

**Albemarle County Planning Commission
Final Minutes February 14, 2023**

The Albemarle County Planning Commission held a public hearing on Tuesday, February 14, 2023, at 6:00 p.m.

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

Members absent: None.

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

Ms. Shaffer was present electronically via Zoom call.

Call to Order and Establish Quorum

Ms. Shaffer called the roll.

Mr. Clayborne established a quorum.

Other Matters Not Listed on the Agenda from the Public

Mr. Clayborne asked if anyone wished to speak. Hearing none, he moved to the next item.

Consent Agenda

Mr. Clayborne asked if any Commissioner wished to modify or change the meeting minutes on the consent agenda.

Mr. Bivins moved that the Planning Commission adopt the consent agenda, which was seconded by Mr. Clayborne. The motion passed unanimously (5-0).

Public Hearings

a. ZMA202200004 1906 Avon Street

Mr. Andy Reitelbach, Senior Planner in the Albemarle County Planning Division, stated that the property subject to this rezoning application was composed of three parcels along Avon Street Extended, south of the City line. He indicated the surrounding properties, which included Mill Creek, Spring Hill Village, and Avon Park, along with Biscuit Run Park, which was lying very near the subject property but not a direct neighbor.

Mr. Reitelbach said that the three parcels were currently zoned R-1, allowing for one dwelling unit per acre, and the acreage was approximately 3.6 acres. He said that the existing use on the property included two single-family detached houses and accessory structures, and the applicant was using to rezone these three parcels to R-15 Residential with proffers, allowing for 15 units per acre. He said that with a voluntary proffer statement, the applicant had proffered a maximum of 38 residential units, which would be a mix of single-family attached and multifamily units at a density of 11 units per acre.

Mr. Reitelbach said that the three parcels were all zoned R-1 residential, and by right, could have up to three residential units in total. He said that several overlay zoning districts were in place on this property, including managed steep slopes and the entrance corridor. He said that the zoning of the surrounding properties was R-6 residential to the south in Avon Park, PRD to the west in Mill Creek, NMD to the east in

Mill Creek, several parcels zoned R-1 to the southeast, and to the northeast were several parcels zoned for Light Industrial use.

Mr. Reitelbach said that in the comprehensive plan, this portion of the County was included in the southern and western neighborhoods master plan, which designated all three of the parcels for Neighborhood Density Residential, indicated by the yellow color on the map displayed on the slide. He said that the comprehensive plan recommended residential uses at three to six units per acre, along with several different supporting uses, as well as a residential building height maximum of no more than three stories.

Mr. Reitelbach said that in looking at the other land use designations on surrounding properties to the south and west, they were also Neighborhood Density Residential, the green color indicated parks and open space, the brown represented Spring Hill Village and Community Mixed Use, the orange was Urban Density Residential, and the purple was Office/R&D/Flex/Light Industrial.

Mr. Reitelbach displayed a screenshot of the concept plan provided by the applicant for the application. He said that because this was a conventional rezoning to R-15, it was a concept plan and not an application plan, however, the applicant had proffered the concept plan as a part of their proffer statement. He said that in the proffer statement, the applicant had identified several major elements that would be required; if the rezoning were approved, the construction would be required to follow, and that included the internal street network and pedestrian connections, the building envelopes, setbacks, a maximum building height of no more than 40 feet, and a maximum of 38 residential units.

Mr. Reitelbach said that also proposed in the concept plan was a connection with Hathaway Street and Avon Park to the south; an extension would be through their property up to the northern property line with the Faith Temple Church, two parcels to the north. He said that the other streets and travel ways throughout the development were proposed to be private streets, and the applicant was proposing a pedestrian connection from Hathaway Street and Avon Street in the northeastern property because there was no vehicular connection proposed directly between those two streets in the development.

Mr. Reitelbach said that there were open space areas shown throughout the parcel, and a central greenspace was where the recreational facilities were proposed. He said that in addition, the stormwater management facility was proposed for the southeastern portion of the property, and retaining walls were proposed between the parking envelope and the stormwater management and the greenspace.

Mr. Reitelbach said that the specifics of the proposal included proffers of the concept plan and the major elements identified, including a maximum of 38 residential units, and affordable housing in the development, which would be 15% of the total residential units constructed. He said that the school calculation for this development gave an expected generation of six students total across all three school levels, with about three students at Mountain View Elementary, two students at Walton Middle, and one student at Monticello High School. He said that Mountain View was over capacity and Walton and Monticello were both currently under capacity.

Mr. Reitelbach said that as a part of this rezoning, the applicant had requested two waivers for modifications to the street standards, including waiving the sidewalk and planting strips in a few portions for the development. He indicated on the slide the exhibit provided by the applicant, showing in yellow the places where the sidewalk and planting strip was proposed to be waived, and green where only the planting strip was proposed to be waived. He said that staff had no objection to these requests, and approval of the ZMA was recommended, however, staff also recommended one condition be included for each of the requests if they were approved.

Mr. Reitelbach said that one positive aspect of this application was that it was consistent with the recommended primary land use for Neighborhood Density Residential for the Southern and Western Urban Neighborhoods Master Plan due to the primary use of housing. He said that the request was also consistent or mostly consistent with the applicable neighborhood model principles, and the proposal provided at least 15% affordable housing, as recommended in the comprehensive plan policy currently being enacted.

Mr. Reitelbach said that staff had one concern when reviewing this application, which was that the request was not consistent with the density recommended by the Southern And Western Urban Neighborhoods Master Plan, which recommended three to six units per acre for the Neighborhood Density Residential land use designation, and this application proposed a maximum of approximately 11 units per acre.

Mr. Reitelbach said that staff's recommendation was for denial of ZMA202200004 1906 Avon Street Extended. He said that staff had no concern with the waiver requests, so if the Planning Commission chose to recommend approval of the zoning request, staff would recommend approval of the requests for the modification of street standards for the planting strip and sidewalk requirements, along with conditions that it would be constructed in accordance with the exhibit shown on the previous slide.

Mr. Bivins asked how many dwellings could be constructed without a zoning modification, or by right.

Mr. Reitelbach said that it would be three units in total.

Mr. Bivins asked how many dwellings would be put there as recommended in the land use plan.

Mr. Reitelbach said that the number was estimated to be about 20.

Mr. Bivins asked if offering affordable units would push that number higher.

Mr. Reitelbach said that it might be more if they used any of the bonus density.

Mr. Bivins asked if, regardless of rezoning or by-right usage, the owner would have access to the project for Hathaway Street.

Mr. Reitelbach said that under by-right usage, it would be likely that the three dwellings would have access to Avon Street as there were a few existing driveways onto those parcels, but any type of rezoning would need access from Hathaway Street.

Mr. Bivins asked if Hathaway Street was a public road.

Mr. Reitelbach said yes.

Mr. Missel asked if the ARB had weighed in on this matter at all.

Mr. Reitelbach said no. He said that this application was submitted during the time period when Avon Street was not a corridor where ARB guidelines were being applied, so they did not weigh in on the rezoning. He said that if this rezoning were approved and a site plan were submitted, the ARB would weigh in on the site plan application.

Mr. Missel said that he understood. He said that regarding buffers and setbacks, the concept plan was not required but was offered, and if this were approved, they would have to comply with the setbacks.

Mr. Reitelbach said yes. He said that the setbacks were included in the major elements of the concept plan and the proffers of the setbacks that were identified in the concept plan, and the applicant would have to meet those setbacks.

Mr. Carrazana asked why staff felt it was acceptable for planting strips to be removed.

Mr. Reitelbach said that in the center, the planting strip would be adjacent to the greenspace, so staff felt that having the sidewalk right against the street and having a larger greenspace area would be more appropriate. He said that on the other areas, there was no sidewalk on the west side of Hathaway Street in the existing Avon Street, so there was no continuation moving to the south, so they were providing sidewalk, and staff did not see there to be a need for there to be a planting strip in addition to that.

Mr. Missel said that the public extension of Hathaway Street dead-ended at the adjoining property boundary. He asked if staff had any concerns with the fact that the adjoining property was not controlled by this applicant.

Mr. Reitelbach said that staff recommended inter-parcel connections, and while that parcel was not owned by this property owner, they were providing that connection up to the property line so that if the church to the north were to develop their property differently, they could extend that street farther to potentially connect with Avon Street to the north. He said that there had been concern with fire and rescue services not having a second point of access into this area. He said that the Fire and Rescue Department reviewed this application and had no concerns at this time, based on the number and mixture of units, which had different numbers required for the amount of access road to be provided.

Mr. Clayborne opened the public hearing. He asked if the applicant was available to make their presentation.

Mr. Justin Shimp said that he was the owner of Shimp Engineering and was representing the owners, who were also present at the meeting. He indicated on the slide the mixture of townhomes and the smaller multifamily buildings nearer to Avon Street, and the units they imagined as for-sale affordable products presented along with rental housing. He said that the County had recently installed sidewalks and across the street, the developer had installed a path, so the infrastructure was filling out. He said that there was a proffered pedestrian connection that got them to the sidewalk from the development, but unfortunately, their road could not be engineered to meet that street according to VDOT standards at the moment.

Mr. Shimp said that the type of townhomes proposed were three-story townhomes, similar to buildings located across the street. He said that the multifamily buildings would be four stories tall in the back of the building and three stories on the side facing Hathaway Extension. He said that these different types of units allowed for more pricing options.

Mr. Shimp said that the staff report had mentioned positives and a negative, the negative being the comprehensive land use map. He said that he took issue with the map because it was not designating a form. He said that if they built larger homes, there would be fewer of them, and given the scarcity of land in the development area, he believed that this sort of location had to be viewed at a higher density, and going by that six units and leaving units on the table would be a source of regret in the future.

Mr. Shimp said that he would read a summary of the Albemarle County growth management policy, located on the first page of the comprehensive plan. He said that it stated "we shall promote efficient use of County resources through a combination of A and B, B stating that promotion of the development areas where a variety of land uses, facilities, and services existed, and their plan to support the County's future growth with emphasis placed on density and high-quality design and new infill development.

Mr. Shimp said that the emphasis on density was present in part B, because in part A, it described that they were to protect elements that defined the rural area, and they could not do one without the other. He said that in thinking of his past completed projects and the future decades to come, every opportunity that they had to put more housing in one place that could be more transit-oriented would be appreciated later.

Mr. Shimp said that he recognized that it did not match the color of the map, however, if they focused on this policy and where they were today in discussions of expanding the growth area to accommodate development, they needed to focus on what that potential was to decide if a higher density brought more households into this urban circle. He said that historically, they had underdeveloped density-wise. He said that everywhere on the map that said the density was up to 34 had densities ranging from 8 to 24, so this particular zone had not achieved the sort of density it was planned for as a whole. He said that they felt that by putting up this development, the lack of density that was planned for should be taken into consideration.

Mr. Shimp said that in comparing the impacts on schools between the density of 21 single-family detached homes and 38 single-family and multifamily units, the quantity of students was the same, so the additional units would not produce any greater impacts on schools. He said that in comparing the traffic impacts

between the two, there was predicted to be more traffic with single-family homes versus the single-family and multifamily homes. He said that traffic and schools would not be impacted due to the increased density because of the variety of housing types.

Mr. Shimp said that there was a question raised about if Hathaway Street could be extended. He said that it was designed to a standard to accommodate 400-2,000 trips per the VDOT standard. He said that there was a challenge to connecting to Avon that had to do with how the road was built. He said the road profile was projecting up, and when extending the street, they had to continue the projection upwards.

Mr. Shimp said that there was a 44-foot grade drop that did not allow them to make the connection, but they could plan for a different connection, which was an extension of Hathaway to a property line that allowed them to meet the VDOT criteria for a future connection to the church property, allowing for extension of the street and viable future connectivity. He said that because the street dropped and the distance shortened, they could not make the other connection.

Mr. Shimp said that UVA had historical photographic maps of the area, which were shown on the slide. He said that Avon now had 12,000 trips per day, and while he appreciated the concerns of the neighborhood about the increased traffic through the neighborhood, that effectively was a result of the development area.

Mr. Don Smith said that he and his wife owned the tract of land that they were asking the County to rezone. He said that for the last 24 years, they had lived off of Avon Street Extended, and purchased the land under consideration 17 years ago, and their two eldest grandchildren were born there. He said that back then, the Avon corridor was quite different, as the single-family homes sat where Avon Park was now, Avon Park II was wooded, and Spring Hill across the street was wooded with an open lot that suffered from people using it as a dump. He said that those were the days when traffic was nonexistent, even during rush hour.

Mr. Smith said that in the present day, the current County master plan was well on its way to being realized, with developments popping up everywhere, more traffic, and more kids arriving daily to school. He said that they called it progress, and while at times it was inconvenient, the amenities and services in the area were growing to keep up with the pace. He said that the County's recent sidewalk project was the latest area improvement that tied the individual developments together, and that 5th Street Station and Biscuit Run Park were great amenities for the area as well.

Mr. Smith said that he and his wife decided to embrace the change and build out their property similar to what had been built around them, and they were looking forward to getting skin in the game and making a lasting contribution to the growth of their County. He said that from the Zoom meeting last fall, he realized that some folks had further reservations about development in that area, and he would simply ask them to acknowledge the fact that sooner or later, the entire Avon corridor was going to be developed, so the best route for all of them to take was to work together constructively to make the best outcome.

Mr. Smith said that he was confident that they had a good team of engineers, and he thought that the work product would be outstanding, and they would strive to create a development in a matter such that all of their property values continued to increase. He said that they were open to all constructive input and looked forward to hearing back from the Planning Commission.

Ms. Firehock said that several comments received from the community included concerns that there were issues with water pressure. She said that that was not mentioned in the presentation, and she did not know if there were any further explanations for that. She said that people had said there were issues with water pressure in the neighborhood they would be traveling through, and there was concern about the additional demand put on that line.

Mr. Shimp said that he had seen some of those comments. He said that the answer was yes, and they would have a similar problem, but less so because they were sloping downhill. He said that it was a pressure issue and not a flow issue. He said that the neighborhood had to install a storage tank behind them to get water high enough to achieve reasonable pressure. He said that they were located at one of the highest spots in the growth area, so the water pressure was low, even though the spigots would run. He said that

the demands for added flow rate for domestic use in the development would not impact the community at all, but those residents would face the issue of low pressure as well.

