

**Albemarle County Planning Commission
Final Minutes May 14, 2024**

The Albemarle County Planning Commission held a public hearing on Tuesday, May 14, 2024, at 6:00 p.m.

Members attending were: Fred Missel; Luis Carrazana; Corey Clayborne; Julian Bivins; Karen Firehock; Nathan Moore; Lonnie Murray

Other officials present were: Jeff Richardson, Michael Barnes, Director of Planning; Andy Herrick, County Attorney's Office; Kevin McCollum, Senior Planner II; Trevor Henry; JT Newberry; Bill Fritz, Development Process Manager; Jodie Filardo; Bart Svoboda; and Carolyn Shaffer, Clerk to the Planning Commission.

Call to Order and Establish Quorum

Ms. Shaffer called the roll.

Mr. Missel established a quorum.

Public Hearings

ZMA202300010 Granger

Kevin McCollum, Senior Planner II, said that he would give staff's presentation on the Granger Development rezoning application. He said that he would begin with the location of the property. He said that it was situated near the Interstate 64 and Route 29 interchange off of Sunset Avenue Extended on the northern side of I-64. It was just to the west of the City of Charlottesville and south of UVA Fontaine Research Park. He said that directly across Sunset Avenue Extended from the proposed development were Parkside Eagles Landing condominiums and Jefferson Ridge apartment communities. He said that Redfields was on the other side of I-64.

Mr. McCollum said that the map displayed on the slide showed the boundaries of the parcel. He said that the property spanned approximately 69 acres and was currently zoned R1 residential. He said that the property was bordered by Sunset Avenue Extended, Interstate 64, a railroad track, and two creeks. He said that the two creeks, Moores Creek and Morey Creek, divided the property, and there were a significant number of critical resources on the land, including managed and preserved steep slopes, stream buffers, and a floodplain. He said that the site remained undeveloped, featuring hilly terrain covered in trees. He said that additionally, there was a large electrical easement running along the eastern edge of the property.

Mr. McCollum said that the surrounding properties consisted of abutting R1 residential lots to the east, commercial properties to the north, across the train tracks, which included the University of Virginia Research Park and the Virginia Department of Forestry. He said that to the southeast, across Sunset Avenue Extended, there were more residential areas, including apartment communities like Parkside Eagles Landing and Jefferson Ridge.

Mr. McCollum said that further to the west lay the Redfields neighborhood, also designated as a Planned Residential Development. He said that that the next map was from the comprehensive plan information for the properties within the Southern and Western neighborhoods, as identified in the comprehensive plan. He said that the future land use recommendations consist of neighborhood density residential, depicted in yellow on the screen, and green systems, displayed in green.

Mr. McCollum said that the neighborhood density residential designations represent residential areas with a desired density of three to six dwelling units per acre, and primary uses include single-family detached, single-family attached, and townhouse units. He said that the parks and green system designation signifies areas designated for parks, recreation, environmental preservation, and regions not intended for development. He said that the parks and green system designation cannot be utilized to determine available density.

Mr. McCollum said that the creeks, floodplain, and preserved slopes present on the property constitute most of what was recognized in the parks and green systems layer. He said that the project proposal entails rezoning the entire property from R1 residential to planned residential development. He said that the accompanying application plan encompasses a maximum of 203 units, with a mixture of housing types comprising single-family detached, attached such as townhomes, and multifamily units including unit types like attached two over ones. He said that 15% of the total units provided will be affordable for rent and for sale units.

Mr. McCollum said that access to vehicular traffic to the development will be facilitated by Sunset Avenue Extended. He said that pedestrians and cyclists will also have the ability to traverse throughout the site and into the City via provided multi-use trails along Sunset Avenue Extended and connecting through the site to Stribling Avenue Extended and towards Fontaine Avenue.

Mr. McCollum said that over 50% of the site will be open, featuring amenities, amenity areas, green spaces, and trails. He said that to clarify, the illustrative plan is not a binding plan but rather offers an overview of how the site would be developed. He said that the proposal consists of a mix of single-family detached lots and attached townhouses in two over one style units. He said that displayed on the next slide was sheet four of the application plan.

Mr. McCollum said that as this was a requested planned residential development district, it was a planned zoning district, meaning the application plan would be legally binding if the ZMA was approved by the Board. He said that consequently, the proposed number of units, placement of roads, multi-use paths, affordable housing, trails, and everything else displayed on the application plan would need to be fulfilled during the subdivision and site plan review process.

Mr. McCollum said that the application plan allows for some flexibility since it does not precisely indicate the positioning of individual units but does showcase significant features within the building envelopes. He said that he would zoom in on the screen to display further details of the application plan. He said that there was one primary entry point into the development along Sunset Avenue Extended, which aligned with the entrance of Jefferson Ridge Apartments. He said that the thick red line represents the public street network, while the thick dashed blue line signifies a private street.

Mr. McCollum said that the tan-ish region in the center was the proposed building envelope where homes could be constructed. He said that the skinnier red dashed line along Sunset Avenue Extended was a proposed multi-use pathway that runs the length of the property's frontage. He said that the orange dashed line denotes a 20-foot emergency access road that also serves as a multi-use path, and there is also a 10-foot asphalt trailway crossing the creek and connecting all the way to Stribling and Fontaine. He said that the lightly tanned area in the northwest corner of the screen was a private trail network that becomes public as it approached the creek. He said that along the creek, the trail system was public.

Mr. McCollum said that the next slide depicted sheet six of the application plan, which displayed trail conditions in greater detail. He said that the Class B primitive trail was a 3-foot-wide mulch path trail, whereas the Class A trail was a 10-foot-wide asphalt multi-use path designed for cyclists and pedestrians. He said that the next map indicated that the proposed multi-use trails and greenways would have public access easements. He said that the public would have access to all the proposed paths and trails, as depicted in the application plan. He said that the areas covered by the green hatching would be available for public use and the red-hatched region was designated for future dedication.

