

**Albemarle County Planning Commission  
FINAL July 20, 2021 Meeting Minutes**

A regular meeting of the Albemarle County Planning Commission was held on Tuesday, July 20, 2021 at 6:00 p.m. via Zoom.

**Members Attending:** Julian Bivins, Chair; Rick Randolph; Tim Keller, Daniel Bailey, Karen Firehock.

**Members Absent:** Mr. Carrazana, Ms. More.

**Other staff members present:** Charles Rapp, Director of Planning; Andy Herrick, Deputy County Attorney; Megan Nedostup, Development Process Manager; and Carolyn Shaffer, Clerk to the Planning Commission.

**Call to Order and Establish Quorum**

Mr. Bivins said the meeting was being held pursuant to and in compliance with Ordinance No. 20-A(16), "An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster." He said opportunities for the public to access and participate in the electronic meeting would be posted at [www.albemarle.org](http://www.albemarle.org) on the Community County Calendar, when available. Ms. Shaffer called the roll. All Commissioners indicated their presence. Mr. Bivins established a quorum.

**Other Matters Not Listed on the Agenda from the Public**

There were none.

**Consent Agenda**

There were none.

**Public Hearing – ZMA202100004 Breezy Hill**

Mr. Bivins asked if there could be a staff report presented. He then asked for Mr. Herrick to provide a small amount of administrative background and scope of what has been done to get to the current state. He said he knows that they have looked at this, gone away, and come back, and he thought it would be helpful to have Mr. Herrick to give a recap and background of the project.

Mr. Herrick said there have been a number of questions that have arisen over this application, and he wants to address those. He said the first question is why the Planning Commission was considering this application and whether they had heard it before. Mr. Herrick said this is actually a new application, and although this applicant has filed previous applications, this is a new application.

Mr. Herrick said there were also a number of questions regarding the role of the master plan. He said the master plan is not a contract or agreement but a guide to orderly development. He said it is helpful and informative and should be given the appropriate weight, but it is not necessarily determinative of the Planning Commission's recommendation or the Board's decision.

Mr. Herrick said there were questions about a potential moratorium on development, and questions about traffic impacts. He said that under Virginia law, a local governing body does not have the authority to enact an ordinance establishing a moratorium on all zoning changes in a portion of a locality until highway improvements can be made, but both current and projected traffic can be a consideration in individual applications. He said if traffic impacts do become a determining factor, it would be better to focus on residents' statements on the current state of the road infrastructure, whether recommending approval or denial, rather than on the six transportation improvements listed in the master plan. He said he just wanted to add some clarity on those issues and is happy to answer any questions the Commission may have.

Mr. Bivins asked that Mr. Herrick be available to jump in on questions going forward.

Mr. Herrick confirmed that he would be available.

Mr. Clayborne asked if it were allowable for a proposal to not meet a County policy.

Mr. Bivins asked if that question could be held until the Commission was in deliberation.

Mr. Clayborne agreed.

Mr. Bivins asked Ms. Nedostup to provide the staff report for Public Hearing ZMA202100004 Breezy Hill.

Ms. Nedostup said she was presenting a request to rezone five parcels together that are approximately 75.6 acres, located along Route 250 East in the Village of Rivanna Master Plan area ZMA202100004 Breezy Hill. She said the request is to rezone from RA zoning to R1 residential. She said she would present the site context, the current zoning, and the master plan's future land use designation—including recommendations on transportation improvements, an overview of the proposed rezoning and plan, a brief overview of the applicant's offered proffers, factors favorable and unfavorable, and her conclusion with a recommendation.

Ms. Nedostup referred to the vicinity map presented and referenced various points to orient the Commission. She said the zoning of the property was currently RA and noted the various zoning in the area, as well as environmental features such as the floodplain, the stream buffer, and the preserve slopes. She said that all of the parcels shown in white on the map are zoned rural area, and the development area boundary borders along one acre.

Ms. Nedostup referenced the Village of Rivanna Master Plan overlaid onto the GIS and pointed out the dividing line, rural areas, and development areas. She said Breezy Hill is within the Village of Rivanna Master Plan. She said the future land use plan includes two designations for the property that includes the neighborhood density residential row, and the parks and greens systems along Carroll Creek Road, which captures the floodplain and stream buffer. She said there are also green systems along Route 250. Ms. Nedostup stated that to the west across Carroll Creek, the land use designation is Neighborhood Density, demonstrating the transition discussed within the master plan to provide the most intensive and dense development within the village center and the least dense adjacent to Fauquier Drive.

Ms. Nedostup said her next slide is a screen capture of the land use plan within the Village of Rivanna Master Plan. She said the parcels are not shown on this map, but she pointed out

different areas to orient the group again. She said the land use plan within the master plan also shows the connection to the west over Carroll Creek from a connection into Route 250 and a connection to Running Deer Drive. She said the plan also recommends a multi-use path to the south side of Route 250.

Ms. Nedostup said the proposed plan is providing the future connection across Carroll Creek, the full access connection to Route 250, the connection to Running Deer Drive, and the multi-use trail along Route 250. She said the master plan further designates the area as area B, with a density recommendation of one dwelling unit per acre. She referred to the presented chart and said it describes three areas for future development and provides guidance on how the area would transition from higher to lower density radiating out from Glenmore and Rivanna Village. She said Breezy Hill is within Area B and described it as having the lowest density of the development area.

Ms. Nedostup explained that her next slide was an enlargement of Area B and the outline of Breezy Hill with the five parcels requested to be rezoned. She said there are 11 additional parcels with Area B and the master plan outside of Breezy Hill, and the recommended proposal is using the calculation to not include the environmental features and areas designated as parks and green systems, which is outlined in Strategy 8C of the development areas chapter in the comprehensive plan. She said this is commonly referred to as “net density,” though it is not a term found within the comprehensive plan. She said staff has identified that there would be 58 to 59 units at one unit per acre for these parcels.

