

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on February 7, 2024, at 1:00 p.m. in Lane Auditorium on the Second Floor of the Albemarle County Office Building, 401 McIntire Road, Charlottesville, VA 22902.

BOARD MEMBERS PRESENT: Mr. Jim H. Andrews, Mr. Ned Gallaway, Ms. Beatrice (Bea) J.S. LaPisto-Kirtley, Ms. Ann H. Mallek, Ms. Diantha H. McKeel, and Mr. Michael Pruitt.

ABSENT: None.

OFFICERS PRESENT: County Executive, Jeff Richardson; County Attorney, Steve Rosenberg; Clerk, Claudette Borgersen; and Senior Deputy Clerk, Travis O. Morris.

Agenda Item No. 1. Call to Order. The meeting was called to order at 1:00 p.m. by the Chair, Mr. Jim Andrews.

Mr. Andrews said Albemarle County Police Department's Master Police Officers Dana Reeves and Eric Ketchum were present at the meeting to provide their services.

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Agenda Item No. 2. Pledge of Allegiance.  
Agenda Item No. 3. Moment of Silence.

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Agenda Item No. 4. Adoption of Final Agenda.

Mr. Andrews noted that there was a change to the agenda, which was to include authorizing two letters of support under Item No. 21. From the Board.

Mr. Andrews said, if there were no additional changes, the floor was open for a motion.

Ms. Mallek **moved** to adopt the final agenda as amended.

Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.  
NAYS: None.

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Agenda Item No. 5. Brief Announcements by Board Members.

Ms. LaPisto-Kirtley said that she would like to provide a brief update regarding House Bill 521, which concerned photo speed camera legislation. She mentioned that previously approximately 62 people submitted comments, and several individuals signed up to speak. She said that unfortunately, the discussion was continued, which she was informed was not necessarily a bad thing in this case. She said that the reason for this continuation was to ensure that the gentleman from Richmond, who primarily focused on pedestrian uses for photo speed cameras, could combine his recommendations with their rural needs for photo speed cameras.

Ms. LaPisto-Kirtley said that she spoke with Delegate Amy Laufer, who would be getting together with Richmond representatives. She said that their goal was to combine all three bills together. She said that they would then look forward to addressing this issue next year. She said that typically when something was continued, it was to eliminate it; however, in this case, it had been continued to preserve it.

Ms. LaPisto-Kirtley confirmed Courtney Cacatian's presence, then announced that it was an honor to announce that Charlottesville and Monticello American Viticultural Area had received the Wine Star Award for Wine Region of the Year 2023 from Wine Enthusiasts. She said that she wanted to introduce Ms. Cacatian, who served as the chair and was the executive director of the Charlottesville-Albemarle County Board of Visitors (CACVB). She said that Ms. Cacatian would be taking the award to all the wineries involved, including some in their surrounding localities.

Ms. Mallek said that she was grateful for Ms. LaPisto-Kirtley's leadership and extra effort regarding the ticketing issue because they had indeed made significant progress due to the support they had received. She said that the day after the continuance occurred, one of her constituents contacted her and helped her understand the importance of addressing urban issues that some of them might not encounter daily.

Ms. Mallek said that her constituent had witnessed a near-accident at the corner of Ivy Road and Alderman where a young person was almost hit by a vehicle despite having a walk light and being four feet into the street. She said that fortunately, the child managed to jump back out of harm's way just in time, while the driver fled the scene. She said that this incident had reinforced the need for them to address all these aspects.

Ms. Mallek mentioned that upcoming events for schoolteachers, both homeschool parents, as well as private and public educators, included open house tours at the Lewis and Clark Exploratory

Center. She said that tours would be held this Friday, the 9th, from 10:00 a.m. to 12:00 p.m., this Saturday, the 10th, from 1:30 p.m. to 3:30 p.m., and the following Friday, March 15th, from 10:30 a.m. to 2:30 p.m. She said that these two Fridays coincided with professional service days for public school teachers in the area. She said that educators would have the opportunity to participate in hands-on activities and discuss program choices, costs, and scholarships with guides. She said that the center offered river trails and outdoor classrooms, having provided field trips for students for over 20 years. She said that they hoped that others would visit and learn more about their programs.

Ms. Mallek said that lastly, the Virginia Department of Agriculture and Consumer Services announced that \$875,000 was awarded to six counties through the Virginia Farmland Preservation Fund. She said that the funding bolstered localities' efforts to permanently preserve working farm and forest land through purchases of conservation easement programs in Clark, Fauquier, Shenandoah, Stafford, Chesapeake, and Virginia Beach. She said that she hoped that Albemarle County would be included in future years, as there was significant funding available from the state, and the County must have an equal amount to be able to draw down money from the state.

Mr. Pruitt said that he would like to remind everyone of the most important civic duty, which was currently ongoing. He said that early voting for the presidential primary was currently underway and continued in person at the 5th Street Station County Office Building. He said that it would continue until March 2, and then there would be an in-person primary election day on March 5. He said that the last day to update or register to vote was March 1. He said that if one did not want to vote via provisional ballot for the presidential primary, it would be on February 12 which was fast approaching. He said that he would like to remind everyone that there were both Republican and Democrat primaries ongoing for the presidential election right now. He said that one could vote in either of them but not both of them.

Mr. Pruitt said that in Virginia, there was another primary election immediately following that. He said that the election determined the Republican and Democrat candidates for the 5th District's congressional seats, both of which had contested primaries. He said that early in-person voting began on May 3 and continued until June 8. He said that the final election date for the primary was June 18. He said that both parties, Democrats and Republicans for the 5th District, had contested races, with four candidates for Democrats and two for Republicans.

Mr. Andrews said that he would like to mention that Ms. Mallek and he attended the local government day on Friday, which was sponsored by the Virginia Associations of Counties (VACo) and the Virginia Municipal League (VML). He said that the event began with a well-executed introduction by (VACo) President Ann Mallek, followed by presentations from various speakers, including Bob Holsworth, whom many of them heard at the Chamber breakfast last year. He said that the organizations provided detailed briefing information and position statements on pending legislation. He said that he ensured that each Supervisor had a copy of that.

Mr. Andrews said that he had the opportunity to meet with their local delegates and also observed them in action. He said that he attended a few hearings, and he was very impressed. He said that they were representing their constituents well. He said that there had been a significant amount of hard work on behalf of their constituents and in accordance with the so-called Virginia way of getting along while achieving results. He said that it was a positive experience.

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Agenda Item No. 6. Proclamations and Recognitions.

Item No. 6.a. Proclamation Recognizing Black History Month.

Ms. McKeel **moved** to adopt the proclamation recognizing Black History Month as she read it aloud.

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.  
NAYS: None.

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**PROCLAMATION CELEBRATING BLACK HISTORY MONTH**

**WHEREAS**, February 2024 marks the 98<sup>th</sup> anniversary of Historian Carter G. Woodson's Dedication in promoting the achievements of Black Americans and people of African Descent; and

**WHEREAS**, February 2024 marks the 48th anniversary of the federal recognition of Black History Month; and

**WHEREAS**, Albemarle County celebrates the wisdom of civil rights leaders and community builders this month (and every day); and

**WHEREAS**, Albemarle County seeks to acknowledge and recognize Black Americans in the local workforce and community who contribute much time and service to enhancing the well-being of all residents.

**NOW, THEREFORE, BE IT PROCLAIMED**, that we, the Albemarle County Board of Supervisors, do hereby honor and celebrate Black History Month as an opportunity for all County residents to recognize and support the social, physical, and cultural contributions of Black Americans and to take meaningful actions to create a more equitable and inclusive community for all.

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Ms. Janasha Bradford, Founder of Mahogany and Friends, accepted the proclamation and said that she had a few remarks. She said that she would like to express her gratitude for this honor and that she would like to thank Albemarle County, her family, friends, and community for their continued support. She said that this meant a lot to her. She said that she would like to share a few words on what Black History Month represented for her. She said that although Black History could not be contained or limited to a month, Black History Month was an opportunity to celebrate and proudly shine a light on the Black diaspora. She said that this month encouraged them to remember their ancestors' stories, which served as a guiding light for them today.

Ms. Bradford said that Black History Month was also an opportunity to acknowledge the struggles Black people faced globally and to celebrate their resilience. She said that as she watched *The Color Purple* a few days ago on Amazon Prime, Sophia's words "all my life I had to fight" struck a chord with her. She said that like many others who looked like her, she too had to fight against the odds in a system that seemed to be designed not to favor them at times. She said that however, it was all of their collective responsibility to continue fighting, showing up, paving the way for the children of their future, and creating a brighter, more inclusive future filled with knowledge and resources. She said that this was why she created Mahogany and Friends.

Ms. Bradford said that at Mahogany and Friends, they prioritized teaching children financial literacy. She said that their goal was to change how children think about money by making it fun, accessible, and inclusive. She said that financial literacy was a key life skill that should be nurtured from a young age. She said that it provided children and adolescents with the knowledge and skills they needed to manage their finances responsibly, set financial goals, and make informed choices about spending, saving, and investing. She said that students who learned to manage their finances early often became adults who were better equipped to live independently.

Ms. Bradford said that she was beyond grateful for this recognition, especially during Black History Month. She said that it was an honor to be celebrated alongside the greats who had made it possible for her to stand before everyone that day as a Black woman financial advisor and children's book author. She said that this was really full circle. She thanked everyone for their support and mentioned that her mom and sister had surprised her at 1:30 that morning.

Ms. LaPisto-Kirtley congratulated everyone present, as this was a remarkable event. She thanked everyone for their presence there that day. She said that she appreciated that they were celebrating Black History Month. She said that she believed it should be Black History Year, Century, or even Forever. She said that each culture significantly contributed to all cultures worldwide. She said that everyone had played their part, and she was proud and glad that this award was being presented during this celebration.

Ms. McKeel said that they were truly delighted that Ms. Bradford was there and that many other individuals were joining her. She said that this was excellent. She said that she would allow a few members of their community to share their thoughts through her. She said that many might know that Albemarle County and the City had a very active NAACP (National Association for the Advancement of Colored People) chapter. She said that Jeanette Boyd Martin was the president of this organization. She said that she would like to share a quote that she received via email from Jeanette, who was unaware that she was reading this.

Ms. McKeel said that the quote stated: "Least we forget, today remains a vital and necessary date, not only for African Americans but for the nation. We should never forget the significance of Black History Month. It is up to us, regardless of book bans and watered-down approaches to historical facts, to reveal the involvement of African Americans in shaping the nation and the world. Our children are depending on us for those facts." She said that she thought Jeanette Boyd Martin expressed her ideas quite eloquently.

Ms. McKeel said that she wanted to share another piece that an eighth grader wrote for an assembly at Journey Middle School during Black History Month. She said that the poem is titled "It's Difficult" by Miriam Wade. She said that the poem reads:

"It's hard being Black, Muslim, and a female, but I live through it.  
Being black means being proud, confident, and beautiful.  
Identifying as Muslim means being trustworthy, amazing, and a hijab.  
Being a female makes me strong, fearless, and a leader.  
Pushing against stereotypes about my identity is hard.  
Black, Muslim, female, and so much more, but I am very proud."

Ms. McKeel said that this powerful piece was written by an eighth grader.

Mr. Gallaway said that he thanked Ms. Bradford for joining them and for bringing those who joined her. He said that he believed that, as he did with these proclamations, he liked to share as an elected official what he read and what he reflected upon because all of that ultimately impacted policy

decisions that they typically made, which could impact a lot of what they were discussing. He said that Mr. Ed Brooks, who was present when they had Mr. Paige with them a few weeks ago, followed up because he had mentioned reflecting on and revisiting "Where Do We Go from Here" by Dr. King at that time.

Mr. Gallaway said that Mr. Brooks then mentioned that he was currently participating in a book reading series where the book for 2022 was "Why We Can't Wait" by Dr. King. He said that Ms. Bradford mentioned that it cannot be contained within one month, and he argued that it cannot be contained at all because it was the underlying humanity that, when they considered the layers of struggle and oppression that had occurred on top of that humanity, was quite profound. He said that he usually did not engage with pop culture, but recently, the Grammys, Tracy Chapman made a rare and wonderful appearance, which was phenomenal in itself.

Mr. Gallaway said that it prompted him to revisit, download, and listen again to her debut album from 1988. He said that he lived in Cleveland for a time, where she was from. He said that there was an a cappella song on that original album that did not receive radio airplay called "Behind the Wall." He said that not only is her artistry phenomenal, showcasing her incredible a cappella voice, but the message and experience she portrays in that song are quite remarkable and incredible. He said that this was in the 1980s, which made him appreciate it in a whole new way.

Mr. Gallaway said that he had shared these types of things because this was what he did when these things came up. He said that it gave him to reflect, and he often turned to art and works, and read things, to help him to understand history, turmoil, and struggle. He said that as he continued to work on his personal growth, both as an individual and a policymaker, he revisited these resources for guidance.

Ms. Mallek said that she was thankful for Ms. Bradford's leadership and for everyone present who had helped young people become more skilled, strong, and capable of fully participating in their future and creating great lives for themselves. She said that she grew up in the local rural area and benefited from having neighbors of all races around her. She said that her childhood home was upstream from Hydraulic Mill, which was a thriving grain mill owned and operated by a Black family.

Ms. Mallek said that unfortunately, since 1965, the mill was under the Rivanna River reservoir. She said that the history of the mill was well-recorded and fondly remembered by those who grew up in the area. She said that she often felt envious of her elder brother because he was allowed to play there, while she was not. She said that today, Albemarle County was fortunate due to the presence of numerous vibrant communities in the area where the descendants of historical families continue to contribute significantly to their communities' lives, their churches, parishes, and the County as a whole.

Ms. Mallek said that she would like to acknowledge the areas of North and South Advance Mills, Brown's Cove, Sugar Hollow, Hillsboro, Freetown, Link Evans Lane, Bleake House, and Earlysville. She said that these locations boasted numerous descendants from eight generations of families. She expressed her deep gratitude for their assistance, participation, and guidance in addressing various issues that the Board worked on.

Mr. Pruitt said that he was grateful for Ms. Bradford's presence at the event. He said that his work in civil rights law had led him to view Black history through this lens. He said that when they discussed civil rights history and Black history, he sometimes felt frustration because Dr. King, had he not been assassinated, might still be alive today. He said that he was not certain that 'history' was the appropriate term when referring to civil rights history. He said that it was not past; but was present and ongoing.

Mr. Pruitt said that within six days after Dr. King's assassination, Congress authored and passed into law the Fair Housing Act in recognition of the work he had done. He said that today, they were still litigating those cases, and in fact, in many parts of Virginia, the segregation index is actually higher than it was at the time that Dr. King was assassinated. He said that this was not history because it was not even past. He said that Ms. Bradford was a financial advisor, and he was sure that it was not a new data point to her that Black households trailed white households six-to-one in the wealth gap.

Mr. Pruitt said that it was not history as it was not even past. He thanked Ms. Bradford for the work she was doing on the ground, and he thanked everyone who was present that day to help them remember that Black history was not just about past accomplishments and important moments; it was a living, breathing thing that continued into the present moment and was continuing to be created.

Mr. Andrews said that he appreciated Ms. Bradford and everyone for being present. He said that they all strove to reflect upon these proclamations in advance and say something significant. He said that during his review, he reread the 1936 poem by Langston Hughes, titled "Let America Be America Again." He said that the poem was dark because it highlighted that for many people, America's promise was far from its reality throughout history. He said that he was struck by some lines later in the poem that resonate with part of the purpose of Black History Month and the recognition of people's efforts.

"O, let America be America again—  
The land that never has been yet—  
And yet must be—the land where every man is free.  
The land that's mine—the poor man's, Indian's, Negro's, ME—  
Who made America,  
Whose sweat and blood, whose faith and pain,  
Whose hand at the foundry, whose plow in the rain,  
Must bring back our mighty dream again."



Mr. Andrews said that the excerpt was from 1936 and that he thought Langston Hughes was someone to be celebrated too. He said that again, he truly appreciated everyone being there.

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Agenda Item No. 7. From the Public: Matters on the Agenda but Not Listed for Public Hearing or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.

Ms. Janie Holbrook, White Hall District, said that it was time to declare the Eastern Avenue 250 Connector in Crozet dead and to consider this harsh reality in future land use and zoning decisions. She said that after many agonizing months, she had come to terms with the fact that there was neither the desire nor the resources to construct the connector. She said that this realization was difficult to accept because her most significant investment was in East Crozet, her home. She mentioned that Ms. Mallek and others had dedicated time, energy, and effort into the connector for 15 years or more. She said that these were sunk costs and not relevant to their decision-making process.

Ms. Holbrook said that she was not there to argue that East Crozet deserved a north-south transportation route, similar to Crozet Avenue through the heart of town and the boulevard through Old Trail. She said that it was already in the master plan; however, it was simply time to end the pretense. She said that in June of last year, she learned from VDOT staff that the cost had increased from \$24.7 million, not a small sum, to \$39.5 million. She said that the portion not covered by Revenue Sharing had ballooned to \$23.3 million. She said that the gap was simply too large for cost-cutting measures.

Ms. Holbrook said that even if a developer built a short segment to access new homes, that barely made a difference due to the high cost of constructing a bridge. She said that the transportation update the Board would hear later that day would remind everyone that the project did not receive funding that year either. She said that there were always higher priority projects. She said that the price tag placed Eastern well beyond a typical Capital Improvement Program (CIP) project. She said that they were not discussing a simple sidewalk here. She said that furthermore, in the fall, VDOT added an environmental factor to the priority scoring system, causing the project to plummet from number eight to number 78.

Ms. Holbrook said that it was not going to happen. She said that avoiding the hard truth and adding insult to injury by continuing to use the Eastern Avenue connector to justify upzoning to the high end of density ranges was just one of the worst scenarios. She said that there were just a couple of parcels remaining in East Crozet. She said that developers had already developed the easily accessible land, so these last parcels came with issues. She said that most importantly, they were infill developments and, according to land use guiding principles, must be consistent in scale and design with the surrounding neighborhoods. She said that they had preserved slopes and riparian areas. She said that they would add to the traffic and safety burden, which they now knew would never be alleviated by Eastern Avenue.

Ms. Holbrook said that if the infrastructure was not happening and they were not proposing a moratorium, then the only solution was to ensure that future development was at the low end of the ranges. She said that the ranges existed for exactly this reason, to allow for consideration of other critical factors.

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Mr. Peter Krebs, Piedmont Environmental Council (PEC), said that he was there to invite everyone to the fourth annual Active Mobility Summit taking place on March 21. He said that they were particularly excited because this was the first time that the Mobility Summit would be held in Albemarle County, and it would be held at the Wool Factory.

Mr. Krebs said that it would be a full-day event with food, drink, and fellowship, and also good conversations about active transportation. He said that they aimed to have productive discussions regarding the Community Mobility Plan, which would be further discussed that day. He said that the event would include walking, biking, and good conversations with City and County planners. He said that they aimed to organize site walks, hikes, and visits to the Broadway area, which he said was one of his favorite lesser-known parts of the County. He said that in the afternoon, work sessions would take place where groups would collaborate, sharing resources and ideas to accomplish tasks that could not be completed by individuals or single groups alone.

Mr. Krebs said that this event was scheduled for Thursday, March 21, at the Wolf Factory. He said that for more information or registration, one could visit [www.pecva.org/MobilitySummit](http://www.pecva.org/MobilitySummit). He said that he looked forward to their attendance.

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Mr. Mack McLellan said that he was an Albemarle resident and a lifelong educator. He said that he was passionate about early literacy and the need to cultivate a love of reading in their most underserved communities. He thanked the Board for their continued support of library services in their community. He said that he was there today to ask for their support in the library's CIP request to collaborate with the City to renovate the Central Library. He said that the County was well aware of the needs of their community's families, who required modern library facilities that provided equitable access to resources.

Mr. McLellan said that it was now more important than ever to have a safe and welcoming shared

community space that was accessible to all. He said that children needed a place to learn early literacy skills using new technologies to prepare them for an ever-changing future. He said that adults required a welcoming community center for growth, learning, and connection in an increasingly disconnected world.

Mr. McLellan said that residents of Albemarle County greatly benefited from a strong regional library system, which was even named the Virginia Library Association's Library of the Year in 2022. He said that the Central Library served as the hub of this system, and investing in its infrastructure was essential for maintaining and expanding this cherished community resource. He requested assistance in preserving one of their community's most important public buildings and preparing it to deliver the library services their residents anticipated and deserved for future years.

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Mr. Fred Williamson, White Hall District, said that he would like to express his support for the Zoning Ordinance regarding local artisan manufacturing that was to be considered later in the meeting. He said that as a self-employed woodworker who moved there in 1988 and obtained a home occupancy class B permit for his shop, and also a member of the Artisan Studio Tour, he strongly supported all the talented artisans in their County who create exceptional works. He said that currently, the Funk Brothers furniture company was facing difficulties in obtaining a zoning permit to move slightly out of town into the County.

Mr. Williamson said that there was a small overlay that allows it, but not for the entire County. He said that he believed that adding the term "artisan manufacturing" as permitted by a special use permit would address this issue. He said that there was no need for him to provide further details, but he was aware of several locations where hiring two or three people had no impact whatsoever on the rural nature of those areas. He said that he was confident that this could be resolved to the benefit of both the County and the City in the future. He said that he also thought that they supported agricultural events such as wineries in a similar manner.

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Agenda Item No. 8. Consent Agenda.

Mr. Andrews said that he was not aware of any amendments to the Consent Agenda, and that the floor was open for a motion.

Ms. McKeel **moved** to approve the consent agenda.

Ms. LaPisto-Kirtley **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.  
NAYS: None.

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Item No. 8.1. Fiscal Year 2023 Annual Comprehensive Financial Report.

The Executive Summary as forwarded to the Board states that each year, the Board of Supervisors is presented an audited Annual Comprehensive Financial Report for the Board's review and acceptance, in accordance with Virginia Code §15.2-2511.

The Board will receive the Fiscal Year 2023 Annual Comprehensive Financial Report (ACFR) for acceptance (Attachment A). A draft of the FY 23 ACFR and results of the annual audit was presented to the Board on December 13, 2023.

There is no budget impact related to the presentation and acceptance of the FY 23 ACFR.

Staff recommends that the Board accept the FY 23 Annual Comprehensive Financial Report.

**By the above-recorded vote, the Board accepted the Fiscal Year 2023 Annual Comprehensive Financial Report. (On file in the Clerk's Office)**

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Item No. 8.2. Resolution of Intent for Zoning Text Amendment(s) related to the Steep Slopes Overlay District.

The Executive Summary as forwarded to the Board states that the Steep Slopes Overlay District limits retaining wall height to 6 feet. No provisions exist for modification of this limit. Section 4.3 of the Zoning Ordinance limits retaining wall height elsewhere to 10 feet.

Staff recommends establishing both (i) a single height limit for all retaining walls and (ii) provisions for modifying the retaining wall height limit.

There is no anticipated budget impact.

Staff recommends that the Board adopt the attached Resolution of Intent (Attachment A).

**By the above-recorded vote, the Board adopted the Resolution of Intent (Attachment A):**

**RESOLUTION OF INTENT  
ZONING TEXT AMENDMENT  
STEEP SLOPES OVERLAY DISTRICT**

**WHEREAS**, the Albemarle County Code ("County Code") includes design standards applying to land disturbing activities in the Steep Slopes Overlay District; and

**WHEREAS**, the County Code limits retaining wall height in the Steep Slopes Overlay District; and

**WHEREAS**, the height limit on retaining walls in the Steep Slopes Overlay District is inconsistent with the height limit on retaining walls elsewhere; and

**WHEREAS**, no provisions allow for special exceptions to waive or modify retaining wall height limits; and

**WHEREAS**, the Albemarle County Board of Supervisors desires to adopt regulations that would establish consistent regulations for retaining wall heights in all districts; and

**WHEREAS**, the Albemarle County Board of Supervisors desires to adopt regulations that would authorize special exceptions to retaining wall height limits where appropriate.

**NOW, THEREFORE, BE IT RESOLVED THAT** for purposes of public necessity, convenience, general welfare, and good zoning and development practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending Albemarle County Code § 18-4.3.3, § 18-30.7.5, and any other section(s) of the Zoning Ordinance deemed appropriate to achieve the purposes described herein.

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Item No. 8.3. SE202300040 Glenbrook at Foothills Phase IV - Request to Reduce the Rear Minimum Setback.

The Executive Summary as forwarded to the Board states that the applicant is requesting a special exception to reduce the minimum rear setback required by County Code § 18-4.19 as it applies to proposed Lots 118 and 121-133 of Glenbrook at Foothills Phase IV (existing Parcel ID 056A2-01-00-062R0). Under Albemarle County Code § 18-4.19, R-6 Residential Non-Infill Residential lots generally must have a minimum rear yard setback of 20 feet. However, County Code § 18-4.19(2) allows any minimum setback to be reduced by special exception. The proposed lots front on Park Ridge Drive, a public road, with access to rear-loading driveways from an internal travelway and parking area.

This proposal is to allow rear decks to extend over driveways and into the rear yard setback. County Code § 18-4.11.1 allows up to a four-foot projection for covered porches, balconies, chimney, eaves and like features, but restricts these features from being located closer than six feet to any lot line. Because the proposed decks would extend farther into the rear setback than is permitted, the applicant is seeking a special exception to reduce the rear minimum setback from 20 feet along the internal travelway to 10 feet, to allow planned decks and covered porches to extend over driveways and into the rear setbacks on proposed Lots 118 and 121-133 (Attachment A).

Staff recommends that the Board adopt the attached Resolution (Attachment C) to approve a special exception for a reduced 10-foot setback on proposed Lots 118 and 121-133 of Glenbrook at Foothills Phase IV (as shown in Attachment A), allowing the projected features to be as close as six feet to the lot lines. .

**By the above-recorded vote, the Board adopted the Resolution (Attachment C) to approve a special exception for a reduced 10-foot setback on proposed Lots 118 and 121-133 of Glenbrook at Foothills Phase IV (as shown in Attachment A), allowing the projected features to be as close as six feet to the lot lines:**

**RESOLUTION TO APPROVE  
SE 2023-00040 GLENBROOK AT FOOTHILLS  
PHASE IV**

**WHEREAS**, upon consideration of the staff reports prepared for SE2023-00040 Glenbrook at Foothills Phase IV and the attachments thereto, including staff's supporting analysis, any comments received, and all relevant factors in Albemarle County Code §§ 18-4.19 and 18-33.9, the Albemarle County Board of Supervisors hereby finds that the proposed special exception:

- (i) would be consistent with the intent and purposes of the R-6 Residential district under the particular circumstances and satisfy all other applicable requirements of Albemarle County Code § 18-4.19; (ii) would be consistent with R-6 Residential district design principles; and (iii) would not adversely affect the public health, safety, or general welfare.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby approves a special exception to modify the 20-foot minimum rear setback requirement of County Code § 18-4.19 to 10 feet on existing Parcel 056A2-01-00-062R0 for proposed Lots 118 and 121-133, as shown

on the “Glenbrook at Foothills Phase IV – Initial Site Plan & Prelim. Plat” by Collins Engineering, dated October 16, 2023.

\* \* \* \* \*



800 E JEFFERSON CHARLOTTESVILLE VA 22902

434 293 3719 PH 434 293 3719 FX

[www.collins-engineering.com](http://www.collins-engineering.com)

November 7, 2023

Mariah Gleason  
Senior Planner II – Urban Designer  
Department of Community Development  
401 McIntire Road, Room 227  
Charlottesville, VA 22902

**RE: Glenbrook at Foothills, Phase 4 – REQUEST FOR SPECIAL EXCEPTION**  
***Minimum Rear Yard Setback Exception Request for R-6 Non-Infill Zoning***

Dear Mariah Gleason:

Please allow this letter to serve as our official request for a special exception for the minimum rear yard setback within the R-6 zoning for the Glenbrook at Foothills Phase 4 project. The following information and attached exhibits describe why the special exception is being sought and the reason for the special exception. Also included with this information is the proposed modification to the rear yard setback that would be part of the approval if the special exception is accepted.

A special exception is being proposed for the Glenbrook at Foothills Phase 4 portion of the residential development, specifically the (14) lots, (Lot 118 & Lots 121 – 133), located along Park Ridge Drive with a rear private alley. These lots were created under the R6 zoning for the development and are located within the Phase 4 portion of the Glenbrook at Foothills development. All the proposed lots within Phase 4 have frontage on public streets, either proposed with this section of development or previously approved and constructed with Phase III development. This project utilizes the non-infill setbacks for residential lots within a development area, which includes a 10’ side yard building separation, a 5’ minimum and 25’ maximum front yard setback, and a 20’ rear yard setback. Based on the definition of a setback, the setback is defined by the Albemarle County Zoning Ordinance as the distance by which any building or structure is separated from any street, road access easement, or lot line. Even though the rear lot lines for these 14 lots along Park Ridge Drive extend past the alley, the alley is an access easement, so minimum rear yard is applied from the access easement. The building structures on these lots will all comply with the county requirement of providing a minimum 18’ driveway from the access easement for parking outside of the garages. However, the design of these buildings and structures includes decks on the second floors that extend over the driveways and into this rear yard setback. Decks and porches can extend 4’ into a rear yard setback, but these proposed decks and porches are 12’ to 14’ wide and will extend much further into the rear yard setback than currently allowed by the zoning code. Therefore, the applicant is requesting a special exception request to allow for the reduction of the rear yard setback for these 14 lots adjacent to Park Ridge Drive from 20 feet to 10 feet. All garages for these lots adjacent to the private alley shall still be minimum of 18 feet from the alley access easement, to allow for a driveway parking space. As shown in the attached exhibit, the red dashed line illustrates the 20’ rear yard setback and the purple hatched line shows the proposed 10 foot rear setback from the alley access easement, represented by the blue continuous line. This exhibit shows how the structures will be a minimum of 18’ from the alley and a parking space off the alley will be provided, with a minimum depth of 18 feet.

The comprehensive plan for this development area indicates a density of 3 to 6 residential units on the property. This portion of the Glenbrook Development is proposed to be developed at a density of 45 units/acre. The project was also developed with a minimum of 25% open space on the property.

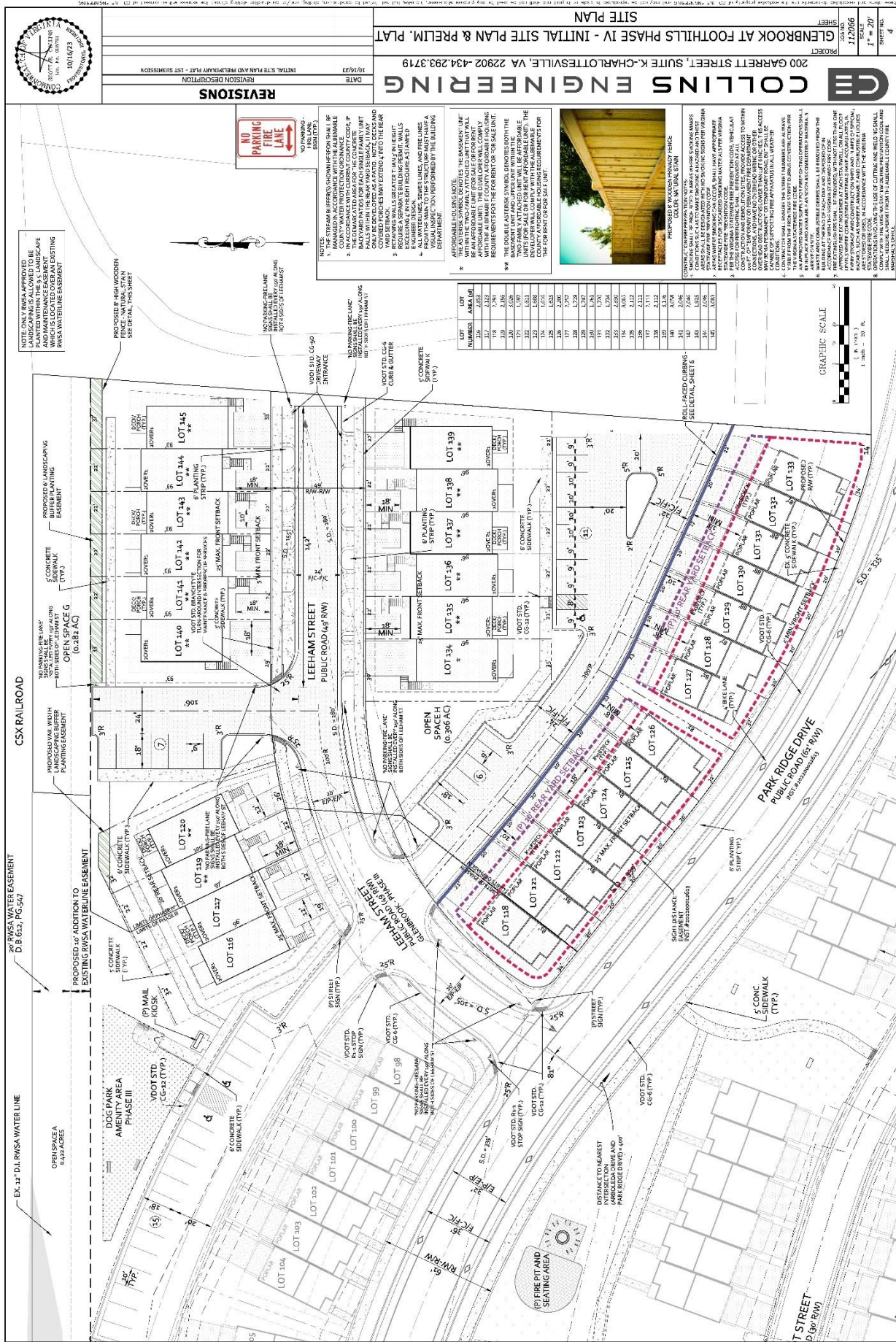
Under the Non-infill Setback requirements within section 4.19 of the Albemarle County Zoning document, a special exception may be granted for the modification of the rear yard setback for a lot within the R-6 district. With this proposed exception request, the development is meeting the design principles of the Comprehensive Plan by providing relegated parking with driveways and garages at the rear of the proposed residential structures, and restricting driveways along Park Ridge Drive.

Thank you again for the consideration of this special exception request, and please contact me if you have any questions or require any further information.

Sincerely,

Scott Collins





Item No. 8.4. SE202300045 Modifications to Parking Lot Grade Requirements at Monticello Visitor Center.

The Executive Summary as forwarded to the Board states that the applicant is requesting special exceptions from § 18-4.12.15(c) and § 18-4.12.17(a) of the Zoning Ordinance, on Parcel IDs 78-22 and 78-23, to permit both (i) the maximum grade of parking areas to exceed 5% and (ii) the grade for vehicle access aisles not adjacent to parking spaces to exceed 10%. The two subject parcels are owned by the Thomas Jefferson Foundation and include the parking lots for the Monticello Visitor Center.

The applicant is proposing a reconfiguration of the parking lots at the Monticello Visitor Center and requests these special exceptions for limited areas to connect new parking with existing parking areas and avoid significant grading of the site. Grading modifications of the existing parking lots were

previously granted with the rezoning application ZMA2004-00005, which established the Monticello Historic District.

Please see Attachment A for staff's analysis and Attachment C for the applicant's narrative, exhibits, and concept plan.

Staff recommends that the Board adopt the attached Resolution (Attachment D) to approve the proposed special exceptions.

**By the above-recorded vote, the Board adopted the Resolution (Attachment D) to approve the proposed special exceptions:**

**RESOLUTION TO APPROVE  
SE202300045 MODIFICATIONS TO PARKING LOT GRADE REQUIREMENTS  
AT MONTICELLO VISITOR CENTER**

**BE IT RESOLVED** that, upon consideration of the staff reports prepared in conjunction with SE202300045 and the attachments thereto, including staff's supporting analysis, all of the comments received, and all of the relevant factors in Albemarle County Code §§ 18-4.12.2(c), 18-4.12.15(c), 184.12.17(a), and 18-33.9, the Albemarle County Board of Supervisors hereby finds that:

- a. the public health, safety or welfare would be equally or better served by the proposed modifications;
- b. the proposed modifications would not otherwise be contrary to the purpose and intent of the Zoning Ordinance;
- c. no reasonable design alternative would reduce or alleviate the need for a vehicle access aisle grade exceeding 10 percent; and
- d. the increase in vehicle access aisle grade would be in the best interest of public health, safety, and welfare.

**WHEREUPON**, the Albemarle County Board of Supervisors hereby approves SE202300045 Modifications to Parking Lot Grade Requirements at Monticello Visitor Center to modify Albemarle County Code § 18-4.12.15(c) and § 18-4.12.17(a) on Parcels 07800-00-00-02200 and 07800-00-00-02300, to permit (i) the maximum grade of parking areas to exceed 5% and (ii) the grade for vehicle access aisles not adjacent to parking spaces to exceed 10%, both subject to the condition attached hereto.

\* \* \*

**SE202300045 Modifications to Parking Lot Grade Requirements at Monticello Visitor Center  
Condition**

- 1) The grade of parking spaces and of vehicle access aisles must be in accord with the conceptual plans titled "Repositioning of the Visitor Center at Monticello – Parking and Drive Aisle Slopes Waiver Request," dated December 11, 2023, and prepared by Timmons Group. *(On file in the Clerk's Office.)*

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Item No. 8.5. Board to Board, January 2024, A Monthly Report from the Albemarle County School Board to the Albemarle County Board of Supervisors, **was received for information.**

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**Agenda Item No. 9. Action Item: Safe Streets for All Grant Goal Determination.**

The Executive Summary as forwarded to the Board states that the TJPDC was awarded a \$857,600 Safe Streets and Roads for All grant to develop a safety action plan for the region. Albemarle County committed to participating in the multi-jurisdictional initiative, including providing a portion of the required local match for the project. This safety action plan, which has been branded "Move Safely Blue Ridge," will identify strategies to reduce and eliminate deaths and serious injuries on the roadway. The TJPDC is seeking Resolutions from each of the participating jurisdictions to support the planning efforts and establish a goal for reducing deaths and serious injuries.

Following the completion of Move Safely Blue Ridge, jurisdictions will be eligible to apply for implementation funding for projects or initiatives identified in the plan. The Resolution will satisfy one of the eligibility criteria established in the Safe Streets and Roads for All grant program, which requires a leadership commitment to reduce and eliminate roadway-related deaths and serious injuries.

In the five-year period from 2018 to 2022, a total of 875 people were killed or seriously injured in crashes that took place in Albemarle County (77 fatalities and 798 serious injuries). The goal set in this Resolution (Attachment A) is consistent with the goals set in the Virginia Strategic Highway Safety Plan (SHSP) - to reduce roadway fatalities and serious injuries by half by 2045. Approving this Resolution indicates Albemarle County's commitment to actively participating in a robust planning process as part of the development of this plan. For reference, Attachment B provides crash statistics for Albemarle County (Attachment B).

