

Albemarle County Planning Commission
FINAL Minutes December 14, 2021

The Albemarle County Planning Commission held a public hearing on Tuesday, December 14, 2021 at 6:00 p.m.

Members attending were Julian Bivins, Chair; Corey Clayborne; Rick Randolph; Daniel Bailey; Tim Keller; and Karen Firehock.

Members absent: Jennie More and Luis Carrazana.

Other officials present were Kevin McDermott, Planning Manager; Andy Reitelbach, Senior Planner of the Planning Division; Scott Clark, Community Development Planning Division; David Benish; Sandy Shackelford, Director of Planning of the TJPDC; Charles Rapp, Director of Planning; Andy Herrick, County Attorney's Office; and Carolyn Shaffer, Clerk to the Planning Commission.

Call to Order and Establish Quorum

Mr. Bivins called the meeting to order. He said the meeting was being held pursuant to and in compliance with Ordinance No. 20-A(16), "An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster." He said opportunities for the public to access and participate in the electronic meeting will be posted at www.albemarle.org/community/county-calendar when available. He asked Ms. Shaffer to call the meeting to order and establish a quorum.

Ms. Shaffer called the roll and established a quorum.

Consent Agenda

Mr. Bivins noted that there were no items on the consent agenda. He asked if there were members of the public who wished to speak on matters that were not on the agenda.

Mr. Neil Williamson said he served as president of the Free Enterprise Forum (FEF), a privately funded, public-policy organization focused on local government in Central Virginia. He explained that the FEF annually presented a fractured caroler story to spread holiday cheer and joy. He said it started with "An Albemarle Planning Christmas," followed by "Rudolph, the Form-Based Code," "Rio, the Small Plan, Walking in a Form-Based Code Wonderland," and the previous year's "Coronavirus Carol." He continued that every year presented its own challenges, and this year's challenges included the Community Development Department's application backlog. He said that he drafted a poem entitled, "All I want for Christmas is a Building Permit," but he decided against it. He announced that for 2021, the FEF presented the poem entitled, "Middle Density is Coming to Town," a parody of the song, "Santa Clause is Comin' to Town." He said he apologized to the original writers, Haven Gillespie and J. Fred Coots. He recited the parody poem.

Mr. Bivins asked Mr. Williamson to forward a copy of the poem to the clerk so that the Commission would have a physical copy. He asked if there were any other public comments for matters not on the agenda.

Ms. Shaffer said there were no more public comments.

Public Hearings

ZMA202100005 1805 Avon St. PRD

Mr. Andy Reitelbach said that the public hearing regarded the rezoning request ZMA2021-00005 1805 Avon Street PRD. He said that the site consisted of two parcels located off Avon Street Extended, south of Interstate 64. He said that the Avinity subdivision was located to the north and east-southeast of the parcels, to the south was property owned by the Southside Church of God, the Lake Reynovia subdivision was across Avon Street, and Mountain View Elementary was north and adjacent to the parcels. He continued that the property had a small, narrow frontage along Avon Street.

Mr. Reitelbach said that the parcels totaled approximately 3.627 acres. He explained that each property had a single family detached house along with several accessory structures, such as garages and sheds. He said that the applicant was requesting to rezone the two parcels to PRD—planned residential development—for a maximum of 85 residential units. He explained that the parcels were zoned for R1, which allowed 1 residential unit per acre, so by right development was limited to 3 dwelling units while additional units were possible with bonus factors.

Mr. Reitelbach said that the overlay zoning districts for the parcels were managed deep slopes and the parcels were also in an entrance corridor. He mentioned that Avon Street was a corridor where the entrance corridor regulations were not applied. He said that the Avinity subdivision was zoned PRD, the Southside Church of God property was zoned R1, there were light-industrial properties to the south along Avon Street, Lake Reynovia was zoned R4, and PUD to the north was zoned open space as part of the Mill Creek subdivision.

Mr. Reitelbach said that in the Comprehensive Plan, the 2 parcels were part of the Southern and Western urban neighborhoods masterplan and were designated as urban-density residential. He said that the land-use designation recommended a density of 6.01 to 34 units per acre with supporting uses such as places of worship, schools, and institutional and small-scale commercial uses. He said that the recommended building height was a maximum of 3 stories. He noted that the parcels, the Avinity subdivision, and the Southside Church of God property were designated as urban-density residential, the parcels further to the south were designated as Office/R&D/Flex/Light Industrial, the Lake Reynovia subdivision was designated as neighborhood-density residential, and the Mountain View Elementary School property north of the parcels was designated as institutional use.