Ms. Nedostup said that within the recommendations, there are a number of recommended transportation improvements. She stated that the master plan also states that approval of any development by rezoning would be predicated on the completion of a number of transportation improvements, and it is essential that all Route 250 improvements be constructed before new development occurs in the village. She then referred to a chart as the summary for the transportation recommendations in the master plan and status as provided by County Transportation Planner Kevin McDermott and included in the staff report.

Ms. Nedostup referred to the concept plan document of the proposed application. She referred to areas on a presented map to reorient the group and said the proposal is for 80 single-family, detached residential units to be rezoned RA to R1. She said that the proposal includes 22 acres of green space that would include the environmental features of the preserved slopes, floodplain, and stream buffer. She said the green space would also include trails and a pocket park. Ms. Nedostup said the main entrance is off Route 250, and there is the multi-use path also proposed and recommended by the comp plan.

Ms. Nedostup said all streets would have curb, gutter, sidewalks, and in-street trees. She then referred to Sheet 4 of the concept plan document. She said that since this is a rezoning to conventional development and R1, the applicant has offered for the plan to be proffered with nine major elements identified. She said these include the 80 units, primary vehicular connection at Route 250, a secondary access at Running Deer prior to the 31<sup>st</sup> building permit, that construction traffic be restricted from using Running Deer, the reservation for future connection toward Carroll Creek, the typical road sections that were included in the packet, and the trails, multi-use paths, and pedestrian networks, the locations and sizes of the open stream buffer and conservation areas, and the lots may not encroach into the stream buffer, preserve slopes, or any proposed slopes of 25% or greater.

Ms. Nedostup said the factors favorable to this request include that the development includes an entrance as recommended on the future land use plan. She said the proposal includes a multi-use path along Route 250, and it includes future vehicular and/or pedestrian inter-parcel connection to the west across Carroll Creek. She said the proposal also meets the intent and purpose of the R1 zoning district.

Ms. Nedostup said that the unfavorable factors include that the proposed density exceeds the recommendations in the master plan. She said the proposal does not adjust the transportation Carr said that Adam Moore from the Virginia Department of Transportation was present as well to answer questions.

Mr. Bivins thanked Ms. Nedostup and asked the applicant to make his presentation.

Mr. Charlie Armstrong said this presentation is a much lower density version of Breezy Hill, with half the density of the previous version. He said that they were also joined by Don Franco, Land Planner Engineer with Roudabush, Gale & Associates. Mr. Armstrong stated that the Planning Commission has seen two previous requests in the last year. He said the first presentation was for 160 homes, or roughly two dwellings per acre, and an R4 zoning district; the second time the density was reduced to 130 homes, or 1.6 dwellings per acre, and was still proposing an R4 district. This time the request has been reduced by another 50 homes, down to one dwelling per acre, and this time the request is for an R1 zoning.

Mr. Armstrong said the major objections to this proposal have been density, traffic, and the road connection to Running Deer Drive—which had been a sticking point with neighbors as well. He stated that it is very clear that Glenmore residents are opposed to anything that generates additional traffic on Route 250, but major improvements to Route 250 and I-64 are currently under construction. He stated that VDOT and a County traffic planner had determined that the traffic impacts from this revised, lower density proposal would be minimal.

Mr. Armstrong said he also understands that some residents on Running Deer don't want a road connection to Running Deer Drive. He said that was initially proposed as an emergency access only, but both VDOT and Albemarle were requiring that connection, and it is shown on the master plan. He said that is being done as a full road connection, as per requirements and as intended in the master plan.

Mr. Armstrong said in this revision, there was further departure from Running Deer Drive than in the past several iterations. He said the closest new homes would be more than 300 feet from Running Deer Drive, with woods in between, and the only required road connection touches Running Deer Drive.

Mr. Armstrong said that regarding density, the request has been changed from 4 to 1, with R1 being the lowest-density conventional zoning district Albemarle has. He said there has been an offered density cap of one dwelling per acre in the proffers so that bonus density cannot be requested. He said that unfortunately, such low density precludes the financial feasibility to proffer affordable housing. He said higher density is the best path toward that goal, and his group had to choose low density over the financial benefits that higher density can confer on those other goals. He said that while his organization did not like that decision, they did not feel they were left with any other option with the density being strongly demanded by adjacent neighbors.

Mr. Armstrong said Breezy Hill is within Albemarle's designated growth area, and this is where he would like the development to occur. He said that at only one dwelling per acre, he has serious reservations that this proposal is underutilizing the designated growth areas, which is to the eventual detriment of the rural areas. He said that he understands the Planning Commission thinks that two dwellings—or even 1.6 dwellings—is too much, so he has returned with this new R1 proposal.

Mr. Armstrong asked for the ability to share his screen and said that Ms. Nedostup had previously shared a view of Area B of the Village of Rivanna Master Plan. He said there are several places in the master plan indicating that up to two dwellings per acre are desired in Area B. He said there is one place in the master plan indicating there should be just one dwelling per acre. He said that nowhere in the master plan mentions less than one dwelling per acre and said the entirety of Area B is highlighted on the presented slide, which includes the sensitive environmental areas that are being preserved at a total of 115 acres gross area. Mr. Armstrong said the master plan future land use map says 115 dwellings in 115 acres, and this proposal is for 80 dwellings in Area B.

Mr. Armstrong said that he philosophically disagrees that portions of Albemarle's development area should be developed at such low densities, and he is attempting to comply with what he has heard from other individuals and the Commission, so he has come back with the lower-density proposal.

