

**Albemarle County Planning Commission  
FINAL August 18, 2020**

The Albemarle County Planning Commission held a public hearing on Tuesday, August 18, 2020 at 6:00 p.m.

Members attending were Julian Bivins, Chair; Karen Firehock, Vice-Chair; Tim Keller; Rick Randolph; and Daniel Bailey.

Members absent: Jennie More; Corey Clayborne; and Luis Carrazana, UVA representative.

Other officials present were Andy Reitelbach; Kevin McDermott; Megan Nedostup; Cameron Langille; Tori Kanellopoulos; Bart Svoboda; Jodie Filardi; Amelia McCulley; Vivian Groeschel; Andy Herrick, County Attorney's Office; and Carolyn Shaffer, Clerk to the Planning Commission.

**Call to Order and Establish Quorum**

Mr. Bivins called the regular electronic meeting to order at 6:00 p.m. and established a quorum. He said this meeting was held pursuant to and in compliance with Ordinance No. 20-A(8), "An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster."

Mr. Bivins said there were no Commissioners attending from the County Office Building, and that the Commissioners electronically present that evening were: Mr. Bivins, Mr. Randolph, Mr. Keller, Mr. Bailey, and Ms. Firehock.

Mr. Bivins said the public could access and participate in this electronic meeting by following the links available at [www.albemarle.org/community/county-calendar](http://www.albemarle.org/community/county-calendar), or by calling 877-853-5257.

**Consent Agenda**

There was no consent agenda.

**Public Hearing**

**ZMA201900003 Albemarle Business Campus (formerly known as Royal Fern)**

Mr. Andy Reitelbach, Senior Planner, presented. He said the application was for a rezoning request for two parcels and a portion of a third parcel of land that are located near the intersection of Old Lynchburg Road and 5<sup>th</sup> Street, across from the County Office Building at 5<sup>th</sup> Street.

Mr. Reitelbach said the property is separated into two parts. He said one parcel and a portion of a second parcel are located on the east side of Old Lynchburg Road. He indicated on a map and explained how the site is south-southeast of the Region Ten building. He said the other portion of the property is located to the west of Old Lynchburg Road.

Mr. Reitelbach said the reason the property was separated as such was that in the early 1990s, VDOT and the County reconfigured the entire area and the intersection of Old Lynchburg Road and 5<sup>th</sup> Street. He said in that reconfiguration, it split Parcel 76-46A and Parcel 76-46F into two separate parts.

Mr. Reitelbach said the portion of the property west of Old Lynchburg Road is approximately 5.08 acres, and the property on the east side of Old Lynchburg Road is approximately 8.55 acres, for a total of 13.63 acres.

Mr. Reitelbach said the applicant is requesting to rezone this property from R2, R10, and CO to Neighborhood Model District (NMD). He said he would explain the zoning on a later slide.

Mr. Reitelbach said this project originally came to the Planning Commission on October 8, 2019. He said at that time, it was known as Royal Fern. He said the Commission recommended denial of that iteration of the project by a 7-0 vote. He said after that, it went to the Board of Supervisors on November 20 and at the request of the applicant (who proposed some changes), the Board referred it back to the Planning Commission.

Mr. Reitelbach said the application came before the Planning Commission once again on February 18 at a work session, where the applicant and Commission had some discussion on the zoning district that would be best for this area, as well as the open space, greenspace, and uses that would be appropriate for this area based on the Southern and Western Urban Neighborhoods Master Plan.

Mr. Reitelbach said after that work session, the applicant resubmitted a few more times, and staff reviewed, which brings them before the Commission again.

Mr. Reitelbach said that because the project has had a long history, there have also been two different community meetings for the project. He said the first meeting was held in April of 2019, and a second one was held virtually (due to the COVID-19 pandemic) on June 11, 2020. He said at these community meetings, there were several members of the public, as well as those from the 5<sup>th</sup> and Avon CAC.

Mr. Reitelbach said comments and concerns that were raised at these meetings included the potential increase for traffic in the area; the loss of greenspace, as both pieces of property are currently fully wooded; potential light pollution and noise from the development and from the increased traffic; the increase in the number of students going to schools in the area; and traffic safety, both at the intersection of Old Lynchburg Road and 5<sup>th</sup> Street (where there are currently no traffic-calming measures, except for a stop sign), as well as concern that traffic could be using other roads (such as Stagecoach Road or Sunset Avenue) as cut-throughs to avoid this intersection.

Mr. Reitelbach presented views of what the area currently looks like. He said it is a largely wooded area. He said there is a VDOT stormwater management pond on the east side of Old Lynchburg Road. He said there are a few existing small asphalt paths in the area. He said there are not any sidewalks, and that the existing asphalt paths do not meet current VDOT or County standards for what an asphalt multiuse path should be.

Mr. Reitelbach said the two parcels and portion of a third are currently made up of three different zoning districts. He said 76-54 is R10 Residential, which allows 10 units per acre. He said 76-46A, which is the parcel that is split by Old Lynchburg Road, is currently zoned R2 Residential, which allows 2 dwelling units per acre. He said 76-46F, which is also split by Old Lynchburg Road and includes the Region Ten building on the east side (which is not a part of the rezoning) as well as small area of approximately one-half acre on the west side of Old Lynchburg Road (which is part of the rezoning request) is zoned Commercial Office.

Mr. Reitelbach said in calculating R2 and R10, current by-right development would allow up to 48 housing units under standard development. He said bonus factors could potentially allow up to 72 units. He said bonus factors include such factors as affordable housing, tree preservation, land dedication, etc. He said it is important to note that some bonus factors do require further discretionary approval by the Board of Supervisors, so this would not necessarily be considered by right.

Mr. Reitelbach said there are several zoning overlay districts for the property, including Entrance Corridor, Airport Impact Area, and Managed Steep Slopes. He said there are no environmental features, such as preserved steep slopes or Water Protection Ordinance stream buffers, on this property.

Mr. Reitelbach said that in the Comprehensive Plan, this property is split between two different designations in the Southern and Western Urban Neighborhoods Master Plan. He said the piece of the property on the west side of Old Lynchburg Road is designated as Urban Density Residential, which recommends a range of 6.01 to 34 dwelling units per acre, with other types of nonresidential uses (e.g. institutional uses, places of worship, education centers, and small neighborhood serving areas of commercial space). He said Urban Density Residential recommends a height range of 1-3 stories.

Mr. Reitelbach said the property on the east side of Old Lynchburg Road is designated as Community Mixed Use, which allows residential up to 34 units per acre but also recommends a mix of other commercial, retail, office, and restaurant uses. He said it recommends that no single building footprint be greater than 60,000 square feet. He said the height range recommended for Community Mixed Use is between 1-4 stories.

Mr. Reitelbach presented the proposal for the Albemarle Business Campus application. He said as a Neighborhood Model District, it does require that a code of development and an application plan be submitted to guide the development of the property if the rezoning is approved. He said the applicant has provided both the code of development and the application plan, which were included as attachments in the staff report.

Mr. Reitelbach said the code of development includes permitted uses, including those that would be permitted by right, those that would be permitted by additional special use permit, and those that would not be permitted at all. He said it also includes development standards such as setbacks, height, stepbacks, the number of stories, open space, etc.

Mr. Reitelbach said the applicant has proposed dividing the property into five blocks, each of which would have slightly different development standards. He said Block 1 is the property on the west side of Old Lynchburg Road, which is 5.08 acres in size. He said the property on the east side of Old Lynchburg Road (at 8.55 acres) is divided into four separate blocks (Blocks 2, 3, 4, and 5).

Mr. Reitelbach said that according to the code of development, the applicant proposes a maximum of 128 units, which would provide an overall gross and net density of 10 units per acre throughout the whole property. He said looking at the density of any of the individual five blocks, the density range for housing would run between a maximum of 23-26 units per acre in both the gross combination of all five blocks, or each individual block.

Mr. Reitelbach said the application does meet the Comprehensive Plan's recommendation of between 6.01 and 34 units per acre.

