

**Albemarle County Planning Commission
Final Minutes Regular Meeting February 28, 2023**

The Albemarle County Planning Commission held a public hearing on Tuesday, February 28, 2023, at 6:00 p.m.

Members attending were Corey Clayborne, Chair; Fred Missel, Vice-Chair; Julian Bivins; Karen Firehock; Luis Carrazana; and Lonnie Murray.

Members absent none.

Other officials present were Kevin McDermott, Director of Planning; Andy Herrick, County Attorney's Office; Rebecca Ragsdale; Alberic Katrina-Plun; and Carolyn Shaffer, Clerk to the Planning Commission (via Zoom).

Call to Order and Establish Quorum

Ms. Shaffer called the roll.

Mr. Clayborne established a quorum.

Other Matters Not Listed on the Agenda from the Public.

Ms. Annie Lorenzoni stated that she was speaking on behalf of Livable Cville to discuss homelessness in the Charlottesville and Albemarle area. She stated that housing was a human right, and it was a violation of that right when someone experienced homelessness in the community. She stated that the underlying problem was insufficient housing.

Ms. Lorenzoni said that homelessness was increasing in the area, and according to the Blue Ridge Coalition for the Homeless, the point-in-time count for the area increased by 50% to 266 people in 2022. She said that more than 440 people accessed the Haven's Day Shelter services more than 19,000 times in 2022. She said that they had to address stereotypes related to homelessness and that attributing homelessness to individual choices or behaviors misunderstood the reasons why people became homeless, resulted in harmful policies, and deferred real solutions.

Ms. Lorenzoni distributed copies of the book, *Homelessness is a Housing Problem*, by Clayton Page Aldern and Gregg Colburn, and copies of a flyer from Haven with information about the work of the organization to the Commissioners.

Consent Agenda

There were no items on the consent agenda.

Public Hearings

ZMA202200006 999 Rio Road

Ms. Rebecca Ragsdale, Planning Manager, stated that there was a planting strip exception that required action from the Commission. She stated that the property was at the corner of Belvidere Boulevard and East Rio Road, and it totaled 1.9847 acres. She stated that the parcel was currently undeveloped, and an existing house was on the property. She noted that the parcel was zoned Neighborhood Model District (NMD), and the parcel was surrounded by R4 residential zoning and commercial zoning.

Ms. Ragsdale stated that currently, the code of development established two blocks—one mixed-use and one residential—and the proposed change would reduce it to one block for residential development. She explained that the residential block would allow for 10 additional residential units, and it would eliminate the minimum and maximum nonresidential uses.

Ms. Ragsdale said that the requirement for a minimum of two housing types and 15% affordability would not change. She said that there were no requirements for specific unit types to meet the affordability requirement.

Ms. Ragsdale said that there was more greenspace in the new proposal, and the buildings were shifted away from Rio Road. She said that buildings were still fronted on Belvidere Boulevard. She said that there would be an internal parking area. She noted that a planting strip exception was approved with the prior proposal.

Ms. Ragsdale stated that the primary land use designation was urban density residential in the comprehensive plan. She explained that nonresidential user were secondary in the urban density residential designation. She said that there were no center designations or specific recommendations for a neighborhood center in the Places29 Master Plan for the area. She said that the proposal was reviewed by the Transportation Department as to traffic impacts. She noted that no concerns were identified related to traffic impacts.

Ms. Ragsdale noted that the EDA was aware of the request, and they did not express concerns about the reduction in commercial inventory. She stated that staff recommended approval of the rezoning, and they found positive aspects to the proposal. She noted that the request to wave the mixed-use requirement and eliminate the nonresidential uses was not consistent with the purpose and intent of the NMD, but the master plan did not specifically call for nonresidential uses in the area.

Ms. Firehock clarified that if there were a planting requirement, there would have to be plants and trees. She asked what was required to be planted in the planting strip.

Ms. Ragsdale explained the planting strip was required to be a grass strip of six feet between the parking area and the sidewalk.

Ms. Firehock asked if the planting strip was required to have trees.

Ms. Ragsdale responded that there were street tree requirements.

Ms. Firehock asked if the applicant was required to plant trees if they were not required to install the planting strip.

Ms. Ragsdale responded that she did not know if street trees were required, but the development would have to comply with the tree canopy calculations and landscaping requirements of the ordinance.

Ms. Firehock asked whether the development would lose a tree-covered parking lot if the planting strip were removed.

Ms. Ragsdale responded that there were landscaping requirements for the parking lot. She noted that the design of the amenities and green space had not been finalized.

Ms. Firehock noted that the urban heat island effect would impact the development with a large parking lot in the center.

Mr. Missel noted that there were planned VDOT improvements for Rio Road and asked if the development coordinated with those plans.

