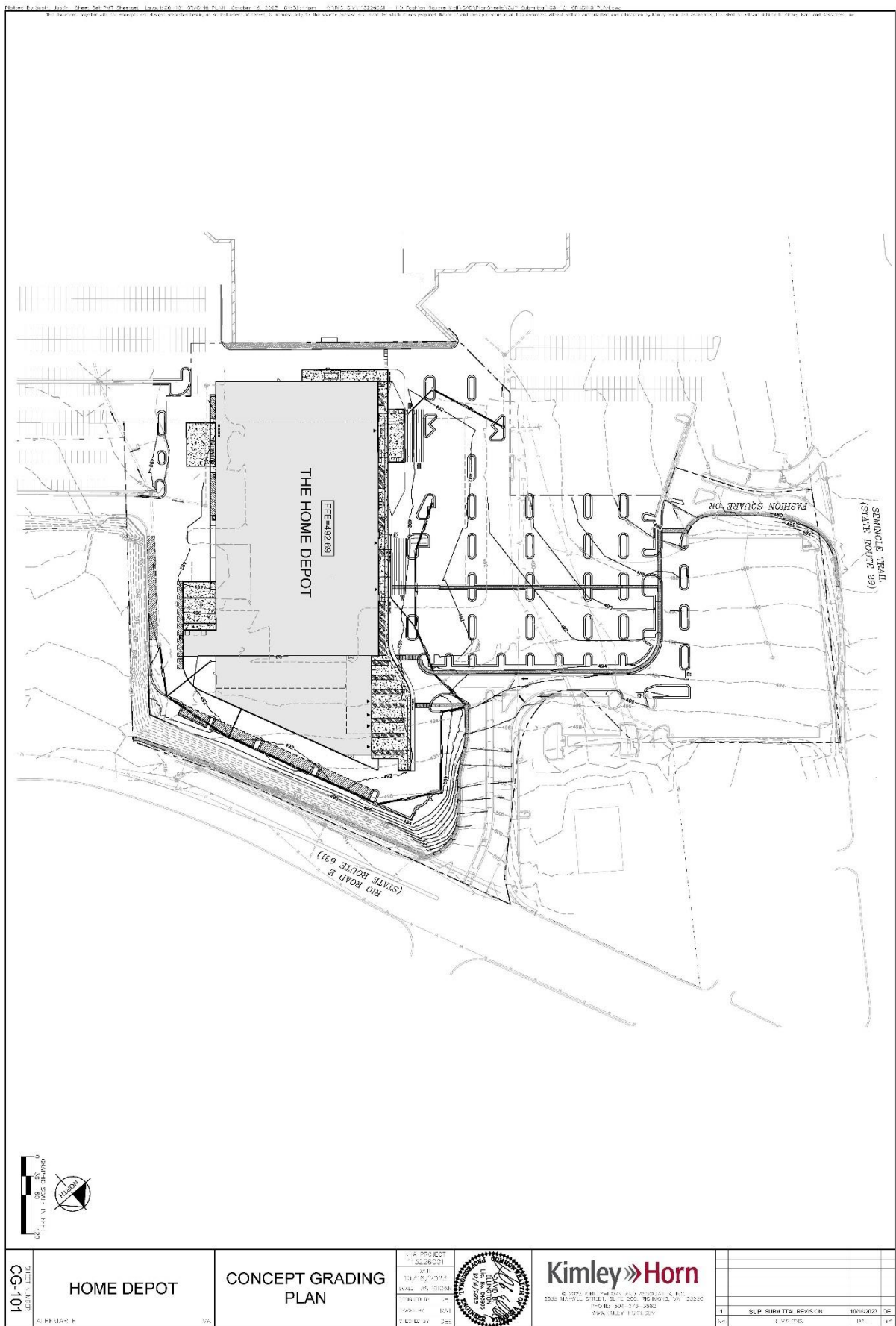




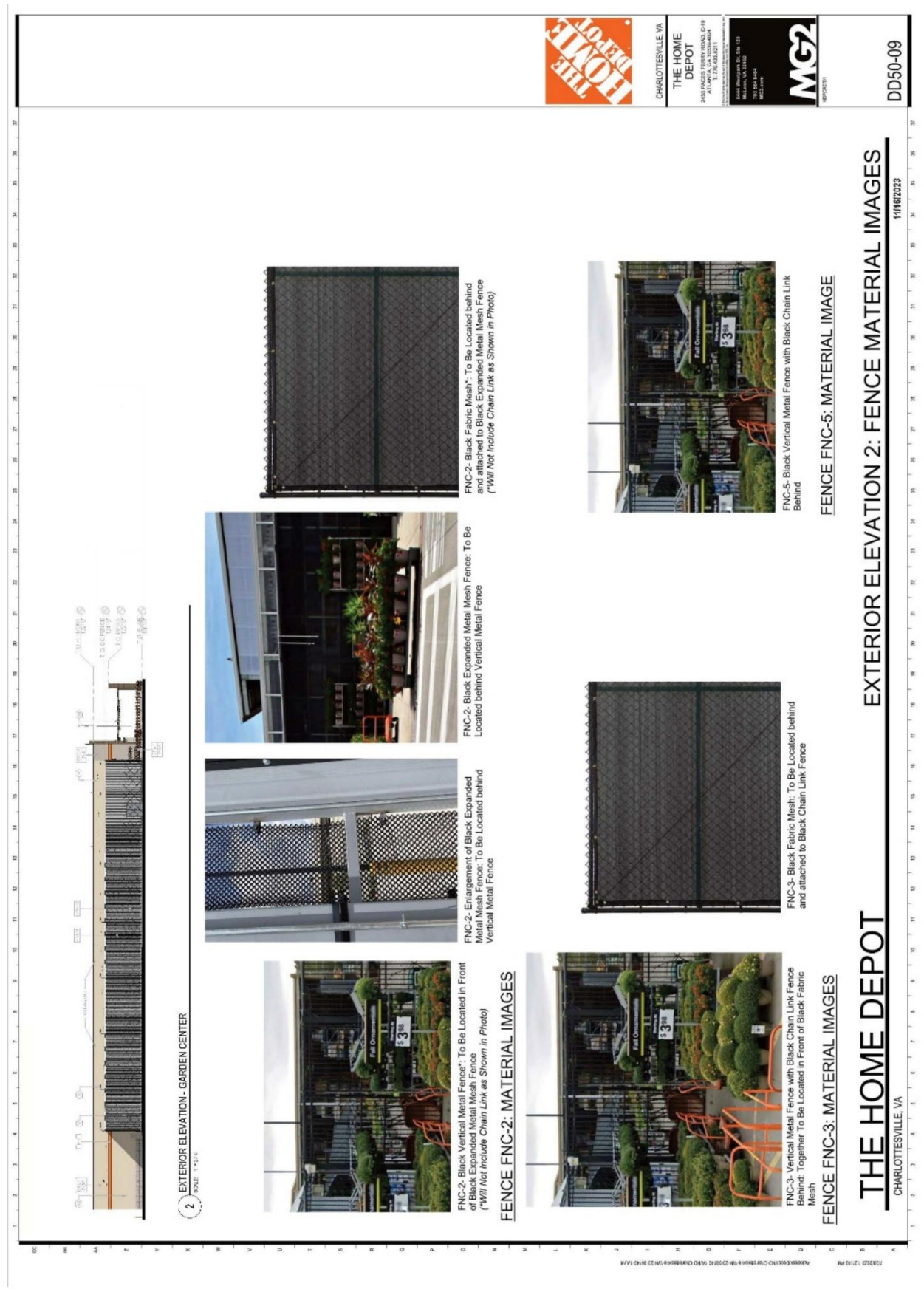












Agenda Item No. 17. **Public Hearing: ZMA202000012 Montclair (formerly known as White Gate Village).**

PROJECT: ZMA202000012 Montclair (formerly known as White Gate Village)

MAGISTERIAL DISTRICT: White Hall

TAX MAP/PARCEL: 056E0000000200, 056000000091A0

LOCATION: 5055 Three Notch'd Road, Charlottesville, VA 22901

**PROPOSAL:** Request to rezone two properties totaling 14.9 acres from the RA Rural Area and LI Light Industry zoning districts to the NMD Neighborhood Model District to allow a mixed-use development with up to 122 residential units and 16,500 sq. ft. of non-residential uses.

PETITION: Request to rezone 12.19 acres from the RA Rural Area zoning district which allows for agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots) to NMD Neighborhood Model District which allows for residential (3 – 34 units/acre) mixed with commercial, service and industrial uses. Request to rezone 2.82 acres from the LI Light Industry zoning district which allows industrial, office, and limited commercial uses (no residential use) to NMD Neighborhood Model District which allows for residential (3 – 34 units/acre) mixed with commercial, service and industrial uses. Proposal includes approximately 3 acres of open space and recreational amenities throughout the development. A minimum of 46 and a maximum of 122



residential units are proposed at a maximum gross residential density of 8.18 du/acre for the entire development and a maximum net density of approximately 10.9 du/acre for the area designated for development in the Crozet Master Plan. A maximum of 16,500 sq. ft. of non-residential uses are proposed. Request proposed to amend the ACSA jurisdictional area boundary to water and sewer on Tax Map Parcel 56-91A. Request includes sidewalk and planting strip waivers.

ZONING: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots); LI Light Industry - industrial, office, and limited commercial uses (no residential use)

OVERLAY DISTRICT: Entrance Corridor (EC); Managed and Preserved Steep Slopes.

PROFFERS: No

COMPREHENSIVE PLAN: Middle Density Residential – Residential densities of 6-12 units per acre, up to 18 units per acre for affordable housing or for construction of small-scale housing types: bungalow courts, small and medium multiplexes, accessory dwelling units, live/work units, small single family cottages, and tiny houses. Secondary uses include religious assembly uses, schools and child care, institutional, and commercial/retail; Neighborhood Density Residential- Residential densities of 3-6 units per acre, housing types including townhomes, single-family attached, single-family detached, accessory dwellings, Secondary uses include religious assembly uses, schools and child care, institutional, and commercial/retail; and Green Systems - parks, greenways, open space, environmental features within the Crozet Master Plan.

The Executive Summary as forwarded to the Board states that at its meeting on September 26, 2023, the Planning Commission (PC) voted 5:2 (Carrazana and Murray opposed) to recommend approval of ZMA20200012. By 7:0 votes, the PC also approved a private street authorization, a sidewalks waiver on one side of specific streets, and a planting strips waiver in certain locations on private streets. The PC's staff report, action memo, and minutes are attached (Attachments A, B, and C).

Commissioners who opposed approval of the ZMA cited a lack of existing road infrastructure near the development, specifically the unfinished state of the Eastern Avenue Connection, and safety issues along Park Ridge Drive.

An amendment to the Albemarle County Service Authority (ACSA) Jurisdictional Area was submitted concurrently with the ZMA. Though no action was required by the PC, a separate public hearing and action by the Board will be needed on that request. It has been included as a separate agenda item as well.

Both the ZMA and ACSA Jurisdictional Area request were originally scheduled for public hearings on January 10, 2024. At the request of the applicant, the public hearings were deferred to the February 21, 2024 Board of Supervisors meeting.

Staff recommends that the Board adopt the attached Ordinance to approve ZMA20200012 Montclair (Attachment D).

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Mr. Andrews said that the presentations for Item 17 and Item 18 would be given simultaneously because they covered similar material; however, two separate public hearings would be held, one for each item.

Mr. Cameron Langille, Principal Planner, said that the proposal involved two parcels of land in Crozet that were currently zoned Rural Areas and Light Industry. He said that the request was to change the zoning district to the Neighborhood Model District (NMD). He said that the ZMA (Zoning Map Amendment) totaled 14.9 acres. He said that only the southern portion of the left parcel was being rezoned.

Mr. Langille said that these properties were located at the southeast corner of the intersection between Park Ridge Drive and Three Notch'd Road, Route 240, in Crozet. He said that adjacent neighborhoods included Wickham Pond to the east, Highlands further east, an office building run by Sentara across Park Ridge Drive to the west, a CSX railroad south of these properties, and the Western Ridge neighborhood further south beyond the railroad.

Mr. Langille said that surrounding these properties were various zoning districts of different types, with primarily Light Industry to the left shown in light blue, and Rural Areas to the right shown in white. He said that to the east, where Wickham Pond was located, these properties were currently zoned NMD, which was what this request was for, shown in dark green. He said to the north across Three Notch'd Road was the color white, which represented the Comprehensive Plan Rural Area boundary between Crozet.

Mr. Langille said that Highlands and several areas of Western Ridge, shown in yellow, were zoned R-4. He said that the teal color was the PRD (Planned Residential Development) zoning district to the southwest and to the east at the end of Western Ridge. He said that two overlay zoning districts applied to the properties proposed for rezoning: the Entrance Corridor Overlay District (ECOD) and both the Managed and Preserved Steep Slopes Overlay District.

Mr. Langille said that the future land use plan from the Crozet Master Plan displayed future land use classifications, which staff used when evaluating rezoning or special use permit proposals for properties within the Development Areas. He said that the middle-density residential future land use category, shown in orange, allowed for dwelling types between 6 and 12 dwelling units per acre. He said

that if a proposal included some small-scale, unique dwelling unit types, the proposal could increase to 18 dwelling units per acre. He said that the neighborhood density future land use classification, shown in yellow, allowed for low-density residential uses between 3 and 6 units per acre. He said single-family, detached homes and some single-family attached home types were allowed.

Mr. Langille said the parks and green systems designation, shown in light green, applied to areas of property containing sensitive environmental features such as 100-year floodplain, wetlands, Water Protection Ordinance (WPO) stream buffers, and steep slopes. He said that there was a green area which coincided with managed slopes and stream buffers. He said there was another area that was a 100-foot-wide strip of green adjacent to Route 240. He said it was an area where the parks and green systems chapter of the Crozet Master Plan recommended a 100-foot-wide landscaping buffer to screen development from Rural Areas north of Route 240.

Mr. Langille said that the block plan illustrated four different blocks to be developed within this project: orange for Block 1, red for Block 2, yellow for Block 3, and green for Block 4. He said that the acreages of each block were also indicated. He said that this was a request to allow development of up to 122 units within the property. He said that all dwelling units would be within Blocks 1, 2, and 3; Block 4 would remain undeveloped as open space due to the presence of a stream buffer.

Mr. Langille said that if developed to the maximum capacity, the gross density would be 8.18 units per acre, while the net density would be 10.9 units per acre. He said that the code of development and application plan allowed for a maximum of 16,500 square feet of retail or commercial uses. He said that retail and commercial uses were permitted secondary uses in both the NMD density residential land use classification and the middle-density future land use classification. He said that there would be open space elsewhere in this project apart from Block 4. He said that the applicant had committed to at least 2.98 acres of open space.

Mr. Langille said that there would be three entrances into the project. He said that the first was along Three Notch'd Road, Route 240. He said that this would be a full access entrance, allowing right in, right out, left in, and left out. He said the second entrance would be a full access entrance on Park Ridge Drive. He said there would be an interconnection to an existing public road in Wickham Pond. He said that there would be no real turn movements; vehicles would simply travel either east or west.

Mr. Langille said that proposed private streets existed within the internal street network that the lots for dwelling units or any other lots would gain their lot frontage. He said that both the main north-south entrance road and the east-west entrance road would be publicly owned roads managed by VDOT. He said that the applicant proposed to reserve some right-of-way along Route 240, not just on the portion of the parcel being rezoned but also on the adjacent parcel. He said this reserved space would be dedicated for public use, totaling 11,000 square feet.

Mr. Langille said that the applicant also proposed constructing a 10-foot-wide multi-use path along Route 240, one of the highest-rated implementation projects in the Crozet Master Plan, which called for constructing a shared-use path from Park Ridge Drive eastward to the entrance road of the Highlands neighborhood. He said that a small segment existed near Wickham Pond's frontage. He said that the ZMA proposed to construct the path along the frontage of both properties. He said a variety of sidewalks and pathways would be within the development. He said that he would let the applicant talk a little more about that, but basically there will be pedestrian facilities, bike facilities, and several different ways for vehicles to get into and out of the site.

Mr. Langille said that the NMD required an application plan and code of development, specifying permitted uses and performance standards, such as density, setbacks, and building heights. He said that the maximum building height in Blocks 1 through 3 was three stories or 45 feet tall. He said that there were many architectural standards that had been reviewed with ARB staff to ensure that they aligned with the ECOD design guidelines. He said that the applicant proposed providing 15% of total units as affordable dwelling units at 80% AMI (area median income), either rental or for sale. He said that it equated to 18 units if developed at full density of 122 units. He said that the 100-foot-wide landscaping buffer was in accordance with the Crozet Master Plan.

Mr. Langille said that the ZMA proposal included disturbing existing preserved steep slopes within the properties. He said that in total, 3,800 square feet were affected, divided into three separate areas. He said the largest area was 1,900 square feet. He said that the preserved slopes would be disturbed for the construction of an east-west public street, which was allowed by right in the Preserved Steep Slopes Overlay District. He said that grading would be required for public utility installation and stormwater management devices. He said that Planning staff, Zoning staff, and the County engineer had reviewed this proposal without objections or concerns.

Mr. Langille said private streets for single-family dwelling units in Development Areas necessitated Planning Commission (PC) approval and could not be approved administratively by staff, but it did not require Board action. He said that the ZMA requested authorization for private streets shown in the proposal.

Mr. Langille said that two waiver variation requests were made that required PC action: waiving the requirement for sidewalks along both sides of the private streets for their entirety and waiving the requirement for planting strips along both sides of the private streets. He said that the image illustrated private streets that would still have planting strips and sidewalks. He said that each street would have either a planting strip or a sidewalk, if not both, along both sides; however, the request was to waive one

or the other for some streets. He said that it was not a blanket request; streets would not be without sidewalks or planting strips entirely.

Mr. Langille said that staff identified several favorable factors for this request: it was consistent with the future land use recommendations of the master plan and Comprehensive Plan NMD principles. He said that it also addressed key transportation-related implementation projects from the Crozet Master Plan and provided 15% affordable dwelling units.

Mr. Langille said that unfavorable factors included Western Albemarle's current overcapacity, which was expected to continue in the coming years. He said that if the project developed at its requested density, it would add 14 students at the high school level, exacerbating overcapacity issues. He said that despite this concern, staff recommended approving the ZMA because favorable factors outweighed the unfavorable factors.