Mr. Reitelbach said the applicant is also proposing a maximum of 401,000 square feet of nonresidential space, which is concentrated more on the eastern side (Blocks 2 and 5), though it does permit residential units in all five blocks. He said the 128-unit maximum is concentrated in Block 1.

Mr. Reitelbach said in the code of development, open space is identified at a maximum of 20% greenspace and amenity space, which is in line with what the Zoning Ordinance requires for Neighborhood Model District zonings.

Mr. Reitelbach said the applicant is also proposing affordable housing of 15% of the units at 80% of the AMI. He said the County's Principal Planner for Housing has reviewed the language for that and has no objection to it.

Mr. Reitelbach said the applicant has also included an application plan, which depicts the proposed general layout of the site, including internal circulation of streets, proposed pedestrian paths and sidewalks throughout the property, locations of potential greenspace and amenities, and proposed street sections for both the proposed new interior streets and the existing streets that currently surround the property (e.g. Mountainwood Road, Country Green Road, 5<sup>th</sup> Street, and Old Lynchburg Road).

Mr. Reitelbach presented one of the layouts in the application plan for Blocks 2 and 5.

Mr. Reitelbach said an important part of this application is transportation, as this had been a concern raised at both of the community meetings for the project. He said the applicant did submit a Traffic Impact Analysis (TIA), which was reviewed by both VDOT and the County's Transportation Planning team. He said the TIA projects approximately 3,700 additional trips over what is currently included in that corridor and the surrounding streets, as well as currently approved developments that may not have been constructed yet (e.g. Southwood).

Mr. Reitelbach said in order to mitigate the impact of these 3,700 additional trips, the applicant has proffered several things, including infrastructure improvements. He said that these improvements include a 10-foot multiuse path, as indicated on the cross section of the presented map, and a 5.5-foot landscape strip that would run along 5<sup>th</sup> Street from approximately Wahoo Way all the way down to the 5<sup>th</sup> Street/Old Lynchburg Road intersection. He said this multiuse path is recommended in the Southern and Western Urban Neighborhoods Master Plan as a recommended amenity in the greenspace portion of that plan.

Mr. Reitelbach said the applicant has also proffered a \$500,000 cash contribution to the County CIP fund, which could go to transportation improvements if necessary and if the Board of Supervisors were to choose that route. He said the applicant has also proffered a trip generation limit, which would cap the number of daily vehicular trips in this development to 3,200 while allow allowing for internal capture within this development, recognizing that as a mixed-use development, there are some trips that would potentially go between the different commercial areas and residential areas.

Mr. Reitelbach said the applicant is also proffering dedication of a small area of land for right-of-way. He presented the roundabout exhibit, noting that it showed the land that would be dedicated

to the County to allow for the construction of a roundabout to address the traffic concerns at Old Lynchburg Road and 5<sup>th</sup> Street. He said a roundabout was currently the preferred solution to this. He said the County and VDOT were undergoing a study of the 5<sup>th</sup> Street Corridor called the 5<sup>th</sup> Street STARS Study. He said this study had been ongoing for several months and was wrapping up. He said it was looking like the preferred solution for the intersection would be the roundabout.

Mr. Reitelbach said schools were another concern raised at the community meetings. He presented the official calculator that Albemarle County Public Schools provides to calculate the expected yield rate from new developments. He said in calculating based on what the applicant is proposing, if the applicant did 128 multifamily units, they would be expected to generate approximately 25.6 students. He said if the applicant were to do 128 townhome units, they would be expected to generate approximately 37.12 new students. He said if it were some mix of multifamily, single-family attached, and single-family detached, it would be somewhere between 25.6 and 37.12 students, depending on the exact makeup of the housing types.

Mr. Reitelbach noted that importantly, the district for this development would be Monticello High School, Burley Middle School, and Mountainview Elementary (formerly known as Cale Elementary). He said Mountainview and Burley Middle would remain below capacity, even if this development were approved with the requested maximum of 128 units. He said Mountainview Elementary, however, is already over capacity and with the proposed 128 units, it would remain that way.

Mr. Reitelbach said the applicant has proffered \$500,000 cash, and there is no specification in the proffers about what type of projects the cash would be used for, so it would be up to the Board of Supervisors to determine whether traffic projects, transportation improvements, or school improvements is a greater priority for the County in this area.

Mr. Reitelbach noted that the calculator projects student yield rates that are a County-wide average and does not account for any site-specific circumstances. He said no matter what part of the County one is in, they would have the same base multiplier numbers, such as 0.12, 0.03, 0.05, and 0.21 for multifamily.

Mr. Reitelbach said as part of the application, there is one special exception requested. He said this was in Section 18-28.8A of the Zoning Ordinance in the Neighborhood Model District section for mix of uses requiring a minimum of two housing types. He said the applicant requested that only one type of housing be required, although it was important to note that the code of development would allow for a variety of different types. He said the special exception request is asking that only one type instead be required.

Mr. Reitelbach said this section of the Zoning Ordinance does permit the Board of Supervisors to waive the requirement for a minimum of two housing types as long as there are at least two different housing types that currently exist within one-quarter mile of the site. He said in this specific case, there are actually already four different housing types not only within one-quarter mile of the site, but that are directly adjacent to the subject property. He said these four different housing types include single-family detached homes, single-family attached homes, mobile homes, and multifamily units.

Mr. Reitelbach presented a brief summary of the three proffers the applicant is proffering. He said the first proffer is for infrastructure improvements, including a \$500,000 cash contribution to the County's CIP fund for whatever projects may be in the CIP for this area of the County, whether

this be transportation or school improvement projects, as well as the dedication of the area of land for the roundabout.

Mr. Reitelbach said the second proffer is for limiting trip generation to a maximum of 3,200 daily trips, or 509 peak hour trips.

Mr. Reitelbach said the third proffer is that the developer would develop the property in accordance with the approved performance agreement. He said there was a performance agreement approved by the Board of Supervisors on April 15, 2020 with the County's Economic Development Authority and the Economic Development Office regarding certain development benchmarks that would need to be met.

Mr. Reitelbach said there are several recommended revisions in the application that staff recommends be addressed prior to the public hearing before the Board of Supervisors. He said these recommendations are found in all three parts of the application plan (code of development, application plan, and proffers statement). He said a full list of these recommendations were included in the staff report.

Mr. Reitelbach said in the code of development, it would be classification of streets and identification of amenities. He said in most parts of the application, the applicant has identified streets as private, and it is recommended that the code of development and the application plan be revised to say "public or private" to allow that classification to be addressed and determined by VDOT at the site plan stage if this rezoning were to be approved.

Mr. Reitelbach said the second recommendation is identification of amenities. He said the amenity list in the code of development lists balconies, and according to the Zoning Division, private balconies in multifamily units would not count as an amenity use.

Mr. Reitelbach said the application plan contains some of the same issues, including the classification of streets. He said there were a couple of typos that needed to be fixed, and a couple of recommended additional areas for pedestrian ways, whether that be paths or sidewalks.

Mr. Reitelbach said the proffers statement was referencing an incorrect zoning district and that this needed to be revised to reference the correct zoning district being requested, which is NMD.

Mr. Reitelbach said there were several factors favorable to this request. He said the request is consistent with the uses and density in the Southern and Western Urban Neighborhoods Master Plan. He said the request is consistent with the applicable Neighborhood Model principles. He said the request includes office space in the commercial areas, which is a goal of the County in furthering the objectives of the Economic Development Department's Project ENABLE. He said the request provides pedestrian connections and multimodal infrastructure along the existing roads in the area where there currently are none.

Mr. Reitelbach said the request provides a right-of-way dedication to help resolve the issues at the 5<sup>th</sup> Street/Old Lynchburg Road intersection, and proffers cash contributions to the County's CIP fund to mitigate impacts of the development.

Mr. Reitelbach said a factor unfavorable to the request is that additional students would be enrolled at area schools including Mountainview Elementary, which is already over capacity. He said another factor unfavorable is that additional traffic would be produced along 5<sup>th</sup> Street and at

the intersection of 5<sup>th</sup> Street and Old Lynchburg Road, which is an intersection that is already failing.

