

Mr. Padalino presented a PowerPoint and said this was a special use permit application for steep slopes disturbance, and the applicants are EcoVillage Holdings, Inc., represented by Tom Hickman and Dave Reading, who were both present. He noted that Justin Shimp and Peter Russell of Shimp Engineering were also present. He stated that he would provide a summary level of information, including providing information about the subject property's location and characteristics, a summary of the proposal itself for the application, and an explanation and staff analysis and findings as well as staff recommendations.

Mr. Padalino reported that the subject property is in the development area in the Places 29/Rio area, close to the city limits as shown on this vicinity map. He said that the property is identified as Tax Map Parcel 61-210 and was currently 6.3 acres, with the applicants proposing to combine the parcel with the in-held parcel, 61-210A, which would have a resulting size of 6.5 acres if combined. Regarding the existing conditions onsite, he said that the partially forested property was characterized by significant topography, sloping down from north to south with a grade change exceeding 70 feet in total.

Mr. Padalino said the property was also characterized by its extensive frontage along a curvy, steep section of Rio Road East, and it was in the vicinity of Meadow Creek but was physically separated by the right of way for the road and a few waterfront properties. He noted that the existing conditions along the way for Rio Road East were notable for their problematic issues with storm water and storm drainage, and those issues were documented by the applicants and provided as Attachment D, as well as being the focus of discussion during the community meeting for the application – held at the end of September. He mentioned that the subject property currently contained three dwelling units, although two of them were technically on the in-held parcel, which had not been combined as of today.

Mr. Padalino stated that the current zoning was R-4 Residential as shown on the zoning map, and in terms of critical resources, the steep slopes overlay district was present on this property and extended along almost the entire frontage with Rio Road East, except for the existing driveway entrance. He said that the exterior steep slopes were designated as preserved slopes, and the property also contained managed steep slopes in other interior locations. He said the future land use plan designated the property as Neighborhood Density Residential, which envisioned single-family detached and attached housing, with a gross density ranging from three to six units per acre.

Mr. Padalino reported that the application proposed land disturbance to preserve steep slopes within the steep slopes overlay district for the implementation of what the ordinance called “private facilities,” which would be in association with the proposed EcoVillage Charlottesville Residential Development Project. He said that the particular private facilities proposed included a new commercial entrance along Rio Road East, new private street access ways, and several new parking areas – which would be separated from the proposed new dwelling units.

Mr. Padalino said that the petition is pursuant to Zoning Ordinance Section 30.7.4B2, which is private facilities on preserved slopes, and it was notable because it was the only use permitted by SP on preserved slopes. He stated that to his knowledge, this type of application had not been received by or processed by Community Development or brought to the Commission since the Steep Slopes Overlay District was established by ordinance. He said that the SP had been submitted in conjunction with an initial site plan for EcoVillage Charlottesville, and he referenced Sheet C5 showing the grading plan, with the initial site plan serving as the conceptual plan for the SP application – with the two applications being reviewed concurrently as much as possible. He noted that the initial site plan had been approved with conditions in October, and a final site plan had not yet been submitted.

Mr. Padalino reported that the proposed by-right residential development would utilize bonus density factors, which if approved would result in a gross density of 5.8 units per acre, comprised of 27 townhouses and 11 single-family detached units for a total of 38 proposed dwelling units. He noted that this density and use would be consistent with Neighborhood Density Residential future land use designation in Places 29's master plan. He mentioned that he had incorrectly identified the number of units as 36 and the density as 5.5 units in the staff report and said that he also needed to correct the number of affordable housing units to 4 – not 18. He said that the applicant was proposing that half of the additional units enabled through bonus density factors to be affordable, not half of all the units, which was a major difference.

Mr. Padalino referenced an exhibit showing the proposed private facilities and disturbance of preserved slopes, and the amount of disturbance of preserved slopes would be approximately 12,300 square feet or 21.6% of the total preserved steep slopes area on the property. He said that the majority would be associated along Rio Road East in connection with the proposed new commercial entrance, and it would include the road widening that would be necessary to construct the required left-turn lane for outbound traffic, turning left in EcoVillage – and that would also include the establishment of the required sight distances. He stated that additional smaller areas of disturbance were also proposed on the east side of the existing driveway in connection with the proposed parking areas, and near the existing historic dwelling along the upper portions of the proposed private street access way.

Mr. Padalino referenced the most recent slope exhibit, provided as Attachment E, which showed all the areas of proposed disturbance in relation to the overall preserved steep slopes overlay district in yellow. He noted that it runs along almost the entirety of the frontage of the property. He said that approximately 44,600 square feet of preserved steep slopes – or the remaining 78.4% on the property – would remain undisturbed, including all the preserved slopes that front along Rio Road East between the sharp curve in the road at Agnes Street to the intersection with Rock Brook Drive. He said that the steep slopes subject to this proposal were designated preserved but had characteristics of both managed and preserved slopes, according to Section 30.7.3 of the Zoning Ordinance, which defines managed and preserved characteristics.

Mr. Padalino stated that a fully detailed analysis was provided in the staff report, but favorable factors included the characteristics of the steep slopes, with the potentially affected slopes having significant characteristics of a managed overlay district, including being “significantly disturbed prior to June 1, 2012 by the construction and subsequent modifications of Rio Road East,” and thereby being “manufactured” as opposed to being entirely natural. He said that staff acknowledged that steep slopes also have characteristics of preserved districts, including having a mature forest and being over 10,000 square feet of a block of steep slopes, which is presumably why they were characterized or defined as preserved originally.