Mr. Langille said that the PC voted 5-2 in favor of recommending approval at the public hearing on September 26, 2023. He said that he was available to answer any questions, and subject matter experts were present in the audience to also provide answers.

Mr. Langille said that for the second item, there would be a separate public hearing after this one, which was for an ACSA (Albemarle County Service Authority) jurisdictional amendment. He said that this meant that one of these two properties had not been designated to receive both public water and sewer, which was required in their Development Areas. He said that one of the properties already had both water and sewer. He said that the other one had been designated for water supply only to existing structures. He said that the ACSA amendment request was to change that designation from water supply only to existing structures to allow for both water and sewer services on that property. He said that he had some slides to show when they got to that request.

Ms. McKeel asked for clarification about the commercial space.

Mr. Langille said that the applicant would be able to provide more detailed information about the specifics. He said that from what he had been informed, potential commercial or retail uses would be located in Block 2. He said that the code of development contained a use table that outlined specific uses that could be permitted in this area under the commercial or retail designation.

Mr. Langille said that the by-right uses included offices, retail sales and service, health spas, tailors, restaurants, financial institutions, water, sewer, energy, communication distribution facilities, and public uses such as a County-owned buildings. He said that the applicant may provide details if they have a potential user lined up to occupy that space.

Ms. McKeel said she wanted to clarify the specific area.

Mr. Langille said that the code of development specifically highlighted certain uses that were strictly prohibited. He said that the property in question, the western property, was currently zoned for Light Industry. He said that if the proposed rezoning was approved, no Light Industrial uses would be permitted in any of the blocks. He said that this restriction was mentioned on page 3 of the code of development.

Ms. McKeel said that the County had been concerned about the loss of Light Industrial properties. She said that this issue had been observed during recent projects, where Light Industrial properties had sometimes been lost. She said that the development in question had three entrances and asked if Fire Rescue had approved this design and whether they had seen any issues regarding access.

Mr. Langille said that the fire marshal had reviewed their application each time it had been submitted. He said that there had been several iterations of different layouts for blocks and streets, and they currently had no objections. He said that if this were to be approved, it would require going through a site plan process, road plan, and subdivision plat. He said that the fire marshal himself had reviewed the ZMA. He said that their Fire Rescue staff, who were part of their site review committee, also examined any development application that came in.

Mr. Gallaway said that he appreciated the input provided. He apologized if he caused confusion regarding the potential for commercial use. He said that in the attachment, A6 represented Sheet 5 of 10 on one's screen; however, Sheet 6 of 10 was labeled as the building envelope closer to Park Ridge Drive. He asked if Mr. Langille had indicated something between the preschool and Block 4. He said that he thought Block 2 had a parking lot, but now Mr. Langille was saying that area was still residential.

Mr. Langille said that based on the applicant's statements, it was likely that these units would be residential. He said that in previous staff reviews and at the last public hearing, they mentioned that if there was non-residential use, it would be in the shaded color seen on the map, which was the same color as the light orange in the presentation. He said that this light orange color represented potential building footprints regardless of use type.

Mr. Gallaway said that he had received it in the packet. He said that that small sliver appeared different, possibly due to the lines on it. He said that he would discuss it with the applicant because there was no road access to that area in the back. He asked what would be the proposed road for accessing the rear area if it were for commercial use.

Mr. Langille said that he believed that the applicant had an answer. He said that the same question had arisen during the PC meeting.

Mr. Gallaway said that sidewalks and planting strips may or may not be present in certain areas. He said that the waiver allowed flexibility for developers to construct either a sidewalk or planting strip. He asked if they granted this waiver and if they chose not to install either feature, would they forfeit their authority to require one or the other.

Mr. Langille said that the final action on this matter under the subdivision ordinance was the PC. He said that there would be no vote on those two requests there that night. He said in those areas marked by green and yellow on the current slide, there would be no planting strips or sidewalks.

Ms. Mallek said that a new question arose under the current issue displayed on the slide. She said that if it was yellow and green, it implied that all of these elements would be going one way. She said that she understood from both the PC and the provided packet that this would be either one side or the other. She asked how they could determine what was accurate.

Mr. Langille said that the applicant had a clearer depiction of the location in their presentation. He said that this included the white spaces between each block's units, which would feature an extensive internal trailway network connecting to public roads. He said that consequently, pedestrian access for residents of these dwelling units would be available through sidewalks or pathways, allowing them to use roadways and reach their destinations.

Ms. Mallek said that the clarification would be provided when the applicant presented; however, in the photographs examined, there were stairs on the front side and vehicles parked at the back. She noted that if someone was pushing a pram, they would not descend the front stairs, so they must exit through the rear door into the alleyway. She said that unfortunately, there was no alternative but to push the pram into the road, where all the vehicles were traveling.

Mr. Langille said that the image appeared somewhat unclear; however, there was a dark gray area behind the units that represented a driveway footprint. He said that this was where vehicles would be parked. He said that the garages would have rear loading access. He added that the applicant had architectural renderings that could provide a clearer representation of this layout.

Ms. Mallek said that in Old Trail they frequently encountered issues due to short streets, large trucks, and truck beds extending over sidewalks. She said that was a concern for how that would be managed here as well.

Mr. Langille said that for someone attempting to leave their dwelling from their house and enter their vehicle in the rear-loaded garage, he would not assume that they would exit through the front door and walk around the entire house. He said that they would likely go through their house internally.

Ms. Mallek said that they were not going to take their pram out the front door either. She stated that if someone was going for a walk or their child was going for a bike ride, they would be exiting through the back with the cars, but there did not appear to be a clear alternative for her at that moment. She said that there did not seem to be another route other than in the road for them to access the main road where there would be a sidewalk.

Mr. Langille said that he believed that would be an appropriate time for them to inquire from the applicant whether the fronts of these units would have features such as stairs that could potentially make pedestrian travel difficult.

Ms. Mallek said that hopefully the applicant could answer this question. She said that the PC presentation mentioned the possibility of granting additional bonus density if small houses, small dwelling unit types, or affordable units were included in it. She asked if that meant that everything between 12 and 18 units per acre was in one of those three categories.

Mr. Langille said that in the Crozet Master Plan's appendix, there was a detailed and technical definition of small-scale construction types. He said that this included tiny houses, bungalow courthouses, multiplexes, and live-work units. He said that if this rezoning were approved, developers must submit site plans outlining the entire area subject to the ZMA.

Mr. Langille said that they must provide documentation and information about which specific dwelling units met one of these dwelling unit types. He said that if they proposed traditional single-family townhomes or similar structures, they would not receive approval; instead, their proposal would undergo review by Zoning and Planning staff to ensure compliance with the definition from the master plan.

Ms. Mallek asked whether they currently had information about that because she had heard several different representations by applicants at various meetings that had all seemed to be a little different, so she was trying to track down what the reality was on this.

Mr. Langille said that he did not have the master plan here that contained that definition.

Ms. Mallek said that she was talking about this application.

Mr. Langille said that they did not know where those units would be located or which specific

small-scale construction types they would be.

Ms. Mallek asked whether that was customary, even though the applicant stated he would not be constructing these structures and would be selling them to someone else. She said that was the representation made at the PC meeting.

Mr. Langille said that even if this were to be sold, if this were approved, they would still be asking the next builder to provide verification at the time of the site plan or subdivision review.

Ms. Mallek said that regarding the documentation on the existing house, she said that according to the staff report, the documenters stated that restoring the house would not be safe. She asked what that meant, as she had never heard that description before.

Mr. Langille said that he chose that language to describe the situation. He said that the house was documented by the HPC (Historic Preservation Committee) and Historic Preservation staff in April 2022. He said that the applicant had also provided photographic evidence of the state of the house. He acknowledged that he should have used the term "extremely challenging" instead of "safely." He explained that internally, the ceiling between the second and first floor had completely fallen through, while externally, the house did not appear to be in complete ruin. He said that although it had extensive structural issues beyond doubt, using the term "safely" was inaccurate; rehabilitating the structure and making it safe again would have been extremely difficult.

Ms. Mallek said that she appreciated Mr. Langille's answer. She said that the essence was that it would be expensive to do. She said that she understood that, but they were fortunate to have people in the area who were willing to do that, which she appreciated greatly. She asked if Mr. Langille could provide some information about the absence of sidewalks or shared-use paths along Park Ridge Road. She said that this was relevant because residents in this area would likely use Park Ridge Road as the quickest route to access pedestrian features that would be available to the south in the near future.

Mr. Langille said that part of the reason that there was no shared-use path shown was because the shared-use path that was called for by the master plan did not go onto Park Ridge Drive but was only along Route 240. He said that concerns were raised regarding the absence of alternative pedestrian facilities such as sidewalks. He said that the applicant had previously proposed a version of this project that included the development of a quadrant with a sidewalk. He said that when that part of the project was removed, the sidewalk was also removed from the plan. He said that the applicant mentioned that they might not discuss this matter during site plan review. He said that staff would likely expect the inclusion of a sidewalk along this portion of the development if the project were approved. He said that under the Zoning Ordinance, that was something that staff could do with any project that was subject to a site plan.

Ms. Mallek asked if it were approved, staff would have the authority to require its completion.

Mr. Langille said yes.

Ms. Mallek asked if this applied to over the bridge as well.

Mr. Langille said that he believed they could not compel them to continue construction off-site. He said that the work would be restricted to the site being developed, typically the parcel or multiple parcels. He said that the challenging aspect was that Bright Beginnings currently operated and had their own site plan that enabled that facility's construction. He said that he was uncertain if the County Attorney would like to provide input; however, he did not think they could mandate them to construct a sidewalk extending across the entire bridge at the railroad.

Ms. Mallek said that at the PC meeting, there was confusion regarding the actual plans for Block 2. She asked if they could provide any recent information that clarified the situation since September. She said that the initial assumption was that Bright Beginnings would utilize Block 2, but if this was not accurate, they needed to know that now.

Mr. Langille said that he had not received any new information about Block 2 since September.

Ms. Mallek said that there was another representation regarding the tree conservation of the cedars. She asked if those were located on the eastern side of the property.

Mr. Langille asked if that was a question from the public.

Ms. Mallek said that it was a question relating to someone who resided in Wickham. She said that she was concerned about the buffer in that area; therefore, she was assuming that it might be located along Block 3 but could also be situated along the eastern edge of Block 1. She asked if they had received any written stipulations regarding tree conservation thus far.

Mr. Langille said that he understood the question originated from someone in the public. He said that he was examining Sheet 1 of the application plan. He said that if there were any trees adjacent to Wickham Pond, there may be a few; however, it was not accurate to say that the entire property boundary with Wickham had mature forested tree cover.

Ms. Mallek said that the hatched area on the far western side of Block 2 was one of the slopes



characterized as managed slopes. She asked if that was correct.

Mr. Langille said that yes, one could observe that this area was located within both the Bright Beginnings property in Block 2 and extended into the right-of-way. He said that it was generally the symbology used for topography.

Ms. Mallek asked if that had no protection from being changed because it was considered a managed slope.

Mr. Langille said that was correct, and that certain design standards had to be met, including limitations on the height of retaining walls and the steepness of regraded land, but that it could be disturbed without a zoning map amendment or special use permit.

Ms. Mallek said that the darker orange outline beneath "Block" referred to the parking area. She said that in the previous slide, the building envelope surrounded the area between that parking area and Park Ridge Drive, and between that parking area and Bright Beginnings in the case that it were developed.

Mr. Langille said that the color Ms. Mallek referred to represented a parking area and a travelway.

Ms. Mallek asked if people would still use that travelway to access Bright Beginnings, resulting in a combined use of the roadway.

Mr. Langille said that was correct.

Ms. Mallek asked if it was within the Board's purview as far as the items assigned for private maintenance. She said that for 122 units, it seemed like a significant responsibility to maintain numerous private sidewalks, playgrounds, stormwater facilities, and underground features replacements, as well as rooftops. She said that in some instances developers had provided all of these amenities. She asked how they could ensure protection for future residents considering the substantial costs associated with these items.

Mr. Langille said that the County did not require private street maintenance agreements. He said that if this project reached such density, they would not construct single-family detached homes, which required only subdivision plot applications. He said that anything that included townhomes, or anything above that, such as multiplexes, triplexes, or quadplexes, site plan approval was necessary. He said that improvements such as recreational equipment, sidewalks, and street or travelway pavement must be approved in the site plan and maintained to that standard in perpetuity, unless everything was demolished and replaced.

Mr. Langille said that if private improvements deteriorated, the County could cite a Zoning Ordinance violation that must be rectified by the improvement owner, likely the HOA (Homeowners Association) in this case. He said that it would be prudent to ask the developer about their intentions for open space ownership and covenants for this project. He said that the assumption that there would be no enforcement if things fell apart was incorrect; there was a mechanism for enforcement in place.

Mr. Pruitt said that he wanted to ensure that he had a completely clear understanding of what they were doing regarding the western parcel, Parcel 56E-2. He said that his understanding was that the ZMA applied only to part of this parcel; however, the parcel itself was not being formally subdivided. He asked if this was accurate.

Mr. Langille said that was correct.

Mr. Pruitt said that meant that there was an existing parcel that had partial continued Light Industrial use allowed on its northern portion.

Mr. Langille said that was correct.

Mr. Pruitt asked if this situation of having split zoning for a single parcel that was not subdivided was common. He said that it appeared unusual to him.

Mr. Langille said that in Albemarle County, numerous parcels had split zoning designations. He said that the majority of these parcels were located in Development Areas due to most properties in the Comprehensive Plan Rural Area having Rural Areas zoning designations. He noted that there were many split zone properties, and some of them featured zoning districts that seemed interesting when situated adjacent to each other, such as industrial, residential, or residential and commercial zones. He said that although it may appear unusual, this situation was not rare.

Mr. Pruitt said that he would like to confirm his understanding that for the most part, the water conservation footprint prevented most of the area from being developed. He said that this was in the section they were not discussing today, which was the Light Industrial area, except for the portion directly adjacent to Route 240.

Mr. Langille said that in the gray area on the map, although not visible in the image, there was a large area designated for the WPO stream buffer that applied. He said that there was a very limited area in that part that could be developed.

Mr. Pruitt said that while they were talking about the water protection area, he would like to clarify the mitigation measures for Public Road C, which he believed referred to Wickham Way also since it passed through the protection area. He asked how that road was able to slice through that protection area.

Mr. Langille said that in the Preserved Steep Slopes Overlay District, public roads were permitted uses so they could go through preserved slopes. He said that although he was unsure about the technical design details and construction aspects, he assumed that a pipe system would be involved. He said that the applicant could provide information from their civil engineers regarding this matter. He said that public roads were a permitted use when it came to disturbing the Preserve Steep Slopes Overlay District.

Mr. Andrews said that he wanted to clarify some things that had already been said. He said that he wanted to ensure that he was not confused. He said that in terms of the density, they were looking at middle-density residential, with 6 to 12 units per acre. He said that the net density was listed at 10.9 units per acre. He said that he was trying to understand where the 18 units per acre would come into this and when would that be necessary for invoking that under the proposal.

Mr. Langille said that the net density figure is calculated by subtracting green space from the proposed acreage to be rezoned. He said that in this image, for instance, this would apply to Block 4. He said that it was a calculation that determined the maximum number of units proposed while considering only the acreage outside of green space land use designation.

Mr. Andrews said that he meant to ask if there could be areas within this where an acre contained more than 12 units if they did the right kind of units in that acre.

Mr. Langille said that this discussion had taken place with the applicant. He said that if they intended to achieve 18 units per acre or utilize that density, it would need to occur within the areas designated as middle-density residential in the future land use plan. He said that the image on the screen demonstrated this concept. He explained that essentially, the centerline of Public Road C, or Wickham Way as it was likely to be named, served as the boundary; all areas north of this line fell under the middle-density residential land use classification. He said that if they were to propose units south of this line with densities exceeding six units per acre in the neighborhood density residential classification, they would not be permitted to do that.

Mr. Andrews said that it was mentioned that Block 2 had the Light Industrial area but would lose it. He said that however, the northern portion would not be affected because it was not part of this development.

Mr. Langille said that everything within the area indicated by his laser pointer was subject to potential rezoning. He said that currently, it was zoned Light Industry; thus, if rezoned, it would lose this designation and become subject to the NMD district's various regulations outlined in the application planning code of development. He said that the northern area, depicted in gray, would maintain its Light Industry zoning district.

Mr. Andrews said that he recognized that that area had environmental constraints and difficulties for development. He said that his other questions, which he may postpone asking at present but would likely return to concerning staff, pertained to the Comprehensive Plan analysis and how they should consider the Crozet Master Plan in this context. He said that he was also interested in defining priority areas, understanding the impacts of their transportation projects, and determining the remaining shared-use path required to reach downtown Crozet. He said that he would defer these inquiries for now. He said that he would look to Mr. McDermott for some answers as well since he was involved in that.

Ms. Mallek asked if there was a discussion regarding the prohibition of construction access from the Wickham side. She asked if there would be restrictions on vehicles such as dump trucks from passing through the established neighborhood and near the Habitat houses located at the street.

Mr. Langille said that he was not aware of any discussions that had taken place regarding that matter.

Ms. Mallek asked if that was something that would be within the purview of the applicant to stipulate if they chose.

Mr. Langille said yes.

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Mr. Andrews opened the public hearing.

Ms. Kelsey Schlein, Planner with Shimp Engineering, said that Vito Cetta, the project architect and developer, would be giving the presentation that evening.

Mr. Vito Cetta said that he was the developer, architect, and planner for this project. He said that they had been working on this project for over four years, and that this was a wonderful project. He said that current slide depicted the County's Comprehensive Plan. He said that the area covered by this plan included approximately 5% of the County area, including Crozet, the surrounding City, and Glenmore.

Mr. Cetta said that the County's population had increased by about 1,500 people annually, requiring approximately 700 new homes to accommodate this growth. He said that the Comprehensive Plan really directed that development. He said that this plan was a wonderful document. He said that as an example, if they were to take a photograph of Garth Road 50 years ago, it would not look significantly different. He said that the same could be said for the drive from here to White Hall; it had changed little since then. He said that if they turned left onto 810 and headed toward Crozet, the landscape remained largely unchanged from 50 years ago, albeit not exactly the same.

Mr. Cetta said that this was the result of what the Comprehensive Plan aimed to achieve. He said that when they got to Crozet, they would notice high-density development, which was intended to accommodate 700 new homes per year. He said that the same observation could be made when driving along Route 29 South toward Nelson County. He said that the landscape was characterized by farms, trees, open space, all thanks to the Comprehensive Plan.