Mr. Bivins asked if this project would be served by public water.

Mr. Shimp said that was correct.

Mr. Bivins said that they often heard concerns about groundwater and well water being affected by developments, but that was not occurring here because they were part of the public service district.

Mr. Shimp said that was correct. He said that they were tied to that service system, and the only fault in that area was that the pressure of the system was not as high as was desired.

Mr. Clayborne asked if more information could be provided about where the affordable housing was located within the concept plan.

Mr. Shimp said that as drawn, the affordable townhomes would be located at the north end of the project. He said that a partner such as Habitat for Humanity or the Piedmont Community Land Trust would buy the land and build the homes, or they would do so through a different model with the Land Trust. He said that they could mix them throughout the development, but they had to have six with the full buildout in total.

Mr. Clayborne said that he would like to see the affordable housing distributed throughout, rather than have affordable housing blocks.

Ms. Firehock said that if they went with the land trust model, it entailed the land trust owning the land underneath, which meant that the affordable housing would not disappear in a few decades after it was no longer required to be affordable. She said that it was a trade-off for putting them in one unit if they used that model, which she preferred because it avoided temporary affordable housing.

Mr. Clayborne thanked Ms. Firehock. He asked if mass transit was considered when implementing the increased density.

Mr. Shimp said that he was unsure if the County had adopted an official plan for establishing transit in the future. He said that there was a lack of transit after 40 years of the comprehensive plan, and he wondered if part of the problem was that if they had created this area with 30 units per acre, there may have been a viable bus route. He said that for the future, he saw Avon Street as a wonderful place because it was a convenient place to run service to and from the City of Charlottesville. He said that when they did the rezoning of the street, there was a discussion with the County about leaving a place in the plan for a transit drop-off, and that could still easily be achieved. He said that he knew that the County planners were thinking about this, and they supported it fully, and the more riders there were to access that, the sooner the vision could come to fruition.

Mr. Clayborne thanked Mr. Shimp. He said that he would now begin the public comment period.

Ms. Robbie Savage said that she was the Chair of the Avon Park Community Association. She said that not pictured on the map of the property was Avon Park II, which is already connected to Hathaway. She said that if this took place, there would be a straightaway from Avon Park II all the way through to this community, and while it was a public street, Tudor Court was not, and they had to take it on themselves. She said that they were not opposed to the project, but were opposed to the approval for R-15 rezoning.

Ms. Savage said that it was more than twice what was in their communities nearby, and they did not see a reason for this at all. She said that many people would discuss density, proffers, schools, traffic, and safety issues tonight. She said that Mr. Shimp mentioned the sidewalks, which had just been installed on Avon Street, after 15 years. She said that there was no bus service to this community, so while they were looking at affordable housing, there remained a question of how people would get to and from their destinations. She said that currently, it was a two-mile walk to the nearest bus stop and was very inconvenient. She said

that the affordable housing should make it possible for low-income residents to work and be a part of the community.

Ms. Katie Cabell said that she and her husband, along with their cat, had lived in Avon Park for five years, and loved the community. She said that specifically, they were grateful that their son could play outside without having to fear for his safety, as he often used the streets to play ball with their other neighbors, used the playground, and was able to come and go to the car without concern that he would be hit from an oncoming car.

Ms. Cabell said that the members of their community were used to seeing children at play and were always on the lookout for children and pets, but with an influx of people coming into their community from other areas, they were not as comfortable or confident that their children would remain safe. She said that her son attended Mountain View, where there was extreme overcrowding, which was a serious concern. She said that they questioned the validity of the developer's assessment that the new development would add only six K-12 students to the schools, and it was suggested that the building of this development was supported by the fact that there were nearby schools.

Ms. Cabell said that there were currently 14 K-12 in Avon Park I, with additional student population expected with the construction of Avon Park II; it was therefore inconsistent to claim that the new development would not attract more families with new students. She said that the Mountain View Administration had sent letters out to parents outlining their concern about the student population, and like other communities in their area, they would like the County to address the overcrowding in area schools before approving increased density.

Ms. Cabell said that right now, the parking lot was under construction because it was unable to handle the daily drop-off and pick-up traffic, and whenever there were school events, families parked at the high school and were bused back and forth to the elementary school for the event. She said that this was currently impossible to park at the school between the drop-off and pick-up times because there was simply no space. She said that it had taken nearly 15 years for the installation of sidewalks, and while the sidewalks were great and much-loved, it had not proven useful for families to use them when coming to and from school.

Ms. Debbie Smith said that she had been a resident of Avon Park for 15 years and appreciated the opportunity for them to voice their concerns. She said that she was specifically concerned about safety issues and the impact the 1906 Avon Extended development would have on their daily living, mainly because they claimed it was impossible as their plan currently existed for them to create their own entrance way. She said that currently, Arden Drive was the only way in and way out of Avon Park for both one and two.

Ms. Smith said that she lived on the corner of Arden Drive and Arden Alley; Arden Drive was an ascending road with a severe curve that created a blind spot; making a left turn off of Hathaway or Arden Alley did not allow for adequate sight of oncoming traffic, so it was already a difficult situation. She said that they would be exceeding over 200 drivers in and out of that one corridor with drivers from the potential new development. She said that they had proposed an extension of Hathaway from approximately 500 feet to 1200 feet, so they would like for VDOT to check the straightaway length of Hathaway Street since they did not recommend anything over 500 feet.

Ms. Smith said that along Hathaway on the west side, there was a playground and dog park that were enjoyed by current residents, but they felt that their safety would be at risk with additional traffic coming through Hathaway. She said that Hathaway was only 32 feet wide, allowing for parking on the east side of the street, and she did not understand how traffic could flow two ways, because they would have to move a side, which would cause more congestion and concern for safety. She said that she saw this as a safety issue and did not see extending Hathaway as a workable solution and overburdening their community with more traffic. She said that she hoped that they would be able to reduce the number of units or figure out a way to have another access road to their community.

Mr. Nish Dalal stated that he resided at Tudor Court in Avon Park. He said that he would like to reiterate the safety issue. He said that not shown on the map was the steepness of Arden Drive. He said that he knew he and his neighbors were careful in going down that street, which had a steep incline, and increased traffic on that road was of concern. He said that he also felt nervous that there could be danger to the children who played outside in the neighborhood. He said that he and his partner also wanted to address the water pressure.

Mr. Dalal said that with all of their units having pumps, they had to perform regular maintenance on them, and having additional units would be a big burden on their system as well. He reiterated that they opposed the request to change the zoning, and they would request that the R-15 zoning not be approved, which would allow for 54 homes on 36 acres, and instead, they would like to request the R-6, which was much more consistent with the character of the existing neighborhood and comparable to the adjacent communities.

Ms. Sarah Loach Meister said that she grew up in Charlottesville, where her father was a music professor emeritus and choir director. She said that twice a week, he came to their house for dinner, which meant that twice a week, they turned onto Avon Street Extended at Arden with him in the car. She said that when her husband, Peter, talked about possible fatalities at that intersection, one of the people he was trying to protect was her 96-year-old father.

Ms. Meister said that she would be talking about quality of life. She said that they understood the need for more homes in the County, however, their corner of the County should not bear the weight of the extensive development, and there were areas east of Avon Street Extended that were zoned urban residential, and west of Avon Street Extended, it was considered Neighborhood Density Residential, allowing for three to six residential units per acre.

Ms. Meister said that they bordered rural areas and Biscuit Run State Park and had been mistakenly considered urban in these zoning negotiations, because urban settings had amenities that could handle large numbers of residents, which were sadly lacking in their area. She said that the closest bus to their neighborhood was two miles away and involved crossing I-64 on a bridge with no sidewalk, and the proposed future bus route suggested that the bus would come to Mill Creek Drive, over a mile from Avon Park; even with the proposed future bus route, a trip to UVA using public transit would take at least 75 minutes.

Ms. Meister said that their neighborhood provided and maintained a playground and a dog park, and the residents of this new development would have access to their amenities, which were paid for with HOA dues, but the plans did not add sufficient amenities to justify rezoning. She said that Shimp Engineering was relying on their R-6 greenspaces to pay for the 38 dwellings proposed. She said that affordable housing required public transportation, but they had waited 15 years to get a sidewalk, so they were not hopeful that they would get the infrastructure needed for these high-density developments.

Ms. Meister said that they appreciated the work done by County planners and leaders and asked that they focused on infrastructure and needed amenities before allowing R-15 density, which would probably have off-property management. She said that they had issues with short-term rentals in the past, including loud, late-night parties. She said that granting an exception to guidelines regarding density could lead to crime. She said that the week that their neighbors on the other side of the water tower moved in, someone stole their catalytic converter.

Ms. Meister said that they understood that Arden three would happen, but they wanted it to follow the rules, particularly with regard to density and access. She said that Avon Park was zoned R-6, and homebuyers should be able to rely on existing comprehensive plans when deciding on home purchases, and if they could not, what was the purpose of the comprehensive plan? She said that they requested that the 1906 Avon Street Extended development be zoned no higher than R-6.

Mr. Peter Meister said that he came to Charlottesville to earn his Ph.D. in German. He said that he and his wife met in 1987, moved to Maryland, then Alabama, then to Charlottesville this past September. He said

that there was a difference between traffic that could induce accidents and fatalities. He said that the curve on Hathaway at Arden was blind, especially on the downhill side, and it could be dangerous even now before new traffic began flowing to and from Avon Park. He said that children did frequently play in that area, but the speeds were residential.

Mr. Meister said that a traffic accident of the worst kind was not likely at Hathaway at Arden, but the danger came where Arden met Avon Street Extended. He said that cars coming from the right were almost invisible, but there was likely only one car trying to turn onto that road, and once there were a hundred more cars joining them from the existing Avon Park II, it would not be unusual for multiple cars to try to make that turn into a single swoop.

Mr. Meister said that the first two cars may be fine, but with increased traffic in both directions, it was extremely dangerous for a third car to try to make that turn. He said that this was an issue without regarding the exceptions for part three. He said that changing Arden and Hathaway to a through-street and adding more than one hundred cars would almost certainly result in accidents at Avon and Arden, and perhaps fatalities. He said that they hoped they would vote to keep Avon Park as close as possible to the quiet subdivision it was zoned for.

Ms. Shelly Pellish said that she had lived on Avon Street for 24 years and 15 years in this community, and had signed up to be on the board for five years and hardly, because developers walked away in 2007 to 2009, and she learned a lot about bankruptcy law and the joy and hardship of binding together the community when neighbors also walked away in trying to get the developers to pay the bonds for the roads and infrastructure.

Ms. Pellish said that they had waited for many years for the infrastructure they had, so as a result of everything that she had learned in urban planning and architectural history, she was now a financial advisor and help them steward the land they wished to develop. She said that she also was learning a lot about the community in that they were in a recession right now—if not officially they soon would be—and she wanted to know that the developers who were building on the land next to them could pay for it—do what they say, pay for the roads, pay for the infrastructure they were going to use, and develop the land.

Ms. Pellish said that their community had had to pay for tree replacements for what was done incorrectly, among other things. She said that they should take them up on the offer for a healthy conversation as a community to build the community they all needed for Avon Park, which did not mean displacing a Black church because it was the only way to build a road. She said that they should communicate with the developers to come up with a plan, because the neighborhood was not a NIMBY neighborhood and knew that development was coming, and they were thoughtful and good people, so they should take them up on that offer.

Ms. Leanne Skipper said that she lived on 1644 as well and in the unit that would about the new neighborhood. She said that her primary concern was the cut-through to Hathaway and it serves as the only access in and out of that neighborhood. She said that being in that end unit, there was a benefit of a cul-de-sac there now because there was no cut-through. She said that in addition, there was a lot of pedestrian traffic around the neighborhood, so having a long straightway through the neighborhood would invite faster traffic.

Ms. Skipper said that the use of the dog park and playground by others who were not financially invested in the amenities was a concern, as it was not mentioned in the plan for the new development. She said that for most people, the residents did not only live in that neighborhood but also worked remotely and were in their homes and neighborhood often, so they wanted to make sure it was cared for and constructed appropriately.

Mr. Andrew Hopun said that he had lived in Avon Park for over one year. He said that when he bought his home in 2021, he noticed the water pressure was lower than usual, but his house had a water pressure pump that helped normalize the pressure. He said that he was concerned that with the water pressure already being so low that further development of the subdivision would affect it, and he supported Avon

Park HOA's request for a survey to determine whether the water tower could accommodate these new developments.

Mr. Hopun said that the number of new developments in the Mountain View Elementary district was quite substantial, and with this growth, he believed their educational infrastructure needed to be updated. He said that he was not a parent nor had a connection to the elementary school, but as a resident of Albemarle County, he wanted to ensure that all of their students in this district were provided with a high-quality educational environment.

Mr. Hopun said he reviewed the subdivision yield analysis report and the Mountain View Elementary Master Plan recommendation, presented to the Albemarle County School Board in 2021. He said that the findings were clear that Mountain View Elementary School was overcrowded to the point that a school that was built to hold 624 students had 752 students enrolled in the 2022-2023 academic year. He said that as they considered zoning for 1906 Avon Street Extended, he asked the County to take into account the fast-paced addition of students from several new developments, including Spring Hill Estates, Avon Park II, Galaxie Farms, Southwood, and potentially the 1906 Avon Street Extended project. He said that he was pleased with the recommendation to build a new elementary school, and he hoped that this conversation may help prioritize that project even higher.

Ms. Elke Zschaebitz said that she was a resident of Avon Park II, and had lived there since 2014 when she moved from Germany. She said that they lived on Arden Drive, adjacent to Hathaway Street, and did not know that the builders were allowed to build with the permission of the Commission. She said that she also did not know what a sewage pumper was until she moved here.

Ms. Zschaebitz said that the architects of the neighborhood decided to pump the sewage up instead of down to the city, so the residents now had a separate issue of sewage infrastructure along with the water pressure issue on Tudor Court, which she had been unaware of. She said that she walked her dog every day and children frequently played in the street. She said that there needed to be a speed bump in their area because people drove so quickly around the curve of the road, and there was a blind spot as well, so turning Hathaway into one long street would invite more traffic.

Mr. Clayborne asked if there were any speakers signed up online.

Ms. Shaffer said that there were two speakers.

