

County Planning Commission was legislatively charged with drafting the Comprehensive Plan every five years and also recognized that Albemarle's expansive Comprehensive Plan included goals far outside the purview of the Planning Commission. He said that the metrics were being used to track the progress of the goals of the Comprehensive Plan.

Mr. Williamson said that while the Free Enterprise Forum applauds the tracking of the data, he believed the information belonged in Albemarle County's annual report. He said that placing the data in the Planning Commission's annual report would suggest that the Planning Commission may have impact on the results -- which he said was far outside its legislative charge. Mr. Williamson said the organization was fearful that such expansive reportage could be used to falsely justify Planning Commission's mission creep rather than a laser-like focus on their direct charge. He compared the situation to "Shrek's onion" and said the Free Enterprise Forum's answer was layered because they loved the data but not where it had been placed.

Mr. Keller asked if anyone else had public comments. Seeing none, Mr. Keller moved on to the consent agenda.

Consent Agenda

Approval of Minutes: September 26, 2017, October 31, 2017, November 14, 2017, April 10, 2018, July 17, 2018, August 14, 2018, September 4, 2018, February 5, 2019

Mr. Keller asked if any Commissioner would like to pull an item off the consent agenda. Hearing none, he asked for a motion.

Mr. Bivins, Ms. More seconded for acceptance of the consent agenda; which was approved by a vote of 6:0 (Ms. Spain was absent).

Deferred Item

Mr. Keller introduced the next item.

SP201800016 EcoVillage Charlottesville – Preserved Steep Slopes

Mr. Tim Padalino thanked Mr. Keller and members of the Planning Commission and introduced himself. He noted that this was a special use permit application that had been deferred after a public hearing on January 15, 2019. Mr. Padalino said he would provide a quick summary of the staff report and provide a more detailed update on the revised application materials.

Mr. Padalino said the property was close to city limits in the development area and was within the area of the Places 29-Rio Community Advisory Committee. He said the property was identified as Tax Map Parcel 61-210 and was currently 6.3 acres and would become a 6.5 acre property if an adjacent parcel were added by plat.

Mr. Padalino said the property was zoned R-4 residential and displayed a critical resources map that depicted extensive preserved steep slopes wrapped along the frontage of the entirety of

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the subject property, with the exception of an area where the existing driveway was located. He displayed several images with existing conditions such as the existing driveway, a view along Rio Road East looking east, a view from across the street looking at the blind curve of Rio Road East, and an image looking south that showed how the vegetation on the preserved slopes was mostly grass, brush, and other ground cover materials along the road bank. He noted that the mature vegetation began at the top of the bank.

Mr. Padalino said the original proposal reviewed on January 15 was a request to disturb the preserved steep slopes for the use of private facilities. He said this specifically referred to a commercial entrance location, a private street and accessway, and parking areas.

Mr. Padalino displayed a grading sheet taken from the initial site plan which had previously been approved with several conditions but added that the site plan and the special use permit were being reviewed concurrently. He said the sheet from the initial site plan depicted in red where the preserved steep slopes disturbance was originally proposed; the new location requested to disturb slopes was now being shown in green; and purple indicated disturbance along the frontage of Rio Road East.

Mr. Padalino said the revisions had been submitted and were subject to the new public hearing, and some of his images were garbled but the overview was intended to show where the locations of changes had been made.

Mr. Padalino said one of the changes in the resubmission was the relocation of the proposed entrance about 40 to 50 feet to the west of the originally proposed location. He said the change was made to better comply with VDOT design standards and that no VDOT waiver would be necessary with the new proposed location. However, Mr. Padalino said it did appear that an offsite sight distance easement would be required to the adjacent parcel at TMP 61-190 owned by Mr. Harold Herz.