The Resolution before the Board does not commit Albemarle County to any additional spending beyond the local match already provided. The strategies to reduce and eliminate deaths and serious injuries on county roadways identified at the conclusion of the Move Safely Blue Ridge process may require funding to implement. Staff will return to the Board of Supervisors to seek implementation funding,

if needed.

Staff recommends that Board of Supervisors adopt the Resolution to Commit Albemarle County to Reduce Roadway-Related Deaths and Serious Injuries (Attachment A).

Mr. Curtis Scarpignato, Regional Planner with the Thomas Jefferson Planning District Commission (TJPDC), said that he was pleased to be there to discuss the Comprehensive Safety Action Plan that the TJPDC was developing in partnership with their jurisdictions, including Albemarle County. He said that he was joined by his colleague, Sandy Shackelford, and his goal for that meeting was to share some brief background about the Safe Streets and Roads for All grant program and to seek a resolution of support from Albemarle County to support efforts to reduce and eliminate deaths and serious injuries on the roadway network.

Mr. Scarpignato said that Safe Streets and Roads for All, or SS4A, was a grant program established by the USDOT (United States Department of Transportation) with the passage of the bipartisan infrastructure law in 2021. He said that the purpose of this program was to reduce and eliminate deaths and serious injuries on the roadways. He said that SS4A had funding in two parts: planning and project implementation. He explained that project implementation referred to projects that would actually resolve these problems, while the plan would be the part where they looked for those opportunities and identified those potential implementation actions.

Mr. Scarpignato said that to be eligible for implementation funding, one must possess an eligible safety action plan. He said that the TJPDC applied for and received SS4A funding to develop this safety action plan with support from their jurisdictions, including Albemarle County. He said that the County dedicated funding toward this grant program as part of the local match. He emphasized that without this safety action plan, Albemarle County and the region would not be eligible to apply for project implementation funding. He said that this opened up the opportunity to pursue funding through a new source of money.

Mr. Scarpignato said that the planning process was being managed regionally by the TJPDC but would also align with each jurisdiction's needs and abilities. He said that to ensure this, they would be working closely with staff to develop priority County measures that met their needs. He said the plan would be both regionally focused and locally relevant, even hyper-locally relevant. He said that the displayed slide showed some of the overall benefits of developing a comprehensive safety action plan. He said that their objective was to utilize this planning process to identify implementation projects that would enhance safety for all roadway users, including motorized, walking, and biking.

Mr. Scarpignato said that these projects may involve infrastructure improvements like traditional engineering projects or changes in traffic safety enforcement, education, and emergency response. He said that another advantage of this process was that it would likely develop a pipeline of projects for them to pursue additional funding through various funding mechanisms in addition to SMART SCALE. He said that these could include the SS4A implementation funds mentioned earlier or various other funding mechanisms, such as those displayed on the screen.

Mr. Scarpignato said that the comprehensive safety action plan was required to have a leadership commitment supporting the reduction of deaths and serious injuries on the roads. He said that additionally, the plan must be data-driven and incorporate a robust public engagement process with special consideration for inclusivity and representative methods. He said that the TJPDC would utilize its established transportation programs to provide ongoing oversight, monitoring, and reporting in order to meet the grant requirements. He said that at this meeting he was addressing the Board regarding one of the components, which was leadership commitment. He said that they hoped to obtain a leadership commitment from the Board to collaborate with TJPDC and dedicate efforts toward reducing fatalities and serious injuries on roads in Albemarle County.

Mr. Scarpignato said that the data displayed represented crash statistics for the most recent eight years of available data for Albemarle County. He emphasized that between 2018 and 2022, there were 875 crash-related fatalities and serious injuries in Albemarle County. He pointed out that there was an upward trend in this data. He said that this was a trend they were also observing in national data. He said that this was not a phenomenon exclusive to Albemarle County; however, it did underscore the urgency of addressing this issue nationwide. He said that this was also why this requirement for commitment from local leadership toward addressing this issue existed.

Mr. Scarpignato said that the grant program stated that to meet eligibility requirements, the commitment must include a goal and timeline for eliminating roadway fatalities and serious injuries. This may be achieved through establishing an ambitious percentage reduction in deaths and serious injuries by a specific date, with the ultimate goal of achieving zero deaths and serious injuries.

Mr. Scarpignato said that after discussing with Albemarle County staff and understanding that Albemarle County's roadways were maintained by the Virginia Department of Transportation (VDOT), the TJPDC recommended that Albemarle County adopt the same goals as those outlined in the Virginia Statewide Strategic Highway Safety Plan. He said that these goals included a 50% reduction in deaths and serious injuries by 2045, with the goal of eventually eliminating deaths and serious injuries. He asked the Board to approve the resolution of commitment included in their meeting packets.

Ms. LaPisto-Kirtley said that she and others had been concerned regarding crashes and fatalities



on their roads, both urban and rural. She said that she had a few questions. She asked if their organization or what they were doing was collaborating with VDOT or the local police departments. She said that she would like to mention that according to the statistics she used when she spoke before the subcommittee, they had had four fatalities and 319 crashes on two roads in the County in 2021 and 2022.

Ms. LaPisto-Kirtley said that she assumed that they were looking at this issue from a different perspective. She said that she knew that they would gather data first and then consult experts who would analyze everything regarding how to make their roads safer. She asked if this analysis would include photo speed cameras.

Mr. Scarpignato said that the objective of the SS4A grant program was to adopt a holistic look at how to resolve those challenges in roadway safety. He said that it was not solely focused on engineering aspects but also encompassed traffic safety, emergency response, and education. He said that they would work closely with VDOT, police departments, and various other partners, including Albemarle County staff, to achieve this goal. He said that it was intended to be a robust effort that incorporated all of those considerations.

Ms. LaPisto-Kirtley asked if this would also involve working with their state legislators to try to get some of these things passed, which as a Dillon rule state they could not do without their permission on some things.

Mr. Scarpignato said that he did not believe that the plan itself would entail that; however, it could be a recommendation that arises from the plan to undertake some additional activities at a statewide level. He said that he understood that there were some changes they might want to implement that could not be carried out without approval from the state.

Ms. McKeel said that she believed that the Board was very supportive of this work, which was great. She said that her questions were quite similar in nature. She said that they had been working in various ways in this regard, speaking for Albemarle County, but she was aware that neighboring counties were also doing the same to address speed, fatalities, pedestrian safety, and roadway safety from multiple perspectives.

Ms. McKeel said that this work would complement their existing efforts in this area. She said that she would like to clarify whether they would receive a report from them containing recommendations based on their findings. She said that they had mentioned this earlier but kindly asked for more details regarding the inclusiveness of these recommendations in relation to their current strategies and how they might collaborate at the state level to implement them.

Mr. Scarpignato said that their intention was ultimately to create the plan itself and present it to the Board in a draft form for their approval before finalizing it. He said that during the drafting process, they would collaborate with their staff and state-level staff to identify paths forward and explore potential opportunities that satisfied the plan's requirements and possibly offered innovative options that may not have been previously considered.

Ms. McKeel said that she saw in the packet that TJPDC was awarded approximately \$858,000. She said that this appeared to be a significant amount of money, but not when considering its distribution across multiple localities.

Mr. Scarpignato said that part of the reason they did that was that there are some benefits from tackling at such a wide scale. He said that there were economies of scale in doing so because it would be more expensive if each jurisdiction went through it on their own to apply for their own grant to do the same things. He said that was part of the reasoning of going through it on a regional level.

Ms. Mallek said that she would like to thank Mr. Gallaway for ensuring that they did not let this opportunity slip away last year because that was both timely and important. She said that she absolutely believed that this approach would be highly effective. She said that she was eager for its implementation because the horror and disgrace of Albemarle County having the highest number of road fatalities in the Commonwealth for three times in the last 10 years, not based on population but simply in general, was truly appalling. She said that therefore, any and all ways they could start to fix that would be greatly appreciated.

Mr. Andrews said that he was glad that the County was a part of this and was looking forward to working on a multipronged approach to making the roads safer.

Ms. LaPisto-Kirtley said that she was supportive of the request, but she would hope that the Board would see a report that did not recommend things outside of the County's financial capabilities. She said that she would like to see pragmatic results that contained actionable items.

Mr. Andrews said that if there were no additional questions, a motion could be made.

Ms. McKeel **moved** that the Board of Supervisors adopt the Resolution to commit Albemarle County to reduce roadway-related deaths and serious injuries (Attachment A).

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.  
NAYS: None.

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**RESOLUTION OF COMMITMENT TO ROADWAY SAFETY GOALS**

**WHEREAS**, 875 people were killed or seriously injured in crashes that took place in Albemarle County from 2018 to 2022 and have lasting impacts on victims, loved ones, and communities at large; and

**WHEREAS**, to better comply with the Albemarle County Comprehensive Plan adopted in June 2015, reducing or eliminating roadway fatalities and serious injuries in Albemarle County will require collaboration among Albemarle residents and other jurisdictions, as well as regional, state, and federal organizations; and

**WHEREAS**, the Bipartisan Infrastructure Law established the Safe Streets and Roads for All (SS4A) discretionary program and funds regional, local, and Tribal initiatives through grants to prevent roadway fatalities and serious injuries; and

**WHEREAS**, Move Safely Blue Ridge—the safety action plan for the Thomas Jefferson Planning District Commission (TJPDC) —will identify and prioritize roadway safety improvements in the region; and

**WHEREAS**, the federal grant received by the TJPDC requires that this safety action plan contain an official public commitment to an ambitious percentage reduction of roadway fatalities and serious injuries by a specific date with an eventual goal of eliminating roadway fatalities and serious injuries; and

**WHEREAS**, Albemarle County is committed to the Virginia Strategic Highway Safety Plan (SHSP)'s vision of zero deaths and serious injuries and its goal to reduce roadway fatalities and serious injuries by half by 2045;

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Supervisors of Albemarle County that the County supports Move Safely Blue Ridge, will actively participate in the planning process, and will prioritize implementation of the recommended safety countermeasures, all with the eventual goal of zero roadway fatalities and serious injuries.

**RESOLVED**, that Albemarle County commits to undertake efforts to one day eliminate roadway fatalities and serious injuries; and,

**RESOLVED**, that Albemarle County commits to undertake efforts to reduce the combined number of roadway fatalities and serious injuries in the County by 50 percent by 2045.

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Agenda Item No. 10. **Discussion Item:** Broadway Blueprint Phase 2 Plan, Mid-point Update.

The Executive Summary as forwarded to the Board states that in 2019, the Board initiated the Broadway Blueprint economic revitalization study as part of the County's investment in the Woolen Mills redevelopment and related WillowTree corporate campus relocation project. The study was interrupted during the COVID-19 pandemic, but completed in March 2022 (Attachment C). The study recommended and the Board approved a Phase 2 effort, the Broadway Corridor Phase 2 Study.

The planning effort is focused on the Broadway Street area, near the Wool Factory. Phase 2 is focused on developing actionable recommendations for physical improvements to the corridor and business development/retention efforts and will also provide recommendations related to land use. The land use recommendations will be used as input for further consideration during the Albemarle County 2044 Comprehensive Plan (AC44) update and future updates to the Southern and Western Neighborhoods Master Plan. 3TP Ventures and Line and Grade Civil Engineering have been contracted to undertake this implementation study, in collaboration with Community Development and with support from Economic Development staff.

The presentation will provide an update on the Phase 2 plan effort underway. The study began in late June 2023 and is expected to be completed by June 2024. The Broadway Corridor Phase 2 Study is an implementation study that will build on the findings from Phase 1 with a focus on the following goals:

1. Create a blueprint for short-, medium-, and long-term implementation steps that support connectivity, placemaking, and economic vitality within the Broadway corridor.
2. Leverage past investment, local interest, and economic opportunity within the Broadway corridor to further the County's Economic Development Strategic Plan (Project ENABLE).
3. Collaborate with the diverse community of stakeholders within and around the Broadway corridor, including small business startups, local artisans, established businesses, property owners, neighboring County and City residents, and City officials and staff to draft recommendations that support the varied needs of the Broadway community.

Attachment A is a map of the study area. Attachment B is the Observations and Opportunities summary identified and developed by the consultants based on their analysis of the area and input received through public and stakeholder input processes held to date. Those findings are provided on four separate "boards" which cover Connectivity, Placemaking, Business Retention and Affordability, and Land Use and Development Patterns. These broader Opportunities will be refined into more specific

recommendations during the next phase of this work. The community input processes have focused primarily on receiving input from stakeholders-the property owners, businesses, and tenants within the study area. Online input opportunities and public engagement "pop-ups" have also been conducted.

There is no budget impact associated with the agenda item. The study is funded through the Economic Development Office.

Staff and consultants will present highlights of their work to date, including the Observations and Opportunities found in Attachment B, and will answer questions and receive input from the Board. The final draft study will be brought back to the Board for review and potential adoption in summer 2024.

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Mr. David Benish, Development Process Manager, said that he was the project manager for this study in partnership with their Economic Development Office. He said that the presentation and discussion aimed to make the Board aware of the project and provide them with a status of their work to date, which was at the midpoint. He said that this offered them an opportunity to ask questions, for staff to answer them, and to provide staff with any direction or comments regarding the work completed by the consultant thus far.

Mr. Benish said that they had two consultants working on the project: 3TP Ventures and Line + Grade Civil Engineering. He said that Rachel Falkenstein of 3TP and Daniel Hyer of Line and Grade would be guiding them through the presentation shortly. He said that they had provided extensive background information in the Board packet; therefore, the presentation would likely be at a higher level and offer an overview. He said that they were prepared to delve deeper into specifics if necessary and aimed to make the best use of available time.

Ms. Rachel Falkenstein said that she was with 3TP Ventures, working with Line + Grade to support the County on the Broadway Blueprint Project. She said that their agenda for today's presentation consisted of a short project overview, including where they were and where they had been. She said that the majority of their discussion today would focus on observations and opportunities related to the four topics: placemaking, land use and development, business retention, and connectivity. She said that they would allocate time for questions and discussion at the end.

Ms. Falkenstein said that regarding Broadway, the area they were discussing was depicted on the map provided. She said that the study area boundary was outlined in maroon on the map. She said that Broadway Street bisected the study area displayed on the screen. She said that she would not read through each of these project goals but would emphasize that goal number one was the primary purpose of this study: to create a list of implementation projects for the County to use for short, medium, and long-term action within Broadway to support connectivity, placemaking, and economic vitality.

Ms. Falkenstein said that this was not a land use study and would not be part of their Comprehensive Plan, but their recommendations that pertained to land use would be provided to the Comprehensive Plan update team and to Zoning for the ongoing zoning update

Ms. Falkenstein said that their project scope consisted of three parts, building upon the Phase One Broadway Blueprint Study completed in February 2022. She said that the intention of Phase One was shown on the top of the screen, and that their goal was to take that work and build upon it, and to have a list of final recommendations and implementation measures by June of that year.

Ms. Falkenstein said that they were half-way through their work, and had completed Phase One, which involved listening, observing, and studying the Broadway area. She said that they presented high-level recommendations today, framed as opportunities to ensure they remained on track before converting them into implementation steps.

Ms. Falkenstein said that they had done some community engagement throughout their work so far and had provided various opportunities to meet with the stakeholders of Broadway. She said that they had organized pop-up events in different locations, held roundtable discussions with the business community, conducted one-on-one site visits and interviews with some property owners in Broadway to gather information, feedback, and thoughts regarding the future of Broadway.

Ms. Falkenstein said that what they presented today was a summary of what they heard from Broadway's stakeholders. She said that they had formulated draft goals and observations, which included opportunities that they aimed to transform into implementation steps. She said that they wanted to conduct a check-in with the Board to confirm that they were on the right track. She mentioned that she would not go through each observation and opportunity in detail but would highlight a few that she thought were compelling and interesting.

Ms. Falkenstein said that she wanted to start with the topic of placemaking because this was really at the heart of what they were trying to do within Broadway. She said that when she said the term placemaking, she was talking about what makes a place interesting and compelling, what makes people want to live there, work there, and visit there. She said that within Broadway, they thought there were some unique and interesting characteristics that fell under the category of placemaking.

Ms. Falkenstein said that often, the term placemaking was focused around public planning and design of spaces, and there was some of that happening in Broadway, especially with the public investment that went into the Woolen Mills redevelopment. She said that however, there was also a good

bit of grassroots placemaking happening from the organizations and businesses that were there today, inviting people into their businesses, into their spaces, which was bringing some vibrancy to the area.

Ms. Falkenstein said that the other category of placemaking in Broadway centered around the abundant resources of the area, such as the river nearby, Moores Creek, and all the environmental resources that went with that, as well as some cultural and historic resources due to this important location.

Ms. Falkenstein said that opportunities related to placemaking primarily focused on bolstering what was there. She said that if one was standing on Broadway Street, they may not be aware that they were near the Rivanna River and the Rivanna Trail network, which was a wayfinding to guide people toward the amenities that already existed. She said that expanding the Greenway Trail network within this area and identifying opportunities for additional public spaces could be explored.

Ms. Falkenstein said that during conversations with business owners, it became evident that they did not desire heavy-handed involvement from the County in dictating uses or trail locations. She said that, however, some of this was already occurring, as business owners had discussed trails across their properties. She said that in this context the County could serve as a supportive partner for these businesses. She said that the County could take a more active role in placemaking within the street and public realm of Broadway Street. She said that Mr. Hyer would discuss what that could entail later.

Ms. Falkenstein said that on the topic of land use and development, the draft goal regarding this issue was presented at the top of the slide. It primarily focused on preserving the industrial nature of the corridor while providing spaces for new creative industries. She said that the existing use in this area was predominantly industrial, consisting of low-intensity, single-story, metal frame buildings situated in the center of lots. She said that this allowed for infill development while maintaining what was already there. She noted that examining the policy and regulatory framework of Broadway revealed that both the Comprehensive Plan and Zoning Map called for industrial uses in this area. She said that however, there was a discrepancy circled in blue where the Comprehensive Plan called for residential use while the Zoning Map prioritized industrial uses. She said that this inconsistency could be addressed during the AC44 update process.

Ms. Falkenstein said that as mentioned in the draft goal, retaining industrial uses in the near term was considered a sensible approach. She said that they aimed to take a clear look at this area and understand that market forces were increasing the cost of land, potentially pushing this area toward a mixed-use future. She said that the City recently did a rezoning, and the area around Broadway within the City was experiencing some redevelopment and higher intensity development, and the land costs have risen. She said that preparing for this mixed-use future could present an opportunity.

Ms. Falkenstein said that the topic of business retention and affordability was closely related to land use. She said that their draft goal was to maintain Broadway as an affordable place for the businesses, the startups and the artisans that were there, but also allowing opportunities for new creative industries within Broadway. She said that historically, Broadway had been an affordable place for startups; for industries to locate their businesses, but that was changing due to the increasing cost of land.

Ms. Falkenstein said that the cost of land had increased, resulting in higher property assessments for owners. She said that this had led to concerns among residents about potential displacement and the lack of alternative locations within Albemarle County. She said that upon analyzing the data, they confirmed that the industrial inventory vacancy rate hovered between 0% and 2%. She said that consequently, if people were displaced, they may struggle to find suitable spaces within the County and could be forced to relocate elsewhere.

Ms. Falkenstein said that they received concerns regarding the possibility that public investment through this project might exacerbate the cost increases that people were experiencing. She said that this was a valid concern that had been expressed by both tenants and property owners. She said that addressing this topic required exploring opportunities for targeted incentives and programs that could support existing businesses. She said that some of these initiatives might already be in place; however, she wanted to emphasize the first one: the Arts and Cultural District designation.

Ms. Falkenstein said that this could be an opportunity to support some of these users who were artisans or makers. She said that there were art studios in the area. She said that if the County was enabled to apply for an Arts and Cultural District within its boundaries and if it did so, there were a number of incentives that the County could offer to users who met certain criteria to support arts and cultural uses. She said that this could be a tool to support some of those makers in Broadway.

Ms. Falkenstein said that however, when considering the vacancy rate and concerns about displacement, they thought that working now to set up a future where, if costs did displace businesses in this area, there would be an opportunity for them to stay in the County. She said that by looking Countywide at their industrial land inventory and through processes such as AC44 or other planning efforts, they may be able to identify space where these industrial users could go and stay within Albemarle County should they be displaced in the future.

Mr. Daniel Hyer said that he was with Line + Grade Engineering. He said that he would be discussing linear connectivity along Broadway Street. He said that he would begin by sharing some general observations and then proceed to recommendations that were on a spectrum of opportunities.

Mr. Hyer said that the roadway was currently part of the VDOT roadway inventory but did not have a functional classification in the VDOT inventory, so the roadway was waiting for its definition of what it wanted to be. He said it was a hybrid of almost rural, with no curb or gutter or sidewalks with ditches on either side, but parts were trending toward suburban with gutter pans but no sidewalks.

Mr. Hyer said that the roadway's width varied along its length, with some areas featuring plantings and trees while others did not. He said that similar to the land use along the roadway, users ranged from those requiring large vehicles for deliveries to those who did not. He said it really had an interesting mix of what it wanted to be and what it needed to be, depending on who was there along the roadway corridor. He said that their work was to consider these things and then develop feasible projects that provided the County with diverse opportunities in terms of cost and invasiveness of implementation.

Mr. Hyer said that they would initially discuss near-term improvements, which capitalized on an opportunity presented by ACSA (Albemarle County Service Authority). He said that in the coming months, ACSA planned to undertake a waterline replacement project along the corridor. He said that upon completion of this work they would mill and repave the roadway surface. He said that essentially, ACSA was offering the County an opportunity to apply paint on the ground and stripe the roadway. He said that by using a small amount of paint, they could begin to alter the character of the roadway slightly.

Mr. Hyer said that they were not suggesting that they provide sidewalks or walking paths; however, by striping the roadway and defining the vehicle thoroughfare, they also indicated where vehicles should not go and where pedestrians could walk in a more defined manner than they did currently. He said that the other thing this did was that it did not inhibit any large vehicle movements, which was a concern for some businesses along the corridor, particularly light industrial businesses receiving very large vehicles that require interesting maneuvers to access their properties.

Mr. Hyer said that they had spoken to VDOT representatives about this, and they were generally supportive. He said that in fact, VDOT was trying to help them identify other places where they had completed similar projects within the Commonwealth. He said that if this was of interest, they would continue to pursue this. He said that this would require some additional work and coordination between the contractor performing the waterline replacement and possibly County staff or ACSA staff to ensure that the margins of the roadway were more consistent. He said that this would involve shoulder work, which was not roadway building work but rather improving the shoulders for a more consistent width.

Mr. Hyer said that they had identified this project as a near-term project that could significantly impact the corridor without requiring substantial capital investment from the County.

Mr. Hyer said that the mid-term improvements was largely inspired by feedback received from stakeholders during their conversations with various individuals. He said that it appeared that the corridor's users and businesses desired the corridor's eclectic nature to be reflected in the businesses and users of the corridor.

Mr. Hyer said that suggestions included implementing bioswales, pollinator gardens, or other plantings that enhanced the corridor's appearance, but not in a heavy-handed way. He said that the Ix Art Park served as a grassroots-oriented example that had improved without adhering to standard methods like a VDOT roadway project. He said that to implement these changes, the County must engage in a specific dialogue with VDOT regarding future ownership of the road. He said that VDOT would likely not be very permissive of this type of grassroots-oriented improvements because they did not align with VDOT standards.

Mr. Hyer said that however, if the County were to take ownership of this roadway and thus assume responsibility for maintaining it in perpetuity, there might be some more opportunities available for these mid-term improvements. He said that these improvements were more integrated with what Ms. Falkenstein discussed regarding placemaking. He said that the County may also need to make some subtle additional improvements to better define what was pedestrian and not pedestrian along the corridor. He said that they could explore this further if there were questions about it.

Mr. Hyer said that the long-term improvement was based on the idea of waiting and seeing. He said that they would observe how the corridor changed over the years and decades ahead, whether it became an integral and important link in the multimodal network of Charlottesville and Albemarle, and whether it would retain its industrial nature. He said that the Greenway connection, which was a long-range plan, was oriented around assessing how short-term and mid-term projects were received before identifying it as a desired outcome. He said that some desired aspects might include lights or curb and gutter or a shared-use path.

Mr. Hyer said that it was currently challenging to determine if this would be the appropriate solution for this corridor, taking into account potential future actions by the City over the coming years and decades. He said that the City's current focus was on East Market Street rather than Carlton, which was how the City was feeding into the Broadway corridor. He said that there was not much City energy currently directed toward Carlton itself. He said that the emphasis, as mentioned earlier, was on East Market Street. He said that the County should monitor these factors and consider them in the days ahead.

Ms. Falkenstein said that the discussion would conclude with their meeting with the Planning Commission (PC). She said that they had a work session, or more of an informational presentation, in

January where the PC shared some feedback they wanted to relay to the Board.

Ms. Falkenstein said that the primary topic was the idea of change she mentioned earlier. She said that they were seeing what was going on in the City and were concerned about displacement and market changes. She said that they wanted to be aware of potential future scenarios and plan accordingly. She said that regarding this concern they discussed the need for addressing displacement and considering where and how industrial users and startups could operate in the County. She said that proposed potential incentives such as tax rebates for the area, exploring TIFs (Tax Increment Financing) or a Researcher Innovation District could support businesses within Broadway.

Ms. Falkenstein said that they also expressed concern about the County owning or maintaining Broadway when thinking holistically about all of the other streets and road improvement projects in their queue, and whether this fell at the top of the list for the County to take over ownership. She said that some individuals emphasized the importance of collaborating with the City and considering broader connectivity of this area.

Ms. Falkenstein said that sustainability was also a theme discussed by the PC due to its proximity to these sensitive resources. She said that they wanted to ensure that development did not encroach upon the riverfront and that sustainable measures were implemented, such as improvements to Broadway. She said that vegetated bioswales were suggested as one possible solution.

Ms. Falkenstein said that the final point was that this area was unique and special due to its location near the river. She said that it was proposed that high-end infill development could provide river views without impairing the land directly adjacent to the river.

Ms. Falkenstein said that they would like to invite Board discussion and questions. She said that they sought the Supervisors' input on whether there were any topics or themes that were shared that they should not pursue further or if there was anything missing that they should consider.

Ms. LaPisto-Kirtley said that she was excited about the potential for the entire corridor. She said that various aspects regarding light industrial and arts and cultural districts had been presented, which sounded quite promising. She said that she had a question regarding slide 16, as she was curious if the design did not meet VDOT standards because of the presence of pedestrians along the roadway without a curb separating the two. She asked if adding a curb would improve compliance with VDOT standards.

Ms. LaPisto-Kirtley said that she was trying to understand whether or not the County should take control over this because that would mean maintaining it in perpetuity. She said that she had concerns about this and preferred for this to be a VDOT road instead. She asked for an explanation regarding why this design would not work or why VDOT did not consider this option.

Mr. Hyer said that in terms of their initial conversations with VDOT and their understanding of what their expectations were regarding geometric standards for roadways, he believed that it was primarily focused on defining a pedestrian path. He said that there were multiple definitions of what this was based on the guidance being considered. He said that for instance, if they referred to a resource like PROWAG (Public Right-of-Way Accessibility Guidelines) and examined its specifications, they could likely meet the definition of what a pedestrian facility was in terms of guarding the County from accessibility issues and ensuring compliance with accessibility standards.

Mr. Hyer said that in contrast, VDOT's definition of a pedestrian facility would require more traditional elements such as sidewalks and curb and gutter. He said that they shared Ms. LaPisto-Kirtley's hesitation about wanting the County to own this road. He said that VDOT would likely be eager for the County to own this road, not only from a financial perspective but also because this was essentially an isolated stretch of roadway that VDOT had to maintain, surrounded entirely by City roads. He said that consequently, they must drive through roads they do not maintain in order to maintain this singular facility for less than a mile in length.

Ms. LaPisto-Kirtley asked if VDOT would approve of road improvements such as what was pictured on Slide 17.

Mr. Hyer said that was correct. He said that it generally aligned more with the VDOT standards for a pedestrian facility.

Ms. LaPisto-Kirtley asked if it was a possibility for them to go from short-term to mid-term to long-term along the way.

Mr. Hyer said exactly. He said that if the short-term or near-term improvements suggested that pedestrians were using this frequently or more than they currently did while walking along the road with no markings, this could become an important link in the pedestrian and bicycle network. He said that they believed that this was the case; however, he could not predict demand. He said that if Market Street became more preferable in the long term, the County would have the discretion to proceed directly from near-term to long-term improvements. He said that the long-term improvement would be a very expensive project because it would involve rebuilding the entire stormwater network.

Ms. McKeel asked if Mr. Hyer could repeat his mention of long-term improvements and VDOT.

Mr. Hyer said that he believed he mentioned that the long-term improvement project would be a

very expensive project.

Ms. McKeel said that she missed his other comment about VDOT. She said that this was indeed an area that required caution and careful work. She said that many of them had been concerned about the lack of light industrial facilities in their community, and that they had to protect the light industrial because they hardly had any of it. She said that she had personally observed that much of the existing light industrial had been repurposed for other uses. She said that she was somewhat hesitant about discussing the possibility of introducing residential because she feared that such a move might lead to gentrification of the area and increase its cost, which was a significant concern for her. She said that this was simply to offer a comment, since he sought major takeaways.

Ms. McKeel said that she would strongly support the establishment of an arts and cultural district in the County. She said that this had been a topic of discussion within the County for several years now. She said that this would be an excellent location, in her opinion. She said that her knowledge of arts and cultural districts was quite limited, so she was uncertain about the specific ramifications. She said that she would love to learn more about that. She said that it appeared that this area could potentially support such a district.

Ms. McKeel said that she agreed that assuming control of this roadway would indeed be a cause for concern, at least in the short term. She said that eventually Albemarle County might have a more robust public utilities department than they currently had, however, she did not believe they were prepared to undertake this at present. She said that she was interested in exploring the potential benefits of collaborating with the ACSA and what they were doing.

Ms. McKeel said that she was aware that on Garth Road, VDOT had extended the sides and paved them as far out as possible while paving the road itself. She noted that on Garth, there were those steep shoulders which made it almost impossible to do some tasks. She said that they had been willing to extend the paving as far out as possible, which would be very helpful in addressing this issue.

Ms. McKeel said that part of VDOT's requirements for bringing up to VDOT standards involved the depth of the pavement and stormwater. She said that those would be the long-term and not the short-term, because that was not going to happen with the ACSA because this was just a repaving.

Ms. McKeel said that they were concerned about displacement, as they had had several business owners and artists come to them over the years discussing their struggles due to rising costs. She said that in her district, implementing pedestrian-friendly options like sidewalks had not created so much gentrification, which was a good thing.

Ms. McKeel said that she was hopeful that the VDOT would modernize its approach to better support arts and cultural initiatives. She said that there were other DOTs (Departments of Transportation) around the country that had implemented more progressive work in this area, which she believed they should emulate. She said that one example was allowing utility boxes to be wrapped in art. She suggested that they continue encouraging VDOT to think beyond their current scope and consider what their colleagues were doing in other states.

Ms. McKeel said that one other concern she had was regarding the report, which mentioned that business owners were currently worried about petty crime. She said that this issue had been highlighted but she did not believe it was discussed by anyone.

Ms. Falkenstein said that was correct. She said that they did not include everything due to time constraints; however, that issue arose. She said that they had experienced catalytic converters being stolen from their vehicles left out overnight, and they believe there had been insufficient enforcement in the area.

Ms. McKeel said that she believed that was something that could easily be addressed. She said that she was merely pointing it out because she had circled it and noticed it in the report.

Mr. Gallaway said that he believed that for some of the things that Ms. Falkenstein was looking for, residential took a backseat to light industrial in this case for him, completely. He said that he was not saying no to residential, but it had to be in support of light industrial elements. He said that often when they did a development, the industrial portion helped justify the expense or made it affordable to do a development. He said that he would almost want the reverse to happen here in support of any light industrial type of elements.

Mr. Gallaway said that he was certainly supportive of an arts and cultural district, but it must be in harmony with that light industrial. He said that they could not call it an arts and cultural district and then have people visit the district expecting arts and culture, only to find light industry instead. He said that they would feel disappointed and question the authenticity of the district. He said that many elements of an arts and cultural district could be integrated into the area. He said that to achieve this balance, careful thought and planning were essential. He said he did not want it to be one or the other; rather, he believed both could coexist.

Mr. Gallaway said that in an arts and cultural district, a public venue for community gathering would be important for supporting various art forms. He said that public fairs and events could provide opportunities for artists to sell their work outside of their production spaces. He said that similarly, light industry could benefit from this integration.

Mr. Gallaway said that naming of this area as an employment district was in there somewhere. He said that to clarify the intentions of this designation in the Comprehensive Plan, he would support further exploration of its meaning and implications for mixed-use or residential development. He said that perhaps that could play out in their Comprehensive Plan discussions. He said that he would be in favor of addressing any zoning Comprehensive Plan mismatches that existed, as mentioned, in order to support the idea that this is a light industrial area, and anything that could be done to help that arts and cultural piece.

Mr. Gallaway said that if there was a way for height to be achieved, he would want that height to be in support of the light industrial, not putting things over the light industrial. He expressed concern that the residential area may push away values that would make it problematic for those. He said that if they contained the light industrial in this area and there was no expansion in other parts of the County, they must consider whether there was expansion potential for the industry there. He said that if it was all spread, the only way they could go was up. He said that they could have these conversations at a different point.

Mr. Gallaway said that he was open to considering different things with the roadway. He said that VDOT needed to drive through the City to reach certain areas of his district to maintain roads for snow and plowing, and the Police Department had to do the same in order to police those areas. He said that he did not want to be in the road owning business, and that it should be VDOT. He said that they should just accept that and handle the cost and get it done. He said that he was not closed to the idea of maybe having the flexibility if they owned it and what that could mean.

Mr. Gallaway asked if there had been any other discussion regarding its connection in their connectivity piece. He said that the pedestrian bridge linking over to Pantops was not dead. He said that they would be requesting a RAISE (Rebuilding American Infrastructure with Sustainability and Equity) grant to determine the engineering costs. He said that having that connection from Pantops from a bike pedestrian standpoint, the location of that bridge was specifically designed to empty into this area.

Mr. Gallaway said that he did not want that to be lost as they considered this, that that could be a future connectivity piece as they discussed getting around. He said that they want to be planning for that because, although it may not happen within the next five years, he thought that bridge would come to be at some point because it was still alive and well. He said that they just need to figure out how to get it funded, and what the best way to do it was.

Ms. Mallek said that she was grateful for the opportunity to read this report and took comfort in much of what was provided. She said that she wanted to emphasize that there were some concerns. She said that regarding the recent VDOT work and what ACSA was doing, it would not jeopardize the VDOT care in any way. She said that it was just going to resurface, so that first run of striping sounded wonderful because it would at least provide the illusion of a safety zone for pedestrians, although not a real one.

Ms. Mallek said that the Arts and Cultural District had garnered interest from other parts of the County. She said that particularly, if it came along with a land use property tax program to help control costs and prevent gentrification, that would be spectacular; however, this would require assistance from the state legislature. She said that there were numerous industrial artisans, and that there was a metal crafter in there who could not operate in a normal studio at McGuffey because they needed large, open spaces with high ceilings and concrete floors. She said that it was a delightful mixture. She said the scientists who made the concrete ponds for making wreaths and those kinds of uses just could not go other places. She said that the long-time family owners of these buildings played a significant role in maintaining their properties and contributing to the County's vibrancy, and that they had been doing the placemaking building themselves for years. She said that when Ms. Falkenstein discussed that they were placemaking, she wondered for whom they were placemaking.

Ms. Mallek said that in her opinion, the focus should be on the people already present in the area rather than attracting large numbers of tourists. She said that she believed that the Willow Tree effort was almost separate from what occurred on the rest of Broadway due to the differing uses. She said that she wanted to ensure that they respected that. She said that she had also heard concerns about not assisting too much because they were worried about the consequences of such actions.

Ms. Mallek said that similarly, many were concerned about the consequences of a VDOT curb and gutter road that would remove every tree that was in this picture if they were going to go to 40 feet curb and gutter, sidewalks, and other infrastructure that would take away from the uniqueness and the small village approach. She said that the complementary uses mentioned by Ms. Falkenstein, primacy of creative and industrial uses, should be prioritized. She said that complementary uses tended to take over quickly, but using the term market values, and this was going to happen anyway so they might as well give up now, that she would build barricades against this mindset at all times because they could not give up. She said that she appreciated that they were thinking about acting now before things happened that were outside of their control.

Ms. Mallek mentioned that removing residential was her note from doing the homework, removing residential from the Comprehensive Plan because it would take over. She said that every other light industrial property that had come under attack in the last 15 years has been "Let's get the quick money grab and let's put apartments there." She said that sometimes the Boards in place had said no, that they were not going to do that, and she hoped that they would continue to be protective in that way because



they could not then come back and say that they needed more places for businesses to go if they had given it away to someone who wanted to turn it over or flip it.

Ms. Mallek said that there was a small-town feel in this neighborhood that many residents and workers valued. She said that they appreciated the variety of businesses that work together on numerous projects. She said that this was similar to what happened in small towns or villages in her district, that they were getting overrun, and the original flavor was diminishing. She said that long-time residents and newcomers who moved there because of those values were concerned about what was being lost. She said that they had a chance to keep those things.

Ms. Mallek mentioned that VDOT had talked for years about context-sensitive roadways, and she believed that they should raise this issue again. She said that new staff have been there now since five years ago, so she thought that they needed to use that as a good push. She said that it was their own words, and that they said they were doing this, and that she would like to see them doing it a lot more and not getting in the way of this.

Ms. Mallek said that regarding avoiding intensification of the zoning use, the extra height set off alarm bells for her because that meant what sufficed for people sharing an undeveloped roadway now became overrun with delivery trucks or personal vehicles zooming up and down.

Mr. Pruitt said that like other members on the dais he loved this community and frequently found himself walking through it. He said that he was a runner and was often on the Rivanna trails, where he occasionally took a break and walked around for a while. He said that this community was truly wonderful, and he shared his colleagues' desire to preserve its special character that made it that. He said that he would like to address some specific questions he had prepared.

Mr. Pruitt said that he was aware from previous discussions that there was some frustration regarding current uses, particularly around existing residential properties such as the triplexes on the northern end and the nearby water treatment facility. He said that he was curious if there were additional frustrations regarding uses. He said that they had discussed how zoning was designed to mitigate frustration of uses and they had highlighted several times the eclectic mixture of uses currently present in the area. He said that he would like to know if there were any existing friction points that they might inadvertently exacerbate.

Ms. Falkenstein said that she did not hear about any come up that were happening currently regarding additional residential developments causing friction. She said that one concern discussed was whether people living near breweries might experience issues due to the intensive nature of brewing, which involved noise and odors. She said that this was mentioned during a conversation with one of the brewers.