Mr. Reitelbach said that the applicant requested a maximum of 85 dwelling units per acre which would include a mixture of unit types, such as townhouses, multi-family apartments, and other single-family attached unit types. He said that the planned density was 24 units per acre and the buildings were a maximum of 3 stories, as per the masterplan. He explained that as a requested PRD, a minimum of 5% open space was required along with a certain level of recreational facilities, and in accordance with the County Affordable Housing policy, the applicant proposed 15% of the units be eligible for affordable housing at 80% of area median income.

Mr. Reitelbach said that interior travel ways were proposed for access to the units, and that the applicant proposed to reserve right-of-way along Avon Street to allow future construction of a multi-use path. He said that it was estimated between 17 and 22 additional students would be expected to be generated by the use depending on the exact unit mixture. He noted that Mountain View Elementary School was already overcapacity and would continue to be overcapacity over the next several years until a proposed expansion to the school, included in the Capital

Improvement Plan (CIP), was completed. He said that the expansion would only alleviate the current overcapacity and not any additional future capacity issues. He also noted that Walton Middle School and Monticello High School were both under capacity.

Mr. Reitelbach said that the applicant identified an existing structure to be repurposed as a duplex or triplex. He noted that there was an inter-parcel connection between Avinity to the northeast at the rear of the property. He noted that there were bollards placed along the property line because the streets in the Avinity subdivision were privately owned, so the potential residents of the new development would not be able to legally use those streets. He continued that the inter-parcel connection was being constructed and could be used for emergency access if needed.

Mr. Reitelbach said that the applicant proposed to reserve area for future inter-parcel connections. He said there was a potential inter-parcel connection with the Southside Church of God property. He said that the applicant proposed to provide sidewalks along the frontage of Avon Street and approximately 1200 square feet of right-of-way to allow for future construction of a multi-use path along Avon Street. He said that the multi-use path was recommended in the Avon Street Corridor study.

Mr. Reitelbach said that the main entrance for the development would be off Avon Street, and an exception request for entrance spacing requirements was approved by VDOT due to the newer frontage that the property had along Avon Street. He continued that any potential required improvements, such as turn lanes, tapers, or stop lights to ensure that the entrance was constructed safely, would be reviewed by VDOT at the sight planning stage. He said that the applicant indicated the property was not planned to be subdivided, and all of the units would be under common ownership. He continued that only interior travel ways were proposed, however, if subdivision were to occur, the applicant would have to ensure that the travel ways were constructed to street standards and obtain any necessary waivers or modifications that may be needed.

Mr. Reitelbach listed the factors that were favorable with the proposal: it was consistent with the uses and density recommended in the Southern and Western urban-neighborhoods masterplan; it was consistent with the applicable neighborhood model principles; the proposal provided at least 15% affordable housing; and the proposal provided the reservation of right-of-way for the multi-use path in order to meet the recommendations of the Avon Street Corridor study. He said that the unfavorable factor was that the proposal would increase enrollment an area school which was already over-capacity. He said that staff recommended the approval of the proposal, ZMA202100005 1805 Avon St. PRD

Mr. Rick Randolph asked why the applicant submitted then withdrew an access management exception request.

Mr. Reitelbach said that the access management request was a VDOT application for entrance spacing requirements. He said that the applicant did not meet the spacing requirements between the Southside Church of God property and the existing driveways and entrance into the Avinity subdivision, so the applicant needed an access management exception, and the exception request was granted only to allow for the spacing requirement. He explained that at the site planning stage, the applicant has to demonstrate an appropriate entrance design, and VDOT would review the needs of the entrance based on the expected trip generation from the use.

Mr. Randolph asked if it was anticipated if VDOT would provide input on whether tapering was appropriate for the turn lanes.

Mr. Reitelbach said that VDOT would examine tapering as an option when reviewing the final unit count and expected trip generation. He said that VDOT would comment on what types of entrance improvements would be required in order for VDOT to grant an entrance permit.

Mr. Randolph asked if staff had considered that the area of green space was not adequate for the number of units proposed on the acreage.

Mr. Reitelbach said that the applicant proposed to include the required minimum 25% green space by the PRD. He explained that there would need to be 2 tot-lots, and a basketball half-court based on the proposed number of units. He said the applicant had demonstrated that the requirements can be met in the proposed square footage. He explained that if the applicant wanted to change the design from what was required in the ordinance, the applicant would have to submit a substitution request to be reviewed by County staff to ensure an equal or greater number of recreational facilities were provided.

Mr. Randolph asked if staff had discussed if it would be appropriate for the applicant to provide a public transit facility along Avon Street Extended. He mentioned that a transit facility did not currently exist that far south on Avon Street. He said the issue of transit access had been an issue for years.