Mr. Padalino said the other change in the resubmission was to the configuration of the proposed parking area, which would no longer impact certain slopes. He said the amount of disturbance of preserved slopes in the area of the parking facility had not been decreased because the location of the entrance necessitated additional disturbance along the frontage of Rio Road East. Mr. Padalino said the applicant had reconfigured the entrance and the parking areas in a way that did not reduce the amount of preserved steep slope disturbance, but there was overall a net decrease in the amount of disturbance of preserved steep slopes with the revised proposal because the applicant had realigned the private street accessway into the interior portions of the site in a way that no longer required any disturbance associated with the private street accessway.

Mr. Padalino said he had pointed out in the staff report that there was a lack of clarity regarding the limits of disturbance and whether certain existing vegetation would be impacted or not. He said that 10 or 12 days earlier, the applicants had caused the site to be flagged with markers and stakes and flags. Mr. Padalino said he had spent time on the site on the day of

meeting with David Benish and they had seen the markings. He said it appeared that mature pine trees in the locations would not be impacted and would be outside the limits of disturbance within the preserved steep slopes overlay district.

Mr. Padalino noted that the image was not displaying correctly, and he had wanted to show the Commission what had been shown in Attachment H, which depicted the habitat planting plan. He said the plan had been provided in two different formats, the first of which had been in a 34-page packet that showed the landscape mitigation broken into different layers. He said all of the groundcover and shrub layers were shown on one exhibit, and the canopy trees and large trees were shown on a different exhibit on the same sheet. Mr. Padalino said Attachment H was an update that showed all of the landscaping layered on top of each other to depict what the full habitat redevelopment and screening effects would be with the proposed mitigation measures.

Mr. Padalino said staff's evaluation of the resubmission was done closely with engineering staff to understand how mitigation efforts would address and potentially improve stormwater and drainage issues on the site that would need to be mitigated with any grading and disturbance of the steep slopes. Mr. Padalino said favorable factors included: 1) the entrance location would presumably be safer because there was no waiver required for reducing the site distance, though Mr. Padalino noted it did appear a sight distance easement would be required offsite; 2) the impacts to preserved steep slopes were no longer being proposed for the private street access way, which lead to an overall net reduction in the amount of disturbance of preserved steep slopes; and 3) there was a one percent decrease or 617 square foot net decrease in disturbance of steep slopes with the resubmittal.

Mr. Padalino said that County Engineer Frank Pohl had indicated no objection to the special use permit as revised and had resubmitted provided that certain recommended conditions were applied and enforced in the site plan and the water protection ordinance plan.

Mr. Padalino said there were three unfavorable factors, including that 1) the proposed revisions would require additional disturbance of preserved steep slopes along Rio Road East to the east of the proposed new entrance, as well as the applicant's decision not to pursue an entrance that would require a waiver from VDOT; 2) the proposed parking area and private facility appeared to have insufficient screening as viewed from Rio Road East and adjoining residential districts. Mr. Padalino said the habitat planting plan did embody desirable design concepts and was a strong starting point, but staff believed additional landscaping would be needed, such as evergreen shrubs and trees at strategic locations around the parking area and private facility.

He said that some conditions of approval could be crafted to sufficiently screen the private facility in a way that appropriately mitigated the impacts to the character of the preserved steep slopes overlay district in the nearby area. Mr. Padalino said the third unfavorable factor was that 3) the proposed mitigation related to stormwater and drainage issues was partially insufficient. He said that in collaboration with the County Engineer, staff believed that additional mitigation measures should be formally required as conditions of approval. He said

the mitigation plan did include good design and engineering methods, but staff believed that conditions of approval would be necessary to ensure that appropriate mitigation of impacts could occur.

Mr. Padalino said in summary that staff recommended approval of the special use permit application with conditions of approval as specified in the staff report. He said he could provide a summary of those conditions. He said the first would be that the limits of disturbance of preserved steep slopes for the project would be limited to that shown in the conceptual materials. He said the second condition was that the final site plan and landscaping plan would be in general accord with the documents provided with the special use permit, with some additional modifications and to the satisfaction of the director of planning. Mr. Padalino said the third condition was that the improvements related to stormwater, drainage and grading that will be shown on the final site plan and WPO plan must be in general accord with the mitigation measures shown in the application materials, with a few recommended modifications as specified in the staff report. Mr. Padalino said the fourth condition for approval was that all stormwater treatment facilities and practices for ensuring water quality would be provided onsite and not through purchase of offsite nutrient credits.