Mr. McCollum said that the applicant and Albemarle County Parks and Recreation were still refining the language concerning that area's future reservation. He said that they were collaborating with staff to determine the ideal location for the emergency access road within the eastern section of the property. He said that preserved slopes existed currently in that area, so their focus was on identifying an optimal location for all enhancements that catered to users' functionality while considering environmental impacts. He said that he would like to acknowledge their ongoing collaboration with the applicant in finalizing specifics. He said that nevertheless, the application plan accurately displayed the general placement of these improvements.

Mr. McCollum said that he would try to address the most commented-upon and questioned impacts. He said that transportation effects of this development had been assessed by Transportation Planning staff and Virginia Department of Transportation (VDOT). He said that the application included a traffic impact analysis, and based on the findings and staff's evaluation, no offsite roadway improvements were deemed necessary or advisable upon completion of the proposed development.

Mr. McCollum said that the application suggested one primary entry point to the development via Sunset Avenue Extended, and all additional roads were intended for internal usage. He said that a secondary access route had been incorporated for Fire Rescue purposes. He said that it was a 20-foot asphalt emergency access road, doubling as a pedestrian and cyclist path. He said that this path connected to a 10-foot asphalt trail that traversed the site over a 10-foot pedestrian bridge spanning the stream and linked to Stribling Avenue before continuing onto Fontaine Avenue.

Mr. McCollum said that although the application did not propose a Sunset-Fontaine connector road as described in the master plan, the multi-use trails along the property frontage and throughout the site provided significant and safe connections for pedestrians and cyclists. He said that residents of the proposed neighborhood and members of the public would have safe and convenient access to the UVA Research Park and connections to Fontaine and the City of Charlottesville since the multi-use paths and trails would all have public access easements.

Mr. McCollum said that for environmental impacts, the site development would comply with Department of Environmental Quality (DEQ) and Albemarle County requirements for water protection, including water quality and water quantity requirements. He said that a stormwater management plan would be provided with the final site plan for land disturbance. He said that the application plan sheet 5, displayed on the screen, showed a utility and grading plan. He said that the notes on the plan stated that water quality and quantity practices would meet state requirements.

Mr. McCollum said that the site would be provided with water quality and quantity practices meeting state requirements and may include a number of Best Management Practices (BMP) such as quality swales, pervious pavers, underground retention, rain gardens, water harvesting, nutrient credits, etcetera. He said that development had been largely kept out of the critical resources such as the stream buffer, the floodplain, the preserved slopes.

Mr. McCollum said that where development did impact these features, staff and the applicant had worked to minimize the impacts. He said that some impacts were necessary to access the site and provide needed improvements. He said that regarding schools' impacts, he would address that in just a second, but nothing had been proposed by the applicant at that time to alleviate any potential school impacts. He said that based on the anticipated unit type mix, the total number of estimated students was 50, with 24 being elementary school, 10 middle, and 16 high school.

Mr. McCollum said that staff identified several factors favorable to the proposal. He said that it was consistent with the land use recommendations of the Southern and Western Neighborhood's Master Plan. He said that the proposal was for a maximum of 203 residential units at a density of 5.985 units per acre; this was consistent with the three to six dwelling units per acre recommendation in the neighborhood density residential area. He said that the request was consistent with the Comprehensive Plan's Neighborhood Model Principles.

Mr. McCollum said that new transportation improvements align with the transportation recommendations of the Southern and Western Neighborhoods Master Plan, including new multi-use paths along Sunset Avenue Extended and through the site connecting Sunset Avenue Extended to Stribling Avenue and Fontaine Avenue for pedestrians and cyclists. He said that the request offers essential public trail connections and preserves space for a future public greenway trail.

Mr. McCollum said that these trails assist in completing the trail network as demonstrated in the parks and green systems plan in the Southern and Western Neighborhoods Master Plan. He said that lastly, the request provides 15% affordable housing, consistent with the County's affordable housing policy in effect when this application was submitted.

Mr. McCollum said that concerning unfavorable factors, staff assessed the effects on schools based on the existing conditions of the educational institutions within the applicable school districts. He said that it was noted that Mountain View Elementary School is over capacity, and the development would exacerbate overcrowding. He said that they have been in touch with school representatives, and a new southern feeder elementary school scheduled to open in the upcoming few years will alleviate present overcrowding concerns.

Mr. McCollum said that the preliminary site plan for that project has already been approved, and upon following up with the school's contacts, they indicated that the new school would alleviate current overcrowding issues at Mountain View Elementary School since the student body would essentially be divided in half without altering the boundaries. He said that furthermore, there is also a proposed High School Center II that might mitigate some student impacts for Monticello High School. He said that the center would be an option for any high school student; however, it was challenging to forecast precisely how many pupils would attend that institution.

Mr. McCollum said that in summary, even though their sole negative aspect was school impact, there were two forthcoming schools set to open soon that could alleviate some of those potential overcrowding concerns resulting from this development. He said that staff recommended approval of this rezoning application ZMA202300010 Granger Development.

Ms. Firehock asked what the reserved area was.

Mr. McCollum asked if she was referring to the area on the northern side of the creek.

Ms. Firehock said yes. She said that she did not understand that.

Mr. McCollum said that basically, the applicant was leaving that up to future development. He said that they propose a maximum of two units; however, if they build all 203 units on the southern side of the creek, they would not have the ability to develop further in that area. He said that as a result, there had been considerable discussion about whether this might turn into a future park or open space. He said that the proposal allows for the possibility of constructing two units.