Mr. Clayborne offered his appreciation for Mr. Armstrong's explanation and asked if he could share what the sweet spot would be in terms of density and the ability to provide affordable housing units.

Mr. Armstrong responded that the general answer is that the higher the density on a piece of land, the more community benefits can be financed through the revenues of the development. He said that is a very general statement and is not necessarily true, because additional factors like land cost can complicate that. He said that in this particular instance, his team found a sweet spot at 130 units of density, where it was thought that the impacts on the surrounding area were fairly minimal and could be mitigated through things like an affordable housing proffer. He said the community was really focused on density as a primary concern for this particular property.

Mr. Clayborne asked if there was a vision to develop the remaining parcels on Area B.

Mr. Armstrong said his group did not own the parcels behind Breezy Hill on Area B, and he did not know the exact acreage of the property but had no intention of developing it. He said there are some other parcels on the northwest side of Area B that have a similar situation on land they did not own. He said they do own two parcels that they had proposed as part of this project on the east side of Area B, as were in previous applications for rezoning. He said they do not propose to rezone them here and would leave them as rural area, with one occupied home on the two lots. He said the other lot could conceivably be built up at some point, but there is no plan to upzone this at any time.

Mr. Bivins asked for confirmation that there would not be any connection on Hearn's Lane.

Mr. Armstrong responded that his application was not proposing one.

Mr. Bivins opened the meeting to the public.

Mr. Neil Means addressed the Commission, stating that he has been a resident of the Village of Rivanna since before it was a village and has been involved in the planning process since the beginning. He said this included the creation of the master plan, and he served on the community advisory committee for a number of years and is currently a member again. He urged the Commission to recommend denial of Breezy Hill, as it did not conform to the master plan. He said in 1989, Albemarle County created the Village of Rivanna Development Area over the objections of local residents. He said that a major concern was traffic, and the County promised residents adequate roads to Charlottesville. He said providing transportation infrastructure was one of the original justifications for the whole strategy of steering growth into the development areas.

Mr. Means said the definition of a village in the comprehensive plan includes roads with adequate capacity between the village and the urban core. He noted that it says, "Employment centers are not anticipated in the village, and villages are not expected to operate independently." He said the Village of Rivanna is totally dependent on Route 250. He continued by saying the County approved all the development in the village that is Glenmore, its expansions, and Rivanna Village—while not permitting a master plan and while promising adequate roads. He said then when the master planning was being done, the County showed residents the East Albemarle Sub-Area Study by VDOT and Albemarle County based on 2005 data, which showed that Route 250 was over capacity before Rivanna Village and Glenmore's expansions were approved. Mr. Means said that study recommended widening Route 250 to four lanes between the village and the I-64/Shadwell interchange, to provide adequate roads.

Mr. Means said that requirement was included in the master plan. He said the Planning Commission and Board of Supervisors unanimously passed it, once again promising the adequate roads already promised previously and included in the master plan and the development areas plan.

Mr. Means said Breezy Hill is the first development application under the master plan. He said it did not meet the master plan criteria, and if the County approves it, this would be saying to its citizens that the master planning process is a sham, the comprehensive plan is a sham, and the development area policy is a failure. Mr. Means requested that the Planning Commission recommend denial of Breezy Hill.

There were no additional members of the public wishing to speak.

Mr. Bivins closed the public hearing and offered Mr. Armstrong the opportunity to respond.

Mr. Armstrong said that Mr. Means is absolutely correct that the master plan lists the requirement to move Route 250 to four lanes from two from Glenmore to I-64, which is about three miles, as a major priority. He said that is not something that his organization can do but rather a major VDOT project if it ever comes to pass. He emphasized that neither VDOT nor the County have plans to complete that work at this time. He said that if that is a primary reason for denial of this new development area, that is essentially a moratorium on any rezonings in this growth area. He said he does not accept that premise and feels the master plan is a bigger document with many more facets than that one.

Mr. Bivins asked for Mr. Clayborne's early question for counsel to be revisited.

Mr. Clayborne again asked Mr. Herrick the role of policy, and if it is voluntary versus in terms of the affordable housing aspect with this project.

Mr. Herrick clarified that the policy is a factor unfavorable rather than necessarily determinative, so this would be something the Commission should consider as it weighs the pros and cons of the application. He said it is not something that would require disapproval on the part of the Commission.

Mr. Clayborne then asked to confirm whether these policies had to be followed.

Mr. Herrick said that the policy does not have the force of a county ordinance or state law.

Mr. Clayborne thanked Mr. Herrick for the response.

Mr. Randolph said he would like to start off by correcting some statements that were made. He said that all members of the Planning Commission have received communications from residents—not only from Glenmore but also from Breezy Hill and for the previous applications, and they have received communications from residents outside of the Village of Rivanna. He said it is not an accurate statement that Glenmore residents oppose this application solely because of traffic. He said that just today, members received communication from the former president of the Glenmore Community Association, Debra Conway, indicating her concern about the school impacts of this project. He said numerous letters have come in expressing concern, as Neil Means stated, regarding the master plan.

Mr. Randolph said the second point he wanted to make is that in nine and half years of serving the County, he keeps hearing the remark of Chicken Little, “The sky is falling! The sky is falling!” He said by that, he means that there is going to be a sudden rush of houses being constructed in the rural area if we don’t just pack everybody in like sardines in the development area, master plans notwithstanding. He said the impression is that if that’s not done, there would be substantial pressure on the rural area. He said that in looking at just this quarter’s building permits, there were 183 issued for 222 dwelling units, and 11.5% were in the rural area.