Mr. Padalino said that concluded his staff report and he would take questions.

Mr. Keller asked Commissioners if there were any questions. Mr. Dotson said he would hold his questions until after hearing from the applicant.

Mr. Tom Hickman identified himself as one of the members of the applicant's development team. Mr. Hickman said there would be different houses and that the development was about community and nice houses. He said that they had not gotten into the architectural details yet because they were still waiting for some other studies to be done. He visually gave examples of other projects and said that this project was moving quickly. Mr. Hickman showed an image of an 800-square-foot house that he said would get them towards being more affordable. He said the project would have four affordable houses, which was part of the requirements for the county, but Mr. Hickman said there was a strong desire to create affordability outside of the rules in terms of the capital structure and how they would help people buy the houses. He said there was also the idea of accessory units in basements.

Mr. Hickman said the development team had been working with students at Virginia Tech and the University of Virginia, and he showed an image from a recent meeting. He said the students were doing analysis of many different aspects of the project, and he showed a 3-D model the students had put together. He said a model of a house showed that it would have passive design to get the energy needs as low as possible. Mr. Hickman said the students were exciting to work with, and it was a lot of fun letting the students find new ideas about how the houses would relate to walkability. He noted that some of it didn't work but it was fun to study it.

Mr. Hickman stated that they proposed running a line all the way down to Meadow Creek using the one percent rule to move all of the water off of the site, in part because they had originally

considered taking the parking lot area and putting in systems that would ease the water out. Mr. Hickman said what the development team wanted to do with the project was take the water and treat it more like a cistern and run the water back through the project and do some creative things with the water. He said they could not do that if the system had to release the water within 48 hours, so they suggested the straight line down to Meadow Creek to aid with the stormwater challenges that neighbors were having and that would be created by the development. He noted that this would also give the opportunity to take the water and do some fun things with it on the project. He said the idea could be a little windmill, fun water towers that could pump the water back up to recirculate, and what the homes themselves could do with rainwater and runoff. He said they were analyzing all of these ideas, and one idea was the purification of rainwater.

Mr. Hickman said there was a lot of rock at the site and rather than haul the rock off, they wanted to integrate it back into the site because it would be attractive and economic. He said rather than paying someone to haul it off, they would study the site to use rocks on the site to be very creative with landscaping and tiering and how they water runoff management.

Mr. Hickman showed an image that he said would address the screening at the parking lot. He said they did not jump out with a screening concept because they were not sure how it would look, and it might not need screening if it was a tall wall or just a 3:1 slope. Mr. Hickman said they were still trying to work with that and that the Planning Commission could see they had made adjustments to the parking to try to see how they could incorporate applications of the rock.

Mr. Hickman displayed pictures of how water would travel through the project, but they had not defined where that would be yet because they were still moving the layout of the houses. He said the students at Virginia Tech had changed the location of the common houses, which had had ripple effects on the elevation and on the amount of dirt that would need to be moved. He said this created opportunities for stones but they did not know where the water features would be or the quality of the stormwater runoff. Mr. Hickman he was in Seattle recently and was amazed by what they had been doing there, but he was not saying that was exactly what they would do at Eco-Villages even though they were looking into some of the ways they could move water through the project.

Mr. Hickman said they were talking about having a green roof at least on the common house. He said the students at Virginia and the UVA-based engineering group had been talking about different uses and applications that could be created on the roof. He said they were looking at the solar panels that would go on the parking lot, and the initial thinking was that the solar panels would feed the common house and the mansion. Mr. Hickman said that because of the way Dominion worked, there would be some dancing that would need to go on there. He said he expected that all of the houses would have solar panels, but the marketing and the costing of that and the options that would be made available to the purchasers were under discussion.