Mr. Cetta said that they would now review the plan. He said that Whicham Way ran straight through it, and that Wickham Pond was located to the right. He said that 240 was situated to the right, while Montclair lay straight ahead. He said they had 260 homes approved for this area in 2007, following the same process and requirements as this project. He said that 160 homes had the same standards and requirements as in Montclair. He said that the design had hardly changed.

Mr. Cetta said that there was a piece they did not own in the top right corner; it was intended for mixed-use development. He said that they had no control over this area, but they anticipated that when commercial became popular, that that site would be developed. He said one could see 25% open space, including parks, which were completely finished.

Mr. Cetta showed a series of slides with images and described each. He said that here was Wickham Way Extended, and Montclair was straight ahead. He said that some of the pieces in Wickham Pond were buffers, street buffers of six feet of grass and sidewalks. He said that in this case they required picket fences and front porches. He showed another slide and said that it depicted the same thing, and that they had planted all the trees. He said that these were townhouses which featured front-loaded designs, meaning that both cars and pedestrians entered from the same part of the house. He said that they had reversed this layout for the Montclair development, placing cars at the back and people at the front.

Mr. Cetta said that some affordable houses were built by Habitat for Humanity on Whicham Pond, and similar affordable housing would be constructed in Montclair. He said that the next image was of what the County called bungalows. He said that all of these homes in Wickham Pond were affordable townhouses over a one-bedroom with a den. He said that the affordability requirement had expired, but that as far as he knew, the rents had not significantly changed yet.

Mr. Cetta said that the units below these townhouses were one-bedroom and den configurations. He said that by their nature, these units should remain affordable, which he thought was what they all wanted. He said that there was a multiuse path in this development, and they had also included a 100-foot buffer, which they had at Wickham Pond and would have at Montclair.

Mr. Cetta showed their plan and said on the top of the sheet was a multiuse plan. He said that the area north of Wickham Way featured higher density housing, represented by a 22-by-40 footprint. He said that these structures were currently shown as townhouses; however, they could easily be bungalows, which he would show shortly.

Mr. Cetta said that below this section were what they referred to as villas. He said that the area designated for Habitat's construction was shown on the left side of the diagram. He said that they were also working with the daycare center, which he would discuss further. He said that the large trees would remain, and the area had been cleaned up.

Mr. Cetta said that the project included various types of residences. He said that on the next slide were villas, characterized by a garage and front door located on the same side of the house, primarily spanning three stories. He said that they were anticipated to sell for around \$650,000. He said that next were townhouses, measuring 22 feet wide and approximately 40 feet deep.

Mr. Cetta said that to address Ms. Mallek's concern, this rezoning project was called Out of Bounds and had undergone thorough review by the PC and the Board of Supervisors. He said that the sidewalk was situated in front of each house, while parking was located at the back. He said that the variance required for this design was primarily technical in nature. He said that they did not perceive any issues from this design. He said that the sidewalk was on a green strip, and the same thing was happening at Montclair. He said that in the rear of each property, he said that there was a muse, or alley, where vehicles were parked. He said that above these parking spaces and garages, porches were constructed. He said that each unit could accommodate four cars. He said that while access was available from the rear, residents primarily entered through the front of their homes.

Mr. Cetta said that the daycare center on the bottom left of the site plan was drawn this way due to their plans to redo their parking lot, which suggested that the new building may not be constructed, and that parking would be in that area.

Mr. Cetta said that common areas could be seen in the plan. He said that the County referred to these units as townhouses over apartments. He said that in this case, there could be as many as four

units within the 22 by 40 footprint. He said that the top two floors could have two bedrooms, while the efficiencies were located below. He said that in this footprint, there could be one unit, two units, three units, or four units. He said that the efficiencies measured 450 square feet, and one-bedroom and two-bedroom units were also available. He said it was a charming little bungalow building.

Mr. Cetta said that the next slide was Park Ridge, and the area straight ahead was not part of the growth area. He said that the growth area appeared to be nearing completion, as there was limited land left for development. He said they had successfully completed 12 different projects and had 12 communities rezoned. He said that one of these projects was Liberty Hall in Crozet.

Mr. Cetta said that the County wanted live-work units for this development, which included shops on the ground floor and townhouses above. He said that across from the townhouses were the affordable units; nine of them had been sold with a one-car garage. He said that Parkside Village was their first project in this series, which featured a classic picket fence and front porch design.

Mr. Andrews asked if the Board members had any questions for the applicant.

Ms. McKeel asked to see the picture of the alleyway. She said that it was a very nice alleyway. She said that since this development was near her neighborhood, she had walked down this alleyway numerous times with her dog and enjoyed walking this alleyway. She said that it connected to the sidewalks at its end.

Mr. Cetta said that was correct.

Ms. McKeel said that she saw women with baby carriages and prams who could get out of their unit and walk on the sidewalk and down the alleyway, almost completing a full circle due to the presence of ADA (Americans with Disabilities) ramps for easy access up and down the sidewalks. She said that she thought it was a unique and workable design. She asked if Mr. Cetta could clarify the types of units he would provide if this was approved. She said that he mentioned various possibilities, including one-bedroom, two-bedroom, and efficiency units.

Mr. Cetta said that the project had taken over four years to get to this point, and by the time engineering was filed and site work was done, it would be almost another two years. He said that this process was time-consuming by nature. He said that, as an example, the commercial space they had on the left, they had been at this for a long time but have had no interest in the commercial space. He said that they did not want to build it if it was going to be vacant. He said that they planned to incorporate some bungalows into the design. He said that the exact number of bungalows had not been determined yet, but that it would still look just like the depicted plan.

Ms. McKeel said that the connectivity within the proposal, that there were three entrances. She said that one would be located off of Three Notch'd Road, or 240, while another was situated across from the clinic, which they could see on the picture. She said that because the County tried to encourage connectivity within developments, the last one was Wickham Way, and the idea was that people could walk down Wickham Way and emerge directly onto 240 or they would have multiple options for routes.

Mr. Cetta said that Ms. McKeel was correct. He said that she might recall when they did Out of Bounds, the County desired the road to be constructed into Out of Bounds, but the neighbors did not like that. He said that they had to construct the road, and that those same neighbors greatly benefited from it and used it a great deal.

Ms. McKeel said that the Bright Beginnings school property could benefit from further clarification. She said that they had a tiny parking area currently.

Mr. Cetta said that they collaborated with them on their expansion plans. He said that they provided sketches for their proposed expansion and discussed adding more playground area. He said that however, these discussions were not official. He said that they proposed relocating the parking lot to the current building's location. He said that in return, they would offer them some or all of the acquired land for their playground development.

Ms. McKeel said that she was referring to the structures in the corner that were sketched in on the map.

Mr. Cetta said that he was referring to the fairly large building, outlined in the lower left corner of the map. He said that when they began the project, they were initially allowed to construct a building there. He said that they were going to put a building there, then decide how to use it, but now they were almost sure they would not build it.

Mr. Cetta said that there was a large green area where they would have paths for both their residents and the daycare. He said that they were looking forward to that.

Mr. Gallaway said that he understood that constructing the drawn building for the preschool project was unlikely. He asked if that was where they would put parking versus that drawn building.

Mr. Cetta said that was correct.

Mr. Gallaway asked if they would still access Bright Beginnings the current way.

Mr. Cetta said that what was provided was a circular area in front of the building of Bright Beginnings, which could be used for letting off children. He said that they could also park their vehicles in that designated strip.

Mr. Gallaway said that earlier today they had discussed developer incentives for obtaining more affordable units in this project. He said that to ensure fairness for all applicants who had applied in the last two years, they had grandfathered individuals to come in under the 15% threshold at 80% AMI. He said that he had asked developers to clarify their constraints or reasons for not attempting to exceed the 15% affordable units for this particular project.

Mr. Cetta said that they initially included the top left-hand parcel, and with that they had 70 affordable units; 70 out of 155, so almost half. He said that however, due to a storm and other issues, they had to eliminate that parcel from their design. He said that they had consistently incorporated affordable housing in all of their projects. He said that even in areas where units were selling for over a million dollars, they had managed to include eight affordable units.

Mr. Cetta said that moving forward, they planned to work with Habitat for Humanity to build 12 units in this project. He said that depending on the feasibility and profitability of the project, they may consider adding six or eight more units. He said that their commitment from last year was to ensure that nearly half of this project would consist of affordable housing. He said that their hearing before the PC was canceled that night, so they had to drop back.

Mr. Gallaway asked if all of their affordable units were homeownership or included rental as well.

Mr. Cetta said that all of the Habitat homes were homeownership.

Mr. Gallaway asked if all affordable units were under Habitat.

Mr. Cetta said no, but they would supply all they needed. He said that their additional units would be rentals. He said that incidentally, the units at the bottom right, the villas, had a landscape strip within them. He said that something else that he found interesting was that the number of homes sold in Albemarle County recently had seen a significant percentage of them attached and were not single-family homes. He said that for example, in the homes in Wickham Pond, residents rarely utilized their backyards for activities such as swing sets, barbecuing, or gardening.

Mr. Cetta said that he was not being critical; he merely observed that the market no longer demanded such features as much as before. He said that even in Out of Bounds, they had large villas measuring 45 feet in width, and they were the only ones who had a garden. He said that the market was changing, and conventional families now bought attached properties at a much higher rate than they did previously.

Mr. Gallaway said that at some point there would be transportation questions, which may be more appropriate for Mr. McDermott.

Mr. Cetta said that he would like to add another piece to the transportation. He said that there were two entrances, both featuring deceleration lanes and left-turn lanes. He noted that VDOT assessed this design and concluded that left-hand turn lanes and right-hand turn lanes were unnecessary due to insufficient traffic volume. He said that VDOT's decision would be followed, as they adhered to their guidance.

Ms. Mallek said that she wanted to clarify a point from one of the previous slides. She said that in one of the alleyways depicted, she thought from Out of Bounds, there appeared to be sidewalks.

Mr. Cetta said no, that concrete surface was actually a culvert designed for water drainage purposes.

Ms. Mallek asked if people walked on those when cars went back and forth.

Mr. Cetta said that it could be walked on, but it was not necessarily a place to walk.

Ms. Mallek said that Mr. Cetta had presented an image of a bungalow; however, she did not know that the design of a bungalow had evolved from traditional craftsman homes. She said that these new bungalows could resemble small apartment buildings, featuring 15 or more units.

Mr. Cetta said that the County had given those structures the name of bungalow, and he agreed with Ms. Mallek that a traditional bungalow was more of a craftsman style of house.

Ms. Mallek asked if a multi-family building was being described as a bungalow in the plan.

Mr. Cetta said yes, that was right.

Ms. Mallek asked if they were all in Block 1 or were scattered throughout Block 3.

Mr. Cetta said they were in Block 1.

Ms. Mallek asked if the efficiency apartments had to be on the end and lower level of the building.

Mr. Cetta said that was correct. He said that the efficiencies were only at the end.

Ms. Mallek asked if above the efficiency was a single townhouse unit with two bedrooms upstairs and two bedrooms downstairs.

Mr. Cetta said that it could be, or it could be a two-bedroom, two floors of two bedrooms.

Ms. Mallek asked if Mr. Cetta had any thoughts regarding not using Wickham Way as a construction entrance.

Mr. Cetta said that they would follow whatever the County determined was appropriate. He said that he did not think they would need it; they already had two primary entrances.

Mr. Pruitt said that he was seeking clarification regarding the proposed footpaths within this wooded area, which they had identified as Block 4. He said that he could see them depicted there. He asked if his understanding was accurate that the brown lines running parallel to the stream area represented footpaths intended for the neighborhood.

Ms. Schlein said that, yes, those were footpaths, and they were primitive trails. She said that limited improvements were permitted within a WPO buffer area. She said that improvements within that WPO buffer would be aligned with what was permitted in the ordinance. She said that it was considered more of a primitive trail recreational facility, allowing access and enjoyment of the water feature.

Mr. Pruitt said that he had another question about the area containing the water feature and the Light Industrial parcel section that also had a water protection area. He asked if there was any intention for landscaping or placemaking. He said that when considering the families residing in this area, people desired open spaces for recreational activities such as playing in fields or exploring woods. He said that these areas currently consisted of dense thickets that were not suitable for exploration or enjoyment by residents.

Ms. Schlein said that the amenity package, which was part of this development, included permission for them to remove invasive species. She said that they were not allowed to remove native species. She said that in regard to additional planting for the Wickham Way Road improvement project, they would be required to conduct mitigation measures. She said that this would lead to increased native plantings in the buffer area.

Mr. Pruitt said that he understood these were not binding improvements for the plan, but he wondered if the planned playground would be accessible to all members of this community in addition to the daycare.

Mr. Cetta said that was correct.

Mr. Pruitt said that he was pleased to hear that the commercial use of this development would be the expansion of the daycare. He said that he would like to share with the Board members that he recently attended a meeting of the Social Services Advisory Board where they discussed ongoing subsidy programs aimed at addressing the shortage of childcare providers in their area. He said that Crozet had been identified as a major childcare desert, which highlighted the importance of initiatives like this one that could expand access to early childcare services.

Mr. Pruitt said that he understood their explanation of the situation regarding the higher density portion of the project and the loss of 70 affordable units. He said that this decision was made due to the discovery of the plat's inclusion of a water conservation area. He asked if that was correct.

Mr. Cetta said that was correct.

Mr. Pruitt said that even if this higher density portion had not been removed from the hearing before the PC when they had previously presented their plan, it would have ultimately been discovered, and that plan would not have succeeded.

Mr. Cetta said yes.

Mr. Cetta said that sidewalks played a significant role in these communities. He said that for instance, along Barracks Road, adjacent to Out of Bounds, the sidewalk ran parallel to the road. He said that these sidewalks were dreadful and dangerous. He said that in the newer communities, the County required a six-foot strip and a five-foot sidewalk. He said that there was so much activity on the sidewalks, and that this development would have similar levels of activity on its sidewalks.

Ms. LaPisto-Kirtley asked for clarification about the sidewalks in relation to Mr. Langille's presentation. She noted that the presentation depicted sidewalks and trees in the lower right quadrant's triangular area.

Mr. Cetta said that was correct.

Ms. LaPisto-Kirtley said that there would be trees and sidewalks along the perimeter but not within the triangular area itself, which was where the homes are situated. She asked if this was accurate

or if sidewalks existed on both sides of the triangular area.

Mr. Cetta said that they had them installed on one side. He said that he believed that they could have easily added them to the other side; however, he believed they would not have been utilized.

Ms. LaPisto-Kirtley said that she had heard that the original plan was to have the feature on both sides of the area, and the applicant now wished to place it solely on one side, which she found acceptable. She said that regarding the blocks situated in the upper right quadrant, she would like to inquire about the placement of the sidewalks and plantings.

Mr. Cetta said that there would be a sidewalk, a six-foot strip, a sidewalk, a front yard, then behind it was the muse. He said that the sidewalk further ahead was shared by two properties, dividing some interesting landscaping in the middle. He said that there was another sidewalk in the northern area.

Ms. LaPisto-Kirtley said that in the middle section, homes faced each other, separated by a sidewalk.

Mr. Cetta said exactly.

Mr. Andrews asked for more information about the Park Ridge sidewalks, which were mentioned earlier.

Mr. Cetta said that the sidewalk addition was not included in this application; however, they were committed to installing one there. He said that it was part of their previous plan but not this one. He said that if they required it as a condition, they were prepared to do that. He said that there was an issue regarding connecting this project to the southern communities, and he did not have a solution for that at present. He said that regarding the question they could certainly add that feature.

Mr. Andrews said that he had a question regarding traffic and VDOT's decision, which had been raised earlier. He said that he was not challenging that decision but would like to inquire about the timing of VDOT's analysis. He asked if staff could provide information on whether this analysis was conducted before or during the pandemic, as this had been in progress for quite some time.

Mr. Langille asked if he was referring to the Crozet transportation study that was conducted.

Mr. Andrews said that and the impact of this proposal and whether or not turning lanes or other additional amenities.

Mr. Langille said that the Crozet transportation study coincided with the update of the Crozet Master Plan. He said that both processes were ongoing simultaneously. He explained that the study, which examined all of Crozet's roads, concluded in June 2021. He asked if Mr. Andrews was asking why there was not a TIA (Traffic Impact Analysis) conducted for this.

Mr. Andrews said yes.

Mr. Langille said that when they were first approached about this application in early 2020, they had VDOT attend pre-application meetings. He said that these meetings were part of the site review committee that examines ZMAs. He said that based on the number of units proposed and the anticipated trip generation figures, they did not meet the threshold that would require the TIA. He said that this conclusion was further reinforced when the Crozet transportation study was completed and when the number of units was reduced from the original 162 to 122.

Mr. Andrews said that his last question for now was about Wickham Pond, which had been mentioned several times. He said that he was aware that there was affordable housing available there. He said that one concern that had arisen was whether the expectation of having a certain amount of affordable housing could be realized if there were no buyers for for-sale properties. He said that since this Habitat, he believed that this issue had not been problematic, and that the affordable housing at Wickham Pond had been realized and still existed today.

Mr. Cetta said that Habitat constructed six units, which were subsequently sold. He said that this was their standard approach; they build properties for sale. He said that similarly, this process would occur there.

Mr. Andrews said that it gave him comfort they would not encounter a situation where the item was offered but never actually sold.

Mr. Cetta said that he understood Mr. Andrews' concern.

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Mr. Matthew Helt, White Hall, said that he would share a basic fact. He said the journey from town to White Hall to Crozet was not the same. He said he was born and raised in Crozet, and his grandparents grew up in Boonesville. He said that it was not the same, and Crozet was not intended to be high-density. He clarified that most people present at the meeting did not oppose Montclair or additional housing in Crozet or even Mr. Cetta himself. He said that many of his friends who knew Mr. Cetta considered him a very kind person and a wonderful neighbor.

Mr. Helt said that people were unhappy about the destruction of a creek to make room for more houses. He said that this should never have occurred, and the County should have held itself accountable for that. He said that the public should be informed about what happened through an investigation. He said that additionally, the developer should have been required not only to restore the creek but also to contribute significantly to their trails and parks outside of their development.

Mr. Helt said that people were at the meeting because they were tired of the lack of investment in infrastructure in Crozet. He said that they were tired of broken promises, tired of sitting in traffic because sidewalks, crosswalks, bike lanes, and trails did not exist. He said that they were tired of lies, and tired that Eastern Avenue had not been built for 40 years. He said that lastly, he believed that most opposed the Crozet Master Plan that was forced upon them. He said that lastly, he would discuss a few points regarding the developer's plans. He said that the developer was going to construct a small portion of the multi-use path.