Mr. Padalino said that based on those mixed characteristics, staff concludes that the proposed disturbance could potentially be appropriate, provided that the applicants clearly demonstrated additional development design care and consideration for the proposed landscape mitigation efforts and proposed storm water and storm drainage improvements also provided in conceptual detail in Attachment D. He said that the second favorable factor was the physical necessity of the private facility – particularly the entrance, because the use and development of the property at levels recommended by the future land use plan or virtually any other change or intensification of use on this property would require the construction of a new commercial entrance located and designed to meet VDOT entrance requirements. Mr. Padalino said that because of the physical characteristics and spatial configuration of

this property, as well as the alignment of Rio Road East, a new commercial entrance on this property really cannot be constructed without disturbance of preserved steep slopes.

Mr. Padalino stated that the third favorable factor was consistency with the Comprehensive Plan, and the proposed EcoVillage project as shown on the initial site plan is an infill development within the development areas and was consistent with the future land use plan and has been planned and designed in ways that strongly support and advance numerous Comprehensive Plan policies.

Mr. Padalino said that there were seven unfavorable factors identified, including that the proposed disturbance of the steep slopes is inconsistent with Comprehensive Plan goals and with the purpose and intent of the Steep Slopes Overlay District. He stated that although the existing district has both preserved and managed characteristics, the proposed disturbance of the preserved steep slopes would negatively impact the aesthetic quality of the district through the removal of existing mature canopy trees and other vegetation along Rio Road East, thereby creating negative impacts to the character of the nearby area.

Mr. Padalino stated that the second unfavorable factor was that grading and removal of soil could potentially contribute to erosion and sedimentation of downstream water resources and properties, including the nearby Meadow Creek. He said that the third identified factor was that grading and removal of vegetation would reduce the amount of forest land cover, which negatively impacts wildlife habitat and diminishes the ecosystem services, such as storm water management, carbon sequestration, and reduction of urban heat island effect that would otherwise be provided if the forest land cover were to remain intact.

Mr. Padalino said that the fourth unfavorable factor was that the proposed EcoVillage development would require multiple special exceptions or waivers and modifications to be completed as proposed on the initial site plan. He stated that the fifth factor was that the application did not sufficiently document the particular physical necessity of the proposed disturbance for private facilities, specifically for the proposed new parking areas or the upper portion of the proposed private street access way. He added that staff believed that additional information should be provided to clearly demonstrate that the site layout shown on the site plan is necessary and appropriate, and to further demonstrate that the feasibility or non-feasibility of potential alternatives to that site layout, which may not require disturbance of preserved steep slopes for those private facilities.

Mr. Padalino said that the sixth unfavorable factor was that the application did not sufficiently document the additional development design care and consideration that is required to make a finding that the proposed disturbance is appropriate, and staff believed that additional information such as a landscaping plan and conceptual storm water management plan should be provided in connection with the SP application to clearly demonstrate the appropriate consideration and care in the design and construction of the proposed mitigation efforts and proposed storm water improvements along Rio Road.

Mr. Padalino stated that the seventh and final unfavorable factor identified was that the commercial entrance waiver request submitted to VDOT and required for the entrance was still under review by the VDOT location and design engineer, and staff was unable to make a final and fully informed determination on the necessity on the proposed new commercial entrance private facility prior to VDOT taking action. He noted that the terms and conditions of any such approval could result in modifications to the design and proposed areas of disturbance. He mentioned that Adam Moore from VDOT was present and could address questions related to the entrance or other entrance requirements, and perhaps the status of the review.

Mr. Padalino summarized that staff had conducted an inter-divisional analysis of this particular proposal on this specific property and identified a complex combination of favorable and unfavorable factors, as described in detail in the staff report. He said that staff currently believes that the favorable factors outweigh the unfavorable, with particular consideration given to the characteristics of these steep slopes, the subject property's location within development areas, and the extent to which the proposed EcoVillage project embodies and supports and advances numerous Comprehensive Plan strategies, objectives and policies: consistency with the future land use plan; enabling new compact residential development, inclusive of affordable housing, multiple housing types, and a mixed arrangement of both, within the development area as specified in the Growth Management and Development Areas chapters of the Comprehensive Plan.

Mr. Padalino stated that the proposal also reflected several Neighborhood Model principles, including pedestrian orientation – not only sidewalks and walkways, but the majority of private streets to be conceptualized as pedestrian streets designed primarily for use by residents, not vehicles, and that would also be designed for use by vehicles, including emergency vehicles. He added that the project also included the provision of a publicly accessible pedestrian path through the interior of the development, which would support and advance the implementation of the proposed multi-use path, shown on the Places 29 Master Plan – which was good for pedestrian orientation as well as multi-modal opportunities.

Mr. Padalino noted that a few additional Neighborhood Model principles included relegated parking, at least when considered relative to the internal arrangement of onsite uses and improvements; parks, recreational amenities, and open space; the mixture of housing types and affordable units, which would be four; and multi-modal transportation opportunities mentioned in connection with the publicly accessible pedestrian path.

Mr. Padalino stated that despite the finding of favorable factors, staff cannot fully verify that they actually outweigh the unfavorable because of two reasons: the applicant has not yet clearly demonstrated the particular physical necessity of all the proposed areas of disturbance; and the applicant has not clearly demonstrated the appropriate consideration and care in the design and construction of the proposed landscape mitigation or proposed storm water improvements in these areas.