Mr. Reitelbach said on the whole, it is staff's opinion that the favorable factors outweigh the unfavorable factors associated with the request. He said based on the previously mentioned favorable factors, staff does recommend approval of the ZMA application, provided that the recommended revisions as identified in the staff report are made to the application prior to the Board of Supervisors public hearing. He said staff also recommends approval of the one special exception request that is associated with the ZMA regarding waiving the requirement for a minimum of at least two housing types in a Neighborhood Model District.

Mr. Reitelbach presented the possible motions for both the ZMA and the special exception request and offered to answer any questions.

Ms. Firehock asked Mr. Reitelbach if he could elaborate on the recommendation from staff that the applicant identify the amenities.

Mr. Reitelbach replied that in the code of development, on one of the sheets that identifies potential amenities that could be included to meet the requirement of 20% amenities that the Neighborhood Model District requires, the applicant included private balconies as amenities. He said according to Zoning, private balconies are not an amenity because they are not open to all residents or users of the development.

Ms. Firehock said she had misunderstood and thought they had not identified all the amenities, but that Mr. Reitelbach was just talking about correcting a misidentified amenity.

Mr. Keller said he had a big-issue question for Mr. Reitelbach, but perhaps Ms. Nedostup could answer it as she was acting for the Planning Director that evening. He said he believed they all understand the ugly roots of planning in the United States these days, and that they are becoming more and more apparent. He said his question for staff as professionals who are aware of that is if they have any concern about the public perception of this special exception as a form of economic segregation.

Ms. Megan Nedostup replied that with the area surrounding the property and what is available for housing, she did not see that as an issue. She said the applicant is providing affordable units, per the County's policy, and that the Commission would be hearing more about policy updates in the future through the Housing Policy to help further address those disparities. She said she was not as close to the project as Mr. Reitelbach, so perhaps he had something to add.

Mr. Reitelbach said the only thing he would add goes back to the requirements of the Neighborhood Model District. He said the Board of Supervisors can waive that requirement if there are other housing types located within a quarter mile of the proposed district. He said this proposed rezoning is not very large, at only about 13.5 acres and split into two. He said the surrounding properties do have a wide mix of other housing types in the area such as townhouses, single-family detached, apartments, and multifamily condos (both for rent and for sale). He said there is also a small mobile home community south of this property. He said there is a large mix of housing types in the nearby vicinity of this property, even if this proposed project itself may only be proposing one housing type.

Mr. Reitelbach said he thinks it is important to look at each rezoning individually to look at the specific circumstances of the property and rezoning request as well as the nearby property.

Mr. Keller said they would most likely get into the matter of the opportunity zone later, which he has had state training on. He said it is interesting because they know that even on the Commonwealth website, there are investors with long-term capital gains to invest for low-income urban/suburban Census tracts. He said asked if low-income Census tracts are being reworked into high-income gain areas if there are lower-income folks may or may have not been displaced. He said he thinks about the efforts that have been made with Southwood to the south, and that Region Ten has some residential units nearby. He said there is Orangedale to the north, in the City. He said only those who most likely would not be able to take advantage of that for other issues of Region Ten would be able to walk to this immediately.

Mr. Keller said his question was much more philosophical about opportunity zones in general. He said it seemed to him that in looking at what is being proposed of positive response (and that certainly, they could not argue with the tax revenues that are being projected) and the small amount of proffers that are being offered, after last week when the Commission was thinking about the Housing Policy, there is a real set of issues here that are not really being thought about and addressed for that lower-income segment and workforce development. He said when they get onto the next point of working with the applicant, he would be asking questions about what might be done for workforce development for people relatively close to this site who would be in need of opportunities for higher income growth.

Mr. Bivins said this question could be addressed once the applicant speaks, and again with the Commission once they close the public hearing.

Mr. Randolph said he had several questions and would reference where the question was based in the staff report or in the attachment. He said he would start on page 10 of the staff report and the section that states the relationship between the application and the purposes of the Neighborhood Model District (NMD). He said the staff report states, "There is currently little commercial activity in this area." He said 5<sup>th</sup> Street Station lies under a mile from the proposed development and happens to constitute one of the most significant revenue sectors for the income of Albemarle County from nonresidential property on an annual basis.

Mr. Randolph asked if staff felt that the commercial base of 5<sup>th</sup> Street Station was economically insignificant. He said he was struck by the assertion as although there is a commercial wasteland south of I-64, one can go from this area in less than a mile and be into a major economic zone of activity for Albemarle County.

Mr. Reitelbach replied that he would not call 5<sup>th</sup> Street Station insignificant, but that in looking at this project in this specific area, I-64 does act as a large barrier for residents, especially for those residents who do not have an automobile, to get from this area over I-64 to 5<sup>th</sup> Street Station. He said it does require an automobile and that as mentioned in the staff report, there is a lack of pedestrian facilities in this area. He said in addition, even though there is an existing bus stop on this property as well as one across the street in front of the County Office Building, the bus line that serves those bus stops is not the same bus line that serves the bus stop at 5<sup>th</sup> Street Station. He said people in this area using transit would not be able to use CAT as a direct route from this area to 5<sup>th</sup> Street Station.



Mr. Reitelbach said even though the sites are close, there are a lot of barriers in the commercial development and opportunities between this area of 5<sup>th</sup> Street and Old Lynchburg Road south of I-64 and 5<sup>th</sup> Street Station on the north side of I-64.

Mr. Randolph said the meeting was not the appropriate venue to get into debating this, but that he would point out that once Parks and Recreation works this out, the neighborhood communities that about Biscuit Run will have a trail from Southwood all the way up to 5<sup>th</sup> Street Station.

Mr. Randolph said after this bus stop is installed, he does think it would be appropriate to have a discussion with the City about potentially utilizing a bus route where people can actually go from this bus stop to 5<sup>th</sup> Street Station. He said he was struck by the language in the staff report, given the major economic development that took place five years ago with the opening of 5<sup>th</sup> Street Station.

Mr. Randolph said he would like to next go to page 15. He said Proffer #2 on page 15 regards trip generation. He asked who on the County staff will monitor the daily vehicular trip counts on this intersection. He asked if the actual counts post-COVID are found to be much greater than the projected or thus-permitted daily vehicular trips per day, what steps the County could undertake to reduce the trips. He asked if such reductions were politically feasible for the County to enforce outside of this agreement.

Mr. Reitelbach said he may let Mr. Kevin McDermott (Transportation Planner) comment on this later, but that he would say first that in part of the proffer, the applicant says that the ITE manual for trip generation would be used to identify the number of trips generated by any use, and that those numbers would be included whenever a site plan is approved for this property or when a zoning clearance is issued for this. He said he thinks it would be nearly impossible to calculate an exact number of trips that could be generated. He said it is, however, using the standardized trip generation numbers based on those that VDOT uses for other projects as well.

Mr. Randolph said he wanted to follow up on a question that Mr. Keller was addressing, which was about the opportunity zone. He asked how the commercial uses proposed for this opportunity zone actually provide tangible benefits for low-income Albemarle County residents who live in close proximity to this proposed development.

Mr. Reitelbach replied that he did not know enough about the opportunity zone program to provide a detailed answer on that. He said with the commercial uses that are being proposed, there is a wide range of uses from office to restaurant and retail, the potential for a hotel, self-storage, etc. He said there is a wide variety of commercial uses that could be included, and that he wouldn't be able to speak specifically on how those could potentially benefit the low-income residents in the area. He said with such a wide range of uses, there is the possibility for the creation for a range of jobs in the area requiring a range of educational levels.

Mr. Randolph said hopefully, the Commission would have a chance, after speaking with the applicant, to have a discussion, perhaps with members of Economic Development. He said he thinks he and Mr. Keller would be interested in examining this in greater depth.

Mr. Randolph referred to page 4 of the development agreement. He said the applicant is stated to be expected to reserve 25,000 square feet for the qualifying EDA-supplied \$100,000 that the Board has authorized for Class A office space within Blocks 2 and 3, or a combination of those two blocks. He asked staff to explain why the EDA and the EDO will be involved in creating

materials for the EDO's consultant, Retail Strategies Inc., to market space in Block 4 when the \$100,000 (as he gathered from the agreement) was to go for Blocks 2 and 3.