Mr. Helt asked if it would be built according to DCR (Department of Conservation and Recreation) or VDOT standards, and if Wickham Pond would be upgraded to DCR or VDOT standards. He asked if the Board would fund the rest. He said that they could not even build sidewalks to Sparrow Hill. He asked if someone could confirm which recreational assets would be constructed. He asked if they were planning to make children walk to Crozet Park due to underfunding. He said that if it was anything like Out of Bounds, there was insufficient parking, and Ms. McKeel had acknowledged this.

Mr. Helt asked how someone would walk to Highlands or Crozet Park if they wished to attend. He asked what they would do if they desired to use a bicycle. He asked if he would be able to walk or bike to Sal's, Fardowners, or CroZeli's. He said that the dead end of the road and in the Y intersection would be chaotic. He said that many of his outstanding and dedicated neighbors were present that night. He urged the Board to listen to each of them and consider what had occurred in Crozet over the past 10, 20, 30, 40, 50 years. He asked them to pay attention to their truths, their realities, their experiences.

Mr. Helt said that in his 40 years they had not invested one penny in his neighborhood. He said that there were no sidewalks, no bike lanes, no park access. He asked why he paid property taxes. He asked when they would they start investing. He said that if they wished to support this development in Crozet, he urged them to vote to fund the infrastructure in Crozet. He said that they no longer had any excuses. He mentioned Easton Avenue, North and South, Weston Park, traffic circles, and so forth. He said that not one of them was fully willing to account for the missing infrastructure and deferred maintenance in Crozet.

Mr. Helt asked why they were afraid of holding themselves accountable. He asked why they must continue to lie to their community. He asked why not be honest and tell them the truth. He asked the Board to be honest. He said that there was \$200 million in missing infrastructure in Crozet. He asked the developer to provide some background on the name of Wickham Pond. He said that he had been told that it was named after Confederate General Williams Carter Wickham. He said that he would love to know why a Crozet neighborhood was named after a Confederate General.

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Ms. Carol Fairborn, White Hall, said that she lived in Crozet. She said that she requested that the elected Supervisors deny the Montclair proposal for one simple yet compelling reason: it did not adhere to the Albemarle County Comprehensive Plan. She said that specifically the Montclair proposal failed to meet Objective 9 of the Comprehensive Plan, which outlined two criteria for new development. She said that Objective 9 stated that new development should one, be focused within priority areas, and two, if outside of priority areas, be matched with infrastructure availability and capacity. She said that Montclair did not meet either of these criteria.

Ms. Fairborn said that regarding the first criterion, she said that Montclair was not within a priority area. She said that Strategy 9A of the Comprehensive Plan explicitly stated that the priority area in Crozet was the downtown area. She said that Montclair was not downtown, as Montclair was located approximately two miles from downtown Crozet. She said that Strategy 9B of the Comprehensive Plan stated that the Board should prioritize rezonings consistent with priority areas. She said that since Montclair was located far outside of Crozet's priority area, it should not receive priority consideration.

Ms. Fairborn said that the second criterion for new development, which required that it must be matched with infrastructure availability, represented the sole exception for when growth could take place outside of a priority area. She said that Strategy 9C directed the Board to "not approve rezoning outside of priority areas when planned facilities are not in place to support the project and existing neighborhoods, unless the proposed project will provide significant improvements to ensure adequate infrastructure and services are available to the area." She said that Montclair did not meet the criteria necessary to satisfy this exception.

Ms. Fairborn said that during tonight's meeting, they would hear that infrastructure in the Montclair area was severely lacking, and the Montclair proposal offered no significant improvements to ensure adequate infrastructure and services. She said that tonight, they respectfully requested that the members of the Board adhere to the County's Comprehensive Plan and thus vote against Montclair because it did not meet two critical requirements.

Ms. Fairborn said that the Comprehensive Plan stated that growth should be located in priority areas, and Montclair was not situated in a priority area. She said that the Comprehensive Plan stated that the sole exception for growth outside of priority areas was if adequate infrastructure already existed or



would be gained by the project. She said that currently, adequate infrastructure did not exist, nor would Montclair provide any significant improvements to infrastructure.

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Mr. Minsu Kim, White Hall, said that he lived in Crozet. He said that he respectfully requested that the Board of Supervisors deny Montclair's proposal because it did not comply with the County Comprehensive Plan, as the previous speaker had explained. He said that the previous speaker had explained the criteria that would allow the Board to make an exception for growth outside of the priority area, and Montclair did not meet those requirements for an exception.

Mr. Kim said that since Montclair was not located in downtown Crozet, its approval would require meeting the conditions of Strategy 9C, which stipulated that plan facilities must already be in place to support Montclair and the existing neighborhoods or that Montclair would provide significant improvements to ensure adequate infrastructure was made available to the area. He said that neither of these conditions was met for Montclair. He said that he respectfully urged the Board to vote against Montclair's proposal. He said that he would like to provide additional context regarding Crozet's infrastructure needs.

Mr. Kim said that currently, Crozet lacked \$100 million worth of new infrastructure to support its existing population. He said that this information was not arbitrary; it came directly from the cost estimates of the capital transportation projects detailed in the Crozet Master Plan, which was derived from the County's Comprehensive Plan.

Mr. Kim said that furthermore, the Crozet Master Plan also highlighted that the intersection of Three Notch'd Road and Park Ridge Drive, which the Montclair development would abut, was currently dangerous and congested. He said that this intersection was anticipated to be designated by VDOT with a grade F level of service, which represented the lowest safety rating for an intersection. He said that the Crozet Master Plan suggested that a roundabout at this specific intersection could sufficiently address the anticipated traffic operation issues at that location. He said that unfortunately, the Montclair proposal did not incorporate plans for such a roundabout. He said that if Montclair was approved, it would result in more vehicles crossing through this already dangerous intersection, thereby exacerbating safety concerns and causing increased traffic congestion.

Mr. Kim said that in summary, Crozet's infrastructure was severely deficient, requiring approximately \$100 million in new infrastructure just to support the current population. He said that approving Montclair would only exacerbate this issue. He said that there were no planned facilities in place to support Montclair and the existing neighborhoods, nor were there significant infrastructure improvements or services to be gained from the Montclair proposal. He said that he respectfully requested that the Board vote against Montclair.

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Ms. Kimberly Gale, White Hall, said that she had resided in Crozet for 26 years. She said that she respectfully requested that the Board of Supervisors deny the Montclair proposal because Montclair did not comply with the County's Comprehensive Plan. She said that Montclair did not meet the requirements for an exception under the plan since Montclair did not provide significant enhancements to infrastructure. She said that no adequate infrastructure or facilities were currently in place.

Ms. Gale said that she would like to draw the Board's attention to the Eastern Avenue Connector, which was initially a contingency project and a catalyst for growth. She said that this connector project dated back to 1980. She said that the promise of the Eastern Avenue Connector was one of the factors that led the County to change the future of Crozet by designating their town as a growth area. She said that 44 years later, the Eastern Avenue Connector project was essentially obsolete. She said that realistically, it would not be constructed. She said that in October 2023, Mr. McDermott had addressed the Board to explain that County planners had downgraded this pivotal connector project from its former eighth position on the County's priority list to its current disappointing seventy-eighth position.

Ms. Gale said that it had fallen from number eight to number 78 due to its new price tag and numerous environmental impact factors. She said that the new estimated cost for the Eastern Avenue Connector was \$39.5 million, and it was no longer expected to be fully funded. She said that the evolution of the Eastern Avenue Connector project from a high-priority initiative to one with diminished feasibility was indeed a pivotal factor in evaluating proposals such as Montclair. She said that Crozet's dependence on that connector for its infrastructure needs underscored the importance of reassessing development plans in light of these shifting circumstances.

Ms. Gale said that the bottom line was that plans for growth outside of the Crozet priority area were contingent upon the expectation that the Eastern Avenue Connector would be built to support this growth, and they knew that would no longer happen. She urged the County to vote in accordance with the Comprehensive Plan and reject the Montclair proposal. She said that the daycare center was not an approval of this plan, as the bottom left corner of their property would take away its entire current playground area.

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Mr. Dean Eliason said that his family was present with him tonight. He said that he had lived in Crozet for 19 years and had served on the CCAC (Crozet Community Advisory Committee) and Western Ridges HOA. He also said that he was a teacher at Monticello High School and a coach. He said that he respectfully requested that the Board deny the Montclair proposal because it did not comply with the

County's Comprehensive Plan, as they had heard. He said that they had also heard about Crozet's severe lack of critical infrastructure and safety issues that would be exacerbated by the Montclair proposal; however, he wanted to discuss another safety issue that Montclair would exacerbate.

Mr. Eliason said that there was a highly dangerous intersection of Route 240, 250, and 680 located less than one mile east of the Montclair site. He said that this large and complex intersection, which many had experienced, was formed by the awkward convergence of all three roads at various angles and speeds, creating a unique commuter hazard. He said that in 2018, VDOT had ranked this intersection as the 17th worst for safety and operational concerns in the entire Culpeper District. He said that it had also been the subject of a STARS (Strategically Targeted Affordable Roadways Solution) study, which deemed it one of the top 20 most dangerous intersections in the nine-county area for the last decade.

Mr. Eliason said that this congested intersection impeded emergency vehicle access and often created a bottleneck of over 30 cars, which he had personally experienced, slowing down during the hectic morning rush to commute to Charlottesville. He said that the intersection in question was highlighted for two reasons. He said that firstly, the location was situated along one of the two primary routes connecting Crozet with Charlottesville, the other being Interstate 64. He said that consequently, numerous Crozet residents passed through this critical intersection multiple times daily.

Mr. Eliason said that secondly, and more importantly, if Montclair was approved, all of its residents traveling east toward Charlottesville would pass through this intersection. He said that this would exacerbate delays on Route 240 and further exacerbate the already hazardous and unsafe conditions that led the VDOT to rank this intersection as the 17th worst in the district.

Mr. Eliason said that they were gratified earlier this month when their Supervisors approved the resolution committing to roadway safety goals. He said that this approval demonstrated their support for the Move Safely Blue Ridge mission and their commitment to prioritizing the implementation of recommended safety countermeasures necessary to help achieve the district's goal of reducing roadway fatalities and serious injuries.

Mr. Eliason said that they thanked their Supervisors for their efforts to ensure that adequate, critical infrastructure was fully constructed in alignment with VDOT safety countermeasures before approving rezonings like Montclair, which lacked infrastructure, were located outside the priority area, and would make their roads even more dangerous, particularly at the intersection of Routes 240, 250, and 680. He said that in accordance with the resolution of commitment to roadway safety goals and in compliance with the Comprehensive Plan, he requested that their Supervisors, respectfully, vote against Montclair's approval.

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Mr. Steve Wallsworth, White Hall, said that he had lived in Crozet for over 21 years. He said that he would like to discuss the number of County-approved new housing units projected to be built versus the County's new housing goal for the year 2044. He said that sometimes they heard about a planning commissioner or a County Supervisor who was hesitant to deny a housing proposal due to perceived housing shortages. He said that data indicated that the County had surpassed its own 2044 new housing goal of 12,000 new homes in the entire County before 2044.

Mr. Wallsworth said that in October 2022, the County had already approved 9,300 new housing units to be built out of this 12,000 goal. He said that since October 2022, the County had approved an additional 4,400 new housing units to be built. He said that it totaled 13,700 new housing units approved by the County that had not yet been built. He said that these 13,700 new housing units exceeded the County goal of 12,000 by 1,700 new housing units, which was 14% more than the goal. He said that at this rate, the County could have projected surplus. He said that this surplus might even become greater.

Mr. Wallsworth said that based upon proposals this year, possibly like Seig, North Point, and Holly Hills, there could easily be another 2,400 new homes approved for a new total of 16,100 approved new homes by 2044. which would exceed 12,000 by 34%. He said that represented a 34% increase over the goal. He said that keeping in mind that the new housing units already approved included the County's affordable housing goal of 15%. He said that it made a significant growth in the affordable housing numbers of more than 2,000 being approved and yet to be built.

Mr. Wallsworth said that in summary, Albemarle County was well ahead in exceeding its goal of approved new housing units for 2044 and possibly by 34%. He said that with this projected excess it was only logical that only developments approved going forward from this point clearly complied with the Comprehensive Plan. He said that as others here tonight have shown, Montclair did not comply with the Comprehensive Plan. He urged them to vote against the Montclair rezoning proposal.

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Ms. Rashmi Ghei, White Hall, said that she lived in Crozet and she was an environmental scientist specializing in recreational water quality and drinking water projects. She said that she wanted to share her concerns about the Montclair proposal's detrimental environmental impacts. She said that the proposed density and construction on approximately 15 acres would further stress the stream that flowed through the site. She said that this would negatively affect the health of the stream, its aquatic life, and the wildlife who relied on the stream as a vital water source, resulting in habitat loss and more animal-human encounters.

Ms. Ghei expressed concern about water runoff carrying chemical pollutants and sediment from construction and everyday residential activities into the stream. She emphasized that the Montclair site and its stream were within the water supply watersheds for Albemarle County and the City of Charlottesville. She said that furthermore, she was leery about accepting any reassurances from the developer and his team regarding their intentions to reduce the proposal's environmental impact due to their track record.

Ms. Ghei said that two years ago, they had carried out two questionable acts in an effort to gain approval to develop the land and build as many homes as possible. She said that they had physically buried the headwaters of the stream on this property in an attempt to dry it out, and that they had the stream and its riparian buffers removed from the County GIS (Geographic Information System) maps. She said that thanks to a field study by the Army Corps of Engineers, which showed the stream's presence in the community, these dubious acts were discovered and exposed. She said that the best indicator of future behavior was past behavior.

Ms. Ghei said that two years ago, this developer was willing to act unethically to try and avoid the extra responsibilities that come with protecting a stream. She said that it was reasonable to assume that in the future, the developer and his team would attempt to cut corners again. She said that when this happened, it was possible that it would not be discovered by community members, which would result in permanent consequences.

Ms. Ghei said that tonight, the Board had heard details about how the Montclair plan did not comply with the Comprehensive Plan, how Crozet already lacked \$100 million of critical infrastructure for its current population, how Montclair would exacerbate safety issues in Crozet, and how the County had already approved a surplus of housing units waiting to be built, including affordable housing. She said that she respectfully implored them to vote no against the Montclair upzoning proposal to protect Crozet's precious environment and wildlife habitat.

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Ms. Julie McCulloch, White Hall, said that she had lived in Albemarle County for 14 years and in Crozet for seven years. She said that tonight, she respectfully requested that the Board of Supervisors deny the Montclair proposal because it did not comply with the County's Comprehensive Plan in numerous ways, as they had heard. She said that they had also heard about Crozet's lack of infrastructure and about the development team's unethical measures to avoid protecting the stream. She said that she would like to discuss the actual overcrowding of Crozet and its impact on their quality of life from a pedestrian perspective.

Ms. McCulloch said that due to the lack of connected sidewalks or paved paths, they were unable to safely walk or bike to most of Crozet's attractions. She said that they could not safely walk or bike to downtown Crozet, the library, or the grocery store. She said that her children certainly could not safely walk or bike to school. She explained that while she could bike or walk to these attractions if she were willing to do so on the actual road, and some people did this, it was dangerous, especially given that many of these roads were quite narrow and today's drivers were distracted.

Ms. McCulloch said that Montclair, which aimed to add 122 new homes without adding any substantial infrastructure, would make life even more dangerous and unsafe for pedestrians by putting more cars onto their already crowded roads, specifically 240, as well as Park Ridge Drive and Park Road. She said that Montclair would further impair the quality of life in Crozet. She said that the developer for Montclair had offered to provide a shared-use path on the north end of the property; however, this would not enhance pedestrian infrastructure in any significant way.

Ms. McCulloch said that the shared-use path would be approximately 500 feet, less than one-tenth of a mile, and connect to nothing. She said that it would not make the slightest impact on Crozet's \$100 million lack of infrastructure, despite what the developer may claim. She said that earlier this month, when discussing the Avon proposal, Mr. Pruitt characterized individual proffered segments, such as the one Montclair was proposing, as baffling and absurd because it resulted in pedestrian infrastructure that was neither coherent nor strategic.

Ms. McCulloch said that she completely agreed with him. She said that it was not the right way to deploy critical infrastructure to a community, and this was what Montclair proposed: a shared-use path that was piecemeal and unconnected to any other pedestrian infrastructure. She said that Montclair would make life in Crozet even more hazardous for pedestrians and bicyclists. She said that she feared that someone would have to die before the safety issue was taken seriously by the County.

Ms. McCulloch said that she had seen a pet get run over in a hit-and-run incident on Park Ridge Drive, and she herself had almost been hit walking with her dog by people speeding in excess on Park Ridge, using it as a road of egress between these communities because they did not have the Eastern Avenue Connector. She said that for these reasons, as well as the many other reasons people had heard that night, the Board must respectfully vote against Montclair.

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Ms. Laura Pittman, White Hall, said that she had lived in Crozet with her family for over 15 years. She said that she would like to address the issue of overcrowding and its impact on their town's public services, which negatively affected their quality of life. She said that as a parent and runner, she witnessed cars speeding along Park Ridge Drive every day, particularly in the morning when children waited by the side of the road for their school buses. She said that one of the primary reasons for this was

that there were very few entry and exit points in the neighborhood.

Ms. Pittman said that the development of Montclair would exacerbate this issue at the intersection because all vehicles leaving Montclair would have to travel in the same direction, increasing traffic congestion. She said that at the September 23 PC meeting, developers claimed that traffic conditions in the area were safe, and that traffic was not that bad. She said that these statements were interesting coming from someone who did not live in the area, did not commute along this route daily, or had not experienced mornings when it could take 15 to 20 minutes to reach the Y, one of the most dangerous intersections, as Dean explained.

Ms. Pittman said that overcrowding was not just a problem for their roads; it was also a problem for their schools. She said that she was a parent who had raised four children through the local school system, graduating from the years 2013 to 2023, she had experienced this firsthand and could also comment that her 2023 graduate was very excited that she was there speaking about this that night and that it affected his school year tremendously. She said that there had been overcrowding issues in the hallways when the bell rings at Henley, and anyone could witness this.