Mr. Randolph stated that once again, the overwhelming preponderance of building permits in the County is following the outline of the comprehensive plan and occurring in the development area. He said Breezy Hill, whether it is approved this evening or submits that it should be rejected for several factors that he would bring up, does not change the equation. He said it can be looked at historically and comes in right around 12.8% in terms of development in the rural area. He said the threat does not hold true that if there were not a higher density development, it would push out to rural development.

Mr. Randolph said the master plan was developed in 2008, which for government is ancient history. He said that in 2008, there hadn’t really been an educated discussion as a community about the distinction between gross density and net density. He said that having served as a member of the Board of Supervisors, with an application that arose out on Route 250 West in the community of Adelaide, the Board very clearly asked for clarification from the planning staff. He said it was the BOS’s understanding to take the overall number of acres proposed for development and subtract from that the acreage that was wetlands and steep slopes to come up with a number for net density. He said if that is applied in this case, 75.6 acres minus 22.1 acres leaves 53.5 acres. Mr. Randolph said that with 80 dwellings, the net density is 1.4953 and would

be R2 zoning rather than R1 zoning. He said this is R1.5 zoning. He said that there has never been a conversation about R 1.5 zoning, so regardless of what the master plan had actually posited as one development unit per acre, the operating philosophy of the County over the course of last four years, if not longer, has been that the Planning Commission operate at net density.

Mr. Randolph said the statement was made that the County did not have plans for the widening of Route 250. He said that when he joined the Board and had an initial discussion about improvements on the 250 Corridor, that project priority was around number 63. He said an invitation was extended to Mr. McDermott about four years ago, and he was able to get a better understanding of some of the nuances involved with the transportation challenges, so that project changed to number 32. He said that while this may not seem like a lot to some people, he sees an improved position by more than 30 places as intention to make these improvements. He said that there is a lot of demand for road improvements in the County, and this is not something that is off the County's radar.

Mr. Randolph said that he cannot come to any other conclusion based on a staff report that cites a whole series of negative factors. He said that had they seen in this application one unit per acre based on net density, and provision for public transit as was once offered with public housing, he would see it as workable. He said he did not see that with this application at this time and would like to see a serious proposal that is in line with the master plan and worthy of the Commissions' support.

Ms. Firehock said she wanted to react to Commissioner Clayborne's comment about affordable housing. She said she initially had the same concern, but as she thought about it, the master plan calling for one acre per dwelling unit at this location shows her that clearly the County did not intend for this site to support affordable housing. She said that it cannot be debated whether that was a good idea or not, but it does seem that at that density, no one intended for it to happen there. She commented that that she is not sure about Commissioner Randolph's comments regarding means, and she is not sure if even at a net density of 1.4953 units per acre it would be overly dense. She said that this is the same problem in traffic planning in that it is difficult for projects to become a priority until it is shown that a road is significantly failing. She said that these residents believe the road is failing based on the traffic backups that are occurring, to which she agrees, and she did not know what it would take for Route 250 to actually be four-laned, except for adding more density along the corridor.

Mr. Bailey said he is trying to untangle some of the arguments of what is consistent with the Village of Rivanna Master Plan and whether it conforms to the Neighborhood Model density plans. He said when he reads the section on Neighborhood Model density from the zoning, it says "NMD is intended to provide for a compact mix-use development with an urban scale, mass, density, and infrastructure configuration that integrates diverse uses within close proximity to each other within the development areas identified in the comprehensive plan." He said he is left struggling a bit in questioning whether the Commission is to apply a concept to this development to be NMD but request affordable housing and also low density. He said he is struggling with how to evaluate that concept and whether it is consistent with the Village of Rivanna.

He said the traffic is related but is a separate entity. He said that when he looks at the application and what the developer is trying to bring and work within, he is trying to understand what the Commission's responsibility is to try and provide clarity and guidance on what the intent is and what is trying to be done with the area of the Village of Rivanna. He also asked about the step-



down from the village center and the density to rural, and what the appropriate phasing is. He said that as he stands now, he agrees with Commissioner Firehock in that he does not think the County considered affordable housing in the planning for that area. He said he is not debating the precedent between gross and net as it stands today and knows that it is not a very high density as it transfers to the rural area. He said he is not yet in a position to support the application but feels that some of the factors considered unfavorable need to be clarified when it relates to the Neighborhood Model density, the cul-de-sac, and some of the concepts considered unfavorable.

Ms. Nedostup said that it is confusing because there are Neighborhood Model principles, which are discussed within the comprehensive plan. She said this talks about pedestrian orientation and those 12 principles. She said the portion that Mr. Bailey was reading was the Neighborhood Model District, and those are two distinctly different things. Ms. Nedostup said that the Neighborhood Model District, which this develop is not proposing to be, would follow the Neighborhood Model principles. She said all proposals in the development areas are evaluated against the Neighborhood Model principles in the comprehensive plan. She said her group goes through the principles, and she identified those that have not been completely addressed. Ms. Nedostup said that as she completed the analysis under R1, the intents and purposes related back to Neighborhood Model principles, but the principles are separate and apart from the district itself.

Ms. Nedostup said that in any development area proposal, staff would be evaluating it against those 12 principles—regardless of whether the recommendation of the master plan is for a lower-density development such as this. She noted that the previous application, when it first came in, was requesting modification of street planting strips, sidewalk, and curb and gutter, which are part of the Neighborhood Model principles. She said that was recommended for denial based on those missing elements, which are now being provided in this request.

Mr. Bailey said that was helpful, then referred to the model principles to note a few issues, including that a mixture of housing and affordability has not been met. He commented that he is struck that R1 zoning did not allow for a mixture of houses, so he is left to understand that because the affordable housing is not provided, it does not meet the principle there. He asked if that is a correct interpretation.