Mr. Reitelbach replied that this question would be more appropriate for the Economic Development Office to answer. He said he was not a part of the review or approval of the performance agreement. He suggested that Mr. Herrick may have more information on that.

Mr. Andy Herrick (Deputy County Attorney) said unfortunately, he was not involved in that either and would also have to defer to Economic Development to answer that question.

Mr. Randolph said they could come back to that later on. He referred to page 6 of the development agreement and asked if the EDO should be involved in helping the developer's request for "alternative parking solutions for the project." He noted there is a sticking point between the Neighborhood Model criteria (which involves relegated parking) and an effort on the part of the applicant not to be utilizing relegated parking. He asked if the EDO should be involved in helping with the developer's request when the NMD is clear about the necessity of relegated parking. He said it looked like the EDO was working against the Planning Department (Community Development) on the issue of parking, and that this struck him as odd.

Mr. Reitelbach said that this was another question for the Economic Development Office. He said as part of the performance agreement, this was not part of the rezoning that he reviewed, so he did not have any answers regarding the language or what was included in that agreement between the EDO, EDA, and the property.

Mr. Randolph said his next question would likely go to Mr. Herrick, and referred to page 11 of the development agreement. He asked in excusing performance because of force majeure, who determines that it is "reasonably necessary." He said this section was unclear as to the who, and asked if it is the Board of Supervisors, EDA, EDO, or the applicant.

Mr. Herrick replied that he was looking at the specific language for the first time, and that it reads, "Performance is excused for a period of time that is reasonably necessary after the occurrence to remedy the effects thereof." He said what Mr. Randolph was pointing out is that this language does not specify whose determination it is. He said ultimately, if it went to litigation, it would be a court's determination as to what was reasonably necessary because in this case, it doesn't specify who makes that determination.

Mr. Randolph said at the end of the day, they were still not clear as to who the "who" is here.

Mr. Bivins asked if the Commission felt that Mr. McDermott needed to comment about the trip generator.

Ms. Firehock said she had an unrelated question for Mr. McDermott. She asked him to comment on the roundabout being the preferred traffic solution and the applicant's proffered contribution. She said her recollection from their prior conversations about the cost of the traffic circle is that the amount of money the applicant was proffering doesn't come close to covering the cost.

Mr. Kevin McDermott (Transportation Planner) said it was correct that this does not cover the cost of the roundabout. He said the County actually submitted a grant application to VDOT the day prior for that roundabout. He said they did include a small portion of local funding, which will

increase their potential for a good score and funding on that application. He said if the Board sees it fit, they could use the proffer money to cover some of that local funding.

Mr. McDermott said even though the total cost of the roundabout is much higher than what is being proffered, what the applicant has proffered is enough to cover what their impact to that is to make it a reasonable proffer. He said the County cannot ask for the applicant to cover impacts that they are not having.

Ms. Firehock said she wanted to make it clear, especially for the public, that it doesn't mean it is a done deal. She said she herself likes roundabouts.

Mr. Bailey asked if it was the County's interest to have a roundabout there regardless of this development, or if this development was a contributing factor for the need for a roundabout and thus the reason why the grant application was submitted.

Mr. McDermott replied that with or without this development, that intersection is failing and has been getting worse with the proposals of other developments going on there. He said it is a high-accident location, so the County has been looking to make those improvements prior to this application.

Mr. Kyle Redinger, the applicant, thanked everyone who has been involved in what was now a two-year process, from the Planning Commission to staff to the architecture and engineering team. He said he was excited about what Albemarle Business Campus is, and that his presentation would mainly highlight the design elements and how they will manage the impacts associated with the project.

Mr. Redinger said one of the key things for the applicant regarding the context of the site is how it integrates into a much larger, mainly residential community and serves as the linking piece between the residential of 5<sup>th</sup> Street and an important intersection on 5<sup>th</sup> Street, across from the County Office Building.

Mr. Redinger said when they met in February, they had a work session that he thought was very productive. He said there were a few takeaways and changes of that, the first of which is that they switched from a PUD ordinance to NMD. He said this was slightly challenging in that NMD is not really ideal for an office campus, but it did give the community a very specific site plan and proffered renderings for the site. He said the renderings the Commission was seeing that day are proffered and that the architectural style is integral to the design. He said Mr. Bruce Wardell (architect and former ARB member) was on the call and could answer any questions about that.

Mr. Redinger said secondly, the applicant had a chance to expand their greenspace. He said they looked at some other ZMAs that had been approved for mainly commercial uses, and that they exceed those. He said it also allowed them to integrate a greenbelt and usable park space, and integrate all these elements into what they think is an attractively designed community.

Mr. Redinger said it also allowed the applicant to achieve all of staff's recommendations with the neighborhood requirements, and they increased their proffers quite substantially to over \$1 million in proffers between planned elements and the \$500,000 cash that Mr. Reitelbach explained earlier.

Mr. Redinger said he is a long-time Albemarle County and City of Charlottesville resident. He said he went to school at Western Albemarle High School and went to school twice in the area, so this is his home. He said unlike many developers, he wants to design places that he is proud of. He said he plans to put his office in this project in the future and desires to attract friends and businesses to the space.

Mr. Redinger said he is also a long-time startup community member and entrepreneur. He said having a space like this allows the creation of more spaces for more entrepreneurs, particularly in the County. He said it will also increase neighbors' property values, as locating a Class A tenant in this beautiful office park will be beneficial to those around it.

Mr. Redinger said thirdly and important particularly in COVID budget times, the applicant wants to provide a net positive economic benefit to the County. He said in direct taxes alone, over 20 years in this project, it will be worth over \$10 million to the County.

Mr. Redinger said the applicant wants to manage all of their impacts and that they do this through connections, traffic improvements, parks, and greenspaces.

Mr. Redinger said he would walk through some of the renderings, reminding the Commission that Mr. Wardell was on the call and could answer more specific questions. He presented a view from sitting at the roundabout, looking down 5<sup>th</sup> Street towards the City of Charlottesville. He indicated on the rendering to the multimodal trail, an improved bus stop, tree screens that mirror the screens on the other side of the road, and the first of several pocket parks that invite people into the space.

Mr. Redinger said the applicant has designed these parks to be mainly usable spaces for people that can serve as outdoor meeting and seating areas, and that also serve as key pedestrian transport from higher-traffic areas into the site. He said typically, one would set buildings closer to the street for retail, but that the applicant has pushed those somewhat away in order to make the park spaces and greenery more prominent.

Mr. Redinger presented a bird's eye view of the site. He noted that one caveat to the rendering was that the buildings are only about 5,000 square feet each but look much larger in the rendering. He said in the back, there is a flex building and farther down 5<sup>th</sup> Street, there is a Class A anchor building. He said in the back was the hotel or office design. He explained how the multimodal path continues along 5<sup>th</sup> Street with substantial screening.

Mr. Redinger said looking back the other way towards the roundabout, outside of Charlottesville, there are retail and services buildings. He said these are broken up to sides with the integration of greenspace to make them more attractive than the traditional retail environment. He indicated to another pedestrian trail, noting that it invites people into the community.

Mr. Redinger said stepping back even further, there are retail businesses that are about a single story tall. He indicated on the rendering to the Class A office, expressing the applicant's excitement for the way the building was designed. He said Mr. Wardell and his team did a fantastic job. He said the building comes about three stories about street grade, and that they have integrated both traditional Albemarle County elements (i.e. wood and painted white brick) with progressive elements that are common in more modern office buildings (i.e. glass and steel).

Mr. Redinger said another design feature is that the applicant integrated the retaining wall into the building, so the first floor is actually lower than the street grade due to the grade of the site. He said this hides the scale of the building and makes it more human.