Ms. Pittman said that Crozet's middle school and high school were already bursting at the seams, with eight trailers being used at Western and eight at Henley. She said that Crozet's overcrowding was negatively impacting their quality of life and straining their public services. She said that this occurred through increased commute times, longer response times for emergency vehicles, creation of unsafe conditions for citizens, and detrimental effects on children's education.

Ms. Pittman said that the approval of Montclair would exacerbate these issues. She said that she respectfully urged the Board to vote against Montclair. She said that she sincerely hoped that everyone there was listening and that they were being heard. She said that while understanding that each project must be decided upon independently, they trusted that the Board was considering the broader implications of their decision.

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Ms. Joan Fadden, White Hall, said that she was a resident of Crozet. She asked the Board of Supervisors to respectfully deny the Montclair project because it did not comply with the County Comprehensive Plan. She said that she wanted to point out some distinctions about Crozet to the Board that night. She said that unlike other growth areas designated in the County's Comprehensive Plan, Crozet lacked adequate infrastructure, employment opportunities, residential amenities such as retail, personal services, and restaurants. She said that many residents would have to go to Charlottesville or Waynesboro for these needs and services.

Ms. Fadden said that Crozet was a true satellite community, and the population growth was far outpacing the infrastructure and amenities. She said that since 2004, when the County designated Crozet as a growth area, they had witnessed their green spaces disappear, their roads become more crowded, and their schools become more overcrowded, all of which degraded their community.

Ms. Fadden said that a previous speaker had pointed out that the Crozet Master Plan showed that their town required \$100 million in new infrastructure just to support the current population. She said that this deficit in Crozet's much-needed infrastructure had grown exponentially over the last decade, along with Crozet's population. She said that the deficit would only increase if Montclair was approved and to the detriment of their Crozet residents. She said that the County had designated downtown Crozet as the priority area for growth, not the area where Montclair was planned.

Ms. Fadden said that the master plan indicated that \$100 million of critical infrastructure was missing for Crozet. She said that the Montclair development would most certainly compound and exacerbate this known deficit of critical infrastructure. She said that she respectfully requested the members of this Board to acknowledge that the Montclair proposal did not comply with the County's Comprehensive Plan and must be denied.

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Mr. Lee Gale, White Hall, said that he was a 26-year resident of Crozet. He said that tonight he specifically requested that the Board deny the Montclair proposal because it did not comply with the County's Comprehensive Plan in numerous ways, as they had heard tonight. He said that they appreciated that the Board of Supervisors may be hesitant to deny some rezoning applications out of fear of creating a moratorium against rezoning. He said that voting against Montclair would not create a moratorium of any kind.

Mr. Gale said that Virginia's Attorney General had encouraged all Boards of Supervisors to judge and approve or disapprove of every application fairly based on its own merits. He said that in accordance with the Attorney General's guidance, the decision tonight concerned Montclair alone and would have no bearing on other proposals and would not establish a moratorium on rezoning. He said that they opposed establishing a moratorium. He urged the members of the Board to evaluate Montclair based on its own values.

Mr. Gale said that they supported growth in Crozet; however, they supported responsible growth that had significant infrastructure support and aligned with the Comprehensive Plan. He said that Montclair did not meet these criteria because it lacked infrastructure support and was located outside of Crozet's priority area while providing no significant infrastructure improvements. He said that he respectfully urged the members of the Board to vote against Montclair.

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Mr. Bill O'Malley, White Hall, said he was a resident and small business owner in Crozet, and that he had a critical concern that affected everyone: the Montclair proposal's disregard for the County's Comprehensive Plan. He said that they had heard how this proposal would exacerbate the already acute infrastructure deficit in Crozet, exacerbating overcrowding and safety risks. He said that when he and his wife moved to Crozet, they expected future growth in their town but expected that growth to be responsible and in compliance with the Comprehensive Plan. He said that the Montclair proposal contradicted this vision, failing to meet the plan's criteria.

Mr. O'Malley said that if approved, the project would severely impact the community's quality of life. He said that this was not just his stance but the collective outcry of 956 petitioners since the meeting began, joined by countless attendees here and online united against Montclair. He said that as a satellite community, Crozet lacked political representation that other areas in the County had. He said that they relied on them, as a whole board, to represent their best interest, oversee the big picture, and ensure growth in Crozet was responsible.

Mr. O'Malley said these were the housing developments approved in Crozet this year alone: Pleasant Green, 173 homes; Glenbrook, 140 homes; Old Dominion, 115; Home Park, 14 homes; and Jarmon's Gap, five homes. He said that the total number of homes approved last year still waiting to be constructed was 477. He said that with other Crozet developments not yet completed, such as Old Trail, it was estimated that Crozet now had over 1,000 approved homes in the pipeline waiting for construction.

Mr. O'Malley said that some may view Montclair's 122 homes as a small-scale project; however, these approvals must be considered in their entirety for their overall impact on traffic, safety, and quality of life. He said that approving more homes like Montclair without a plan for supporting infrastructure and services was irresponsible. He said that Montclair's noncompliance with the Comprehensive Plan threatened to erode the fabric of Crozet and push their town over the tipping point.

Mr. O'Malley said that they had the power to deny this proposal because Montclair was not located within Crozet's priority growth area. He said that it did not comply with Strategy 9C of the Comprehensive Plan to earn that exception. He said that he urged them, with their community's welfare in mind, to vote against the Montclair proposal.

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Mr. Luke Fairborn, White Hall, said that they had heard many compelling reasons why the Board should vote against Montclair. He said that Montclair did not comply with the County's Comprehensive Plan, as it was located outside of Crozet's priority area and did not meet the criteria for any exception. He said that Montclair would exacerbate Crozet's lack of infrastructure, creating unsafe conditions and stressing public services, including schools. He said that Montclair would destroy habitat and harm a stream. He said that in terms of housing stock, Montclair was not needed, as the County had already approved more than enough homes for the next 23 years. He said that over 950 petitioners and many speakers at the meeting opposed Montclair.

Mr. Fairborn said that they respected the Board's work on behalf of the County but urged them not to approve growth for the sake of growth. He said that they should approve proposals based on their merits, and that Montclair's merits were severely lacking. He said that the proposal was ill-conceived and that the developer had acted unethically by burying the headwaters of a stream and erasing a segment of the stream from the County's GIS system. He said that the Army Corps of Engineers were able to revive the stream.

Mr. Fairborn said that some claimed voting no on Montclair would not be unfair to the developer but voting yes would be unfair to the residents of Crozet. He said that the Board should vote against Montclair for the sake of the community and compliance with the Comprehensive Plan.

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Mr. Dan Sheets, White Hall, said that he was a 7-year resident of Crozet, and that he was not there to deny firefighters a retirement plan or fabricate stories about the Army Corps of Engineers failing to find a stream that did not exist but now did exist. He said that he was also not there to claim that white picket fences and quaint alleyways adorned with flowers were a beautiful symbol of their community. He said that he hoped to achieve from their relationship that they could improve Crozet together. He said that they should move past the patchwork quilt of development, acknowledging that Crozet was not Napa, California, and would never be that way.

Mr. Sheets said that there were weeds growing everywhere, there was a Superfund site downtown, and ugly fencing. He asked the Board to address these issues and move beyond arguing over accommodating 150 more homes into this very small field. He said that they should leave the meeting having supported the community, not the developers.

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Ms. Heidi Brown, White Hall, said that she was a 24-year resident of Crozet, and that she was there to urge them to deny this proposal for several reasons. She said that as a journalist, she had spoken with numerous individuals who expressed their opposition and frustration regarding continued growth in their community, particularly the Montclair project. She said some of their concerns were expressed in the online petition signed by over 935 people from her area.

Ms. Brown said that David wrote that they must strengthen their existing structures before adding further demands on an already overburdened infrastructure in Crozet. She said that Ann wrote that the Montclair proposal would worsen the already strained infrastructure; and one example of Crozet's unpreparedness for additional development was the recent school rezoning that did not account for this new proposal. She said that Ann wrote that the roads in town were currently overcrowded, and that they should address their existing infrastructure issues before adding more pressure to their already overburdened basic physical and organizational structures and facilities in Crozet.

Ms. Brown said that Helen wrote that she opposed any new housing development in the Crozet area; and all the infrastructure was already overwhelmed. She said that Helen wrote that as Supervisors, the Board was responsible for protecting resources and providing infrastructure that had already been voted on. She said it appeared that their primary concern was raising taxes and spending money in ways that negatively impacted taxpayers.

Ms. Brown said that the Board must ensure that approved developments met their obligations to the County, which they currently were not. She said she was addressing environmental issues and unfulfilled proffers. She said that Southland Homes was permitted to build at Westlake under the condition that they would plant hundreds of trees to replace those lost along Licking Hole Creek Basin. She said that three years later, thousands of trees were strangled by plastic sheeting left behind by the developers. She said the trail was littered with trash and plastic, and the trees were not able to grow and were suffering from fungus and other issues due to the sheeting. She said the area required cleaning up, and the Board must take responsibility.

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Ms. Barbara Westbrook, White Hall, said she was born in Crozet 77 years ago. She said that her concern was at the intersection of Crozet Avenue South where it meets 250 West and Miller School Road North. She said she lived approximately half a mile away, in Parkview subdivision, which her father had developed in 1965, about half a mile north of Route 250. She said that this morning, her neighbor's daughter missed her bus to Western, so she had to drive her there.

Ms. Westbrook said it was approximately 1.4 miles from her house to Western. She said it took her at least 15 minutes just to reach Route 250, and upon getting to 250, the right-turn lane was barely 20 feet long. She said that once there, one must wait for all traffic coming from 250 East and Miller School Road. She said that after successfully entering 250, traffic was already backed up from Western. She said it took her 30 minutes to travel 1.4 miles.

Ms. Westbrook said that she was not a planner but had used common sense to devise two potential solutions. She said that the first was a longer right-hand turn lane, and the second was implementing traffic light adjustments to manage the influx of traffic attempting to access 250 from various directions. She said that Montclair traffic would bear on this as well.

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Mr. Charles Froehlich, White Hall, said that he lived in Crozet with his family, and that other speakers had made it clear there were empirical reasons to deny the Montclair submission. He said that Mr. Pruitt had thoroughly examined the green space protection area and the road that appeared to cut through it. He said this also highlighted that the applicant had to alter their plan due to the water issue, which the applicant referred to as his water problem that negatively impacted the profits for his project. He said when discussing the potential downstream consequences, both literally and metaphorically, of approving this development, they remained unclear at best. He said that the Board should deny the application.

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Mr. Colin Steven, White Hall, said that he has lived in Wickham Pond for 12 years, and that there was insufficient parking allocated for on-street spaces in the surrounding houses in his neighborhood. He said the issue was exacerbated by the fact that not all residents can fit their cars into their driveways, and they frequently dealt with on-street parking problems. He said that with the addition of 122 or possibly 240 new cars in the area, they would potentially spill over into his neighborhood, and the issue may worsen. He said he had concerns about a more comprehensive approach to the path along the front of their neighborhood. He said that the current design would result in sections of path leading to nowhere in both Wickham Pond and the adjacent block. He said that if the neighborhood was approved, he strongly recommended stipulating that construction traffic should not use Wickham Pond as an entrance.

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Mr. Ian Atkins, White Hall, said that he was a small business owner in Crozet, married to a preschool teacher in Crozet, and they had three children attending public schools from elementary to high school. He said that he was there to reinforce the perspectives shared regarding this project, considering both its merits and its place within the broader context of Crozet's development.

Mr. Atkins said that living in Western Ridge, he was unable to bike his children to school due to traffic congestion leaving their neighborhood, posing a threat of injury or death from all of the traffic. He said that this development may worsen this issue. He asked why the Board should approve the project when all of the evidence, information, and appeals presented said the exact opposite. He said that as elected officials, they must act responsibly in making their decision. He said that they should consider the real reasons for voting yes on this issue.

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Mr. Andrews said the applicant had five minutes for rebuttal.

Mr. Cetta said that many of the people lived in surrounding communities that went through this process. He said that there was nothing a neighbor could gain by having a house built next door. He said that he would rather have these individuals be more considerate. He said that their projects went through exactly the same process as this one, and they had numerous people complaining. He said that they have nothing to gain, but the community did benefit. He said that he genuinely believed they were doing a wonderful job in absorbing new people into their community.

Mr. Justin Shimp said that he had heard numerous comments about the question of why vote yes. He said that the community was growing. He said that there was a housing shortage in the County. He said that they would not have reached this point without having a conversation with staff about the Comprehensive Plan and its potential impacts. He said that he had heard about infrastructure concerns many times, specifically mentioning the Route 240-250 roundabout that needed fixing. He said that VDOT would begin construction on that in spring 2025 before a house was ever occupied in the development. He said that before a house was ever completed, the roundabout would be finished.

Mr. Shimp said that sidewalks were not perfect but pointed out that over time, there had been numerous sidewalks built in Crozet, and that it was done piecemeal because not all of the projects were developed at the same time. He said that over a long period of time, there were a lot of sidewalks in Crozet. He said that the County's Comprehensive Plan and design standards had brought developers like Mr. Cetta to create good neighborhoods where residents generally expressed satisfaction with their living conditions and did not wish for changes. He said that if they applied the standard that no development could proceed until all potential issues were resolved, no developments would ever take place, requiring significant tax increases for addressing these issues. He said that the Comprehensive Plan had guided responsible development over time, and this project would continue that trend.

Ms. Schlein said that she wanted to add an item regarding the consistency with the Comprehensive Plan. She said that this topic was discussed extensively at the PC meeting, where Mr. Langille was asked directly where the plan deviated from the Comprehensive Plan. She said that his response indicated that it nearly met every requirement, which was their assessment in the staff report and analysis of the NMD principles.

Ms. Schlein said that these principles included building human-scale spaces, connecting Wickham Pond Way, constructing a multiuse path along the frontage, providing nearly three acres of open space, and establishing an interconnected street and transportation network. She said that the proposal met all these criteria. She said that she believed they had a strong proposal before them tonight, and she hoped they could proceed with it.

Ms. McKeel asked for more information about the Comprehensive Plan and the master plan in the context of the County.

Mr. Langille said that in the public comments they had just heard, there was frequent mention of the Crozet priority areas. He said that the master plan for Crozet in 2010 had a loosely defined priority area, extending from downtown Crozet to the Music Today area. He said that there was no map or list of tax map parcel numbers provided for this area. He said that as of October 21, 2021, that master plan no longer applied. He said the 2021 master plan did not include priority areas but focused on catalyst projects and priority projects for infrastructure investment.

Mr. Langille said that the language suggested development should be concentrated in priority areas, which came from the main Comprehensive Plan. He said it was one of several strategies under one objective, among others. He said that the primary objective was to develop in areas that had some level of infrastructure support, such as utilities, roads, parks, and schools. He said that as Ms. Schlein stated, this project met the future land use recommendations from the current and adopted master plan. He said that it addressed several significant infrastructure goals, including the catalyst project, which was the shared-use path. He said that it was noted that one of the infrastructure issues was the school capacity. He said that there was no specific priority area in the Crozet Master Plan that prohibited development in certain areas.

Ms. McKeel asked for the historical context surrounding the stream's burial and the changes made to the GIS system. She said that there was some history regarding the stream, but there may have been some misconceptions in her understanding of the situation.

Mr. Andy Herrick, Deputy County Attorney, said that at one point, there was an understanding that the Army Corps of Engineers approved and had jurisdiction over the stream, allowing it to be buried. He said that when the stream was buried, this affected the County's treatment of it under the Water Protection Ordinance. He said that the approval for burying the stream came from the Army Corps of Engineers.

Ms. McKeel said that one of the other concerns she heard raised was that the construction would degrade the water quality. She asked for information about the construction impacts on the stream.

Mr. Langille said that if this were approved or if any development at any point were approved for even something less dense than this, it would be subject to the County's WPO regulations. He said that these regulations were essentially an expanded version of the Virginia State erosion and sediment control

regulations, as well as stormwater management regulations. He said that there were various different application types that applied to different types of private development. He said that with all County staff and their partner agencies, which included state agencies, they reviewed these proposals to ensure that issues such as runoff were addressed in accordance with local and state regulations.

Ms. McKeel asked if the construction entrance had been identified.

Mr. Langille said that they had not identified the construction entrance yet. He said that VDOT determined the threshold or level of vehicle traffic that could enter and exit a construction site. He said that they could communicate with VDOT to find a solution that prevented large construction vehicles from passing through the neighborhood during the construction process.

Ms. McKeel said that she observed that construction activity, particularly in neighborhoods near Route 250 and Route 240, often led to traffic congestion. She said that one day, she spent nearly eight hours in her car monitoring traffic patterns in these areas during both early morning and evening hours. She said that during this time she noticed that construction was taking place at what appeared to be an old house. She said they were using an old gravel road for access, which caused significant mud. She said it would be beneficial if they could ensure that construction access did not pass through neighborhoods.

Mr. Gallaway said that there appeared to be some confusion regarding the Route 240/250/680. He asked if staff could provide information about what was coming for those. He asked for an update as to what was planned.

Mr. Kevin McDermott, Deputy Director of Planning, said that the Route 240/250/680 intersection, located near the trestle, was funded through a CIP grant several years ago. He said that there were numerous delays that occurred at the beginning of the COVID-19 pandemic. He said that although they wished it would have been completed by now, it was not. He said that this intersection was included in what was known as the Albemarle Bundle 2, which was a collection of VDOT projects consisting of several roundabouts throughout the County. He said the bundle had already been put out for bidding, and construction was scheduled to commence at the end of the next fiscal year. He said that the project should begin in summer 2025.

Mr. Gallaway asked what the cost for the project was.

Mr. McDermott said that he believed that the cost was approximately \$4 million; however, it was difficult to determine now because it had been combined with numerous other projects in an attempt to save money.

Mr. Gallaway said that for the Eastern Avenue Connector, this had come up before and he remembered what they had heard in the last transportation report. He said that he never really delved into that with questions. He asked about the increase in costs for that, whether they were due to contingency factors or actual numbers. He said that they had had numerous projects where contingencies had driven up costs.

Mr. McDermott said that the increase in cost, which raised the total from approximately \$20 million to \$39 million, was due to both contingency and construction expenses. He said that this occurred during the period of rapid inflation experienced just a few years ago.

Mr. Gallaway said that it was possible that the contingency estimate was not entirely accurate.

Mr. McDermott said that he agreed with that assessment. He said that among the County officials, including engineering teams and FES (Facilities and Environmental Services), there was considerable skepticism regarding the \$40 million price tag. He said that they needed to conduct further analysis to determine the actual cost more accurately. He said that they could not definitively state what the cost would be; however, they did not believe that it would reach as high as \$40 million.