Ms. Falkenstein said that, however, she did not hear this concern from any of the residents they spoke to about things going on today. She said that one concern raised by someone from a neighboring community was noise-related, specifically regarding potential additional tasting rooms, events, and weddings in the area. She said that it was unclear if this concern was specifically related to current events happening now.

Mr. Pruitt said that he understood that the concept of an arts and cultural district was discussed in relation to potential strategies to mitigate rising rents due to enhanced amenities. He said that it was not immediately evident how these two aspects connected unless it was as Ms. Mallek suggested, possibly through some form of land use that involves engaging in productive artistic activities, which would result in a lower tax burden. He asked if this was the general idea or if he was misunderstanding.

Ms. Falkenstein said that there were numerous ways in which the County could approach an arts and cultural district; however, she was not an expert on these matters. She said that they planned to delve deeper into this topic, but tax rebates represented an opportunity that the County could explore. She said that if a property owner met certain criteria to support arts and cultural uses, they could receive some amount of tax abatement. She said that she did not know the specifics at this time, but they would conduct further research if that was something of interest to the Board.

Mr. Pruitt said that thinking about that concept off the top of his head, one concern he would like to highlight is that as art spaces become increasingly intentional through government assistance and creation, they may become places that were predominantly occupied by the most entrepreneurial artists, possibly the most business-savvy and well-educated, but not necessarily those from the community. He said that the intentional space may not fully align with the essence of art being unintentional in nature. He said that this was something he was mildly concerned about but not overwhelmingly so.

Mr. Pruitt said that regarding VDOT retaining control of this road, it was unclear if the County had any tools or levers to drive the improvements they were discussing. He said that their relationship with VDOT primarily involved filing SMART SCALE projects and hoping they were selected. He said that outside of this toolkit, he was unsure if they had near-term improvement strategies in place. He said that he was unclear about how they could reliably achieve these improvements within a meaningful time frame without taking over the road.

Mr. Gallaway said that this would likely be more of a Revenue Sharing type of project. He said it was not SMART SCALE but would be a smaller project. He said that the Berkmar to Airport Road project was a Revenue Sharing type of project, although that was not small. He said that the cost of this project

by VDOT was uncertain; but he imagined that would be the avenue for them to do this.

Mr. Pruitt said that he would like to add one additional note. He said that they had frequently discussed the tension between residential and its ability to price out the very things they were concerned about. He said that they had also collectively talked about the idea in various ways and from various angles of supporting artistic activity and the possibility of creating an arts and cultural district. He said that one idea that had been observed in other localities, particularly those with significant legacy buildings, was the concept of live-work artist lofts.

Mr. Pruitt said that these spaces were specifically zoned for individuals engaged in artistic production and allowed them to sleep there as well. He said that communities relied on this model to create an affordable and organic environment where people both lived and produced art. He said that he was uncertain if this would be feasible without the legacy infrastructure, as these lofts typically occupied large warehouses. He said that he would be interested in exploring whether this concept could be adapted to their space, given its potential to address multiple concerns they had identified simultaneously.

Mr. Pruitt said that this was merely a suggestion for further consideration; he was unsure if his fellow Board members would support this idea, but he saw it as a potential opportunity if it was practically feasible. He said that he was unsure if this was something a developer would consider, but it appeared intriguing.

Mr. Pruitt said that he would also like to see data on the existing rents of the current residences. He said that there were not many of them; he believed that it was literally just the three triplexes on that one street. He said that if he was mistaken, he asked for correction. He said that they often discussed displacement, but he was not certain how realistic that was. He said that he did not know realistically what the going rents in that neighborhood or the adjoining, almost entirely very affluent single-family neighborhoods in Charlottesville, were. He said that he knew the ones that they had here in the County were rentals and were slightly more modest but did not know what kind of neighborhood texture they were looking for the actual residential folks there. He said that he knew what it looked like but did not know what they were paying.

Mr. Andrews said that he believed that utilizing ACSA's improvements as an opportunity to gain some clarity on this road was indeed of interest. He said that he was sensing considerable apprehension about acquiring the road from VDOT, despite recognizing that they sought as much flexibility from VDOT as possible, so that it would enable them to incorporate a pedestrian way without compromising the ability for large trucks to navigate up and down the road and access various areas. He said that he noticed Ms. Shepherd was present, so they would continue this discussion; however, he was unsure about the rules regarding this matter. He said that he understood that this was a VDOT road, but that the County desired flexibility in how this would work.

Mr. Andrews said that he had heard concerns regarding gentrification and that it is a light industrial area. He said that before addressing these concerns, he wanted to ensure that everyone was in agreement. He said that he would like to know if there was a slide displaying the current zoning and Comprehensive Plan together. He said that he was trying to better understand what was indicated was that the area northeast of there was considered neighborhood density near the river.

Ms. Falkenstein said that the Comprehensive Plan on the left had a combination of neighborhood density, indicated by yellow, and green for parks and green systems. She said that this was due to the presence of floodplains and slopes in that area. She said that the current zoning for this area was light industrial; however, the yellow parcels on the right were R-2 residential, so some of it was residential.

Mr. Andrews said that some areas of the development were residential, and the green space was located there. He said that mixed-use referred to the community mixed-use area, which was primarily the Woolen Mills site. He said that this area was already developed.

Ms. Falkenstein said that was correct.

Mr. Andrews said that he concurred with the notion that losing light industrial space was concerning; however, this location was also suitable for connecting artisans and community. He said that he acknowledged that being near the river increased its value for those wanting to live near work.

Mr. Andrews said that he agreed that he would like to hear more about what employment districts were and their relevance to the live-work ideas proposed by Mr. Pruitt. He said that he recognized that light industrial uses should dominate this area. He said that the PC discussed potential economic incentives for this area; however, he had not heard about the Economic Development Authority (EDA) or the Economic Development Office (EDO) being involved in this matter yet. He asked for insight into this matter.

Ms. Falkenstein said that they were actually the leaders of this study, and their office was funding it. She said that they had been working closely with them throughout this process. She said that the EDO had limited staff who occasionally attended meetings when possible. She said that the EDO had entrusted them to take the lead and be more active in the community. She said that they frequently checked in with them for guidance, and they had been informing their work.

Mr. Gallaway said that local business incentives had been an opportunity for business retention. He said that considering that Mr. Newberry and Mr. Albrecht were present, as they approached the

refresh in Project ENABLE, similarly to how they should discuss incentivizing affordable housing, the displacement consideration here was the rising values for businesses, which may lead them to move out. He said that to address this issue, they needed to start thinking about Albemarle economic development as more than just connecting businesses to grant opportunities or providing guidance; they must implement actual programs that required financial investment to incentivize businesses to stay in their current locations, as they were considering it for housing and residential.

Mr. Gallaway said that he believed that the appropriate place for this discussion could be when Project ENABLE was refreshed, and they could consider what the actual incentives would be and whether they needed to create a budget for them. He said that instead of solely focusing on tax rebates, they could explore alternative ways to assist. He said that he did not anticipate that they would need to determine what those alternative methods might be. He said that however, the economic development team and others should consider this when refreshing Project ENABLE, which may also be discussed during the Comprehensive Plan discussions, and that it would certainly be in the annual budget planning.

Ms. Mallek said that she would like to clarify this matter regarding the image on the right. She asked if the yellow parcels within the circle were located in the City or the County. She said that she assumed that the City encompassed both sides of East Market Street.

Ms. Falkenstein said that those particular parcels were in the County.

Ms. Mallek said that she was surprised and asked if they were currently neighborhood density. She said that that was over the crest of the hill where the blue and yellow came together, and that was the height of land, and then it sloped down. She said that she would go down and visit the area.

Mr. Hyer said that the image on the right, if one drove down East Market Street all the way to the end where one would begin seeing signs that said to turn around or to not get to Broadway this way, that they were in the County.

Ms. Mallek clarified that it was that last block only. She said that she would like to remind everyone that in an earlier light industrial rezoning matrix development some number of years before, residential was added in support of light industrial. She noted that this was proposed by the research business sector, who argued that they often need staff available 24 hours a day. She said that consequently, this was deemed necessary.

Ms. Mallek said that however, in the last year, an entrepreneurial applicant suggested focusing solely on residential use in a mixed-use area that included residential and light industrial, and disregarding light industrial. She said that this raised concerns for her, as there should be a strong connection between the two uses if they decided to combine them, rather than leaving it open to interpretation.

Mr. Andrews asked if there were any further comments.

Ms. Mallek said that one thing that this slide reminded her of was when she was doing her homework; she realized that they needed to recognize Moores Creek's presence. She said that this was not negotiable. She said that previously, discussions had arisen regarding various existing factors, but she did not see that going anywhere.

Mr. Benish said that they had completed their work, and he thanked everyone for their input. He said that they would soon meet with the City based on the comments they received from the PC and the Board. He said that their goal was to finalize a document and present it by the end of the fiscal year.

Mr. Benish said that this document was not intended to be adopted as part of the Comprehensive Plan, as the consultant stated. He said that it would continue to be a study document. He said that the input for it would be very useful for the Comprehensive Plan, Zoning Ordinance, and Project ENABLE in the future. He said that it would be used in that way, but it would not be an amendment to their Comprehensive Plan.

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**Recess.** The Board recessed its meeting at 2:53 p.m. and reconvened at 3:09 p.m.

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Agenda Item No. 11. **Presentation:** Transportation Planning Quarterly Report.

Ms. Jessica Hersh-Ballering, Principal Planner, said that she was there to present the highlights of their Transportation Planning Quarterly Report for the months of October through December of last year. She said that before proceeding, she introduced Tanya Swartzentruber, their newest staff member from Austin, Texas, who had over a decade of planning experience in both the public and private sector. She said that Tanya would be serving as their Long-Range and Transportation Planning Manager. She said they were looking forward to having Tanya on board and hoped that the Supervisors could talk to her soon.

Ms. Hersh-Ballering said that in their previous quarterly report, they had concluded SMART SCALE 2022, and in this report, they would initiate discussions regarding SMART SCALE 2024. She said that as a reminder, the SMART SCALE grant program was the primary method for funding large-scale transportation projects in Virginia. She said that although SMART SCALE did not require any local match,

local funds could be committed to any project to enhance the cost-benefit analysis and increase the likelihood that the project would be funded.

Ms. Hersh-Ballering said that Albemarle County, the Thomas Jefferson Planning District Commission (TJPDC), and the Charlottesville Albemarle MPO (Metropolitan Planning Organization) could each submit up to four project applications per round. She said that pre-applications for this round were due on April 1, final applications were due by August 1, and prior to that date, staff would bring to the Board of Supervisors requests for resolutions of support for all projects that would take place in Albemarle County.

Ms. Hersh-Ballering said that she would like to remind everyone of the lengthy timelines associated with transportation projects. She said that for projects submitted in this round and receiving funding in this round, the funding was not guaranteed to be available until summer 2029. She mentioned that occasionally, projects may be fast-tracked, allowing work to be completed sooner; however, summer 2029 was when the funding was programmed to be available.

Ms. Hersh-Ballering said that Albemarle County relied heavily on technical assistance from VDOT colleagues to prepare SMART SCALE applications. Over the past few months, potential projects had been discussed with them. She said that the seven projects listed were the highest priority and were expected to be competitive due to recent SMART SCALE policy and scoring changes. She said that they had not yet determined which projects Albemarle County would apply for versus those that the TJPDC or MPO would apply for on their behalf; however, this was the comprehensive list. She said that each project would appear on the map on the right as they discussed it, with its number.

Ms. Hersh-Ballering said that number one was the Rio Road and Hillsdale-Northfield-Old Brook intersection improvements. She said that these two intersections were very close together, and that the Rio and Old Brook intersection was close to the Rio-Northfield-Hillsdale intersection. She said that this project involved constructing a double roundabout at both intersections to improve safety and efficiency, essentially creating one large intersection. She said that it would also add a shared-use path on the north side of the project area. She said that existing sidewalks were on the south side of the project area, and pedestrian crossings for all legs would be added. She said that this project was identified in the Rio Road corridor study.

Ms. Hersh-Ballering said that next, they had project two at the bottom of the map. She said that this was their US 29 and Plank Road intersection improvements project. She said that this would construct a restricted crossing U-turn or R-cut so that all vehicles coming from Plank Road would need to turn right onto 29. She said that if they had wanted to make a left onto 29, they would need to make a U-turn at a dedicated median opening a little bit downstream and then continue the way they wanted to go. She said that this project was identified by a VDOT safety study.

Ms. Hersh-Ballering said that next was project three out on the west side of the map. She said that this was the Old Trail Drive and US 250 West intersection improvements project. She said that this project would construct a roundabout at the intersection of Old Trail Drive and 250, including the entrance to Western Albemarle High School. She noted that this was a resubmission of an application that was submitted in SMART SCALE 22 but was not funded.

Ms. Hersh-Ballering said that next she would discuss project four, which was the 5th Street and I-64 interchange improvements project. She said that this project was a big one; it would reconstruct the existing unsignalized diamond interchange as a diverging diamond interchange or some other improvement. She added that this project would include a shared-use path and pedestrian crossings within the project limits.

Ms. Hersh-Ballering said that next was project five, the Barracks Road improvements package. She said that this would be a package of improvements aimed at addressing safety and efficiency concerns along the Barracks Road corridor between Georgetown Road and Emmett Street. She said that the exact improvements were currently being determined as part of the Barracks Road Project Pipeline Study, which they would discuss later in this presentation.

Ms. Hersh-Ballering said that they had project six: the Ivy Road improvements package. She said that this project would also be a package of improvements aimed at addressing safety and efficiency concerns along the Ivy Road corridor between Ednam Drive and Emmett Street. She said that the exact improvements were also currently being determined as part of the Ivy Road Project Pipeline Study, which they would discuss later.

Ms. Hersh-Ballering said that lastly, they had project seven: the Pantops improvements package. She said that this project would be a resubmission of two projects that had been submitted separately in the previous round of SMART SCALE: the US 250 and Rolkin Road pedestrian improvements and the US 250 and Peter Jefferson Parkway intersection improvements and park and ride. She said that those two projects were the result of an earlier VDOT project pipeline study. In the last round of SMART SCALE, the Rolkin Road project was not awarded funding but had scored well. She said that the Peter Jefferson Parkway project was initially awarded funding in the staff-recommended scenario but was ultimately removed from the final consensus funding scenario and replaced with the District Avenue roundabout. She said that neither of those projects received funding in the previous round; they both scored well, and she anticipated that this package of projects would be competitive in this round.

Ms. Hersh-Ballering said she would next discuss Revenue Sharing. She said that VDOT's

Revenue Sharing grant program typically funded smaller and medium-sized transportation projects compared to those funded by SMART SCALE. She said this program accepted applications every other year, alternating with SMART SCALE applications. She said that additionally, there was a 50-50 match requirement, meaning for every dollar requested, there must be a local match of equal value.

Ms. Hersh-Ballering said that in October of last year, Albemarle County submitted three final applications for Revenue Sharing with a total request of approximately \$7 million. She mentioned that those three projects were the Berkmar Drive extension to Airport Road, Commonwealth pedestrian improvements, and Berkmar Drive bicycle and pedestrian improvements. She said that there were brief descriptions of these projects in their written quarterly report. She noted that she had described them before but would not do so again at this time.

Ms. Hersh-Ballering said that all three projects had previously received Revenue Sharing funding. She said that due to cost increases or because the project was only partially funded initially, additional funding was requested to complete these three projects. She said that they should know in the next few months whether these projects would receive funding.

Ms. Hersh-Ballering said that regarding the Virginia Highway Safety Improvement Program (VHSIP), this program uses state and federal funds to advance highway safety improvement projects that have the greatest potential to reduce the state's roadway fatalities and serious injuries. She said that Albemarle County does not apply for VHSIP funds directly; instead, they collaborate with their colleagues at the local VDOT office to discuss potential projects, and then VDOT applies for those projects on their behalf. She said that in this round, they applied for the five projects listed on the slide. She said that brief descriptions of these projects were in their written report. She said that they did not yet know which projects had been funded; however, they should know this information within the next couple of weeks.

Ms. Hersh-Ballering said that the next slide provided an overview of some of the other planning efforts they were currently managing. She said that the first was the Three Notched Trail Shared Use Path Master Plan. She said that in 2022, Albemarle County was awarded a \$2 million planning grant through the highly competitive RAISE program. She said that the purpose of this grant was to develop a master plan for a shared-use path that would extend from the Emmett Ivy intersection in the City of Charlottesville, across western Albemarle County, through the Crozet area, and into Nelson County where it would eventually connect with the popular Blue Ridge Tunnel Trail.

Ms. Hersh-Ballering said that they now had a final grant agreement being signed by both the County and FHWA. She said that Community Development staff had coordinated a schedule with the procurement office, and they planned to release the RFP (Request for Proposal) seeking a consulting team for this project in the first week of April. She said that with that timeline they would anticipate work on the project to commence in earnest in August.

Ms. Hersh-Ballering said that for Free Bridge Lane, following direction from the Board at their March 1 meeting, Community Development staff had been collaborating with Parks and Recreation staff to develop a pilot program for this promenade. She said that Community Development and Parks leadership had received a memorandum outlining three potential options for implementing the pilot program and their associated costs. She said that the simplest option included only the minimum improvements and modifications required for implementing the pilot program, which would cost within a range of about \$50,000 to \$80,000. She said that they would also need to request that VDOT discontinue the roadway, which would have no immediate cost associated with it other than administrative staff time. She said that they were still working to identify where the funding would come from to implement that pilot program.

Ms. Hersh-Ballering said that Move Safely Blue Ridge was the TJPDC-led planning process to develop a regional safety action plan. She said that it was being funded partially through the federal Safe Streets for All grant program, with Albemarle County and the other jurisdictions in the PDC area providing the local match. She said that during this meeting, Curtis discussed the benefits of a safety action plan, which they had voted to support in terms of roadway safety commitment. She said that throughout the planning process, Community Development staff had attended the first working group meeting for this project in December, the regional safety summit in early January, and would attend another working group meeting in late February. She said that the work was ongoing.

Ms. Hersh-Ballering said that next, the Fontaine Avenue Interchange SMART SCALE project would be addressed. She said that this project was funded in a previous round of SMART SCALE and aimed to replace the existing unsignalized diamond interchange at the Fontaine and 29 bypass with what is being called a partial DDI, or partial diverging diamond intersection.

Ms. Hersh-Ballering said that recently, stakeholders had expressed concerns that the design did not meet the long-term needs of the corridor, among other issues. She said that VDOT staff had investigated these concerns and developed potential alternatives to the funded design. She said that it was essential to note that the MPO had submitted the application for this project; thus, any decisions regarding moving forward with either the previously funded design or choosing an alternative must be officially made by the MPO Policy Board, whose membership included two Albemarle County Supervisors.

Ms. Hersh-Ballering said that the MPO Policy Board received a presentation from VDOT at their January meeting and would be asked to vote on how to proceed at their meeting on February 28. She said that however, since the project was in Albemarle County, staff would return to this Board on

February 21 to discuss County interests in moving forward with the project.

Ms. Hersh-Ballering said that regarding the Plank Road through-truck restriction, following interest from local residents, the Board had voted at their September 6 meeting to request VDOT investigate a potential through-truck restriction on Plank Road between US 29 and 250. She said that the local VDOT office had completed their investigation and recommended the through-truck restriction. She said that this did not mean that the truck restriction was in place yet. She said that the next step was for VDOT's central office to complete their review of the potential restriction. She said that they were currently taking comments from the public and the trucking industry regarding the through-truck restriction. She said that if they agreed that the restriction was warranted, the VDOT commissioner would ultimately sign off on the through-truck restriction. She said they would keep the Board updated as they learned more.

Ms. Hersh-Ballering said that next was the Secondary Six-Year Plan (SSYP) and the Rural Rustic Program. She said that the SSYP funded the Rural Rustic Program, which was responsible for paving unpaved rural roads in the County. She said that to qualify for the Rural Rustic Program, a road must meet specific requirements, and at least two-thirds of the residents must agree to pave the roadway. She said that staff had sent letters to residents of Glendower, Burton Lane, Burton Road, Blair Park Road, Starlight, and Henderson Lane, notifying them that their roads could be paved. She said that staff were awaiting comments from these residents to determine if they wanted to proceed with paving their roads, and that staff would discuss this matter in detail at a work session on April 3.

Ms. Hersh-Ballering said that regarding the Transportation Priorities list, staff was working on updating it and anticipated presenting more information to the Board of Supervisors in late spring or early summer.

Ms. Hersh-Ballering said that lastly, the Comprehensive Plan was being updated by Transportation Planning staff in collaboration with Long-Range Planning staff. She said that the transportation elements of the Comprehensive Plan update and the Multimodal Plan would be presented for feedback from this Board at their March 20 meeting. She said that the draft goals and objectives for both Rural Area and Development Area Land Use and Transportation chapters would be discussed during this meeting.

Ms. Hersh-Ballering said that moving forward, they would discuss VDOT's Project Pipeline Program and its two ongoing studies in Albemarle County. She said that the Project Pipeline Program aimed to develop a pipeline of high-priority projects addressing identified V-Trans needs that may be considered for implementation through SMART SCALE, Revenue Sharing, or other funding opportunities. She said that currently, there were two projects ongoing in Albemarle County and the Barracks Road Study, which aimed to identify improvement projects addressing transportation concerns along Barracks Road between Georgetown and Emmett Street. She said that in their previous quarterly report, she mentioned that a site visit with County, City, UVA, and VDOT staff had been completed, and an online public engagement survey was underway, and that staff had discussed potential improvements for the corridor with the consulting team and other stakeholders.

Ms. Hersh-Ballering said since that time, staff had received more detailed information regarding the feasibility of potential improvements and provided feedback on County interest in those improvements. She said that next steps included additional public engagement, either in person or online, and another stakeholder meeting before the consultant's recommendations were finalized. She said that it was expected that County staff would receive these final recommendations in time to apply for funding for all or a subset of those improvement projects in this round of SMART SCALE.

Ms. Hersh-Ballering said that the second Project Pipeline Study was the U.S. 29/250 Ivy Road Study. She said that this study aimed to identify a suite of projects addressing various transportation concerns along the U.S. 250 Ivy Road corridor from Ednam Drive on the west to Emmett Street, as well as the adjacent Old Ivy corridor and the 29/250 interchange. She said that in their previous quarterly report, they mentioned that this Ivy Road study, similar to the Barracks Study, had completed a site visit, had an online engagement survey ongoing, and staff had discussed potential improvements for the corridor.

Ms. Hersh-Ballering said that unique to the Ivy Road Study was the addition of a corridor focus group, which was a group of key stakeholders and leaders living or working along the corridor. She said that this group was added due to significant public interest in the project. She said that the group met once in August and again in late October. She said that staff has received more detailed information on the feasibility of these potential improvements and provided feedback on County interest. She said that the next steps included additional information sharing, stakeholder discussion, and additional public engagement before the consultant's recommendations were finalized.

Ms. Hersh-Ballering said that one difference between this and the Barracks Road Study was that this was a complex project, and it was progressing at a slower pace than initially anticipated. She said that as a result, County staff was unlikely to receive all of the final recommendations in time to apply for funding for these in this round of SMART SCALE. She said that, however, they may be able to apply for a subset of those recommendations, or if not, they would be well prepared to apply in the next round of SMART SCALE in 2026.

Ms. LaPisto-Kirtley said that she wanted to ask about the SSYP, specifically mentioning that if the people who were consulted did not all agree, particularly referring to those living along the affected area,

and if less than two-thirds of them approved, then those funds would be allocated toward something else instead.

Ms. Hersh-Ballering said that the money would be used to pave other roads where people wanted them paved.

Ms. LaPisto-Kirtley said for the Pantops Improvement Package that they had been waiting for it. She said that she had been telling her constituents that it was coming, then had to tell them it was delayed. She said that she would like to confirm if that was moving forward.

Ms. Hersh-Ballering said that the project was progressing as one of their potential applications for this round of SMART SCALE. She said that unfortunately, neither project received funding in the previous round. She said that this would be their next opportunity.

Mr. Kevin McDermott, Deputy Director of Planning, said that he would like to confirm that during their discussion, Supervisor LaPisto-Kirtley might have been referring to a project that was previously funded in Pantops corridor. He said that this project aimed to improve the Route 20 and 250 intersection and to implement the access management throughout its entire length. He said that he would like to clarify if that was indeed what Supervisor LaPisto-Kirtley was inquiring about.

Ms. LaPisto-Kirtley said that she was referring to Rolkin Road to Route 20.

Mr. McDermott said those were two separate projects. He said that Ms. Hersh-Ballering had discussed a future application for a project further east along the corridor. He said that the 250 corridor and Route 20 intersection improvements project was still progressing. He said that he did not have the exact date for it; however, they were approaching a public hearing regarding this matter.

Ms. LaPisto-Kirtley asked if the one Ms. Hersh-Ballering referred to was for Rolkin Road going east.

Mr. McDermott said that for the new application from Rolkin Road East that they were submitting, that was correct. He said that Rolkin Road West was previously funded. He said that the public hearing for that funded project was expected later this year. He said that according to VDOT, construction for this project was expected to begin in fall 2027.

Ms. LaPisto-Kirtley said that her last question was regarding Free Bridge Lane. She said that they were told that the cost for the minimum work would be approximately \$50,000, while also requesting that VDOT discontinue the road and allocate that space for the County. She said that the minimum requirement would be to install gates or bollards there, allowing people to safely ride bikes and walk. She said that following this, they could gradually implement improvements. She asked if this was correct.

Ms. Hersh-Ballering said that was correct.

Ms. McKeel asked if they could provide an update regarding the Commonwealth Drive and Dominion Drive pedestrian improvements. She noted that there was a report about it on page 3 but appeared that they had been working on this for quite some time. She said that staff had put in a significant amount of effort into this project. She requested that they update them on where they stood with this particular project that they had chosen.

Ms. Hersh-Ballering said that the Commonwealth pedestrian improvements would construct sidewalk segments on Commonwealth from Hydraulic Drive to Payton Drive, as well as on Dominion Drive from Commonwealth to 29. She said that the primary objective of this project was to enhance pedestrian improvements while also emphasizing transit connectivity. She said that this project had indeed taken staff a considerable amount of time to complete. She expressed gratitude to their colleagues in FES (Facilities Environmental Services) for their diligent work on this project.

Ms. Hersh-Ballering said that despite efforts, the project still fell slightly short in terms of meeting the budget. She said that to address this issue, they had submitted a Revenue Sharing application. She said that they were requesting a small amount of funding for this priority one project, which they anticipated would be approved and provided. She said that once they received this additional funding, they could proceed and finalize the project. She said that it was approximately \$200,000 they were requesting.

Ms. McKeel said that was great. She said that her CAC (Community Advisory Committee) would be very interested in this update. She said that they had a meeting next week during which she could update. She said that the other project was the Lambs Lane Campus loop road, which was new, and she understood that. She said that it was a collaboration between the School Division and County Government based on the road on Hydraulic and then the loop road on the campus. She asked if they could please provide her with an update on the progress of that project.

Ms. Hersh-Ballering said that she could not recall specific events from last summer and fall precisely; however, she knew that they had an upcoming meeting scheduled within the next week or two. She said that during this meeting they would determine the optimal alignment for the loop road.

Mr. McDermott said that they were still working under contract with consultants who provided some initial design for the project. He said that they shared this design with Schools and the public. He

said that they temporarily paused the design process to determine where Schools wanted to locate their High School Center II in relation to the potential alignment of the corridor or new loop road. He said that now that they knew that they could finalize the alignment study and the recommended intersection improvements where the new Lambs Lane loop road would meet Hydraulic. He said that in the coming weeks they would meet with consultants and their team from FES to review these findings. He said that once they had the final document, they could explore additional funding opportunities for the loop road or intersection improvements.

Ms. McKeel said that she was thinking that the final draft of the consultant's recommendations had been released, but he mentioned that the final version is not yet available.

Mr. McDermott said that it was correct that they had seen drafts of some of their alternatives that they considered. He said that that was not the final version. He mentioned earlier that they were simply waiting for confirmation from Schools before finalizing all the details. He said that they anticipated receiving that confirmation soon.

Mr. Gallaway asked whether Hillsdale's realignment to Putt-Putt Lane was still on the priorities list. He said that his dilemma was that he wanted to fix the intersection, but if at some point they were going to realign Hillsdale to Rio, he was wondering if this was still the best solution since all the volume on Hillsdale was being rerouted to a different part of Rio.

Mr. McDermott said that they would ensure that VDOT considered alternative options for how that realignment might impact what they were proposing at the current intersection of Hillsdale and Rio. He said that at present they did not have a way forward regarding future Hillsdale realignment. He said that there was still much ongoing work, which may take some time. He said that this intersection was a high safety priority for them due to its history of serious crashes and pedestrian concerns. He said that they aimed to proceed with this solution at this time, and in the future, they would address that issue.

Mr. Gallaway said that there would still be a road leading up to Rio where Hillsdale currently emptied, and that it just would not be the main connector. He said that all drivers coming from the south who were heading toward Belvedere, Dunlora, and Rio Road East would still use that old road to take a right turn there.

Mr. McDermott said that yes, absolutely, the proposed Hillsdale realignment resulting from the Rio 29 study would alleviate some traffic from that intersection; however, it would not eliminate all of it. He said that it would remain a major intersection.

Mr. Gallaway said that he was pleased to see that that was there. He said that regarding the SMART SCALE options, he would like to check with Ms. Shackelford at the MPO to ensure he had this information correct. He asked if it was correct that out of the seven options, only two were possible for the MPO to submit under the new rules.

Mr. McDermott said that the 5th Street I-64 interchange was a potential submission for them. He said that possibly Barracks Road or some specific elements of Barracks Road, and Ivy Road or some specific elements of that. He said that since these were pipeline studies, the CTB (Commonwealth Transportation Board) had voted that if VDOT led a pipeline study and they made an application for that, the results of that study, they could then be applied for by the PDC or the MPO as well.

Ms. Sandy Shackelford, Director of Planning and Transportation at TJPDC, said that the MPO or the PDC would be eligible to submit all of the improvements recommended in the pipeline study; however, they would have to submit all of them as a bundle if they do not otherwise meet one of those criteria, such as being an interchange improvement.

Mr. McDermott said that the Pantops one he wanted to point out would be another one that they would be eligible for because that was a previous pipeline study that had been conducted.

Mr. Gallaway said that regarding the town center community street, he was thrilled that it was included. He said that it was leaving Harris Teeter and Starbucks, take a right to hit the roundabout to return to 29. He said that it suggested extending the median to discourage left turns. He asked if they could still make left turns out of there.

Ms. Hersh-Ballering said that she had not seen any drawings, and she would have to get back to him about that. She said that they currently could make a left turn.

Mr. Gallaway said that during non-peak times, allowing a left turn might not be terrible; however, that left turn was quite challenging. He said that he was glad this was on there, and said that in the next update, they might receive more details regarding this matter. He said that he was happy that the Hillsdale Greenbrier project was included in VDOT's report. He asked if the signal optimization between Angus and Airport Road was just something that needed to be updated periodically.

Ms. Hersh-Ballering said that these improvements would focus on improving safety. She said that Ms. Shepherd could likely provide a more detailed explanation of this matter.

Mr. Gallaway said that the goal was to improve the Lambs Lane loop road and the Green-T area. He said that according to his understanding, the study also considered potential improvements to the Hydraulic Road at Lambs Lane and Whitewood Road intersection. He said that however, the current



information did not clearly indicate these improvements. He asked if this project was focused solely on the loop road, Green-T, and improvements to that intersection or if the intersection would remain unchanged.

Ms. Hersh-Ballering said that there were some small improvements recommended for the intersection he described. She said that the breakdown of these improvements depended on the funding sources they were seeking for each part.

Mr. Gallaway said that the intersection had experienced significant pedestrian activity, and he assumed that if there were only pieces of the project implemented, they would focus on pedestrian elements. He said that he was supportive of the loop road and that the green-T seemed like a good idea. He said that not addressing pedestrian issues at that main intersection would be a missed opportunity within the project. He said that this was likely an ongoing topic of discussion as they continued to explore options.

Ms. Mallek said that regarding the topics that will be discussed on the 21st, she requested that all presentations made by VDOT at the last MPO meeting be updated. She said that as soon as was reasonable, all materials should be shared with Board members so that they had time to review them thoroughly since these topics have been discussed multiple times and will be very important.

Ms. Mallek said that during the last meeting, several alternative options were discussed at length that should not be overlooked. She said that the Board needed to provide direction regarding their priority for which of these should go forward. She clarified that this decision was not solely hers and Mr. Gallaway's, so they needed to be ready for that on the 21st. She recalled from the MPO meeting that for pipeline studies, the MPO could apply for the entire bundle, but if there are parts of it, the County could handle that.

Ms. Hersh-Ballering said that was correct.

Ms. Mallek said that that left some flexibility depending on what came in. She said that the news about the Three Notched Trail was quite exciting. She said that she appreciated being provided with that information. She said that people would be excited to hear about it. She expressed her hope that they would find a way to utilize rails and trails, which the previous Governor had given away, but that they had to try to get it back in order to be able to use that rail right-of-way all the way in

Ms. Mallek said that she was still hopeful for, and would support Ms. LaPisto-Kirtley in, the Free Bridge Lane, and hoping for the phase one that involved putting up a gate and moving forward rather than waiting for the more elaborate version in the distant future. She acknowledged that there were simple yet effective ways to initiate this project. She explained that the reason she was supportive of that was the users would show the direction that it really needed to go. She said that otherwise, there was the potential for wasted resources if planners or consultants dictated development without user knowledge. She said that was why she was thinking two gates, and let people out there, and they would see what happened because it was a wonderful place to walk.

Ms. Mallek said Blair Park Road, rural rustic. She said that she hoped that was beyond the railroad tracks because she thought that the part between Jarman's Gap and the railroad tracks was the only part that had ever been dealt with and the residents on the other side could not receive mail or have an address because VDOT would not take it, and she did not know whether that had been solved.

Mr. Alberic Karina-Plun, Planner I, said that he would need to verify the location of the tracks; however, there was a section of the road that had an end-state maintenance sign, indicating that VDOT would not proceed beyond that point. He said that he would double-check whether it went past the tracks and would provide an update on that.

Ms. Mallek said that, unfortunately, if they had not moved the maintenance sign, then she was cooked.

Mr. Karina-Plun said that he instructed in the letters for paving that it would extend from Jarman's Gap to the end of the state maintenance sign.

Ms. Mallek said that she would share some information with everyone, included the legislature. She said that Loudoun County and others had introduced bills directing VDOT, with VDOT support, to use gravel road funds for maintenance and engineering repair instead of paving at a huge cost. She said that this would enable more roads to be improved using the same funds that were currently being spent on one short length of paving for places. She said that many other counties were similar to residents in Albemarle who did not want to give up their rural roads that had become popular destinations for gravel road bike riders and other activities. She acknowledged that there were numerous perspectives regarding everything they did but hoped that this proposal would pass. She said that they would just have to see.

Ms. Mallek said that regarding the Ivy Road corridor, she asked if the brewery moving into the old tractor place was already on the radar for this because that would bring much traffic and had recently been announced in the recent ABC (Alcoholic Beverage Control) reports. She said that she probably discarded that information, but she thought one of the staff members who responds can retrieve that from the trash and send it over. She said that she thought this salvage was going to either open a branch or would be moving from the wool factory (Woolen Mills) out there. She said to be prepared.

Ms. Mallek said that she always rolled her eyes when she read about signal optimization because it had worked great for years up to Hydraulic and then bang. She said that if it was making it a tenth of a mile down the road this time, that was great. She said that every morning she came into town, she could get all the lights green all the way. She said that they did not want anything to happen that would jeopardize that in order to do something for the last tenth of a mile.

Mr. Pruitt asked if Ms. Hersh-Ballering could provide more information regarding the plans for the possible diverging diamond intersection or alternative measures at 5th Street Station. He said that one notable feature of this project was the inclusion of a planned shared-use pedestrian path within the area. He said that however, when looking upstream toward Stagecoach, he was not aware of any existing pedestrian or shared-use infrastructure to support that, which is where the majority of residential activity would be located.

Mr. Pruitt asked for more texture on what this project would look like, and any plans for improving shared-use paths upstream along that road. He asked whether this project was intended to be an isolated pedestrian improvement or if there were additional works planned to tie into.

Ms. Hersh-Ballering said that the focus of the question primarily concerned the shared-use path and pedestrian improvements. She said that she would address these aspects mainly. She said that the reason he saw on the screen Starbucks to Stagecoach was due to the existing shared-use path plan in that area. She said that regarding the north side, the Starbucks area would have one of the trailheads for the 5th Street hub and trails, which would be located on the east side. She said that to clarify, they were discussing the west side for this shared-use path, necessitating a crossing there as well. She said that currently, they did not have any sketches; however, VDOT would provide them with sketches as they prepared this application, and they would certainly see those when they became available.

Mr. Pruitt said that he would like to share more information regarding his concern with this project and remind everyone of several high-density residential properties that they might have overlooked. He said that these included Eagles Landing, Jefferson Ridge, and Cavalier Crossing. He said that there were a large number of people living in these areas who were quite isolated. He expressed frustration regarding the notion of implementing solid pedestrian infrastructure and connecting it to the future northern end of the Biscuit Run Greenway without having additional downstream plans in place to support that infrastructure and help the people in these communities connect to it. He said that this was what he was trying to address in relation to this project. He said that otherwise, he was very excited about it.

Mr. Pruitt said that he hoped that they could help him understand a little bit about what the timeline for next steps looked like regarding the Plank Road restriction. He said that this was not an issue in his district; however, he did receive calls about it. He said that they had created a comprehensive step timeline but was not entirely clear about when, on the calendar, they could expect different elements of that process to occur. He asked what the final enforcement action entailed.

Ms. Hersh-Ballering said that regarding the Plank Road through-truck restriction, she would need to follow up with Mr. Pruitt regarding the exact timeline. She said that she did not believe they were talking about a year, and that she would need to get back to him with specifics.

Mr. Andrews said that he experienced some confusion regarding the seven projects they needed to select for sponsorship. He said that one specific point of confusion was whether the Ivy Road improvement package included improvements for both Ivy Road and Old Ivy Road. He said that during the discussion of the Pipeline Program Project, it seemed that both Ivy Road and Old Ivy Road improvements were being considered, but he was still unsure.

Ms. Hersh-Ballering said that as part of the project pipeline study, Old Ivy improvements were considered. She said that they had not yet received their final recommendations. She noted that initial recommendations indicated that any improvements along the Old Ivy corridor would be very expensive and challenging to implement. She said that this did not rule out these options entirely but highlighted their implementation difficulties.