Mr. Redinger presented a rendering with a view looking on the other side of that building, still on the multimodal trail, towards Downtown Charlottesville. He noted how on the back of the building, they tried to integrate one of their main entrances with the second of one of the pocket parks. He said there are designed seating areas there, as well as a meandering trail that goes back to the other park spaces into the center portion of the project. He said the applicant is excited about how they broke up the building and made what is a relatively large building appear much more attractive and inviting for people.

Mr. Redinger said the building will have solar power and will exceed LEED Silver standards.

Mr. Redinger said there were some questions from the community about how the applicant will design a storage building, or what they call a “flex building.” He said this is a substantial building of about 100,000 total square feet, and is actually five stories. He said only three stories could be seen on one grade, and two stories on the grade that runs along Old Lynchburg Road. He said this is because they have two stories that are below grade and are accessed through loading bays in the back. He said they hide the commercial activity and trucks in the back, which allows them to open up the front of the building to have a more attractive retail or office feel.

Mr. Redinger said the elements the applicant designed this building with are the same elements that Mr. Wardell designed his building with, and that this sort of design theme will continue through the whole community.

Mr. Redinger said what was also unique about this building was that because of some unique construction factors associated with storage, they can have a flex space finished there. He said this means a lower rentable space for startups, younger companies, or those who do not desire a Class A office. He said the idea was that this is where one would start their business with unlimited storage behind them, and as they grow into a mature company, they can move into one of the Class A offices. He said this is the lifecycle of an entrepreneur that would start there.

Mr. Redinger presented the site plan for the commercial side. He said he would call out a few things, the first of which is that the plan has ample greenspace screening the property anywhere where they can screen from 5<sup>th</sup> Street. He said they have over 20% of usable amenity space and greenspace. He said they have allocated farmer’s market areas, as they think that particularly in Block 3 on a Saturday or Sunday when the office tenant is not there, that space would be very desirable for a farmer’s market or other types of event spaces.

Mr. Redinger said on the other side of the street is the multifamily project. He said these are garden-style millennial apartments that are approximately three stories and sit into the ground due to the grade of the site on some sides. He said there is a large clubhouse and pool area in the front. He said the project is surrounded by greenspace and screening.

Mr. Redinger said the screening elements are important because as Mr. Randolph mentioned, the applicant was also concerned about how they relegate parking. He said parking is an amenity for a Class A office tenant, but they also do not want parking on an Entrance Corridor. He said the best way to balance that is through screening. He said particularly in the A and B section, there is a lot of grade that drops down to the parking area, but there is also a lot of space. He said

they get about 60 feet of space and 2-3 tree screens that will block parking views. He said they also have a professional landscaping design firm working with them on their landscaping plan for the project.

Mr. Redinger said Mr. Wardell and his team rendered a view that looks back outside of Charlottesville at the Class A office and Wahoo Way. He explained how the presented rendering showed views of how the parking was screened, and how this design allows the buildings to be more prominent than the parking (which was not desirable in an Entrance Corridor).

Mr. Redinger said looking down the street, it was very similar to the other side of the street and copies those screening elements while helping to maintain some of the rural character of that parcel.

Mr. Redinger presented another bird's eye view to offer another perspective on the amount of screening.

Mr. Redinger said there were also some questions as to why the applicant was developing both sides of the site at the same time. He said VDOT split the parcel some time ago, but that VDOT also did a lot of construction work, particularly on the commercial side. He said this means the applicant has to move some dirt from the multifamily side into the commercial side. He said walking the commercial side, one can see that it is as if VDOT took a big excavator and dug down the middle, and must have put all that dirt back on 5<sup>th</sup> Street somewhere. He said this left the applicant with a channel or large hole in the ground. He said for the applicant to be able to balance both sites at the same time is large and minimizes impacts.

Mr. Redinger said he did listen to the housing needs presentation the week prior, and it was clear to him that there is a large need for young professional and student housing, particularly in this area. He said they do not talk about it being very close to UVA, but it is.

Mr. Redinger said there are many mixed-use benefits. He said having commercial and housing across the street from each other encourages pedestrian trips. He said when people are close to work, it allows them to do crosswalks. He said with the design elements, it makes a congruent design that is consistent through the whole community.

Mr. Redinger highlighted that the applicant has worked very closely with Mr. McDermott and all the planners in determining how to integrate all connectivity into any surrounding site. He said for any piece of property border that the applicant owns, they are installing sidewalks, multimodal trails, or whatever the County asked for.

Mr. Redinger indicated on a map to a portion of property, explaining that the applicant does not own it. He said what they have proposed is to have a proffer that would be triggered if they did end up owning this land in the future where they would construct a sidewalk there. He said they cannot do that, however, in VDOT's right-of-way without owning that land.

Mr. Redinger said as Mr. Reitelbach mentioned, the applicant plans to dedicate land for the roundabout.

Mr. Redinger said he would like to highlight how they arrived at the \$1 million proffer number. He said there is a statement, but also important was what is in their plan. He said there are many greenspace and building design elements that he thinks are above and beyond a traditional

commercial development. He said one can look at Pantops or 29 North to see what this typically looks like and that compared to the applicant, the applicant's plan is more attractive and has much more greenspace. He said there is also about \$500,000 in multiuse trails and public easements associated with their property, as well as the bus stop.

Mr. Redinger said the applicant is proffering a \$500,000 cash contribution, with the idea of this not having a specific use was that depending on how funding and budgets work, it gives more flexibility to the Board of Supervisors and community for how to allocate those dollars. He added that the applicant has a roundabout dedication as well.

Mr. Redinger said there are many direct tax benefits from a project like this. He said the project started out two years ago with what was only a mixed-use housing development and that by converting the bulk of that project to commercial, they are able to generate over \$10 million in direct real estate taxes. He said there are immediate economic benefits to many community members (e.g. architects, engineering, consultants, and landscapers). He said there are dozens of people who work on the project currently and could use those fees for the services they provide.

Mr. Redinger said there are also many indirect benefits from taxes, sales tax, and economic synergies. He said with construction sites, there are many local companies that are involved in the construction of a project like this.

Mr. Redinger said finally, there is a lot of value to designing something well to surrounding communities, as the Commissioners well know. He said he thinks this will be a nice place to live.

Mr. Redinger thanked everyone for their consideration. He said the applicant has worked very hard on changes to the project over the last two years. He said there are decisions that don't make everyone happy and are not the perfect solution for every factor, but the applicant tried to balance all those as best they could.

Mr. Redinger said he was happy to answer questions, adding that he wrote down everyone's concerns and could address those as well.

Mr. Bivins asked Mr. Redinger if he could speak about the sidewalk on Old Lynchburg Road.

Mr. Redinger said he and Ms. Kelsey Schlein from Shimp Engineering were talking that day about concerns regarding the applicant not installing a sidewalk between their private road along Old Lynchburg Road. He said because they do not own that land, he was not sure they could build an offsite proffered improvement. He said because VDOT took that land from the prior property owners, there is the possibility that this land will be given back to the applicant. He said if this were the case, they would build a sidewalk or appropriate connection between their private street and this sidewalk.

Mr. Bivins asked if the hashmark on the map represented a sidewalk that would connect to the new community.

Mr. Redinger replied yes.

Mr. Bivins said he understood that these were hypotheticals. He asked if there is an assumption that there is a sidewalk that gets one across the road.

Mr. Redinger indicated on the map to sidewalk connection in two locations. He indicated to a property, noting that it was not developed but presumably, when it is developed, the connection there would be much easier to access. He said unfortunately, the applicant does not own that property, so they cannot do that.

Mr. Bivins said as there were many Commissioners lined up with questions, Mr. Redinger could either respond to the questions first, or open himself up to questions.

Mr. Redinger said he would start with some of the preliminary questions. He said Mr. Keller and Mr. Randolph both asked about how the community, as an opportunity zone, would benefit lower-income individuals. He reiterated Mr. Reitelbach's response, which was that there are many different business types in the project, from service businesses to high-skilled labor businesses to office work and associated services. He said providing a variety of different jobs was one answer.

Mr. Redinger said the second answer was that not only is this an opportunity zone, but it is also a hub zone, which provides particular incentives for federal procurement contracting. He said it is very likely that one of their tenants will be a hub zone government contractor to take advantage of that.