Mr. Kevin McDermott, Planning Director, stated that the location was separate from the roundabout that was already funded at the John Warner Parkway. He said that there were minor impacts to Rio Road. He said there was a project under consideration for SMART Scale funding next year. He said that there was a right-of-way designation that would provide additional room for the SMART Scale project, and the developer provided a multi-use path that could coincide with the traffic improvements.

Mr. Carrazana asked if all of the parking was external and whether there was information regarding the scale.

Ms. Ragsdale responded there would be surface parking, and the structures would be no more than three stories. She explained that the code of development established the building height requirements. She said that the standards of the code of development established 35 feet as the maximum height. She clarified that the development was within the Entrance Corridor, and she noted that in the staff report, it stated the landscaping would be reviewed by the ARB.

Mr. Murray asked if staff had contacted the EDA or small businesses. He said that without such engagement, then they may be decreasing the availability of commercial space. He said that small businesses do not have available commercial space was similar to families and children living homeless because there was not enough available housing.

Ms. Ragsdale responded that the EDA was aware of the request and did not express concerns about the impacts to the commercial inventory.

Ms. Firehock said that the EDA did not know what small businesses needed in terms of commercial real estate. She asked whether the stormwater management pond would be dry or wet.

Ms. Ragsdale responded that the stormwater pond was intended to be an amenity feature, and it would be a wet pond.

Mr. Clayborne asked why the 500-square-foot minimum was implemented.

Ms. Ragsdale responded that the master plan did not provide guidance as to the appropriate range, so staff determined a range of 500 to 6,000 square feet was an appropriate scale for secondary uses in the neighborhood.

Mr. Clayborne opened the public hearing.

Ms. Nicole Scro, representing the applicant, stated that parties which expressed interest in the commercial space initially backed out. She said that the underground stormwater system doubled in price, so the project no longer became feasible. She said that they were returning with a proposal that was entirely residential. She explained that there was a requirement for street trees, and within a parking lot, there was a maximum allowed amount of asphalt per square foot. She noted that a 20% tree canopy was required.

Ms. Scro said that Ms. Jessica Primm was the architect, and Craig Builders would be the end-user and ultimately own the rental community. She explained that the units fronting Belvidere Boulevard would be two-story stacked units. She stated that the units opposite the private driveway would be three-story townhomes, and they may be sold.

Ms. Scro said that the project would be able to accommodate the SMART Scale project for the Continuous

Green-T intersection. She noted that the proposal was less than the density proposed in the comprehensive plan. She said that renderings of the stacked unit structures were available.

Mr. Bivins clarified that the development would be sold to another party.

Ms. Scro responded that the end-user would be Craig Builders.

Mr. Carrazana clarified that the renderings were conceptual.

Ms. Scro responded that the renderings were detailed because they had been reviewed by the ARB. She said that the stacked units were designed to have a double-frontage look.

Mr. Carrazana asked about the site grading.

Ms. Scro responded that the site would be fairly flat, but it would decline toward the front for the stormwater pond.

Mr. Missel asked whether the applicant had a set of design guidelines for the proposal.

Ms. Scro responded that they would have to return to the ARB because the renderings were for the previous proposal, but the section of stacked townhomes would not change. She said that they would draft a new set of guidelines.

Ms. Firehock asked for more information about why the applicant was returning to the Commission. She noted that the underground stormwater storage had become unfeasible. She noted that the proposed stormwater wet pond would improve water quality and quantity.

Ms. Scro responded that the stormwater pond would not be a wet pond—it would be a dry pond with a biofilter.

Ms. Firehock said that the site would still gain water quality treatment for the site which was not present in the prior application. She asked for more information about why the applicant was returning to the Commission.

Ms. Scro explained that the first proposal came before the Commission twice because they had to lower the density by 40%. She said that when they lost the potential commercial interest, it became difficult to afford the increased price of the stormwater detention. She explained that in order to afford costs of development, the stormwater management had to change or the density had to increase.

Ms. Firehock asked what the applicant did to attract commercial tenants.

Ms. Scro responded that they worked with commercial brokers. She noted that along Rio Road, there was too much demand for older buildings at a lower price point. She said that the applicant would not be able to compete with the other commercial space in the area.

Ms. Firehock asked if a community meeting was held for the changed application.

Ms. Scro responded yes. She noted that she was a member of the Places29 CAC and attended monthly meetings. She said that a meeting was held in October for the proposal.

Mr. Murray asked whether the parking for the proposal was too much, too little, or enough.

Ms. Scro responded that the proposed parking was too much from an environmental perspective, but it met the present parking demand. She noted that it was difficult to travel around the County without a car. She said that the proposed parking met the demand, and there was no more parking than required.

Mr. Clayborne asked for more information about the market study performed in 2020.

Ms. Scro responded that the intent for the 6,000 square foot commercial space was to provide a place for a professional office to own the building. She said that after the COVID-19 pandemic, the dynamic changed for what was feasible for commercial interests.

Mr. Clayborne asked if there was fencing for the project.