Ms. Nedostup said that is correct. She said the application does not meet that principle and does not meet the amenities requirement as being identified as needing more information about.

Mr. Bailey said that the interconnected streets and transportation networks were mentioned in the report as not being met, and this is listed as cul-de-sacs. He said the future connection to the west is not clear enough, and he is questioning whether this is the future connection to Carroll Creek. He said that the third area not met and listed is that the development has only one vehicular connection to Route 250. He asked what the primary reason for the principle not being met is and if the cul-de-sacs are the reason. He said when he looks at the plans, he sees there are future connections and interconnections between the Village of Rivanna and Running Deer Drive—whether wanted or not.

Ms. Nedostup said it is from the cul-de-sacs and also the length of the streets, and there is opportunity there to provide other interconnectivity. She said the previous application had paths that allowed for pedestrian access that broke up the blocks of houses, as an example. She said it was recommended as not meeting the principle based on the combination of the cul-de-sacs,

and the length of how long the streets are. She said that principle in the comprehensive plan talks about blocks and block length.

Mr. Bailey said that the application states there is a pocket park, but there are no details on what that is, making it difficult to judge.

Ms. Nedostup said it was relayed that it would be picnic tables and grills, and she would anticipate children being included in that type of development. She said an active play base would be appropriate, such as an open play field, or even a playground structure for the neighborhood children. She said she understands that they are large lots, and people may have their own play structures.

Mr. Bailey said the last item he is seeing is relegated parking, and the principle says that front-loaded lots are expected. He seems that it seems a bit strange for inclusion with an R1 zoning.

Ms. Nedostup said that in large lot developments like this, it is often seen that the garage is turned to the side instead of facing the street, making a situation where parking is not right on the street.

Mr. Bailey asked if the driveway front loads to the road, but the garages would side load.

Ms. Nedostup confirmed this.

Mr. Bailey said that they cannot really judge whether the neighborhood had side-loaded garages because the Commission hasn't seen anything conceptual about the house plans or layouts.

Ms. Nedostup responded that as with what was outlined on the plans for lots outside of the stream buffers, language could also be included that says something similar to the garages being side loaded.

Mr. Bailey said he appreciates the Commission's time on humoring his questions and allowing him to understand how the judgements on this plan align with the vision for the Village of Rivanna and for this project. He thanked Ms. Nedostup for answering his questions.

Mr. Keller said that the discussion was helpful and thanked Ms. Nedostup for her responses. He said he thinks the connection to Running Deer Drive warrants further discussion and asked Ms. Nedostup and the VDOT representative to speak to this. He said with his long-term tenure in the County, as he has looked through each of the times this request has been before the Commission, the comments from the public fell into two categories: the residents in Glenmore and the residents in the more traditional areas. He said many of these predate the 1980's agreement that has led the County to their rural and development areas approach.

Mr. Keller said as he looks at the concerns of the residents of the more traditional areas, it was more about the impact directly on them. He said some of this has been addressed by the setback that Mr. Armstrong mentioned. Mr. Keller said that Mr. Armstrong had spoken to his concern about the through connection as being a requirement from the County and the state, and he asked Ms. Nedostup to speak to the concern as well. He said if that is a no-changer, then this has two communities coming together from two very different approaches that are both strongly against this. He added that if the connection is to Running Deer, that might have an impact on the major concern.

Ms. Nedostup said that from the County's perspective, as stated in the staff report, the comprehensive plan and subdivision ordinance recommends interconnectivity, especially when there is a connection to a public street. She said that is County staff's perspective in the recommendation, and there is a comprehensive plan strategy that specifically talks about interconnectivity.

Mr. Moore, assistant engineer for the Charlottesville VDOT residency, said that the connection to Running Deer would be required here for any rezoning by right or otherwise proposed public street network to be added to the state system for maintenance. He said that the County requires public roads for new subdivisions, though sometimes they entertain waivers for private streets. He said if the roads are public, the network design must meet the SSAR secondary system requirements. Mr. Moore said one of those requirements is connectivity in at least two different directions, meaning two connections not on the same road. He added that connections to existing public roads should take precedence over planned future connections, something that can be effective on day one.

Mr. Keller thanked Mr. Moore and said he thinks it is important for the record, to make clear why the applicant has said he would be willing to pull back, and the framework that the Commission is operating in with two staffs' approaches.

Mr. Bivins said that Mr. Moore mentioned the stub-outs, and the stub-out that is on page 4, that indicates a potential crossing of Carroll Creek, which would connect west. He asked how VDOT would view that indicator.

Mr. Moore said that if it were infeasible to connect to Running Deer, then it is possible or likely that the stub-out connection would suffice if it were made all the way to the property line. He said that because the connection is right there to be made, that would be required to satisfy the connectivity standard.

Mr. Bivins asked even if it were to go to a by-right development of 53 units, what the connection would still need to be.

Mr. Moore responded that it would still need to be there. He said if it is a public road, it still needs a second connection.

Mr. Bivins thanked Mr. Moore for his response.

Mr. Randolph said he wanted to follow up on Mr. Bailey's point and clarify what was intended for the potential crossing of Carroll Creek. He asked that they look at Page 2 of the April 23, 2019 rezoning application for Breezy Hill, TMP 94-8A, where it shows a planned crossing of Carroll Creek. He said it is at the narrowest section of Carroll Creek, running adjacent to Breezy Hill, and it is the narrowest section running all the way down into Glenmore. He said that because of this, it is shown as TMP 80-56, which is owned by Juliano Gordon and Julie Ann Jackson. He said that it shows that path coming in on that property, which is not realistic.