Mr. Padalino said that he withholds a recommendation for approval unless those outstanding issues can be addressed and resolved, but he did have three recommendations, the first being that the applicant should provide some type of additional documentation regarding landscape mitigation and storm water improvement details, as would be necessary in order to make a positive finding that the proposed disturbance of preserved steep slopes is appropriate. He said the second recommendation would be for the applicant to have a licensed professional field-identify the proposed limits of disturbance, using flags, stakes, or something similar to better enable county staff and officials to have a visual understanding of the extent and consequences of the disturbance within the Steep Slopes Overlay District. He said that the third recommendation is for the Commission wait to take action on this application until the applicant is able to provide an update on the status of the new commercial entrance private facility – specifically until after VDOT takes action on the waiver request.

Ms. Firehock asked if his analysis included the consideration that the creek is impaired water as listed on the state's TMDL waters in Virginia.

Mr. Padalino responded that it had been discussed, and he mentioned it briefly in the report but did not highlight it. He said the storm water runoff and management volumes were the primary focus of the

community meeting, and staff did not consider storm water quality as heavily as the quantity – but the status was important.

Mr. Dotson asked about an item on Page 3 stating, “Initial site plan was approved with conditions in October,” and the site plan process includes submission of an initial plan, comment period, and then revisions to be reflected in a final site plan.

Mr. Padalino stated that this was very accurate, and it was approved with conditions that the review comments be satisfactorily addressed, and the goal was to get it to a final site plan stage, provided that all of the issues and problems identified in the initial review were addressed in the final.

Mr. Dotson said that he did not understand the explanation regarding deferral of the item with a request for the Board of Supervisors to take action by June 2020.

Mr. Padalino explained that this was a procedural necessity created through a recent ZTA, and there was a strict timeline on getting some of the applications to the Planning Commission and to the Board for action. He said that there would not have been a chance to revise and resubmit anything unless that deferral was requested, adding that this was a specific type of deferral pursuant to Section 33.52, and it did not preclude staff from reviewing the application, nor did it preclude the applicants from revising and resubmitting.

Mr. Padalino emphasized that it was almost just a timeline deferral wherein the applicants say they will not stay with a 60- or 90-day timeline as applicable, and they have to request a “no later than” date – which in this case, they have requested as no later than June 19, 2020. He added that it was not anticipated to take that long, and the applicant was allowed to request up to three years after the date of submittal as their “no later than” date.

Mr. Dotson asked if that was all part of something.

Mr. Padalino responded that it was all part of new special use permit applications, zoning map amendment applications, and special exception applications.

Mr. Dotson asked if they would see something like that statement on other applications as well.

Mr. Padalino confirmed that they would if the staff report included a status update of all associated reviews and other affiliated applications.

Mr. Dotson commented that it sounded like a new business item for later.

Mr. Padalino replied that it was a function of the attempt to solve the problem with longstanding applications being out there for years on end, and this created another circumstance.

Ms. Riley asked for clarification that there was not an additional SP application.

Mr. Padalino confirmed that there was just the one.

Ms. More asked for elaboration on the fourth unfavorable factor.

Mr. Padalino responded that the idea was that they have to evaluate it relative to four specific criteria, and this was a general finding that said if mature forest was removed, wildlife habitat would be lost. He stated that they would not be getting the same type of carbon sequestration and urban heat island effect mitigation if trees were removed. He said this was problematic unless there would be a specific plan to mitigate those impacts – such as more landscape over time to replace those or even exceed those trees being removed.

Ms. More clarified that she meant number four.

Mr. Padalino said that with regard to special exceptions and waiver modifications, he would consider that to be the least concerning unfavorable factor, and what he meant was that the site layout proposed on the initial site plan included things such as double frontage lots, and there was a mechanism for requesting a special exception and they had to be screened a certain way if they were approved through special exception. He stated that he wanted to highlight that because elsewhere he described it as a by-right development, and he was challenged to say that it was really not by right and they had to get additional approvals. He confirmed that these things would get caught within the review of the final site plan, and that would end up going to the Commission or Board, depending on whether staff supported those special exception requests.

Mr. Keller invited public comment and asked the applicant to address the Commission first.

Mr. Justin Shimp introduced Peter Russell, who would do the Shimp Engineering presentation; and Chris Fuller, who was with EcoVillage. He stated that they were agreeable to the first two concerns raised, which were primarily technical issues, and they were also agreeable to the conditions outlined in Page 13 of the staff report.

Mr. Chris Fuller addressed the Commission and stated that EcoVillage Charlottesville included cohousing, with a traditional neighborhood design to make it walkable, mixed income, and more like a real community. He stated that there are design and social pieces to it, with a big common area and open space for pedestrians instead of cars. He said that there are clusters of mailboxes that are shared for residents, encouraging daily interaction among neighbors.

Mr. Fuller stated that the “eco” aspects include the site work as well as the houses themselves, which also apply to the steep slopes and storm water management. He said that the goals of the project are to have orchard trees or replace some of the forest being removed, and not all of it is healthy currently so it may not all be saved – but they plan to put back as green infrastructure on the inside and edges of the site.

Mr. Fuller said that there was an access road in the plan to the north that goes up to the bus stop that was already part of the site plan for a secondary exit for firetrucks, and the proposed idea was to have a pedestrian path through the waterfront property to the south, across the creek, and to the Rivanna trail. He noted that they already had to do storm water management in that area, as well as sewer, and the property owner is amenable to having this done because it would benefit his property to have a way to get across the creek.

Mr. Fuller stated that they were trying to do a market-rate affordability approach that did not necessarily fit into the exact wording of the regulations as they stand, and they would still have four that did that – with some more that fit into a more fluid idea of affordability.