Mr. Jaye Urgo said that he lived at 1632 Hathaway Street. He asked why Shimp Engineering was bringing up the church. He said that it seemed like a cynical plot to take over the church. He asked if they would hear from the church and if they were willing to do this. He said that they did not know if there would eventually be a second way to get out because they had not talked to the people at the church, which seemed very wrong.

Mr. Urgo said that if they altered the site plan and did not go for maximum density, he would have to believe that they would be able to engineer a second egress from the new development. He said that they showed a retaining pond and retaining walls, so it could be reengineered to have a second egress. He said that no top of which, VDOT recommended any straightaway longer than 500 feet to have a traffic-calming measure, and they had not heard anything about a traffic-calming measure in any proffer.

Mr. Urgo said that they were used to developers disappointing them, the most recent being that Stanley Martin promised that they would not use Arden Drive as a construction entrance, but every time there was rain, a steady stream of construction vehicles would go up Arden because the construction entrance was muddy. He said that he did not see why they should allow it to go from R-6 to R-15 when, despite the 38 proposed units, it could go as high as 54.

Mr. Dave Hudspeth said that he lived at 1118 Arden Drive and had lived there for 16 years. He said that he had been involved in building affordable housing around the world, which he had been fortunate to do. He said that the United States may be short of as many as five million houses, so everyone had to do their

part. He said that he would echo a Commissioner's concern from earlier that they should not sell this out from under them; it was one thing to be affordable, but it also needed to be dignified.

Mr. Hudspeth said that he asked that the Board scrutinize the square footage in which these units were built. He said that they also had to look at parking, because when families were stacked into buildings, parking became an issue, and it was questionable if it was dignified to make a family who was dependent on public transportation walk along an unlit road for two miles to get to the bus. He said that they had to look at that and bring public transportation closer, which was especially important when looking at a road that had increased from 1,000 to 12,000 daily trips.

Mr. Hudspeth said that there were second- and third-order effects associated with that increased traffic, including safety measures such as speed bumps, lighting, and traffic lights to prevent fatalities at intersections, which had to be considered to make it not only affordable but dignified and safe moving forward. He asked if the low water pressure was dignified. He said that they dealt with it because they could afford it, but putting families in the area who could not afford it was something to be questioned.

Mr. Hudspeth said that the utility infrastructure for Avon one and two was not sufficient, so adding another development onto the existing infrastructure was not good, and it needed to be studied to ensure that what was installed could truly handle the burden. He said that he had had to replace both the main waterline and main sewer line for his property prior to their expected lifespan. He said that he dealt with the toll road construction of 241 on federal land in California, and at some point, construction came up that left them with one unavoidable course of action. He said that they had to look at building Hathaway to the edge of 1906, because there was only one unavoidable course of action for the church.

Ms. Ashley Leidy said that she had lived in the Avon Park community for two years now, off of Tudor Court. She said that she had moved to Avon Park because it was a small, safe neighborhood where she could come and go as her hospital shift work required. She said that as construction began for Avon Park II, people who did not live in her community began to appear in cars, on bikes, and on foot at all times of day and night, therefore, she was concerned about the safety of the influx of people who, if the development proposal went through as, it was, would only have one way in and out of the neighborhood, which was to drive on Hathaway.

Ms. Leidy asked the Planning Commission and the Board of Supervisors to deny the contractor's proposal to rezone the proposed 1906 Avon Street Extended development to R-15. She said that the County's comprehensive plan had this area approved for R-6, and she must ask why the County spent so much time and money preparing a comprehensive plan if they were not going to adhere to it. She asked why the County allowed developers to apply for and receive a waiver from that plan, especially when a rezone was completely inconsistent with other neighborhoods in the area.

Ms. Leidy said that R-15 zoning would allow for 54 homes on 3.6 acres, and the developers submitted a plan that called for 38 homes, but builders and their plans came and went, and history demonstrated that once zoning was changed, developments and the number of housing units could also change. She said that their community did not want 54 homes in their neighborhood, not only for safety reasons, but because using their community as a through-way for Avon Park II and the 1906 Avon Street Extended development was inconsistent with the communities on either side of Avon Street. She said that a rezoning request to R-6 was much more consistent with the character of the already-existing neighborhood in comparison to the adjacent Avon Park I and Avon Park II communities.

Mr. Dennis O'Connor said that he lived at the corner of Hathaway and Arden Drive, at the entrance to Avon Park II. He said that he was concerned about the proposal to use Arden as the entrance to the new development. He said that as a result of Avon Park II, they were already dealing with increased traffic on the steep slope and blind curve of Arden Drive, so adding the additional traffic of construction vehicles for 1906 Avon was of concern.

Mr. O'Connor said that during discussions with the builder for Avon Park II, they were promised that the construction vehicles would use the road built on that property for emergency vehicles, but unfortunately,

that had not been the case, as for the past two years most construction vehicles had used Arden Drive. He said that they would like to avoid being subject to this for more years to come, and at some point, they would like to be able to sit outside and enjoy the neighborhood.

Mr. O'Connor said that in addition, the developer for 1906 Avon Street Extended suggested the development was too dense to allow for access to Avon Street Extended, instead of creating a less dense plan that fit into the recommendations of the County, Shimp Engineering had suggested a future access road through the property of the neighboring church, however, church representatives had not expressed interest in selling their property, nor in providing access to build a future road.

Mr. O'Connor said that if they allowed builders to continue getting dispensations for projects too dense for the available space and contrary to the comprehensive plan, they wondered what the value of the comprehensive plan was. He said that they believed the taking of a small lot and planning for more dwellings than it could accommodate, resulting in not enough space for access, should not be an accepted practice. He said that for them as a neighborhood, the bottom line was that they requested this development be zoned no higher than R-6, in accordance with the comprehensive plan, and the development include an access road into 1906 Avon directly from Avon Street Extended.

Mr. Shimp said that it was R-15 zoning, but the maximum density was 38, which was not something that they had decided on their own, but was set at 38 maximum, and was what the calculations for schools and traffic impacts were based on. He said that Hathaway was a public street, and it was required to extend and serve a neighboring property, so the creation of the connection to their site was set forth on the approval of that plan, and for them to have access to a public street, they were required to connect to that street.

Mr. Shimp said that they were further required to extend their road to the adjoining property to the north, whether or not they had immediate plans to redevelop or not, due to the connectivity requirements of the State and the County to create roads that served the public at large. He said that it was not decided as a part of recent processes but was how this plan was laid out from the beginning.

Mr. Shimp said that when seen as a part of the larger development of the area, it would not be seen as such a large development, and as noted by the staff's report, there was not a concern about the traffic with the volume created. He said that he understood the worry in people's minds, but that did not mean it was not good transportation planning to connect the streets as they had and plan for the future connection. He said that that was laid out in County and VDOT policy and would continue to be so.

Mr. Shimp said that the comprehensive plan had a land use map, but it also had about 500 pages of other information about how to manage healthy growth in the community. He said that in looking in the context of the whole document, the shift in density from 21 to 38 was consistent with that, and if they looked at the impacts created, they were the same.

Mr. Shimp said that the change would be that the houses built would be more expensive, and he thought it was a waste of land when they had the opportunity to do something more creative with density that did not have any impacts higher than what was imagined, which made this an appropriate use of the site.

Ms. Firehock asked if Mr. Shimp could elaborate on the math that resulted in there being 210 vehicle trips per day for 38 units and 240 trips for 21 units. She asked if that was because they were assuming more single-family residential would have a higher trip generation per unit.

Mr. Shimp said that was correct. He said that the lower density would mean the development of only single-family units, and those would have a higher trip count than townhomes.

Mr. Bivins asked how the special exception request would connect to the existing community. He said that he was trying to understand why they did not want trees on the public side of one of the roads.

Mr. Shimp said that the sidewalk on that section bordered the green amenity space, and they thought they should locate the trees on the other side of the sidewalk. He said that there was no sidewalk on the existing

neighborhood on that side, but would be connected on the righthand side. He said that they were attempting to maximize the width of the greenspace in that area.

Mr. Bivins asked if the side-yards would be fenced or open to the street.

Mr. Shimp said that the waiver was for the ones adjacent to the greenspace on the other side of the private street.

Mr. Bivins said that there were three units on their plan, which were not near the greenspace. He said that he understood the suggestion of the three units in the island in the middle of the development with the greenspace on the upper half, but they were still making the same argument for the three units that were closer to the existing community. He said that he could appreciate the upper one but not the lower one.

Mr. Shimp said that he did not think that there was a waiver for this one.

Mr. Bivins said that it said that it was proposed to be waived, and the yellow part was the sidewalk and planting to be waived.

Mr. Shimp said that there were crosswalks where private road "A" intersected with private road "B" to access the main sidewalks. He said that they did not see value in having a sidewalk to come around, because it took away from greenspace that could be better used.

Mr. Bivins said that there was concern that the individuals on this property would use the amenities in the existing community. He asked how that would be addressed.

Mr. Shimp said that it would fall under the same amenity requirements as the neighbors, so they would have an equal amount of amenities required per unit, as the County Code stated; however they were not displayed in this plan. He said that he hoped that in 10 years, it would be recognized as one community and the amenities could be shared. He reiterated that they would provide their own amenities for the residents, as required per the County's ordinance.

Mr. Bivins said that there was also concern over Hathaway Street becoming a straightaway road, allowing for increased vehicular speeds. He asked what the new length of Hathaway Street was expected to be.

Mr. Shimp said that the addition to the road would be approximately 500 feet.

Mr. Bivins asked what the current length of the road was.

Mr. Shimp said that they would measure it and get back to Mr. Bivins with the result, but he assumed it was about 700 feet.

Mr. Bivins said that that meant the total length was approximately 1,100 feet. He said that he would ask staff about this issue.

Mr. Carrazana said that Mr. Bivins had mentioned the exception for the planting strip along Hathaway. He said that he understood the logic there was because there was greenspace still with a sidewalk, but no planting strip. He said that the planting strip could provide safety for the sidewalk, which was the same condition on the east side of Hathaway, and he wondered why they would not keep it for safety and continuity.

Mr. Shimp said that the central greenspace was a certain width, and they effectively got six more feet with that width, and they found it more meaningful for that area than the zone between the street and the sidewalk.

Ms. Firehock asked if the stormwater management feature was a stormwater management pond.

Mr. Shimp said that it would likely be a biofilter.

Ms. Firehock said that in another illustration, it was shown as greenspace. She asked if they were to infer that there would be a walking path or an area for residents to sit near the biofilter and be used as an amenity.

Mr. Shimp said that it was possible and had been done in the past. He said that it was required to be a part of the open space, but not part of the active open space, although there was no reason it could not be. He said that the biofilter would not be very deep and because it dried out, it likely could be used for recreation and would not be fenced off from the residents. He said that those generally were not designed intentionally for that use, but it would not be unavailable for people to use.

Ms. Firehock said that there was a bioswale in Greenleaf Park that children played in without issue.

Mr. Missel said that there was a hatched area next to Avon Street. He asked if that indicated steep slopes.

Mr. Shimp said that it indicated a managed slope.

Mr. Missel asked if it was a managed critical slope.

Mr. Shimp said yes. He said that they were allowed to disturb it, but there were specific requirements to do so.

Mr. Missel asked if there were retaining walls planned for the critical slopes area.

Mr. Shimp said yes.

Mr. Missel asked if they were requesting that those slopes be impacted, or if that were something that staff would handle at the site plan phase.

Mr. Shimp said that as long as they followed the guidelines for a six-foot maximum retaining wall height, there would be a staff review of that.

Mr. Murray said that it seemed that there was greenspace split up over several areas of this plan. He asked if there was a reason why they decided to fracture it into multiple pieces as opposed to consolidating it in one space.

Mr. Shimp said that there were layout considerations as to where the roads must go and the things they must have in place. He said that the central greenspace was sufficiently large for the amenities that they would have such as tot lots, and the other space had a path down the road, then becoming more of a tree-planting area that was available but not as much of an active space. He said that they picked the central greenspace as the active greenspace, and the rest was accessory. He said that they sometimes would put all the greenspace together, but it sometimes was nice to have some zones where trees were planted.

Ms. Kelsey Schlein said that she was a planner with Shimp Engineering. She said that their client, Jenny Smith, was an architect, so one of the first conversations they had was introducing the idea of small, intimate spaces throughout the community that could be accessed for their different characteristics. She said that in addition to the requirements and engineering guidelines to be adhered to, this was an original tenet that was brought to their group to move forward with design.

Mr. Bivins said that there was some concern about how construction equipment would be brought onto the site to not be disruptive to the existing community. He asked how that would be addressed.

Mr. Shimp said that there were projects where developers had included a condition for construction traffic to go offsite, but an issue with that was that it was another thing for the County to enforce. He said that practically on this site, it could be achieved to some extent, but as the site was developed, the existing

driveway would be filled in and therefore inaccessible, so the construction traffic would largely need to go through the neighborhood as it was built out, because it was the only access to the road. He said that he did not think that VDOT would want trucks to pull out at a steep grade on Avon if it were avoidable, and he knew it may be an inconvenience to people, but he could not make a promise because it would be difficult to accomplish.

Mr. Bivins said that there were several conversations about the condition of driving from this community onto Avon Street and potential accidents. He said that he would like to know if they had access to VDOT information about that driveway and Avon Street.

Mr. Kevin McDermott, Planning Director and Transportation Planning Manager for Albemarle County, said that he checked the VDOT crash database, which indicated that there had been no accidents at that intersection at Arden and Avon. He said that in the seven years of data, there had not been a single accident at that intersection.

Mr. Bivins asked what the requirements were for traffic-calming measures, and if Mr. McDermott had an opinion on if it was necessary for a public road such as this.

Mr. McDermott said that there was no standard for that in the VDOT road design manual that he was aware of, but they stated that if they were implementing traffic-calming measures, 500 feet was the distance between the measures that was recommended. He said that he was unaware of a standard that said that any time there was a straightaway over 500 feet that a traffic-calming device must be implemented. He said that he was aware of many other roads over 500 feet that lacked traffic-calming measures.

Ms. Firehock said that she appreciated the need for more density in the urban ring, and appreciated the benefits of building densely because she lived in the rural area. She said that in a decision that involved rezoning of property, they were giving the developer a tremendous amount of benefit because they were getting a lot more units and serious financial benefit from being able to do that. She said that in exchange for that, she would like to see some excellent design and a caliber of development that was beyond the usual, which she did not see in this site.