Mr. Randolph emphasized that Carroll Creek poses a real challenge to be crossed at this location, and there is nothing in this application to help pay for any of the future cost additional connectivity to the west. He said that beyond the Juliano Gordon, and Julie Ann Jackson property lies TMP

85-68, which is owned by the person who spoke to the Planning Commission this evening and has no intention of selling that property. He said there is no proposal here for any money to be set aside to help the County in the future, if and when that property to the west of Carroll Creek is developed. He said this also does not specify whether this is a pedestrian crossing, bike path, or vehicular path, and the cost of each of those would be very different.

Mr. Bivins said there are a couple of things he is uncomfortable with, the first being that when the development area was drawn, it would have been helpful if the entire community that sits on Running Deer was not included. He said that whatever the back property lines were, they would have remained in the rural part of the community. He said that what he believes is happening is that there is a master plan that is trying to mash together two different philosophies of housing.

Mr. Bivins said that the second point is that he struggles with the kind of road system where there is one cul-de-sac, two cul-de-sacs, and the people in the front of the property are never going to have any sort of opportunity to engage with the people in the back of the property because there is no sense of community or of interconnectivity—and that was the piece discussed regarding interconnected streets and the transportation network. He said that aside from that, the current plan does not feel like a community to him, and it is his responsibility to question whether he should support this change when it feels like it is not meeting some neighborhood principles. He said that for him, this is a key part of what neighborhood means, and the way it is set up on this particular plan doesn't feel as if there is a neighborhood being created. He said that he believes they would be creating a bunch of one acre lots with houses on them, but he does not feel like a community is being created.

Mr. Bivins said that the other area of question for him is the two areas of green space. He said that one of those areas has been identified as a pocket park, and he agreed with the previously raised concern that it is being filled with picnic tables and grills, which felt odd to him. He said that given that these are one-acre lots, he would expect that there would be all the various grills that one could possibly have in the neighborhood and all the various types of picnic tables one could have throughout the backyards of these houses. He said he was having a hard time understanding why that would become a placement of just those few items, a gathering place for all the neighborhood people. He said that was another reason why he was backing away from saying yes to this project.

Mr. Bivins said it would be really helpful if applicants would provide the side bit on one piece of paper, as the current setup was hard to see and keep organized. He asked why there can't be different housing types in this development. He asked why there always had to be the same types of housing on those one-acre lots and why one or two acres together hosting townhouses couldn't be an option. He said that with one-acre properties, there should be more options than just one house in the center of the property repeated. He said he was hoping to see the options, and since he didn't see that it is another reason, he struggled to support the project.

He said that he would like to see more variety, a better use of the pocket park, and a group of houses that run up to a cul-de-sac but then don't turn right into a cul-de-sac. He said he would have expected to see something that is inviting for people to come and live, but as part of a community.

Mr. Randolph said he believes Mr. Bivins was thinking of Eco Village, which this Planning Commission approved, with a European model of trying to utilize as little acreage for the actual

housing and leave the rest as open space. He said that would have been completely consistent with what the neighborhood was looking for, what the master plan is looking for, and what this body was looking for.

Mr. Bivins thanked Mr. Randolph for encouraging that memory.

Mr. Bailey said that he agreed that having more interconnectivity without the cul-de-sacs would be possible for more consistent Neighborhood Model principles, but he did not think that all of the Neighborhood Model principles were applicable. He said that with the density in and around this, he did not have issue with the R1 zoning. He said the group had already discussed the required connection to Running Deer Drive, and the only outstanding piece is the larger transportation and language inserted into the Village of Rivanna Master Plan, around the improvements required. He said that as he recalled, several of those improvements may not be possible, but it is important to him to be able to provide clear guidance to the applicant and to be consistent with the planning.

Mr. Bailey said the only other piece that wasn't addressed was education. He said that his recollection of that from the staff report was that the middle school and high school would be at capacity, but the elementary school would be over capacity. He said one thing that wasn't very clear was if that was at the proposed 80 units or with by-right development, or whether it would apply to both.

Ms. Firehock said that she wanted to reflect briefly on Mr. Bivins' comments regarding neighborhood connectivity. She said she realized that at a certain point, the developer was trying to get enough units to make this a viable project economically, and they have dropped and dropped the density. She said that in looking at this site, it could provide a number of pedestrian corridors between those long blocks of cul-de-sacs, and it could also host a trail network through the buffer, depending on how steep it is. She said it seems that an inviting, walkable community could be created where people could traverse and visit friends using "green alleys." She said this would go to the Board of Supervisors regardless of the Commission's decision, but she wanted to provide that additional guidance to the applicant.

Ms. Nedostup said she would need to go back to the schools to provide the response about whether or not the elementary school would be over capacity with the by-right scenario or this rezoning. She said the capacity was being reviewed now, and she knows there was a concern from the schools with this application, but she would circle back to the Commission with the specifics of what that meant in terms of capacity at Stone-Robinson Elementary.

Mr. Bivins said that by the time the project would be awarded, if awarded, the whole school system could change again. He said the numbers being considered and projected now were being done without knowledge of what the various pieces coming online over the next two to three years might be. He said that there had been conversations that the census was down from what was expected, and there are some things that are still in flux.

Ms. Firehock asked if it was the expectation that all of the people buying and building houses on one-acre lots would all send kids to public school. She said she felt these houses would be expensive, and she did not feel that everyone living there would send their children through the public school system.

Mr. Bivins acknowledged that comment.