Mr. Peter Russell addressed the Commission and stated that he would mention points relating to storm water, noting the existing condition on top and proposed condition on the bottom, with a red overlay where the existing drive was that did not meet VDOT standards. He said that their proposal was just shifting that to the west a bit to reduce grading for sight distances required by VDOT. Mr. Russell referenced a map provided, noting the disturbance on the east side where the proposed vehicular circulation road was, which was to push all of it to the outside to allow for pedestrian-friendly streets and a large park area on the inside of the site. He said the disturbance was really to allow for street standards – curb and gutter and a sidewalk along the area of an existing building that would be retained potentially for bed and breakfast use in the future. He also pointed out the area that would be disturbed for road widening.

Mr. Russell presented a diagrammatic image to describe what they were asking for from VDOT, noting the sight distances required for the entrance. He said that the waiver they were requesting from VDOT was to reduce the sight distance looking east. He added that there had been a speed study done that showed the speed along Rio Road was lower than the posted speed limit, and it would meet the sight distance as proposed, which was also highlighted. He said they also met the stopping distance requirement, as shown in red, and the area noted is the potential area of disturbance without the VDOT waiver.

Mr. Russell stated that the diagram on the top left showed the potential approximate area of disturbance for the road widening, adding that they would be happy to come in and try to revegetate slopes in a way that introduced ground covers, herbaceous layers, and understory and overstory trees to try to rebuild habitat as much as possible. He referenced a diagram showing inadequate drainage on Rio Road on a rainy day and presented a list of improvements, with sheet flow going across to the adjacent property – coming directly from Allwood across Rio.

Mr. Russell said that the improvements along Rio would improve the drainage along that shoulder, potentially regrade the entrance of Allwood to have a more favorable drainage flow into the ditch or into the curb and gutter, a new waterline going underneath Rio, and an improved inlet to encourage better drainage from the existing condition and the additional impervious added with the development. He said that the pedestrian streets between the buildings would be designed with the least impervious material possible, in an effort to encourage infiltration and reduce runoff and downstream erosion.

Mr. Keller asked Mr. Bivins to take over the public speaker portion of the hearing.

Mr. David Reading addressed the Commission and stated that he lived at the EcoVillage on 480 Rio Road East. Mr. Reading stated that the land had no natural critical slopes, and when VDOT came through in 2012, they created the slopes – and if it weren't for the road going through there, they wouldn't have a critical slope going down to the creek. He said that regarding the social part of what they were trying to do with EcoVillage Charlottesville, they were not building a development to make money and walk away from it – and this project was the only one he had on his bucket list, intending to live there for the rest of his life.

Mr. Reading stated that EcoVillage had two goals, the first being building a close-knit community where they interacted with neighbors each and every day. He said they would use social media but would not define people that lived in the EcoVillage. He stated that they would have a cohousing community where interacting with neighbors was very important. He said they strongly believed in diversity and had a common house where they could meet with residents and homeowners could have people stay in the bedrooms in the common house, so their homes did not need to have guest rooms in them. Mr. Reading noted that they also planned to have artist studios in the common house, which was done in other

cohousing developments, and they planned to have community meals at least once a week where residents and guests could join in.

Mr. Reading said that their second goal was to have the homes built net zero – so with reduced electric use and solar, you can avoid paying electric bills. He stated that they would help educate residents on how to manage homes and maximize reduction of carbon footprint, and EcoVillage was currently a co-housing home with a bike share and a car share, which allowed them to help reduce the community's carbon footprint. He said that riding a bike decreased the time it took to get to work in town by not getting stuck in morning or evening traffic, and bikes could be parked in the destination location without cars driving around looking for a parking space. He stated that EcoVillage is located about 100 yards from a Route 11 bus stop, which gets riders to Fashion Square in 10 minutes and into town in 20 minutes, and it was a 20-minute walk via the John Warner Parkway into town.

Mr. Reading stated that the current EcoVillage residents comprised a diverse group ranging in age from 23 to 73 and of various races. He said that one of the few things they had in common was that they volunteered for things like community bikes, computer recycling, Food not Bombs, Computers 4 Kids, Virginia Organizing Project, and other organizing events. He noted that when they completed their buildout, they expected that a larger group would have involvement with many other local communities, organizations, and events.

Mr. Harold Herz addressed the Commission and stated that he owns Cochran's Mill, the property directly south of the EcoVillage, which was built in 1754 and renovated by him personally over the last 12 years. He said that he had dealt with a lot of expanded easements and many major sewer overflows during the Rivanna replacement project, and every aspect of the EcoVillage project would have a direct impact on him and his family. He stated that he was personally friends with people involved in the development of the project and was a client of Shimp Engineering – yet it was of great concern to him as to how the project got done. He said that he had been very vocal and active throughout the process and had several discussions with Mr. Dotson and Supervisor Ned Gallaway.

Mr. Herz stated that the main issues that will impact his property directly pertain to the safety of the new entrance area that is being proposed for the disturbing of the critical slope, and the hill is quite dangerous – with three accidents over the weekend during the snowstorm. He said that he hoped that the widening of the road and many other safety factors would be considered by the Commission during the SP application. He mentioned that regarding the storm water issue, the group involved with the project had been very active and came to the property during one of the storms to see the major flooding that occurred on his property at this time during a regular rainfall. Mr. Herz asked the Commission to also enforce their ability to make sure the storm water retention and management was handled appropriately, and he said that the people involved with the project have assured him that the issues would be addressed during the planning. He added that he had great concern about the number of trees that would be removed, and he hoped that would be addressed by the Commission.