Mr. Hickman said they had also discussed the microgrid and were still trying to figure out the financial model and the case study. He said that Dominion seemed excited about this and that the development team had great connections at that higher level. He said there was a group in South Boston that was using tobacco money to do the same thing and that the development team was just starting to work with that group.

Mr. Hickman said the common house was going to be about education, and the development team was excited that education would be ongoing and that the students who would live there would be engaged. He said the common house would be like the Discovery Museum in that it would purpose for the people who would live there, but the development team wanted many different things going on at the site. Mr. Hickman said if they were to pump water back to the site and it were to trickle back down, that could power a turbine that would operate light bulbs and fans in the common house. He said there were so many things and that there was a hackathon that the UVA engineering students had done that had generated many ideas for the common house. He stated that the development team was thrilled with the wind turbine, and another group wanted to take on as a capstone project how they might build a bridge over Meadow Creek at the location of the sewer line and storm water movement. Mr. Hickman said there were two groups that had come up with different designs and it would require another conversation to determine if these ideas were feasible, but it was exciting to work with the students on their concepts and ideas.

Mr. Hickman said the development team was asking for a special use permit on moving the entrance location, but he said that all of the other things going on in the project really would help mitigate the issue that they were asking for permission for. He said they had not gone any further with the project because it had many moving parts and they wanted to know what the Planning Commission had to say before they committed a lot more money and started moving into the details.

Mr. Justin Shimp introduced himself as the engineer for the project. He said the Planning Commission had heard the details of the project but said there was one technical detail in the conditions that should be discussed: the requirement for a 3:1 slope. He said he wanted to clarify where that would happen because in one location if they had to do a 3:1 slope, they would have to clear a bunch of trees they would otherwise not have to clear. He said the condition would have an unintended consequence, and the intention of the condition was that where they were disturbing the slopes, particularly to the west of the entrance, that area should be regraded with less slope so it could be more successfully revegetated. Mr. Shimp said there was one section that could be pulled up on the screen after the public comment period to clarify the condition so they did not clear trees unnecessarily.

Mr. Bivins asked if there were members of the public who wished to speak on the matter.

Mr. Harold Herz said he lived at 435 Rio Road East to the southeast of the subject property. He said he wanted to revisit two of the points he had brought up during the January 15 public hearing with regard to stormwater and the new commercial entrance. With regard to

stormwater, he thanked staff and the engineering department for their work with the developer. He said they had done an outstanding job and he was very satisfied with how they had addressed his issues with stormwater and drainage. He said he wanted to clarify that Mr. Padalino and Mr. Pohl had worked with Mr. Hickman and Mr. Shimp to satisfy concerns.

Mr. Herz said with regard to the commercial entrance, he wanted to bring up several points of concern. He said the entrance was being moved 50 feet down the western slope of Rio Road East and that a straight line across Rio Road would put it in line with only 50 feet away from his patio on his property. He said he was concerned about how the new entrance would affect the safety of the property and he wanted to bring that to the Planning Commission's attention. He said the new entrance would create a safety issue for his home because there had been many accidents in that area and there were two dents in the guard rail right behind his house. Mr. Herz said he hoped the flow of heavy construction equipment could be looked at and hopefully there would be auditory or visual screening, as well as reinforced guardrails, and potentially a separate construction entrance for the project would alleviate a lot of the impacts from the project.

Mr. Herz said his second concern dealt with the plan laid out in Attachment I that had been shown to the Planning Commission. He said that moving the entrance would also require what seemed to be a sight distance easement and he asked for clarity on the intent. He said he was confused about the application to obtain a sight distance easement shown in Attachment I, and the red line clearly dissected his property and the intent of "bank erosion control mitigation and the removal of vegetation within this distance easement." Mr. Herz said he assumed that meant the removal of trees on his property to create a site line. He said he had not granted an easement and that he had no intention to remove trees on his property. He said he would appreciate some clarification on the intent.