Mr. McCollum said that an existing crossing of the stream was present there. He said that earlier, a house was situated on that part of the property but has since been torn down. He said that the crossing of the creek was where the old driveway used to be. He said that his understanding was that they aim to preserve the option to potentially develop approximately two houses on the northern side of the creek.

Mr. Carrazana said that he would like to clarify the stormwater management strategy that Mr. McCollum had mentioned. He said that underground retention had been highlighted, but no bioswales or ponds. He asked if the applicant was not planning on anything other than the underground retention.

Mr. McCollum said that the notes on the application plan leave a lot of options available for the future design. He said that the applicant could discuss that further. He said that they would review the stormwater management plan with the site plan.

Mr. Murray said that when he looked through the County Code on the determination of managed versus preserved slopes, he became confused as to why the two slopes on the site near the creek were indicated as managed when they appeared to be natural and thus should be identified as preserved slopes. He asked if Mr. McCollum could describe why they were managed slopes and not preserved slopes.

Mr. McCollum said that he appreciated Mr. Murray raising that point earlier, which gave staff the opportunity to research the issue. He said that after consulting with Engineering and Planning staff, they found through the GIS data that it was an intermittent stream, and stream buffers only applied to perennial streams. He said that based on the information available, there was no evidence of a perennial stream at that location.

Mr. McCollum said that the slopes had been initially zoned as managed slopes when the Board adopted the Preserved Slopes Overlay District in 2014. He said that his understanding was that there must have been a reason for categorizing them as managed instead of preserved, perhaps because their characteristics did not align with the definition of a continuous area of slopes. He said that they were designated as managed slopes, permitting development according to the by-right uses outlined in the ordinance for managed slopes.

Mr. Murray said that his understanding was that during the discussions when those were passed, a promise was made to the environmental community that this was just a preliminary map and that there would be site truthing of those, and they would not simply accept the GIS algorithm as to what would be preserved and managed. He said that according to the current ordinance, it only stated that something was associated with water but did not specifically mention that intermittent streams were exempt from preserved slopes. He said that under the current wording, it would classify any type of stream, whether intermittent or perennial, as a preserved slope. He asked the County Attorney to provide input on this matter.

Mr. Herrick said that he was not familiar with the issue. He said that he would need to look into it to provide a more definite answer.

Mr. McCollum said that they contacted Frank Pohl, the County Engineer, and he said that if there were any concerns, staff could definitely look into it. He said that the applicant could also examine whether there was an existing stream or channel present. He said that they could follow up on this matter.

Mr. Bivins asked which portion of the area was located in the Jack Jouett District.

Mr. McCollum said that the magisterial districts followed the same as the school district boundaries, which were indicated on the map. He noted that the northern portion had the magisterial district line.

Mr. Bivins said that he did not think any of their children would go to Western, so he would leave that for another discussion. He said that he would share with the Commission that by chance, he attended a CAC meeting last night and heard a presentation from Kate Acuff about the schools. He said that to address concerns about schools for this project, there were two schools set open in August 2026, assuming everything goes well. He said that one of these schools was located in Mountain View.

Mr. Bivins said that although he believed the developer was a platinum developer, he doubted they would have this up and running by August 2026. He said that he did not believe this project would cause any pinch points for schools regarding one school. He said that as for the lower and upper elementary schools being separated, he believed the applicant has received a green light on that point. He said that lastly, concerning the Lambs Lane campus, he learned at the meeting last night that Center II could accommodate 400 to 600 students daily. He said that this project would not affect that part of their academic community. He said that he wanted to clarify that now, so they would not have to address concerns later. He said that one question he had was regarding the site itself.

Mr. Bivins said that it was one of the most challenging sites he had seen in Albemarle County. He said that there were high tension lines, bollards, and various other elements present. He said that while having one exit for 203 residents might meet VDOT standards, it raised concerns from a cautionary standpoint. He said that he would propose they discuss the possibility of adding another entrance for safety reasons. He said that with high tension lines crossing the property, there were many potential issues that could arise. He said that his main concern was ensuring the development becomes a premier one, so he would wait to hear how the applicant planned to achieve this goal.

Mr. Moore said that he had a question for his own edification. He asked why they had mostly public streets and then one private street, and why they chose to implement a private street rather than entirely public roads in this development.

Mr. McCollum said that according to his understanding, a private street was necessary for that road because of the plans for perpendicular on-street parking. He said that VDOT permits parallel parking on-street but does not allow perpendicular parking. He said that the objective was to establish two-over-one parking units, which facilitated designated, parking lot-style parking instead of individual parking lots. He said that having shared, on-street parking spaces proved to be more efficient compared to parking on individual lots.

Mr. Moore said that he thought that might be the answer. He asked about the reason behind the lack of higher density on this particular parcel, considering its significant acreage and a substantial section was reserved.

Mr. McCollum said that the applicant had based the proposal on the recommendations from the comprehensive plan, taking into account the acreage available. He said that the recommendations indicated that between three and six dwellings should be constructed per acre, and the applicant proposed 5.99 as their figure. He said that when calculating this, they had utilized the area highlighted in yellow on the map of the comprehensive plan. He said that this encompassed all the available land, even the portion situated on the northern bank of the creek, which they had incorporated into the total acreage for the calculation. He said that this resulted in the proposal of 203 units.

Mr. Moore said that he had noticed that it was almost six units per acre net. He said that he would like to emphasize a point brought up during their recent comprehensive plan discussions, which was that he believed they should not have any more neighborhood density residential areas. He said that due to the continuous housing crisis, merely constructing additional dwellings would not resolve the predicament. He said that if they did not start implementing "missing middle" housing types, they would not even begin to build their way out of it, even with that as a tool in their toolkit.