Ms. Firehock said that she understood the landscape architect's idea for broken-up greenspaces, but it could have been a property with green connectivity through the site and much more could be done with that layout. She said that from a design standpoint, she did not see anything that moved her. She said that in terms of the density itself, what was in the comprehensive plan was more in keeping with the character of the surrounding neighborhoods. She said that she usually promoted higher density and taller stories, but she did not feel that it was applicable to this area.

Mr. Missel said that he asked himself the question, "do I believe the application justifies and overcomes the established comprehensive plan guidelines?" He said that generally speaking, everything said about density and focusing the density in this area, as well as thinking about maximizing affordable housing was something that he agreed with. He said that he felt that when looking closely at the plan, without becoming engrossed in details, it had been offered and helped reveal some of his primary concerns about the density.

Mr. Missel said that with retaining walls that were impacting very near managed critical slopes, understanding that there could be a waiver, understanding that they would need to grade outside of those. He said that a right-of-way on Hathaway Street that they could see on the property adjacent, if extended up, would nick the developments that were adjacent to Hathaway Street. He said that the setbacks were very close to the greenspace.

Mr. Missel said that while this project had not gone before the ARB, the parking was not relegated and would not be great for the entrance corridor. He said that the road not being able to connect was a by-product of trying to fit a lot into this plan. He said that he understood and sympathized with the engineer, because looking at the adjacent property, Hathaway Street was required to dead-end into the adjacent property boundary, so the pattern that many people spoke against was a characteristic of the community they lived in.

Mr. Missel said that he understood that the interconnected streets were a County and VDOT requirement, and it was an issue that was important to focus on moving forward, but he was not convinced that there was capacity on the adjacent land where the church was located to take the extension of that road and build additional units. He said that he was unsure if it were marketable or if a developer would consider that.

Mr. Missel said that one of the speakers online mentioned the importance of the comprehensive plan and the work that they had before them. He said that his general feeling was that this was an opportunity to discuss if they were in the business of picking off areas that were not designated in the comprehensive plan ahead of where they should be picking them off. He asked if they should be thinking, as they amended the comprehensive plan, that they should look at areas like this.

Mr. Missel said that it was an important thing to consider. He said that a statement made by the applicant that he disagreed with was that this did not have any more impacts than what were originally imagined in the comprehensive plan. He said that in answering his initial question, "Do I believe the application justifies and overcomes the established comprehensive plan guidelines?" his answer was, "No, he did not."

Mr. Carrazana said that he held similar sentiments to Mr. Missel, and had asked himself a similar question. He said that hoped that this discussion would help inform the comprehensive plan for the future. He said that a comment made was that they had left a lot of density on the table, which had been heard from both applicants and staff. He said that he had thought if they had not left the density on the table, there would have been 34 units instead of the 8, 9, 11, and 12 units seen in the area.

Mr. Carrazana said that the schools would be even more overcrowded, more traffic with no bus transit in the area, and their infrastructure would be lacking even more. He said that he was thankful that they had left some density on the table, and where this began to inform their comprehensive plan amendments was how they funded infrastructure before they allowed additional density. He said that they were being asked to allow additional density even beyond the comprehensive plan, so for all the reasons stated previously and in his comments, he believed that the character of the neighborhood was consistent with the comprehensive plan.

Mr. Bivins said that the land use worked together as a community of three different parcels, so he also thought the land use in the comprehensive plan was what he expected to be built there. He said that affordable housing did not mean poverty, and he continued to be offended by a community that said if something were affordable, it naturally meant there would be people without any means would be living there.

Mr. Bivins said that the teachers who worked in the school up that street could not afford the majority of houses in Albemarle County, and when he last looked a week ago, the median price for a home for sale was \$465,000, which would mean that an affordable house in this community might be \$200,000, but this was not what in the past was referred to as Section 8 housing.

Mr. Bivins said that he would appreciate it if people who came before the Planning Commission did not conflate the two items; affordable meant that the typical worker in their community could not afford to purchase a house, which was why they saw tremendous growth in Greene, Fluvanna, and Louisa Counties. He said that Waynesboro was experiencing growth in their vibrant community because it was an affordable place to live, and people there had cars or took the shuttle from Waynesboro to Staunton because they were not making enough money to live in Albemarle County. He said that he would not support this project at this level, but would at a different level.

Mr. Murray said that going beyond the comprehensive plan density also meant that the design should go above and beyond, which he did not see in this plan.

Mr. Clayborne said that he had nothing further to add. He asked if a Commissioner had a motion to make in support or against the item.

Mr. Shimp thanked the Commission for their comments. He said that he respected the Commission's opinion but respectfully disagreed. He asked if they could ask for a deferral.

Mr. Clayborne asked if a date could be set for this application.

Mr. Herrick said that it was preferable to set a date but not required.

Mr. Shimp asked if three months could be given to make revisions and coordinate with staff to provide a report for the Planning Commission.

Ms. Firehock asked if additional dialogue with the community could be held, as there appeared to be an interest in that.

Mr. Shimp said that they certainly would, as the owners of the property were a part of that community.

Mr. Herrick said that May 9, 2023, was the closest meeting to three months out if it was available.

Mr. McDermott said that he would check to see what date was available.

Mr. Bivins asked if it could be made to be prior to June 1, 2023.

Mr. McDermott said that they would prefer not to have a date so that they could have the time to discuss and give it appropriate time without having to come back for a second deferral.

Mr. Missel moved to defer ZMA202200004 1906 Avon Street Extended to a date to be determined.

Mr. Herrick asked if that motion included a motion to defer the two related requests for waivers.

Mr. Missel said yes.

Mr. Carrazana seconded the motion.

Mr. Clayborne asked if there was any additional discussion.

Ms. Firehock said that she looked forward to seeing the better proposal.

The motion passed unanimously (6-0).

Recess

The Planning Commission recessed its meeting from 7:51 p.m. to 7:58 p.m.

b. SP202200002 Crossroads Tavern & Inn

Mr. Reitelbach said that this was a special use permit application for the property known as Crossroads Tavern & Inn. He displayed an aerial map of the location of the parcel that housed the Crossroads Tavern & Inn, which was in the North Garden community south of Charlottesville on Route 29. He said that to the west of the property was the Pippin Hill Vineyard and Winery, to the east across Route 29 was the small-scale commercial center of Crossroads Corner Shops, which included several businesses, including Dr. Ho's Humble Pie pizza parlor, a bank branch, a gas station, and a convenience store, as well as several institutional uses south of Plank Road, across from the Crossroads Corner Shops, including the North Garden Post Office and the North Garden Volunteer Fire Station.

Mr. Reitelbach said that the current use of the parcel was that it was four acres and the site of the historic Crossroads Tavern & Inn, which was constructed circa 1820 and was currently operated as an inn with

seven guestrooms and 30 tavern dining seats. He said that the proposed use with the special use permit was a request from the applicant to expand the inn use with 12 additional guestrooms across four new cottages, for a total of 19 guestrooms on the property, with the 30 tavern dining seats to remain.

Mr. Reitelbach said that the zoning of the property was rural area (RA) and was located within the entrance corridor overlay district. He said that the nearby and adjacent zoning districts included RA to the west and southwest, and village residential (VR) and commercial (C-1) to the east. He said that the applicant was requesting this use pursuant to §18-10.2.2.27(a) of the zoning ordinance, which allowed for a restaurant, tavern, or inn located on a site containing a historic structure.

Mr. Reitelbach said that the section of the zoning ordinance related to the request of the applicant said that location on a site containing a structure that was a historic structure and/or site as defined in Section 3.1 or located on a site containing a structure that was identified as contributing to a historic structure as defined in Section 3.1, for which there were several criteria. He said that §18-3.1 defined a historic structure or site as meaning any structure or site listed on the National Register of Historic Places or the Virginia Landmarks Register. He said that the Crossroads Tavern & Inn was listed on both of those registers.

Mr. Reitelbach said that because there were not many parcels zoned village residential (VR) in the County, they were not often seen with rezonings and special use permits, he brought up that the intent of VR was to encourage residential and other small-scale, compact development within that area, and to encourage creative design, along with permitting some related nonresidential development. He said that while this did not directly apply to the proposed use, he felt it applicable to define what village residential zoning was.

Mr. Reitelbach said that the comprehensive plan had this site and all of the adjacent and nearby parcels in this area designated as rural areas, and rural areas had several recommended uses that included the preservation and protection of agricultural, forestal, open space, and natural, historic, and scenic resources, along with dwellings developed at a density of 0.5 units per acre, or one unit per two acres, in designated development lots.

Mr. Reitelbach said that although the subject parcel was not located within an agricultural-forestal district, it was located adjacent to the hardware agricultural-forestal district, and those parcels in the AFD were highlighted in yellow on the screen. He said that it included the property south across Plank Road, and because it was adjacent to his AFD, County practice was that the AFD advisory committee reviewed the proposal and decided if it did or did not conflict with the purposes of the AFD. He said that the AFD committee met on Wednesday, November 9, 2022, and at that meeting, the committee voted unanimously that the proposal did not conflict with the purposes of the AFD.

Mr. Reitelbach said that displayed on the screen was a screenshot provided by the applicant of the special use permit application, which was also in the staff report packet. He said that some elements of the plan included four new cottage structures on the northern point of the parcel, and in the center was a square portion colored light green, which was what the applicant called the "village green," which was to serve as an open space for residents of the inn, as well as the location of the septic fields.

Mr. Reitelbach said that the four proposed cottages were north of that, and each would have three guestrooms, for a total of 12 guestrooms, as well as associated parking. He said that at the southern portion of the parcel, the existing structures were the inn and tavern near Plank Road, the schoolhouse and chapel structure, and the summer kitchen. He said that the applicant also requested to add a porte-cochère to the schoolhouse and chapel as a use for guestrooms. He said that an employee entrance was proposed in the southwestern portion of the property, behind the schoolhouse and chapel building structure. He said that the wells were proposed for the northern tip of the property.

Mr. Reitelbach said that in the analysis of the special use permit and the four factors applied, staff reviewed multiple parts of the application, which was fully included in the staff report, with one highlight being that there could be noise generated by guests at the inn, which could be mitigated by a condition recommended to prohibit outdoor amplified sound. He explained that naturally produced noise such as unamplified human voices was not regulated in the County and would not be subject to that condition.

Mr. Reitelbach said that there was a potential for trespassing on adjacent parcels, so staff recommended conditions about landscaping and fencing to ensure that guests did not trespass on those nearby parcels, and signage may be needed to inform guests. He said that he would discuss traffic and transportation separately, and the harmony with the nearby area and character of the nearby area would be unchanged. He said that it was an area of historical commercial activity and had been operating since 1820.

Mr. Reitelbach said that there were also shops across from Route 29, as well as the fire station and post office institutional uses, so there were several commercial and institutional uses in the area. He said that in talking about the supplemental regulations, this application required review by the Virginia Department of Historic Resources, and contacts at VDHR did review this special use permit and had no concerns at this time. He said that staff had also included conditions requiring review by DHR at the site-planning stage to ensure that the final design of the site did not have any negative effects of impacts on the historic resource.

Mr. Reitelbach said that this site was approximately 300 feet west of the intersection with US-29, a four-lane divided highway, and Plank Road, which went east-west through this community. He said that this use was expected to generate an additional 49 trips above what was currently generated by the use, for a total of 163 trips overall, in comparison to the current 114 trips generated by the current inn and tavern use. He said that the existing traffic counts for the area were also provided for context; the segment of Route 29 north of Plank Road saw about 16,000 vehicles per day, the segment of Route 29 South of Plank Road saw about 13,000 vehicles per day, and Plank Road west of Route 29, which was west of the area, saw about 2,000 vehicles per day.

Mr. Reitelbach said that in the comprehensive plan analysis, there were several chapters of the plan that related back to this proposed use. He said that in numerical order of the comprehensive plan, those were historic and cultural resources, economic development, and the rural areas, so he included some of the objectives and strategies listed in each of those chapters and how they related to this proposed use.

Mr. Reitelbach said the historic and cultural resources chapter indicated the prominence of the historic resource on the property, the NRHP- and VLR-listed structure, and a strategy was to find ways for the preservation of historic structures and sites to be financially viable for property owners. He said that the economic development chapter strategized promoting tourism that showcased and preserved scenic, historic, and natural resources of the rural areas.

Mr. Reitelbach said that in the rural areas chapter, the protection of the County's historic, archaeological, and cultural resources was listed as a strategy, which related back to the historic structure located on the property.

Mr. Reitelbach said that there were several recommended revisions that staff gave to the applicant to be included in the concept plan and the application before coming back to the Board of Supervisors, which included providing additional fencing or landscaping along the property lines with adjacent properties, as well as providing more information on the conceptual planting screens depicted, especially along the western portion of the property, adjacent to Pippin Hill.

Mr. Reitelbach said that there were several positive aspects that staff had identified with the application, which were the expansion of the tavern and inn allowed for the existing facility that was a historic feature in the rural areas to maintain its economic vitality and would promote and enhance tourism, which was supported in the chapters of the comprehensive plan previously mentioned.

Mr. Reitelbach said that the proposed expansion had been designed to maintain the historic resources on the property with review by VDHR, and as mentioned in the staff report, VDHR expressed no concerns after the conclusion of their review of the application. He said that to ensure that there were no negative impacts at the site-planning stages, if the Board approved the special use permit, staff had included a condition that VDHR would be involved in review at the site-planning stage as well. He said that finally, the AFD advisory committee found the proposal was not in conflict with the purposes of the adjacent Hardware AFD district.

Mr. Reitelbach said that the negative aspects identified by staff for this application were that the proposed expansion could cause noise and additional traffic, for which staff had recommended conditions, and that the additional water and sewer capacity needed to support the proposed use did not fully comply with the recommendations of the rural area chapter of the comprehensive plan.

Mr. Reitelbach said that staff recommended approval of the special use permit SP202200002 with the conditions recommended, provided that the previously mentioned recommended revisions were made to the application prior to it moving forward to a public hearing with the Board of Supervisors. He continued that there were seven conditions, including a standard condition put on conditional use permits for the plan to be in general accord with the concept plan provided and reviewed by staff, outlining major elements that must be complied with at the site-planning stage, which included for this application the location and number of buildings and structures, size of the four new cottage structures, including both the enclosed spaces and open-air spaces, location of parking areas, and landscape screening and buffering.