Mr. Gallaway asked where the project would be placed under the new SMART SCALE rankings.

Mr. McDermott said that they had not developed a SMART SCALE application for this project because they did not believe it would be highly competitive under the SMART SCALE scoring criteria. He said that there have not been significant safety issues identified that would be resolved. He said that there was not substantial economic development in the area where that road would pass through that would contribute to a high score. He said there was not a considerable amount of congestion that had been identified in that area. He said that due to these factors, they did not think it would achieve a high score under SMART SCALE.

Mr. Gallaway said that they would be left with Revenue Sharing or a similar solution to implement. He said that this was a significant project which would not have access to SMART SCALE.

Mr. McDermott said that was correct, and that they applied for Revenue Sharing funding for this project, which resulted in a \$20 million cost estimate. He said that they were awarded \$8.1 million from the state before discovering the cost had increased to \$40 million. He said that upon learning of the increased cost, VDOT stated that they could not commence work until fully funded at \$40 million. He said that they paused the project. He said that their staff continued to work toward securing funding and identifying an implementation vehicle for this project.



Mr. Gallaway asked if speed studies had been conducted in Park Ridge or along these roads.

Mr. McDermott said that they had completed them in Park Ridge, and they had identified that excessive speeding was an issue on this road. He said that they had collaborated with the Albemarle County Police Department (ACPD) to conduct additional enforcement in the area and were exploring opportunities for implementing traffic calming measures primarily along Park Ridge from Eastern Avenue up to the bridge. He said that they would like to address this issue and had taken into consideration the concerns raised by local residents. He said that they acknowledged that speeds were too high on this road and were committed to finding a solution.

Mr. Gallaway asked if the community had completed the community steps required to achieve the threshold that VDOT typically desired for traffic calming. He asked if the threshold was not necessary because VDOT believed that traffic calming was a good idea.

Mr. McDermott said that the traffic calming study had not yet commenced, and this was when they would begin to try to get that public support. He said that to initiate certain aspects of the study, they required additional funding. He said that an engineering review was necessary before proceeding with the traffic calming plan. He said that once funding was secured and the review completed, they would engage with neighbors. He said that all other steps had been completed to progress the traffic calming plan.

Mr. Pruitt said that he was curious about the information they had received regarding their housing buildout, which appeared inconsistent with his own perception of the housing situation in the County. He said this included reports from the County, such as those included in this development submission, which indicated that they had not achieved their 2040 goals. He said that he would like to inquire if any staff member could provide insights into their current housing buildout status and verify whether some of the public comments were accurate in this regard.

Mr. McDermott said that they conducted the land use buildout analysis in 2022. He said that they examined both pipeline projects that had been approved but not yet built and those under review. He said that they found that approximately 10,000 new units were in the pipeline. He said that they also assessed all land within the County's Development Area, considering future land use recommendations for each parcel while excluding areas with environmental constraints. He said the high-level assessment provided them with the theoretical maximum buildout capacity for Albemarle County's Development Areas. He said when the number of existing approved and unbuilt homes plus the build-out analysis was combined, they estimated that they could fit around 24,000 homes in the Development Area.

Mr. McDermott said that to determine the actual housing need over the next 20 years, they hired a consultant to analyze the situation. He said that their findings indicated that Albemarle County required approximately 13,500 new homes to meet its housing needs during this period. He said that this number had not yet been approved but highlighted the difference between their theoretical buildout capacity and their actual requirement. He said that this buffer was necessary because they understood that most of the land in question would not be developed at the rate suggested in the Comprehensive Plan, due to historical growth rates and development patterns in the County.

Mr. Pruitt said that they had approximately 2.2 acres designated as middle density, which was considered a high-density area. He said that this density was not included in the current proposal. He said that there was a failure to achieve maximum land use buildout according to the land use buildout plan, even within this development, as this project was underperforming that target. He said that this was why the buffer was necessary.

Mr. McDermott said that the buffer was also necessary for maintaining low housing prices and addressing geographically diverse housing needs throughout the County. He said that building housing in one area of the County did not fully address the housing requirements of the entire County.

Ms. LaPisto-Kirtley said she understood that the recommendation was for 122 homes. She asked if that was the maximum amount or if it could be lower since some aspects had not been finalized yet.

Mr. Langille said that was correct.

Ms. LaPisto-Kirtley said that Habitat for Humanity would build 12 homes. She said it was challenging for affordable home sales since many people could not afford them, but Habitat for Humanity's model worked well for home sales. She said that some homes would be rentals. She said she wanted to clarify the Wickham construction concern. She said that construction trucks would enter either Park Ridge or Route 240, not through Wickham.

Mr. Langille said he agreed that it would be impractical for a dump truck to go through two residential streets in Wickham. He said the applicant could rather obtain a driveway permit from VDOT for access via Route 240 or Park Ridge Drive, which were wider roads than Wickham Way.

Ms. LaPisto-Kirtley said that the addition of the connector road through Wickham in the other development made more sense, as residents in that development would likely access Park Ridge or Route 250 by going through this new development rather than exiting through their own development. She said that it appeared that the Eastern Avenue Connector was not expected soon.

Mr. Langille said that he believed that for the full buildout depicted in the plan, it was still a ways

off.

Ms. LaPisto-Kirtley said that she appreciated Mr. McDermott's mention of the need for a buffer, as all these projects were never fully built out. She said it was part of the Board's problem in not fully building out what could be built out in their Development Areas.

Mr. Andrews said that he had two avenues of questions for the staff. He said that his first question was about the shared-use path and the importance to their catalyst projects of its implementation. He said that he was specifically curious about the amount of additional shared-use path required to reach Crozet downtown. He said that he was interested in understanding how this contributed to the entire pathway, given that they had heard about piecemeal approaches.

Mr. Langille said that in terms of linear feet from these parcels to Crozet Avenue, it was approximately 10,000 linear feet, which was almost two miles. He said that for this specific segment of the shared-use path identified in the master plan as the catalyst project, it extended from the intersection of Park Ridge Drive to the primary entrance road in the Highlands. He said that in total, this amounted to approximately 7,500 square feet.

Mr. Andrews said that he was interested in more information about the plans for accomplishing the catalyst project from this point forward. He asked specifically about how this project would be executed. He said that he was curious if it was primarily through development or if there were additional plans in progress.

Mr. McDermott said that currently, they did not have any pending applications or anything similar to complete this. He said that the proposed development in this area was just a small portion of the total shared-use path along Three Notch'd Road that they intended to complete. He said that staff considered this part to be a key part because it connected to Park Ridge Avenue. He said that once it reached Park Ridge Avenue, they were able to get people off of Three Notch'd Road because there would be a full connection along Park Ridge that led all the way downtown to Crozet Avenue.

Mr. McDermott said that the pending development of Barnes Lumber, Hilltop Street would become a segment of Park Ridge, allowing for seamless passage from Park Ridge through Eastern Avenue, Hilltop, and finally to Crozet Avenue, High Street, and other destinations. He said that staff believed this was a key piece of it.

Mr. McDermott said that directly adjacent to this area on a portion of Wickham Pond was another missing segment that they wished to see constructed. He said no development proposal had been submitted for this area yet; however, if one were to be submitted, they would require the developers to build that segment. He said that there was already another segment built beyond that in the existing portion of Wickham Pond.

Mr. McDermott said that they currently had no applications pending or immediate plans to fund the completion of this project through a CIP (Capital Improvement Plan) project or any other means. He said that although their budget was limited, this project was considered a high priority. He said it was ranked highly in their transportation priority report that he had presented to them all in the fall. He said that they recognized its importance and intended to continue moving forward with its completion.

Mr. Andrews asked if there was a proposed or existing sidewalk on Park Ridge.

Mr. McDermott said that there was not any facility on this segment of Park Ridge. He said that there would be bike lanes on the new portion of Park Ridge built from Eastern Avenue over to Hilltop Connection. He said that as part of the traffic calming study he discussed with Mr. Gallaway, they would like to explore a way to incorporate bike lanes into that segment, which would bring them up just south of the railroad.

Mr. McDermott said that this would bring them closer to achieving their goal. He said that bike lanes were easier to construct than shared-use paths; therefore, they might be feasible for implementation in this area. He said that they could potentially work with VDOT to include them in their paving program.

Mr. Andrews said he had questions about the Crozet Master Plan's vision. He said that Crozet seemed to be developing into a residential community but questioned whether it was intended to be a destination for work as well. He said they had heard comments from people about live/work. He said that a lot of people who lived in Crozet had to commute to Charlottesville because there was not that in Crozet, and he asked whether the master plan had addressed this. He asked if there were challenges in finding suitable locations or businesses willing to locate there, and what has happened with Crozet that way.

Mr. McDermott said that they recognized that residential development had been constructed in Crozet much faster than commercial or retail or anything else. He said that they would like to see it become much more of a mix. He said that they had not seen the development proposals that had come forward to achieve that. He said that as the applicant mentioned, there was a section in Wickham Pond that had been sitting unbuilt and was slated for mixed-use development.

Mr. McDermott said that with Barnes Lumber moving forward, one of the high priorities with that project was to do non-residential development in the downtown area. He said that there was very little

residential approved in Phase 1 for that project; it was supposed to be primarily commercial. He said that they continued to look for ways to get new commercial development. He said that there was some new commercial space that had recently been built in Old Trail as well. He said that they recognized this issue, and the Comprehensive Plan recognized this as well. He said that they would like to see more mixed-use development and job creation in Crozet, which they considered a high priority.

Mr. Andrews asked if they had gathered any information that could provide insight into the experiences of individuals who commute into Crozet for work due to their inability to afford living there. He said he was attempting to comprehend the affordable housing situation specifically concerning Crozet rather than for the entire County.

Mr. McDermott said that he was not certain if they had an analysis that would address that issue.

Ms. McKeel said that most of the traffic she observed in the mornings that was heading toward the daycare center was coming off of Route 240 and entering. She said that although it was anecdotal, she suspected that many people were coming from Wickham Pond and dropping their children off at the daycare center before leaving. She said that if they were to establish this connection, it might potentially make it a little easier for people. She said that it was interesting to observe that many individuals who were going to the daycare center arrived via Route 240.

Mr. McDermott said that this was the reason why they required these types of connections; they aimed to provide people with multiple options for reaching their desired destinations. He said that this was the rationale behind this requirement.

Ms. McKeel said that during her drive, she noticed that after crossing the bridge, the road was very wide. She said that Eastern Avenue itself was also quite wide, featuring ample sidewalks along its length. She said that her main point was that wider roads tended to encourage faster driving speeds, which could potentially create safety concerns. She asked what other development was occurring on the other side of Eastern Avenue.

Mr. McDermott said that Eastern Avenue abutted the old Acme Visible Records site. He said that in the previous Crozet Master Plan, there was a recommendation to have the full connection from Route 240 to Route 250 along Eastern Avenue. He said that several years ago, they were informed that it was impractical to be able to construct the northern segment at this time due to the ongoing remediation. He said that it would take some time to get to the northern portion, and they were focused on the southern portion.

Ms. McKeel said she had one final question. She asked if staff would be willing to address the topic of completing infrastructure before approving new developments.

Mr. Herrick said that the Attorney General believed there could not be moratoriums against development based on infrastructure because each individual development needed to be considered on its own merits. He said that consequently, the Board could not make blanket denials of applications based on perceived faulty infrastructure; instead, they must make decisions on a case-by-case basis.

Ms. Mallek said that they were doing the case-by-case tonight. She said that no one was trying to get anything else.

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Mr. Andrews closed the public hearing and brought the matter back before the Board.

Ms. McKeel said that she was supportive of this project, and that it was consistent with the Crozet Master Plan's land use. She said that the proposal was consistent with all of the neighborhood model principles. She said that parking was mostly met, and that that was one that was not considered complete. She said that it included transportation improvements as recommended by the Crozet Master Plan. She said that it provided 15% affordable housing consistent with current requirements, featuring 18 units for affordable housing purposes. She said that the vehicular and pedestrian connectivity was appreciated, along with green space and recreational improvements. She said that sidewalks, trails, and multiuse paths along Route 240's frontage were included.

Ms. McKeel said that the development accomplished the necessary density goals while offering a mix of unit types often discussed by the Board. She said that she had lived in an efficiency combination apartment, just a small efficiency unit, when she first moved there in 1975, located off Lamb's Road. She said that she believed they needed more of this type of diverse housing. She said that this approach contributed to creating a cohesive network for bikes, pedestrians, and trails in Crozet's development area. She said that it adhered to the County's WPO.

Ms. McKeel said that the only additional point she wanted to make was that there had been concerns about schools. She said that Crozet Elementary School had recently received an addition. She said the elementary schools and middle school in this area were not overcrowded. She said that although Western Albemarle High School (WAHS) was slightly over capacity, there was good news. She said that Center 2, which had already been approved for construction on the Lamb's Lane campus, would reportedly accommodate up to 120 students from WAHS when it opened in approximately two years. She said that WAHS would have sufficient capacity due to the School Board's plan for implementing the Center model.

Mr. Gallaway said he had one issue related to the TIA for smaller projects. He said that in some cases these projects had been deemed too small to warrant a full analysis. He said he believed that this project served as a reminder of East Rio 999, where a similar smaller project was initially deemed to have minimal impact. He said that when combined with other developments in the area, such as Rio Point or Parkway Place, now that the commercial piece had been removed and it was all residential, that that was the catalyst to getting things done. He said that saying no to this application does not all of the sudden make the bigger issues go away.

Mr. Gallaway said that there were solutions out there that were needed. He acknowledged that this may be difficult for some to accept, but that sometimes getting these developments in place was necessary to secure the necessary infrastructure improvements due to the way state funding was allocated for such projects.

Mr. Gallaway said that the Eastern Connector had not yet reached a threshold that VDOT would consider significant enough for approval, but that SMART SCALE would be necessary for such a large-scale projects costing \$30 million or \$20 million. He said he wished VDOT would find a way to assist in completing these projects without solely relying on reaching a tipping point that caused further suffering until the project was implemented. He said this was the current situation they faced, and he appreciated the concerns of Crozet residents regarding these broader issues, which existed Countywide. He said that the County was working to address these problems.

Mr. Gallaway said that he could provide examples of developments he voted against in his district that had since allowed him to help establish necessary infrastructure. He said that in regard to this specific project, questions had arisen about why he would vote in favor of it. He said that whenever he cast a vote, even in situations where there were few attendees, he always explained his reasoning. He said that when evaluating projects, he considered their individual impacts and any mitigating factors that could help address those impacts.

Mr. Gallaway said that for the school piece, the School Division had decided to adopt the Center model in order to reduce high school seats. He said that Center 1 had already been constructed, while Center 2 had recently been approved to continue its development for the high school seats. He said that he was trying to address some points raised during public comment. He said that the past behavior of developers should be considered; however, this should not overshadow the fact that Mr. Cetta had a history of creating well-executed developments throughout the County. He said that while there had been issues in the past, such as the water problem, it was essential to acknowledge the developer's overall track record of responsible development.

Mr. Gallaway said that regarding Park Ridge Drive, if speeding issues arose, community members must address their neighbors who contributed to the problem. He said that the community should come together to decide whether traffic calming measures were necessary. He said that he was prepared to assist in implementing traffic calming measures if needed, because that sounded like it was more internal to that neighborhood than this spilling out onto Route 240.

Mr. Gallaway said that big picture items had been discussed regarding transportation issues. He said that this particular project had reached a tipping point of frustration for the community, which had been acknowledged. He said that as larger transportation projects came before the Board, just like he had done in the Rio and Pantops areas, for projects that had been exacerbated by the Board's approval of developments, to give renewed focus and energy to that to try to figure those problems out.

Mr. Gallaway said that signalization optimization on Route 250 was a good idea, although its feasibility was uncertain due to the scattered nature of the project. He said that affordable housing was a significant challenge in the County due to the cost of getting each one over the finish line. The only way to do it was with Habitat's involvement or having the County purchase land to eliminate the cost of the land for the structure that went on top of it. He said that the County did not buy land for that purpose but was beginning to consider it. He said that the project's inclusion of affordable home ownership units was commendable, and he would be supportive of this project.

Ms. Mallek said that timing was everything in many things, and that she agreed with Mr. Gallaway that this was a frustration tipping point. She said that it was only the last of many over 15 years of concern by neighbors as roadways had been built and the kinds of issues of safety that people were seeing now. She said that no one had been more hopeful than she regarding progress on traffic and safety issues. She said that residents had been seeking solutions long before the COVID-19 pandemic. She said that issues such as cut-through traffic in West Hall neighborhoods leading to Eastern Avenue, speed control, and multiple speed studies had been extensively examined by their Police Department. She said that none of these studies had met the stringent requirements set by VDOT for these types of improvements. She said that the traffic calming process had been difficult and she did not want to pretend that finding a solution would be easy if this went forward.

Ms. Mallek said that the catalyst project of the shared-use path was indeed small compared to what was truly needed. She said that Highlands residents had been advocating for years to create a genuine connection for biking and alternative transportation methods to reach downtown. She said that the County had already invested millions in the downtown Crozet area, which would continue until that project has achieved success.

Ms. Mallek said that the downtown project's funding would not be halted halfway through to accommodate a \$5 million roundabout located two miles away from the town center. She said that this

area was situated at the edge of the growth area on the northern side, with conservation land acquired under the ACE (Acquisition of Conservation Easements) program across the street. She said that state funding had been provided to protect water quality in Beaver Creek, which served as the drinking water source for the entire community.

Ms. Mallek said that this area had become a work destination, and that since the initial master plan in 2005, there had been concerns regarding the imbalance between job opportunities and residents in Crozet, leading to frustration among community members who had to drive to Waynesboro or Charlottesville for work. She said that this area had attracted people from distant locations who could work remotely and manage their businesses from home, which was a significant advantage for them. She said that this had led to an increase in residents seeking infrastructure improvements, such as sidewalks, that were part of the master plans for 15 years.

Ms. Mallek said that JB Barnes marked the first downtown rezoning with a strong commercial focus. She said that the entire Phase 1 consisted of commercial spaces with minimal third-floor residential units. She said that this development presented an opportunity, but they must remain focused and continue investing to ensure its success. She said that relying solely on hope was not a viable plan. She said that it would be misleading to continually assure Crozet residents that these projects would be completed next year without signed contracts in place. She said that those things would come when they were ready, but they were not ready yet.