Mr. Missel said that he appreciated the staff report, which was both comprehensive and well-detailed. He said that he had a question regarding page 6 of the application plan, which referred multiple times to the location of public access and maintenance easement, which was to be dedicated to the County. He asked if the County was planning to maintain that as part of the maintenance easement.

Mr. McCollum said yes, he believed so. He said that staff was still working with the applicant on the timing of that. He said that his understanding was that Parks and Recreation would maintain that as part of the public access easement.

Mr. Missel asked if staff was aware of a timing issue or development density issue that would trigger the trails.

Mr. McCollum said that yes, that was another element of the plan they will continue working with the applicant on. He said that there were two components. He said that one was the access easement, which would be approved with the subdivision plat. He said that the second component was the actual dedication of the land to the County, which he believed would happen later. He said that he believed that note referred

to the later dedication of the land, while the easement will be in place from the start. He said that the public would have access from the beginning; it was just the actual dedication of the land that would take place later. He said that the applicant could clarify if he misspoke about the situation.

Mr. Bivins asked if they passed the new regulations on affordable housing so that the threshold was higher.

Mr. McCollum said yes, it was adopted by the Board in March, but because this application came in before that, they would apply the previous policy to any items under review prior to that new regulation.

Mr. Bivins asked if that was why there were 15% affordable units.

Mr. McCollum said that was correct.

Mr. Bivins asked if these were rent or for purchase.

Mr. McCollum said that they had the option for both.

Mr. Bivins said that perhaps the applicant could give more clarity about that.

Mr. Missel said that he would like to clarify something related to the affordable housing. He asked if they now required 20% of the units at 60% of Area Median Income (AMI), or if the applicant chose to provide 20% affordable housing, they would be eligible for incentives.

Mr. Barnes said that he believed that applications currently under review had the option to provide 20% affordable housing, but it was not required.

Mr. McCollum said that for new applications, staff would be looking for 20% affordable housing, but there were also incentives in place to offset the cost of that to the developer.

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

Ashley Davies said that she was working for Riverbend Development. She said that she was accompanied by Alan Taylor, also from Riverbend, and Chuck Rapp from their engineering team. She said that they were also joined remotely by Carl Hultgren, their transportation analyst. She said that this presentation aimed to share their proposal for the site. She said that over the past 16 years, they had explored multiple designs and iterations for this location. She said that they believed they had struck a balance between housing density, environmental preservation, and maintaining excellent trail systems.

Ms. Davies said that all visuals displayed during the presentation were captured last week. She said that these images would offer a glimpse of the beautiful green spaces and plant communities present on the site. She said that their discussion would revolve around three primary themes. She said that initially, they would address the various constraints of the site, which was why it took them so long to arrive at this stage. She said that next, they would delve into the neighborhood they intended to establish. She said that lastly, they would explore the site as a central hub connecting both the City and the County. She thanked staff for their comprehensive report.

Ms. Davies said that the site featured several constraints, as depicted in the image on the left. She said that Moores Creek and Morey Creek, along with their tributaries, traversed the property, dividing it into two distinct parts. She said that furthermore, numerous preserved slopes lined the stream banks, occupying a considerable portion of the site. She said that other constraints included the hard edges formed by Interstate 64 and the railway tracks, restricting potential access points. She said that lastly, a vast electric utility easement stretched across the site from north to south, further complicating development possibilities. She said that she believed that these constraints ultimately serve as a significant advantage to the site.

Ms. Davies showed a slide offering a visual representation of the different streams, some of the slope regions, the railroad, and the size of the power lines running through the area. She said that after considering the factors, what remained was a location that consisted of 54% open space, which was quite rare. She said that with the rest of it, they mainly contained a substantial portion of the development in that 25-acre segment. She said that with the six-acre section above, they reserved it for possibly one to two units up there; however, they mainly concentrated the development on the southern side. She said that what that permitted them to do was avoid impacting some of those crucial environmental regions.

Ms. Davies said that in the northern slopes that ran alongside the creek, they possessed lovely plant communities of mountain laurels and many other wonderful species. She said that they were happy to protect those. She said that this allowed them to cluster the neighborhood with a range of unit varieties, from single family houses to attached unit styles. She said that it also allowed them to build affordable housing on site, positioned close to the City and the university. She said that they kept this density since it corresponded with both the comprehensive plan and the current transportation infrastructure's capacity.

Ms. Davies said that staff had already discussed the schools, so she would only bring up that topic if the Commission had further questions. She said that one of the most appealing elements of this site pertained to its location. She said that when reviewing these zoning recommendations, they predominantly focused on the site context, but it was fascinating to zoom out and observe the site in relation to neighboring areas. She said that regarding the Granger property, the existing Rivanna Trails network passed through it, indicated by the blue dots visible on the screen. She said that this area would be within easement and accessible for public usage.

Ms. Davies said that they had incorporated a 10-foot Class A shared use path on the site itself, illustrated in pink. She said that this path offered potential for future extension. She said that even though they could not manage areas beyond their site, she believed now was the optimal moment to participate in the development of these trail networks. She said that by building upon these connections, they could potentially extend all the way to Biscuit Run Park or even reach the Sieg property and the future Hedgerow Park. She said that it was exciting to imagine these possibilities. She said that the map illustrated the extent of both the trails and the areas designated for public access easements.

Ms. Davies said that the existing crossing across Moores Creek for the Rivanna Trail could be quite an adventure to get across. She said that many days, it was impossible to get across. She said that one of the great features of their proposal was the creek crossing that would be a part of the overall Class A shared use path. She said that unlike the 8-foot-wide bridge shown as an example, their proposed creek crossing would be a 10-foot-wide bridge that matched the path. She said that anyone walking or biking would easily be able to cross the creek and get right into the City. She said that they were excited about the opportunity to provide a new neighborhood in this location, appreciating its natural environment and proximity to work opportunities and amenities.