Mr. Keller stated that Mr. Bailey has challenged the Commission to be more specific in this third round, but he is not sure he is ready to go there. He said that Ms. Nedostup talked about places she would need to go to get more information. He said they all knew what the issues were and what the vast majority of the public comment has been about: congestion and traffic. Mr. Keller said there are two forces going—the question of what an ideal density and development form for this parcel is on the edge of the development area, and if that is agreed upon, whether that number of units would still be too high in terms of impacts on the existing situation. He said that none of them has an answer, and the applicant has tried valiantly to come back with alternatives. He stated that he empathizes with Mr. Bailey but also does not have an answer. He said he is disinclined towards the proposal as well.

Ms. Nedostup said she had prepared some motions and would share them to the screen.

Mr. Bivins asked if Mr. Herrick is looking to come forward.

Mr. Randolph moved for denial of ZMA202100004 Breezy Hill for the reasons stated in the staff report and the reasons stated by the Planning Commission this evening. Mr. Keller seconded the motion. Mr. Bailey confirmed the denial was based on the listed items in the staff report. Mr. Bivins confirmed this but said it was also based on the conversation by the Planning Commission during this meeting as a group. The vote to deny failed unanimously (0-6). Mr. Carrazana and Ms. More were absent.

Mr. Bivins noted that the next step is to go to the Supervisors.

Mr. Herrick clarified that his understanding is that a “no” vote on a motion to recommend denial means that the denial is rejected, and that the Planning Commission had rejected denial. He said that at this point if there is another motion, the motion to recommend denial had failed.

Mr. Bivins asked if there were another motion.

Mr. Clayborne moved to recommend approval of ZMA202100004 Breezy Hill with conditions as recommended in the staff report, based on the favorable factors presented and discussed.

Mr. Bailey said that he was questioning the possibility or process for an amendment to add some of the conditions from the conversation around the Neighborhood Model principles and connected streets. He said in the past, staff has made recommendations to address some of the unfavorable factors, asking if that was captured in the recommendation or needed to be more formal.

Mr. Bivins asked if the recommendation would include the conditions around connectivity, the amenity space, and those talked about tonight to improve the project.

Mr. Herrick said that to the extent that the Commission wants to make additional conditions, the motion should be specific on those conditions. He said that Commissioners can suggest conditions to the other motion if Mr. Clayborne wished to amend his original motion to include those conditions, but it is up to Mr. Clayborne as the original mover.

Mr. Clayborne said he is fine with that but is struggling with how to make it concise. He said the group has talked about a lot of items.

Ms. Firehock suggested to add to this motion that the applicant include defined and improved amenities space to include recreational facilities, and also that the plan be amended to include a trail network through the buffer and to connect the cul-de-sac streets allowing a comprehensive trail network throughout the development. In that way, she said, the group did not tell the applicant exactly where it should go, as he would need to work out the topography.

Mr. Clayborne said he agreed with that verbiage and accepted the amendment.

Mr. Keller asked to see the favorable and unfavorable list to confirm that everything has been covered.

Ms. Nedostup displayed the list of favorable factors from the staff report.

Mr. Bivins said if anyone on the Commission does not want to proceed, they needed to unmute themselves and say “no.”

Ms. Nedostup then showed the unfavorable factors.

Mr. Bivins said this was the area the conversation was about, particularly with numbers two and five.

Ms. Nedostup displayed the motions and said the first two were included in the staff report. She confirmed that the Commission wanted to include number three, identifying an amenity space to include recreational space. She said the next item is to revise a trail network through the buffer and connect the cul-de-sacs to create a comprehensive trail network.

Mr. Bivins said that is what Ms. Firehock added and Mr. Clayborne accepted.

Mr. Keller said that as much as he has been a proponent for connectivity, he still feels that the Running Deer neighborhood in particular is getting the short end of the stick. He emphasized that he would like to not see the full vehicular connection there but hoped that over time, the two neighborhoods would see the benefit of the vehicular connection that they don't see now. He said that needs to be pointed out and predates the agreement in the County that led to the development in the area separate from the rural areas. He said that residents feel there needs to be a rural area protection built into this, and he needs to provide his support.

Mr. Bivins asked how that can be done.

Ms. Firehock asked Mr. Rapp before this meeting if it would be possible to have something such as bollards that could be taken down in the need to provide emergency services, but that it would not be a vehicular connection. She said it was her understanding that bollards would not be acceptable, but that it needed to be a full-on road connection, and she does not understand why. She said if a person buys a lot in the back of this development, then that person is acknowledging that there is a long drive to get out to Route 250. She said that in case of an emergency, there would be an additional exit that could easily be opened by rescue crews or fire crews to let people out—for example, if a storm came and the damage blocked the other entrances. She said she would like to push again on that option, as she has seen it done in other places.

Mr. Rapp said he has seen that done before but not on VDOT-maintained roads. He said he has only observed this in city environments where they maintain their own roads, and because of that, he would defer to Adam Moore as to what might be acceptable to VDOT in terms of removable bollards for these types of emergency access roads.

Mr. Moore responded that if the road is maintained by VDOT, it has to be kept open to all members of the public all of the time.

Mr. Bivins asked what the name of the system used is.

Mr. Moore responded it is called SSAR, state regulations governing the acceptance of secondary streets into the state-maintained system for maintenance.

Mr. Herrick said that the County's own subdivision ordinance, specifically section 14-409(B), requires that all public streets within a subdivision be extended and constructed to the abutting property lines to provide vehicular and pedestrian interconnections to future development. He said that the County's own subdivision ordinance requires that now, though there is an allowance for exceptions, and interconnection is not only consistent with the planning practices but also part of the subdivision ordinance.

Mr. Bivins thanked Mr. Herrick for that contribution.