Mr. Redinger said as a startup owner in town and having been involved in various startups in consulting and investing ways, having spaces in an opportunity zone makes the applicant much more likely to want to fund that sort of startup. He said an incubator space, for instance, would be appropriate for this location because not only are there the standard startup risks and benefits of those investments, but there is the opportunity zone overlay on top of those. He said he already talked to some people who run shared workspaces like this, and that he had a conversation with someone in town who is considering putting together a biotech incubator. He said he also talked to some specialty manufacturers in the biotech industry, which would be an appropriate use for particularly the top-right parcel.

Mr. Redinger said there are many ways to generate income for people of different income levels, primarily through jobs of different types.

Mr. Redinger said regarding the EDA agreement and the question about why there is \$100,000 as well as providing services for retail, this was principally to offset the costs associated with getting the Class A office building shovel ready. He said there are not many developers who will go through all approvals for a Class A office building in a suburban environment like this. He said in having something that is marketable and that they can start construction on (because they have gone through the site plan, architecture, engineering, and all permitting costs, which are substantially greater than \$100,000), the main intent was to cover those costs.

Mr. Redinger said regarding Mr. Keller's comment about housing types, the applicant had originally approached this project with many more housing types, but this project was not very attractive to the community for a variety of reasons. He said the applicant was not saying they were not going to build a variety of housing types, as they certainly have that option and can integrate some housing into the commercial side. He said it is a much more difficult project to pull off, however, which is why they stuck with the multifamily component of 15% of affordable.



Mr. Redinger added that with it being a mostly commercial development, the large tax base can be used to fund other needs in the community (e.g. housing, transportation) that may not be direct beneficiaries of the project.

Mr. Bivins asked if there were members from the community who were lined up for public comments.

Ms. Schaffer replied no.

Mr. Bivins asked the Commission if there were questions for the applicant.

Mr. Randolph said Mr. Redinger said it that evening, and also included it on the fact sheet on page 3, that he submits that proximity of a residential community such as what he intends to build on the southwest side of the project to a new commercial or job center will increase surrounding property values, and that the existence of the commercial or job center alone will drive up property values.

Mr. Randolph asked Mr. Redinger to provide an example of where in Albemarle County this has occurred. He said when he looks at property values at Willoughby, for example, which is next to 5<sup>th</sup> Street Station, he had one property in mind that appreciated in 2015 before 5<sup>th</sup> Street Station was built out (at \$239,100) to, in 2020, having a tax assessment of \$356,100.

Mr. Randolph said one could submit that this reinforces Mr. Redinger's hypothesis that proximity to a commercial and job center is driving up the property values. He said because he talked with the individual in the County responsible for the appraisals, he happens to know that part of the reason why those properties have appraised, however, is because of the size of the housing -- that smaller houses are in demand. He said it is the proximity to the City of Charlottesville that is really driving the value, and not the existence of 5<sup>th</sup> Street Station, per se.

Mr. Randolph said there was much discussion in Willoughby about how many people in there would be working at 5<sup>th</sup> Street Station, and that he suspected very few do currently because of the fact that most of those businesses have drawn people from a wide network of counties and localities rather than the backyard.

Mr. Randolph asked Mr. Redinger if he had an example of where this had occurred.

Mr. Redinger replied that he did not have a specific example available, but he would posit that having proximity to major employment centers would generally almost always increase property values as people can commute in less time. He said one thing the applicant considered with this site was about how to stay competitive against the office space going up in Downtown Charlottesville. He said if anyone has looked at the housing market in Downtown Charlottesville, he would argue it has become crazier than that of the County, and that he believes this is due to the proximity of UVA and the Downtown Mall.

Mr. Redinger said at one point, he calculated how many jobs would be in the Class A office, and about 200-300 employees were possible. He said this is a substantial work draw for people. He said if he were moving to town to work for another WillowTree, for instance, and were making a decision between being in Downtown Charlottesville or Willoughby, he might be more inclined to buy his house close to his workplace.

Mr. Redinger said he was sure there was data to prove this point, but that his hypothesis was based on what he has observed personally, having been in the area for a long time and watched the housing prices go crazy in the County and City.

Mr. Randolph said in sitting on the Board at the time and going through the discussion about who would be hired by WillowTree and where they would reside, he would suggest that many of the employees at WillowTree are not necessarily working on the back doorstep. He said as much as they would love to have them in the Broadway area, the reality is that they are dispersed throughout the City and County. He said he was suggesting from an accuracy standpoint that they need to be somewhat skeptical to say that proximity alone will drive up property values when what has actually been driving property values is the market for smaller houses. He said this is critical.

Mr. Randolph referred to #13 on the fact sheet, which was about the pedestrian path. He said the fact sheet indicates that the path will be composed of stone dust, gravel asphalt, or an equivalent semi-permanent surface. He asked whose responsibility it will be to maintain this nonpermanent path in the future.

Mr. Redinger replied that when they go through site plan, start construction, and seek a building permit, part of the review of that building permit and subsequent certificate of occupancy is whether or not the construction complied with what was in the site plan. He said this is how it gets built to plan.

Mr. Redinger said internally, the maintenance will be managed by a property owner's association. He said it is typical in large commercial developments for this to be paid for through a fee similar to that of HOAs. He said they are doing the same sort of landscaping, road maintenance, etc.

Mr. Redinger said he would defer to staff as to what happens in the long term if the applicant does not comply with that. He said he believed the County has various zoning enforcement abilities to ensure that the path, landscaping, or other promised elements are maintained.

Mr. Randolph thanked Mr. Redinger for addressing this. He said he did not see anything in the material as to who was going to be the responsible party for that.

Mr. Randolph asked Mr. Redinger to explain why, in Attachments 10 and 11, the applicant is requesting a waiver under NMD ordinance requirements to only construct one type of housing rather than the stipulated two or more types. He said Mr. Redinger said there that evening that he may be building more than one type of housing and yet, he is asking for a waiver to permit him to only build one type. He said he was struck by this contradiction.

Mr. Redinger replied that the simple answer was that in a suburban office campus like this, it is difficult to finance a mixed-use product. He said under their proposal, they could build apartment units above the retail, so long as they did not exceed any building size or footprint requirements. He said this requires various permits and improvements to the buildings that make them very difficult economically, however. He said if there is a second-story residential unit, however, they may have to have an elevator, which is not cheap. He said this request was to ensure that they are able to finance the project.

Mr. Redinger said he was aware that there was a recent rezoning request that considered the affordable housing component as two housing types. He said he didn't know if this were appropriate for the discussion, and that perhaps Ms. Schlein could further explain.

Ms. Kelsey Schlein (Shimp Engineering) said Mr. Redinger was referencing the Rio Road West project, where affordable housing had been considered as perhaps two housing types for that particular property, whereas the affordable and non-affordable units would be considered as separate units.

Mr. Randolph said Mr. Redinger's application commits under the NMD to constructing a permanent public transit stop that is enclosed. He thanked Mr. Redinger for this, noting it was an improvement from what was seen before, as well as trails and sidewalks. He said given the proximity of the sidewalks along 5<sup>th</sup> Street Station to that road, he wondered if some degree of lighting would not be called for along that public thoroughfare for the safety of those who may want to use this for recreational purposes (e.g. skateboarding or riding their bikes at night).

Mr. Redinger thanked Mr. Randolph for bringing up this question, noting there were several community members who asked about that. He said he would be more than happy to install lights along that corridor. He said the buildings themselves will be lighted and obviously, there is consideration for how the lights are installed. He said he believed there were limitations from VDOT, however, as to how the applicant can install those lights. He said he would be happy to implement that into his plan, but he wasn't sure it was feasible or desirable from VDOT or from Entrance Corridor standards. He said if he were mistaken, he would be happy to hear from Mr. McDermott or Mr. Reitelbach about that.

Mr. Randolph said they would revisit this at site review.

Mr. Bivins closed the public hearing. He said if needed, staff from the Economic Development Office were available to have conversations and respond to questions.