Ms. Mallek said that they were not prepared for Eastern Avenue's price change. She said that this had significantly impacted attention on this rezoning and others to follow because 1,000 cars a day from Montclair represented a considerable amount of additional traffic. She said that this traffic would spread out to the south and west, as well as to the east, as people needed to get to work in various locations.

Ms. Mallek said that whether they chose to take I-64 over the mountain or Route 250 going west over the mountain or find alternative routes. She said that numerous neighborhoods were used by people trying to navigate through town to get their children to school or daycare and themselves to work. She said that emergency services were threatened, and equitable access to schools was compromised when traffic for Crozet Elementary backed up all the way to the rescue squad every morning due to parents dropping off their children. She said that these issues were serious, and all stakeholders, from citizens to staff, were working to address them. She said that they had not yet found a solution.

Ms. Mallek said to think about the traffic back-ups that happen during graduation ceremonies, and that that was the kind of consequences that residents faced on a regular basis. She said that every district had similar problems, but imagine if they were much more frequent than a couple of times a year for events like Foxfield or move-in day or the Friday before holidays on Route 29 North. She said that she could not support this proposal due to these reasons.

Mr. Pruitt said that he agreed with Mr. Gallaway's point that establishing one's reasons for supporting or opposing things was important. He said that being new on the Board, his track record was limited for people to see how he thinks. He said he aimed to be as clear as possible about the factors he considered particularly persuasive or compelling, those he deemed not persuasive or compelling, and those that weighed in favor.

Mr. Pruitt said that he would like to address some critiques that he did not find particularly persuasive or compelling. He said that legalist critiques using the Comprehensive Plan or other things were not compelling. He said that their legal department would have invalidated this project and that it would not have made it to this stage if it was noncompliant with the Comprehensive Plan. He said there were several reasons that they had already discussed why this was not a valid point.

Mr. Pruitt said that he was grateful that no critiques around neighborhood character were raised, as they had faced such critiques for this development and others in the past. He said that this critique was not persuasive.

Mr. Pruitt said that it was inconsistent with his own lived reality and the lived reality of many others with the reflected severe cost burden that was experienced throughout the County with many individuals paying more than 30% of their income on rents higher than all of the County's neighbors. He said that he did not find it persuasive to suggest that they did not have an adequate supply of affordable housing either in the pipeline or constructed, and that just was not correct.

Mr. Pruitt said that the critiques of this project that he found immensely compelling and that he had listened to closely focused on missing infrastructure, particularly pedestrian and bicycle access. He said that they had not provided such access, due to funding issues, in a way that was consistent with the development of a quasi-urban hub in Crozet. He said that he used to live in suburban Maryland, where he could walk or jog 15 miles across the city and into suburban and rural areas of Virginia on the other side without leaving a sidewalk. He said that local governments could achieve this. He said that they owed people living in Development Areas to build out these pedestrian and multi-use connectors over time. He said he had consistently emphasized this point. He said he appreciated the concerns raised about Park Ridge being a dangerous road, especially the part they were considering. He said that when visiting areas under consideration in the County, he tried to visit them on foot and walk around to experience them. He said that he crossed this street back and forth several times on foot. He said that even at odd hours when no one was on the road, it was still frightening because of the fast-approaching vehicles around the blind curve. He said that pulling out of this neighborhood could be challenging and potentially dangerous.

Mr. Pruitt said that school overcrowding was indeed a serious issue. He said that he always wanted to ensure that they referenced the hardest data they could. He said that he was appreciative that people did not attempt to introduce anecdotal data about school impacts and instead focused on the provided data. He said that he recognized that there were future mitigating plans for this issue, which he considered strongly. He said that the stream impacts caused him to hesitate.

Mr. Pruitt said that regarding a broader perspective, there was the original issue of Crozet: they had created an urban community that could not support its population through employment opportunities. He said this made it difficult for them to meet their climate goals as they continued to develop Crozet residential areas without the necessary economic amenities.

Mr. Pruitt said that as they voted on this project, it was important to understand that voting against it would not resolve most of the issues at hand. He said that some of these concerns could be slightly mitigated by voting in favor of the project. He said that the decision would make it easier for them to seek SMART SCALE funding and it would increase their tax base to pay for sidewalks and shared-use paths, albeit minimally and incrementally. He said the development would attract more people who could potentially show grocery stores like Whole Foods or Lidl that the location was convenient for them. He said that as the population increased, it became more appealing for these businesses to consider setting up there.

Mr. Pruitt said that while it was true that there were no gains for neighbors from this project, there was value in fostering community and neighborly relationships. He said that neighbors and community could be seen as an amenity in themselves, which was an important factor to consider in favor of this project. He said that with more families moving in, there would be 14 additional children in the neighborhood, providing more opportunities for local children to play together.

Ms. LaPisto-Kirtley thanked everyone for coming out and said that they lived in a very desirable area. She said that many people would love to live in Crozet; however, economically, more needed to be done to improve the area. She said that this could be achieved through increased development and attracting more residents, which in turn would encourage businesses to set up shop in their town. She said that they would not come to an area where there was not a larger population, and that their population had grown significantly. She said that with that, they had gotten some amenities.

Ms. LaPisto-Kirtley said that one of the issues frequently brought up by residents was the lack of sidewalks and shared-use paths. She said that in the past, sidewalks were not required in their area, and many residents did not want them. She said that this had changed over time, and now there was a demand for better infrastructure. She said that the County was working toward providing these amenities, albeit at a slow pace.

Ms. LaPisto-Kirtley said that regarding the Comprehensive Plan, they verified that the development really did check a lot of the boxes. She said the inclusion of affordable Habitat homes was particularly important as it offered residents the opportunity to purchase homes rather than solely renting properties.

Ms. LaPisto-Kirtley said that in terms of traffic concerns, particularly speeding issues, transportation was indeed one of the most significant challenges faced by the County. She said this was a widespread problem in all districts across the County. She said that some drivers were simply not adhering to speed limits or driving safely. She said that as a community member, they could petition VDOT for speed bumps. She said she supported this project and believed it was a good project.

Mr. Andrews said that he would like to express his appreciation for the numerous positive aspects of the project that had been mentioned, such as the Habitat homes, shared-use path, variety of housing, and neighborhood model densities being adjacent. He said that he had concerns and questions about certain aspects of the project, like the roundabout's implementation.

Mr. Andrews said that they did need housing, but he was not supportive at this time due to concerns about the project's alignment with the Crozet Master Plan's vision for a more comprehensive community rather than just a bedroom community. He said that he believed that they should not remove existing industrial areas for more housing when they were not yet ready for it.

Mr. Andrews asked if there was a motion.

Ms. McKeel **moved** that the Board adopt the Ordinance, Attachment D, to approve the Zoning Map Amendment for ZMA 202000-012 Montclair.

Mr. Pruitt **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. McKeel, and Mr. Pruitt.  
NAYS: Mr. Andrews and Ms. Mallek.

ZMA 2020-00012

AN ORDINANCE TO AMEND THE ZONING MAP FOR  
PARCELS 05600-00-00-091A0 AND 056E0-00-00-00200

**WHEREAS**, an application was submitted to rezone 14.9 acres on Parcels 05600-00-00-091A0 and 056E0-00-00-00200 from Rural Areas (RA) and Light Industry (LI) to Neighborhood Model District (NMD); and

**WHEREAS**, on September 26, 2023, after a duly noticed public hearing, the Planning Commission recommended approval of ZMA 2020-00012;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the transmittal summary and staff report prepared for ZMA 2020-00012 and their attachments, including the Code of Development last revised April 13, 2023 and the information presented at the public hearings, any written comments received, the material and relevant factors in Virginia Code § 15.2-2284 and County Code § 18-20A.1, and for the purposes of public necessity, convenience, general welfare, and good zoning practices, the Board hereby approves ZMA 2020-00012 with the Code of Development entitled “Montclair | Code of Development: A Neighborhood Model District,” dated September 21, 2020, last revised on April 13, 2023.

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**Code of Development**  
The following is a Code of Development (“COD”) drafted in accordance with Section 20A.5 of Chapter 18 of the Code of Albemarle, Virginia. This COD is specific to tax map parcels 56-91A and a portion of 56E-2 and establishes the unifying design guidelines, specific regulations, and block characteristics within this Neighborhood Model District (NMD) known as Montclair. The COD also provides certainty about the permitted uses, locations, and appearance of central features.



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**Block Character Descriptions**

Block 1

Block 1 consists of a substantial landscape buffer along Route 240 and features a mixture of unit types and sizes. Block 1 is proposed to contain the highest residential density in the Montclair NMD. The residential units are to be accessed by a road network, which provides the framework for short, walkable blocks and pockets of greenspace and amenity areas.

Block 2

Block 2 establishes the opportunity for neighborhood-scale commercial and residential uses. Neighborhood-scale commercial uses are dictated by this Code of Development, which includes the provisions for office space, restaurants, and retail services. Block 2 extends east of tax map parcel 056E0-00-00-002A0, a site with an existing daycare facility. Because the Code of Development allows a daycare use in Block 2, there is an opportunity for the existing daycare facility to utilize this additional land in the NMD for future preschool expansion.

Block 3

Block 3 is a residential block, positioned furthest away from Route 240 and Park Ridge Drive. As Block 1 and 2 establish higher densities, additional commercial uses, and a variety of residential unit types and sizes, Block 3 is imagined to build-out larger units in the development, at a lower density. These units are anchored by a central greenspace and back up to protected environmental features in Block 4.

Block 4

Block 4 is proposed as a conservation area and is to be utilized as a community open space with passive recreational amenities.



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TABLE A. Uses				
	BLOCK 1	BLOCK 2	BLOCK 3	BLOCK 4
<b>RESIDENTIAL</b>				See note 3 below
Single-family detached dwellings, attached single-family dwellings such as two-family dwellings, triplexes, quadruplexes, townhouses, and townhouses with accessory apartments	BR	BR	BR	
Multifamily	BR	BR	N	
Group Homes	BR	BR	BR	
Boarding Houses	BR	BR	BR	
Home Occupation Class A	BR	BR	BR	
Family Day Home	BR	BR	BR	
<b>NON-RESIDENTIAL</b>				
Office	N	BR	N	
Light Industrial	N	N	N	
Retail Sales and Service	N	BR	N	
Barber, beauty shops	N	BR	N	
Health Spas	N	BR	N	
Child day centers (reference 5.1.06)	N	BR	N	
Tailor, seamstress	N	BR	N	
Restaurants	N	BR	N	
Financial Institutions	N	BR	N	
Religious Assembly Use	BR	BR	BR	

“BR” = “By-right”  
“SP” = “Special Use Permit”  
“N” = “Not Permitted”

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	BLOCK 1	BLOCK 2	BLOCK 3	BLOCK 4
Hotel	N	BR	N	See note 3 below
Farmers' markets (reference §18-5.1.47)	N	N	N	
Car Washes	N	N	N	
Automobile, Truck Repair Shops	N	N	N	
Machinery and equipment sales, service, and rental	N	N	N	
Manufactured home and trailer sales and service	N	N	N	
Motor vehicle sales, service and rental	N	N	N	
Wholesale Distribution	N	N	N	
Sale of major recreational equipment and vehicles	N	N	N	
Storage Yards	N	N	N	
Drive-through windows	N	N	N	
Water, sewer, energy and communications distribution facilities	BR	BR	BR	
Accessory uses and buildings including storage buildings	BR	BR	BR	
Temporary construction headquarters and temporary construction storage yards (reference §18-5.1.18)	BR	BR	BR	
Temporary industrialized buildings (reference §18-5.8)	N	N	N	
Public Uses (reference §18-5.1.12)	BR	BR	BR	
Tier I and Tier II Personal wireless (reference §18-5.1.40)	BR	BR	BR	
Stand alone parking	N	N	N	
Notes to Table A:				
1. A minimum of two housing types shall be provided in Montclair.				
2. Hotel use is limited to no more than 20 guest rooms.				
3. Permitted uses and activities shall comply with the Albemarle County Zoning Ordinance, Chapter 17, Article VI, Stream Buffers as applicable within established buffer areas.				
4. Any use not expressly permitted by Table A may be permitted upon a determination by the zoning administrator pursuant to Sec. 18-8.5.2(c)1 of the Albemarle County Zoning Ordinance.				

“BR” = “By-right”  
“SP” = “Special Use Permit”  
“N” = “Not Permitted”

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TABLE B. SQUARE FOOTAGE				
	BLOCK 1	BLOCK 2	BLOCK 3	BLOCK 4
MIN Non-Residential Square Footage	0	0	0	0
MAX Non-Residential Square Footage	2,000	16,500	2,000	0
Notes to Table B: 1. The maximum non-residential square footage in Montclair is limited to 16,500 SF; therefore, blocks that permit non-residential square footage may not be permitted to build the maximum square footage allocated per block if the maximum non-residential square footage in the NMD has been reached.				

TABLE C. RESIDENTIAL DENSITY				
	BLOCK 1	BLOCK 2	BLOCK 3	BLOCK 4
Approximate Block Area (AC)	5.7 (Gross) 4.8 (Net)	2.8	3.6	2.8
MIN Residential Units	28	8	10	-
MAX Residential Units	85	16	21	-
	57 units			
	28 bonus units <sup>2</sup>			
MAX Block Density (DUA)	15 (Gross) 18 (Net)	6	6	-
Notes to Table C: 1. Total number of residential units in Montclair not to exceed 122. 2. If provided, bonus units shall be achieved through providing additional affordable housing (beyond the 15% Affordable Housing Requirement), or through the construction of small-scale housing types; small-scale housing types include, but are not limited to, bungalow courts, small and medium multiplexes, accessory dwelling units, live/work units, small single family cottages, and tiny houses. 3. The area of the blocks may vary by 10%.				

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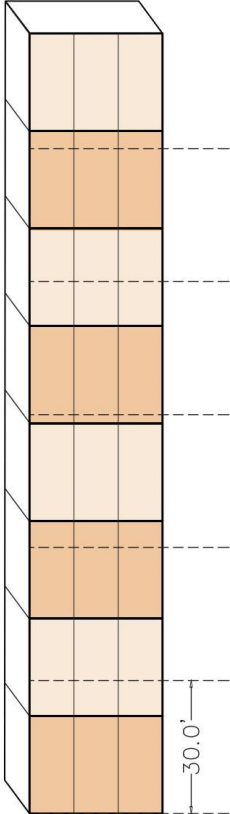
TABLE D. GREENSPACE & AMENITIES					
	BLOCK 1	BLOCK 2	BLOCK 3	BLOCK 4	TOTAL
Approximate Block Area (AC)	5.7	2.8	3.6	2.8	14.9
Amenity Area MIN SF	5,000	1,049	1,800	121,960	129,809
Amenity Area MIN %	2.0%	0.9%	1.1%	100%	20%
Amenity Characteristics	Passive & active recreational opportunities; sitting garden, central pocket park, walking path, multi-use path, community garden	Passive & active recreational opportunities; sitting garden, walking path, community garden	Passive & active recreational opportunities; sitting areas, landscaping	Walking paths, bike paths, landscaping, natural amenities	
Green Space MIN SF	5,000	1,049	1,800	121,960	129,809
Green Space MIN %	2.0%	0.9%	1.1%	100%	20%
Green Space Characteristics	Grass/other vegetation, landscaped areas, required yards, community garden, sitting garden, landscape buffer	Grass/other vegetation, landscaped areas, required yards, community garden, sitting garden, landscape buffer	Grass/other vegetation, landscaped areas, required yards	Vegetative Buffer, stream	
<b>Notes to Table D:</b> 1. Multi-use path improvements dedicated to public right-of-way may count towards the minimum amenity square footage requirements in Block 1 and within Montclair. 2. Amenities listed in Table D provide an overview of potential amenity improvements; this list is not exhaustive and final amenities will be determined at site plan. 3. Per Section 3.1 of the Albemarle County Zoning Ordinance, uses in green space may include, but are not limited to, stormwater areas, wooded slopes, graded & revegetated slopes of 25% to 50%, required yards on both residential & non-residential lots, landscaped areas, landscaped islands in parking lots, and other land covered in vegetation. Where areas for amenities are vegetated, amenities, such as in parks and playgrounds, shall be included in required greenspace calculations.					

TABLE D1. RECREATIONAL EQUIPMENT & FACILITIES ALTERNATIVES	
Section 4.16.2 Minimum Facilities	Alternative Facilities
Minimum 2,000 sq. ft. tot lot	<ul style="list-style-type: none"><li>Natural Playscape (≥ 2000 sq. ft.)</li><li>Community Gardens</li><li>Pedestrian Trails</li><li>Bike Trails</li></ul>
1/2 basketball court	<ul style="list-style-type: none"><li>Active Recreation Areas</li><li>Picnic Shelter</li><li>Bocce Ball Court</li></ul>
<b>Notes to Table D1:</b> 1. The alternative equipment & facilities provided are non-exhaustive and are meant to provide a general framework for potential equipment & facilities substitutions that may be pursued at site plan.	

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Architectural Standards (Sections 20A.5g)

Form, Massing, and Proportion of Structures	Maximum Facade Segment Length	No building facade <sup>1</sup> may extend for more than 30' measured horizontally, without a physical break or visual break in the plane of the facade
	Permitted Options for Articulating a Facade	Physical breaks in the plane of the facade (such as wall recesses and vertical and horizontal projections)
		Visual breaks in the plane of the facade, including material changes, texture changes, and detailing
		Roofline breaks, balconies, arcades, awnings, and canopies
Facade Treatments	Visibly discernible stories shall be achieved through the use of windows and/or building entries on each story, using varied building materials, special ground-floor design treatments, and other facade elements or other architectural details	
Building Facades in Blocks 1 & 2	Building facades facing Route 240 and Park Ridge Drive in Blocks 1 & 2 shall be designed as front building facades unless a landscape screening buffer is provided in accordance with §18-32.7.9.7.	
Prohibited Building Facade Materials	Aluminum siding, vinyl siding, unfinished/untreated wood siding	
Notes to Architectural Standards: 1. 'Building facade' pertains to a series of attached structures or one singular structure.		