Mr. Andrews said that he understood that it was a very difficult corridor to deal with the two bridges. He said that he sought clarification regarding whether the SMART SCALE efforts in that regard then don't really mention Old Ivy. He said that he understood that that was delayed, which made it a little more problematic for how it would be submitted, possibly in parts if some parts were ready. He said that he hoped something could be done because it was a two-year wait to go at it again.

Mr. Andrews said that he seconded Mr. Pruitt's concerns regarding connectivity to the area south of I-64 using a diverging diamond interchange. He said that he was still not certain about the diverging diamond, as executing it over a bridge was quite different compared to below a bridge, which was the case at 250. He said that nevertheless, he was excited about the project. He said that he was also interested in observing how the Plank Road R-Cut would function. He said that it appeared logical when looking south of Plank Road where it was wide open, but when he examined the area north of Plank Road, it became quite challenging due to the topography and sight distances. He said that he hoped to receive more information regarding that eventually.

Ms. LaPisto-Kirtley said that she had a few questions regarding Plank Road, despite it not being in her district. She said that it could peripherally affect her and her district. She said that regarding the Plank Road intersection improvements, including the R-Cut, she had been receiving emails from people who were still concerned about the R-Cut at Fray's Mill and Burnley Station Road. She said that she was

unsure if Ms. Mallek had, but she had been receiving emails stating that they heard this was going through. She asked if that was not the case anymore or if it was still being considered.

Ms. Hersh-Ballering said that it was not currently being considered as part of the SMART SCALE process. She said that she mentioned this because she could not think of any other methods through which they had attempted to progress with that project.

Ms. LaPisto-Kirtley said that was good. She asked if the through-truck restriction on Plank Road would be based on the size of the truck.

Ms. Hersh-Ballering said that Ms. Shephard could address the question.

Ms. Mallek said that she had one follow-up question regarding the Old Ivy improvements and the disclaimer. She mentioned that there was a significant zoning decision recently where she might not have been the only one who felt reassured by the strong statements from VDOT, stating that they were addressing this issue and could solve it. She expressed her concern about any potential backpedaling on that part. She said that maybe she did not have the right information, and that would be good.

Mr. Gallaway asked what connection Ms. Mallek was referring to.

Ms. Mallek said that it was for the 500-unit residential development there.

Mr. Gallaway said that Ms. Mallek mentioned something regarding Fontaine Avenue. He said that Sean Nelson stated he would provide data regarding the median being closed versus open to the MPO. He asked if that information would be available when they attended the Board meeting on the 21st.

Ms. Hersh-Ballering said that she did not know; however, they had been working with VDOT to gather as much information as possible.

Mr. Gallaway said that it was essential to consider that information since they could not make a decision without it.

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Agenda Item No. 12. **Presentation:** Virginia Department of Transportation (VDOT) Quarterly Report.

Ms. Carrie Shephard, VDOT Charlottesville Resident Engineer, said that she was there to provide the quarterly update that afternoon. She said that in the preliminary engineering slide, there were a couple of things to point out. She said that one of these was the Exit 107 Park and Ride. She said that they held a public hearing for this project in January. She said that the next step involved compiling all received comments, creating a transcript, addressing these comments, and then proceeding with final design approval.

Ms. Shephard said that they also held a public hearing for their 5th Street Hub and Trails project in December, and they had received comments. She said that although the comment period had concluded, they continued to accept comments at any time. She said that the transcript was being finalized, followed by design approval.

Ms. Shephard said that another important project was the Route 601 Old Ivy Road bridge replacement project, with the ad date scheduled for May 2024. She said that construction was anticipated to commence later in the summer or in the early fall and was expected to conclude in April 2026.

Ms. Shephard said that they would discuss design build bundles in the next slide. She said that the Hydraulic package had been initiated successfully, and construction had commenced, which was quite exciting. She said that they should begin observing some progress in that area soon.

Ms. Shephard said that regarding the second bundle, referred to as the Albemarle bundle, it was almost complete. She noted that the final component, similar to the previous instance, was the truck arrestor system being installed on Route 250 heading down Afton Mountain. She explained that this had been added due to numerous runaway trucks experienced during construction, which would result in significant improvement. She said that the final completion was slightly delayed because of this addition.

Ms. Shephard said that lastly, Albemarle bundle number two consisted of five roundabouts. She said that the public hearings had been completed, and requests for proposals had been issued to shortlisted offers. She said that this project was also progressing well.

Ms. Shephard said that regarding their rural rustics, they were ready to commence construction on the top three upcoming projects: Old Dominion Road, Arrowhead Valley Road, and Blenheim Road. She said that those would be their first. She noted that Blair Park Road and Henderson Lane should be next, and that those were fully funded last July, but they had not yet received resolutions, so they could not commence construction. She said that the Sutherland Road resolution was received last year but was not fully funded until this summer. Ms. Shephard said that next for their construction activities, they still had ongoing the Red Hill Road bridge replacement project. She said that they had been able to optimize that signal cycle to hopefully eliminate as many delays as possible that they were experiencing at the beginning of the project. She said that from what she understood, that was running smoothly and expected to have that temporary signal in place through December.

Ms. Shephard said that they also had the Frays Mill Road bridge replacement project that was expected to be complete this December as well.

Ms. Shephard said that another item she neglected to put on her presentation was that they had a road project they were working on at the time. She said that they had received complaints of some ponding water on 29 North in the vicinity of North Garden Lane.

Ms. Shephard said that there was a crash history there, and the ponding water was due to some uneven grades. She said that they conducted surveying and examined the cross section, performing analysis. She said that they now had a plan in place, ready for implementation once the weather improved. She said that their contractor would address this lengthy location, resolving all the irregularities in the pavement that had caused ponding water.

Ms. Shephard said that last was the traffic engineering. She said that they had received numerous work orders that they were working diligently to complete.

Ms. Shephard said that the top three were sign requests. She said that the first two involved curve warning signs on Jefferson Mill Road and Secretarys Road; both had been completed, reviewed, and installed. She said that they also conducted an intersection review request for Warren Ferry Road and James River Road, resulting in intersection warning signs being installed.

Ms. Shephard said that under review were the through-truck restriction on Plank Road, with the public comment period open at that time. She said that it was expected to close by the 20th. She said that she was receiving comments and asked everyone to pass them along to her if anyone inquired about where comments should be directed.

Ms. Shephard said that they discussed the Greenbrier Drive and Hillsdale Drive HSIP (Highway Safety Improvement Program) submission for a modular roundabout and that they would soon hear whether it was funded or not.

Ms. Shephard said that the speed study requested by Ms. LaPisto-Kirtley on Route 22 had experienced a delay due to counter malfunctions but that they were still working on it and expected completion by mid-month.

Ms. Shephard said that they had two projects from Scottsville: installing stop bars at a four-way stop once weather permitted and their sign crew resumed operations, and a guardrail assessment for a drop-off area, which was still under review.

Ms. LaPisto-Kirtley asked if the through-truck restriction for Plank Road would be based on the size of the trucks, or any trucks.

Ms. Shephard said that the resolution passed by the County applied to all trucks, excluding box panel trucks. She said that there was a weight limit of approximately 7,500 pounds, which was what tipped the truck limit. She said that she could provide the exact specifications regarding the weight limit. She said that the rule was applicable to all trucks unless they had ongoing business on the road.

Ms. LaPisto-Kirtley asked if that went through, it could influence other areas where illegal trucks have been going through.

Ms. Shephard said that a new resolution would have to be passed and go through the exact same process.

Ms. McKeel said that she would like to continue their discussion regarding the pipeline study for Ivy Road and Old Ivy Road. She said that she had previously understood that the consideration of that small triangle at Old Ivy Road was included in the pipeline study. She expressed her hope that this area had not been removed from the pipeline study, as they had discussed earlier. She said that she needed clarification on the current status of the Old Ivy Road Ivy Road pipeline study.

Ms. Shephard asked if Ms. McKeel was referring to the triangle portion.

Ms. McKeel said that she was referring to the triangle where all the congestion was, near St. Anne's, which was initially considered for a roundabout. She said that this proposal was met with resistance from the community, and subsequently, the pipeline study was announced. She said that she understood that this area was included in that study. She said that she would be disappointed if it had been removed from the scope of the study.

Ms. Shephard said that she had not heard anything about it being taken out of the study.

Ms. McKeel said that she found it challenging to believe that the problem could be solved without including that area and the backup onto the bypass. She asked about the lights. She said that years ago, they had a commitment from the City when they were synchronizing all of their lights, so from Hydraulic all the way up, and the City was supposed to synchronize their lights from the intersection at Ivy Road and Emmett all the way up to Hydraulic so that they had one continuous synchronization. She asked if they had ever completed that project and wanted to know where that project currently stood.

Ms. Shephard said that she would recommend checking with the City, but she believed that the project had been pulled.

Ms. Mallek said that happened at least five years ago.

Ms. McKeel asked if the City decided to pull that project despite it being part of the agreement.

Ms. Shephard said that she believed so.

Ms. McKeel said that this indicated that they funded that portion of the project themselves, which she understood. She said that she did not know the exact cost; however, she found this quite disappointing, particularly considering the recent construction in that area. She said that she was curious if there was a possibility to revisit this situation, given the university's developments in that corridor. She said that she was unsure whether it would be the County or VDOT. She said she asked this because it was included in the 29 solutions package. She said that they should think about that. She said that regarding the university, that was the university's gateway into the community. She said that they should revisit this matter for further discussions.

Ms. Jodie Filardo, Community Development Director, said that regarding the Old Ivy Road question, she had been actively involved in the entire conversation and working group for that project. She said that the Old Ivy Road portion was still included in that project, which spanned from Ednam Road all the way through on Old Ivy Road. She said that the Old Ivy Road connection was considered into all of that. She said that there was an array of different solutions that had been considered in the entire pipeline and in the entire area. She said that the project was called the Ivy Road Pipeline Study because that was the name recognized by VDOT for that area. She said that she could confirm that it was still there.

Ms. Filardo said that regarding concerns about 29 and synchronizing lights, it might be useful for her to discuss this matter after the meeting. She said that they had a LUPEC (Land Use Planning Environmental Committee) meeting scheduled for the 16th, and on a quarterly basis, VDOT attended. She said that their next meeting on February 16 happened to be a VDOT meeting. She said that she would like to gain more information about this topic and would be happy to bring it up for discussion at the meeting to raise awareness among the team.

Ms. McKeel said that she appreciated the clarification regarding Old Ivy Road. She asked for confirmation that the Old Ivy Road pipeline project reportedly extended to the City limits, which included the exit for St. Anne's Belfield Upper School. She acknowledged that Ms. Filardo nodded her head yes.

Ms. McKeel said that regarding Hydraulics' package construction projects, she was looking forward to their completion, as they would be beneficial. She said that however, she had already noticed traffic congestion due to the construction, despite the limited scope of work thus far. She asked if there was a method to improve advertising, ensuring that people were informed before they encountered traffic at that intersection. She suggested that someone could examine whether they were warning people at appropriate points so that they could choose alternative routes. She said that indeed there were alternative ways to travel.

Ms. McKeel said that regarding puppy paws at Hydraulic and Georgetown, when one was coming down Georgetown and making a left turn, the intersection slope was incorrectly inclined toward. She said that when they repaved, only a few of the puppy paws remained. She asked if there was a way they could go back in. She said that she understood that there was ongoing work on Barracks; however, in the meantime, it would be nice to have those paws completely around the intersection as one turned left. She said that people constantly made that turn, and the current grading was incorrect. She said that consequently, they tended to veer toward the right. She said that the puppy paws did help, not for everyone but for some.

Mr. Gallaway thanked Ms. Shephard for getting the through-truck sign up from Belvedere into Dunlora. He expressed his appreciation for them placing it at the end of the road, as it had previously been located further down where a truck could turn and be on its way before encountering the sign. He said that he believed the sign placements were better this time. He expressed his excitement about the Hillsdale Greenbrier project and anticipated that there would be some people who would be curious about the modular roundabout. He said that he was a fan of roundabouts and would appreciate the opportunity to see one of these modular roundabouts in person so that he could better understand their design when community members questioned what they were.

Mr. Gallaway said that he had mentioned to someone last week that they would install numerous roundabouts. He said that they questioned why they were doing so. He said that he explained that perhaps if they made people dizzy enough, they would not speed through all the roads by constantly keeping them in circles. He said that roundabouts do indeed slow down traffic; their primary purpose is to reduce speeding, which is a significant issue in Hillsdale, particularly near the intersection. He said that he was pleased that there was some solution in place to address this problem, and he appreciated their efforts.

Mr. Gallaway said that regarding signal optimization, it seemed to be a matter of adjusting the cycle or timing of the traffic signals for better efficiency.

Ms. Shephard said that they would integrate those signals into the signal plan located to the north in order to optimize them together. She said that as a result, drivers would experience green lights

while passing through that area.

Mr. Gallaway said that they had just done that from the airport up to Greene, so now they were optimizing up to that.

Mr. Gallaway said that he had spoken to Ms. Shephard earlier about the possibility of tunnels beneath Carrsbrook being managed by VDOT. He said that if someone was coming from Route 29 and traveling along Carrsbrook, after passing Marlboro Court on their left, they would go down, then would encounter an interesting loop curve that brought them back up. He said that the lake mentioned by the resident in their email was situated at the bottom of that loop. He said that the resident who contacted him about it resided on Dover Road for context.

Mr. Gallaway said that in the past, if someone examined a Google map, they would observe two significant lakes situated on the north side of Carrsbrook Drive. He said that it appeared that one of these lakes fed directly up to Carrsbrook Drive, suggesting that this is where the pipes might be located. He said that this area represented a general vicinity. He said that if these pipes were not related to VDOT for any reason, they should be aware of this fact. He said that this information was connected to a broader stormwater issue discussed with Mr. Richardson and understanding this segment would be beneficial. He said that any assistance provided regarding this matter would be greatly appreciated.

Mr. Gallaway said that he would like to mention that Sean Nelson had been gathering data regarding median open and median closed figures for Fontaine Avenue. He said that this information would be critical for them. He said that he knew Mr. Nelson was working on it and anticipated that he would have it completed by the time of the MPO meeting.

Ms. Mallek said that in the Rio District, specifically at Berkmar, south of the Timberwood roundabout, for several years, particularly during winter, there had been a drainage issue where water did not effectively drain off the road. She said that as a result, during icy mornings, especially during the commute, a large icy triangle formed across the road due to water not reaching the drainage inlet efficiently. She said that this issue had been addressed a couple of years ago but had returned.

Mr. Pruitt said that he had a brief question regarding the process for design builds, specifically about the six roundabouts they were building over the next few years. He said that recently, the whole Board received a question from one of his constituents and a friend of his about the speed assessment process during this. He said that she was specifically concerned about, we know that there is a traffic calming effect of roundabouts compared to green lights, but it was not clear to her or to Mr. Pruitt whether additional speed assessments were conducted after project completion to evaluate their effect and determine if further traffic calming measures or speed mitigations or changes to speed limits might be required. He said that his question was when during this process they assessed traffic speeds and if additional measures were needed.

Ms. Shephard said that the design of the roundabout would dictate the speed that would be set for entering and traveling through the roundabout.

Mr. Pruitt asked if there was no post-hoc assessment of efficacy when it was actually in use.

Ms. Shephard said that she did not believe there would be one unless there was a problem. She said that she could double-check how that worked; however, the designs were set based solely on that speed. She said that they employed different geometry for that specific speed. She said that for some speeds, it was almost impossible to do unless one drove straight through the thing. She said that they were designed that way; nevertheless, she could double-check just to see how that worked after construction. She said that she was aware that they monitored projects after construction; however, she was unsure if they collected speed data unless there was a problem.

Ms. LaPisto-Kirtley said that she would like to inquire about the sign located on Interstate 64 headed east at Shadwell, specifically at Exit 124, which prohibited trucks over 65 feet from traveling that route. She asked when that sign would be relocated further west.

Ms. Shephard said that they had been working on that, and that they had been working on tree clearing for the installation of the large and expensive sign. She said that they needed to find an appropriate location for site distance purposes, and they had to do some tree clearing. She said that the tree clearing had been completed. She said that at present they were waiting for the materials before scheduling the installation. She said that this would happen very soon.

Mr. Andrews said that he was grateful for the presentation, particularly regarding seeing the improvements along Monacan Trail. He said that he was looking forward to learning more about the Fontaine plan. He said that he would like to understand the proposed R-Cut for North Garden better and appreciated the attention given to water ponding on 29.

Ms. Mallek said that regarding the roundabout at 53 and 20, she would like to know what the design speed for that would be and hoped that it would be 15 miles per hour because it had to be small due to limited space. She said that in any case, the design speed for the roundabout at the airport was 15 miles per hour, which had proven to work well; however, she was unsure about the design speed for this one.

Ms. Shephard said that it would not be 15, and that she believed it would be around 25 mph, but

she would double-check. She said that she did not know whether that had been determined yet.

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Agenda Item No. 13. Closed Meeting.

At 4:22 p.m., Mr. Pruitt moved the Board of Supervisors convene a closed meeting pursuant to section 2.2-3711(A) of the Code of Virginia:

- under subsection (1), to discuss and consider appointments to various boards and commissions including, without limitation, 5<sup>th</sup> and Avon Community Advisory Committee, Albemarle Conservation Easement Authority, Natural Heritage Committee, Pantops Community Advisory Committee, Places 29 (Hydraulic) Community Advisory Committee, Place 29 (North) Community Advisory Committee, and Piedmont Family YMCA Board of Directors.

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.

NAYS: None.

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Agenda Item No. 14. Certify Closed Meeting.

At 6:00 p.m., Mr. Pruitt **moved** that the Board of Supervisors certify by a recorded vote that, to the best of each supervisor's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting, were heard, discussed, or considered in the closed meeting.

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.

NAYS: None.

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Agenda Item No.15. Boards and Commissions:  
Item No. 15.a. Vacancies and Appointments.

Ms. McKeel **moved** that the Board appoint the following individuals to boards, committees and commissions:

- **Appoint** Ms. Carreen de Cardenas to the 5th & Avon Community Advisory Committee, with said term to expire on September 30, 2025.
- **Reappoint** Ms. Annie Izard to the Albemarle Conservation Easement Authority with said term to expire on December 13, 2026.
- **Appoint** Mr. Kaleb Notari and Mr. Rob McGinnis to the Natural Heritage Committee, with said terms to expire on September 30, 2027.
- **Appoint** Ms. Megan Nedostup to the Pantops Community Advisory Committee, with said term to expire on June 30, 2025.
- **Appoint** Mr. Andrew Sallans to the Piedmont Family YMCA Board of Directors, with said term to expire on January 31, 2026.
- **Appoint** Ms. Jane Fogleman to the Places 29 (Hydraulic) Community Advisory Committee, with said term to expire on August 5, 2025.
- **Appoint** Ms. Mary Katherine King to the Region Ten Community Services Board to fill an unexpired term ending on June 30, 2024.

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.

NAYS: None.

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Agenda Item No. 16. From the County Executive: Report on Matters Not Listed on the Agenda.

There was no report.

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Agenda Item No. 17. From the Public: Matters on the Agenda but Not Listed for Public Hearing or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.

Mr. Conor O'Donnell, Jack Jouett District, with Funk Brothers Furniture, said that they had been before the Board about two months ago, and most of them had had the opportunity to visit their shop. He said that their primary goal was to promote the artisan manufacturing definition in the zoning code and

bring that out to Rural Areas under special use. He said that they had been working on the issue individually but recently gained more support from colleagues in the crafts industry. He said that their intention was to transform it into an economic issue rather than just focusing on their specific situation. He said that they aimed to have them consider the matter by the end of the meeting and give it to Community Development to work on whatever the Board needed to work this down the line further.

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Mr. John Casteen, Earlysville, said that he would like to speak in support of the text amendment to the County Zoning Ordinance that would permit artisanal or craft shops to operate in Rural zoned Areas. He said that for many years, he was part of a community of artisans operating small local businesses in the County, and for two years, he ran the statewide studio tour hosted by the Association of Virginia Artisans. He said that through the experiences, he came to know the artisans, their studios, their businesses, and their customers very well. He said that many of the shops operated under special use permits, as his did, and his next door neighbor in Earlysville still does.

Mr. Casteen said that over the past 25 years of association with small artisanal local businesses like these, he had never heard of any neighbor conflict regarding noise, traffic, environmental concerns, or anything else that would harm the rural character of the County. He said that to the contrary, artisanal studios preserved the character. He said that the people who staffed artisanal studios were good neighbors who provided quality goods, skilled local jobs, and sustainable business models. He said that there was a significant qualitative difference between these artisanal studios and anything that might be understood as industry or manufacturing.

Mr. Casteen said that he had spent years working in small shops in Albemarle, which was now being considered as artisanal manufacturing, as well as at a larger industrial facility building furniture in Waynesboro. He said that he was very familiar with the variety of shops that operated or might operate in Rural Areas and also with the industrial scale companies whose traffic, noise, and environmental issues would be completely incompatible with rural life in the County. He said that there was almost no similarity between a large-scale industrial manufacturing facility and an artisanal studio.

Mr. Casteen said that the Zoning Ordinances should address that significant difference and make room for local people to use their property in responsible and productive ways. He said that small craft operations provided skilled jobs for local people and offered disproportionate numbers of opportunities for young people to learn and engage in various crafts such as woodworking, textiles, ceramics, leather, printmaking, or other fine and skilled vocations. He said that the operations drew on local resources for materials, local people for services and customer base, and contributed to the community both economically and culturally.

Mr. Casteen said that by amending the County Zoning Ordinance to allow uses that supported local businesses and artisans, they could significantly enhance the arts and commerce of the craft studios, resulting in their contributing to the diversity and strength of their community. He said that he was in favor of amending the text of the Zoning Ordinance for Rural Areas to allow artisanal manufacturing uses by local craftspeople.

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Mr. Dave Heller said that he was a furniture maker in Charlottesville. He said that he had been in the City for approximately 11 years. He said that he had considered moving to the County a couple of years ago but did not contemplate the possibility that his occupation could be deemed illegal there due to zoning laws. He said that handmade craftsmanship was a challenging business because all of the economies of scale were going the other way. He said that having a few employees strengthened the business, enabling them to produce more versatile items and potentially fund their children's college education.

Mr. Heller said that he was genuinely surprised that such work was not allowed in most of the County. He said that traditional handmade manufacturing was almost pre-industrial. He said that if one looked back at the pre-industrial model, there was a master, three or four journeymen, and a couple of apprentices, and that was kind of a traditional woodworking shop. He said that was still a successful model. He said that if he were not pursuing this as his retirement career, that would be the model he would aim for. He said that since he was already retired once, there was just him, and he had no economies of scale.

Mr. Heller said that the rooster behind his house created more noise than his woodworking shop. He asked the Board to explore artisan manufacturing opportunities in Rural Areas of the County. He said it would benefit both the County and those who aspired to be craftsmen.

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Mr. Ed Brown, Front Runner Signs in Charlottesville, said that their work focused on artistic-style work more than handcrafted work. He said that they did not solely produce handcrafted items, but their work was similar in nature, featuring single crafted pieces or unique items. He said that in the past they had considered properties in the County for potential relocation but securing light industrial space in the County was quite limited. He said that their work did not require heavy industrial facilities with large machines and equipment for noisy operations; instead, they operated in a light industrial setting. He said that they had engaged in various small-scale activities.

Mr. Brown said that his wife was a metalsmith, and they had searched for similar spaces. He said that they had sought a smaller space, measuring less than 5,000 square feet, that was not over a century



old and was not scheduled for demolition or conversion into apartments or similar establishments. He said he endorsed initiatives that would facilitate artisan manufacturing within the County, providing opportunities for smaller businesses or individuals to operate.

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Mr. Daniel Funk, Scottsville District, said that he was there to help support his neighbors who were interested in the text amendment they were trying to pass. He said that he would like to emphasize the significance of the cultural aspect of their work and acknowledge that there were young people entering the workforce who may feel unsure about where they fit in. He said that the individuals possessed valuable skills that could be utilized in places like his friends' businesses. He said that he believed it was essential to make the opportunities available to those who did not wish to work in an office. He said that he would like everyone to contribute to pushing the amendment forward.

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Mr. Marcos Felipe Sepulveda, Louisa County, said that he was an artist who created paintings, sculptures, and photography. He said that he resided in Keswick, approximately 10 minutes away from the area that was striving to expand and open up. He said that he was there to offer support and hoped that they could bring about some change, enabling more possibilities and creativity to extend beyond the City limits.

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Mr. Mike Funk said that everyone had been talking about how the text amendment would benefit the artisans, but he had been thinking about how it would help the County and identified two significant aspects. He said that their shops generated substantial interest among visitors and locals alike, who did not get bored in their shops, and who spent money. He said that the interest not only benefited individual businesses but also contributed to the County's cultural appeal. He said that artisans contributed significantly to the local economy. He said that as self-employed individuals or small business owners, they tended to be resilient during economic downturns, acting as an economic buffer for the County.

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Agenda Item No. 18. **Public Hearing: ZMA2022-00004 1906 Avon Street Extended**.

PROJECT: ZMA202200004 1906 Avon Street Extended

MAGISTERIAL DISTRICT: Scottsville

TAX MAP/PARCEL(S): 09000000003300; 090000000033B0; 090000000033C0

LOCATION: 1906 and 1920 Avon Street Ext., Charlottesville, VA 22902

PROPOSAL: Rezone three parcels to allow a maximum of 21 residential units.

PETITION: Request to rezone a total of approximately 3.643 acres from the R-1 Residential Zoning District, which allows residential uses at densities up to one unit/acre, to R-10 Residential, which allows residential uses at densities up to 10 units/acre. A maximum of 21 multi-family, single-family attached, and single-family detached dwelling units is proposed, at a gross and net density of 6 units/acre.

ZONING: R-1 Residential – 1 unit/acre

OVERLAY DISTRICT(S): EC – Entrance Corridor and Steep Slopes – Managed

PROFFERS: Yes C

COMPREHENSIVE PLAN: Neighborhood Density Residential – residential (3-6 units/acre); supporting uses such as places of worship, schools, public and institutional uses, and small-scale neighborhood-serving retail and commercial; in Neighborhood 4 in the Southern and Western Urban Neighborhoods Master Plan area.

POTENTIALLY IN THE MONTICELLO VIEWSHED: No.

The Executive Summary as forwarded to the Board states that this rezoning application was first considered by the Planning Commission (PC) at a public hearing on Tuesday, February 14, 2023. At the applicant's request, the PC deferred action to allow the applicant to make revisions addressing feedback provided by the PC and community members. The applicant returned to the PC for another public hearing on Tuesday, November 28, 2023, to present a revised proposal. At this meeting, the PC voted 7:0 to recommend approval of the rezoning. The PC's staff report, action letter, and meeting minutes are attached (Attachments A, B, and C).

Two community members spoke at the public hearing. Concerns included the density and design of the development, including its proposed sole access point through the existing Avon Park subdivision. There were also questions about the impact of this proposal on adjacent parcels and whether it could interfere with the property rights of those parcels. Additional written comments received from community members since publication of the PC staff report have been included as Attachment F.

Since the PC meeting, the applicant has provided a revised concept plan (Attachment D) to address items discussed by the Commission. The revisions include the following:

- 1) A separation of the building envelopes to allow for a break between the building masses (see sheet 5 of the revised concept plan).
- 2) A 20' screening buffer between the existing Avon Park subdivision and the parking area of this proposed new development (see sheet 4 of the revised concept plan).

The applicant has also provided a revised proffer statement (Attachment E) to reflect these changes in the site design depicted on the concept plan.

Staff recommends that the Board adopt the attached Ordinance (Attachment G) to approve ZMA202200004 1906 Avon Street Extended subject to the proposed proffers.

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Mr. Andy Reitelbach, Senior Planner, said that to provide some geographic context of the rezoning request, he provided an aerial view on the screen, and said that the subject site included three parcels along the west side of Avon Street, south of the Mill Creek subdivision, directly north of Avon Park, and to the west across Avon Street from Spring Hill Village.

Mr. Reitelbach said that the zoning of the three parcels was currently R-1 Residential, allowing one unit per acre, and at 3.643 acres, the property owner could build three residential units by right. He said that the overlay zoning districts included Managed Steep Slopes and the Entrance Corridor. He said the surrounding zoning districts included PRD in the Mill Creek area, R-6 in Avon Park, Spring Hill Village across the street was a Neighborhood Model District (NMD), and there were a couple of parcels to the north of the site that also had an R-1 zoning, which was the location of a church.

Mr. Reitelbach said that the Comprehensive Plan designation for the three parcels was within the Southern and Western Urban Neighborhoods Master Plan. He said that all three parcels were designated Neighborhood Density Residential, which recommended three to six residential units per acre, along with some small-scale supporting uses. He said that Neighborhood Density Residential was similar to what other residential properties were on the west side of Avon Street. He said that there was a mix of land use designations on the east side, including Office/R&D (research and development)/Flex/Light Industrial, Community Mixed Use, and Urban Density Residential.

Mr. Reitelbach said that the applicant's proposal for the rezoning request was that all three parcels, currently zoned R-1, should be rezoned to R-10 Residential, which would allow 10 units per acre. He said that the existing use on the three parcels included two single-family detached houses and some accessory structures. He said that the applicant was providing proffers that limited the density to just six units per acre. He said that the proffers included a maximum of 21 units to be constructed on the property, which would be at the six units per acre maximum that was being proffered.

Mr. Reitelbach said that the housing types would be a mix of single-family detached, single-family attached, and multifamily housing. He said that in line with the County's current policy, the applicant was proffering 15% affordable housing in the development.

Mr. Reitelbach said that since the Planning Commission (PC) public hearing, in response to some of the comments and the discussion that occurred at that public hearing, the applicant made several revisions to their concept plan. He said that they included separating the building envelopes that were shown on the concept plan to allow and support a break between the building masses of some of the residential structures. He said that there was also an addition of a 20-foot screening buffer between the parking area for the proposed new development and the existing Avon Park neighborhood.

Mr. Reitelbach said that Hathaway Street was the main street in Avon Park and would be extended into the development, providing the main source of access for the development. He said that one of the two existing single-family detached houses was proposed to remain. He said the development consisted of five single-family detached houses in the bottom right corner, one remaining single-family detached house, and three single-family attached townhouse units on the left side adjacent to Avon Park. He said there were two multifamily structures located in the upper part of the screen.

Mr. Reitelbach said that the applicant had proffered several elements for the development. He said that they were proffering the concept plan, which included major elements identified in the proffer statement that the applicant would have to comply with at the site-planning stage if the rezoning were approved. He said that those major elements included the internal street network of the Hathaway Street extension and the alleyways, pedestrian connections such as sidewalks, and a pedestrian connection from the cul-de-sac of Hathaway Street down to Avon Street, where there was a recently constructed sidewalk along the frontage of Avon Street.

Mr. Reitelbach said that the building envelopes would be a major element, along with identified setbacks in the concept plan, a maximum building height of 40 feet, and a proffered total number of residential units not to exceed 21, which was six units per acre.

Mr. Reitelbach said that the proffer statement included three proffers: one was the concept plan, including the major elements and a maximum of 21 units; the second proffer was for affordable housing at 15% of the total residential units constructed; and the third proffer was regarding the construction entrance for the new development, restricting it from connecting to the existing Hathaway Street. He said that the new construction entrance would come straight from Avon Street and would not come through the existing Avon Park neighborhood.

Mr. Reitelbach said that staff identified several positive aspects in their analysis of the application, including that it was consistent with the recommended primary land use of housing in the master plan. He said the proposal was consistent with the density recommended in the master plan, which was 3 to 6 units per acre. He said that it was mostly consistent with the applicable Neighborhood Model principles. He said that the proposal provided at least 15% affordable housing.

Mr. Reitelbach said the only concern identified by staff was the lack of inter-parcel connections to adjacent properties, apart from Hathaway Street being the primary access through Avon Park.

Mr. Reitelbach said that at the public hearing conducted with the PC on Tuesday, November 28, 2023, the PC voted 7-0 to recommend approval of the Zoning Map Amendment (ZMA).

Ms. McKeel said that she was somewhat confused regarding the location of affordable housing. She asked if it would be scattered throughout the development.

Mr. Reitelbach said that the applicant had not specified in the concept plan which units would be the affordable housing. He said they may be able to provide more information regarding the matter.

Mr. Gallaway said that he would like to understand where staff believed the Hathaway Street connection would be.

Mr. Reitelbach said that the primary focus was considering the possibility of establishing a potential future inter-parcel connection to the north, adjacent to the church property. He said that staff acknowledged that the applicant had attempted to engage the church in discussions regarding the matter; however, the church had expressed no interest in facilitating such a connection now or in the future. He said that the topic had been discussed throughout the review of the proposal.

Ms. Mallek said that over the many years, they had observed that as the area grew, the residents of Avon Park experienced continuous issues due to construction vehicles. She said that Mr. Reitelbach had mentioned that the construction vehicles would come off of Avon and asked if there was a reason why the residents in Avon Park could not come directly off of Avon Street instead of running all the extra traffic through an existing neighborhood.

Mr. Reitelbach said that his understanding was that grading requirements differed between public streets and construction access entrances. He said that when constructing a public street, there were County and VDOT requirements that limited the grade's steepness. He said that construction access entrances did not have the same requirements, allowing them to be steeper. He said that a construction entrance could be built up a hill on the property, whereas constructing a public street would be restricted by grade limitations.

Ms. Mallek said that they had to design a route that went across the hill.

Mr. Reitelbach said that was correct.

Ms. Mallek asked what provisions existed to control erosion coming down the steep construction entrance onto Avon Street.

Mr. Reitelbach said that the rezoning did not include any special provisions; however, they must meet all requirements of the County's stormwater management and construction ordinance. He said that they must satisfy all of the engineering requirements by having their site plan and Water Protection Ordinance (WPO) plans reviewed.

Mr. Pruitt said that the primary reason they were considering R-10 zoning was for the height requirement, which allowed them to create vaulted ceilings and then commit themselves through proffer to the density that would be consistent with R-6 zoning. He asked if there was a reason they could not have simply opted for R-6 zoning with a special exemption instead of choosing R-10 zoning with a proffer.

Mr. Reitelbach said that they would not be able to grant a special exception for the height and building lot they were considering due to the ordinance not permitting such special exceptions in the case. He said that they decided to proceed with the rezoning with the density limitation.

Mr. Pruitt said that he had not been there very long, and this was the second time he had observed that they were doing something over the density that they actually desired due to limitations in authorizing special exception. He said that he was not sure why they would bind their own hands in such a way that created so much additional hassle for themselves. He said that it was not the first time he had seen a master plan that specified a neighborhood density level that was then inconsistent with the underlying zoning map. He said that his initial thought was that perhaps the discrepancy was intentional because it allowed them to extract proffers.

Mr. Pruitt said that he had been informed that this was likely too optimistic and that it was probably not intentional. He said that it appeared to be actual discordance. He asked if there was any reason that they would continue to have the inconsistencies between their Comprehensive Plan and their stated objectives, as well as what they were legally allowed to do according to the zoning map. He said that if they were examining the same map twice, it should convey the same information twice.

Mr. Reitelbach said that he believed the R-1 zoning currently in place was primarily a legacy zoning. He said that with the adoption of the Southern and Western Urban Neighborhoods Master Plan, there was an interest in increasing density along Avon Street. He said that the existing zoning did not align with what had been recommended in the more recently adopted Master Plan.

Mr. Pruitt said that updating the zoning maps under master plan areas might be prudent when updating the master plans for internal consistency.

Mr. Andrews said that he understood that they could not do the R-6 and do this. He asked if there

was anything that R-10 allowed in addition to the increased height under the zoning since the proffer was limited to R-6 in terms of the density. He said that he wanted to know if there were any other setbacks or other aspects related to R-10 that had been allowed.

Mr. Reitelbach said that the design and massing of the construction would involve considerations such as height and lot sizes. He said that in the R-10 district, lot sizes can be smaller than in the R-6 district. He said that it can be advantageous for townhouse units that were often situated on smaller lots.

Mr. Andrews asked if that was happening in this case, or if the ceiling heights were the only reason the project needed to be zoned R-10.

Mr. Reitelbach said that he was uncertain about the lot size. He said that the applicant might be able to provide more information regarding the specific plans for the lot sizes. He said that they expressed a desire for some flexibility in terms of the design requirements for placing the development.

Mr. Andrews said that he understood that the construction entrance could not be the permanent entrance and asked whether it could be considered an emergency entrance. He asked if there had been any considerations for an emergency entrance off of Avon.

Mr. Reitelbach said that there may be a possibility for that, but he was unsure of the grade requirements for emergency entrances. He said that he would need to consult the Fire Rescue Department regarding the matter. He said that during their review, the Fire Rescue Department did not indicate that they required another emergency access easement for the development; they deemed the existing entrance from Hathaway Street, along with access directly from Avon Street, sufficient for the proposed new development.

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Mr. Andrews opened the public hearing.

Ms. Kelsey Schlein, Planner with Shimp Engineering, said that she was representing Jeanette Smith, the property owner. She said that Don Smith, Ms. Smith's husband, and Justin Shimp, the civil engineer on the project, were present for any questions that might arise after the presentation. She said that in 2021, they began concept planning with their client. She said that they had their first pre-application meeting with the County in March. She said that regarding one concern raised in the staff report about interconnectivity, it was initially discussed at the pre-application meeting and was their main concern as they approached the project.

Ms. Schlein said that Avon Park had experienced significant construction in recent years, particularly with Avon Park 2 utilizing Arden Drive and Hathaway to connect to their development. She said that they paused to work with the church next door to determine if they could obtain an easement from them to connect, ultimately realizing a connection through to Avon Street. She said that they went through several iterations with them to explore potential solutions.

Ms. Schlein said that in her presentation, she would provide more technical information about why they could not achieve the entrance to Avon and why they had not proposed interconnectivity to the church property. She said that she wanted to emphasize that the entrance issue had been one of the primary considerations for the project throughout its entirety.

Ms. Schlein said they had a much more intense proposal for the site, almost double the number of units presented. She said that the justification for that was based on the density along the Avon Corridor and how developments such as Avinity, Avinity Phase 2, and Spring Hill Village had all developed at about one-third to half of the highest density recommendation for those properties in the Comprehensive Plan. She said that they considered that additional density might be suitable for the site; however, after a public hearing and feedback from the PC, they discovered that the variety of unit types was welcome but that the density should align with R-6 standards.

Ms. Schlein said that the applicant requested R-10 specifically for an additional five feet in height. She said that they had proffered a limitation of 40 feet maximum for Block 1, which was identified in their concept plan by the pink outline. She said that all other areas, known as Block 2, were limited to 35 feet, which was the by-right height in R-6. She said that they were looking for five additional feet for higher ceilings specifically in multifamily units in Block 1. She said that smaller lot sizes were available in R-10 compared to R-6. She said that R-6 allowed for the complete removal of the minimum lot size if they pursued a cluster subdivision or a bonus cluster subdivision.