Mr. Moore said that he had a question concerning the 20-foot-wide emergency road situated on the eastern boundary of the property. He asked whether this path would be obstructed by bollards or accessible for automobiles requiring passage via that route.

Ms. Davies said that it was an emergency access point, and usually, there were bollards present. She said that these bollards allowed pedestrians and cyclists to pass through at any time. She said that, when necessary, the bollards could rise to provide emergency access.

Mr. Moore said that he could see a beautiful multi-use trail leading to Stribling. He asked why there was not a road for cars going north instead of just a path for bikes and pedestrians.

Ms. Davies said that they had examined various auto connections and found that they were damaging to the delicate parts of the site. She said that there was no substantial advantage to this method. She said that even if they could navigate through an auto connection, both the Stribling Avenue extension, the power

substation, and the road alongside the research park would be difficult to traverse and unsuitable for numerous car journeys. She said that the ecological harm from this choice appeared impractical to them.

Mr. Moore asked if the applicant had plans yet for what units would be for rent versus what would be for sale.

Ms. Davies said that they tended to offer a variety of options. She said that Greenwood Homes, their home building company, would be working on the site. She said that at this stage, they preferred to keep both options open because having a mix of homeownership opportunities and rental opportunities was beneficial. She said that they did not know how the market would behave in the future. She said that they were proud of the fact that they were constructing affordable units in Albemarle and throughout the City.

Ms. Davies said that in the past, people would simply contribute to an affordable housing fund without ever seeing the resulting units. She said that it was exciting to finally see those units being built. She said that she fully agreed with Mr. Moore that they were in the midst of a crisis and shared statistics showing that the median sales price in Albemarle had increased by 15% during the first quarter of the year compared to the previous year. She said that this increase was indeed alarming. She said that they felt fortunate to be contributing to the solution.

Mr. Moore said that he recalled learning during their meeting in North Fork last November that affordable rental units typically got snapped up rapidly due to high demand, while affordable houses for sale often remained unsold since the connection with potential buyers frequently failed to materialize. He asked if they had implemented any improved systems or were working on developing them to address the issue of affordable homes for sale that met their criteria becoming available on the market.

Mr. Barnes said that he did not have specific information to answer that question. He said that he had met with their housing staff this past week and knew that they recognized that particular issue and were actively seeking solutions.

Mr. Bivins said that he had some concerns regarding natural disasters, bad driving, and a landlocked property. He said that he was concerned about potential high tension wire failures causing fires. He said that there would only be one route for evacuation unless someone moved the bollards. He said that also, there have been numerous accidents involving trucks on Interstate 64, leading to spills on the side of the road. He said that the presence of rail lines owned by the Commonwealth of Virginia paired with recent train incidents resulting in spills added to his concern. He said that as they considered this matter, he requested that they explore providing an alternative exit route, as it would likely bring some reassurance to their community. He said that he did not ask for an immediate response regarding those concerns.

Mr. Bivins said that he would like a response to a question he had regarding the proposed private road. He asked what would happen to the road if the land was sold. He said that at the moment, the private road would be going through the smallest units. He said that if he lived in the area and was informed by the HOA that he must cover the expenses for snow removal on the private road, he would feel quite annoyed. He said that this was because his street was classified as a public street, and VDOT took care of removing snow from public roads as well as fixing potholes. He asked how the maintenance costs would be allocated between the residents who owned the smallest units and those who owned larger properties. He asked how they would address this issue if an HOA was responsible for the private road maintenance.

Ms. Davies said that it was almost certain that this neighborhood would have an HOA, as all of their neighborhoods did. She said that her guess was that everyone would pay an HOA fee, so everything about the neighborhood would be included in that fee. She said that this would include the maintenance of the private road. She said that in order to live in the community, one would have to pay the HOA fee.

Mr. Bivins asked if they would create a reserve for that purpose.

Ms. Davies said yes.

Mr. Bivins said that he would let their team analyze his other concerns regarding potential disasters. He said that Ms. Davies had shown some images that appeared to be of their project on Route 29 North, and he would like to challenge them to acknowledge the distinctive location that was the subject property. He asked them to not make it look like a garden apartment complex but to make it something special. He said that they had good designers and creative people who could help. He said that they could integrate a biosphere into the project or do something else that would make it extraordinary rather than just another garden apartment community.

Mr. Murray said that considering the environmental constraints that were already in place, he would like to know whether they had thought about choosing apartments or possibly selecting a taller structure or a more compact design to optimize the limited space that was available.

Ms. Davies said that they had done designs on this site that included apartments. She said that they were at a higher density than what was currently proposed, and as she had mentioned, they were trying to be sensitive to the surrounding areas and ensure they were not overburdening the road system. She said that they analyzed that quite carefully. She said that they had made probably 50 designs for this site, and they finally decided that this current proposal was the best variety of unit types and home ownership possibilities in this location close to the City.

Mr. Murray said that on the illustrative plan there were two small green triangles. He asked if it was possible that they could serve as both green spaces and biofilters. He said that although meeting stormwater requirements was acceptable, he inquired whether there were any additional measures planned to minimize the project's environmental impact even further.

Chuck Rapp said that he was with Collins Engineering. He said that they had a variety of measures for managing stormwater on the project site. He said that to start, they would implement several localized bioretention facilities to capture water nearer to the houses. He said that also, they proposed an underground retention system further downstream to handle larger volumes of water and treat it. He said that this method limited their impact on the slope.