Mr. Morgan Butler of the Southern Environmental Law Center addressed the Commission and said the SELC wanted to commend staff for their very thorough and thoughtful staff report. Mr. Butler said that the SELC supports the staff report recommendation to take the necessary time for the applicant to develop and for staff to review the additional information that staff finds necessary in order for it to be able to make a proper evaluation of this request, and to ensure that landscaping and storm water plans adequately reflected the sensitivity of the site. He noted that this would also provide more time for a VDOT decision on the entrance design waiver, which seems key to assessing the SP request in light of staff's point that the VDOT waiver may result in changes to the proposed areas of disturbance.



Mr. Butler said the SELC also urged the Commission to ask the applicant to avoid the two preserved slope areas where the applicant proposed to locate parking spaces and the private street. He said that the standard the ordinance requires be met to grant an SP is that there not be adequate land area outside of preserved slopes for the facilities at issue. He said the applicant's argument on that point is much stronger for the commercial entrance, and they do not believe a compelling argument has been made for the parking spaces on the private street. He stated that this was because the applicant's development proposal showed a density level of 5.8 units per acre that was near the very maximum of what the zoning ordinance allowed, and the Comprehensive Plan called for on the site.

Mr. Butler said that a small reduction in the number of units and parking spaces or a reduction in open space area or other tweaks could potentially allow for those areas of slopes to be avoided, and to make a determination that there is not adequate area outside of preserved slopes for those few parking spaces in the private street would mean they assess the adequate area only after accepting the exact development layout and the number of units in the applicant's proposal – which would render the adequate area standard meaningless, and the SELC urged the Commission not to open the door to that interpretation and thus create a harmful precedent for preserved slopes.

Mr. Shimp stated that the waivers and exceptions needed were to make the project more innovative, so he would not view them as negatives but instead as important components – with the standards addressed being the ones to remove the curb, as had been done in the past. He said that having a neighborhood that was more of an internal community necessitated putting the road on the outside and the people on the inside. He stated that regarding the decision the Commission had to make, the overall Comprehensive Plan goals spoke to a plan like his, and it was necessary to disturb some of those areas to achieve that.

Mr. Shimp said that in the case of the strip next to the house, it was narrow, but they had to have a road a certain width and a sidewalk – and the house was already there, so it pushed them out onto the edge of the slope. He said that the other slope where the parking is was where the existing driveway cuts in, so it was not part of the natural slope and was graded in previously. Mr. Shimp said that the county required them to have a certain amount of parking spaces, and the EcoVillage team was set on having them outside of the ring of development, and losing units took away the opportunity for people to live in this neighborhood, which needed to be weighed as well.

Mr. Shimp stated that he was confident that they could handle the main issues of stormwater and vegetative slopes, to the satisfaction of staff, and they were happy in general with the way the conditions were written such that this could move forward with more detailed instructions to the Commission on how those would be satisfied. He said that if the planting plan could be established that took what was there and revegetated it to a better state than it was now, that would mitigate much of the impact – and on the storm water side, they were working on an agreement with the property in the direction opposite Mr. Herz's to pipe all the storm water runoff through there. He said that they would take a lot of the water from the site and divert it into a storm water management system through conveyance channels down to the creek where it had to go eventually, so that would be a net improvement on that condition. He said that disturbance to the slopes in this case permitted a betterment of the conditions, which also satisfies the criteria of permitting slope disturbances.

Mr. Dotson stated that he had mentioned before the location of an existing house making it difficult to shift the roadway and asked Mr. Shimp to point to it on the map provided.

Mr. Shimp explained that if they shifted it to the road inside, there would be all community space between the existing house, which would function as a bed and breakfast, and the community house – so it was very important that the road not intersect that space. He noted that they had to cut it down to make the road fit.

Mr. Dotson said that Mr. Shimp had said the slopes were created to allow the existing entrance to go there, so they would be redisturbing them.

Mr. Shimp clarified that they were disturbed prior to the creation of the steep slopes overlay district, and Mr. Heller had pointed out that some of these slopes had the characteristics of managed slopes because of some of those issues. He said this was not part of the original natural slope system, it was a slope above a waterway and there needed to be some thought about how they disturb this. Mr. Shimp emphasized that it wasn't a native slope, it was created with the driveway – with steep side slopes cut when it was put in, and now they were preserved slopes.

Ms. More asked for clarification on Mr. Dotson's question about the road where the existing home is.

Mr. Shimp noted the location of the existing house and said they had the road four or five feet from the front door of the house, so it was tight. He said that the roads were required to be 20 feet and the road itself didn't quite encroach on the slope, with grading just a bit into that – so it might be a matter of cutting the slope a foot down, but that was necessary to get the road in between the house and Rio Road to keep it out of the community space.

Ms. More asked Mr. Shimp to explain why in this design that the parking lots had to be in that specific location, as she had concerns about the disturbances. She also said she had questions about what this looked like to a driver passing by, with solar panels over the parking lots, as she had trouble visualizing this.

Mr. Shimp responded that the parking lots were elevated about 10-12 feet above the road, with the idea being to replant the slopes there that would include understory and taller trees, to try to restore a natural habitat with one design to work on the slope. He said that at the end of the day, the idea was to have woods again between Rio Road and the parking lot, which was the replanting strategy.

Ms. More asked how many parking spots were in the concept presented.

Mr. Shimp replied that it was just the minimum number, and they were required to have two spaces per unit, which would total 76 spaces throughout.

Ms. More asked if the first units would have a pull-in driveway.

Mr. Shimp responded that they would have an on-lot parking, and everyone else would park in the designated location or up at the top, then walk down the various pedestrian paths to get to their houses.

Ms. Firehock asked if they had tried variable space sizing to see if they could shrink the footprint of the overall parking lots.