Ms. Schlein said that although there were smaller lot sizes in R-10 by right, there were abilities that they often used in subdivisions by setting aside additional open space, which would be the case here, enabling the elimination of the minimum lot size in R-6. She said that regarding the comparison between R-6 and R-10, it was primarily the additional height they were proposing.

Ms. Schlein said she wanted to address the R-10 justification, which involved the intent of the R-6 district and the R-10 district. She said that the intentions were word-for-word the same, except for the bottom where community and urban land area locations were mentioned. She said that the terms had become archaic and were no longer mentioned in the Comprehensive Plan.

Ms. Schlein said that Hathaway Street was constructed as a public road, stubbed out to both properties on the east and west sides. She said the road was designed with the intention of being

extended and was built to VDOT standards to handle up to 2,000 vehicle trips per day. She said that initially there were concerns from neighbors regarding the road's capacity, particularly since VDOT standards allow for up to 2,000 trips per day. She said that with Avon Park 1, Avon Park 2, and the proposed development, they would be looking at approximately 725 vehicle trips per day. She said that this was significantly less than half of Hathaway Street's capacity.

Ms. Schlein said that examining the existing conditions of Hathaway Street revealed why it was practically impossible for them to make a tie-in to Avon Street. She said that Hathaway Street was designed and constructed to approach their property at an increasing grade of 1% at an elevation of 684 feet. She said that the lowest point, where they would want to tie in to meet entrance spacing requirements and have enough grade to tie back into Avon Street Extended, was nearly 44 feet below where Hathaway Street currently stubbed out.

Ms. Schlein said that the increasing grade was incredibly important because, as the road went up, they could not immediately take it back down. She said that they must create a landing and then grade back down to meet all VDOT road design requirements. She said that they did not have enough space to accomplish this. She said that to meet VDOT standards for continuing the design of Hathaway Street as it was stubbed out and in its current construction, the profile and design would ultimately connect off their property.

Ms. Schlein said that another item for consideration regarding road design involved the reason they did not stub out Hathaway Street to connect directly to Faith Temple's property. She said that the decision was made due to VDOT's secondary street acceptance regulation requirements, which offered waivers when potential inter-parcel connectivity did not make sense or was infeasible or difficult due to existing conditions. She said that in this case, both County Neighborhood Model principles and VDOT requirements emphasized interconnectivity with roads. She said that one could receive a waiver of that requirement only if certain criteria outlined in their regulations were met.

Ms. Schlein said that they met two of those criteria: firstly, the existing grade coming down to Avon exceeded 15% for a certain run; secondly, the adjoining property was completely built out, whereas redevelopment in 20 years was unlikely. She said that was the reason for the road design in their concept plan.

Ms. Schlein said that the concept plan had some revisions based on their conversation with the PC. She said that the building envelope was shown as one large building envelope; however, it was never the intent for it to be the huge, massive structure. She said that there would be space between those buildings and a screening buffer as well.

Ms. LaPisto-Kirtley asked if the current proposal was the one being suggested.

Ms. Schlein said that the design was created after three years of coordination with VDOT and the County to determine the ultimate road design. She said that the main concern from the community was the lack of a second point of access.

Ms. LaPisto-Kirtley said that she understood now why they could not have an emergency entrance because VDOT preferred two entrances, ingress, and egress; however, that could not be achieved due to Avon Street and the height difference in the slopes.

Ms. Schlein said that was correct. She said that the existing conditions did not support that design.

Ms. McKeel said that regarding her question about affordable housing, the Board preferred the units to be scattered throughout the area rather than in large clusters. She asked for more information.

Ms. Schlein said that regarding the affordable housing piece, they proposed to make the existing house affordable, and that they planned to rent it out for a very affordable rate, below 60% of AMI (area median income). She said that that would remain as one of the affordable units. She said that as for the other three townhomes, there might be a land trust or potential for sale fee simple affordable unit; however, they had not specified anything in particular. She said that the site was relatively small, but the point about scattering the units throughout was well taken.

Ms. McKeel said that she had a question regarding the house. She asked if they planned to work on the house or if it would remain unchanged.

Ms. Schlein said there would probably be some construction impacts, especially once they determined the final grading. She said that ideally, they would try to keep the house intact as much as possible, but some aesthetic renovations might occur.

Ms. McKeel asked for clarification about the construction entrance.

Ms. Schlein said that the construction entrance was proffered after a meeting with representatives from the Avon Park 1 Homeowners Association. She said that there was a really good recommendation. She said that essentially, they wanted to prevent construction traffic on their street. She said that their property had ample frontage where they could accommodate construction traffic elsewhere. She said the proffer ensured that the construction entrance was not located off Hathaway Street but rather off Avon Street. She said that the most feasible location was essentially where the existing driveway was currently

situated.

Mr. Gallaway said that one of the blocks was for three townhomes and one was for single-family detached houses. He asked about the remaining two blocks.

Ms. Schlein said that the two other blocks were multifamily, consisting of two units per floor, six units per building, and three floors in each building.

Mr. Gallaway said that the affordable options might be limited to townhomes. He said that it was unlikely that single-family detached homes would be within reach due to apparent reasons. He said that there would be no others in those blocks for one unit or two townhomes, or something similar. He asked if it was a possibility.

Ms. Schlein said that flexibility in the zoning allowed the properties to take shape as multifamily or townhomes. She said that the primary reason the project was introduced was to find a location suitable for individuals nearing or in retirement, preferably offering easy one-level living. She said that the type of unit was not typically found in downtown Charlottesville; instead, such properties could be found out in the County. She said that that was what they were hoping would happen there, although there was flexibility and those could end up being townhomes ultimately.

Mr. Gallaway said that he presumed that the existing house's driveway remained in place, which resulted in no significant change. He said that he could see walkways for other buildings. He said that he could not envision how the house fit in with all of the new development around it.

Ms. Schlein said that implementing a comprehensive landscaping plan would be beneficial for creating clearer visual representation of the spaces. She said that ultimately, grading or thoughtfully designed terraced retaining walls in certain places, along with appropriate landscaping, would better define the spaces. She said that the concept may not fully convey how that would take shape.

Mr. Gallaway asked if the house was intended to be a part of or separate from the neighborhood.

Ms. Schlein said that with the orientation of the house, its front faced Avon. She said that the other houses would have their fronts on internal streets. She said that they would have access to community amenities, and that while the construction type might appear slightly disjointed, she thought that with thoughtful design, particularly through thoughtful landscaping, they could create a high-quality product.

Ms. Mallek asked if the existing driveway, which went across the side of the hill, could be curled around to the north and brought in to the existing house as an entrance to be able to have all of the cars going out there rather than through the neighborhood.

Ms. Schlein said that it was essential to recognize that the standards for a driveway differed significantly from those of a road. She said that the number of vehicles allowed on a driveway was also distinct from that of a road, as driveways were designed to serve specific purposes rather than public access.

Ms. Mallek said that she was talking about the location, not the existing gravel driveway, or whatever it was.

Mr. Pruitt said that he understood that access would not be possible during construction and that he had spoken with residents who expressed their skepticism due to similar promises made during previous construction projects. He said that a developer's promise may not affect the individual guy who happened to be driving his truck that day. He said that he was curious if the implementation of temporary physical barriers had been considered and why they were not included in the current proposal.

Ms. Schlein said that this was the first time that she had heard that a temporary barrier should be considered as an option during construction. She said that while she did not foresee any issues during construction, she believed concerns arose when the first house obtained its certificate of occupancy. She asked if Mr. Pruitt meant a temporary barrier just during construction.

Mr. Pruitt said that he was thinking only during construction. He said that he knew that once they had the certificate of occupancy, Hathaway Street must be open. He said that temporary barriers should be considered.

Ms. Schlein said that a temporary barrier would not be problematic during construction.

Mr. Pruitt said he was interested in the location and the way that they planned to move forward regarding affordability. He said that he understood that one of their three options was likely to be met by the existing structure. He said that they were considering three smaller units as potential affordable options in the future. He said that he was somewhat unfamiliar with their current inclusionary zoning rules, specifically the 15% rule.

Mr. Pruitt said that he was familiar with federal programs, like HOPE VI neighborhoods. He said that those programs did not allow for units that were radically unlike in type and location to be set aside as affordable, as it could create a fractious neighborhood. He said that he would like to inquire if such radically unlike affordable units were permissible under the County's current draft of the inclusionary

Zoning Ordinance.

Ms. Schlein said that at present, the County's 15% at 80% AMI was a policy that had standard language accepted as part of it. She said that most of the language was represented in the proffers and aligned with the City's standard operating procedure prior to adoption of inclusionary zoning. She said that she was uncertain if there was a standard operating procedure in existence. She said that historically, it had been covered in a standardized proffer commitment to affordability.

Mr. Pruitt said that as they would be discussing the inclusionary zoning policy, he noticed that there was no governing mechanism in place for the type of units allowed under their current policy, which could lead to fractious neighborhood development. He said that the site plan was consistent with the existing policy, but he had developed concerns as someone who valued fair housing. He said that he would like to explore whether there was room for them to address the issue.

Mr. Andrews said that he was interested in understanding the layout in terms of maintenance and availability. He said that the 1920 location appeared to be a current single-family residence with its own lot. He asked if all other lots would have access to the space right up around it. He asked about how it was divided out, whether it was treated like one of the units or if people could access it like they could access any of the other units. He said that the 1920 location seemed to have a yard. He asked about the ground's maintenance for all units. He said he wanted to know if they were allocated to each unit individually or if there was one central HOA (Homeowners Association) maintaining the property.

Ms. Schlein said that the final distribution of fee simple properties versus condo lots would determine the management of yards and open spaces in the community. She said that single-family homes with fee simple ownership would be responsible for their own yards. She said that the majority of central community open space was expected to be located in the area she indicated on the slide. She said that the connection to Hathaway Street and all of those details would be determined once they had a final layout of what units would be fee simple and what would be more of a condo structure. She said that the Homeowners Association would oversee common areas for the entire development.

Mr. Andrews said that he understood the point regarding the five units but found it unclear whether 1920 referred to a common area or a large land area due to the presence of a dotted line around three attached single-family residences. He asked for further clarification on the matter. He asked if the driveway would remain in place. He said that the construction entrance would likely come in from the other side. He asked whether the construction traffic would continue to use the construction entrance or if it would switch to Hathaway Street for access after the first Certificate of Occupancy (CO) was issued.

Ms. Schlein said that as long as the construction entrance was in place, yes. She said that the intent was for the entire construction entrance to be used by all types of builder traffic.

Mr. Andrews asked what determined how long the entrance would be in place.

Ms. Schlein said that it was based on releasing their bonds and closing out their erosion and sediment control measures. She said there may be smaller contractor trucks coming down Hathaway Street, but heavy equipment and materials would access the site through the construction entrance.

Ms. Mallek said that once the construction of the house by the construction entrance began, all the lumber, delivery trucks, drywall trucks, and other necessary equipment would have to enter through the neighborhood because it was not possible to build a house without the large vehicles. She said that there were dozens of them. She said that she would like to confirm that the construction entrance was intended for a temporary period but not for the entire project duration.

Ms. Schlein said that the construction entrance would not be used throughout the entirety of construction until the last CO was issued.

Ms. Mallek asked if there would be more information available about that.

Ms. Schlein said that if there was any type of dirt moving, earthwork, or similar activities occurring, they could not close the construction entrance.

Mr. Shimp said that he would like to clarify that the proffer stated all construction traffic. He said that they would need to revise their current approach. He said that he had experience implementing such measures during construction before. He said that the construction would have to come in at 1920 and circle around between due to zoning restrictions that prohibited construction vehicles through the neighborhood. He said that they would have to adhere to the requirement until the last bit of construction was completed. He said that the County staff would mandate that they maintain a construction entrance not passing through the neighborhood.

Mr. Shimp said that the phrasing did not allow for exceptions. He said that other projects may have encountered similar situations, but in their case, the option was not available. He said that at some point, they must open up the road for residents, but in theory, a neighbor could report any violation to zoning, leading to fines for the developer. He said that the developer would be incentivized to ensure that all traffic proceeded as intended.

Mr. Shimp said that the construction entrance would need to remain open until the last house received a CO. He said that they would have to come in around 1920 and up the side, so that no home



interfered with the path of that. He said that the County would likely enforce this, and the proffer was expected to enforce it through the end of the project.

Ms. McKeel asked Mr. Shimp to show her with a cursor.

Mr. Shimp said that there was an existing drive serving the 1920 house, which would remain in place. He said that this was far from meeting the standard for a public road suitable for the development. He said that it was quite close to the standard for construction. He said that they would need to install the appropriate stonework and implement sediment trapping measures along that path, among other things. He said that they would utilize the existing drive, coming in and turning up to the site entrance. He said that they would have to build a temporary road for construction traffic to access the site during construction.

Mr. Andrews opened the hearing for public comment.

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Ms. Debbie Smith, Scottsville District, said that she was representing the Avon Park Home Association. She said that on February 14, 2023, they came before the PC to share their concerns about the proposed 1906 Avon Development. She said that in September 2023, the Association Board Chair and Vice Chair met with 1906 property owners Jenny and Don Smith, along with Kelsey Schlein of Shimp Engineering. She said that their meeting was cordial and productive, and they appreciated the proposal modifications mutually agreed upon.

Ms. Smith said that on November 28, 2023, the modifications were presented to the PC. She said that tonight, she would like to focus her comments on two of the most critical issues that remained: density and access. She said that they appreciated the revisions made to the density request from R-15 to R-10; however, it was above the R-6 maximum density approved for Avon Park 1 and 2, as well as Mill Creek. She said that Shimp Engineering was requesting special dispensation from existing County policies and the approved Comprehensive Plan.

Ms. Smith said that they had indicated the R-10 density allowed for cathedral ceilings in what were now being referred to as condos. She said that rezoning the property from R-1 to R-10 remained unprecedented in their area. She asked if it was possible to grant the property owners a variance to allow for cathedral ceilings. She said that a rezoning request for R-6 would be more consistent with the character of the already existing neighborhood. She said that the communities the consultant was using to justify higher density were in a growth area between Avon Street and Highway 10.

Ms. Smith said that according to the Comprehensive Plan, the area was specifically intended to have higher density than the area to the west of Avon. She said that communities to the east of Avon could not therefore be used to justify increased density on the west side, especially since it would not be comparable to the adjacent Avon Park 1 and 2 communities. She said that Avon Street extended was the corridor for the future entrance of Biscuit Run State Park. She said that as future developments were built in this area of the County, they had the opportunity to plan a well-thought-out and visually appealing area leading up to the park. She said that Mill Creek South, Avon 1 and 2, and Spring Hill Village did not contribute to a feeling of high density as one approached the future entrance.

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Mr. Ignacio de Cardenas, Scottsville District, said that he was a homeowner in the Avon Park Community. He said that Arden drive was a steep, curvy road with blind spots at Arden Alley. He said that Hathaway Street ran adjacent to the playground and dog park, and increased traffic on the roads posed a direct threat to their residents, children, and pets. He said that traffic from the new development would exacerbate the situation. He said that for several years, noise, dust, and increased traffic from the construction of Avon Park 2 had plagued the community and disrupted their lives. He said that the builder promised construction traffic on Avon Park 2 would use the emergency road from Avon Street; however, at all hours, they had large trucks carrying heavy equipment. He said that the builder responded that they could not control the contractors. He said that the gate at the Hathaway entrance did not deter construction vehicles from using the entrance because it was left open by the construction crews.

Mr. de Cardenas said that the community asked for a permanent entrance to the 1906 development from Avon Street. He said that the property owners indicated that a separate community was not feasible but agreed to the creation of a construction and emergency access road into the community. He said that although they did not see the emergency road codified in the proffer.

Mr. de Cardenas said that they appreciated this effort, but their experience told them that a more concrete action was needed to ensure that no construction vehicles used Arden Drive and Hathaway Street during the construction phase. He said that they requested that the agreed-upon construction entrance, directly from Avon Extended into the development be constructed as a permanent emergency access road, and that this road be operable as a construction entrance from the first day of construction through the completion and occupation of all of the units. He said that they requested that the County require all construction-related traffic to use the construction and emergency access road from Avon Street Extended into the 1906 development and that there be no access to the development through Hathaway Street until all housing units were completed.

Mr. de Cardenas said that ideally, the connection to Hathaway Street would be constructed after development was completed. He said that as an alternative, they requested the installation of a barrier gate that could be locked and managed by Avon Park 1 community so that access to the new

development remained closed to their community during the construction phase. He said that they also requested a sturdy, easily readable metal sign indicating that there was no access to 1906 and no through traffic be prominently installed at Avon Extended at the entrance of Avon Park 1 and visible to traffic traveling both north and south on Avon Street.

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Mr. Andrews informed the applicants that they had 5 minutes for rebuttal.

Mr. Shimp said that regarding Avon Park 2, he was not involved in that project; however, he mentioned that the situation there was discussed, but it was not proffered, so there was no zoning mechanism that the County could use so the County could not easily state that such actions were not allowed. He said that in their case, the way the proffer was written, their plan would include a barricade on it. He said that they would install temporary barriers at the end of Hathaway Street until they completed site work and connected it for the first house to be built.

Mr. Shimp said that if he were the developer of the project, he could potentially face fines of \$5,000 per violation; thus, they would design their plan to discourage such actions and protect their client. He said that this had some more teeth, and he knew that people had tried this before and experienced mixed success. He said that the way this was written, if County zoning officials chose to enforce the rules strictly, every time a painting truck rolled through, it would result in a fine. He said that he hoped that would address the issue.

Mr. Shimp said that from a constructability standpoint, all sitework must be completed before the first house was built because of its small size, making it impractical to grade in sections. He said that there would be painters, carpenters, framers, and other tradespeople present, but it was likely a one-builder type development. He said that it was unlikely that there would be three national builders but would likely have one local builder, which made regulation easier. He said that the proffer had substantial enforceability, and the County staff would require a means to comply with the requirements as part of the site plans.

Mr. Shimp said that the R-6 versus the R-10 could be confusing; however, he would clarify. He said that if they considered blanket R-6, they could have more than 21 units due to affordable housing bonus density under R-6. He said that it would grant them approximately six bonus units. He said that they had proffered six units per acre, which was less dense than a straight R-6, which could be more than that. He said that they did meet the Comprehensive Plan's recommendation.

Mr. Shimp said that R-10 was intended for multifamily units that were thought of as more like condominiums or one-level flat constructions for individuals who desired a larger space but did not want an apartment downtown. He said that in a structure with a 10-foot ceiling and a 2-foot floor system, there was a total height of 12 feet. He said that a three-story building with 10-foot ceilings would exceed the R-6 zoning by 1 foot. He said the R-10 requirement allowed for such structures to be built. He said that six units per acre was consistent with the Comprehensive Plan.

Mr. Gallaway said that if it were possible for the Avon Street connection, they still would have connected to Hathaway Street.

Mr. Reitelbach said yes, to provide the interconnection between the current stub out of Hathaway Street and a full connection down to Avon Street.

Ms. Mallek said that from her perspective, what had been said would be better, and it appeared that half of the work would be completed with the construction entrance to begin with. She asked where it would be located, as it had been mentioned that it was already included in the proffers. She asked the County Attorney if the proffer described all of the details they had heard that night regarding who would build what and when. She asked if the proffer included enough information to enforce.

Mr. Steve Rosenberg, County Attorney, said that the proffer simply stated that in order to limit the impacts of construction traffic on the existing portion of Hathaway Street located within the Avon Park neighborhood, the location of the construction entrance for purposes of developing the property was restricted from connecting to Hathaway Street. He said that the statement did not provide the level of detail discussed that evening regarding implementation.

Ms. Mallek asked if it provided the necessary authority to enforce the proffer as had been described at the meeting by the applicant.

Mr. Rosenberg said that he believed that if they discovered that construction traffic was using Hathaway Street, it would be a violation of the Zoning Ordinance, as had been suggested. He said that consequently, the violations could be enforced by Community Development staff. He said that they would follow their regular protocol as for any zoning violations. He said that a notice of violation (NOV) would be issued.

Mr. Bart Svoboda, Zoning Administrator, said that the proffer was very broad, lacking specific details such as a sundown or a definition of construction traffic. He said that the debatable part of the proffer could include grading or various aspects like lumber and carpenters, as Ms. Mallek mentioned. He said that this raised concerns regarding the condition's clarity. He said that in terms of the normal process for violations, an NOV would be sent, allowing 30 days for appeal. He said that if an appellant appealed, the process would change, potentially taking weeks or months to resolve.

Mr. Pruitt said that he would like to specifically address the two main concerns raised by the HOA, as he believed they had been adequately addressed. He said the first issue was the density concern, which they addressed even before opening the public hearing. He said that the R-10 zoning was binding with a cap of 21 units which had already been incorporated into the design, and it was necessary to achieve the required height. He said that it was impossible for them to seek more density than what was currently being proffered, which was also below R-6. He said he believed that it fully addressed the HOA's first point regarding density.

Mr. Pruitt said that they had addressed all the access-related issues to the best possible extent given the site's limitations. He said that due to the way the zoning proffer was drafted, it was impossible for them to use Hathaway at any given point in time, even when it became challenging. He said that as a result, they would have to navigate around 1920 in an awkward manner using their construction vehicles to complete the project. He said that he also heard that they believed it was probably prudent for a mechanism to protect themselves to have some kind of temporary barrier, even if that was not included in the proffer.

Mr. Pruitt said that for any residents listening, it would be quite simple for them to provide a link allowing for easy reporting if they do feel that there was still a continued concern of improper use. He said that he would be pleased to provide the link to the Avon Park HOA as their representative if that would provide additional relief for that concern. He said that from his perspective it seemed like the main outstanding concerns had been addressed.

Mr. Pruitt said that his only other issue was resident traffic once it was opened. He said that they provided a very thorough explanation of why there was not really anything that could be physically done about that. He said that all of them received quite a lot of communication about the project. He said that he noticed that the Avon Corridor had been developed in a very piecemeal approach. He said that it had become a very dense and almost exclusively residential community.

Mr. Pruitt said that it was important that they recognized the fact and also acknowledged that there was an increasingly attended desire and expectation for more robust, multimodal transit. He said that this would significantly reduce many of the concerns they were discussing. He said that if there was a recurring bus route or a reliable, protected bike route, there would be less concern about the amount of through traffic because there would likely be less through traffic.

Mr. Andrews said that he would like to clarify one final point regarding the matter, specifically concerning the sidewalk along Avon. He said that he believed it referred to an easement or right-of-way for placing a sidewalk. He said that it would be for pedestrian traffic purposes along the frontage.

Mr. Shimp said that he believed there was already a shared-use path in place.

Ms. Schlein said that a sidewalk was constructed a year ago. She said the shared-use path was on the other side.

Mr. Shimp said that the County Sidewalk Project, prior to its submission, involved a sidewalk that already existed across the frontage. He said that they proposed connecting their cul-de-sac, which will be their internal location, to the existing sidewalk. He said that pedestrians will be able to access Avon via a continuous sidewalk.

Mr. Andrews asked whether there would be a retaining wall up against that sidewalk.

Mr. Shimp said that they had proffered connecting their internal sidewalks to the County-built sidewalk. He said that while he could not provide exact details on how they would achieve it, they would need to do so at the site plan stage.

Mr. Pruitt said that he would like to bring up one additional point that further emphasized his previous statement. He said that the parcel across the street was currently being developed. He said that the development included a proffered segment of sidewalk immediately adjacent to the frontage. He said that he would like to point out that the Avon Corridor had experienced extensive sidewalk infrastructure development through individual proffers for each separate development. He said that he found that baffling and absurd.

Mr. Pruitt said that there were exceptions, such as the newer sidewalk development closer to the I-64 access point, which had been completed by the County. He said that the majority of their sidewalks had been developed piecemeal, individually carried out by developers as part of proffers. He said that he believed that was not the appropriate method for creating a coherent and strategic pedestrian infrastructure in their community. He said he wanted to emphasize that this was the approach they had chosen for implementing what he would consider critical infrastructure in the community.

Ms. Mallek asked where the gate would be located.

Mr. Shimp said that the zoning plan included a proffer specifying that construction traffic was not allowed.

Ms. Mallek clarified that the gate would be shown on the site plan, which was to be approved later.

Mr. Shimp said that if he was hired for the site plan, he would show that barrier was there in order to protect his client. He said that the developer did not want to commit zoning violations, but contractors might do as they do. He said that the best way to prevent them from doing that was to put up some kind of barrier. He said that at some point it could be more challenging because people who lived there would need to get in and out.

Mr. Shimp said that for the first six months or a year of construction, one could protect oneself from zoning violations by simply not allowing someone to go through there. He said that they would show that as more of a matter of practice in response to the zoning proffer they had made. He said that he was unsure if the County staff would require that specifically. He said that they might consider it necessary. He said that considering the number of phone calls he would receive regarding potential violations, he would display the information to indicate that they should address the issue to the extent possible in order to achieve compliance.

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Hearing no other questions, Mr. Andrews closed the public hearing and brought the matter back before the Board.

Ms. LaPisto-Kirtley said that after hearing everything and recognizing that it presented them with an opportunity for some additional affordable housing, she did not have any questions, and she was in favor of the project.

Ms. McKeel said that she supported the project due to its affordable housing provisions. She said she appreciated the applicant's efforts in working with the neighbors, which had been beneficial for the community. She said that not everything had been perfect, as it had been a challenging site. She said that she appreciated the efforts made in addressing the challenges.

Mr. Gallaway said that he was satisfied that his concerns were addressed and that he supported the project.

Ms. Mallek said that she was still very concerned due to the challenges of the site, and she believed hope should never be involved in such matters. She said that it was not the role of a supervisor in the White Hall District to enforce anything with developments. She said that responsibility for addressing issues regarding development lies with County staff. She said that the construction impacts and the 250 cars a day alone, which would be added to Hathaway in the adjoining neighborhood, would not be insignificant for the families who already lived there.

Ms. Mallek said that she had always been concerned about adding more and more pressure on existing neighborhoods every time someone expanded their property at the back. She said that she did think that there was a possibility to address the issue by employing skilled engineers for proper access off of Avon Street. She said she was not inclined to vote in favor of it.

Mr. Pruitt said that he appreciated the forward-leaning approach of both their developers and the homeowners of Avon Park. He said that by collaborating over an extended period, they had created the best possible plan for the parcel of land in terms of shape, size, and grade. He said that he would like to emphasize that this was the challenge of continued infill in the increasingly shrinking southern development neighborhood. He said that this was something they would have to accept as a norm moving forward. He said that this was the level of forward-leaning and compromise they needed to be prepared to embrace.

Mr. Andrews said that he understood that there have been compromises made regarding the matter, and that the stub out on Hathaway indicated that it was always available for potential development in that direction. He said that he would be supportive of the proposal.

Mr. Andrews asked Mr. Pruitt if he would like to make a motion since this was in the Scottsville District.

Mr. Pruitt **moved** that the Board of Supervisors adopt the Ordinance (Attachment G) to approve ZMA202200004 1906 Avon Street Extended.

Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. McKeel, and Mr. Pruitt.  
NAYS: Ms. Mallek.

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**ORDINANCE NO. 24-A(4)**  
**ZMA 2022-00004**

**AN ORDINANCE TO AMEND THE ZONING MAP FOR  
PARCELS 09000-00-00-03300, 09000-00-00-033B0, AND 09000-00-00-033C0**

**WHEREAS**, application ZMA 2022-00004 was submitted to rezone 3.643 acres of Parcels 09000-00-00-03300, 09000-00-00-033B0, and 09000-00-00-033C0 from R-1 Residential to R-10 Residential with proffers; and

**WHEREAS**, on November 28, 2023, after a duly noticed public hearing, the Planning Commission recommended approval of ZMA 2022-00004;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the transmittal summary and staff report prepared for ZMA 2022-00004 and their attachments, including both the Project Narrative last revised November 7, 2023 and the “Final Proffer Statement” for 1906 Avon Street Extended, dated January 23, 2024, the information presented at the public hearings, any written comments received, the material and relevant factors in Virginia Code § 15.2-2284 and County Code § 18-18.1, and for the purposes of public necessity, convenience, general welfare, and good zoning practices, the Board hereby approves ZMA 2022-00004 with the Project Narrative entitled “Narrative for ZMA 2022-00004 Avon Street Extended” dated May 11, 2022, last revised on November 7, 2023, and subject to the “Final Proffer Statement” for 1906 Avon Street Extended, dated January 23, 2024,

1906 AVON STREET EXTENDED | ZONING MAP AMENDMENT  
ZMA2022-00004  
PROJECT NARRATIVE  
SUBMITTED: 11 MAY 2022  
REVISED: 03 OCTOBER 2022  
REVISED: 15 MAY 2023  
REVISED: 09 AUGUST 2023  
REVISED: 07 NOVEMBER 2023

Parcel	Acreage	Existing Zoning	Comprehensive Plan Designation
TMP 90-33	2.096 AC	R-1	Neighborhood Density Residential
TMP 90-33B	0.658 AC	R-1	Neighborhood Density Residential
TMP 90-33C	0.889 AC	R-1	Neighborhood Density Residential
Total	3.643 AC		

**Project Proposal**  
Jeannette D. Smith is the owner (the “owner”) of tax parcels 09000-00-00-03300, 09000-00-00-033B0, and 09000-00-00-033C0 in Albemarle County, Virginia, (collectively, the “property”). The property is located on Avon Street Extended, adjacent to Faith Temple Church, Avon Park, and Spring Hill Village. Jeannette D. Smith requests a zoning map amendment for the 3.643-acre property from R-1 Residential to R-10 Residential to allow for a maximum 21 residential units which are proposed as a mixture of single family detached, single family attached, and multi-family structures.

**Consistency with the Comprehensive Plan**  
The 2015 Comprehensive Plan designates the property as Neighborhood Density Residential, which recommends a density of 3-6 DUA. Within this designation, primary uses are recommended to be of lower density units of single-family detached, single-family attached, and townhomes of 1-3 stories. The zoning map amendment request for 1906 Avon Street Ext. proposes a rezoning to R-10, with a maximum residential density of 6 DUA, which is in line with Neighborhood Residential recommendations for density. Although the proposed maximum density on the site is 6 DUA, a rezoning to R-10 Residential is proposed so that the proposed maximum building height, specifically in Block 1 may be limited to a maximum of 40’, whereas R-6 Residential limits maximum building height to 35’.

The site design seeks to propose single family detached structures along the Avon Street frontage, with multifamily units along the rear and single-family attached units to front on the extended portion of Hathaway Street. The development does not wholly fall within Neighborhood Density Residential recommended housing types with the proposed multifamily units, however, these multifamily units are

imagined to take shape as condominium units. When the owner acquired the property nearly 20 years ago, they always envisioned a creative housing development for the site and in recent years, they've seen an opportunity to create condominium housing that would appeal to residents, such as empty nesters or young professionals, that desired to own property without the same maintenance and costs of a detached home or townhome. Condominium housing facilitates home ownership for a wider range of households and allows these households to build equity over time.

The following is an analysis of the project's consistency with Neighborhood Model Principles:

Pedestrian Orientation:

Pedestrian connections will be provided throughout the site to allow access to each of the units and to the Hathaway Street public right-of-way. With the 2020 Avon Street Extended corridor study, sidewalks are proposed to be constructed along this side of Avon Street Ext. and a rezoning of the property would ensure pedestrian connections to this active corridor. Sidewalks are proposed along the interior public road and would extend to the Avon Park property line, providing an interparcel sidewalk connection along public roads.

Mixture of Uses:

The proposed rezoning is R-10 Residential, so this principle is not applicable.

Neighborhood Center:

While the development is not within a designated center, a neighborhood center, Mill Creek, is located approximately 1-mile north of the development, or within a 20-minute walking shed. With the proposed transportation improvements along the corridor, Mill Creek will become more easily accessible by all modes of transportation.

Mixture of Housing Types and Affordability:

With 6 DUA proposed on the property, there is a mixture of single family detached, single family attached, and neighborhood-scale multifamily proposed. Affordable housing is proposed as a proffer of the zoning map amendment, for 15% of the total number of units, at 80% AML.

Interconnected Streets and Transportation Networks:

The primary road of the development is proposed to connect to Hathaway Street, a 54' public right-of-way within Avon Park, the adjacent development. Hathaway Street currently ends at the property boundary and extending this public ROW into the new R-10 development would achieve public road interconnectivity.

Multi-Modal Transportation Networks:

One public road is proposed with this development. This public road will extend Hathaway Street from the adjacent Avon Park property. The public street will feature sidewalks that connect to the sidewalks within Avon Park to facilitate pedestrian connections along this primary roadway. Bicyclists would easily be able to share the road with vehicles, as the volume of vehicular traffic and the design speed are anticipated to be relatively low. Pedestrians and cyclists would be able to access Avon Street Extended, through the public streets within Avon Park. Per the Avon Street Extended Corridor Study (2020), a sidewalk was proposed and is now constructed along the western portion of Avon St. Ext. and a multiuse

path is proposed for east side of the Avon Street Extended street section. Public street connectivity through Avon Park allows for multi-modal interconnectivity for residents, which will be bolstered by the continued improvements to the Avon Street corridor.

Parks, Recreational Amenities, and Open Space:

As a concept plan that exemplifies Neighborhood Density principles, there is an abundance of greenspace for residents to enjoy. Additionally, the property is in close proximity to the future Biscuit Run Park, which is proposed to have its primary entrance on Route 20. As the County seeks to install bike-ped infrastructure along Avon Street Extended, residents would have direct access to a 1,190-acre public park in the future.

Buildings and Spaces of Human Scale:

Per Section 18.8 of the Albemarle County Zoning Ordinance, structures in an R-10 district may be a maximum of 65'. As a community featuring a mixture of building types, structures in Block 1 are proposed to be a maximum of 40' and structures in Block 2 are proposed to be a maximum of 35'. Due to the variety of building type and proposed grade of the site, pedestrians along Avon Street Extended and Hathaway Street, would feel comfortable within the building enclosures on either side.

Relegated Parking:

Parking is to be relegated from Avon Street Extended. While parking would be provided within the individual single family detached and single family attached lots, parking for the multifamily units is to be provided within parking bays.

Redevelopment:

Tax parcel 90-33 and 90-33C each have a single family residential home on the property; tax parcel 90-33B is currently utilized for a small storage shed. The single family residence on tax parcel 90-33C is proposed to remain. Rezoning of these three parcels would allow for redevelopment that would contribute to Albemarle County housing needs, while preserving one existing residence.

Respecting Terrain and Careful Grading and Regrading of Terrain:

Managed slopes are present on the property and any grading in managed slopes will comply with Section 18-30.7.5 of the Albemarle County Code.

**PUBLIC NEED OR BENEFIT**

According to the County's housing policy plan, Housing Albemarle (2021), Albemarle County is projected to grow nearly 25% by the year 2040 and an additional 2,719 units are needed to accommodate the projected increase. These new housing units should take shape as a variety of built forms and have convenient access to jobs, services and amenities, and public transportation. 1906 Avon Street Extended provides a prime opportunity for redevelopment that supports the objectives of the County's housing policy. The proposed zoning map amendment requests a maximum of 21 units to be developed on the property along the Avon Street Extended Corridor. The R-10 development would construct single family detached, single family attached and small-scale multifamily, featuring a range of affordability. The property is located near Southern Albemarle employment centers, such as Mill Creek Industrial Park, Mill



Creek Shopping Center, Avon Street Industrial Park, five schools (Mountain View Elementary, Peabody School, Tandem Friends School, Monticello High School, and Piedmont Virginia Community College), and Fifth Street Station. Moreover, the property is just south of the City of Charlottesville, where additional areas of employment are located. With the Avon Street Corridor Study (2020), the County proposes to create a complete sidewalk and multiuse path network on either side of Avon Street and has begun to implement sidewalk improvements along the property’s frontage. Realizing the proposed 1906 Avon Street zoning map amendment would create a development that is compatible with the existing fabric of the corridor and future goals of the County. The location of the property, the proposed multimodal connectivity of Avon Street Extended, and the proposed concept plan of the zoning map amendment presents a key opportunity for a residential development that would enhance the overall character of the mixed-use corridor, as well as contribute to needed housing supply.

**IMPACTS ON PUBLIC FACILITIES  
& PUBLIC INFRASTRUCTURE**

**Water and sewer:**

The property is to be served by public water and sanitary infrastructure. Proposed sanitary is to connect across Avon Street Extended through an existing public sanitary easement within the Spring Hill Village development and the proposed waterline is to connect to existing water infrastructure on Hathaway Street.

**Traffic:**

The following trip generation has been provided per ITE Trip Generation, 11<sup>th</sup> Edition.

	ITE Code	Independent Variable	AM			PM			Daily Total
			In	Out	Total	In	Out	Total	
Single Family Detached	210	6 dwelling units	1	5	6	4	3	7	76
Single Family Attached	215	3 dwelling units	0	1	1	1	1	2	22
Low Rise Multifamily	220	12 dwelling units	1	4	5	4	2	6	81

**IMPACTS ON SCHOOLS**

	Single Family		Townhome		Apartment	
	Multiplier	Students	Multiplier	Students	Multiplier	Students
Mountain View Elementary	0.14	0.8	0.08*	0.24	0.05	0.6
Walton Middle	0.05	0.3	0.06*	0.18	0.01	0.12
Monticello High	0.09	0.5	0.01	0.03	0.03	0.36

According to the 2021 Albemarle County Public Schools Subdivision Yield Analysis Report, 6 single family detached, 3 townhome units and 12 multifamily units could add 3 students to Mountain View Elementary, 3 students to Walton Middle, and 3 students to Monticello High. In total, there could be nine new students added to the Albemarle County Public Schools district.

**IMPACTS ON PUBLIC SAFETY SERVICES**

According to the American Community Survey (ACS) 5-year estimates for 2020, there are 42,381 occupied housing units in Albemarle County and according to the 2020 Decennial Census, Albemarle County has a population of 112,395. By dividing the County population by the number of occupied housing units, it can be derived that there’s 2.65 persons per occupied household in Albemarle County. Using this estimate, there could potentially be 56 residents residing in the proposed 21 units however, it should be noted that this calculation does not account for unit size or type. These residents would rely on emergency services provided by Monticello Rescue Squad, Monticello Fire Station, and Blue Ridge District Sector 5 Beat 3 Police.

**IMPACTS ON ENVIRONMENTAL FEATURES**

Managed steep slopes are present on the property and any grading activity within areas designated as managed slopes shall comply with Sec. 30.7.5 of the Albemarle County Zoning Ordinance. Stormwater is to be captured on-site and is proposed to discharge into the designated open space adjacent to the property. Design and discharge of stormwater management will comply with the relevant DEQ and VSMP regulations.