Mr. Morgan Butler of the Southern Environmental Law Center said he wanted to commend staff for putting forward a very clear and helpful staff report. He said the application was a challenging proposal and that it appeared there were many pieces still up in the air. He said staff had done a really good job of trying to boil down the issues to explain them as clearly as possible to help the Planning Commission make as informed a decision as possible. Mr. Butler said it was particularly impressive how staff had taken the various stormwater concepts and ideas, as well as other things the applicant had mentioned they were still studying and boiling them all down into hard and fast commitments to treat the 25-year storm and to treat all of the stormwater onsite and to now allow offsite nutrient trading.

Mr. Butler said that the staff report going back to January had noted it would be very helpful for staff to get a clear picture of what the slope impacts would be if the applicant were to go out to the site and actually flag those areas of disturbance, which Mr. Butler noted had already been done since the staff report was published. Mr. Padalino said the two stands of trees that Mr. Padalino had identified in the presentation and the staff report were the tall pines to the west of the proposed entrance and the evergreen trees to the east of the proposed entrance. Mr. Butler said it was his understanding from Mr. Padalino that those trees would not be disturbed

-- and he would recommend memorializing that in a condition because it was not clear from the materials whether they would be disturbed. He recommended that either the plan be changed to include those areas of non-disturbance or that the condition be worded that identified those stands of trees because they were important to mitigate impacts.

Mr. Bivins asked if there were any more members of the audience who wished to speak. Hearing none, Mr. Keller asked the applicant to come back up.

Mr. Hickman said Mr. Herz had raised a good point related to the sight distance easement. He said the development team was still not quite clear about what that would mean and that it was hard to get some answers out of VDOT. Mr. Hickman said his team was still processing the waiver that would change this and make it better and added that the first plan that the Planning Commission saw in January was based on the assumption they would get the waiver. He said their decision to change to the sight distance easement was that they did not want to get the approval from the county and find out down the road they did not get the waiver and to have to go through another three or four months of county review. Mr. Hickman said it was his understanding that they did not have to remove trees if they could talk to VDOT and explain that foliage at that level of site was not a problem. He noted that this was still a new front for the development team and they had a learning curve.

Mr. Hickman said Mr. Herz had just looked at the sight distance easement earlier and had some good questions about it, adding that the development team had not had the chance to sit down and talk about what it would look like.

Mr. Keller asked Commissioners if they had any questions.

Mr. Dotson asked Mr. Shimp a question related to the changes since the earlier plans and how they dealt with the frontage along Rio Road. Mr. Dotson said he was looking for a show and tell to take the words in the staff report and translate them to the map that was on the screen. He said that one of the things in the staff report was "reconstruction of the existing paved ditch along Rio Road East to improve drainage" and asked what that meant.

Mr. Shimp responded that the view on the screen was looking to the east of the entrance. He said this was a good time to reference both Mr. Butler's comments and the 3:1 slope. Mr. Shimp said one of the problems that Mr. Herz was having was related to inadequate existing infrastructure. Mr. Shimp said this project would fix the ditch line, which required regrading of the slopes because the preserved slope ran right to the ditch. He said the issue with the 3:1 slope condition was that the existing slope was about 2:1 so if it was graded back to a 3:1, the applicant would have to remove what had been shown on an earlier slide to be saved. He noted that a condition related to tree preservation was not an issue but the 3:1 slope would contradict that condition.

Mr. Shimp said drainage improvements would be the only work done in that area, which was not for the entrance but was instead to make sure Mr. Herz did not continue to get runoff on his property.

Mr. Dotson asked what drainage improvements meant and asked if that would make the channel deeper to add capacity, or to stabilize the channel.

Mr. Shimp responded that it would be to add capacity by making the channel deeper and wider, and that would make the slope have to tie back in to the existing slope. Mr. Shimp said the ditch along there had rock in it for a regular flow and if it clogged up, the water would kick out into the street. He described the road there as being super-elevated and the water went across the road and down the hill onto the neighbor's property. He said the origin of the work to the east was a drainage improvement and not a disturbance for the purposes of the project.

Mr. Dotson said the second item was construction of curb and gutter above and below the proposed entrance. He asked where the curb and gutter would go and how that would facilitate the beneficial handling of the stormwater.