Mr. Rapp said that other approaches had been considered, but they resulted in more significant areas of disturbance. He said that instead, they opted for smaller, localized facilities and the underground system to minimize disruption. He said that maintaining 50% of the site intact also played a significant role in fulfilling stormwater requirements. He said that combining different techniques was their strategy to address stormwater issues on the site.

Mr. Clayborne said that it looked like a good project. He asked if the applicant could discuss where the affordable housing would be located on the site.

Ms. Davies said that it would be in the central part of the site where there would be a combination of attached units.

Mr. Clayborne said that he believed there should not a designated area for affordable housing. He said that they should not be able to tell how much money someone makes based on the plan. He said that he would encourage the applicant to find ways to disperse the affordable housing throughout the site. He asked if the applicant could explain how this development was a model for sustainability and could be used as an example for others to follow in the future.

Ms. Davies said that Greenwood Homes would be constructing all of the homes on-site, and she knew they strive towards sustainability in their construction, unit types, and energy standards. She said that they also focused on the aspects of allowing units to age in place and visit-ability.

Mr. Clayborne said that he was unsure if it was a procedural matter, but he believed it would be beneficial to include in the criteria of the narrative how the project met the Board of Supervisors' goal of equity and sustainability. He said that rarely do they see anything in project proposals that addresses that goal. He said that he understood it was a challenging site, but he found it surprising that roads bisected the only green space in the project. He requested that during their design of the common areas the applicant keep in mind the projected 50 children who would live there.

Ms. Davies said that that was a good point. She said that they had aimed for the neighborhood amenity space to be centralized near the units. She said that parents appreciated this feature because it allowed for better supervision of children playing. She said that furthermore, the 37 acres of green space provided numerous possibilities for creative play. She said that in their Glenbrook communities, trails offered diverse play opportunities within the more wooded areas.

Mr. Clayborne said that they lived in similar neighborhoods where people drive too fast even when kids were playing everywhere.

Mr. Carrazana said that he was glad to hear Mr. Rapp mention the incorporation of bioswales or bioretention systems, along with underground solutions. He said that these features could offer attractive landscape additions while simultaneously tackling stormwater problems. He said that he recalled staff members discussing the potential use of pervious pavers.

Mr. McCollum said that yes, it was listed on the application plan as being just one of the options that they could choose from.

Mr. Carrazana asked where those would be located if they were implemented.

Ms. Davies said that typically, pervious pavers would be used in parking areas rather than travel ways. She said that these pavers could be employed, for instance, on the private road designated for perpendicular parking.

Mr. Carrazana said that the reserved space could be a great location for the biosphere mentioned by Mr. Bivins.

Ms. Davies said yes, that sounded great.

Ms. Firehock said that she would like to briefly discuss the bioswales. She said that most pollution, particularly the runoff containing oil residues, occurs during the initial inch of rainfall, which is typically captured by the majority of bioswales. She said that following that, the streets become comparatively clean, and any remaining excess water flows into the underground storage tanks. She said that the bioswales primarily address the issue of water quality. She said that due to the 50% open space, this development qualifies as a conservation subdivision.

Ms. Firehock said that she recommended marketing it as such. She said that in her experience, having written a book on conservation subdivisions, she can attest to their effectiveness. She said that once this project is completed, they can assess its performance. She said that during their walk, she suggested incorporating pedestrian connectivity throughout the site. She said that although this design is still conceptual and subject to change, she believed adding narrower paths for pedestrians would enhance the overall layout. She said that these paths need not be ten feet wide; even a four-foot-wide path would suffice for children to safely traverse the area.

Ms. Firehock said that by implementing such mid-block breaks, residents can easily access various parts of the neighborhood without traveling long distances. She said that considering some green spaces among the buildings to break up their monotony. She said that this would also facilitate movement between them. She said that although creating a grid pattern might not be feasible due to the topography, narrower paths

and designated pullover areas could accommodate various users. She said that overall, the design seemed thoughtful and respectful of the environment. She thanked them for their efforts.

Mr. Missel asked if Ms. Davies could explain more about the 150th unit before the issuance of a public access.

Ms. Davies said that as they developed the site plan and subdivision plats with the County, all of those trails and areas, as Mr. McCollum noted, would be included, along with their locations, as they got into the specifics of the plan. She said that when they did the platting, all the easements would be implemented. She said that generally, they put in the trails during the initial phases of the development process. She said that during the actual rezoning, they allowed some flexibility concerning the completion of the trails.

Ms. Davies said that this enabled them to handle any unexpected issues that might emerge, such as collaborating with the County to guarantee compliance with their requirements. She said that for the timeline, they aimed to integrate everything as soon as feasible. She said that after homeowners moved in, they preferred minimal disturbance to their property. She said that consequently, they avoided actions like tree removal or trail construction following residents having settled in. She said that regarding the acceptance of easements by the County, she was uncertain; nevertheless, they incorporated all easements into the plats while creating the site plan.

Mr. Missel said that he would like to summarize what he had heard from Ms. Davies. He said that their intention was to deliver the trails and public access as quickly as possible since this was a selling point for the community and its residents would expect it. He said that secondly, they wanted to offer flexibility, so they were not ready to commit to doing something on day one because they did not want to delay the issuance of a certificate of occupancy related to either the first or tenth. He said that thirdly, the figure of 150 seemed arbitrary and was chosen because it would provide sufficient flexibility. He said that it was a large portion of the 203, and he wondered if there was interest in reducing it from 150 to show that their intention was to deliver the product sooner while still allowing flexibility.

Ms. Davies said that during her discussion with Mr. Krebs about the matter, she suggested considering the idea of splitting the difference, so it would be 75 units rather than 150.