Mr. Reitelbach said that staff had recommended a transit hub or an area for transit stops be provided in the proposal or be accommodated for if transit were extended down the Avon Street corridor.

Mr. Randolph said that the Board of Supervisors was interested in seeing transit stops provided by developers. He mentioned that those transit stops cost, at a minimum, \$15,000. He said that the money for transit infrastructure could instead be used for new furniture in school spaces. He said that the applicant had no proposal for proffers and only provided 15% of the units for affordable housing. He said without a transit facility, it was difficult for people to utilize the bus. He said he wanted to see staff strongly suggest to the applicant to include transit stops—he mentioned staff could not require transit stops. He said he expected more dialogue around the issue.

Mr. Bivins said that if there were no more questions, then the applicant could present.

Mr. Justin Shimp said he was the engineer for the proposal. He said he represented James Moss, one of the property owners, and Victorian Properties. He said Mr. Moss lived on the property and was rezoning the house in which he currently resided. He mentioned that Mr. Moss had lived in his house with his family for about 30 years. He said that the comprehensive plan designated the parcels as urban-density residential. He said that the plan included the combination of townhome-type units with small units on the ground and two- to three-bedroom units above, as well as traditional apartment buildings. He said that the school and the sports fields were reachable within a 5-minute travel range, and there would be sidewalks included in the development.

Mr. Shimp said that Wickham Pound and Riverside Village had similar stacked-townhome units. He said it was a unit more commonly used in middle-density developments. He said that traditional, multi-family units were under construction. He said that the PRD ordinance was crafted

for 30 to 50-acre, traditional, single-family residential development. He continued that while a development of 100 acres would have 25 acres of open space, only maybe 5 acres would be developed. He said there was never truly 25% of usable greenspace. He said that in the smaller developments, 25% of land for recreational use was not practical or necessary. He noted that there was space for a playground, a picnic shelter, and a garden area in the proposal. He said that on Avon Street, there was an additional 8 feet of right-of-way dedicated to a future shared-use path. He said a sidewalk would be constructed in the meantime until the shared-use path was completed.

Mr. Corey Clayborne asked for more details about how the trash was collected for the neighborhood.

Mr. Shimp said there would likely be a dumpster on site. He said there could be a trash collection service, but it depended on the developer's wishes. He said trash collection services were more expensive but saved space. He said there were also County requirements that affected the decision.

Mr. Bivins noted that on the maps there was an empty square marked on the property next to the designated spot for the tot-lot. He asked Mr. Shimp what the lot was.

Mr. Shimp said that Mr. Bivins was referring to the site of Mr. Moss's house. He said that the building would likely be repurposed as a duplex or a triplex once Mr. Moss moved from the property.

Ms. Firehock asked if there were trees proposed to be planted along the street and interior travel way areas.

Mr. Shimp explained that there was a zoning ordinance requirement for street trees on Avon Street, a parking lot ordinance requirement for a certain number of trees for a certain number of spaces, and if the road was treated as an access road, there was also another street tree requirement. He said the travel ways would be built like a street—while not every technical detail was the same, the landscaping was.

Mr. Bivins asked Mr. Shimp to identify where Access A and Access B to the property were located on the map.

Mr. Shimp said Access A was the main travel way. He said Access B was reserved for a future connection to the Southside Church of God property.

Mr. Bivins asked if there were people signed up for public comment.

Ms. Shaffer said that there were 2 people waiting to comment.

Mr. Bivins opened the hearing to public comment.

Ms. Shaffer said that speakers should state their name, address, and if they were affiliated with a group or organization. She explained that speakers would be given 3 minutes to complete their comments, and their time started as soon as they started speaking.

Ms. Diane Grieder said she lived at 141 Blackthorn Lane, in the Lake Reynovia neighborhood. She said she was a member of the Fifth Street and Avon Street Advisory Committee for the Board of Supervisors. She explained that the VDOT traffic study for the proposal occurred during the height of the COVID-19 pandemic when there was significantly less traffic on Avon Street. She said that the Fifth Street and Avon Street Advisory Committee requested a new traffic study be conducted. She noted that it was difficult for her to make a left hand turn out of the entrance of the Lake Reynovia neighborhood, and the proposed site, which would become 85 units, would add additional traffic. She asked that a new traffic study be conducted to determine the traffic impact of the development.