Mr. Randolph said he had several observations he wanted to make before moving on. He said the first thing he observed was that the NMD is usually predominantly dense with residential units, with commercial occupancy being ancillary. He said here with this application, the NMD facilitates the majority of the 13.63 acres being used for commercial occupancy, with only 37.27% of the overall acreage dedicated to the intended residential development, which includes greenspace of greater than 1 acre.

Mr. Randolph said in this case, they have taken the Neighborhood Model and, in a sense, turned it upside down. He said he was only making an observation for the Commissioners to all be aware of that as they proceed. He said he was not casting any aspersions on the application, nor was he drawing any conclusions. He said he was just making an observation, drawing a parallel to Mr. Wardell.

Mr. Randolph said he wanted to make an argument for the \$500,000 set aside within the CIP. He thanked Mr. Redinger for setting that aside, expressing that he listened to the Commission and community and their concern about the impacts of this project, especially on Mountainview Elementary School. He said the allocation of the \$500,000 is subject to the Board of Supervisors' discretion and it is their call how they want to allocate it.

Mr. Randolph said he wanted to make the argument, however, in favor of those funds being channeled to address the elementary school capacity issues in the Southern and Western Neighborhoods. He said he didn't think it would be a productive use of the half-million dollars to put it with the other \$500,000 in transportation and ignore the very real educational impact that this project will have, especially on Mountainview Elementary School.

Mr. Randolph said if anyone else on the Commission wanted to make a comment, he would not proceed to make a motion, but that he would make the first of two motions otherwise for approval of the ZMA.

Ms. Firehock said she had a couple comments. She said this would not necessarily affect her vote that evening, but that she still wanted to publicly state that she would like to challenge the applicant and see this development be as green as possible.

Ms. Firehock said they had an interesting exchange before the meeting where she was trying to understand how this was a wooded site and yet, it needs to be cleared. She said Mr. Redinger explained some of that that evening in talking to the fact that VDOT had essentially piled up a lot of earth on one side when constructing the road improvements in the past, and that it wasn't possible to save a lot of the trees on the site. She said she hasn't perused the timber on the site and had no idea about its condition.

Ms. Firehock said she still felt that there were more opportunities to add green features to the site. She said speaking as someone who had a startup, she would be looking for space where one can go outside. She said Mr. Redinger put park space through the site, but in looking at the buildings, there could be many more trees planted. She said innovative things could be done with the stormwater from the roofs running through raingardens. She said raingardens don't belong next to buildings but if the buildings are to scale, she still saw a lot of opportunities. She asked Mr. Redinger to look at the Albemarle County Office Building raingarden for inspiration. She said there are multiple other examples in and around Charlottesville and Albemarle.

Ms. Firehock said they were not looking at a stormwater management plan that night. She said she saw the water being stored under the parking lot and that she thinks this is great for volume. She said she understands one can buy credits offsite for stormwater, but she would like to see some green innovations that would encourage an entrepreneur or startup to say they are going to locate at the green, cool campus. She said she is trying to push the applicant to not have this look like an office park in Anywhere, USA.

Ms. Firehock said she still thought the designs could go farther. She said she was not asking the applicant to proffer something like this but that if they want to be competitive in this market, they have to bring the green and natural. She said she knew Mr. Wardell has the chops to do more with what he has.

Mr. Bailey said he was perhaps channeling Mr. Clayborne that evening, as he talks about the affordable housing and the proper 15%. He said the thing they didn't really address was the housing that is going down to a single type being framed as garden luxury apartments of likely 1-2 bedrooms. He said there is a 15% ask to go to 128 units, with 20 of them being set aside as designated affordable housing. He said one thing Mr. Clayborne always brings up is the question of what the standard is for square footage in affordable housing, and if it is truly affordable if it is within 400-500 square feet.

Mr. Bailey said he didn't know where he sat with this. He said as a whole, the package was compelling. He said to Mr. Randolph's point, it is challenging the NMD, but that this led him to the affordable housing issue he was wrestling with and trying to make sense of. He said a lot of the economic value being derived is from the developer being more commercial than residential, which is slightly different than the NMD as the County thinks about affordable housing proffers and striking that balance.

Mr. Bailey said this was more of a comment about how he is wrestling with trying to make sure that the affordable housing does open up, is actually affordable, and is perhaps even accessible. He said with the 15%, he wants to make sure it is not just a nod to it but is actually meaningful. He related this to the Commissioners being asked to stretch their minds on the NMD and minimize the amount of actual housing part in favor of a larger commercial footprint that has a different economic impact for the developer and the County.

Mr. Keller said he thought Mr. Randolph and Ms. Firehock made excellent points, and that Mr. Bailey's comments were actually what he was getting at with the questions about the special exception. He said one way to move them towards this is to not do that. He said he thinks the applicant has come a long way on the project.

Mr. Keller said he was supportive of the overall project, but he was not supportive of the special exception. He said he thinks professional planners could have made the same argument in Charlottesville when they zoned Vinegar Hill differently than they zoned North Downtown.

Mr. Keller said they have to think about this. He said he understood from the developer's standpoint the challenges of putting housing in the commercial blocks. He said this is an issue all over the country. He said for those who would like to see those kinds of mixed residential and office or commercial uses, they are only seeing that be successful in the biggest of the big cities. He said recently, he saw in Chicago storefronts that were laid out for that purpose that are not being filled. He said the residential units were selling above, but the commercial wasn't selling below, and the reverse was also true.

Mr. Keller said he had one additional piece where he would encourage Mr. Redinger, as he believes he has tried to stretch on this in many ways. He said he thinks back to James Roush, the great developer of shopping centers who, later in his life, spent time thinking about affordable housing and what makes up a good affordable housing community. He said part of that in renaissance housing was to have IBM typewriters in the basement so that mothers who were in that housing could actually begin to gain skills.

Mr. Keller said when having these office buildings that the applicant says they will be manager of, and with deep-pocket people who will be parking their dollars there, he would encourage the applicant to think about whether there might be an opportunity for a nonprofit group that money could be parked in that can work on workforce development.

Mr. Keller said there are a number of communities of need close by and that hopefully, they can get the transportation issues worked out so they can have mass transit and walkability and bikeability to this location. He said it seemed to him that it was the perfect location for after-hours trainings once they get past the COVID-19 issues of the immediate next year or so. He said Mr. Redinger has been innovative in thinking about much of this, and he would encourage him to think about that walkability he might be able to provide on a site like this.

Mr. Bivins said there had been a number of questions for the Economic Development Office, and that Mr. Roger Johnson and Mr. J.T. Newberry were available. He asked Mr. Randolph to ask his questions for them again.

Mr. Randolph said he had two questions and they both involved the development agreement (on pages 4 and 6). He said page 4 states that the applicant is expected to reserve the 25,000 square feet for the qualifying EDA-supplied \$100,000 for Class A office space within Blocks 2 and 3, or a combination of the two blocks. He said he was asking for an explanation as to why the Economic Development Office will be involved in creating materials for the EDO's consultant (Retail Strategies, Inc.) to market space in Block 4, as stated in the development agreement. He said he was confused as to why the money is going to Blocks 2 and 3 and why the EDO proposes to use a consultant to market space in Block 4.

Mr. Roger Johnson (Director of Economic Development) replied that the EDO hired Retail Strategies to do a couple of things. He said one was to study Downtown Crozet and make suggestions about how it can be better marketed.

Mr. Johnson said the second part of that was to have Retail Strategies look at linkage in the community, then spend two years recruiting new retailers to fill in vacant storefronts. He said Retail Strategies goes to RECON, which is the largest retail conference in the United States, and they also go to the International Conference of Shopping Centers in Atlanta, which is also a large conference. He said while they are there, they connect with all the large retailers in the world to make them aware of opportunities in communities they might not otherwise know about.

Mr. Johnson said in Albemarle, they have had Retail Strategies come tour and have recognized vacant spaces that they would like the community to have infill development in. He said Retail Strategies is going to do this for the County regardless of whether they did it for the ABC campus or not.