Ms. Scro responded that there was no fencing proposed for the site, and there was no fencing around the stormwater pond.

Mr. Murray asked whether the applicant would reconsider commercial space if the permitted density for the site increased.

Ms. Scro responded that the dynamic would be different, but a building to accommodate a commercial tenant could be built.

Mr. Clayborne opened the hearing for public comment.

Mr. Justin Shimp, engineer for the project, explained that Glenwood Station offered commercial real estate at much lower prices than the applicant would be able to. He said that infrastructure costs had increased by up to 75%, and those costs increased rents beyond what small businesses could afford.

Mr. Clayborne closed the hearing for public comment.

Ms. Firehock said that the number of trees should be increased in the parking lot area. She noted that the County's parking lot requirements needed revision. She said that she was supportive of the proposal.

Mr. Carrazana noted that development costs had increased. He said that he was supportive of the proposal. He said that housing was needed in the County.

Mr. Bivins said that he supported the proposal. He recommended that the applicant install electric vehicle charging points in the parking lot of the development.

Mr. Clayborne said that he supported the proposal.

Mr. Bivins moved that the Commission recommend approval of ZMA202200006 to amend the 999 Rio Road Code of Development and Application Plan for the reasons stated in the staff report. M. Carrazana seconded the motion which carried unanimously (6-0).

Mr. Bivins moved that the Commission approve the request for an exception from the planting strip requirement of County Code § 14-422 because of an unusual situation, including but not limited to the unusual size of the property and the reasons sated in the staff report. Mr. Missel seconded the motion which carried unanimously (5-1), with Ms. Firehock dissenting.

Adjournment

At 8:20 p.m., the Commission adjourned to April 12, 2022, Albemarle County Planning Commission meeting, 6:00 p.m. via electronic meeting.



Kevin McDermott, Director of Planning

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

Approved by Planning Commission
Date: 03/28/2023
Initials: CSS

[Attachment #2](#)

[Attachment #3](#)

Attachment 1
Letter submitted by Judy Schlusell

I had planned on speaking in person to the Planning Commission at the February 28, 2023, meeting. However, due to the death of a family member, I will be attending the funeral. Please consider my points and include them in the Planning Commission minutes.

When this application came before you quite a while ago, this body as well as the BOS gave approval to the proposal since it fell under the Neighborhood Model District. The rezoning is requesting the following changes:

- =eliminate the commercial pad
- =now proposing between 10-38 residential units
- =include building envelopes
- =include parking
- =include green space for amenities and storm water management

While eliminating the commercial pad and increasing the density may fall under guidelines meeting a county's bullet point, I am deeply concerned. This parcel is located in the Entrance Corridor nestled among several housing developments that are single family and duplex style homes which all have the common feature of a yard...aka greenery.

The proposed placement of the amenities and storm water management is of concern which will front Rio Rd. From what I understand this development will be rentals rather than the original proposal of "small homes" to purchase falling in the category of affordable housing.

Developers promise the moon yet deliver much less than that. Developers are notorious for leveling a parcel plowing down all greenery, The front part of this parcel is flat with no large trees. However, the back part does have many large trees which I suspect could be labeled as Witness Trees considering the history of this portion of Albemarle County. Is the developer going to plow everything to satisfy a bullet point in the Neighborhood Model District guideline making another attempt to obliterate a portion of history? The developer will probably tell you those trees will be replaced. However, will they be replaced with a twig style tree that will take 25+ years to mature.

Look around this section of Rio Rd and how many of the developments have any amenities facing Rio Rd. What type of amenities is the developer planning....a playground, tennis courts, exercise course? Although you may think some of these thoughts are far-fetched, developers are creative to lure potential clients to their site.

The proposal of green space is of concern. Since this development is being proposed as rentals who will be responsible for the maintenance of the green space? Remember the location is in the Entrance Corridor and all one needs to do is drive by and see the unsightly overgrown unattended junipers located on Rio Rd. Do you, the Planning Commission want to approve and ultimately encourage another unkept section of the Entrance Corridor?

The developer is eliminating the commercial pad and increase density now to a maximum of 38 units. This increase by itself may seem insignificant but that is more traffic funneling onto Belvedere Blvd and ultimately onto Rio Rd. This intersection is a traffic nightmare. I attended the recent meeting at the center presented by VDOT and the County, one does not need to be a traffic engineer, but it came

through loud and clear that although there are several traffic options on the table all theoretical and many years down the road till implementation becomes reality.

At the Feb 23, 2023, Rio 29 CAC meeting storm water management issue came up. Supervisor Ned Gallaway indicated that the Board of Supervisors are aware there are problems with the storm water system in this development area.

Although the rezoning application is being promoted as new and improved, perhaps it should not be approved but at least tabled until more concrete answers can be obtained regarding some of the points, I've raised namely traffic and storm water management.

Thank You.

Judy Schlussel
Rio District Resident
Member of the Rio 29 CAC