Mr. Paul McArtor said he was a resident of the Avinity subdivision at 2012 Avinity Loop. He said the neighborhood did not have an HOA, but it did have a community advisory committee. He said he did not object to the concept of the property, but he had 2 concerns. He said his first concern was to ensure there would be no interconnectivity between the proposed development and the Avinity subdivision. He explained that the streets were not designed for the increased traffic. He said that he wanted to ensure that the bollards were kept and that steps would be put into place to inform the future residents that the Avinity amenities and property were private.

Mr. McCarter said that the expansion planned for the Mountain View Elementary School would only solve the current capacity issues. He said that the Planning Commission had approved Springhill Village, Avon Park II, and the Southwood Community, all of which would add to the increased enrollment at Mountain View Elementary. He continued that the projected enrollment estimates were typically under-estimates. He said it was irresponsible to approve any development in the Mountain View school district until the capacity issues were addressed.

Mr. Bivins said that the public comment portion was closed. He asked if the applicant wished to respond.

Mr. Shimp said that the traffic study provided for the development was focused on the entrance. He continued that while the traffic was lower when the study was conducted and did not reflect the current numbers, VDOT did not grant approval for traffic pattern changes based on a rezoning. He explained that VDOT required a new traffic count once the site plan was submitted to determine the appropriate traffic pattern changes. He said that a rezoning approval did not entitle a developer to traffic pattern changes. He said the changes occurred when the development began. He noted that next year, there would be a new traffic count for the traffic changes. He continued that VDOT did not require a new study at this point in the process because, while it was a weird time for the study, it would not affect the end requirements.

Mr. Shimp said that the schools were a tough situation. He said that the developer had never received a statement from the schools that the schools could not educate the additional children. He said that the schools found a way to overcome any capacity related issues. He noted that the developments enabled people to move to the area for an affordable living situation with quality education. He continued that the more children educated in a quality environment, the better off for society.

Mr. Daniel Bailey said that his main concern was the increased pressure on Mountain View Elementary School and surrounding schools. He said that he supported the development and found many positives with the proposal, but he struggled with the impact on the schools.

Mr. Tim Keller said that the proposal and similar projects pointed to considerations that the County and planners would have to consider when developing for middle density. He asked them to think about the water flow on the slopes and the water that will be shooting down the hill on Avon Street. He said that housing costs were going to be a third higher post-COVID compared to pre-COVID. He asked how that affected “affordable” housing. He said it was sad—he said that the westside of Avon Street was planned better because of larger parcels, linear roads, and less site degradation compared to the eastside. He said the proposal was a case in point. He said that while the proposal was likely approved, as similar projects were considered, the County had to decide whether this type of construction and development was appropriate for Albemarle.

Ms. Firehock said that the parcels were the right location for infill development. She mentioned that kids could walk to school from the development. She wished to see more interesting architecture. She noted that the buildings looked like big boxes, and she wanted it to look more like a neighborhood. She did not have any significant objections to the proposal, however, she noted she was not excited about it.

Mr. Randolph said that he was disappointed with the proposed number of affordable housing units. He said affordable housing accounted for 7.1% of all the proposed units. He stated that this was an embarrassing number given the location and proximity to the City. He continued that he was disappointed that the proposal did not offer any proffers to alleviate the pressure on the schools in the corridor. He agreed with Ms. Firehock that the location was appropriate for middle density, but he was concerned with the level of density created by the projects in the midst of single-family residential housing. He said he wished to see proffers for a transit stop as well.

Mr. Clayborne said he was in favor of the proposal. He said he did not understand what Mr. Randolph was referring to when he said affordable housing was only 7.1% of the units. He said the proposal met the minimum requirement of 15%. He continued that the proposal was an appropriate development for the parcel.

Mr. Bivins said that he supported the project. He wished that the proposal had displayed a new way to create community in a small space and noted that the Commission had seen interesting projects in small spaces. He said he was moderately concerned about traffic flow and how it would be managed. He was also concerned about the mix of housing and traffic patterns, and he stressed that he wanted to avoid any accidents with children.

Mr. Bivins said that there was a lot of pressure on the Commission to be the solution to the school’s capacity issues. He explained that was not the role of the Commission in this problem—it was to continue to say that developments were a burden and an issue for schools. He suggested that people lobby the Board of Supervisors and the School Board. He said that the Commission heard the grievances, but it was not the decision maker.

MOTION: Mr. Randolph moved that the Planning Commission recommend approval of “ZMA202100005 1805 Avon St. PRD” for the reasons stated in the staff report. Mr. Clayborne seconded the motion. The motion carried unanimously (6-0 Commissioner More absent).

Adjournment

The Planning Commission adjourned its meeting at 9:21 p.m.



Charles Rapp, Director of Planning

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

Approved by Planning Commission
Date: 01/11/2022
Initials: CSS