Maximum 30' of horizontal length of building facade before a physical break or visual break in the plane of the facade



TABLE E. LOT & BUILDING REGULATION				
	BLOCK 1	BLOCK 2	BLOCK 3	BLOCK 4
<b>Building Height</b>				
Stories	1 Min - 3 Max	1 Min - 3 Max	1 Min - 3 Max	-
Height	45'	45'	45'	-
<b>Building Footprint (MAX)</b>				
Residential				-
Single-family detached dwellings, attached single-family dwellings such as two-family dwellings, triplexes, quadruplexes, townhouses, and townhouses with accessory apartments	1,500 SF	2,000 SF	2,500 SF	-
Multifamily/multiplexes	12,000 SF	5,000 SF	-	-
Non-Residential + Mixed Use				-
Commercial/retail	-	5,000 SF	-	-
Office/institutional	2,000 SF	16,500 SF	2,000 SF	-
<b>Setbacks</b>				
Front	5' Min	5' Min	5' Min	-
Side	5' Min	5' Min	5' Min	-
Rear	5' Min	5' Min	5' Min	-
<b>Notes to Table E:</b>				
1. Side setbacks apply unless the building shares a common wall				
2. Front setbacks shall be measured from the edge of the right-of-way or the exterior edge of the sidewalk, if the sidewalk is outside of the right-of-way.				
3. Building separation shall comply with all applicable USBC regulations & Section 4.11 of the Zoning Ordinance.				
4. Minimum and maximum building story ranges provided are for above grade stories.				
5. Accessory structures shall be a minimum of 5' from property lines.				

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**Parking Areas (Section 20A.5i(8))**

Parking shall be generally located as shown in Figure 4. Relegated parking from Route 240 and Park Ridge Drive are key design elements of the parking program shown in Figure 4.

Parking, stacking, and loading shall be provided in accordance with Section 4.12 of Chapter 18 of the Albemarle County Code except that the minimum required parking may be provided on-site off-street, on-street, or in a parking lot so long as the minimum number of parking spaces is provided within the NMD. Any off-site parking space provided must be within 350' of the building or area containing the use affiliated with the parking area to contribute to the minimum parking requirement.

**Landscape Treatments (Section 20A.5h)**

Landscaping and screening shall be provided in accordance with Section 32.7.9 of the Albemarle County Code. Plantings may be provided in the Virginia Department of Transportation right-of-way only as permitted by VDOT. Both evergreen and deciduous trees and shrubs of varying sizes will create a natural buffer along the Route 240 frontage and will be subject to Architectural Review Board approval. The Route 240 buffer shall be 100' in width, measured from the Route 240 edge of pavement.

Dumpsters and Dumpster Pads on the Property shall be screened pursuant to Section 4.12.19 of the Zoning Ordinance.

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**Sidewalks & Pedestrian Paths (Section 20A.5i(5))**  
Sidewalks and pedestrian paths shall be generally located per the Application Plan associated with this ZMA. Exact location of sidewalks and pedestrian paths will be determined at site plan.

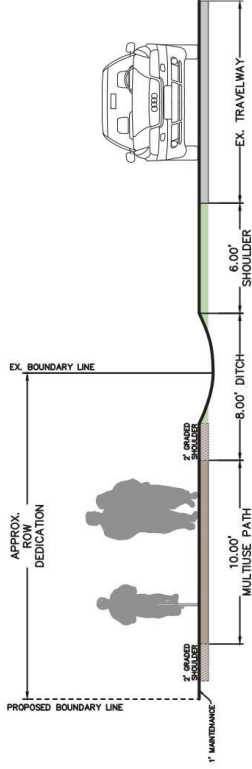
Sidewalks within the NMD must be constructed, at minimum, to VDOT standards. Sidewalks will be located generally as shown in Figure 5 of this Code of Development and as provided for in the Application Plan however, final sidewalk locations will be determined at site plan. Modifications to general sidewalk locations may be pursued at site plan so long as pedestrian connections providing comparable connectivity to the connections shown in Figure 5 are provided. The “comparable connectivity” of any modifications to the general location of sidewalk connections shown in Figure 5 shall be determined by the Director of Planning or its designee. In addition to the general locations shown in Figure 5 sidewalks will be constructed to provide safe and convenient pedestrian connections between parking areas and building entrances.

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Figure 5<sup>1</sup>



Figure 6<sup>1</sup>



1. Source: VDOT Road Design Manual, Appendix A(1); VDOT Complete Streets: Bicycle & Pedestrian Facility Guidelines, Bus Stop Design & Parking Guidelines, A(1)-24, 26  
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**AFFORDABLE HOUSING**

15% of the total residential dwelling units built within areas designated for residential use within the project shall be Affordable Dwelling Units (the “15% Affordable Housing Requirement”). The 15% Affordable Housing Requirement may be met through a variety of housing types, including but not limited to, for-sale units or rental units.

**For-Sale Affordable Dwelling Units:**

All purchasers of the affordable units shall be approved by the Albemarle County Office of Housing. A for-sale Affordable Dwelling Unit shall mean any unit affordable to households with income less than eighty percent (80%) of the area median income (as determined by the U.S. Department of Housing and Urban Development (HUD) from time to time) such that housing costs consisting of principal, interest, real estate taxes and homeowners insurance (PITI) do not exceed thirty percent (30%) of the gross household income. The maximum sales price shall be 65% of Virginia Housing’s maximum sales price/loan limit for the first-time homebuyer program. The Applicant or its successor shall provide the County or its designee a period of ninety (90) days to identify and prequalify an eligible purchaser for the for-sale Affordable Dwelling Units. The ninety (90) day period shall commence upon written notice from the Applicant, or its successor, that the unit(s) will be available for sale. This notice shall not be given more than sixty (60) days prior to receipt of the Certificate of Occupancy for the applicable for-sale Affordable Dwelling Unit; the County or its designee may then have ninety (90) days within which to provide a qualified purchaser for such for-sale Affordable **SHIMP ENGINEERING, P.C.**

Dwelling Unit. If the County or its designee does not provide a qualified purchaser during the ninety (90) day period, the Applicant or its successor shall have the right to sell the unit(s) without any restriction on sales price or income of the purchaser(s). This shall apply only to the first sale of each of the for-sale Affordable Dwelling Units.

**For-Rent Affordable Dwelling Units:**

1.) RENTAL RATES: The gross rent (meaning the unit rent plus tenant-paid utilities) for each rental housing unit which shall qualify as an Affordable Housing Unit (“For-Rent Affordable Dwelling Unit”) shall not exceed HUD’s affordability standard of thirty percent (30%) of the income of a household making eighty percent (80%) of the area median income (as determined by HUD from time to time). In each subsequent calendar year, the monthly net rent (meaning the unit rent minus tenant-paid utilities) for each For-Rent Affordable Dwelling Unit may be increased up to three percent (3%). The requirement that the rents for such For-Rent Affordable Dwelling Units may not exceed the maximum rents established in this Section shall apply for a period of ten (10) years following the date the certificate of occupancy is issued by the County for each For-Rent Affordable Dwelling Unit, or until the units are sold as For-Sale Affordable Dwelling Units.

2.) CONVEYANCE OF INTEREST: All deeds conveying any interest in the For-Rent Affordable Dwelling Units during the Affordable Term shall contain language reciting that such unit is subject to the terms of this Section. In addition, all contracts pertaining to a conveyance of any

the lots or units in such subdivision plat or site plan, unless such subdivision plat or site plan does not contain any residential uses. The Applicant, at the Applicant's option, may accelerate the provision of affordable units ahead of the 15% Affordable Housing Requirement and shall be entitled to receive credit on future subdivision plat(s) or site plan(s) for any such units provided beyond the 15% Affordable Housing Requirement.

For-Rent Affordable Dwelling Unit, or any part thereof, during the Affordable Term shall contain a complete and full disclosure of the restrictions and controls established by this Section. At least thirty (30) days prior to the conveyance of any interest in any For-Rent Affordable Dwelling Unit during the Affordable Term, the then-current Owner shall notify the County in writing of the conveyance and provide the name, address and telephone number of the potential grantee, and state that the requirements of this Section have been satisfied.

3.) REPORTING RENTAL RATES: During the Affordable Term, within thirty (30) days of each rental or lease term for each For-Rent Affordable Dwelling Unit, the Applicant or its successor shall provide to the Housing Office a copy of the rental or lease agreement for each such unit rented that shows the rental rate for such unit and the term of the rental or lease agreement. In addition, during the Affordable Term, the Applicant or its successor shall provide to the County, if requested, any reports, copies of rental or lease agreements, or other data pertaining to rental rates as the County may reasonably require.

Tracking: Each subdivision plat and site plan for land within the Property shall designate lots or units, as applicable, that will satisfy the 15% Affordable Housing Requirement. Such subdivision plat(s) or site plan(s) shall not be required to identify the method by which the 15% Affordable Housing Requirement will be satisfied. The aggregate number of such lots or units designated for affordable units within each subdivision plat or site plan shall constitute a minimum of fifteen percent (15%) of **SHIMP ENGINEERING, P.C.**

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Non-Agenda Item. **Recess.** The Board recessed its meeting at 10:05 p.m. and reconvened at 10:13 p.m.

Agenda Item No. 18. **Public Hearing: ACSA202100002 Montclair ACSA Jurisdictional Area Amendment.**

PROJECT NAME: ACSA202100002 Montclair  
MAGISTERIAL DISTRICT: White Hall  
TAX MAP/PARCEL: 05600-00-00-091A0  
LOCATION: 5055 Three Notch'd Road  
PROPOSAL: Request to amend the Albemarle County Service Authority Jurisdictional Area from water to existing structures only to water and sewer service associated with ZMA202000012 Montclair.  
ZONING: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots); LI Light Industry - industrial, office, and limited commercial uses (no residential use)  
OVERLAY DISTRICT: Entrance Corridor (EC); Managed and Preserved Steep Slopes.  
PROFFERS: No  
COMPREHENSIVE PLAN: Middle Density Residential – Residential densities of 6-12 units per acre, up to 18 units per acre for affordable housing or for construction of small-scale housing types: bungalow courts, small and medium multiplexes, accessory dwelling units, live/work units, small single family cottages, and tiny houses. Secondary uses include religious assembly uses,

schools and child care, institutional, and commercial/retail; Neighborhood Density Residential-Residential densities of 3-6 units per acre, housing types including townhomes, single-family attached, single-family detached, accessory dwellings, Secondary uses include religious assembly uses, schools and child care, institutional, and commercial/retail; and Green Systems - parks, greenways, open space, environmental features within the Crozet Master Plan.

The Executive Summary as forwarded to the Board states that The applicant is requesting to amend the Albemarle County Service Authority Jurisdictional Area (ACSAJA) for Parcel 05600-00-00-091A0 from water to existing structures only to water and sewer service (Attachment A). This request is in association with ZMA202000012 Montclair, which proposes to rezone the 12.19-acre subject parcel from Rural Areas (RA) (0.5 unit/acre) to Neighborhood Model District (NMD), along with rezoning the adjacent 2.82-acre parcel from Light Industry (LI) to Neighborhood Model District (NMD). Both parcels are located in the Development Area.

Pursuant to Virginia Code § 15.2-5111, the Board has adopted jurisdictional areas for parcels that may be served by Albemarle County Service Authority (ACSA) water and sewer. The boundaries outlined in the ACSAJA map (Attachment B) generally define the Development Areas.

If this application were approved, there would be no budget impact to the County. The property owner would bear the cost of the water connection.

The Community Facilities chapter of the Comprehensive Plan addresses where public water and sewer service is to be provided:

**Objective 9:** Provide public water and sewer in the Development Areas. Water and sewer services are essential for the County to achieve its growth management goals. Having adequate facilities in the Urban Service Area is also very important if the densities recommended in the Land Use Plan are to be realized.

**Strategy 9a:** Continue to provide public water and sewer in jurisdictional areas. Water and sewer jurisdictional areas ensure the County's Growth Management Policy, Land Use Plan, and Develop Area Master Plans are implemented by guiding the direction of public utility placement. The areas also permit these services to be provided in a manner that can be supported by the utility's physical and financial capabilities. The jurisdictional areas are those portions of the County that can be served by water or sewer service, or both, and generally follow the Development Areas boundaries. Delineation and adoption of utility project jurisdictional areas by a local governing body is provided for in Virginia Code § 15.2-5111. The boundaries of the Development Areas are to be followed in delineating jurisdictional areas.

Staff Analysis: Portions of the property are designated as Urban Density and Neighborhood Density Residential in the Crozet Master Plan, which are uses that must be served by public water and sewer. Properties within the Development Area to the east, west, and south of the property are all designated for water and sewer service. The proposed ACSAJA amendment and provision of water and sewer service to the subject property would be consistent with the policy of providing public water and sewer to the Development Area.

Staff recommends that the Board adopt the resolution to approve the proposed amendment to the ACSAJA (Attachment C).

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Mr. Cameron Langille, Principal Planner, said the request was to amend the ACSA (Albemarle County Service Authority) jurisdictional area. He said that the proposal aimed to allow the property to have both water and sewer services. He said that currently, this property only had water utility service for existing buildings. He said that the property was the only one in the area without access to both water and sewer services. He said that staff recommended approval of this request because it was consistent with two objectives from Chapter 12 of the Comprehensive Plan, which focused on community facilities. He said both objectives stated that properties within designated Development Areas should be provided with public water and sewer utility services.

Ms. Mallek said she suggested that they revise the statement to indicate that individuals would be required to purchase access to the ACSA, rather than providing it themselves, because she wanted to secure the tie-in funds.

Mr. Andrews opened the public hearing.

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Ms. Kelsey Schlein, Shimp Engineering, said that this request was straightforward: one of their parcels was outside of the jurisdictional area, and they were requesting permission to connect to the public water and sewer systems and pay their connection fees as part of that approval once the development progressed.

Mr. Pruitt asked if it was possible for them to cross-connect across their own parcel to another parcel that already had water and sewage services if they did not approve this request. He said that there was a western parcel that currently had water and sewage services available. He asked if they could connect to the other parcel without violating County regulations.

Mr. Langille said that because it was in the Development Area, if they tried to connect to the sewer on that adjacent property, ACSA would not accept the lines. He said that this became what they called a central sewerage system request because they were privately owned. He said that in order to allow that in the Development Areas, one must go through a public hearing to obtain Board approval. He said that based on the evaluation criteria, specifically those two objectives, staff would not be recommending approval of it because these should have public utilities.

Mr. Pruitt said that it appeared the parcels could interconnect, but the process was the same, and it would lead to less desirable results.

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Mr. Andrews closed the public hearing and brought the matter back before the Board for comments or a motion.

Ms. Mallek **moved** that the Board adopt the Resolution (Attachment C) to approve ACSA202100002 Montclair ACSA Jurisdictional Area Amendment.

Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.  
NAYS: None.

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**RESOLUTION TO APPROVE  
ACSA202100002 MONTCLAIR  
FOR PARCEL ID 05600-00-00-091A0**

**WHEREAS**, in application ACSA202100002 ("ACSA 2021-02"), the owner of Parcel 05600-0000-091A0 ("Parcel 56-91A") has applied for an amendment to the Albemarle County Service Authority (ACSA) Jurisdictional Area to include Parcel 56-91A in the area for water and sewer service; and

**WHEREAS**, on February 21, 2024, the Albemarle County Board of Supervisors held a duly noticed public hearing on ACSA 2021-02; and

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the staff report prepared for ACSA 2021-02 and all of its attachments, the information presented at the public hearing, and the relevant factors in Virginia Code § 15.2-5111, in Chapter 12.1, Community Facilities, Strategy 9a, of the Albemarle County Comprehensive Plan, and in the Comprehensive Plan's Growth Management Policy and Land Use Plan, the Albemarle County Board of Supervisors hereby approves ACSA 2021-02.

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Agenda Item No. 21. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Mr. Gallaway said that the recent TJPDC (Thomas Jefferson Planning District Commission) meeting was interesting due to significant economic development occurring in Louisa County involving Amazon. He said that they had begun to understand the extent of this development. He said that this regional development should be monitored since it could impact the entire area, not just Albemarle. He said that this was a notable achievement for Louisa County. He said that during the roundtable discussion with TJPDC, they all recognized its benefits for them and ultimately for the region. He said that he congratulated Louisa County for their success.

Mr. Pruitt said that he wanted to recognize that yesterday evening, an Albemarle County resident was killed in traffic in Albemarle County near the City border on Route 29. He said that the meeting's discussions focused on traffic and safety. He said he wanted to point out that these incidents particularly affected individuals who were often overlooked in their community. He said that although he did not have specific details about the individual involved but that this was someone who was hit at night while crossing a mixed-use road.

Mr. Pruitt said this person might have been low-income or even homeless in their community. He said these individuals often bore the brunt of such incidents. He said that as a Board, he believed that it was important for them to recognize when these types of incidents affected people who may not be as present or salient in their audience. He said he wanted to commemorate this event and acknowledge its relevance as they continued their business today.

Mr. Andrews said that last week, he had attended another productive SWAAC (Solid Waste Alternative Advisory Committee) meeting. He said that the deep and diverse experiences of the members and their dedicated learned class were impressive, covering topics such as major contaminants for recycling cardboard and various avenues for recycling, including broken pickleballs. He said that he would like to commend the SWAAC members for their diligence in addressing their charge, understanding their responsibilities, and orienting their members.

Mr. Andrews said that SWAAC had proposed changes to their charter to update it, reflecting current statuses, removing outdated language, clarifying membership roles, and the committee's charge. He said the proposed changes had been reviewed by Mr. Powers, the staff liaison to the committee, and

also by Mr. Lance Stewart, the supervisor. He said that if there was consensus among the Board members, he recommended that they allow these changes to be reviewed by the County Attorney and County Executive's office before presenting them as suggested charter amendments on the consent agenda at a future Board meeting.

Mr. Gallaway asked if they were considering changing only the charter or if the bylaws would be included.

Mr. Andrews said that they were reviewing their charter and making some updates. He said that they suggested adding a student member to the mix of membership. He said that they were collaborating with some individuals at UVA, which was a relatively new development. He said that they identified certain activities that were previously required but had since been completed and were irrelevant and removed them from the charter.

Ms. McKeel said that they did have some boards, commissions, or committees that required similar actions to their bylaws.

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Agenda Item No. 22. Adjourn to February 28, 2024, 2024, 6:00 p.m. Lane Auditorium.

At 10:23 p.m., the Board adjourned its meeting to February 28, 2024, 6:00 p.m. Lane Auditorium, Second Floor of the Albemarle County Office Building, 401 McIntire Road, Charlottesville, VA 22902. Mr. Andrews said opportunities for the public to access and participate in the meeting would be posted on the Albemarle County website on the Board of Supervisors home page and on the Albemarle County calendar. Participation would include the opportunity to comment on those matters for which comments from the public will be received.

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Chair

Approved by Board
Date: 06/04/2025
Initials:CKB