Mr. Keller said he realizes they are trying to modernize their thinking both in the County and in the Commonwealth, but he has been all over the world where there are retractable bollards. He said that while it would be an expense to the developer, retractable bollards are key to fire departments and safety officials, who have access at "the push of a button" through apps on their phone and can open them. He said this is one of those cases where the regulations need to have an ability for an exception.

Mr. Bivins said that was assuming that was part of the discussion to get the revised motion made, and Mr. Clayborne confirmed the amendment worked for him regarding the points made prior to the Running Deer discussion. Mr. Bailey seconded the motion.

Mr. Bivins said there have been a series of discussions around Running Deer, and this is a piece of information they need to push to the Board of Supervisors. He said the County has their own subdivision ordinances, and then there is the Commonwealth that says this is a public street and needs to have connectivity there—and he is not sure how this body didn't reconcile those two pieces.

Mr. Keller said the Commission has a commitment to the rural areas and said that while this is really complex for the Commission because it is in the development area right on the edge of the rural area, this area has traditionally been rural and is on the edge. He encouraged others to join him in voting against this motion.

Ms. Firehock said she was wondering if it could be a private street, or if it had to be two public road VDOT-approved entrances. She said that if its only purpose is for emergency and it was private, then it could have bollards, and she asked if that was out of the question.



Ms. Nedostup said that the private street requirement in the subdivision ordinance is that a private street not connect to public streets.

Mr. Bivins said that would eliminate that possibly suggested.

Ms. Firehock acknowledged this.

Mr. Bivins said there is a motion before them that has been properly seconded and asked if there were any additional points to be discussed. Hearing none, he asked for the vote to be called. The motion carried 4-2, with Mr. Randolph and Mr. Keller opposing.

Mr. Bivins said the motion carried with advice, with counsel, and with modification that could be shared with Mr. Armstrong. He said the Commission had also done some things to ask the Board to give serious consideration to whether the development zoning needed to be reconsidered. He said the other piece that needs to be addressed is how to not impose a radical change on the surrounding community. He said those are the things the Commission is pushing forward in the narrative to the Board.

Mr. Bivins offered his thanks and suggestions to reach out to Ms. Nedostup for the details of the recommendations to Mr. Armstrong.

Mr. Armstrong thanked Mr. Bivins and said he could do those things.

### **Committee Reports**

There were none.

### **Old/New Business**

Mr. Bivins said that this particular project has a number of elements for which he felt Mr. Rapp should be involved when the Commission considers the comprehensive plan. He asked what the reality is of the traffic situation on all of these projects, when sometimes the traffic is not going to change for decades but the projects need to move forward. He asked how the Commission balances between emerging developments and existing communities and how it can be done in a way that works for the characteristics of the two communities.

Mr. Bivins emphasized that the bigger concern is to settle on the difference between net and gross density. He asked how they could inform applicants bringing projects to the Commission to ensure there a realized and actual clarity. He said these are issues the Commission has wrestled with for a while, and this particular project has had a number of those issues.

Ms. Firehock said that she appreciates Mr. Bivins bringing up those points and would like to add onto that. She said that as they look at these growth areas and connectivity in the future, the Commission should be more mindful of not dumping the second connections into small rural neighborhoods. She said the connection to Running Deer Drive was in the master plan, and she did not like that plan nor the idea. She said she knows that the group just approved it, but she would like to be more mindful to the existing neighborhoods and how they juxtapose growth areas.

Mr. Keller said that he agreed with Ms. Firehock and said he feels the Commission also needs to reflect on Mr. Bailey’s earlier points. He said that when they have a project that keeps trying and is coming back in three different ways, he feels that staff and Commissioners need to agree on what that “sweet point” is. He said he did not feel that they got there tonight. He said that he hoped Mr. Rapp and staff could help them think of points and get closer. Mr. Keller commented that hopefully they didn’t have too many projects like this right on an edge that create these kinds of issues, but he is aware that as they face more development, they would likely face more of them.

Mr. Keller stated that this also raises the issue of rural DUD. He said there seems to be a movement away from that because historically, that was the kind of curvilinear, cul-de-sac kind of development—as Mr. Randolph had said earlier regarding the different housing types where there could still be a great deal of open space. Mr. Keller said that perhaps the Commission needed to ask staff to take a few minutes and look at how something like that might apply. He said if they do see an uptick as post-COVID demographic information continues to emerge, there may be more pressure to develop in rural areas that are not far from smaller population centers like Charlottesville.

Mr. Keller commented that there was an important MPO Tech meeting earlier in the day and he wanted to call the group’s attention to it. He said the agenda can be downloaded to get the specifics, but he reported they did move on four Smart Scale projects recommended by staff. He stated that there was a lot of discussion about several projects on the list, and that would continue with MPO. He said as the group knows, there would be City and County and Planning District Smart Scale projects.

Mr. Keller said they also discussed electric vehicles in light of the efforts in the County Building parking lot. He said a draft report was presented on the electric vehicles. He said he did not think it got into detail, or that it was maybe as current as what is happening and being done today, but it was a good start and worth a quick review. Mr. Keller said one thing he found interesting is that in Indiana, there is an experiment being done by Purdue University, in conjunction with a German firm, on a section of highway to see if there is a way to charge cars as they’re driving along. He said that this alludes to the future direction of infrastructure for electric charging stations and shows that the technology is moving along quickly. He said that while this may be pre-COVID information, hybrid vehicles have a smaller carbon footprint than electric vehicles in terms of where the charges are coming from.

### **Adjournment**

At 8:30 p.m., the Commission adjourned to August 3, 2021, Albemarle County Planning Commission meeting, 6:00 p.m. via electronic meeting.



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Charles Rapp, Director of Planning

Approved by Planning Commission
Date: 08/24/2021

Initials: CSS

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