Mr. Reitelbach said that minor modifications to the plan that did not conflict with those elements may be made to ensure that they complied with the zoning ordinance. He said that if the Board approved this special use permit, all zoning requirements must be met at the site-planning stage, and there was no way to waive those requirements.

Mr. Reitelbach said that the other recommended conditions were that the number of guestrooms must not exceed 19, the number of tavern seats must not exceed the 30 that currently existed, that the four new cottage structures must not exceed one story in height, and outdoor amplified sound was not permitted.

Mr. Reitelbach said that another condition was that prior to final site plan approval, a plan prepared by a professional archaeologist for the identification, protection, preservation, and mitigation of archaeological resources and onsite cemeteries within the project area must be reviewed and approved by the Virginia Department of Historic Resources, and the plan must account for the possibility of archaeological testing in sequential phases depending on the results of previous phases of study.

Mr. Reitelbach said that prior to final site plan approval, the Director of Planning must determine, in consultation with the VDHR, that the submitted materials showed that the project had considered the appropriate treatment of historic resources, including for the cottages to be low-scale, compatible with historic resources, the porte-cochère must have a character that was compatible with the historic building and a subordinate scale, the project must include educational tools distinguishing historic from non-historic structures, and the project should limit light pollution.

Mr. Bivins said that the recommendations included that the tavern must not exceed 19, but the applicant was asking for 12 to be added to the existing five rooms.

Mr. Reitelbach said that seven rooms were being operated at the inn.

Mr. Bivins said that the number differed from what was on their website.

Mr. Reitelbach said that there were seven rooms, and they were requesting 12 additional ones, which would be spread out. He said that 12 were proposed in the cottage structures, two in the schoolhouse and chapel structure, one in the summer kitchen, and four in the existing inn and tavern.

Mr. Bivins said that mentioned on page 3 of the staff report was that this parcel was split-zoned between RA and VR.

Mr. Reitelbach said that the parcel that was split-zoned was the one south of Plank Road where the AFD district was. He said that the parcel to the southwest corner of 29 and Plank Road was split-zoned, with a jagged line between the yellow and the white colors on the map.

Mr. Bivins asked for clarification as to which parcels Mr. Reitelbach was identifying.

Mr. Reitelbach indicated the parcels that were split-zoned on the map.

Mr. Bivins said that that was not where the development was taking place.

Mr. Reitelbach said that was correct.

Ms. Firehock said that the condition that talked about the size of the cottage structures, including closed spaces and open-air spaces, should be in accordance with the plan submitted. She asked if that referred only to the massing or also made sure that they were restricted from changing a porch to an enclosure. She asked if they could not enclose the veranda as the condition was written.

Mr. Reitelbach said that was correct. He said that the condition was meant to prevent the veranda and porches identified from being enclosed and becoming air-conditioned spaces. He said that the language could be more fine-tuned before going forward to the Board of Supervisors to make that clearer or emphasize the intent that the verandas and porches were not to be enclosed spaces.

Ms. Firehock said that the language could be easily amended to say that the open-air spaces were to remain open. She said that the way it was read now, it could be only referring to the massing.

Mr. Missel said that on the conceptual site plan, there were faint red dashed lines. He asked if those were the setbacks.

Mr. Reitelbach said yes, those lines were to depict the setback lines.

Mr. Missel asked if Ridge Road went through there because the setback did not apply to travel ways.

Mr. Reitelbach said that was correct, travelways did not have to follow setback requirements, which were only meant for structures.

Mr. Missel said that recommended was a five-foot fence along with screening material. He asked if there was enough room between what was proposed as Ridge Road and the property boundary.

Mr. Reitelbach said that it seemed so from the concept plan, but that was also something that would have to be determined at site planning, and any sorts of conditions or requirements on that would be reviewed at the site-planning phase as well to ensure that those could be met.

Mr. Missel said that he understood. He said that Mr. Reitelbach had mentioned village residential and the split-zoned parcel to the south. He asked what the reference to village residential was meant to achieve.

Mr. Reitelbach said that it was meant to provide details on the village residential zoning, the surrounding zoning, and what uses potentially could be there—because it was not a zoning district typically seen by the County.

Mr. Missel asked if an archaeological survey had been done on this site or if it were something brought up at all.

Mr. Reitelbach said that he was unsure, but the applicant may have better information on that.

Mr. Murray asked what the number of homes that could be built on this parcel for residential use.

Mr. Reitelbach said that for residential use, it would be two permanent residences at four acres due to the density requirement of 0.5 units per acre, or one unit per two acres.

Mr. Murray said that he understood. He said that in the project narrative, it mentioned several times the commitments made to native plants, but that did not appear in the concept plan. He said that in the recommended conditions, it also specified landscape screening buffering, but did not specify native plants.

Mr. Reitelbach said that native plants were recommended in all landscaping plans in the County, however, the listed plants that were permitted in the landscaping plans were not always native plants, so that was the list used. He said that there had been discussions about revising that list, but a revised list had not been approved at this time, so at this point it was a recommendation from staff to use native plants but could not be required.

Mr. Clayborne opened the public hearing. He asked if the applicant could present.

Mr. Matt Lovelady said that he had physical copies of the site plan if anyone would like them.

Mr. Missel asked if they were the same as those provided to the Commission.

Mr. Lovelady said that they were the same. He said that he would focus on the mitigation of effects on the surrounding landscape because they wanted to speak to the character of the building and do a full restoration on both buildings. He said that he had worked with Easton Porter Group for over 10 years and had been on the ground-floor of this project since its inception and was currently running the inn.

Mr. Lovelady said that the buildings themselves were at a point where they were in usable condition, but they were near a time when they would not be usable. He said that they had created the cottages in this plan as a way to support a full restoration, as well as provide other small-scale experiences on the property. He said that they currently were limited to one meal per day, which generally was breakfast for the guests, so being able to have a small-scale dinner with some of the farm components that they wanted to incorporate into the property would help to move the entire property into the next generation.

Mr. Lovelady said that the interconnected cottages were four structures, and there were technically 12 keys, but they were saying 10 keys and 20 guests, as they wanted to add an owner suite into the plan. He said that they would reduce the inn itself from five rooms to four suites, with eight guests there, and the main house would have guest check-in and two transient use rooms, which added a possibility of four guests.

Mr. Lovelady said that those rooms could also be used for other small experiences such as a spa for two guests, and the summer cottage or summer kitchen could also accommodate two guests as well. He said that the cottages represented a general 5% increase in density on the total property. He said that the porches and breezeways and verandas were not air-conditioned, and the general height would be no more than 20 feet, and for water and septic, they would be following all Virginia Department of Health regulations.

Mr. Lovelady said that the owner's suite would be the same size and scale as the other structures, and the interior would have additional amenities such as a washer/dryer and a full kitchen. He said that it was one of the upper halves of the cottages and was marked in the site plan. He said that it would not be rentable to guests, but in the future, if the owner were to leave, it would be remodeled to match the other cottages. He said that it would not have its own water and septic and would be a part of the water and septic of the other structures. He said that it was added more recently because the feedback they received about ownership living onsite was most positive to that mitigation.

Mr. Lovelady said that there would be no up-lighting and everything would be downward lighting for dark skies, focused on safety when moving around the property at night. He said that for the site line analysis, which was done by Andrew Walker using GIS to try to inform their plantings for the property to break sightlines from exterior properties. He said that the analysis would be done for both the lefthand and righthand sides of the site, showing what the effects were of the possibility of the informed plantings and how they could break sightlines. He said that these analyses were not an official survey but were meant to show a planning process as to how these viewshed effects could be mitigated.

Mr. Lovelady said that the traffic assessment had calculations very similar to the calculations provided by Mr. Reitelbach. He said that because there was some synergy between Pippin Hill and the inn; they sometimes saw additional bookings at the inn who were visiting for a specific event at Pippin Hill, and they hoped that that would lessen some of the traffic generation from both properties.

Mr. Lovelady said that for the water and septic systems, they were using constructed wetlands that would be integrated throughout the property, which were able to use plants and their natural processes that treated water, removed nitrogen, and they were able to give the water back to the land at near-potable levels.

Mr. Lovelady said that they currently used this system with two septic pads at Pippin Hill, and they were very effective. He said that their engineer had verbiage included for the oversight of water and septic systems, which was extensive and had grown to be more extensive in his time working in that area. He said that they had initial findings related to water usage, but all laundry would be taken offsite to a laundry service.

Mr. Lovelady said that groundwater sourcing and aquifer recharge, an analysis was done through StanTech engineers, and covered some assumptions on how much water would naturally occur on that landscape versus their assumed maximum usage. He said that it was a very new analysis that they received yesterday, and indicated a pie chart that reflected what occurred on the site naturally versus what would be recharged.

Mr. Lovelady said that as they went through this process, they were open to further water conservation and mitigation of that usage. He said that they used very safe chemicals, and with the constructed wetlands, they had to use certain septic chemicals that did not harm the organisms involved in that process.

Mr. Lovelady said that Mr. Mark Wagner from the VDHR had signed off on this project and was quoted on the slide, as well as providing educational tours, educational plaques, and research by their team to ensure that they were not only taking word-of-mouth information but researching historical documents. He said that those were all included in the plans moving forward. He said that additionally, they wanted to expand the gardens of the inn, which currently had a few small gardens, but it was desired to have additional classes and education for the community that a larger garden could provide.

Mr. Lovelady said that they did not feel that this development set a precedent for commercial development or further expansion of the area, and they felt that they were leaning into the historic uses of the property as well as limiting plans for late-night events. He said that they wanted to focus the traffic and events to where they performed successfully, which was at Pippin Hill, and the inn was meant to serve as a place to quiet down and settle after those events. He said that their team had opened a VDOT study of the intersection that was on Plank Road, and they supported any adjustments to that intersection to slow people down or stop them, as they felt the intersection was a danger and some change should be made.

Mr. Missel asked if the applicant had completed an archaeological survey of the site.

Mr. Lovelady said that they had not, and the last one that he knew to have occurred was in the 1980s. He said that extensive research had been done by Dr. Lei throughout the 1970s.

Mr. Missel asked if that was the previous owner.

Mr. Lovelady said that he was a UVA professor. He said that they would be referencing much of his work and other historical documents. He said that Mr. Ben Ford was an archaeologist they had consulted who had expressed interest in surveying the site.

Mr. Missel said that the DHR comments were all focused on the actual inn. He asked if they had considered the cultural landscape surrounding the structure.

Mr. Lovelady said that he believed the original site plan that they had reviewed raised concern about the separation from the historic property and the new construction, as well as ensuring the new construction did not simulate the original construction. He said that they wanted to ensure those two things were separate and not to be confused for those who visited the site.

Mr. Missel asked what year the structure was built.

Mr. Lovelady said that the inn was built in 1820 and the schoolhouse was from 1790.

Mr. Missel said that potentially, enslaved labor built those structures. He asked if that was correct.

Mr. Lovelady said yes.

Mr. Missel said that part of the cultural landscape piece was the potential for burial grounds on the property.

Mr. Lovelady said that historically, what they had heard from the original owner, Jim Stern, and the other historical documents was that there was not any ongoing slave labor on the property. He said that additionally, Mary Sutherland had said in her journal that her children were who they relied on to do work. He said that the cemetery onsite, while it was the Sutherland family cemetery, did have unknown markers, and if there were any buried slaves, they likely were in that section.

Mr. Missel said that one of the conditions included an educational piece, and if this project went forward, it was hugely important that the education include that aspect. He asked if Mr. Lovelady could discuss conversations, he had concerning connectivity to Pippin Hill from this property internally.

Mr. Lovelady said they felt initially that they could limit traffic on Plank Road if they could connect the two properties with both the walking path and a drivable road. He said that now that they were not connected, there would likely be some operation that they would have to figure out as far as how guests went to and from the two locations. He said that it was a perhaps egregious assumption on their part to put it into the site plan and force admission without going through the proper channels of the BZA and the Woodsons. He said that in speaking with both parties, it was clear that it was not desired, which was why it was removed.

Mr. Bivins asked if the owner's cottage's entrance to Andrews was to Pippin Hill.

Mr. Lovelady said yes.

Mr. Bivins asked if there was separate ownership between the two properties.

Mr. Lovelady said that it was not separate ownership, but they were two separate operating LLCs.

Mr. Bivins said that the LLC location on this was at Pippin Hill.

Mr. Lovelady said that it was under Pippin Farmhouse, LLC.

Mr. Bivins asked if that was something else.

Mr. Lovelady said yes.

Mr. Bivins said the LLC was the winery.

Mr. Lovelady affirmed this.

Mr. Bivins said that that was the address for this property.

Mr. Lovelady said that Pippin Hill Farm and Vineyards was its own LLC.

Mr. Bivins said that he was asking about only the address.

Mr. Lovelady said that Pippin Farmhouse was a separate address and separate LLC.

Mr. Bivins asked if the address was on Pippin Hill Lane.

Mr. Lovelady said it was 5010 Plank Road, the driveway and property right before Pippin Hill. He said that they were on the same property line.

Mr. Bivins asked if they were under the same ownership.

Mr. Lovelady said that Easton Porter Group owned both LLCs.

Mr. Bivins asked if that was the nexus between Mr. Andrews.

Mr. Lovelady said yes.

Mr. Bivins asked who Mr. Stern was.

Mr. Lovelady said that Mr. Jim Stern was the owner for 20 years, from 2000 until they purchased in August 2022.

Mr. Bivins asked if he was somehow involved in the restaurant.

Mr. Lovelady said that Mr. Stern gave them a lot of historical information about the property and had filled in the gaps. He said that when they wanted to do their own historical research, he meant that he did not want to only rely on Mr. Stern's information.

Mr. Bivins said that in the 1700s, the pathway from Rivanna to the Valley passed through the subject site. He noted that during that time, there were large plantations that ran from Scottsville to Rockfish Gap. He said that some of his ancestors may be buried on the property. He suggested that there be a rigorous study of the land not just around the cemetery. He said that no one cared about the people who were not in the family and about identifying their presence in the 1970s and 1980s.

Mr. Bivins suggested that a condition be added that a study would be performed, which would help devise a narrative. He clarified that there would not be a road between the event space and the subject location.