**PROPOSED PROFFERS TO ADDRESS IMPACTS**

The owner has voluntarily agreed to proffer conditions as part of the requested zoning map amendment. Such proffers include general adherence to the proposed concept plan, residential density, the building height, and the setbacks as shown in the concept plan, as well as an affordable housing commitment. The rear setbacks per Sec. 4.19 for R-10 districts are proposed to be reduced in one portion of the site, where units would back up to a permanent open space parcel of the Mill Creek Planned Unit Development.

A restriction on the location of the construction entrance for the development of the property has also been proffered to limit adverse impacts from construction vehicles on the existing portion of Hathaway Street and the Avon Park neighborhood. The construction entrance is prohibited from connecting to Hathaway Street.



Original Proffers   X    
Amendment           

**FINAL PROFFER STATEMENT**

ZMA Number and Name: 2022-00004 1906 Avon Street Extended  
Parcel ID Numbers: 09000-00-00-03300, 09000-00-00-033B0,  
09000-00-00-033C0  
Owners: Smith, Jeannette D.  
Date of Proffer Signature:   1/23/2024  , 2024

3.643 acres to be rezoned from R-1 Residential to R-10 Residential

Jeannette D. Smith is the owner (the “Owner”) of Tax Parcels 09000-00-00-03300, 09000-00-00-033B0, and 09000-00-00-033C0 (the “Property”) which together are the subject of rezoning application ZMA No. 2022-00004, a project known as “1906 Avon Street Extended” (the “Project”).

Pursuant to Section 33 of the Albemarle County Zoning Ordinance (Chapter 18 of the Albemarle County Code), the Owner hereby voluntarily proffers the conditions listed below, which shall be applied to the development of Property if it is rezoned to the requested zoning district, R-10 Residential. These conditions are proffered as a part of the requested rezoning and the Owner specifically deems the following proffers reasonable and appropriate, as conclusively evidenced by the signature below. The signatory below signing on behalf of the Owner covenants and warrants that it is an authorized signatory of the Owner for this Proffer Statement.

- 1. **CONCEPT PLAN:** The Property shall be developed in general accord with the Zoning Map Amendment Concept Plan + Exhibits, prepared by Shimp Engineering, dated May 11, 2022, last revised January 3, 2024 and shall reflect the following major elements as shown and noted on the Concept Plan and Exhibits:
  - a. the internal street network, pedestrian connections, and building envelopes shown on the Concept Plan on Sheet 5
  - b. development in accordance with the Development Table on Sheet 4 which regulates housing types, density, building height, and setbacks and limits the maximum number of dwelling units to 21
- 2. **AFFORDABLE HOUSING:** 15% of the total residential dwelling units within the project shall be Affordable Dwelling Units (the “15% Affordable Housing Requirement”). The 15%

Affordable Housing Requirement may be met through a variety of housing types, including but not limited to, for-sale units or rental units.

- a. **For-Sale Affordable Dwelling Units:** All purchasers of the affordable units shall be approved by the Albemarle County Community Development Department or its designee ("Community Development"). A for-sale Affordable Dwelling Unit shall mean any unit affordable to households with income less than eighty percent (80%) of the area median income (as determined by the U.S. Department of Housing and Urban Development (HUD) from time to time) such that housing costs consisting of principal, interest, real estate taxes and homeowners insurance (PITI) do not exceed thirty percent (30%) of the gross household income. The Applicant or its successor shall provide the County or its designee a period of ninety (90) days to identify and prequalify an eligible purchaser for the for-sale Affordable Dwelling Units. The ninety (90) day period shall commence upon written notice from the Applicant, or its successor, that the unit(s) will be available for sale. This notice shall not be given more than sixty (60) days prior to receipt of the Certificate of Occupancy for the applicable for-sale Affordable Dwelling Unit; the County or its designee may then have thirty (30) days within which to provide a qualified purchaser for such for sale Affordable Dwelling Unit. If the County or its designee does not provide a qualified purchaser during the ninety (90) day period, the Applicant or its successor shall have the right to sell the unit(s) without any restriction on sales price or income of the purchaser(s). This shall apply only to the first sale of each of the for-sale Affordable Dwelling Units.
- b. **For-Rent Affordable Dwelling Units:**
  - i. **RENTAL RATES:** The gross rent (meaning the unit rent plus tenant-paid utilities) for each rental housing unit which shall qualify as an Affordable Housing Unit ("For-Rent Affordable Dwelling Unit") shall not exceed HUD's affordability standard of thirty percent (30%) of the income of a household making eighty percent (80%) of the area median income (as determined by HUD from time to time). The requirement that the rents for such For-Rent Affordable Dwelling Units may not exceed the maximum rents established in this Section shall apply for a period of ten (10) years following the date the certificate of occupancy is issued by the County for each For-Rent Affordable Dwelling Unit, or until the units are sold as For-Sale Affordable Dwelling Units.
  - ii. **CONVEYANCE OF INTEREST:** All deeds conveying any interest in the For-Rent Affordable Dwelling Units during the Affordable Term shall contain language reciting that such unit is subject to the terms of this Section. In addition, all contracts pertaining to a conveyance of any For-Rent Affordable Dwelling Unit, or any part thereof, during the Affordable Term shall contain a complete and full disclosure of the restrictions and controls established by this

Section. At least thirty (30) days prior to the conveyance of any interest in any For-Rent Affordable Dwelling Unit during the Affordable Term, the then-current Owner shall notify the County in writing of the conveyance and provide the name, address and telephone number of the potential grantee, and state that the requirements of this Section have been satisfied.

iii. **REPORTING RENTAL RATES:** During the Affordable Term, within thirty (30) days of each rental or lease term for each For-Rent Affordable Dwelling Unit, the Applicant or its successor shall provide to the Housing Office a copy of the rental or lease agreement for each such unit rented that shows the rental rate for such unit and the term of the rental or lease agreement. In addition, during the Affordable Term, the Applicant or its successor shall provide to the County, if requested, any reports, copies of rental or lease agreements, or other data pertaining to rental rates as the County may reasonably require.

c. **Tracking:** Each subdivision plat and site plan for land within the Property shall designate lots or units, as applicable that will satisfy the 15% Affordable Housing Requirement. Such subdivision plat(s) or site plan(s) shall not be required to identify the method by which the 15% Affordable Housing Requirement will be satisfied. The aggregate number of such lots or units designated for affordable units within each subdivision plat or site plan shall constitute a minimum of fifteen percent (15%) of the lots or units in such subdivision plat or site plan, unless such subdivision plat or site plan does not contain any residential uses. The Applicant, at the Applicant's option, may accelerate the provision of affordable units ahead of the 15% Affordable Housing Requirement and shall be entitled to receive credit on future subdivision plat(s) or site plan(s) for any such units provided beyond the 15% Affordable Housing Requirement.

3. **CONSTRUCTION ENTRANCE:** To limit the impacts of construction traffic on the existing portion of Hathaway Street located within the Avon Park neighborhood, the location of the construction entrance for the purposes of developing the Property is restricted from connecting to Hathaway Street.

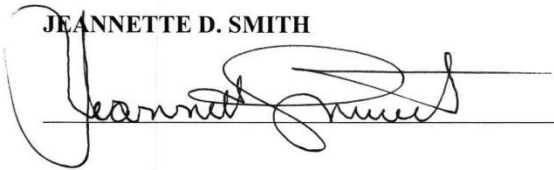
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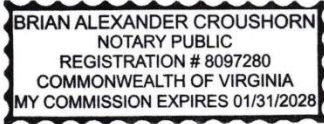


WITNESS the following signature:

OWNER:

Owner of Tax Parcels 09000-00-00-03300, 09000-00-00-033B0, 09000-00-00-033C0:

JEANNETTE D. SMITH  




COMMONWEALTH OF VIRGINIA  
CITY/COUNTY OF Charlottesville, to wit:

The foregoing instrument was acknowledged before me this 23 day of January 2024  
by Jeannette D. Smith.

My Commission expires: 1/31/2028

  
Notary Public

Agenda Item No. 19. **Public Hearing: ZMA20210016 North Fork UVA Discovery Park.**  
PROJECT: ZMA202100016 North Fork UVA Discovery Park  
MAGISTERIAL DISTRICT: Rio  
TAX MAP/PARCEL(S): 03200-00-00-006A2; 03200-00-00-006R0; 03200-00-00-01800; 03200-00-00-018A0; 03200-00-00-019C0; 03200-00-00-019D0; 03200-00-00-019E0; 03200-00-00-019F0; 03200-00-00-019F1; 03200-00-00-019G0; 03200-00-00-019H0; 03200-00-00-019H1; 03200-00-00-019J0; 03200-00-00-019J1; 03200-00-00-022B1; 03200-00-00-022B2  
LOCATION: This includes developed and undeveloped land in the North Fork UVA Discovery Park. The properties are located north of Airport Road, Route 649, between Seminole Trail, Route 29, and Dickerson Road, Route 606, extending north to the North Fork Rivanna River.  
PROPOSAL: The applicant proposes to rezone the southern area in the North Fork UVA Discovery Park to NMD, Neighborhood Model Development to allow residential uses, approximately 1,400 units, and to amend the Code of Development and Application plan for the northern area, which is proposed to remain PDIP, Planned Development Industrial Park. Approximately 7 acres of land not currently in the PDIP is proposed to be rezoned to PDIP  
PETITION: Rezone a total of approximately 543 acres. Approximately 172 is proposed to be rezoned from PDIP to NMD. Approximately 5 acres is proposed to be rezoned from HI, Heavy Industry to PDIP. Approximately 2 acres is proposed to be rezoned from R-1, Residential to PDIP. Approximately 371 that is currently zoned PDIP is proposed to have the Code of Development and Application Plan amended, the zoning would remain PDIP. R1 Residential, allows residential uses (1 unit/acre density). HI Heavy Industrial allows industrial and commercial

uses (no residential use). NMD Neighborhood Model District allows residential (minimum of two housing types) mixed with commercial, service, and industrial uses. PDIP Planned Development Industrial Park allows industrial and ancillary commercial and service uses (no residential use) OVERLAY DISTRICT(S): ENTRANCE CORRIDOR, FLOOD HAZARD, and STEEP SLOPES – MANAGED and – PRESERVED, AIRPORT IMPACT AREA.

ENTRANCE CORRIDOR (EC): Yes

PROFFERS: Yes

COMPREHENSIVE PLAN: Urban Mixed Use (in areas around Centers) – commercial and retail uses that are not accommodated in Centers and residential (3 – 34 units/ acre).

Office/R&D/Flex/Light Industrial – commercial, professional office; research and development, design, testing of prototypes; manufacturing, assembly, packaging; residential is a secondary use (no maximum density). Light Industrial – manufacturing from prepared materials, processing, fabrication, assembly, and distribution of products. Institutional – civic uses, parks, recreational facilities, and similar uses on County-owned property. Public Open Space – recreation and open space uses. Privately Owned Open Space; Environmental Features – privately owned recreational amenities and open space; floodplains, steep slopes, wetlands, and other environmental features.

The Executive Summary as forwarded to the Board states that at its meeting on October 24, 2023, the Planning Commission (PC) voted 6:0 (Commissioner Missel recused) to recommend approval of ZMA202100016 North Fork UVA Discovery Park

The PC did not request any changes and made limited comments during the public hearing. One community member raised concerns about potential impacts to his property due to road construction. The applicant's attorney responded that that the road had been graded already to accommodate two additional lanes, one on each side, so there would not be any more tree clearing needed for that area or more significant grading work required.

Staff recommends that the Board approve ZMA202100016 North Fork UVA Discovery Park, subject to the proposed amended proffers.

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Mr. Bill Fritz, Development Process Manager, said that he was presenting information regarding a proposal for the rezoning of the North Fork Research Park. He said that the property was located at the southern end of Airport Road, bordered by Route 29 to the east, the airport to the west, and Chris Greene Lake to the northwest. He said that the proposal involved taking the original industrial park plus approximately seven to 10 acres of added land. He said that the original zoning for the area was established in 1996, and since then, there have been several amendments in which land has been added.

Mr. Fritz said that the current plan was to add some residential areas consisting of single-family attached, single-family detached, and multifamily units. He said that there would also be opportunities for commercial and office space. He said that the composition of residential units may be adjusted during the development of the site plan and throughout the review process. He said that affordable housing was integrated within the development, with 15% proffered and distributed throughout the development.

Mr. Fritz said that the proposal featured an entrance on Airport Road opposite Berkmar Drive, which included a roundabout. He said that the existing entrance was on Route 29, and there was also a small entrance off Quail Run, which was essentially a tertiary entrance. He said that there was an opportunity for an entrance or connection to an adjacent property. He said that all the entrance locations or access points had been established since the original rezoning, and there was no change in any of that.

Mr. Fritz said the application also included a substantial amount of open space and green space within the development. He said that it also included significant improvements to the County's trail system along the North Fork and a portion of land that did not directly abut the North Fork Rivanna River.

Mr. Fritz said that the project had been reviewed for compliance with the Comprehensive Plan, the Neighborhood Model Development, and prior actions. He said that one of the things that has been done with the rezoning that was not done in prior ones was that they were showing proposed grading. He said that the advantage of that was because it was a planned development and by showing conceptual grading, they could obtain early grading permits which would help facilitate the industrial development of the property.

Mr. Fritz said that as part of that, there were minor areas that would be disturbed that were shown as steep slopes, and they had reviewed those and recommended approval of the application plan. He said that because of that, it would allow the development to occur. He said that the Board had already approved early grading on Area B-5.

Mr. Fritz said that the Planning Commission (PC) voted 6-0 to recommend approval of the request on October 24. He said that the PC did not request any changes and made very limited comments during the public hearing. He said that the majority of comments focused on coordinating the location of recreational areas to where multifamily was and the internal paths to how the development progressed. He said that those would all be addressed during the site plan process.

Mr. Fritz said that one community member raised concerns regarding potential impacts to their



property due to road construction; however, it was confirmed that no impacts would occur. He said that the proposal includes significant proffers that largely mirrored prior proffers. He said there was a cash proffer that would be triggered in three payments, which could be used by the County for transportation improvements at their discretion when the funds became available. He said that the proffer did not specifically identify the improvements because the original approval was granted in 1996, and it was uncertain when the various triggers would occur or what the most appropriate improvements would be at that time.

Ms. LaPisto-Kirtley said that she liked the proposal and would like to inquire if the Schools had requested anything, such as land or if someone had asked for a local park for summer vacations.

Mr. Fritz said that one of the proffers was for the Dabney Grove Park, which was intended to be developed and transferred to the County. He said that the trail system easement and land were made available for that purpose. He said that internal connections would also be established between the development and the existing trail systems. He said that as mentioned in the staff report, Schools and the needs for Schools in the area were considered, and there was proffered land available in the area; thus, no need was identified to build a school on this particular property.

Ms. LaPisto-Kirtley asked what the size was of the Dabney Grove Park parcel.

Mr. Fritz said that he did not have the exact acreage available. He said that he could confirm that there were 204 acres designated for open space and buffer areas within the development.

Mr. Gallaway asked about the water and sewer requirements for the properties. He said that he was unsure whether the requirements were part of the previous proffer or the current one or if they were a combination of both. He said that procedurally, there was some responsibility for addressing capacity issues related to water and sewer.

Mr. Fritz said that there were capacity issues there, which prior proffers and the current proffers both addressed. He said that updates had been made to reflect new information, and that was where they currently stood. He said that it would trigger necessary actions. He said that they had collaborated with the Rivanna Water and Sewer Authority (RWSA) and the Albemarle County Service Authority (ACSA) throughout the process to develop appropriate proffers.

Mr. Fritz said that the most significant aspect was not solely the proffers but rather the ability of the County working with the ACSA to address those issues during the site plan review process. He said that at that stage, they could determine the exact water consumption, connection points, and necessary approvals could be granted or withheld at that time.

Mr. Fritz said that they had to pace their development according to improvements made in the area or contribute to those improvements if they wanted to accelerate the development.

Mr. Gallaway asked for information on the process for the Lewis and Clark connection to Route 29, which had been discussed in the previous proffer.

Mr. Fritz said that various improvements would occur on Lewis and Clark internally and at intersections at different points of development.

Mr. Gallaway asked what else would happen that did not exist now and what would trigger that to happen.

Mr. Fritz said that there were improvements on Route 29 that would occur, and they were triggered at different points. He said that at different points various improvements would occur on Route 29. He said that improvements would be made to Lewis and Clark Drive internally, and the connection at Airport Road was being coordinated with the improvements to the roundabout.

Mr. Kevin McDermott, Deputy Director of Planning, said that the proffered improvements for the Lewis and Clark and Route 29 intersection included adding dual left-turn lanes from Lewis and Clark onto Route 29 and from Route 29 onto Lewis and Clark. He said that he did not recall the exact triggers for those; however, they occurred when a certain amount of development took place in the area, at which point they were required to install the lanes.

Mr. Gallaway said that he had requested the current proffer statement before considering this development. He said that this was not considered in the prior proffers. He said that the triggering of events depended on what was proposed currently. He said he wanted to ensure that the proffers did not assume they will trigger based on the old language but rather based on the new activity that arose from the proposal. He said that he was not suggesting that it was not included; he simply needed confirmation that what he described was the case. He said that they now had different levels of activity theorized with the proposal being considered tonight, and the triggering of things that were already on the table for the applicant, the timelines for when those came on line were different than if this application had not come forward.

Mr. McDermott said that they had addressed that in the proffers. He said that the timing of the proffers was based on the traffic impact analysis and their assessment of how much development could take place before there was a need for those developments. He said that they had adjusted the triggers to address the new development rather than what was previously in place.

Mr. Gallaway asked how they determined the cash proffer amounts for transportation were suitable.

Mr. McDermott said that the amount of cash or proffers was determined by the applicant. He said that for cash proffers for transportation, it was through a determination that those cash proffers would address their impacts. He said that typically, it involved assessing the existing traffic at an intersection, factoring in additional traffic from other developments, and determining what proportion of their development's traffic would impact that intersection. He said that the cost of necessary improvements was identified, and the percentage of their impact should correspond to the percentage they contributed.

Mr. Gallaway confirmed that staff validated that percentage amount and asked why the affordable units would be included in the code of development rather than the proffer statements.

Mr. Fritz said that it could be either way since the proffer statements referred to the code of development. He said that consequently, elements that were part of the code of development were considered part of the proffer.

Mr. Fritz said that he would like to emphasize that in addition to the cash proffer there was also a dedication of land for the roundabout construction. He said that this was a new proffer compared to prior ones.

Mr. Gallaway said that the school impacts would affect Baker Butler, and the elementary school student size would be approximately 17 students. He said that was essentially an entire additional class at a school that was there.

Ms. Mallek said that since they did not know the number of units being built or their sizes, it was challenging to determine the number of children that would be present. She said that the difficulty arose from having to consider a range of 200 to 1,500. She said that this had been a significant challenge for her.

Mr. Gallaway said the 17 was the low end.

Mr. Fritz said they did the calculations in range.

Mr. Gallaway said that it would take six classrooms if it hit the maximum.

Ms. Mallek said that, plus 15,000 cars per day in an area where they were just beginning to get sufficient transportation amenities after 40 years of trying to improve 29. She said that she would be much more confident if there was a specific number between 200 and 400, which would enable them to better understand how this would work. She said that although the layout was lovely, she did not know what to do with it. She said that the school impact remained undetermined, and that others may have answers to her questions. She said she had another point regarding impacts to Dickerson Road and Quail Run. She said that Quail Run was situated between two major residential blocks and served as a rural feature. She said it was small and incapable of carrying more traffic.

Mr. Fritz said that the road was constructed during the time when the original industrial area was developed. He said that the development plan had consistently included the area as a tertiary entrance, and it had indeed been implemented in that manner. He said that it was not really driving any traffic that way. He said that the transportation impact analysis was based on maximum development rather than the range, did not drive a lot of traffic through Quail Run out to Dickerson.

Ms. Mallek asked how they knew.

Mr. Fritz said that this was because the primary destinations people aimed for were Airport Road and Route 29. He said that there was some degree of uncertainty in the assessment. He said that people could use the route, but it was not the most convenient route. He said that Lewis and Clark would be more convenient for accessing Airport Road or Route 29. He said that it was unlikely that the route would receive substantial traffic. He said that when development occurred on the adjacent property on Route 29, another relief valve would be created onto Route 29, further diminishing the likelihood of using Quail Run.

Mr. Pruitt said that they had spent some time discussing the different triggers based on the trips per day and when that dispersed funds to the County. He said that he understood that they also had an acceleration clause that they could exercise in lieu of the triggers. He said that it appeared that the option was better because it allowed them to control the timetable of when transportation improvement projects were implemented in the County. He said that exercising the acceleration right required them to go back to the North Fork developers. He asked for some insight into what the process entailed.

Mr. Fritz said that as the development progressed and they knew what improvements they were doing, they would have to make those kinds of decisions. He said that the decisions might be made at a staff level if they became obvious or might require consultation with the Board of Supervisors if there was uncertainty about which option was better. He said it would be based on the rate of development of the project, and the rate of development of County projects in the area to make that determination of what to do.

Mr. Pruitt asked if there were any ministerial or bureaucratic roadblocks that could hinder the disbursement of funds in a timely manner if they exercised their acceleration right because they had identified a specific project.

Mr. Fritz said that he did not believe so, based on the proffers written. He said that they could accommodate whatever needed to be done.

Mr. Pruitt said that although the project discussed ambitious standards in terms of affordable housing, the actual content of the text represented no more than the absolute minimum of their current inclusionary zoning standards, which was 15% at 80%. He said that no additional requirements beyond the standards were binding on the application.

Mr. Fritz said that was correct.

Ms. Mallek asked to follow up on what Mr. Fritz said about going back to the developer to carry out an acceleration, if the development was referring to the UVA Foundation or if it was the company it hired for development.

Mr. Fritz said that it would be the owner of the property.

Ms. Mallek confirmed it was the Foundation.

Mr. Fritz said that if they sold it to someone else, then they had bought the proffers.

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Mr. Andrews opened the public hearing.

Mr. Tim Rose, CEO of the UVA Foundation, said that their sole purpose was to serve the University of Virginia, primarily in real estate, although they did other work as well. He said that regarding the size of the property, it was about 11.6 acres. He said that they could provide a more accurate answer later. He said that they owned North Fork; they had purchased it at UVA's request to further the research mission of the University and stimulate economic development for the community. He said that at the time, around 1994, there were not many businesses in town, and the University was trying to attract more businesses to provide job opportunities for trailing spouses to be hired.

Mr. Rose said that the research park model originally involved a closed-off park with separated pods of businesses. He said that after learning from urban planners and experiences, the new model for research parks involved a more integrated park, more roads into the park, and housing to support the park and facilitate marketing for future businesses. He said that they were seeking approval of the zoning change to allow for residential development.

Mr. Rose said that the process had been ongoing for approximately three years. He said that regarding the question about affordable housing and whether they wanted to go beyond the County standard. He said they had been collaborating with the University to facilitate the creation of affordable housing. He said they had selected three sites in partnership with the University for this purpose. He said the first site was located in the City. He said they had hired an affordable housing expert through a competitive process who was working with them at that location. He said they aimed to have between 150 and 200 units on that site.

Mr. Rose said the second parcel was situated in the County on Fontaine Avenue. He said that they required County assistance in achieving the rezoning. He said that their first partner was Preservation of Affordable Housing (POA), while their second partner was Piedmont Housing Authority (PHA). He said that they anticipated developing approximately 300 units at that location. He said the third location was North Fork.

Mr. Rose said that regarding their commitment to the location, as they had gained more understanding of the financial complexities of affordable housing, they recognized the need for a partner to work with them. He said that he hoped that they would recognize what they had done at the other projects. He said that the capital stack required for the project to proceed consisted of various components, such as state tax credits, federal tax credits, and contributions from the municipality and landowner. He said that the affordable housing project included various services that surpassed the bare minimum or standard.

Mr. Rose said that their current plans for the City project aimed to create a community rather than just construct units. He said that they hoped to incorporate an educational component for the children residing in their affordable housing and provide meeting space. He said that each place had its own unique needs.

Mr. Rose said that they may not have the same types of public services or transportation or walkability at North Fork that they had in the City. He said they would allocate space for retail establishments, and they would provide meeting spaces for the community, childhood education opportunities, and a community resource center. He said that in developing the features, they had formed a council of ambassadors that included affordable housing advocates, a member of the City Council, as well as representatives from the neighborhood.

Mr. Rose said that with the assumption that they received approval, their next step was to bring in

an expert in affordable housing and create a similar council of advisors. He said that it may be beneficial for the Board to have someone on that council to assist in advising.

Ms. Valerie Long, Williams Mullen, said she was representing the UVA Foundation. She said that the original 1995 rezoning application plan showcased the continuity with the essential layout of the application plan that was binding the transportation network, the blocks, and the connections at the three locations.

Ms. Long showed another slide, and said that it was the 2005 application plan, which was approved in 2010. She said that the area on the left in yellow was added to the park.

Ms. Long said that Lewis and Clark Drive was recently extended when the park was initially opened. She said that in recent years, the Foundation completed the extension of Lewis and Clark Drive, an \$8 million project that was completed earlier than required by the current proffers. She said that the extension provided significant benefits for both the park and the broader community in terms of connectivity and accessibility to places like Hollymead Town Center, and the airport. She said the extension opened up additional areas of the park for development, as the road infrastructure was already in place. She said that it substantially increased response times and convenience for fire and rescue services due to the proximity of the station.

Ms. Long said that from the beginning, the initial segment featured a multi-use path, and the new segment also included one. She said that there were numerous existing amenities in the area. She said that the residents would be able to take advantage of both existing amenities and future amenities that would accompany residential development. She said that the proposal involved rezoning a portion of the park for Neighborhood Model Development, which was the only district that allowed mixed-use, including residential.

Ms. Long said that two parcels, owned by the Foundation on Route 29 at Lewis and Clark, had been proposed for inclusion in the park. She said that the proffers had been updated to reflect the current proposal. She said that the residential units would be additive to the existing ones. She said that there were 3.7 million square feet of planned development for industrial park (PDIP) uses.

The applicant's time expired and Ms. Long said there was more information in the presentation if the Board members had questions.

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Ms. LaPisto-Kirtley asked Ms. Long if she could continue explaining the slide she had ended on.

Ms. Long said that the existing park was permitted to have up to 3.7 million square feet of non-residential uses, primarily the planned development industrial park. She said that this remained unchanged. She said that in addition to those 3.7 million square feet, they could now have the residential uses as well. She said she wanted to emphasize that there would be no backing away from designating the area as an important future employment center, innovation center, and so forth. She said that this was not a reduction but rather an increase of what was permitted.

Ms. Long said that the current proffers had consistently committed to a minimum of 200 acres of open space, and that commitment continued.

Ms. LaPisto-Kirtley asked if there was another slide. She asked for it to be explained.

Ms. Long said that regarding affordable housing, two parcels in yellow would be rezoned and incorporated into the park as PD-IP (Planned Development – Industrial Park). She said that the area in red represented the 175 acres that they proposed to rezone to Neighborhood Model Development. She said this would allow for residential uses, in addition to all other uses permitted in PDIP areas. She said that the areas in blue would not change in terms of zoning or uses, but they would continue to be designated as PDIC.

Ms. LaPisto-Kirtley asked if there was available space for a school site to be proffered.

Ms. Long said that there was nothing that would preclude it. She said that they had actually had conversations about that early on, determining whether such a need would arise because, right across the street in the North Point development, they had proffered an elementary school site, and at Brookhill they had both a high school site and an elementary site. She said that they were advised that it was not a need but that there would be no obstacle to implementing it in the future.

Ms. McKeel said that she appreciated the green space and the trail system. She said that she would like to make a comment regarding UVA's developments. She said that she had been impressed by the University's use of green space in a natural way. She said she would like to emphasize the importance of prioritizing native plants in future developments. She said that regarding affordable housing, she wanted clarification about the minimum number of units.

Ms. Long said that the minimum number of residential units was 200. She said that the goal was to have significantly more units than that; ideally up to 1,400. She said that the Foundation was not a residential developer itself, and that this was a new development for the park. She said that it had been in existence for quite some time but had not yet featured housing. She said that there was considerable interest in the project, which had already been evident through numerous inquiries. She said that until

they received zoning approval and commenced the process described by Mr. Rose involving collaboration with for-profit and non-profit developers, they could not guarantee the exact number of units that would be built.

Ms. Long said that they believed that the number would be substantial but remained uncertain until they initiated the process. She said that they aimed to establish a minimum requirement. She said that they strived to reach the maximum but could not predict the exact rate at which the park would develop or the number of square feet they would achieve annually. She said that they were not comfortable making a more definitive commitment for housing due to their lack of control over building those units.

Ms. McKeel asked for more information about the affordable housing.

Ms. Long said that the affordable housing, like other projects, was 15% of the total units committed for those at 80% of the AMI (area median income).

Ms. McKeel said that she anticipated that those units would be distributed throughout the development as best as possible, recognizing that there were certain buildouts and timing constraints.

Ms. Long said yes, that was certainly the goal. She said that the details would emerge during the RFP process, similar to what Ms. Rose described for the City. She said that they issued an RFQ and received numerous project applications. She said that they narrowed down the applicants and asked them to submit an RFP, challenging them to present their best case for their project. She said that they focused on maximizing affordable housing, improving quality of life, avoiding environmentally sensitive areas, and so forth. She said that the response was strong, and the process was quite competitive.

Ms. Long said that the expectation was that would happen here as well, although the site was different. She said that there was a need for market testing, but they were optimistic that there would be far more than 200 units. She said that it was unlikely that they would all be built at once due to ongoing details that needed to be worked out.

Ms. McKeel said that the statement was accurate regarding the availability of an elementary school at Brookhill and North Point. She said that the School Division had clarified that the proffered land for a high school would not be used for that purpose.

Ms. McKeel said that she recognized that the development was associated with the UVA Foundation rather than the University itself. She said that they tended to conflate the two entities. She said that the Foundation appeared to have more flexibility based on its governance structure compared to the University. She said she was concerned about the timing and build-out of the development because they did not know whether it would take one, three, five, or six years to complete.

Ms. McKeel said that the value of the proffered money may not be as high in five years as it was now. She said that they consistently needed to return and fill in the amounts of money due to discovering three or four years later that they could not build what they initially anticipated. She asked whether there was a clause that allowed for adjustments in the amount.

Ms. Long said that she did not believe that it was built in for the \$1.5 million figure. She said that regarding the \$2.5 million for the Berkmar roundabout, that one was intentionally designed. She said the figure represented the funding shortfall they understood was in place for the project. She said the goal was to close the gap using the funding. She said that she understood that project was otherwise almost ready to commence. She said that they structured that one to be provided within 90 days once the plans were complete and the project was otherwise ready to proceed.

Ms. McKeel said that she was concerned that in three years they would be in the same place in addressing some of the other infrastructure problems.

Ms. Long said that the proffers did not include provisions for an adjustment. She said that they could certainly collaborate and determine how to address that issue.

Mr. Gallaway said that the Berkmar Extension was the ideal point to that. He said that the Board was committed and voted to fund it. He said that by the time the proposal went through VDOT, the cost had increased significantly. He said that they had already approved additional funds, but now the extra amount had not covered the gap required to connect Berkmar to Airport Road. He said that the roundabout was not being installed until the Berkmar Extension was complete at Airport Road.

Mr. Kevin McDermott, Deputy Director of Planning, said that the extension of Berkmar and the roundabout were all part of one single project. He said that in addition to the \$2.5 million they would utilize, they had secured the local match for the Revenue Sharing grant they had applied for. He said they obtained a Revenue-sharing grant worth \$2.5 million, which they expected to use the local match for.

Mr. Gallaway said that Berkmar Extension was a Revenue Sharing initiative that they did not currently have enough funds for. He said he heard that \$2.5 million had closed the gap. He said that based on the explanation provided, the \$2.5 million was being used for the local match contribution, which still left a gap in the project's funding.

Mr. McDermott said that his understanding was that the \$2.5 million, in addition to the funds they

had requested from Revenue Sharing, would fully fund both the Berkmar Extension and the roundabout together.

Mr. Gallaway asked if there were other funding gaps for the project.

Mr. McDermott said there would be no more gap based on estimates from VDOT.

Mr. Gallaway said that if adjustments were not made, the consequences would return. He said that all of their transportation projects had faced significant challenges in just one year. He asked how housing impacts on Schools would be addressed. He said that apartment units did not usually result in as many children as single-family detached homes. He said that they did not yet know the exact number of students the project would generate. He said that this was a significant project with substantial impacts. He said that many of their proffers aimed to address the impacts.

Mr. Gallaway said that addressing the potential impact on Schools was a concern. He said that if they developed the project to its maximum capacity and reached 233 students, half of whom would be elementary school students, that would be an entire grade. He said that the school division was committed to constructing a school with approximately 500 seats. He said they could build larger facilities; however, they did not want to do so. He said this became problematic when considering that some of their schools had reached capacities of 600, 700, or 800 seats. He said that from an educational standpoint, the larger schools may not be ideal. He said that they typically addressed water and sewer infrastructure, transportation elements, and other site proffers related to large developments. He said that there was a need to address the school's impact that the development would bring forward.

Ms. Long said that the advantage of the project was that it was a genuine mixed-use development, and the non-residential components would generate significant tax revenue that would help cover the additional costs for Schools. She said that there was a variety of uses, a hotel was one, in addition to commercial space, office areas, and some retail establishments such as restaurants. She said that the larger tax-generating uses included the true PDIP uses, which encompassed the research park and light industrial uses. She said that these uses would generate far more tax revenue than hotels alone that would offset, or more than offset, the impact on school resources.

Ms. Long said that recognizing that Schools constituted a significant portion of the County's annual budget, the development offered both tax revenue generation and essential services. She said that the primary objective of the residential development was to enhance the park and invigorate the park. She said the intent was to make other uses, such as PDIP uses, more desirable, generating increased tenant interest and expediting the development of the entire research park.

Ms. Long said that prospective tenants consistently expressed their desire to be located nearby, preferring an active community where they could live comfortably and access various amenities. She said they preferred walking or biking to work if possible. She said that consequently, the residential development was viewed as an amenity to the park's economic development goals.

Mr. Gallaway said that typically, when large projects arose, the affordable housing component was a persuasive factor for them because they wanted affordable housing. He said that the unique aspect of the project was that it was their site identified to achieve their affordable housing goal. He said that from the perspective of considering and viewing this as their most significant partner in addressing the issue, he was questioning what they should do if they did not exceed the 15% and the 80% AMI threshold.

Mr. Gallaway asked how he could justify the development impacts with the proffered affordable housing. He said that he was considering whether he should tell his constituents that he supported the project because UVA identified it as a location for affordable housing. He said that if they only achieved 15% and 80% of AMI, he did not know what to say. He asked how to address his constituents if only the minimum amount of affordable housing was achieved.

Mr. Rose said there was a similar discussion held in 1995 regarding a different issue. He said that the current concern revolved around trusting the Foundation's dedication to fulfilling their promises. He said that the University had made a statement, and they intended to stick by it. He said that there was great trust between both parties, and the Foundation was separate from the University but shared members of its board. He said that they would like the County to become a partner to realize their goals. He said he could guarantee they would exceed the expectations.

Mr. Gallaway asked what the target number of units was.

Mr. Rose said they did not have a target. He said they conducted sensitivity analysis that revealed hundreds of units beyond standard expectations. He said that they were uncertain if they could achieve the results, but they would strive to make progress in the area.

Mr. Gallaway said that if they received 1,400 units, at a 15%, that amounted to 210 units.

Mr. Rose said that their figures were higher. He said that he needed to gather the team and discuss their strategy. He said that the discussions at UVA had been somewhat the same. He said that he had never developed residential units himself. He said that experts were suggesting that they could install 150 to 190 units at Wermland and 300 units at Piedmont on Fontaine. He said that they would assess what they could achieve there.

Mr. Gallaway asked if they aimed to provide affordability beyond 80% AMI.

Mr. Rose said that it was an expectation at other sites.

Ms. Mallek said that when the discussion first began and she was informed that all those gruesome details were going to be left up to the developer, she cringed because that did not sit well with her. She said that what she heard tonight was that there would be strict requirements in the process. She asked whether they intended to continue to own the land.

Ms. Long said that the answer was that they were not yet certain about their plans for the land. She said there was a good chance they would retain the land and ground lease it. She said that they might sell some land, though historically, they had not sold land. She said that they were still working through the possibilities. She said that they could donate land, enabling an affordable housing developer to create 100% affordable units at 60% AMI.

Ms. Long said that it may be that they had a LIHTC (Low-Income Housing Tax Credit) developer who could create a large number of units all at once or a range of units. She said that they had not made all those decisions yet, but she could tell them that she was actually involved in two of the projects mentioned by Mr. Rose. She said that there was a team consisting of some local civil engineers and architects, and one was an out-of-town affordable housing developer from Maryland. She said that the quality of the proposals presented was astonishing to her.

Ms. Long said that the criteria were very strict. She said they were asked to focus on maximizing affordable housing without specifying exact numbers or levels. She said they were also required to stay out of sensitive areas. She said that they should consider all the other factors as well when preparing their proposal. She said that it was quite impressive in terms of the projects she was involved in. She said she would anticipate that the standards would remain consistent, and they stated that they will be the same.

Ms. Long said she believed that they would be highly satisfied, and they would surpass their expectations. She said that there was extensive detail required for each of the aspects. She said that regarding the process of transferring ownership, if they selected them, they would negotiate a ground lease with them and establish all the terms. She said that the terms and conditions of the lease would obligate the ultimate builder to adhere to their standards and guidelines, including the affordable housing requirements.

Ms. Mallek asked if there had been a discussion regarding the primary focus of the residents being those working at the park or at Rivanna Station. She asked if it was a goal of the application.

Ms. Long said that she did not know of any specific criteria but that was an example of criteria they could create as part of that initiative, which would be logical for the area due to the reasons mentioned.

Ms. Mallek said that one of the significant burdens for noncommissioned active-duty personnel at Rivanna Station was the lack of affordable housing options. She said that there was a substantial need among the 2,000 active personnel there for resources nearby. She said that the houses across the street started out being more affordable; however, over the past 10 years, that had changed. She said that their salaries had not kept pace with inflation during the period. She said that if such information had been compiled before tonight, it would have been much easier for her to verify it. She said that she understood why they wanted to secure the rezoning first; however, it presented challenges for her.

Mr. Rose said that he wanted to inform about the depth of their discussions, which included conversations regarding selling the land. He said that in terms of wealth creation, something that owners preferred was affordable housing. He said that they needed to be cautious regarding tax incentives for affordable housing. He said that he was not certain if they could specify the target customer for affordable housing. He said that for non-affordable housing, they would indeed prefer people to reside in the park.