Mr. Shimp replied that his understanding was that he could only reduce the length of the space.

Mr. Padalino responded that there was an option of going from 10 to 9 or 9 to 8 feet, but that would require a wider drive aisle. He said that it was only beneficial in some circumstances, because there could be smaller spaces but more impervious surface between spaces.

Ms. Firehock commented that other localities did not have this problem, and staff indicated that revisions were in the works.

Ms. Firehock asked what low-impact development best management practices were considered for the site, because as she read the report she saw something about bioswales, but also something about drainage ditches to make sure they could handle the volume. She said that to be an ecovillage, she expected to know a lot more – but understood they hadn't done their engineered site design.

Mr. Shimp explained that part of the goal was to reduce the amount of road needed, and they had the waivers to eliminate the frontage roads needed for parking. He referenced a sketch but said they had not gotten to the details of all those things.

Ms. Firehock commented that they didn't look recessed like a bioswale would be.

Mr. Shimp said they had not detailed that out, but the benefits of these streets would be that there would be a sidewalk meandering, landscape beds, and bioretention cells to handle roof runoff. He stated that their concern about storm water has been about managing the existing condition, as it was causing the most immediate issues. He added that they would have to address all the state-mandated storm water requirements with the final plans, which would include runoff reduction. He said that the focus of the slopes was to improve the condition existing on the slopes now, which was why they had the channels and things like that.

Ms. Firehock stated that they would be adding a lot of impervious rooftops to the site, and she wondered what other more innovative practices they would incorporate – such as storage underneath the parking or cisterns with the buildings. She noted that there may be associated costs, but the development she had seen with similar measures had to treat a lot less storm water.

Mr. Shimp responded that it would be a requirement with the final site plan, and they could tie it into the SP if that was the will of the Commission. He stated that they have done things where there was an additional volume treated or things like that to deal with slope disturbance, but he had not engineered all the storm water on this. He said that they know what their options are from the BMP guidelines but had not picked out everyone yet.

Ms. Firehock stated that Mr. Shimp had talked about needing to put in curb and gutter, which was expensive, and she asked if that was something that could be waived, like a "C" street wherein curb and gutter was eliminated, and they didn't end up with a massive volume that they then had to do a ditch widening to treat. She asked if that was something the county would allow if the applicant wanted to go that way – or if they had to go with curb and gutter.

Mr. Padalino explained that a private street in the development areas was subject to those standards, including the curb and gutter, and one of the special exceptions he alluded to in that factor would be for modifying private street design standards. He said that he did not think that specific modification was included in the discussions to date, and the special exceptions the applicants indicated they would apply for more relate to the pedestrian streets – but that could be added as a request.

Ms. Firehock said that eliminating curb and gutter might make it more financially feasible to do some of the other ecologically sensitive BMPs. She stated that what she saw before her was a very traditional development and she did not see much innovation – and there was more work to be done to bring it up to what she would call an ecovillage, with an environmental benefit when they were done with it. She said that it was a highly modified site and not every piece of vegetation was worth saving, but she also did not see a list of trees they planned to use on the site, and she wasn't even sure if they were proposing to use native trees. She added that it seemed another round was needed on this.

Mr. Shimp explained that they were waiving curb and gutter and it might be difficult on this street because they needed to control the drainage, and there were places where sheet flow was excellent – except perhaps for over the slope. He added that not all things like cisterns meet the DEQ guidelines they have to deal with, and some of the more innovative things would happen after construction plan approval, so they haven't gotten to a plan level yet.

Mr. Bivins said he would ask the VDOT representative for a status update and said that he was very disappointed to see that this project was going to a very modest level of affordable housing. He stated that he hoped as they thought this through with the owner that there was some assurance of diversity in terms of demographics and income level.

Mr. Shimp stated that this was by-right R-4 Residential, and he didn't notice until earlier in the day that the error was in the report. He said that in the ordinance as written, when there is a bonus of 30%, half of those units are affordable per the code – and that's why it was on the site plan that way. He said that the design could incorporate more, but the origin was just the required amount.

Mr. Adam Moore, area land use engineer for VDOT's Charlottesville Residency, addressed the Commission and explained that VDOT's role in the review process thus far was primarily related to an ongoing design waiver request, which was based on the sight distance requirements for the entrance. He said that Rio Road East in this section was a major collector road carrying approximately 10,000 vehicles per day, with a posted speed limit of 35 MPH. He stated that the intersection sight distance, which was required of all commercial entrances or subdivision street connections, would be 390 feet on this section with at least 250 feet of stopping site distance. He stated that the request was based at least in part on measured traveling speeds of closer to 30 MPH for the 85th percentile, and they had used that as the basis for their waiver request, which was ongoing.

Mr. Bivins asked when VDOT expected to render an opinion on that and asked him to talk about the sight lines also.

Mr. Moore explained that the design waiver had been reviewed and commented on twice thus far, so certainly there had been comments submitted to the applicant twice already about what information the district location and design engineer would like to see before making a decision. He stated that the basis for those waivers was generally based on showing what would have to happen to meet the standard, and whether a waiver should be considered based on infeasibility due to either cost or engineering practicality. Mr. Moore said that the sight lines, leaving the development and looking to the left, to meet the standard you would have to look around the bend and past the private road just east of the proposed connection, which would require a significant amount of grading to that slope – and the expense or practicality of grading that slope would be part of the waiver request. He stated that in looking to the right, the sight line leaves the right of way to get to a point as the road s-curves around.

Ms. Riley stated that the applicant had requested a reduction and asked for an explanation of that, and also asked for clarification on what information they had asked for and not received.