Mr. Bivins said that he would like to build on Ms. Firehock's comments and encourage the applicant to thoughtfully consider the edges of the property. He said that when looking at the project from a birds-eye view, the integration of green paths from the outside being able to move people across the property would provide a sense of place. He said that softening the edges so that the 50% green space was a part of the design would intentionally incorporate the space and the trails. He said that they were a premier company in the community so they should do something grand.

Mary Catherine King said that she was a resident of the Oak Hill Farm neighborhood, situated opposite the Redfields neighborhood. She said that she had previously sent her comments in an email to the Commission, but she had additional points to discuss tonight. She said that as the Chair of the 5th and Avon Community Advisory Committee, she had participated in the community meeting and shared some of the community's concerns. She said that however, she did not represent everybody. She said that she also held a civil engineering degree from the University of Virginia and worked as a realtor.

Ms. King said that she understood property and land, along with a little about land development. She said that she had also thoroughly studied the effects of different developments on the schools. She said that despite mentioning this in her letter, she wanted to stress it again because although she was not concerned with kids learning in closets, she was concerned that the overall way they count for students in the County with new developments is flawed. She said that this concern had been talked about repeatedly during their CAC meetings for three years.

Ms. King said that she was uncertain if this subject came up at other CACs. She said that in her own neighborhood, Oak Hill Farm, there were 85 homes and approximately 75 school-aged children. She said

that this proposed development of 200 units implied a maximum of 45 pupils. She said that this served as a concrete example of how, as developments continued throughout the whole County, the identical school factor remained consistently used. She said that during the recent visit of the schools, they mentioned that the new southern feeder and Albemarle campus would meet the current overcapacity standards.

Ms. King said that she believed this did not include future growth due to new developments. She said that this was her understanding from their previous conversation at the CAC. She said that she was uncertain if the comprehensive plan still had room for building a road or a vehicular passageway through the area. She said that she wanted to know if it remained a feasible future possibility. She said that she had concern about avoiding a situation similar to Eastern Avenue, where developers promised a connection but failed to deliver due to financial constraints. She said that affordable housing was very important, but so was providing market-rate housing within the development.

Ms. King said that she supported inclusionary zoning, which was being implemented there, but it did not genuinely produce affordable units. She said that she believed they should allow the developer to offer housing at market rate prices for people who currently were buying lower-rate units because there was an overall lack of housing in the County. She said that they had to supply housing at all levels, and when they did so, they would allow the developer to properly fund the transportation between Sunset Avenue Extended all the way to Old Lynchburg Road, which was a huge problem.

Mr. Wingfield said that he lived at 700 Sunset Avenue Extended. He said that everything sounded great and beautiful from what he had heard tonight, but he expressed concern regarding the impact on the local residents currently living on Sunset Avenue. He said that he was particularly worried about the limited information they had about the site plan and runoff. He said that he could only speak about the effect it would have on himself and his neighbor, which was that they would be totally washed away. He said that the proposed plan intended to direct the water runoff into Moores Creek, right at the entrance of his property. He said that it could exacerbate existing flooding issues, potentially causing significant damage.

Mr. Wingfield said that he was uncertain if anyone present had visited Sunset Avenue Extended. He said that in the case of heavy rainfall, the road from the entrance of Eagles Landing to the bridge connecting the City and County would become impassable. He said that emergency access would be severely restricted. He said that it would also affect a lot of the residents at Eagles Landing because people often took the back entrance and crossed the bridge to Jefferson Park Avenue and the university. He said that before approving this proposal, he urged the Commission to consider the potential consequences for the local residents who already lived there.

Betty Saunders said that she represented her son who could not attend due to another meeting. She said that her son has owned property there since the 1990s, when flooding was minimal. She said that speaking with someone who had lived nearby since the 1920s, they confirmed that flooding was rare in those days. She said that recent construction near her son's home has led to numerous floods. She said that she assumed that they must have heard about the bridge destruction during the last flood a few years ago, which trapped residents. She said that one night when a flood was predicted, she requested permission to pass through the apartment complex's gate and keep a vehicle on the hill in case they could not get out, and the complex refused.

Ms. Saunders said that she called for emergency services to get them out another night when they had two people and three dogs, and they never came. She said that she called back later, and they said that they could not get down there, and they did not even call to tell them that. She said that she did not know if anyone was noticing the flooding. She said that she had called the County, and no one was really interested. She said that they came forward to cut the water flow down, and each one of these subdivisions caused more flooding.

Ms. Saunders said that cutting down the trees and plants was the foremost cause, but then they used water. She said that she saw water standing just before the entrance of the property due to the housing located above. She said that no one seemed to recognize it. She said that her son told her that he attended one

Planning Commission meeting regarding the first housing development located behind his house, and the Commission laughed at him. She said that her son could not sell his house due to severe flooding issues. She said that his basement had flooded up to his shoulders, and he had suffered a lot.

Ms. Saunders requested additional consideration from the Commission for those living in the area. She said that they could not even get out when it was flooded. She said that the road above his house was washed out, and a man from the highway department had to come down the side of the road to get her to a doctor's appointment that morning. She said that if something bad were to happen, they could not get out. She said that she hoped it would not rain heavily tonight because it was scary. She thanked the Commission for listening to her concerns, which she had primarily because she was a mom.

Mr. Missel asked Ms. Shaffer if there were any speakers signed up online.

Ms. Shaffer said that there were none.

Mr. Missel asked if the applicant would like to respond to the comments from the public regarding this item.