Mr. Lovelady replied that that was correct.

Mr. Bivins clarified that the business would not be a function of the event space.

Mr. Lovelady said that was right. He said that they expected that guests staying at the inn would attend events at Pippin Hill.

Mr. Clayborne clarified that guests of events at Pippin Hill would be expected to stay at the inn.

Mr. Lovelady responded that they held cooking classes at Pippin Hill. He said that they asked guests of the inn whether or not they would be visiting the event space for planning purposes.

Mr. Murray responded that within visual distance of the property, there was a G1 critically imperiled habitat. He asked for more information about how the applicant would promote biodiversity on the property.

Mr. Lovelady responded that at Pippin Hill, the farm had expanded, and the gardens were four times larger than 10 years ago. He noted that they now had chickens and an apiary. He said that they added a wildflower meadow for the bees. He said that there were some agricultural operations at the inn, and there were about 10 chickens that were used for eggs. He said that there were four garden beds on the inn property. He said that they would continue to expand the garden beds.

Mr. Lovelady said that they wanted to use native plantings for viewshed shielding and beautifying the Plank Road entrance corridor.

Ms. Firehock noted that the guest cottage would be 2,064 square feet, and it would include the interior porches and the breezeways. She asked how much space was in the interior.

Mr. Lovelady responded that the interior space was around 1,200 square feet. He said that the rooms at the inn with queen beds were smaller.

Ms. Firehock clarified that a room would include the bed, bathroom, and couch area.

Mr. Lovelady said that was right. He explained that the dual sections of the cottages could be allowed to book as a suite. He said that if guests wanted more space, then it was possible.

Ms. Firehock noted that the cottages were one story. She asked how tall the cottages would be.

Mr. Lovelady said that they estimated the cottages would be 16 feet to 20 feet tall. He said that the viewshed analysis was done at 22.5 feet.

Ms. Firehock asked what type of materials would be used and whether the materials would blend into the landscape.

Mr. Lovelady said that a neighbor requested that the buildings not be painted white because they were able to clearly see two white Adirondack chairs on the property. He said that they painted the chairs. He said that they would agree to not have white or very light-colored cottages.

Ms. Firehock said that it would be important because the development was on a ridgeline and was highly visible.

Mr. Lovelady said that one of the initial decks included a concept cottage that was white, but it was removed.

Ms. Firehock noted that the water figures were based on 60% occupancy. She asked how the 60% figure was determined. She asked whether it was based on the average expected capacity.

Mr. Lovelady said that was part of it. He said that the goal was to have two people book a suite rather than separate rooms. He said that they wanted to sell the rooms that could be separated into multiple rooms as one suite.

Ms. Firehock noted that a linen service may be used for laundry.

Mr. Lovelady said that they had been considering a linen service, and the recent discussions around water had convinced them to use a linen service off-property.

Mr. Clayborne asked if there were plans for firepits or kitchens in the cottages.

Mr. Lovelady said that there were no plans for firepits, and the only cottage kitchen would be in the owner's residence. He said that there would only be kitchenettes, but no heating elements.

Ms. Firehock noted that there was a pedestrian path and a park bench area. She suggested sensitivity to the neighbor, Mrs. Woodson. She said that the layout would encourage people to congregate at the top of the ridge, and that was not a good idea. She suggested that the seating should be removed to discourage congregating at the top of the ridge.

Mr. Lovelady said that they were open to removing the seating. He said that the village green was the intended location for people to gather.

Ms. Firehock noted that there was a trail between the Pippin Hill property and the inn. She asked if guests were allowed to use the trail.

Mr. Lovelady responded that most guests were driving between the properties. He said that the path was for the landscaper to cross between the properties. He noted that the listed needed repair, and they had it prioritized with the contractor.

Ms. Firehock suggested that there should likely be a gate that the maintenance workers could use for access but which could otherwise be closed and locked. She said that they should discourage traffic from passing by Mrs. Woodson's back deck.

Mr. Lovelady said that they were open to additional planting on the property line. He said that he discussed with the accountant a plan to have additional plantings.

Mr. Clayborne opened the hearing for public comment. He stated the rules for public comment.

Mr. Rob McGinnis stated that he represented the Piedmont Environmental Council (PEC). He said that PEC supported the proposed preservation and rehabilitation of the Crossroads Tavern & Inn. He said that PEC opposed the project as proposed. He said that there were three aspects of the project which were of concern.

Mr. McGinnis said that the concept plan showed a new development area of approximately 1.89 acres, and it included eight buildings with associated verandas, porches, access drives, parking areas, walkways, paths, drain fields, rain gardens, screening, and well sights. He said that the approximate area of the historic structures was about 0.95 acres. He said that the historic area included an entrance drive, access drive, parking spaces, drain fields, and landscaped areas. He said that the proposed development area was nearly twice the size of the area of the historic structures complex.

Mr. McGinnis said that the scale of the new development was not proportionate nor subordinate to the historic inn area as required by County Code § 5.1.61. He said that PEC was concerned about how new wells and groundwater drawn down would impact existing wells on adjacent properties.

Mr. McGinnis said that if the project moved forward, PEC recommended that a condition be added to require the appropriate level of hydrologic investigation be undertaken by the applicant. He continued that the results should be reported to County staff prior to the Board meeting. He said that PEC had concern about the short-term access between the sites on Plank Road.

Mr. George Abetti, 600 High Top Drive, said that he was in favor of the proposed expansion of the inn. He said that he drove from Atlanta the night before, and then he spent the next day extricating a tractor-trailer from a ditch at Lovington Winery. He said that 19 years ago, Mr. Robert Baldwin, his business partner, purchased Bundoran Farm. He said that Mr. Baldwin died a few years later on the airstrip, and a few years after that, the Great Recession happened.

Mr. Abetti said that several years after the Great Recession, they designed and built Pippin Hill. He said that no matter what they planned, they did not know how it would turn out. He noted that Pippin Hill was a successful business. He said that it was their job to share it with others.

Ms. Mary Tillman, 5275 Derry Lane, said she had lived on Bundoran Farm for more than 12 years. She said that she built the first house on Bundoran Farm. She said that the residents of Bundoran Farm only controlled the two to three acres immediately around their home and outbuildings, and the rest of the land was under easement. She said that the easements were given to the farm entity to determine how the pastureland would be used. She said that they had entered into agreements with tenant farmers to lease the land for cattle and sheep.

Ms. Tillman said that they enlisted best practices for land management, and they had hired a farm manager. She said that they monitored the farm for conservation issues, such as dark sky lighting. She said that they partnered with groups, such as the Thomas Jefferson Soil and Water Conservation and the James River Association. She said that they planted hundreds of trees around the farm. She said that the comprehensive

plan designation of the subject property was rural area, and the County was supposed to protect agriculture, forests, open space, natural, historic, and scenic resources.

Ms. Tillman said that there was no plan to safeguard the resources of Bundoran Farm. She said that if the project were approved, it would go against the definition of "rural area." She said that the proposed use was inappropriate for the site.

Ms. Betsey Stuart said she lived on Plank Road. She said that the staff report stated that the conceptual plan represented the maximum amount of development proposed for the property. She said that the proposed cottages along the property line were twice the size of the existing Pippin Hill event structure. She said that the structures would be visible from Plank Road. She said that trespassing of guests onto adjacent parcels could be a concern.

Ms. Stuart said that the staff report proposed a condition prohibiting amplified outdoor sound on the property. She said that loud noise and partying could be expected late into the night. She questioned who would police the noise levels. She noted that traffic generation reports had been provided by the applicant, and VDOT did not raise concerns.

Ms. Stuart said that car accidents had not been considered. She said that according to the North Garden Fire Department, it was one of the most dangerous intersections on Route 29 South. She said that additional traffic should be of concern for the safety of the community. She noted that screening was proposed.

Mr. Sandy Stuart said that he lived on Plank Road. He said that he was against the approval of the special use permit to develop a commercial expansion of the property. He said that he was against loud noises and lights in his viewshed. He said he was concerned about the well water and the impacts on the sewer.

Mr. Mack McKee, Ballyshannon Lane, said that he moved to Bundoran Farms two years ago. He said that they moved to the area because they assumed the rural nature would be protected because it was designated a rural area in the comprehensive plan. He said that the Pippin Farmhouse Inn was a nonconforming and inappropriate use for the neighborhood.

Mr. McKee said that the proposed development was a party venue designed to increase the frequency and size of events at the adjacent winery. He said that the events were already invasive to the community, and expanding the scope and intensity would be a disservice to the surrounding property owners. He said that the size of the proposed use was not subordinate to the historical use.

Mr. McKee said that the landscaping buffer along the west property line would not hide the building footprint nor diffuse the nightlights. He said that the conditions imposed by staff were vague and unenforceable. He requested that the Commission decline to recommend approval.

Mr. Carter Leake 311 Sutherland Road, distributed presentation materials to the Commission. He said that the materials included the Fauquier County assessment of the Blackthorn Inn, a size comparison of the proposed use, a detailed analysis of the square footage calculations, a normalization analysis, a worst-case scenario, and an analysis from Pippin Hill related to water usage.

Mr. Leake said that he owned land in Bundoran Farm, and he was a member of that board. He said that there would be four structures in the proposed use that would total between 9,000 and 11,000 square feet. He said that he was in the military business utilizing Lidar.

Mr. Leek said that the Lidar map provided by the applicant indicated that the structures would be visible. He said that they would not be able to plant trees that could block the view. He said that the Pippin Hill lot was a residential lot. He said that developers should not be allowed to get what they want. He urged the Commission to reject the special use permit.

Ms. Elise Leaf, North Garden, said she lived a mile from the site of the proposed inn. She said that the North Garden community was small. She noted that the areas were designated RA, and the community

was designated in the comprehensive plan as a focus of biodiversity. She said that North Garden residents would be negatively affected by the proposal because of the connection to the land. She said that people who lived near the proposed expansion already suffered noise, traffic, and light pollution from the Pippin Hill complex.

Ms. Leaf said that the Bundoran Farm Board of Directors, representing 70 neighbors, had reached out in opposition. She said that many adjacent neighbors had reached out to oppose the special use permit. She said that there were concerns about the aquifer, the drain fields, traffic, overbuilding, and noise. She said that the development was out of place and was unrelated to farming or agritourism. She said that there would be no space for farming after the expansion.

Ms. Leaf said that loss of water was recognized as the foremost greatest potential disaster. She said that recommending the project would indicate tourism was more important than the well-being of the community. She said that it had been suggested that traffic would not significantly increase, and that would indicate tax revenue would not greatly increase.

Mr. John Shuman, 4944 Plank Road, said that he lived adjacent to the Crossroads Inn. He said that he was opposed to the special use permit application. He said that he believed the development would have a substantial detrimental impact on his property. He said he was concerned about having sufficient water. He said that he objected to the characterization of the project as an inn with cottages.

Mr. Shuman said that County Code § 3.1 defined the word "hotel" to mean one or more buildings with six or more guest rooms and provided transient lodging. He said that an inn was not defined in the County Code. He said that the proposed use was a hotel, not an inn. He said that County planning staff frequently used the term "detached hotel rooms" in communications regarding the project.

Mr. Shuman said that according to County Code and the comprehensive plan, hotels were not to be built in rural areas. He said that he was concerned about the precedent of approving a hotel in the rural area. He said that the applicant stated that the Crossroads Inn would not set a precedent for rural commercial hotel or event venues. He encouraged the Commission to vote against the proposed use.

Ms. Kathy Shuman, 4944 Plank Road, said that she concurred with the previous comments except for those from Mr. George Abetti. She said that she and her husband owned the parcel of land immediately adjacent to the Crossroads Inn. She said that her property was also known as the Sutherland Property. She said that the property was on the east side of the inn with the existing house and a cemetery. She said that she supported the historical renovation of the inn, but she opposed the building of new hotel rooms, porches, and the required parking areas.

Ms. Shuman said that the water requirement for the hotel rooms could impact her well and others on nearby properties. She said that the proposed hotel rooms and driveway would run parallel to her property, and it would negatively impact her. She said that there would be increased lighting, obstructed views, and noise and traffic pollution. She said that the special use permit would pose a substantial detriment to her property.

Ms. Shuman said that trespassing was a concern. She said that guests at the cottages were likely celebrating weddings, and young people liked to celebrate after weddings. She questioned whether the owner, Dean Andrews, would actually live in the owner's cottage.

Ms. Wilda Savarese, 540 Pippin Hill Lane, said she lived next to the Pippin Hill winery. She said that she used to live in New York and wanted to get away from the density. She said that Bundoran Farm could be a model for the United States. She said 90% of the Bundoran Farmland would be preserved for as long as they maintained ownership. She said that when they bought their lot, the County was a proponent of limited growth and less density.

Ms. Savarese said that Bundoran Farm provided Pippin Hill with a pastoral viewshed. She said that they provided the viewshed for Pippin Hill, and it aided in their success. She requested that the County protect

the viewshed from Bundoran Farm. She said that the proposed expansion would increase traffic, noise, and people. She said that a hotel complex would ruin the character of the corridor.

Mr. Matthew Savarese, 540 Pippin Hill Lane, said that the lot was zoned RA. He said that the staff report suggested a special use permit was requested for the expansion of the inn. He said that what was actually requested was the transformation of a historic inn into a large hotel complex. He said that hotels were defined in the County Code as one or more buildings having six or more guestrooms providing transient lodging. He said that six rooms were available at the historic inn. He said that the rooms would be increased to 19 rooms.

Mr. Savarese said that rural areas were not supposed to have small inns. He said that the 2015 Comprehensive Plan explicitly stated that rural areas were not to have hotel uses. He said that the existing use was uncharacteristic of the rural area. He said that 12 additional units would be added to increase tourism. He said that recent studies indicated there were more than 2,900 hotel rooms in the County, and there was a 71% average occupancy. He said that the scale of the proposed development was not subordinate to the original structure and uses.

Mr. Savarese said that the proposal posed substantial damages to the community and substantially altered the character. He said that the biggest issue was the viewshed disruption. He said that the proposal added 400 feet of linear structure along a visible ridge. He said that most of the neighboring lots were within the viewshed of Pippin Hill and the proposed development.