Mr. Pruitt said that it was possible that some land interests may be donated to developers during the development process. He asked whether the County's ability to enforce the proffers would be fractioned. He asked whether one would need to request 0.2% of the transportation proffer from PHA and involve them in that negotiation if land had been donated to PHA.

Ms. Long said that in theory, if legal documents were not structured as well, in her experience, the way it had worked was that the sales contract obligated the builder to construct a certain number of affordable units. She said that the developer retained all liability for those expenses. She said that the Foundation would maintain their obligation, which would be evident in their documents. She said that the County would always be able to look to the Foundation for enforcement purposes.

Mr. Pruitt said that this appeared to be a commitment based on faith.

Ms. Long said that the Foundation's commitment was not explicitly stated in the proffers regarding the described scenario. She said that the proffers remained binding to the developer, regardless of selling off parts of the property. She said that if they still owned any portion of the property, the County could always return to the primary developer.



Mr. Pruitt said that he knew that there was mention of the greater possibility of using ground leases for developers. He said he was aware that there were quite a few single-family homes in B11, both attached and detached.

Ms. Long said that was what was represented on the plan. She said that the goal was to offer a variety of housing types.

Mr. Pruitt said that he understood that when he said single-family attached or detached, he was assuming that at least some of the properties were intended to be for sale rather than for rent. He asked if it was being considered to maintain a ground lease model on sold units, which was doable and legal, but bad.

Ms. Long said that she did not know if any of those details had been identified. She said that historically, the Foundation had not wanted to sell any land. She said that initially, they sold a few parcels with rights of first refusal; however, they managed to regain them when those prior owners sold them. She said that since then, they had not sold land. She said that there were many details that needed to be worked out regarding how that would function.

Mr. Rose asked if Mr. Pruitt was referring to a community land trust where land was retained by the building was sold.

Mr. Pruitt said that was one model. He said that he thought in this case, because they would not be acting as a trust for which they were a beneficiary would be better compared to a private land lease model, such as those found in mobile home parks.

Mr. Rose said that he was involved in establishing the local land trust when it first began, and he confirmed that it was a topic that would be discussed as they discussed all of the different options.

Mr. Pruitt said that he found ground lease models to be incredibly dangerous and non-desirable. He said that even in the context of a land trust, they could be potentially quite dangerous because they created non-extinguishable interests for a property that someone owned and lived in. He said he was not interested in having that model in the County.

Ms. Long said that she was not familiar with the concerns that were mentioned; however, she would love to hear and understand more about them. She said that the Foundation would also appreciate being aware of the concerns in order to avoid them when developing.

Mr. Pruitt said that his understanding from initial conversations he had with representatives of the Foundation was that, in general, when discussing bringing multiple developers for the plan, it would be on a neighborhood-by-neighborhood basis. He said that he would like to clarify if that was the case or if it might differ from what they saw in Southwood, where individual neighborhoods had mixed developers such as Southern Home Development and PHA working side by side, creating an interwoven neighborhood. He said that his understanding was that their current plan involved individual neighborhoods being developed by different developers.

Ms. Long said that she did not know if that decision had been made. She said that it was perhaps contemplated as how it might play out. She said that no options had been precluded. She said that the goal was to open up the process for community engagement and encourage people to bring their best proposal forward. She said that the Habitat model at Southwood could be very attractive for various reasons that had contributed to its success.

Ms. Long said that there were economies of scale and efficiencies in having a single developer for a 250-unit apartment complex. She said that there was also a significant amount of creativity in the industry that should be considered. She said that the aim was to maintain flexibility so that the Foundation could assess what developers presented in order to further the Foundation's and the County's goals.

Mr. Pruitt said that he would like to ask about the term of years, as the current structure of the affordability component was quite noncommittal. He said it resulted in a noncommittal term of years. He said that in his view, the sole factor that would bind them to a term of years of affordability was part of the capital stack, specifically if they received LIHTC dollars through Virginia Housing, which would be 30 years of affordability. He asked if there were any other formal mechanisms committing them to additional terms of affordability beyond good faith commitments.

Ms. Long said that in the proffers, it was committed for 10 years for each of the units. She said the Foundation would possess the tools and ability to negotiate specific terms with each of its partners. She said that if it was a LIHTC developer, there were standards that applied which typically required a 30 or 40-year term. She said that they might work with another developer who would provide a certain number of affordable units, and they could dictate specific terms as part of their negotiations and agreement with that developer. She said that the Foundation would have the flexibility internally to determine how many units would be affordable for how long at what levels.

Mr. Pruitt said that it was quite frustrating and, in some ways, disappointing that they did not have more data to demonstrate that the County was being accountable. He said that there was flexibility being achieved through the approach, which theoretically allowed for greater accomplishments than if there were binding obligations. He said he recognized the flexibility and continued trust in the Foundation but also that capital situations changed. He said numerous outcomes could arise, but the sole commitment

they had in writing was 10 years of 15% affordability, which was not particularly satisfying for an elected official. He said that he was not clear as to why they could not engage in more comprehensive discussions with developers during the process, as it appeared that they needed to have conversations with developers in order to obtain their input.

Mr. Andrews said that he would raise some issues that he believed had not been addressed as of yet. He said that one of his primary concerns was that this was a large development taking place in a vast space and park area, and he had not been part of the discussions for much of this project. He said that nevertheless, he appreciated that he heard Mr. Rose discuss being part of a team to make this happen. He said that he was attempting to understand the additional obligations that came with this type of development. He said that there were proffers for transportation improvements, but he had not heard anything about transit options.

Mr. Andrews said that microtransit served this area; however, they had significant development occurring here that would likely increase the burden on this program if they continued it in this area. He said that he acknowledged that there was a lot of information regarding the Dabney Grove Recreation Area in the proposal, which sounded wonderful; however, it was unclear whether this area would be dedicated solely for public use to the County, and whether it would be maintained by the County. He said that he also wanted to know about other open spaces and how much additional responsibility the County was committing to as part of this development. He said that he would greatly appreciate some clarification to better understand this proposal.

Ms. Long said that she had some slides that would help illustrate the transportation proffers better. She said that there were essentially three sets of transportation proffers, two of which involved cash. She said that the first one was for the Berkmar Extended roundabout, which was mentioned. She said that the second one was for \$1.5 million in cash intended for future identified transportation improvements.

Ms. Long said that initially, the Foundation proposed specific improvements and a timeline for their implementation. She said that however, in collaboration with the transportation staff, Mr. McDermott, and VDOT, it was decided not to commit to a particular improvement due to the significant changes occurring in this area. She said that at the Airport Road and 29 intersection, the cash was specifically designated for future improvements in the area of that congested intersection. She said that it could also be used for various purposes, such as pedestrian or bicycle improvements or transit. She said that the intention was to make the funding flexible, enabling the County to allocate the funds where they believed they would offer the greatest public benefit.

Mr. Andrews said that with regard to the University, they had been considering the regional transit authority that they had been undertaking with Charlottesville to examine how their bus system would extend out to these areas as they expanded. He said that the regional transit authority might potentially take on this responsibility in the future.

Ms. Long said that she might request Ms. van Eersel to come up because she was the park manager. She said that they did have a bus program, specifically a trolley system. She said that pre-COVID, they had a more extensive one, and they hoped to return to that. She said that the focus had been on addressing transit issues and connecting the research park to main grounds and other areas for convenience.

Ms. Long said that the hope was that, as suggested, the new MicroCAT service would cover this area as well. She said that staff believed that future residents of the park would not only benefit from this service but would also contribute to its success by using it frequently. She said that if someone lived there and worked at Rivanna Station, utilizing the MicroCAT service would be an ideal option due to its proximity compared to commuting further distances.

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Ms. Deborah van Eersel, Chief Administrative Officer and Director of Marketing of the UVA Foundation, said that several years ago, they had funded a shuttle bus in partnership with JAUNT. She said that the bus was Wi-Fi enabled and provided speedy transportation, ensuring no longer than a 30-minute wait between buses. She said that despite its availability, it was rarely used, but they provided it because they believed it was important to address the perception of something being too far away and to facilitate connections. She said that they had also run it to Rivanna Station for a while but saw no ridership, so they eliminated it.

Ms. van Eersel said that the housing in the park was intended to accelerate industrial development at North Fork. She said that their primary goal was to foster the absorption of businesses that wanted to locate there. She said that consequently, they anticipated reduced traffic and diminished demand for bus services.

Ms. Van Eersel said that secondarily, they eagerly awaited the completion of Berkmar Road because they could not build the desired amenities in this park, but they were available at Hollymead Town Center across the street. She said that the sooner that road was completed, and the circle was integrated, the closer those amenities would be to the people who work and live in the park; they would not necessarily need to travel along Route 29 to access these services.

Ms. Van Eersel said that the bike path, the existing road, and the housing were all very important. She mentioned that one final point was that Perone Robotics, one of their tenants, had collaborated with

them to provide a circulator bus within the park to get people between Perone Robotics' buildings, Foods of All Nations, Success Studios, and their meeting center, facilitating their daily activities while keeping them off the road. She added that this arrangement also allowed Perone Robotics to conduct research on their innovative technology and products.

Mr. Andrews said that he would still like to inquire about the maintenance of Dabney Park and the green space, and he asked about how this was expected to operate.

Ms. Long said that once it was dedicated and donated to the County after the improvements had been built, it obviously became the County's property. She said that her understanding was that they then took on the maintenance responsibilities. She said that there was a provision regarding coordinating so that the Foundation has access to those amenities as well. She said that originally, one of the reasons the Foundation wanted to maintain it was to be in charge of the maintenance and ensure that it was maintained according to their standards. She said that the request was for the land to be donated and the improvements to be donated. She said that was how it was written now.

Mr. Andrews said that it indicated that the area was dedicated to the County but was also coordinated to allow use by the public when not being used by the applicant.

Ms. Long said that they wanted to ensure that they established a partnership, working out the terms. She said that they wanted to guarantee that their residents could access it and that the Foundation could use it for events for their PERC (Policy and Economic Research Council) tenants.

Ms. van Eersel said that Dabney Grove Park Pavilion was situated in the center of the development, which meant that they wanted their tenants and residents to benefit from this open space. She said that if they proffered something to the County, it was not just for the people in the park.

Ms. LaPisto-Kirtley said that she had a question regarding affordable housing. She said that she understood that nothing was guaranteed; for example, projects like RST Residences that were good could then go away after they were approved. She said that, despite this uncertainty, she appreciated the interest in the project. She said that her question was whether the affordable housing units would be available for rent and for sale.

Ms. Long said that that was the hope, but that it had not yet been determined.

Ms. LaPisto-Kirtley said that her concern was regarding purchasing, as typically it was for 10 years. She said that her primary concern for this project and the previous one was that currently they were not seeing many people. She said that if it was at 80% AMI, they would be talking about approximately \$98,000 to afford that. She said that her understanding was that, at least in the other project, after 90 days, if no one bought it, then the unit price adjusted to the market rate. She said that she did not think they had a list of ready individuals prepared for this.

Ms. Long said that this challenge has existed since the County adopted its first affordable housing policy. She said that she believed it was around 2007 when that occurred. She said that it has been a persistent issue since then. She said that at the time that policy was adopted, it was anticipated that there would be a more robust homebuyers club and a program within the County's housing office to assist in implementing this and maintaining a list of qualifying families or individuals who met the criteria. She said that this list would enable the County housing staff to promptly provide qualified purchasers to developers when they gave notice that a property would be available in 90 days.

Ms. Long said that unfortunately, developers would send these notices, but no action would follow. She said that the 90-day period was intended to provide sufficient lead time while not requiring developers to keep houses off the market for an indefinite period. She said that there was also a 180-day period that played a role in this matter. She acknowledged that this was indeed a challenge, as Ms. Stacey Pethia and her team, along with others at the County, have been working diligently to address this issue. She said that the City was facing similar challenges to ensure that affordable housing was accessible. She said that affordable housing had been proffered and built but not utilized by people in need. She said that this was the worst possible scenario.

Ms. LaPisto-Kirtley said that she would suggest perhaps affordable rental options for a period of time until circumstances changed.

Ms. Long said that it may be what the market would best support. She said that it was also very difficult to achieve even with their high AMI levels and 80%. She noted that making all the pieces fit together for a qualifying family to buy an affordable unit could be challenging for builders to construct at prices that met the limits. She said that with subsidizing land and working very hard, it could still be very challenging. She said that rental may be the best option in the short term until the program could be further developed.

Mr. Gallaway said that Ms. van Eersel stated that the residential areas helped attract businesses. He said that he understood that part of the park was being considered for this purpose. He said that he agreed with this belief. He said that regarding the commercial elements of this specific project, such as hotels, restaurants, and other establishments, he acknowledged that they contributed significantly to the viability of the development. He said that they had had some come back because they could not fill the commercial.

Mr. Gallaway said that this was in a slightly different tospot than some of those areas because they had some developed commercial such as airports, hotels, and other establishments that should work. He said that however, when requesting proposals for commercial elements in a manner similar to working with residential and affordable housing, he asked for strategies for ensuring the successful implementation of these commercial aspects of this specific project. He said that this would help prevent adding to the empty storefronts that exist in other parts of the County.

Ms. Long said that they had identified a significant challenge. She said that from the outset of her involvement in this project the Foundation had been collaborating for several years with a national consultant who specialized in the redevelopment of university research parks. She said that they had been instrumental in determining where housing and hotels should be located, knowing that approximately 700 rooftops were required to support various commercial uses, such as restaurants.

Ms. Long said that the Foundation hoped that there would be numerous residential units there not only to provide housing but also to attract enough residents to support commercial enterprises within the park and those services. She said that having numerous nearby residences offered benefits, such as the opportunity for their residents to visit restaurants in the research park. She said that this highlighted the challenge of mixed-use development, which was ensuring that all of that worked.

Ms. van Eersel said that this plan did not really consider having a lot of commercial or retail. She said that it was predominantly residential in the NMD. She said that the D1 area was the limited area where alternative uses could be considered, such as medical office buildings or locations that people could easily access. She said that they were not talking about Chinese restaurants or numerous other dining options in there.

Ms. van Eersel said that their intention was to establish a connection on Berkmar, provide housing in this area, and enable residents to visit Hollymead Town Center, which had a more extensive range of retailers that required customers to utilize their services. She said that they would not be targeting specific establishments in this plan. She said that people would not visit the center of the park for these purposes; they would remain where the retail corridor was, and they did not envision many establishments in that area.

Mr. Gallaway said that Belvedere was a good example because there were over 1,400 units, and the Center was now established there. He said that Greenberry's and Medical co-op, and the other Greenberry's had a similar situation regarding work hours. He said that there were over 700 rooftops in that general area; however, no retail was going in because they might be allowed to do so but it may not be viable.

Mr. Pruitt said that he apologized, but he went through his questions out of order, which led him to miss this one initially. He said that he understood that their capital stacks for these individual projects remained unsettled and subject to change. He said that when he thought of a capital stack that was trying to develop deeply affordable residential properties, he considered the usual partners involved: LIHTC, possibly additional state monies, whatever the County could contribute, including land benefits that he knew they had, and the County, as a major capital partner. He asked if it was an expectation that the Foundation was moving with that the County would be a later capital partner in some of these individual developments.

Ms. Long said not to her knowledge. She said that they had never discussed it. She said that there were lots of details, but that was not an expectation she was aware of.

Mr. Pruitt said that to articulate his concern, he was discussing the Foundation's intention to deliver a deeper and more affordable version than what was strictly in front of them. He said that it would be quite disappointing if they were later presented with a bill indicating the actual cost required to deliver a more deeply affordable community than what they had strictly committed to in the legal document. He said that hearing that the planned capital stack did not reflect this scenario was reassuring.

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Mr. Andrews stated that there were no speakers from the public signed up and that the applicant had five additional minutes for rebuttal if she had anything further to provide the Board.

Ms. Long said that she had a few slides that walked through, in detail, the transportation proffers, including maps, as well as the park and recreation proffers if they would like to see that. She said that these plans provided illustrative details regarding the project. She said that one point she wanted to address, raised during the PC meeting, concerned the trails near the river being relatively distant from the proposed residences. She said that she would like to clarify that these plans served as illustrative models, subject to the code of development which, among other things, required a certain percentage of amenities and green space, 20% of the amenities. She said that the illustrative amenity areas had been marked near B11 and B10, which included open green space and trails. She said that the trails near the Rivanna River were not going to be the only walking natural spaces that there would be.

Ms. Long said that a question was raised at the PC by an Airport Acres resident, expressing concern about the 50-foot buffer included in the original approvals potentially being removed if Lewis and Clark Drive was ever widened to four lanes. She said that she would like to emphasize that this buffer continued, even when the road was extended. She said that although it was currently just two lanes, it had been graded in such a way that it could easily be widened by adding a lane on either side if necessary or required in the future. She said that this expansion would not require further clearing or tree

removal. She said that there was another buffer that had always been in place along the western edge in that location.

Ms. Long said that regarding the Parks and Recreation proffers, they could see the Dabney Grove Park parcel mentioned earlier in the top left corner. She said that they had discussed its estimated acreage earlier. She said that there was an existing recreation field with irrigation, parking lot, and restrooms in that area that the Foundation would build. She said that at the request of the Parks and Recreation staff, they had asked for a connector trail connecting the Dabney Grove parcel or those amenities to the future greenway trail that the County would build along the river. She said that the Foundation had not yet identified which exact location would be chosen; however, they had shown three potential areas, and at least one of those three connector trails would be built.

Ms. Long said that the Parks and Recreation staff asked for a commitment and proffer to construct and dedicate a trail in the Jacob's Run location, which would help connect the area. She said that the Foundation years ago dedicated an easement to the County for the County to build a greenway trail, and once that greenway was constructed and this trail was built, it would provide a connection up to the Chris Green Lake area. She said that the current Parks and Recreation staff had conducted extensive on-site analysis to determine the optimal trail location. She said that they had identified several areas represented by smaller ovals where they believed the Foundation should expand the boundaries of the easement area in the future.

Ms. Long said that this approach aimed to avoid impacting sensitive areas of steep banks and other features. She said that the County Parks and Recreation staff had carefully considered potential construction sites, such as building a bridge across a small creek in one location, which would require expanding the easement area without substantially increasing costs. She said that those were some of the areas that Parks and Recreation staff identified, and the Foundation agreed as part of the proffers to have future flexibility there.

Ms. Long said that along Route 29, there was a VDOT plan that contemplated the potential future installation of a shared-use path along 29. She said that since the Foundation owned much of the frontage there, they added a proffer that would dedicate an easement along their frontage for the future construction of a shared-use path if and when that ever came together. She said that neither VDOT nor the County would have to purchase that land or easement from the Foundation. She also said that Parks and Recreation staff identified that it would be beneficial for the public to have an established parking space for those users at the second star's location on the map.

Ms. Mallek said that she understood that the applicant would be building the Jacob's Run North Extension as part of this development here. She confirmed that she heard previously that only after the County had built the expensive river project would the Jacobs Run section be completed. She expressed her disappointment that the trail along the river, which was discussed extensively for many months, was now dependent on County funding because this was a significant element that a developer typically provided. She said that she found this information unexpected and should have found it in the documentation but did not.

Ms. Long said that the original proffer, written in 1996, stated that the developer and Foundation would dedicate the easement to the County for the purpose of the County constructing the trail. She said that the easement was requested and donated; however, unfortunately, the trail was never built.

Ms. Mallek said that it could change now, as the applicant would be having 1,500 new residents on the property. She said that the applicant could certainly proffer this.

Ms. Long said that it was turning into a good partnership between the Foundation and the County Parks and Recreation staff. She said that their partnership enabled the Foundation to build the Jacobs Run Trail, commit to its dedication, as well as the additional connector trails. She said that they also could expand the easement to make it less expensive and less environmentally impactful, and then the path along. She said that this was their joint effort to provide all of those important trail needs.

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Mr. Andrews closed the public hearing and brought the matter back before the Board.

Ms. LaPisto-Kirtley said that she was supportive of this.

Ms. McKeel said that she was in general support of the project.

Mr. Gallaway said that he was supportive of the project and he would like to explain some reasons why. He said that removing the affordable housing element based on the conversation was appropriate due to the area and design of what was being attempted with the research park. He said that the property with Rivanna Futures was the right spot for development of this size, and that he recognized that. He said that there would be significant impacts, but transportation improvements had been attempted, similar to other developments on both sides of 29. He said that the MicroCAT solution seemed promising for transit elements.

Mr. Gallaway noted that the primary concern was the impact on Schools because that would be down the road, so the timing of when that would come on line, however, there was a northern elementary school planned to address the potential student population increase. He said that Ms. McKeel's comment regarding inflationary adjustment of proffers was certainly an insightful concept. He said that while its

applicability to this specific project remained uncertain, he acknowledged that it should be thought about all the time. He said that he also acknowledged that \$8 million had been invested in constructing a road through the property.

Mr. Gallaway said that he believed that the commercial activity from the research park would have a positive impact on the County if it flourished as anticipated. He said that the location was ideal, and the water and sewer elements should be addressed according to how it was written. He expressed hope that the residents of the affordable units would be recruited from employers who moved in, enabling them to secure better-paying jobs and eventually progress out of their affordable housing situation. He said that any impact they could have on this matter was likely to be helpful.

Mr. Gallaway said that regarding affordable housing, he would like to see as many units go there as possible, which he believed they shared as a vision. He said that he had appreciation for Mr. Rose's statement regarding the trust present there and the fact that there had been various Executive Vice Presidents (EVPs) in the past. He said that by the time some of these projects came online, there could be more Supervisors in place. He said that the fact that the President of UVA stated the goal and selected this site as a location to achieve that affordable goal, regardless of what the minimum stated or what the actual zoning stated, demonstrated the importance of maintaining the vision as a partner of UVA.

Mr. Gallaway said that consequently, they needed to be present to hold the vision accountable, regardless of whether the Supervisors changed or not. He said that they would both advocate for maximizing the number of units and ensure that the vision was realized. He said that he appreciated the discussion tonight regarding this matter and looked forward to continuing their partnership in assisting the County in achieving this particular vision. He said that he would be thrilled to make the motion, as this project was in his district.

Ms. Mallek said that she believed that the park had been a significant asset to the community for the decades that it had been there. She recalled the initial rezoning where everyone was apoplectic due to the 600,000 gallons of water per day that would be needed. She said that the County did not have it, nor did Rivanna. She said that the fact that it had taken this amount of time to grow organically had allowed other aspects to develop. She said that she had had to treat this by looking at the maximum numbers, as she was instructed by staff to do in this dilemma of the wide range of applications.

Ms. Mallek said that she considered it as being similar in size to Brookhill, which she did support due to its location and its beautiful layout. She said that, however, Brookhill had the advantage of the 29 solutions improvements, which this area also experienced but at a slightly further distance. She said that she saw benefits for the people who could live and work in that area. She said that as she mentioned earlier, overall, it was an asset. She said that there were aspects that she would like to see documented more thoroughly. She said that everyone just had to plug in together to make sure that they got the things. She said she thought that the University cared about their side of the trust element, and that she would be relying on that going forward.

Ms. Mallek said that when the approval hit the news, she believed there would be many people who would be really upset. She said that at a recent community meeting in the northern part of the White Hall District, just 3,500 units north of the river, were in the pipeline that had not even begun, in addition to this one, or including this one, which had not yet reached the news. She said that many units were coming in that would increase costs for the entire community. She said that there was no doubt that when there were more people, job benefits would be necessary for these individuals to maintain sustainable lives in this area.

Ms. Mallek said that she recalled that 20 years ago, the Board of Supervisors considered the University to be a significant contributor to economic development in the County. She said that she was proud that they had grown enough to be able to take responsibility for tasks that fell outside the University's scope in providing jobs for their community members, both young and middle-aged and older. She said that she guessed she was there.

Mr. Pruitt said that earlier today, they had voted on 21 units, and there were two people who came to speak partially against it and quite a few letters about it. He said that today, they were looking at as many as 1,400 units or 1,700 units; there were different numbers that had been thrown out. He said that there was no one there to speak against this proposal. He said that he wanted to appreciate that for what it was and the positive imprimatur it put on this project. He said that he wanted to clearly articulate that this put an additional burden on those at the dais to do the due diligence with this project that the public was not doing.

Mr. Pruitt said that when they did not have that kind of forceful feedback and they were looking at a tremendous amount of units and a tremendous change to the texture and shape of this community, they did have an additional burden. He said that he appreciated everyone's patience regarding the challenging feedback and commentary. He said that he remained frustrated and disappointed about the lack of mechanisms and levers for accountability in ensuring maximum affordability beyond continued negotiation that was non-binding. He said that that was the power they had left.

Mr. Pruitt said that nevertheless, he continued to believe in the vision of this project presented today, which included the broad economic impact and diverse housing opportunities for their community. He said that he did believe in that vision and in the Foundation's commitment to delivering the maximum number of affordable units. He said that for these reasons, he was supportive of this project; however, he wished they had more political leverage in this regard.

Mr. Andrews said that he was supportive of the proposal because he believed that this plan worked well as a connected area for development, considering the combination of proposals being made. He said that he had to take a lot of it on faith but had received enough reassurances that night.

Mr. Andrews said if there were no other comments, they were open for a motion.

Mr. Gallaway **moved** that the Board adopt the Ordinance (Attachment E) to approve ZMA202100016 North Fork UVA Discovery Park.

Ms. LaPisto-Kirtley **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.  
NAYS: None.

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**ORDINANCE NO. 24-A(5)**  
**ZMA 2021-00016**

**AN ORDINANCE TO AMEND THE ZONING MAP FOR  
PARCELS 03200-00-00-006A2, 03200-00-00-006R0, 03200-00-00-01800, 03200-00-00-018A0, 03200-  
00-00-019C0, 03200-00-00-019D0, 03200-00-00-019E0, 03200-00-00-019F0, 03200-00-00-019F1,  
03200-00-00-019G0, 03200-00-00-019H0, 03200-00-00-019H1, 03200-00-00-019J0, 03200-00-00-  
019J1, 03200-00-00-022B1, AND 03200-00-00-022B2**

**WHEREAS**, application ZMA 2021-00016 was submitted to rezone the southern portion of the North Fork Industrial Park from Planned Development Industrial Park (PDIP) to Neighborhood Model Development (NMD) and to amend the Code of Development and Application plan for the northern area to include 7 acres of land as PDIP; and

**WHEREAS**, on October 24, 2023, after a duly noticed public hearing, the Planning Commission recommended approval of ZMA 2021-00016;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the transmittal summary and staff report prepared for ZMA 2021-00016 and their attachments, the signed Proffers dated October 9, 2023, the information presented at the public hearings, any written comments received, the material and relevant factors in Virginia Code § 15.2-2284 and County Code § 18-20A.1 and § 18-29.1, and for the purposes of public necessity, convenience, general welfare, and good zoning practices, the Board hereby approves ZMA 2021-00016, subject to the signed Proffers dated October 9, 2023.

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AMENDED PROFFER STATEMENT  
UNIVERSITY OF VIRGINIA FOUNDATION  
NORTH FORK REZONING AMENDMENT

Date: October 9, 2023

ZMA-2021-00016 North Fork UVA Discovery Park

Tax Map Parcels – see list of parcel numbers, existing zoning designation, and proposed zoning designation below:

Parcel	Owner	Existing Zoning Designation	Proposed Zoning Designation	Acres
03200000001800	University of Virginia Foundation	PD-IP	NMD	11.220
032000000018A0	University of Virginia Foundation	PD-IP	NMD	9.501
032000000006R0 (Portion)	University of Virginia Foundation	PD-IP	NMD	151.580
032000000006R0 (Residue)	University of Virginia Foundation	PD-IP	PD-IP*	315.943
032000000022B1	University of Virginia Foundation	HI**	PD-IP	4.979
032000000022B2	University of Virginia Foundation	R1	PD-IP	1.897
032000000019D0	University of Virginia Foundation	PD-IP	PD-IP*	4.002
032000000019H1	University of Virginia Foundation	PD-IP	PD-IP*	0.326
032000000019F1	University of Virginia Foundation	PD-IP	PD-IP*	2.532
032000000019G0	University of Virginia Foundation	PD-IP	PD-IP*	4.770
032000000019E0	University of Virginia Foundation	PD-IP	PD-IP*	7.100
032000000019C0	University of Virginia Foundation	PD-IP	PD-IP*	4.863
032000000019F0	University of Virginia Foundation	PD-IP	PD-IP*	6.024
032000000006A2	University of Virginia Foundation	PD-IP	PD-IP*	7.110
032000000019J1	University of Virginia Foundation	PD-IP	PD-IP*	4.669
032000000019H0	University of Virginia Foundation	PD-IP	PD-IP*	2.601
032000000019J0	University of Virginia Foundation	PD-IP	PD-IP*	4.333
			Total Acres:	543.450
			Total NMD Acres:	172.301

\*The Application Plan and Proffers are being amended for those parcels that are remaining PD-IP.  
\*\* The existing HI Property associated with ZMA 1987-007 is being amended to be rezoned to PD-IP and remove existing proffers.

All of the parcels listed above are part of ZMA 2021-016, and subject to these proffers (the “Property”).

Some of the parcels comprising the Property were originally rezoned as part of the original rezoning of the University of Virginia Research Park to Planned Development-Industrial Park as ZMA 95-04, which was amended by ZMA 1998-27. The zoning was further amended with ZMA 2005-0003, which added additional parcels. Parcel 32-22B1 was zoned Heavy Industrial (“HI”) by ZMA 1989-07.

ZMA 95-04, ZMA 1998-27, ZMA 2005-003, and ZMA 1989-07, together with all applicable application plans and proffer statements associated therewith, are collectively referred to herein as the “Prior Zoning Actions.”



This rezoning amendment application identified as “ZMA-2021-00016 North Fork UVA Discovery Park” proposes to rezone some of the parcels subject to the prior Zoning Actions from Planned Development-Industrial Park (“PD-IP”) to Neighborhood Model District (“NMD”), to rezone one parcel from R-1 Residential (“R-1”) to PD-IP, to rezone one parcel from HI to PD-IP, and to amend previously approved application plans and proffers associated with the Prior Zoning Actions, each as listed in more detail on the table on page one (1) herein (the “Rezoning Amendment”). This amended proffer statement associated with the Rezoning Amendment (this “Amended Proffer Statement”) modifies and supersedes all prior proffer statements, application plans, exhibits, or other materials associated with the Prior Zoning Actions. For purposes of transportation proffers, all traffic counts and studies related to the existing buildings, uses, parking, streets, turn lanes, travel ways, and other transportation improvements that have been built on the Property as of the date of the approval of this proffer statement, together with all applicable related site plans, road plans, and subdivision plats, are collectively referred to herein as “Prior Site Actions.”

The development of the Property authorized by this Rezoning Amendment is referred to as the “Project.” The University of Virginia Foundation is the owner of the Property (the “Owner”) and the Applicant of this Rezoning Amendment (the “Applicant”). For purposes of this Amended Proffer Statement, the terms Applicant and Owner are interchangeable.

The Applicant hereby voluntarily proffers that if the Albemarle County Board of Supervisors acts to rezone the property subject to the Rezoning Amendment as requested, the Applicant shall develop the Property in general accord with the following proffers pursuant to Sections 15.2-2303 and 15.2-2303.4 of the Code of Virginia, 1950, as amended, and pursuant to Section 33.7 of the Albemarle County Zoning Ordinance. The Applicant specifically deems the following proffers reasonable and appropriate, as conclusively evidenced by the signatures below. If the Rezoning Amendment is denied, this Amended Proffer Statement shall immediately be null and void and of no further force and effect.

**1. Application Plan and Code of Development.** The Property is depicted on the plans entitled “North Fork ZMA Rezoning Application Plan” dated December 13, 2021, last revised June 23, 2023, prepared by Timmons Group and LPDA (the “Application Plan”). Exhibit Q to the Application Plan is a Code of Development that shall regulate the development of the areas within the Project that are proposed to be zoned NMD (the “Code of Development”). The Property will be developed in general accord with the essential elements of the Application Plan, and in the areas zoned NMD, the Code of Development.

**2. Maximum Non-Residential Area.** The total maximum square footage of non-residential uses developed within the Project shall not exceed three million, seven hundred thousand (3,700,000) square feet gross floor area (the “Non-Residential Limit”). The Non-Residential limit shall expressly exclude the following permitted uses:

- a. Recycling centers

- b. Structures included as amenities within Green Space or amenity areas (as shown on the Application Plan or as regulated by the Code of Development) or any other common area, or open space area, such as picnic shelters, trail head kiosks, and restrooms.
- c. Fire and emergency response stations(s)
- d. Temporary construction uses
- e. Storage buildings that are accessory to a permitted primary use (as distinguished from uses defined in Section 3.1 of the Zoning Ordinance as “Storage/Warehousing/Distribution/Transportation”)
- f. Utility infrastructure
- g. Public Uses
- h. Other uses that the Zoning Administrator determines to be similar in nature to those listed herein.

3. **Transportation Improvements.** For purposes of this paragraph 3, all traffic counts and trips that were associated with Prior Site Actions have been addressed by previously constructed transportation improvements and therefore references to projected traffic counts within this paragraph 3 shall not include any traffic counts or trips associated with Prior Site Actions. To accommodate the additional traffic estimated to be generated by the Project, the Applicant will design and construct the following road improvements, each as generally shown on Exhibit K to the Application Plan entitled “Proffered Road Improvements:”

A. US Route 29 at Lewis & Clark Drive Intersection.

- i). Second Eastbound Left Turn Lane. Prior to obtaining a certificate of occupancy for a use within the Project that, based on a projected traffic count, would cause the eastbound left turn volume (turning left from Lewis & Clark Drive to proceed north on to Route 29) generated by the Project to exceed one hundred fifty (150) vehicles during the PM peak hour, the Applicant shall install a second eastbound left turn lane.
- ii). Second Northbound Left Turn Lane. Prior to obtaining a certificate of occupancy for a use within the Project that, based on a projected traffic count, would cause the northbound left turn volume generated by the Project making a northbound left turn lane (turning left from Route 29 to proceed west onto Lewis & Clark Drive) to exceed one hundred fifty (150) vehicles during the AM peak hour, the Applicant shall install a second northbound left turn lane.

B. Berkmar Roundabout at Airport Road, Lewis and Clark Drive, and Future Berkmar Road Extended.

- i. Within ninety (90) days after receipt of a written request of Albemarle County (the “County”), the Applicant shall dedicate at no cost to the County up to 0.70 acres of land, and up to 1.0 acres of negotiated easements (or as otherwise agreed to by the Applicant) required for the construction of the planned Berkmar Road Extended Roundabout project to be located on and around Airport Road at its intersection with Lewis & Clark Drive and the planned extension of Berkmar Drive to its intersection with Airport Road (the “Berkmar Roundabout Project”), including land

needed for associated road frontage improvements and shared use pathways, and temporary construction easements and permanent utility easements (the "Roundabout Dedication Land").

- ii. The Applicant shall make a cash contribution to the County's Capital Improvement Program fund (the "CIP Fund") in the amount of Two Million, Five Hundred Thousand Dollars (\$2,500,000) toward the costs of the Berkmar Roundabout Project (the "Roundabout Cash Contribution"). The Roundabout Cash Contribution shall be made within ninety (90) days after receipt of a written request of the County, provided that such written request is delivered to the Applicant after the engineered road plans for the Berkmar Roundabout Project are at 100% completion, all right-of-way and easements necessary for the Berkmar Roundabout Project have been obtained, and the Berkmar Roundabout Project is otherwise fully funded. Notwithstanding any other provision of law, the Roundabout Cash Contribution shall be used only for the costs of the Berkmar Roundabout Project, and not for any other road improvement or transportation improvement other than the Berkmar Roundabout Project, including any other alternative improvements of the same category within the locality in the vicinity of the Berkmar Roundabout Project.

C. Contribution to Future Transportation Improvements.

The Applicant's traffic impact analysis prepared by Timmons Group and dated December 2021, last revised July, 2023 (the "Traffic Study") concludes there is existing traffic congestion during the peak hours at the Route 29/Airport Road intersection and along Route 29 between Timberwood Boulevard and Lewis and Clark Drive (the "Congestion Area"). To mitigate the Project's contribution to the existing traffic congestion in the Congestion Area, the Applicant will contribute cash to the County CIP Fund to be applied toward the cost of constructing future transportation improvements (including multi-modal and transit improvements) designed to mitigate traffic impacts in the Congestion Area or to widen or otherwise improve Lewis & Clark Drive, on the following terms and conditions:

- i. Ten Thousand (10,000) Trips Per Day: Prior to obtaining a certificate of occupancy for a use within the Project that, based on a projected traffic count, would cause the projected number of vehicle trips generated by the Project to exceed ten thousand (10,000) vehicle trips per day, the Applicant shall contribute Five Hundred Thousand Dollars (\$500,000) to the County CIP Fund.
- ii. Twelve Thousand (12,000) Trips Per Day: Prior to obtaining a certificate of occupancy for a use within the Project that, based on a projected traffic count, would cause the projected number of vehicle trips generated by the Project to exceed twelve thousand (12,000) vehicle trips per day, the Applicant shall contribute Five Hundred Thousand Dollars (\$500,000) to the County CIP Fund.
- iii. Twenty Thousand (20,000) Trips Per Day: Prior to obtaining a certificate of occupancy for a use within the Project that, based on a projected traffic count,

would cause the projected number of vehicle trips generated by the Project to exceed twenty thousand (20,000) vehicle trips per day, the Applicant shall contribute Five Hundred Thousand Dollars (\$500,000) to the County CIP Fund.

- iv. As an alternative to the provisions of paragraphs 3.C.i, 3.C.ii, and 3.C.iii herein, in the event that prior to the County's request for one or more of the contributions required pursuant to paragraphs 3.C.i, 3.C.ii, and 3.C.iii herein, the County and/or the Virginia Department of Transportation identify and approve specific transportation improvements within the Congestion Area that would benefit from a lump sum payment from the Applicant instead of three individual payments, then within ninety (90) days after receipt of a written request of the County, the Applicant shall make a cash contribution to the County's CIP Fund toward the cost of such approved future transportation improvements in the amount equal to the portion of the payments required pursuant to paragraphs 3.C.i, 3.C.ii, and 3.C.iii herein that has not already been contributed to the County, provided that in no event shall the Applicant's obligation pursuant to this paragraph 3.C exceed One Million, Five Hundred Thousand Dollars (\$1,500,000) in total, regardless of whether it is contributed in a single payment or in one, two, or three payments of Five Hundred Thousand Dollars (\$500,000). Such contribution pursuant to this paragraph 3.C.iv shall be in full satisfaction of paragraphs 3.C.i, 3.C.ii, and 3.C.iii herein, and the Applicant shall have no obligation for payment of the funds required by paragraphs 3.C.i, 3.C.ii, and 3.C.iii herein.