Mr. Moore responded that the design waiver pertained to when the engineer of record could meet the ASHTO standards, which were less than the stated VDOT standards. She said that in this case, they could meet the ASHTO stopping sight distance, measured by the red line, but they could not meet the VDOT standard intersection sight distance, as shown in blue.

Ms. Riley said that their basis was that there were more cars traveling slower than the average that was the VDOT number they came up with.

Mr. Moore replied that most people were traveling below the posted speed limit.

Ms. Riley asked what the data was that they had requested but had not received.

Mr. Moore explained that the data requested was further engineering details about the grading necessary to meet the standard and the cost to do that.

Ms. Firehock asked if they had also given an estimate of vehicle trips per day for the development.

Mr. Moore responded that they did not have the total per day in front of him but had the peak hours – with 22 vehicles in the AM peak hour and 26 in the PM peak hour, for a total of about 200-250 vehicle trips per day.

Ms. More commented that she was confused because it said the existing entrance did not meet VDOT standards for sight distance, but they were talking about a waiver for sight distance. She asked if the existing entrance was less favorable than what the applicant was proposing.

Mr. Moore clarified that the existing entrance had more restrictive sight distance than the proposed location, from a VDOT perspective. He stated that the existing location could be used, but to achieve the required sight distance, probably significantly more grading would be required to do that.

Mr. Dotson said that the disturbance to the preserved slope was not just the construction zone where the entrance came down to meet Rio Road, but it was also a distance back in order to move the earth back to create greater sight distance.

Mr. Moore explained that if the waiver was not granted further additional grading would be necessary.

Mr. Dotson asked if the county's classification of this as preserved slope would influence VDOT's determination.

Mr. Moore responded that he did not believe that it would, and sight distance was viewed as a safety standard – and they have submitted a waiver request of that standard based on measured running speeds.

Ms. Firehock asked if they would be pulling crash data or traffic incident data from this stretch of road when they evaluated the adequacy of a new entrance.

Mr. Moore replied that it would be part of the review process for a waiver to an elemental safety facet of the design and the sight distance, and part of their burden was to make the case because it would not become unduly unsafe.

Mr. Keller asked the applicant if they had considered entering the site at the northeast end and whether VDOT had an opportunity to consider whether the sight distance would work at the northeast end.

Mr. Shimp responded that they had looked at it and VDOT may have looked at it as well. He said that there may be a sight distance issue there, but there was also a right-of-way issue and an existing road there that could be used for emergency access. He stated that they did not actually have a right to build a new VDOT standard commercial entrance in that location, and they could use it as is but could not construct the improvements in that location to meet commercial entrance requirements.

Mr. Keller asked if they explored whether it could be changed.

Mr. Shimp said that his understanding from the developers was that it was explored.

Mr. Keller closed the public hearing and placed the matter before the Commission. He asked if one option could be a deferral.

Mr. Padalino responded that he would defer that question to the applicants, but it was something they had discussed as a potential option. He said that the concerns he identified were related to documents not being fully clear to demonstrated mitigation and the details on how some of those otherwise serious impacts would be addressed. Mr. Padalino stated that for the Commission's consideration, he provided conceptual conditions of approval if there was some level of comfort that this was appropriate.

Mr. Keller stated that his first comment, similar to Ms. Firehock's, was that if they were going to have an ecovillage, there were ways they could have a design that was much more closely responding to the topography and hydrology issues on the site. He said that in the U.S. and globally, there were projects that were seeing no runoff from a site like this – with green roofs, permeable pavement, and many other options – without changing the topography. He stated that they were altering the qualities of the environment with all the topographic changes they were making, both small and large scale.

Mr. Keller said that he felt this project had amazing potential, and they have seen the conceptual work that the architect had brought before them before, and they knew he was committed to this and the engineer had been bringing forward some interesting and creative pieces as well. He stated that the socio-cultural component of this brought by future residents all came together with exciting potential – but it was just not there, and staff had done an outstanding job of outlining why, which had also been followed up by the comments of commissioners.

Mr. Keller stated that he would like to see some sections that went from Rio Road to the back of the property at varying points through this, with the existing topography as shown in conjunction with the proposed, so they could see how extreme some of the proposed changes would be – and he would encourage staff to consider using that more often in these challenging cases.

Ms. Firehock said that when the Comprehensive Plan looked at an area and said it would be appropriate in the future for a three to six density units per acre, that did not mean that staff at the time did a slope analysis, a hydrologic analysis, etc. – but was really just looking at it as structures and space. She stated

that they can get to the environmental analysis at this stage, but that can make some of the assumptions about density not pan out.

Mr. Gast-Bray stated that this was why there was a range given, because they did not do the design in that detail and were supposed to give some flexibility to adjust accordingly.

Mr. Keller commented that there were a number of creative ways that one could begin to address affordable housing, from small house size that would be owner-occupied to having a number of rental units that would be below market rate in a number of different tiers, depending on what degree of flexibility there was. He said that the applicant could think outside the box on some of those things as they had with others, and the community could indeed own and commit to protecting affordable housing within this entity itself. He stated that they were looking for some ways to ensure protection into the future, and to some degree maybe even into perpetuity, and this kind of community would have that kind of option.

Ms. More said that she understood the parking spots and the private street concept, but there seemed to be a way to reconfigure it and still achieve the type of community they desired. She added that there were a lot of elements they needed to know more about, but she appreciated what they were trying to accomplish with the developer.

Mr. Keller noted that they could either vote this up or down or just see if the applicant had anything to say in response to staff.