Mr. Savarese said that the structures would significantly alter the character of the area and generate significant light pollution. He said that the development cluster was 12 units in a motel-style arrangement, and there was no historical precedent for the design. He said that it would be an eyesore to the area. He asked why the needs of a developer of a different property were placed over his own needs as a property owner in the Bundoran Farm community. He said that there were over 70 homes in the Bundoran Farm community, and it was over 500 times the acreage of the subject lot.

Mr. Tony Savarese, 540 Pippin Hill, said that the Bundoran Farm community was doing its part for the County economy and agritourism business with the operation of the Pippin Hill vineyard and event-based model. He said that the proposed plan represented a clear, retail commercial overdevelopment of the area, and the Commission should vote against it.

Mr. Savarese said that community protections and restrictions should be put into place before approval of an application. He said that the main business purpose of the Eastern Porter Group, the concept plan, and Pippin Hill was to promote the gathering of large groups of people for weddings, parties, and classes. He said that in addition to guests at the inn, there was a proposed village green and restaurant.

Mr. Savarese said that the commercial events at Pippin Hill already imposed a burden on the Bundoran Farm property owners. He said that to help mitigate the problem of incoming traffic, his household was provided a flag to wave while they drove in the opposite lane to bypass the line of traffic turning into Pippin Hill. He said that a special use permit should not be granted with items left open for interpretation.

Mr. Savarese noted that there would be eight cottages, not four, given the design of the movable walls. He said that the concept plan did not address or provide information confirming the cottages were low-scale and compatible with the historic resources.

Mr. Ken Heimgartner said he had lived on his property for 15 years. He said that the cottages were called cottages rather than hotel rooms. He said that Pippin Hill would have a restaurant in the old inn, and they would have a hotel complex. He said that renovating the historic inn made sense, and it had been a viable business since 1820. He said that seven luxury suites were offered at the inn. He said that the Crossroads Inn acreage was zoned rural to maintain the rural nature.

Mr. Heimgartner said that the comprehensive plan stated that new hotels were not considered appropriate in rural areas due to the wastewater requirements, water needs, and traffic impacts. He said that the

Bundoran Farm community was fairly new. He said that there was a lack of a detailed analysis of groundwater, aquifer, and septic requirements. He said that the impact on the rural quality of life was not analyzed. He said that approval would ignore the comprehensive plan and benefit one person. He encouraged the Commission to vote no.

Ms. Ida Heimgartner said that the staff report was incomplete and inaccurate, so the proposal should not be approved. She said that there were 12 hotel rooms proposed to be located behind the Crossroads Inn. She said that she was concerned about water usage. She said that there was cattle pasture to the west of the proposed use. She said that Pippin Hill used lots of water, and the proposed development would have 12 bathrooms.

Ms. Heimgartner said that a detailed water study should be done. She said that the report did not mention that Plank Road was an approved bicycle route. She said that no architectural plans were provided, so the proposal was incomplete. She said that residents in the area paid taxes and supported the local businesses. She said that the staff report stated there would be no substantial detriment to neighbors.

Ms. Heimgartner said that she assumed the Commission knew where Heimgartner Farm was, but if they did not, they should. She said that she would be able to see the proposed development from her kitchen, her breakfast room, her living room, her back porch, her garden, her upstairs rooms, her orchard, and her berry patch. She said that it was a detriment to the property owners. She said that the proposed development would look like a Motel 6.

Mr. Chris Hendry, 901 Carpenter Drive, said he was president of the Bundoran Farm Community Association Board of Directors. He said that there were about 72 lot owners, and they lived on a 2,300-acre farm. He said that the board had sent two letters to the County in opposition to the project. He said that the first letter was sent in October.

Mr. Hendy said that growth had to be appropriate, and it should not be reckless or irresponsible. He said that the rooms were to be constructed to lodge wedding parties from the event center. He said that if approved, the noise would continue late into the night. He said that 12 added guest rooms would put additional stress on the water and sewer capacity. He said that there were groundwater issues, and there was a limitation to what the area could support. He requested that the Commission decline the special use permit request.

Ms. Audrey Sidon said she lived off Edge Valley Road in Bundoran Farm. She said that she was opposed to the construction of a new hotel on the Crossroads Inn property. She said that the location and scale of the project were too large, and the hotel would be located on a ridge. She said that night-time light pollution would increase, and traffic would increase. She said that noise pollution would increase, and water and wastewater would be negatively impacted.

Ms. Sidon said that the comprehensive plan stated that new hotels, motels, inns, and retreat centers were not considered to be appropriate in the rural area. She said that she wanted south of I-64 to remain rural.

Ms. Mary Gibson, 420 Quartz Hill Lane, said she lived approximately one mile from the inn. She said that she supported the restoration of the Crossroads Inn. She requested that the Commission vote to reject the proposal. She said that there was a disconnect between the rural area designation for hotels and the expansion of Pippin Hill. She said that the development footprint was much larger than the existing inn. She said that traffic accidents were a concern for the area.

Ms. Gibson noted that fatalities had occurred at the intersection of Plank Road and Route 29. She said that at the intersection, there were 29 accidents in 2022, 25 accidents in 2021, 26 accidents in 2020, 28 accidents in 2019, and 29 accidents in 2018. She said that the area was already a frequent site of collisions, and further traffic would exacerbate the situation.

Mr. John Dodger said he concurred with the previous comments opposing the special use permit. He said that the types of accidents at the intersection of Plank Road and Route 29 were devastating, and people would die in traffic accidents if the development were approved.

Mr. Charles Seilheimer said he was opposed to the special use permit application. He said that the developer had deep pockets and was trying to fool the County into allowing it to build an otherwise prohibited use. He said that the developers were marketing bucolic views, dark skies, and abundant natural resources. He said that the Commission's decision would send a message to future applicants. He said that Pippin Hill had already changed the character of the area, and the hotel expansion would further the change. He said that the expansion would pose a substantial detriment to the neighboring parcels.

Ms. Mary Cline said that she lived on High Top Drive in Bundoran Farms. She said that she recommended that the Commission vote against the special use permit request. She said she had four concerns, and she had previously sent in comments. She said that the conceptual site design was not harmonious with the Crossroads Inn. She said that she was concerned the low-density, affordable inn would be converted into a luxurious boutique hotel and short-term homestay complex.

Ms. Cline said that the plan was the wrong brand, size, and design for the rural area. She said that many North Garden residents and businesses submitted feedback in response to the proposal. She said that there were 11 responses in support and 37 responses against. She said that there was a potential detriment to adjacent parcels regarding water use, sewage generation, and treatment. She said that the existing wells and drain fields were considered adequate for the existing inn use. She said that with the addition of more showers, bathrooms, and dining capacity, the existing infrastructure capacity was questionable.

Ms. Cline said that the applicant proposed to use four constructed wetland treatment systems. She said that constructed wetland treatment systems had advantages when properly designed, but they were constrained by large land requirements. She said that she was concerned that the planning staff summary report referred to an unexplained central system.

Ms. Cline said that clarifications were needed in the supporting documents. She said that the proposal narrative had not been updated, and it was not consistent with the conceptual site plan from February 2. She said that the residents were interested in the love of the land, but the applicant was interested in the love of money.

Mr. Robert Cline, Bundoran Farm, requested that the Commission vote against the proposal. He said that new structures should be clearly subordinate to historic structures on the site. He said that the proposed structures were not subordinate. He said that the development would result in a total of 0.10 miles of building on a hill. He said that the load of 28 trips from the inn and the load of 77 trips from the proposed use would result in a 275% increase in the traffic load.

Mr. Cline said that the emergency access road was within the 25-foot boundary. He said that an emergency vehicle would not be able to use the road if the parking lot was full. He said that the construction entrance was a concern.

Ms. Connie Hendy, 901 Carpenter Drive, said she had lived in Bundoran Farm for almost 3.5 years. She said she was opposed to the special use permit. She said that the size and scale of the project were not consistent with the recommendations in the comprehensive plan. She said that the proposed inn and tavern expansion was in reality the addition of a detached hotel. She said that the proposed buildings were 300 yards from the existing inn. She said that the inn was only 55 feet wide, and each proposed expansion building was 92 feet wide.

Ms. Hendy said that County Code § 5.1.16 stated that the location and scale of proposed structures and additions shall be complementary and proportionate to the existing structures and or site, and additions and new structures shall be clearly subordinate to the historic structures on the site. She questioned how the proposed buildings would be considered complementary and proportionate. She said that the proposed buildings would total nearly three times the size of existing structures. She said that the square footage of

each structure needed to be considered. She said that she bought into Bundoran Farm due to the preponderance of the rural area.

Mr. Bob Gibson said he and his wife had lived in the County for 42 years, and since 2013, they had lived on Bundoran Farm. He said that his homesite was approximately one mile west of the Crossroads Inn. He said that he was strongly opposed to the proposed expansion. He said that his concerns related to the scale of the proposed expansion. He said that the proposed plan was not proportionate to the existing buildings.

Mr. Gibson said that the plan would have a substantial detrimental impact on neighboring communities. He said that he was concerned about the water requirements, and existing water wells would be impacted. He said that the plan would result in noise, light, and smoke pollution. He said that neither the proposed plan nor the review of the plan by planning staff adequately addressed the issues. He recommended that the Commission vote no on the proposal.

Ms. Diane Forest said she lived in Bundoran Farm. She said that she was not opposed to the restoration of the Crossroads Inn, but she was opposed to the expansion proposed with four new structures. She said that there would be 12 keyed rooms, and the footprint was more than three times the size of the historic inn. She said that the comprehensive plan stated additions and new structures shall be clearly subordinate to historic structures on the site, but the proposed structures were not subordinate.

Ms. Forest said that water was a precious resource, and some local areas were already struggling to find an adequate supply of water. She said that Pippin Hill used a lot of water. She said that the homes in the area were solely dependent on the wells for water. She said she was concerned that the increased water requirements of the proposed inn expansion would have a negative impact on the water supply and wells of those who lived near the Crossroads Inn. She noted concerns about sewage management. She said that she was opposed to the special use permit.

Mr. Bryan Pollack, 1784 Bundoran Drive, said that he was the prior president of the Bundoran Farm Community Association which represented 144 owners and their collective interests. He said that the Bundoran Farm Board had expressed opposition to the special use permit. He said that the residential community was home to Pippin Hill Farm and Vineyard.

Mr. Pollack said that Pippin Hill continued to have a problematic existence with residents living in close proximity. He said issues related to traffic, late-night lighting, noise, and building construction. He said that their board had spent hundreds of hours working with Pippin Hill management to address the use. He said that their experience with Pippin Hill informed them that the development would exacerbate the situation. He requested that the Commission reject the special use permit.

Mr. John Forest, 670 High Top Drive, said that he opposed the special use permit request. He said that he wanted to preserve and protect the rural character of the rural area. He said that the proposal conflicted with the comprehensive plan. He said that the Pippin Hill use had expanded multiple times beyond its original footprint. He said that the business model was built on growth and expansion. He said that the inn expansion would be another expansion of the Pippin Hill business, not a separate business function. He said that the expansion would serve overnight and daytime customers. He said that the proposed use was not appropriate for the area.

Ms. Nora Seilheimer said that the rural areas of the County were dying a slow death. She said that they were being carved up, exploited, and marketed into oblivion. She said that they depended on rural areas for their natural resources. She said that the County's comprehensive plan protected the natural resources and rural resources. She said that Pippin Hill started as a small farm winery and now hosted over 80,000 visitors annually. She said that Pippin Hill decreased local air quality, increased traffic flow, and negatively impacted the quality of life. She said that the scale of the project was not proportionate or subordinate to the historic inn. She said that the project did not comply with the comprehensive plan. She recommended that the Commission deny the request.

Ms. Becky Woodson, 3514 Monacan Trail Road, said she agreed with the prior statements. She said that she did not agree with the cottages, but she did support the inn renovations. She noted that she was a lifelong resident of North Garden.

Mr. Clayborne called a brief recess before the remote public comment.

Mr. Pat Dickson of 620 High Top Drive, participating remotely, said that he would have a direct view of the proposed hotel structures. He said that he had spent his professional career supporting the development of small businesses. He said that small businesses had to be good citizens in the communities. He said that constructing a hotel in a rural community was a bad idea. He said that the proposed development would make the traffic more dangerous. He said that the impacts to the character of the area would be significant and permanent. He urged the Commission to not approve the proposal.

Ms. Sandra Dickson of 620 High Top Drive, participating remotely, said that she concurred with the objections to the permit that had been raised. She requested that the Commission vote no on the permit.

Mr. Lovelady clarified that they were open to further mitigation and adjustments to the plan. He said that they would agree to a larger fence. He said that they would have a night audit and 24-hour security on the property. He said guests would be instructed to return to their rooms after events. He said that the staff entrance was labeled entrance only, so staff would not be exiting from that portion of the property.

Mr. Lovelady said that the plan was conceptual. He said that they were still in the process of refining the plan. He said that they tried to address feedback and adjust the plan. He said that he struggled with the idea that the applicant had not been transparent. He said that the viewshed analysis and constructed wetlands would help mitigate impacts.

Mr. Lovelady said that there was more work to do, but they were happy to agree to a detailed water analysis and other engineering. He said that they were willing to discuss adjusting the scale of the site. He said that they were committed to the historic inn restoration, and they supported environmental protection and limited expansion. He said that mitigations would not stop after the project was approved. He said that he did not often hear from Bundoran Farm residents even though they had his personal number.

Mr. Clayborne asked if images of the scale, massing, or modeling were displayed at community outreach events to communicate the size of the new structures.

Mr. Lovelady said that they had not shown a 3D model, but there had been preliminary work. He said that they could create a model.

Mr. Clayborne closed the public hearing and brought the item back before the Commission.

Ms. Firehock requested Mr. Herrick to explain the principle of precedent and Commission decisions.

Mr. Herrick explained that every determination that came before the Commission involved fact-specific determinations. He said that they had heard from members of the public who were in favor and opposed to the project, and they had heard the staff recommendation. He said that it was up to the Commission to make a recommendation based on a fact-specific determination.

Mr. Herrick noted that County Code § 18-5.1.61 addressed historic restaurants, inns, and taverns, and it allowed for those uses under certain conditions in the Rural Areas zoning district. He said that it was staff's evaluation that this particular proposal met those requirements. He said that that particular section of County Code had been expanded in 2016 and identified three properties in the Rural Areas which met the definition at the time—the Michie Tavern, the Clifton Inn, and Keswick Hall.