**5. Buffer Adjacent to Dickerson Road.** The one hundred fifty (150) foot buffer adjacent to Dickerson Road and shown as "150' Buffer Area" on Exhibit C to the Application Plan, entitled "NMD-PDIP Application Plan," may be reduced by up to fifty (50) feet if the dedication of right of way is required for the widening of Dickerson Road by VDOT. In such instance, the Applicant shall dedicate, without monetary consideration, the right of way within six (6) months following the Applicant's receipt of the written request by the County (or within such extended period as may be required to obtain final approval of any necessary subdivision plat or other plan).

**6. Recreational Areas, Trails, Green Space and Open Space.**

- A. Dabney Grove Recreation Area. In the area shown and labeled as "Dabney Grove Park Parcel" on Exhibit E to the Application Plan entitled "Proposed and Existing NMD-PDIP Parks & Rec Facilities" ("Exhibit E") (the "Dabney Grove Park Parcel"), the Applicant shall construct an active amenity area containing a recreation field with irrigation, parking lot, picnic area, and restrooms (the "Dabney Grove Recreation Area"). The portions of the Dabney Grove Park Parcel containing the existing family cemetery, existing ice house pit, former homestead site, and the existing Dabney Grove Pavilion will be outside of the boundaries of the dedicated Dabney Grove Recreation Area.

The Applicant shall construct and dedicate the Dabney Grove Recreation Area to the County for public use prior to the earliest to occur of:

1. obtaining a certificate of occupancy for the two hundred and first (201<sup>st</sup>) residential dwelling unit within the Project; or
2. January 1, 2035, or such later date as the County and the Applicant may mutually agree upon.

At the time of dedication of the Dabney Grove Recreation Area to the County for public use the Applicant shall coordinate with the County to permit the use of the Dabney Grove Pavilion by the public when not in use by the Applicant.

Notwithstanding the provisions of this paragraph 6A, in the event the County's written request for the dedication of Dabney Grove Recreation Area is delivered to the Applicant prior to the Applicant's completion of any or all of the amenities required to be constructed as part of the Dabney Grove Recreation Area (such as restrooms or the recreation field), the Applicant shall dedicate the Dabney Grove Recreation Area within ninety (90) days after receipt of a written request of the County in the condition it is in as of the date of the County's written request notice, and such dedication shall be in full satisfaction of this paragraph 6A, and the Applicant shall have no further obligation to construct any other amenities within the Dabney Grove Recreation Area.

B. Pedestrian Trails. The Applicant has previously conveyed to the County a Deed of Dedication and Easement for the County to construct a public access trail and greenway within the area shown as "Existing Greenway Easement along Rivanna River" on Exhibit E (the "Rivanna River Greenway Trail"). As of the date of this Proffer Statement, the Rivanna River Greenway Trail has not been constructed. The Applicant shall construct the following improvements within the Project:

i). Trail Connecting Dabney Grove Park Parcel to a Greenway Trail. The Applicant will construct a pedestrian connection between the Dabney Grove Park Parcel and either the Rivanna River Greenway Trail or the Jacob's Run Greenway Trail in at least one (1) of the potential areas shown and labeled as "Potential Trail Connection" on Exhibit E (the "Connection Trail"). The Connection Trail may be comprised of a Class B, Type 2 trail, or a public sidewalk, or some combination thereof, and shall be made available for public use via a public access easement. The Connection Trail shall be constructed prior to obtaining a certificate of occupancy for the two hundred and first (201<sup>st</sup>) residential dwelling unit within the Project; provided, however, if the Rivanna River Greenway Trail has not yet been constructed at such time, the Applicant shall commence construction of the Connection Trail within three (3) months after the County notifies the Applicant in writing that it has completed construction of the Rivanna River Greenway Trail, and shall complete construction and dedication of the Connection Trail within twelve (12) months following the commencement of construction.

ii). Public Pedestrian Trail within Jacob's Run Greenway. Subject to the terms and conditions of an existing license with the U.S. Department of Forestry, the Applicant will construct a Class B, Type 1 primitive trail (a "Primitive Trail") through the area shown and labeled as "Jacob's Run Greenway and Primitive Trail" on Exhibit E, which trail shall be dedicated to the County for public use (the "Jacob's Run Greenway Trail"). The Jacob's

Run Greenway Trail shall be completed and dedicated prior to obtaining a certificate of occupancy for the two hundred and first (201<sup>st</sup>) residential dwelling unit within the Project; provided, however, if the Rivanna River Greenway Trail has not yet been constructed at such time, the Applicant shall commence construction of the Jacob's Run Greenway Trail within three (3) months after the County notifies the Applicant in writing that it has completed construction of the Rivanna River Greenway Trail, and shall complete construction and dedication of the Jacob's Run Greenway Trail within twelve (12) months following the commencement of construction.

iii). Future Expansion of Rivanna River Greenway Trail Easement. The County has determined that it will likely need to expand the boundary of the existing easement for the Rivanna River Greenway Trail in limited locations to reasonably forward the County's goal of enabling Greenway trail sites (including their associated pedestrian/bicycle bridge projects) that reasonably minimize project costs and complexity, perpetual maintenance costs and risks, and impacts to environmentally sensitive areas, while maximizing project sustainability, durability, and flood resilience (the "Greenway Program Goals"). Subject to the Applicant's reasonable review and approval of the design plans for such limited easement boundary expansions to confirm that such proposed expansions are generally consistent with the areas shown as "Potential Future Expansion Areas for Rivanna River Greenway Trail" on Exhibit E, and will support the County's Greenway Program Goals, then within six (6) months following the Applicant's receipt of a written request by the County (or within such extended period as may be required to obtain final approval of any necessary easement plat or similar plat) the Applicant shall dedicate to the County, without monetary consideration, a permanent easement in such area(s).

iv). Notwithstanding the provisions of paragraphs 6.B(i) and 6.B(ii) herein, in the event that the County commences and diligently pursues construction of the Rivanna River Greenway Trail prior to the Applicant being required to construct either the Connection Trail or the Jacob's Run Greenway Trail, and notifies the Applicant of such commencement, the Applicant shall commence construction of either the Connection Trail or the Jacob's Run Greenway Trail within one (1) year after the Applicant's receipt of such notice (or within such later time period as the parties may mutually agree, or as may be required to obtain final approval of any necessary plat or required permit), and shall thereafter complete construction of both the Connection Trail and the Jacob's Run Greenway Trail within two (2) years following the commencement of construction of the first of such two trails.

v). Easement for Future Shared-Use Path Along US Route 29. Within six (6) months following the Applicant's receipt of a written request by the County (or within such extended period as may be required to obtain final approval of any necessary easement plat or similar plat) the Applicant shall dedicate to the County, without monetary consideration, a permanent easement of up to fifteen (15) feet along the Property's frontage on US Route 29, as necessary for the construction of a shared-use path along the Property's frontage on US Route 29.

C. Trailhead Parking Area. The Applicant will provide a trailhead parking area to accommodate approximately seven (7) vehicles in an area within the Property that provides reasonably convenient public access to the Connection Trail trailhead, which may be a portion of an existing parking lot (the "Trailhead Parking Area"). The Trailhead Parking Area shall be completed generally at the same time as the Connection Trail.

D. NMD Amenity Areas. In the areas zoned NMD, the Code of Development shall regulate the development of Amenity Areas.

E. Green Space and Open Space.

i). Total Area of Green Space and Open Space. The total area of green space and open space over the entirety of the Project (areas zoned NMD and areas zoned PD-IP) will not be less than two hundred (200) acres. The Dabney Grove Park Parcel, the Dabney Grove Recreation Area, any land that is shown as green space or open space on the Application Plan, and any land that is or has been dedicated to the County or to any other public entity shall continue at all times to be counted as green space or open space (as applicable) for purposes of this paragraph 6.E.

ii). Green Space in NMD Areas. The Code of Development shall regulate the green space in the areas zoned NMD.

iii). Open Space in PDIP Areas. In addition to the improvements required within the Dabney Grove Park Parcel and the Dabney Grove Recreation Area, the open space areas within the areas zoned PDIP may include improvements such as, but not limited to utilities, stormwater management facilities, graded and revegetated slopes of 25 percent to 50 percent, pedestrian and bike trails, restrooms, trailhead parking areas (and other trailhead improvements), amenity improvements, and similar structures determined by the County to be appropriate for green space and/or open space areas, or as otherwise permitted by applicable provisions of the County Code.

7. **Historic Resources in Block D**. Prior to demolition of any of the existing buildings located within Blocks D-1 or D-2 (except for the Fire Rescue Station Parcel), the Applicant shall document such buildings with photographs and drawings in coordination with the Albemarle County Historic Preservation Committee.

8. **Water Conservation**. No single industrial or commercial user which proposes a use that will require more than One Hundred Twenty-Five Thousand (125,000) gallons per day (average daily consumption) of potable water shall be constructed without written confirmation from the Albemarle County Service Authority prior to approval of a final site plan (or prior to issuance of a building permit or final zoning clearance if a site plan is not required) that sufficient water capacity exists to support such a user, or is expected to exist at the time of completion of construction of any building(s) for such user. Such site plan approval, building permit, or zoning clearance, as applicable, may include reasonable conditions related to water usage.

9. **Miscellaneous**.



- A. Tracking Details on Site Plan. If requested by the County in connection with its review of any site plan application within the Project, the Applicant shall include a summary chart of total gross square footage of non-residential uses and number of residential dwelling units completed within the Project to date, and/or trip generation estimates for such application, to assist with monitoring compliance with this Amended Proffer Statement.
- B. Dedication of Land or Easements. For any proffer in this Amended Proffer Statement requiring the Applicant to dedicate land or easements to the County for public use, the Applicant shall bear the costs of preparing any necessary subdivision plat, easement plat, or related plat, and the cost to prepare the Deed or other instrument.
- C. Right of County to Extend Deadlines. Any deadlines for completion of road improvements, trails, or other improvements or obligations of the Applicant contained in this Amended Proffer Statement may be extended by the County in its reasonable discretion as may be required to obtain final approval of any necessary subdivision plat, site plan, easement plat, road plan, or similar plan, or to accommodate unforeseen delays, supply chain disruptions, contractor delays, and force majeure events such as, but not limited to, natural disasters, quarantine, and pandemic without withholding issuance of any certificate of occupancy.

This Amended Proffer Statement shall run with the Property and each reference to the "Applicant" or "Owner" within this Amended Proffer Statement shall include within its meaning, and shall be binding upon, Applicant's and Owner's successor(s) in interest and/or the developer(s) of the Property or any portion of the Property.



**OWNER and APPLICANT:**

**UNIVERSITY OF VIRGINIA FOUNDATION**  
a Virginia non-stock corporation

By:   
Tim R. Rose, Chief Executive Officer

(46651722.16)

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Agenda Item No. 20. **Public Hearing: ACSA2300002 Farmington Country Club Sewer Service Request**

PROJECT: ACSA202300002 Farmington Country Club Limited Sewer Service Request

MAGISTERIAL DISTRICT: Jack Jouett

TAX MAP/PARCEL(S): 060E2-00-00-00100

LOCATION: 1625 Country Club Circle

PROPOSAL: Request to amend the Albemarle County Service Authority Jurisdictional Area (ACSAJA) to authorize limited sewer service to two structures: 1) a relocated replacement laundry and maintenance building, which is already served by sewer; and 2) a new lightning shelter.

ZONING: RA Rural Area - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)

COMPREHENSIVE PLAN: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots).

The Executive Summary as forwarded to the Board states that pursuant to Virginia Code §15.2-5111, the Board has adopted jurisdictional areas for parcels that may be served by Albemarle County Service Authority (ACSA) water and sewer. The boundaries of the Development Areas generally define the ACSA's Jurisdictional Area (ACSAJA). Farmington Country Club has requested limited sewer service to two structures: 1) a relocated replacement laundry and maintenance building, which is already served by sewer; and 2) a new lightning shelter, as detailed in Attachment A. The subject parcel (Attachment B

and C) is located in the Rural Area and currently has several ACSAJA designations authorizing water service to residential areas, water and sewer service to the clubhouse and adjacent facilities, and limited sewer service to certain accessory structures.

As noted in the Community Facilities chapter of the County's Comprehensive Plan, changes to ACSAJA boundaries outside of the Development Areas should be the exception and should be allowed only when: (1) the area to be included is adjacent to existing lines; and (2) public health and/or safety is in danger. A detailed staff analysis is provided as Attachment D. Farmington has proposed replacement of the facilities on-site to be served by sewer, along with one additional small structure. Because the prior Board approval was for limited sewer service to specific structures, an amendment to the ACSAJA is necessary for any replacement structures and/or new buildings.

Staff believes that granting sewer service to the replacement laundry and maintenance facility is consistent with prior findings and approval of sewer service. Staff does not believe the same findings can be made to support sewer service to the lightning shelter, a new structure and in an area of the site not served by public sewer.

If this application were approved, there would be no budget impact to the County. The property owner would bear the cost of the sewer connection.

Staff recommends that the Board adopt Attachment E, a resolution to approve the proposed amendment to the ACSAJA to allow public sewer service to the relocated laundry and maintenance building, but not to the proposed lightning shelter.

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Ms. Rebecca Ragsdale, Planning Manager, said she would present a few brief talking points and slides to ensure that the Board understood the nature of the request and some of its historical context regarding the property. She said that the request pertained to amending the jurisdictional area of the Albemarle County Service Authority (ACSA) for what they would call a limited sewer request. She said that this concerned two specific buildings. She said she would go through the history and policy to provide clarity. She said that she believed everyone was familiar with Farmington. She said that it was located in the Rural Areas; that it was zoned Rural Areas and was also in the Rural Area in their Comprehensive Plan.

Ms. Ragsdale said that regarding the specific request, the Board must establish the jurisdictional area, which was represented by the map they used. She said that this map featured different designations that authorized or allowed the ACSA to provide varying levels of service to properties. She said that in this case, the two structures marked by red asterisks, and the green area on the map indicated that all of the club area, golf course, and residential areas of Farmington were designated for water. She said that there was no question about water service rights.

Ms. Ragsdale said that in terms of history mentioned in the report, specific actions had been taken around the club itself and some of its support buildings. She said that regarding the club, it had the ability to be served by both water and sewer since the 1980s. She said that Farmington was historic and predated some current policies. She said that the most recent jurisdictional area amendment was in 1998, which initiated the structure-by-structure, limited-service approach to sewer service.

Ms. Ragsdale said that the property featured specific areas, such as one across from the clubhouse that had a tennis pavilion and was subject to the 1998 jurisdictional area amendment. She said that due to policies, Rural Areas were not intended to be served by public water and sewer; however, this property had unique circumstances. She said that the proposal involved relocating the existing laundry and maintenance building to a portion of the property that had structures served by sewer service. She said that because that structure was not present, action was required by the Board to authorize the sewer service.

Ms. Ragsdale said that the clubhouse was located to the left, and they were oriented north. She said that along Farmington Drive, there were these support buildings to the clubhouse. She said that the building would be approximately 6,500 square feet in size.

Ms. Ragsdale said that regarding the other request, it was not situated near or adjacent to the existing areas served by public water and sewer. She said that it was what had been referred to as a lightning shelter or a smaller storm shelter, measuring almost 400 square feet. She said that this structure was located closer to the Buckingham Branch Railroad and Old Garth Road in that corner of the golf course. She said that Farmington was unique in that it combined private sewer lines and public sewer lines. She said that none of the residents were served by sewer, and the private system pumped down to the location at Old Garth near the railroad, where it ultimately entered the public system. She said that they recommended approval of the replacement structure and felt like it was consistent with prior policy.

Ms. Ragsdale said that the proposal was not entirely consistent with their policy but was within an area of the site already served by water or sewer and would not result in any intensification or new structures that were allowed under the special use permit. She said that their findings of the criteria were that the proposal was adjacent to existing lines for the laundry and maintenance building. She said that they must also consider whether there were any public health or safety issues.

Ms. Ragsdale said that there were no issues with the new structures, but in the past decision in 1998, the County deemed it more environmentally prudent and efficient to authorize limited sewer service

when starting to authorize sewer service structure by structure. She said that their recommendation and motion for their consideration that evening were to authorize and recommend approval of the sewer service to the relocated structure but not for the new structure for the lightning shelter.

Mr. Gallaway asked whether restrooms were proposed to be placed in the lightning shelter.

Ms. Ragsdale said yes, and that water was already authorized, but they wanted to have it served by public sewer and to extend another private line off of the public line to pump down to what they had already established in terms of infrastructure around the clubhouse. She said they had concerns about that starting to creep around the edges of the property in the Rural Area.

Ms. Mallek asked for clarification that staff was not recommending the bathroom in the new location.

Ms. Ragsdale said that was correct.

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Mr. Andrews opened the public hearing.

Mr. John Beirne, WW Associates, said that he was representing the applicant. He said that they would like to focus specifically on the lightning shelter and request that it be included as part of this expansion to the ACSA jurisdictional area. He said that they would be connecting to a private forced main that was approximately 130 feet away from the building. He said that they would like to emphasize that the existing jurisdictional area for the ACSA was less than 100 yards away from this building.

Mr. Beirne said that they were not proposing any additional restrooms to serve the golf course; rather, the primary focus of this facility was intended to be a lightning shelter. He said that the restrooms were provided because one never knew how long people would have to wait there. He said that they would like to point out that this facility would not be used year-round; it would be winterized.

Mr. Gallaway asked Mr. Beirne if they had lightning shelters located on the course elsewhere.

Mr. Beirne said that yes, there were other shelters available; however, they were not located on this particular course. He said that this was the nine-hole short course, and in that area, this would be the only shelter provided.

Mr. Gallaway asked what he would do if this was not approved.

Mr. Beirne said that if the approval was not granted, he assumed that they would have to move forward with a drain field potentially to serve the facility. He said that they had investigated that option. He explained that to serve a building of this size, they would require approximately a 1,000 square foot area drain field for a 330 square foot building. He said that this would result in significantly more erosion during construction and more disturbance at that time. He said that they were located at the head of the drinking water watershed, which raised concerns about installing a drain field in that area that may potentially fail over time and introduce contaminants into the drinking water watershed.

Mr. Andrews asked if the primary concern of the staff was regarding the precedent-setting nature of expanding this in a Rural Area.

Ms. Ragsdale said that their primary concern was expanding the sewer service or permitting it beyond the core area of the clubhouse. She said that one of the criteria for consideration was existing lines adjacency, so the more lines that existed, the more potential for additional requests. She said that this proposal was not consistent with their policies and review criteria for water and sewer service, which should be the exception in the Rural Area.

Mr. Andrews asked if Mr. Beirne had any final comments.

Mr. Beirne said that he would like to point out that one thing the staff mentioned to them was that approving this would not be consistent with previous approvals for Farmington itself. He said that they had never actually requested expansion of the jurisdictional area. He said that this would be the first instance that he was aware of.

Mr. Andrews said that there were no speakers from the public signed up so he would close the public hearing and bring the matter back before the Board.

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Supervisors expressed their support of staff's recommendation, and Mr. Andrews said that the floor was open for a motion.

Ms. McKeel **moved** that the Board adopt the Resolution attached in the staff report as Attachment E, to extend the Albemarle County Service Authority jurisdictional area for sewer service on Parcel 60E2-1 to only the proposed laundry and maintenance building and not to the proposed lightning shelter.

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.  
NAYS: None.

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**RESOLUTION TO PARTIALLY APPROVE  
ACSA202300002 FARMINGTON COUNTRY CLUB  
FOR PARCEL ID 060E2-00-00-00100**

**WHEREAS**, in application ACSA202300002 ("ACSA 2023-02"), the owner of Parcel 060E2-00-00-00100 ("Parcel 60E2-1") has applied for an amendment to the Albemarle County Service Authority (ACSA) Jurisdictional Area to include (i) a proposed laundry and maintenance building and (ii) a proposed lighting shelter, both on Parcel 60E2-1, in the area for sewer service; and

**WHEREAS**, on February 7, 2024, the Albemarle County Board of Supervisors held a duly noticed public hearing on ACSA 2023-02; and

**WHEREAS**, the Board hereby finds that the proposed extension of the ACSA Jurisdictional Area to the proposed laundry and maintenance building on Parcel 60E2-1 would be consistent with Strategy 9a of the Community Facilities chapter of the Comprehensive Plan; and

**WHEREAS**, the Board hereby finds that the proposed extension of the ACSA Jurisdictional Area to the proposed lighting shelter on Parcel 60E2-1 would not be consistent with Strategy 9a of the Community Facilities chapter of the Comprehensive Plan.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the staff report prepared for ACSA 2023-02 and all of its attachments, the information presented at the public hearing, and the relevant factors in Virginia Code § 15.2-5111, in Chapter 12.1, Community Facilities, Strategy 9a, of the Albemarle County Comprehensive Plan, and in the Comprehensive Plan's Growth Management Policy and Land Use Plan, the Albemarle County Board of Supervisors hereby (i) approves ACSA 2023-02 as to the proposed laundry and maintenance building on Parcel 60E2-1 and (ii) disapproves ACSA 2023-02 as to the proposed lighting shelter on Parcel 60E2-1.

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Agenda Item No. 21. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Mr. Andrews said that before going through their order for From the Board, he wanted to first jump to the two items that were added.

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Item No. 21.a. Authorize Chair to Sign Letter of Support for FY2024 RAISE Planning Grant Application.

Mr. Andrews said that the only change made to this document from what the Board initially saw was that the words "on behalf of the Albemarle County Board of Supervisors" were added at the beginning to clarify that this was a Board action.

Mr. Andrews asked if there were no comments or questions, whether they had a motion.

Ms. Mallek **moved** that the Board authorize the Chair to sign the letter of support for the RAISE Grant.

Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.  
NAYS: None.

\* \* \* \* \*



Beatrice (Bea) LaPisto-Kirtley  
Rivanna

Michael O. D. Pruitt  
Scottsville

Ann H. Mallek  
White Hall

**COUNTY OF ALBEMARLE**  
Office of Board of Supervisors  
401 McIntire Road  
Charlottesville, Virginia 22902-4596  
(434) 296-5843

Diantha H. McKeel  
Jack Jouett

Jim H. Andrews  
Samuel Miller

Ned L. Gallaway  
Rio

February 7, 2024

The Honorable Peter Paul Montgomery Buttigieg  
United States Department of Transportation  
1200 New Jersey Avenue, SE  
Washington, DC 20590

Re: FY2024 RAISE Planning Grant Application - Rivanna River Bicycle and Pedestrian Crossing: Preliminary Engineering Phase

Dear Secretary Buttigieg,

On behalf of the Albemarle County Board of Supervisors, I am writing to express support for the Thomas Jefferson Planning District Commission's (TJPD) application for funding through the U.S. Department of Transportation's FY2024 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Discretionary Grant Program (DTOS59-24-RA-RAISE) to complete the preliminary engineering phase of work for the Rivanna River Bicycle and Pedestrian Crossing, which would provide a vital multi-modal connection between the Pantops growth area in Albemarle County and the rest of the Charlottesville-Albemarle urbanized area.

The County of Albemarle has actively contributed to the planning work completed to date on this project through participation in the Charlottesville-Albemarle Metropolitan Planning Organization (CA-MPO), staffed by the Thomas Jefferson Planning District Commission. Due to the collaborative regional planning approach taken to advance this project, a bridge location was selected that will support a number of ongoing County initiatives. The bridge will improve the overall connectivity of the Pantops growth area to the larger urbanized area, integrate with economic development and revitalization goals for sites in close proximity to the Rivanna River, and support Albemarle County's Climate Action Plan recommendations by providing safe and comfortable multi-modal infrastructure as an alternative to single occupancy vehicle use. This bridge is supported by the Pantops Master Plan and the Urban Rivanna River Corridor Plan, which were both accepted by the Albemarle County Board of Supervisors.

I am pleased to offer my ongoing support for this application to complete the preliminary engineering project phase as the next step towards the construction of this bridge.

Sincerely,

Jim H. Andrews  
Chair, Albemarle County Board of Supervisors

CC:  
Albemarle County Board of Supervisors  
Jeffrey B. Richardson, County Executive  
Steve Rosenberg, County Attorney

Item No. 21.b. Authorize Chair to Sign Letters of Support for the Affordable Connectivity Program Extension Act.

Mr. Pruitt said that he wanted to ensure that the letter of support for the affordable connectivity program was transmitted to Congresswoman Spanberger, on behalf of her 100 or so constituents in the northernmost corner of Albemarle, as he only saw the component that was addressed to Senator Kaine.

Mr. Andrews said that they could amend this to include Representative Spanberger.

Mr. Andrews asked if there were no comments or questions, whether they had a motion.

Ms. Mallek **moved** that the Board authorize the Chair to sign letters of support for the Affordable Connectivity Program Extension Act, including one to Representative Spanberger.

Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Mr. Pruitt.  
NAYS: None.

\* \* \* \* \*



Beatrice (Bea) LaPisto-Kirtley  
Rivanna

Michael O. D. Pruitt  
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Ann H. Mallek  
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Jack Jouett

Jim H. Andrews  
Samuel Miller

Ned L. Gallaway  
Rio

February 7, 2024

Honorable Senator Tim Kaine  
231 Russel Senate Office Building  
Washington, DC 20510

Dear Senator Tim Kaine,

On behalf of the Albemarle County Board of Supervisors, I write to urge your support in favor of the recently introduced Affordable Connectivity Program Extension Act and appreciate your championing of this legislation amongst your colleagues to build bipartisan support for this bill.

The Affordable Connectivity Program (ACP) has proven its importance through the thousands of individuals that have benefited from broadband access and allowing ACP to lapse would set back Virginia's efforts to close the digital divide in our rural communities.

In Albemarle County, more than 2,550 Albemarle households rely on the \$30 per month that is provided by the ACP. Allowing a funding gap in this program would leave these struggling households to either forgo other needed expenses or go without necessary internet service.

Broadband service is not the luxury it once was – every day, households of all means conduct business on-line, engage government services through the web, receive medical care through telehealth/virtual visits, and learn using web-based tools. Until recently, none of this was possible for the tens of thousands that lived in Albemarle's rural areas. Thousands in our rural and urban communities will find themselves unable to engage in these basic activities if funding for ACP is allowed to lapse. The impact of this will not just be felt in Albemarle, but across the more than 450,000 households enrolled in ACP throughout Virginia.

Thank you for your continued support of the residents of Virginia and your attention to this important matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim H. Andrews".

Jim H. Andrews  
Chair, Albemarle County Board of Supervisors

CC:  
Albemarle County Board of Supervisors  
Jeffrey B. Richardson, County Executive  
Steve Rosenberg, County Attorney

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Item No. 21. c. Other Matters.

Mr. Andrews asked if there were any other matters from the Board.

Mr. Gallaway said that the Regional Housing Partnership (RHP) engaged in a productive conversation regarding their strategic plan, focusing on the composition of attendees around the table and potentially restructuring the entire group's operations in relation to the executive committee and the broader partnership. He said that two key conversations emerged concerning added membership: homelessness and rural affordable housing, particularly in areas such as Nelson, Fluvanna, and Louisa, along with other counties in there, and everything outside of their urban ring. He said that there was a desire and need to address the rural aspects of these issues, not just the urban ones. He said that further updates on these topics should be provided by the end of March.

Mr. Gallaway said that the TJPDC (Thomas Jefferson Planning District Commission) would convene for the first time this year on the following day. He said that the meeting was postponed by a week due to the occurrence of Local Government Day last Thursday; thus, it was rescheduled for this week.

Mr. Gallaway said that he conducted a check-in with Ms. Jodie Filardo regarding the Berkmar Extended project. He said that whatever they had to do to get that confirmed, in terms of ensuring that the project was funded, and whether there were any remaining funding gaps. He said that the Board would

want a full understanding of their current status, which may be conveyed via email or other means. He said that he did not want this information to be overlooked or misunderstood, as the discussion about the application today left him slightly confused about their exact position in this matter.

Ms. Mallek said that one aspect they did not mention regarding the Berkmar roundabout was the three to five years of Telefee monies that was scooped from every place else to be put on this project. She said that this was in addition to the million-plus amount that the County had already invested.

Ms. Mallek said that following the recent RWSA meeting, where there was extensive discussion about the high-water event, the three inches of rain that occurred, a small amount of precipitation, led to a sudden increase of 10 feet in the Rivanna River. She said that this occurred south of where North Fork and South Fork converged near Darden Town Park, flooding Riverview Park and numerous high manholes. She said that consequently, this occurred near the five-year-old treatment plant.

Ms. Mallek said that it began to dawn on her that some of the things that they had not been watching was how much forestry area had been cut down in the watershed near the North Fork-South Fork juncture. She said the area near the Research Park, the area along between Berkmar and 29, that 50-acre site there that had been clear-cut, and other areas that were large acreages. She said that when tree cover was lost, the flash capacity of rainfall was so much faster. She said that leaves took much of the force of rain, allowing it to dribble down to the ground instead of hitting the ground with full force. She said that she attended the RWSA meeting and mentioned that the 11 inches of rain that fell in May 2018 did not occur so far to the east; otherwise, the entire lower section would have been devastated.

Ms. Mallek said that it was then that she realized that they had experienced substantial forest cover loss in that area of the County. She said that she hoped they would be attentive to this issue moving forward and consider implementing better tree canopy regulations. She said that other jurisdictions had sought authority from the General Assembly to improve their rules regarding this matter. She said that perhaps they would achieve progress, which would benefit the County indirectly this year because it was incredibly important.

Mr. Pruitt said that he wished to briefly discuss the guest they had today, representing Artisan Manufacturing. He said that they had individually communicated this issue to all Board members, revealing broad but varying levels of support for their proposals. He said that he was strongly supportive of their proposal for a zoning text amendment that would permit additional activities within the Rural Area for artisan manufacturing. He said that he often emphasized that they tended to think of the Rural Area as separate from the Development Area, considering one place as inactive and the other as active.

Mr. Pruitt said that he believed that the Rural Area should be a location where people could live, containing an entire life with various activities and contributing economically to the County. He said that these historical uses have existed in the County, and some existing ones have been grandfathered in. He said that there was someone living in the Rural Area who was currently an artisan manufacturer because his business predated the zoning. He said that as these uses disappeared due to people passing away or businesses closing, they would lose this capacity from the Rural Area unless they took some action to enable its persistence.

Mr. Pruitt **moved** to request that staff develop a draft zoning text amendment allowing artisan or craft manufacturing and studios in the Rural Area, with sensitivity specific to the unique needs and demands of this area.

Ms. Mallek **seconded** the motion.

In further discussion, Mr. Andrews asked if there was discussion on the motion.

Ms. LaPisto-Kirtley said that she would like to support the initiative but also wanted to hear frankly from staff regarding their perspectives. She said that she would like to know the timeline for this initiative and how much effort it would take. She said that it would be helpful to understand whether this could be incorporated when updating their zoning policy or if additional work was needed for staff. She said that she would appreciate insights from staff regarding the process of implementing a zoning text amendment, whether it was a simple task or required additional efforts beyond their current workload. She said that she liked the proposal.

Ms. McKeel said that she certainly liked the proposal as well, and she appreciated the concern. She said that she was not entirely comfortable with directing staff to implement such changes spontaneously since they had a well-established work plan in place. She said that this change would impact their work plan significantly. She said that she would prefer to hear from staff members after they had had a chance to review the proposal thoroughly.

Ms. McKeel said that she understood that this may not be possible at 10:00 p.m. at night, but she would appreciate their input at a more suitable time. She said that she acknowledged that this proposal was beneficial and had been agreed upon by all of them who toured the facility. She said that nevertheless, they must consider the potential effects on other businesses and ensure that their work plan remained intact.

Mr. Gallaway said that he would vote no on it tonight because he was not going to decide its implications without the information of where they were in the work plan in order to make sense of it. He said that a few years ago, the Board decided it would not make these kinds of decisions and would do it



within the understanding of what it put on them. He said that generally speaking, he would be supportive of this and vote for it; however, this was an out-of-budget cycle budget item. He said that these should be rare and urgent. He said that whether this motion was approved or not, he thought it was worthy of discussion to explore how it fit into their work plan so that they could address it.

Ms. Mallek said that she believed that her understanding was that they would receive some feedback regarding this matter in general. She said that she would like to offer an alternative perspective for consideration, which was that in 2010, the Monticello Artisan Trail was the first of its kind in Virginia to be developed. She said that J.T. Newberry was part of the planning staff at that time and collaborated with their building official, Jay Schlothauer, to establish the zoning clearance process. She said that this allowed artisans to obtain a straightforward \$40 zoning clearance, undergo an inspection, and operate in a manner similar to what these individuals were currently doing.

Ms. Mallek said that it was not a factory; they created handcrafted items like Blaise Gaston did, which were sold worldwide at Burnley Station. She said that the leather artisans, including Bentley and John Kestin, who was located near her, were all operating from their homes rather than having large sales events or anything else. She said that she would much prefer if this could be incorporated into their understanding of what artisans do.

Ms. Mallek said that they had lost the interpretation of what artisans did, such as potters, painters, and other individuals working in their sheds or garages, which were scattered throughout Albemarle County. She said that these skilled craftspeople contributed significantly to their community. She said that someone had mentioned the studio tour earlier today or this afternoon. She said that was an alternative approach that she hoped they could explore instead of calling this a factory. She said that this was another topic for further discussion in the future.

Mr. Pruitt said that he would like to submit that it was not a thing that was not urgent for the constituents who it directly impacted today. He said that there were people for whom this was tremendously urgent because they had acquired an interest in property that they would like to be able to do work on. He said that there were certainly other people who would be able to take advantage of this today. He said that the role of government was to help people today, not to help people tomorrow or further on down the line. He said that additionally, he did not see how this actually bound them to a specific timeline regarding how briskly they developed this zoning text amendment.

Mr. Pruitt said that it committed them to creating a draft zoning text amendment, but it did not bind them to a timeline. He said that they could thus have the conversation regarding staff resources and determine an appropriate timeline after that, which was why he did not want to specify any kind of timeline. He said that he viewed this as a necessary step in order to actually incorporate this into a process in which they could develop it. He said that this was a matter that they all seemed to, in varying degrees, agree upon. He said that if they genuinely wanted this to be presented to them, at some point they must request it. He said that he saw this as just as suitable a time as any, and they could actually develop the timelines in collaboration with staff following this discussion.

Ms. LaPisto-Kirtley said that she did not necessarily disagree with Mr. Pruitt's statement but still believed that they should request staff to return and provide them with some direction regarding this matter. She said that one reason for her consideration was when they used terms such as "artisan," "handmade," and so forth. She said that she would like to understand what these terms entailed because, in the past, they had someone who manufactured handguns, claiming that they were unique pieces or even repairing antiques.

Ms. LaPisto-Kirtley said that she wanted to ensure that, as they approved items like woodwork suggested by Mr. Pruitt, they did not inadvertently include something they did not want in that category. She said that she would like to allocate a little more time for staff to consider or identify factors that would help them create a well-crafted zoning amendment or whatever action was required to make this possible.

Mr. Andrews said that he personally felt that this had not been thought through very well yet, and he would like more time to consider what was being proposed. He said that he would appreciate staff being able to provide them with guidance regarding the current allowances and the parameters for expanding them, in order to avoid unintended consequences. He said that he would now direct his question to their County Executive, Mr. Richardson, to seek his insights and comments on this matter.

Mr. Jeff Richardson, County Executive, said that he would be happy at the Board's direction this evening and meet with the Community Development Director, Ms. Jodie Filardo, for his first discussion with her. He said that tonight was the first time he had heard anything about this from the Board, and they typically did their best work when they had advance notice. He said that the Board was aware of this, and he would be happy to return to Ms. Filardo and discuss it further. He said that they could then schedule some time to establish an initial framework for consideration.

Ms. Mallek said that she expected from the motion exactly what Mr. Richardson had described. She said that nothing beyond that had been requested.

Mr. Andrews said that unless the motion was withdrawn, he believed they needed to go forward.

Mr. Pruitt said that he did not find the motion inconsistent with the process that Mr. Richardson had just presented. He said that it simply ensured that they did not need to hold a second vote after

receiving the timeline from Ms. Filardo.

Mr. Gallaway said that he was voting no because he believed this was outside of when they had other tasks that affected staff time. He said that although he was agreeable to this being boxed away from other tasks, he needed to know what those tasks were in order to direct staff to do something. He said that without this information he could not vote in favor of something he would likely want to support. He said that if they voted tonight, he did not see how they could vote yes without considering the impacts of this decision in relation to their work plan based on where the Board had been over the past few years and how they had done this.

Ms. McKeel said that they had the Comprehensive Plan review approaching, and this matter might already be incorporated into the Comprehensive Plan review. She said that she must take a moment to reflect and consider whether this was indeed the most suitable approach for them. She said that it did not align with their usual method of thoroughness and collaboration with staff.

Mr. Gallaway said that voting against the motion does not imply that he was not requesting staff to return with the necessary information for him to make an informed decision. He said that he was stating that in his experience, for him to take action and for a vote to occur, it was quite rare that something unexpected arose without some sort of prior notice. He said that he appreciated that people had been coming and speaking; however, he had not yet had direct conversations with them, nor had he gone out to listen. He said that clearly, some others had engaged in these discussions. He said there was still work to be done regarding this issue. He said that he did not anticipate having to make a decision on this matter.

Mr. Gallaway said that he thought that they could get at what Mr. Pruitt wanted, but he did not think this motion was the appropriate method for reaching this goal. He said that it was not the correct approach, and in fact, it could pose a problem for them if they proceeded with a vote, and it failed. He said that he would recommend withdrawing the motion so that staff could conduct thorough research on it, allowing them to make a well-informed decision. This would enable him to make a proper decision based on accurate information, and he would also like to understand how this affected the work plan.

Ms. Mallek said that she had already stated that what Mr. Richardson said was what she intended. She said that if people were interpreting that as more than what she meant, she withdrew her second.

Mr. Andrews said that he believed they had reached a consensus, but he was unsure of how to address this motion properly.

Mr. Pruitt **withdrew** the motion.

Mr. Gallaway said that in the past, this was the appropriate place to bring it up. He said that if they brought it up here, they were requesting information about this topic so that staff could prepare some information for them. He said that once they had the necessary information, they could provide clear direction to staff. He said that at this point he was not certain if they needed to pass a motion or provide specific direction for this purpose.

Ms. McKeel said that she saw confirmation from the County Attorney that the process of withdrawing the motion was proper.

Agenda Item No. 22. Adjourn to February 21, 2024, 1:00 p.m. Lane Auditorium.

At 10:13 p.m., the Board adjourned its meeting to February 21, 2024, 1:00 p.m. Lane Auditorium, Second Floor of the Albemarle County Office Building, 401 McIntire Road, Charlottesville, VA 22902. Opportunities for the public to access and participate in this meeting would be posted on the Albemarle County website on the Board of Supervisors home page and on the Albemarle County calendar. Participation would include the opportunity to comment on those matters for which comments from the public would be received.

Chair

Approved by Board
Date: 06/04/2025
Initials: CKB