Mr. Rapp said that he would like to respond about the concerns of stormwater management on the property. He said that it was mentioned earlier that the plan was to set up an underground retention system in the corner of the site, close to the stream. He said that the purpose of this system was to manage large amounts of rainwater and store it effectively. He said that by taking into account the modern stormwater requirements, the pre-development conditions of the site were analyzed, ensuring that the post-development conditions met or even surpassed those standards. He said that as a result, the discharge of water during heavy rains would be slowed down. He said that their goal was to improve the overall stormwater management in that specific area by capturing more runoff at a regulated speed while releasing cleaner water.

Mr. Missel closed the public hearing and the matter rested with the Commission.

Ms. Firehock said that she would like to briefly comment on stormwater. She said that there was a significant amount of new development in the area; however, there were also developments that took place prior to the implementation of stormwater management requirements. She said that Interstate 64 had no stormwater management. She said that this led to the flooding of Moores Creek, resulting in the need for the large creek restoration project in Azalea Park. She said that there were legacy stormwater issues dating back to the 1920s, 1930s, and 1940s that remained unresolved because VDOT was not obligated to remediate those pre-existing highways.

Ms. Firehock said that the site featured steep slopes, but she trusted this excellent firm to manage stormwater effectively. She said that she believed that they utilized innovative solutions, such as permeable pavement for parking spaces, enabling water to drain directly into the ground without freezing during winter months. She said that despite the difficulties, she believed the applicant had utilized their resources optimally and would take the public feedback to heart.

Mr. Murray said that while serving on the Soil Water Conservation District, he had encountered a bacterial Total Maximum Daily Load (TMDL) from Moores Creek. He said that the focus of this TMDL was to identify the source of increased bacterial levels in the waterway. He said that in order to ascertain the origin of the contamination, they carried out a genetic analysis, which led them to discover that pet waste was the main contributor to the heightened bacterial levels. He said that the TMDL was basically referring to substances in the stream that should not be present.

Mr. Murray said that in this case, the unwanted substance was bacteria. He said that the DEQ has set a standard that children should be able to play in streams, fishing should be allowed, and creatures should inhabit them. He said that due to this assessment, the waterway was deemed impaired. He said that he believed that the comments from the public regarding management of stormwater volume were important.

He said that he was glad to see interest in addressing both quantity and quality. He said that he hoped that the HOA requirements took pet waste seriously, as it contributed to that stream's poor health.

Mr. Bivins said that according to the school division, the southern feeder elementary school would have approximately 500 students. He said that this would not be a temporary or auxiliary solution but would add permanent capacity to the system. He said that because the school in Southwood was not going to happen, this school would address the capacity issue. He said that High School Center II would have about 400 to 600 students per day, so that would also add capacity. He said that residents of White Hall and Crozet would see the 33,000 square foot addition took care of the elementary school issue.

Mr. Bivins said that the School Board may need to undertake some redistricting, so he would recommend everyone stay calm while they try to balance the student load across the districts. He said that they had not built a brand new school from the ground up in 22 years, so some of these projects would be for catching up. He said that there would be a project at North Point on Route 29 which would create an elementary school at some point to give some relief to Baker Butler. He said that they were trying, and it definitely would be moving faster if they had gotten the referendum for sales tax, but that would be for another administration.

Mr. Moore said that he appreciated several aspects of the project, particularly the improvements made to the trail system. He said that maintaining the greenway alongside Moores Creek and having a bridge without large rocks would be great. He said that he currently lived in a neighborhood that has only one exit for vehicles. He said that during the previous summer, the road was repaved, leading to significant disruptions because of the single entrance and exit point. He said that it would be prudent to evaluate if bollards were necessary on the 20-foot section where people might need to exit, because it could be an easy change.

Mr. Moore said that in a broader perspective, he understood the reasons behind restricting travel to only pedestrians and cyclists on Stribling Avenue; it was a difficult area to establish a vehicular connection. He said that older suburban developments often necessitate traveling long distances for driving when it should only be two or three miles as the crow flies, but he understood the reasoning here. He said that in general, as they moved forward, he would like to see neighborhoods be as connected to each other as possible. He said that he had already discussed his opinions on density.

Mr. Missel said that he would acknowledge the site was challenging. He said that the land had been owned by the applicant for 16 years. He said that a rezoning had taken place for the Fontaine Research Park in 2010, during which they discussed the Granger tract, so he could relate to that. He said that he believed the plan was good, although it might be a tight fit for this particular site. He said that the plan did advance paths and greenway systems, as previously mentioned. He said that addressing school impact factors was not the developer's responsibility; instead, it was a County matter.

Mr. Missel said that population growth from new developments was inevitable, and thus, it should always be assessed. He said that their community, like many others, was dealing with stormwater management issues that were the result of negligence in the past. He said that he encouraged the applicant to explore ways to exceed requirements and benefit the existing community. He said that finally, he suggested revising the 150th trigger point. He said that he recommended reducing it to 75, which would be ideal. He said that he was uncertain if this change should be incorporated into a resolution or a condition.

Mr. Herrick asked if Mr. Missel would like to add a condition to those already proposed.

Mr. Missel asked if the note about the 150th unit was located in the application plan.

Mr. McCollum said that was correct.

Mr. Missel said that in that case, his request would be to modify the application plan to replace the 150th unit with the 75th unit.

Ms. Davies said that the applicant was in agreeance with that request.

Ms. Firehock motioned for the Planning Commission to recommend approval of ZMA202300010 for the reasons stated in the staff report, with the additional condition that the application plan be modified so that the trail dedication will occur after the construction of unit 75, which was seconded by Mr. Bivins. The motion passed unanimously (7-0).

Adjournment

At 9:30 p.m., the Commission adjourned to May 28, 2024, Albemarle County Planning Commission meeting, 6:00 p.m.



Michael Barnes, Director of Planning

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

Approved by Planning Commission
Date: 05/28/2024
Initials: CSS