Mr. Murray asked whether the by-right residential use would have a greater or lesser impact than the proposed use. He said that it was clear the residential use would be far less. He said that there would be fewer buildings. He said that the proposed use was more intensive than the residential use.

Mr. Clayborne said that a large house could be constructed that was the same square footage as proposed.

Mr. Murray noted that the average family used 300 gallons of water per day. He said that the approximate by-right water usage would be 600 gallons per day for the two possible homes. He said that the proposed use was much higher than 600 gallons per day.

Ms. Firehock said that the neighborhood included houses of various sizes. She noted one speaker said they lived in a house that was 1,500 square feet, and there were much larger houses in the viewshed. She said that they could not assume the by-right house would be a modest dwelling.

Mr. Bivins noted the comments regarding traffic and accidents at the intersection of Plank Road and Route 29. He asked if staff had data regarding accidents at the intersection over the past seven years.

Mr. McDermott clarified that VDOT data showed approximately three to four accidents per year at the Plank Road and Route 29 intersection. He said that they would like to decrease the number, but it was not what a commenter cited as the data. He said that there were several areas near the intersection that were significant concerns for VDOT. He said that Plank Road was not on the list of intersections of high concern. He said that Red Hill, north of the intersection, was on the list. He said that there had been fatalities near the intersection, but VDOT data did not show any at the intersection. He noted that Route 29 was a dangerous corridor.

Mr. Bivins said that when the County reviewed the comprehensive plan in 2015, a number of crossroad communities withdrew from the designation. He said that Bundoran Farm was a pastoral place, but there were now several 15,000-square-foot houses on the farm. He said that area was not a place of modest cottages. He said that there had been a rupture in relationships between the Bundoran Farm property owners and the Eastman Porter Group. He said that if there was a different type of relationship, then there may have been a different conversation.

Mr. Bivins noted that the site was historically a place for travelers to stop for food and a break from their journey. He said that the proposed use was in keeping with the time. He said that on Route 250, there was a multitude of wineries. He said that they had to find ways to keep guests in the County and from going to other localities. He said that the applicant's business could not be sustained from wine and beer sales.

Mr. Carrazana noted the number of mitigations for the proposal, and the applicant had proposed even more. He said that they could agree to all of the proposed requirements, but they had to consider whether they were trying to make a project work in an area where it did not fit. He said that the inn appeared to become subordinate to the proposed function, and the new development would become the primary function.

Mr. Missel said that at one point, the landscape was wide open. He said that the trip generation from the homes at Bundoran Farm was about 684 trips per day, which was far greater than the proposed development. He said that the application came down to appropriateness and whether the use was subordinate, complementary, and proportionate. He said that there was no archaeological basis for the proposal.

Mr. Missel said that sensitivity to the historical landscape and history of the site was critical, and the applicant should explore ways to memorialize history. He said that the benefit of the historic structure was lost when it became subordinate. He said that he lived near the area, and he had witnessed horrific accidents. He said that any additional traffic was an issue and a concern, but the proposed traffic generation was less. He said that he had seen Pippin Hill increase in size over the years.

Ms. Firehock said she had drafted several other additional conditions of approval. She said that they needed a condition for an archaeological investigation. She said that they could require a fence and a locked gate along the western border. She said that they could require the structures to be painted a darker color to blend into the landscape. She said that they could propose a maximum structure height of 16 feet.

Ms. Firehock said that the proposed use for the ridgetop was too great for the property. She said that the development would be highly visible from multiple points, and that made it difficult to mitigate the viewshed impacts. She said that the applicant was not required to provide a site plan at this stage of the application process, and they were not required to show the massing of the buildings. She said that the applicant had met the requirements for the hearing and had provided more information. She said that she was leaning against the proposal because it was too much for the property and it was too visible.

Ms. Firehock said that in terms of viewsheds, the Bundoran Farm property owners had their complaints about the viewshed, but other people had to look at their homes which had been recently built and did not exist previously. She said that everyone who built a house on a landscape visible from the road had impacted the landscape. She said she objected to the argument that it was okay to look at the houses in Bundoran Farm but not the proposed development.

Ms. Firehock said that they all had an impact. She noted that they all had to drive in that part of the County. She said that staff shared data regarding the impact of cars from the Bundoran Farm development, and the development generated about 450 vehicle trips per day. She noted that the proposed use only generated about 50 trips per day.

Ms. Firehock said that proportionately, the Bundoran Farm development had a greater impact on the Plank Road/Route 29 intersection. She said that they should own their contributions to the impacts on the landscape. She said that she supported the conservation of the landscape at Bundoran Farm. She said that the Bundoran Farm residents should look in the mirror and think about how they came across.

Ms. Firehock said she liked the design and layout of the proposal, but the location on the ridge was not appropriate. She said that the impact on other residents was potentially too great.

Mr. Clayborne said that he wanted to see a version of the project move forward. He said that they had to address the issue through an economic development consideration. He said that the current proposal did not meet the requirements to move forward.

Mr. Bivins said that they should consider when history began and what was considered valuable when something was considered historic. He said that they had to consider whether the historic designation still made sense today and whether they still held the same considerations for what was historic.

Mr. Murray said that there was an issue with the size of the parcel and the intensity of the use. He said if the parcel were larger, he would not have an issue, and if the use was less intensive, then he would not have an issue.

Mr. Carrazana said that the Commission was not setting a precedent. He said that if a number of factors were different, the proposal could work and help with economic development. He said that the proposed parcel and density were not compatible.

Ms. Firehock said that the Commission seemed to agree that the layout was not appropriate.

Mr. Lovelady requested a deferral with a date to be decided. He said that several items were brought up, and they wanted more time to take them into consideration.

Ms. Firehock said that this was her district and she was amenable to that. She said that there had been times when they had not accepted a deferral request from an applicant because they felt that there was nothing that could be done. She said that she would not belabor the point or suggest anything further as she assumed they had taken copious notes this evening. She asked what the consensus of the Commission was.

Ms. Firehock moved to accept the applicant's request for a deferral for SP002200002 Crossroads Tavern & Inn to a date to be determined. Mr. Bivins seconded the motion, which passed unanimously (6-0).

Ms. Firehock commented that she had read every single comment that was submitted, and some that were submitted three or four times she read again just to make sure they were not edited. She said that there was even new information presented tonight that could not be fully digested on the dais, so there was an advantage to having more time to investigate some of these claims or concerns, find more facts, and have a fuller discussion, hopefully with a better application.

Ms. Firehock said that she believed it was a good outcome, although some of the audience wished that they could just end this for now. She said that even if they had voted to deny it tonight, it still would go forward to the Board of Supervisors, because the Commission was not the last say in this matter. She said that they would take some more time to try and come up with something that worked.

Committee Reports

Mr. Murray said that the Crozet CAC met and discussed the comprehensive plan. He said that it was an interesting discussion because there was a lot of frustration in the room about past master planning in Crozet, and a lot of the community wanted reassurances that past promises of infrastructure would be met, and that the same sort of things that happened with previous plans would not happen again.

Mr. Bivins said that he did not understand the circle that they were in about citizens in Crozet feeling like they were not listened to. He said that the perception that just because something was said, the outcome would change, was new to him. He said that he had never been in a space where he felt that everything he said was going to matter and also change results. He said that he remained hopeful that he would understand that at some point.

Mr. Murray said that an important point brought up, which was also brought up earlier in this meeting by a Commissioner, was the idea that infrastructure needed to come first, and it was clear that in many cases, infrastructure had not come first, so there were major stresses on the community from that lack of infrastructure and made those people reluctant to have more density in addition to that. He said that they should get the infrastructure right so that people felt comfortable with the additional density.

Mr. Bivins said that the ethos here was that the Supervisors would not go to CIPs before something happened, and the school system would always come at a point where it was just-in-time planning. He said that he also did not believe that people would be willing to see a substantial reserve in the County through taxes because they did not have enough businesses, and a reserve was necessary to do those kinds of projects before they happened. He said that even suggesting a modest tax increase made people very upset here.

Mr. Carrazana said that he lived close to Crozet and had many friends and neighbors who lived there. He said that through the master planning process, looking at the infrastructure developments and talking about mitigation to the growth, but once they put the growth out there, developers were suddenly very interested in that site, and it would then be developed. He said that there was a mechanism about how they looked at infrastructure, incentivized developers, and the County to unlock that extra development, because once they had that, they had a financial incentive. He said that if they were able to incentivize the developers, they could add the increased density without issue, and those were the conversations that the County must have in earnest, and not only rely on past precedent.

Ms. Firehock said that she had mentioned four years ago, when she thought they would be beginning the comprehensive plan process, that she wanted to see an analysis of the impacts of developing the area so that there was some acknowledgment somewhere that the growth in the urban ring was being related to the impacts on infrastructure. She said that there should be a published expectation that the taxes in the County were going to increase so that everyone could have a good education in the County.

Mr. Bivins said that by setting a different expectation with developers, they would be able to discuss how to make this the type of place that people felt a desire to live in. He said that it had a different type of partnership than what he had experienced with the commercial developers here.

Ms. Firehock said that every developer knew that overcrowded schools with under-educated students would hurt them, and that was where they were headed with too much growth.

Mr. Clayborne said that the partnership was important. He asked if there were any other committee reports.

Mr. Murray said that the mix of residential and commercial uses was important because a lot of the residential would cost more in terms of infrastructure than they would receive back in tax revenue, but the commercial would add to it. He said that achieving the mix of uses was important, especially since one of the points brought up during the CAC meeting was that many people in Crozet were just driving to jobs in Charlottesville, and changing that dynamic to ensure that Crozet was a place where people worked and not just lived was a large piece for this as well.

Mr. Clayborne said that remote work affected that need as well.

Ms. Firehock said that they were going to modernize their zoning with respect to working at home.

Review of Board of Supervisors Meeting: February 1, 2023

Mr. McDermott said that at the February 1 Board of Supervisors meeting, they held the public hearing for Willow Glen, which was before the Planning Commission a while ago, and was approved by the Board of Supervisors with a unanimous vote. He said that there was a good discussion with Dr. Pethia about housing grants as developer incentives and potentially offering such a program, and it appeared that they would continue to move forward with that concept.

Ms. Firehock asked if Dr. Pethia could come back to talk to the Planning Commission as had been requested over a year ago.

Mr. McDermott said that they were currently trying to schedule with her, but there was a very full Planning Commission agenda with work sessions. He said that he hoped that they would have slightly shorter meetings coming up, and he could add an AC44 update to the Commission agenda so that he could brief them on the current status. He said that Phase 2 was just kicked off a few weeks ago, and there were topic area reports on the website, along with a public survey.

Mr. McDermott said that last night, they held the first working group meeting for Phase 2, which was well-attended. He said that those folks would be reaching out to their communities to gain information by asking questions and conducting meetings. He said that they would be doing pop-ups across various parts of the County to get feedback from different areas of the community on those major topics in the comprehensive plan, such as transportation, land use, community facilities, parks and recreation, economic development, and housing.

Mr. McDermott said that as a part of Phase 2, they would be developing toolkits to look at land use and how to make recommendations for land use, which would include continued evaluation of potential growth strategies that were introduced in the first phase. He said that as a part of that, there were three work sessions planned with the Planning Commission in April, June, and August 2023. He reiterated that he would add an AC44 update to the agenda so that he could discuss the plan further.

Mr. Clayborne thanked Mr. McDermott for the update and said that a standing agenda item would be appreciated.

Ms. Firehock said that the County was going out to get community input on each topic, and staff was doing research on various things, as were consultants, and they were putting forward facts that people were reacting to, but at some point, this would come back to the Planning Commission to have more than a reaction to what people said, and allowed them to have their own deliberations. She said that she had heard from multiple Commissioners that there was concern about when they were going to actually talk about specific topics.

Ms. Firehock said that they had talked about how they should talk more about that, so as it was all rolling forward, she would like to know that it was all coming back to the Planning Commission. She said that the Board of Supervisors were updated on the comprehensive plan more than they were, but the Commission was supposed to be the entity that prepared the comprehensive plan to give to the Board of Supervisors.

Ms. Firehock said that she understood there were staff shortages and the schedule was not followed as originally envisioned, and she understood that they were behind in the Planning Commission's engagement with the project. She said that she would like to be clear that all of this was coming back before the Planning Commission so that they could have robust and in-depth conversations about each of these topics.

Mr. McDermott said that they would not come with a specific topic for specific meetings, but the three work sessions were expected to have the Commission's input on what was researched and put together thus far so that they would help drive the process.

Ms. Firehock said that she did not feel that the Commission would just react to whether or not they liked or did not like this statement, which was what had been done so far. She said that they had original ideas that had not been on the list presented by the consultant. She said that she did not mind reacting to things, but they had their own opinion of things based on their representation of the districts that they wanted to bring forward, and they had been in the backseat waiting.

Mr. McDermott said that it was noted. He said that he would make sure that when they came back for the work sessions, the opportunity was given for the Commissioners to provide ideas and feedback.

Ms. Firehock said that it was not only feedback but "feed."

Mr. Bivins said that the Commissioners had big opinions and bigger ideas, and they wanted to be engaged and wrestle with these topics so that they could own the comprehensive plan when it went out with their approval.

Mr. Carrazana said that the timing that they had been getting materials for work sessions had been a marked improvement, but he would reiterate that the sooner they could get it, the more they could digest it, and they would like to have that conversation when they had the work session.

Mr. Missel said that he would like to see an overall road map of what was coming and the sequence of events.

Mr. Carrazana said that it had changed since they had last received one.

Mr. Missel asked for an updated version.

Ms. Firehock said that the diagram did not have the Planning Commission in it.

Mr. McDermott said that he could provide that. He said that he highly recommended the Commission see the website, where a lot of information was contained and there was more detail on the schedule, but the future phases remained conceptual at this time. He said that there was a solid road map for the next year, and the Board said that that was where they wanted them to work, and he would ensure the Commission received that information.

New Business

There was none.

Old Business


There was none.

Items for Follow-Up

There were none.

Adjournment

At 11:45 p.m., the Commission adjourned to February 28, 2023, Albemarle County Planning Commission meeting, 6:00 p.m. in Lane Auditorium.



Kevin McDermott, Director of Planning

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

Approved by Planning Commission
Date: 03/14/2023
Initials: CSS