Mr. Johnson said that because Mr. Redinger is laying out over \$400,000 in predevelopment costs, the EDO wanted to make him whole in some way, shape, or form. He said they decided one of the things they could do as a County is take the existing expense that they already had and help leverage that to help Mr. Redinger's development be filled more quickly for his retail space. He said it was, in effect, quid pro quo.

Mr. Randolph said on page 6, he had raised the question about the EDO being involved with helping the developer's request for "alternative parking solutions for the project" when the NMD is clear about the necessity of relegated parking.

Mr. Johnson replied that Mr. Randolph made a good point. He said Mr. Reitelbach, Ms. Nedostup, Ms. Filardo, and Ms. McCulley have all been a pleasure to work with. He said while it looks like there may be a conflict on paper, in reality, they have been working as one organization and there have been absolutely no issues with working on these types of items. He said he did see Mr. Randolph's point, however, and they would broach the subject of how this could unnecessarily create a conflict of competing goals.

Mr. Newberry said the spirit of that particular section was to capture the EDO's intent in the context of a public-private partnership to look creatively to how they can find solutions to issues. He said in the typical development process, developers receive feedback from staff and amongst themselves, try to interpret and decipher all the various feedback. He said this was an opportunity

where they could take the feedback from all the different reviewers to see how they can creatively approach it and achieve a greater public good than what they may otherwise know about.

Mr. Newberry said with he and Mr. Johnson being plugged into the County and reading the Comprehensive Plan over and over again, they can have a certain familiarity with what all the options are on the table to address a certain comment. He said the section was meant to capture the EDO bringing their brainpower to helping the applicant make this a successful project in the confines of the Comprehensive Plan and the County's ordinances, and not to skirt any of the requirements.

Mr. Randolph said knowing both Mr. Newberry and Mr. Johnson, he knows this is the spirit with which they would approach it. He said his concern, however, was that the way the section was written leads to someone who is less familiar with the operating philosophy of the EDO to believe they could potentially be in conflict with Community Development, the Planning Commission, and the Board in terms of the direction they want to go on the primacy of relegated parking. He said they were entering into a political thicket here, which did not serve anyone's interested.

Mr. Randolph said he appreciated the fuller explanation and the spirit behind that and understood it, but he was just reacting to what was written and the way it looked to someone less familiar with all the nuances, where they could potentially see something going on that is, in fact, not going on.

Mr. Keller said he had the same positive reaction to EDO staff's responses as Mr. Randolph's. He said he knew that at the CAC, the question came up from the community about the order of things, and whether or not the Planning Commission should have been in the loop on this. He said he understood there were a number of potential projects where this is an EDA, potential developer, and Supervisor decision that is outside the scope of the Planning Commission.

Mr. Keller said he did think it might be worthwhile, however, for them to get together and have that meeting that has been long put off with the EDA to discuss some of these projects so that it is clear to the public what the process is and the appropriate place for the Planning Commission to come in. He said he knew there was some concern that perhaps some of the community issues would have been vetted sooner if the Planning Commission had been in the loop sooner.

Mr. Bivins noted Mr. Keller's suggestion. He asked if the Commission wanted to have further conversation about the role of the opportunity zone and what the expectation is for significant equity development.

Mr. Newberry said he could provide a response to that. He said he thinks staff and the applicant provided a comprehensive response. He said one of the ways he thinks about the opportunity zone program is that it is a financing program in that it provides access to capital that would otherwise not be there. He said when he thinks about opportunity zones in the County, there will be different public goods that will be more attractive for different spots within those zones.

Mr. Newberry said with this project in particular, what stood out to staff was about not only trying to solve the community issue of having Class A office space, but in terms of the question of how it benefits the lower-income residents, it was about the applicant's commitment to connectivity and looking at this as somewhat of an employment desert, where the Neighborhood Model looks at about a quarter-mile walkshed and there are over 700 units there that would not otherwise be able to walk to their jobs.

Mr. Newberry said as staff has heard other speakers talk about how difficult and expensive the community is, with transportation being such a significant cost, within the opportunity zone here beyond what the applicant talked about in terms of entrepreneurship and the quality of development they are getting, the provision of a range of jobs was something that while other people have touched on it, this would be a bus stop where one would not mind waiting 10 minutes at. He said there will be bike racks at every building. He said there are those components where staff feels like they are utilizing private investment to further the public good.

Mr. Newberry said if the Planning Commission can help identify those public goods, they will have more public-private partnerships going forward. He said this is the beginning basis of the conversations -- the public goods in the area that the County wants to achieve.

Mr. Newberry said Mr. Keller's comment was welcomed and that he would look forward to the conversation between the EDA and Planning Commission about how to maximize these areas.

Mr. Bivins made a note of this meeting request. He said he was in a much better place with this iteration of the proposal than he had been. He said he hoped that since there has been imaginative planning about this from the Commission, the applicant would do likewise so that when he wants to do the next project, the Commission will all have good feelings.

Mr. Bivins said he hopes VDOT understands that it is important to connect the residential community to the commercial community if people will be drawn to work there. He said if this is truly what will happen, he didn't want people getting hurt on Old Lynchburg Road and wants them to be able to get across the street.

Mr. Bivins told Mr. Redinger that the Commission didn't think the affordable housing units would look like 500-square-foot studios and rather, they will be the same thing that would be rented for the market rate.

Mr. Bivins said much like where Columbia, Maryland was coming from, it would be great if PVCC put a campus there instead of people having to go up its steep hill. He said it would be interesting to be creative with the EDA and EDO to find a place at the site to make it accessible for the emerging community at Southwood and at Stagecoach so that, in fact, people feel comfortable about coming there.

Mr. Randolph moved to approve ZMA201900003 Albemarle Business Campus (formerly known as Royal Fern), with the incorporation of the staff revisions.

Mr. Bailey seconded the motion.

Ms. Firehock said she had a question for Mr. Randolph. She said earlier, he talked about not being in support of the request to have only one housing type required, but then the motion seemed to include everything that the staff had requested, and the application as presented. She asked if this means the applicant is then able to have the one type of housing unit.

Mr. Randolph replied that he thought they were having a separate vote on the special exception.

Ms. Firehock said she just wanted to understand that.



Mr. Randolph said that was why he said at the outset that he assumed there would be two motions.

Ms. Firehock thanked Mr. Randolph.

The motion carried unanimously (5:0). (Ms. More and Mr. Clayborne were absent.)

Mr. Keller moved to recommend denial of the special exception to mixture of uses with a minimum of two housing types.

Mr. Randolph seconded the motion.

Mr. Herrick said if Mr. Keller could state the reasons for denial before proceeding with the vote, this would help the record.

Mr. Keller said there were two reasons -- one that he had in mind, and the other being one Mr. Randolph brought up. He said they are moving into an interesting territory with the Neighborhood Model in having more office and commercial than residential. He said they need to think very carefully about the ramifications of that.

Mr. Keller said secondly, which was his primary reason, he believes they need to have as many housing types as possible, so they should be staying with the format and numbers they had originally rather than reducing those numbers.

Mr. Keller said he realized the applicant asked for the opportunity to be able to still institute those if there is a need, but he thinks there is a reason to be able to integrate those housing types, at least in the one particular block that is all residential.

Mr. Bivins asked Mr. Keller if he was referring to Block 1.

Mr. Keller replied yes.

The vote to deny the special exception request carried unanimously (5:0). (Ms. More and Mr. Clayborne were absent.)

Mr. Bivins informed the applicant that there were some items that he may want to consider and discuss with staff before taking this to the Board of Supervisors. He said the Commission was challenging the applicant to be as creative as he can be as far as how to look at housing. He thanked the applicant for being creative.

### **Adjournment**

At 8:00 p.m., the Commission adjourned to September 1, 2020, Albemarle County Planning Commission meeting, 6:00 p.m. via electronic meeting.



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Charles Rapp, Director of Planning

(Recorded and transcribed by Carolyn S. Shaffer, Clerk to Planning Commission & Planning Boards)

Approved by Planning Commission
Date: 09/01/2020
Initials: CSS