Ms. Riley stated that she supported the staff recommendations and felt that the Commission had an inadequate amount of information for the detail outlined by staff, and she would prefer not to go forward with a vote at this point.

Ms. Firehock added that she felt uncomfortable moving forward before VDOT had rendered its decision. She commented that she understood what the applicant said about looking at observed speeds, taking some of their own survey data, then calculating – therefore they didn't need to meet VDOT's maximum requirements – but she would like for VDOT to rule on that before agreeing to put that volume of traffic at that point with those sight lines.

Mr. Shimp stated that it would be their preference to move along, but if there were concerns then they could defer it. He said that it would be helpful to have a recap of the Commission's primary points of concern.

Mr. Keller responded that he felt the Commission had done that effectively in the course of their discussion.

Mr. Shimp said that the conditions wrote out on Page 13 such that they could move forward and work those things out within, but it would not come back to the Commission. He added that they would also accept a deferral.

Mr. Dotson asked how long it would take them to address the four conditions as outlined, assuming that the VDOT decision was a matter of weeks and not months.

Mr. Shimp stated that it was out of local hands and went up to the district level, and VDOT could take

anywhere from two to six weeks. He asked what timeframe staff would need to get it back in front of the Commission.

Mr. Moore clarified that it would depend whether it returned for a public hearing or as another action item, as those were two very different scenarios in terms of timing.

Mr. Herrick stated that the rules of procedure provided that deferral could be made at the request of the Commission or at the request of the applicant, but also provided that the Commission shall not defer any matter beyond the date that the action was required by law, unless the request for deferral was made by the applicant. He said that Section 33.39D of the zoning ordinance stipulated that when action was required, "the Commission shall make its recommendation on the application within 90 days after it was determined to be complete," and the applicant could defer it even further.

Mr. Padalino noted that the question about deferring Commission action was an issue within the larger atmosphere of application status, and the fundamental application status was already deferred to alleviate those tiny considerations, as he understood it. He said that 33.39 dealt with Planning Commission action, but more generally, 33.52 was a deferral mechanism that had already been activated by the applicants – and they and the county had until no later than June 19, 2020. He asked for clarification that a deferral at this point would couch within a formal deferral pursuant to 33.52.

Mr. Herrick responded that 33.52 in this case referred to the end date for the Board of Supervisors, and the Planning Commission action was governed by 33.39D, so they would need to clarify when the application as submitted was complete and then work forward 90 days from that.

Mr. Bivins said they were just informed that the applicant had put the application on deferral, and if they had an application deferred by the applicant, it was unclear what the Commission's role was in moving something forward that was presently in a deferral status. He suggested that they didn't need to vote until the applicant took it off deferral.

Mr. Herrick stated that his understanding of the deferral requested under 33.52 was that it dealt with the end date for action by the Board of Supervisors, rather than the sub-component of the recommendation of the Commission.

Mr. Bivins said that they had a certain amount of time required, so they had an obligation of a certain number of days or weeks prior to the June 2020 date. He stated that they were essentially in a rezoning because the hard date was the date it went to the Board of Supervisors, and then the Commission had an obligation to move it forward to them.

Mr. Herrick reiterated that his understanding of 33.52 was that it dealt with the final action of the Board of Supervisors, and 33.39D was the action required by the Commission.

Mr. Bivins said that he understood that, but they had a timeframe in which they needed to make their recommendations and get them to the Board of Supervisors – and he didn't know what they would be voting on at this point.

Mr. Benish stated that the applicant had called the question and asked for a public hearing, so to the extent the deferral was for action on a certain item, and they would probably need about five weeks for the applicant to submit information to staff and have a new report ready for the Commission. He added



that the safest action at this point would be for the applicant to request the deferral and specify a general timeframe.

Mr. Herrick agreed that it would be preferable if the applicant were to make that request.

Mr. Shimp stated that they would request deferral to March 19<sup>th</sup>. He requested deferral to March 19, 2019, as that would give VDOT time to provide information.

Mr. Keller asked if the Commission needed to vote on that.

Mr. Herrick replied that there needed to be a motion by a member of the Commission to move to defer it to the date requested by the applicant.

Ms. Firehock moved to defer the application, SP-2018-00016 EcoVillage– Preserved Steep Slopes, to the next available date of March 19, 2019.

Ms. More seconded the motion.

Mr. Keller invited further discussion.

Mr. Dotson pointed out that the action before them was for a special use permit for a disturbance of preserved slopes, and many of their discussions and hopes and enthusiasms were indirectly related to that or unrelated to it so he would just emphasize the need to focus on the actual item before them – as it was not a rezoning where they were considering all aspects of the project.

Ms. Firehock said that was a great clarification to make but she would add that a lot of the items she brought up had to do with shrinking the development footprint to back away from the slopes and reducing waterflow that must go down the disturbed slopes and would thus cause erosion. She emphasized that those things were related to whether to disturb, how much to disturb, and how much we would impact those slopes by this development.

Mr. Dotson said that his ambitions for this had to do with affordable housing, and that was still his ambition.

Mr. Keller said that affordable housing related to the density bonus, which had relation to how much of the land was developed, which went back to the steep slope and how much disturbance there was.

Mr. Dotson noted that everything was related to everything.

Mr. Keller asked for a roll call.

The motion was approved by a vote of 6:0 (Ms. Spain was absent from the meeting and the vote).

Mr. Keller thanked the applicants for the creativity of the project and thanked staff. He said the Commission had spent a lot of time on this and would spend more, but they looked forward to an outstanding project in the end.

### **Review of the Board of Supervisors Meeting – January 9, 2019**