Mr. Shimp pointed on the map where the curb and gutter would begin and outlined its path. He said it would be an improved control mechanism over what was currently on the site. He said he would also be improving the drainage ditch behind the curve, which would catch the water. Mr. Shimp said the improvements across the frontage were still drainage and entrance related, and when you upgraded something to VDOT's current standards, roads would get wider and the ditch would get deeper and the curb would be larger. He said most of the disturbance was a function of the project bringing the existing conditions up to standards, and that would take care of the drainage issue with the neighbor across the street.

Mr. Dotson said the reason he asked the question was that he could picture a crowned road where the elevation went down and the curb would stop an overflow of water and would contain it until it moved into some sort of inlet. Mr. Dotson said that in this situation, it seemed to him that the water would try to move across the road and away from the curb rather than the curb containing the water. He said he was trying to understand how the curb was helpful.

Mr. Shimp said the section of the road to the west of the entrance did slope toward the project site, and then transitioned at the entrance point and kicked over to the other side. Mr. Shimp said the curb would act to trap the water on the section on the uphill side after the steep corner on Rio. He said the problem had not been adequately captured and the water was currently going into an inadequate channel -- and all of the drainage issues were tied together in the improvements being proposed.

Mr. Dotson asked if there were new inlets or if existing inlets would be enlarged and made more functional.

Mr. Shimp responded that there were and indicated Inlet A on the slide as an existing inlet that would have to be adjusted to ensure it captured the water from a 25-year storm as conditioned by staff to anticipate higher storm frequencies. He pointed to locations for two new curb inlets to pick up stormwater before it got to the entrance and described how this system would work.

Mr. Dotson asked about the red line of the sight distance easement and asked what that would mean for the abutting property owner.

Mr. Shimp said he had not been involved in some of those conversations with the owners but the idea was that in the site line you could look around a tree, but you could not look through a hill. He said the problem the applicant had with the old entrance location was that they would have to cut back a lot more preserved slopes in order to have a clear line of sight. He said the applicant was more hopeful with the sight distance easement because there had been existing mature trees at the location, but the tree canopy was high. Mr. Shimp said that it was possible to see around the area and the applicant would have to work out with VDOT and the neighbor what the final details would be. He said this approach would have a better chance with VDOT than the old design, which would have required disturbance of more preserved slopes.

Ms. More asked for clarification that the applicant was unclear at this point with VDOT and whether the applicant was speculating about what the sight distance easement might mean to the property owner where the site distance was shown. She asked whether the developer was saying the neighbor would not be asked to remove trees.

Mr. Shimp said there had to be a line of sight and that the trees could still be in there, and there was discretion on VDOT's part on how that would go. He also said that if the neighbor was not agreeable, they would ask VDOT for a waiver -- which he said would be an easier direction to ask a waiver for because cars came uphill around that side. Mr. Shimp said there could still be a VDOT waiver if the easement could not be arranged to everyone's satisfaction.

Ms. More said her overall impression was that there were a lot of loose ends, which she was willing to accept. She said staff had done a good job in explaining how those can be met down the road, but the applicant was going to ask for a waiver for the original location. She said that indicated to her that the applicant would build the original location if they got that waiver from VDOT, and that was a piece that was up in the air that she was not comfortable with.

Mr. Shimp said that if the waiver from VDOT for the original entrance was approved, they could go back to that, but they would have to come back to the Planning Commission to amend the permit to disturb preserved slopes. However, he said he did not think that was a likely outcome. He said in the approach of asking for a maximum limit of preserved slopes that would have to be disturbed for drainage and sight lines, if they had to move the entrance 20 feet one way or the other, it should not matter as long as the slope disturbance had not changed.

Ms. Firehock asked for clarification that when Mr. Shimp was talking about the 3:1 slope requiring the disturbance of trees, had he been asking to add language that a 2:1 slope was acceptable.

Mr. Shimp responded that the applicant was okay with the 2:1 slope from the east side of the entrance in the preserved slope area. He said the intent was that if they were to try to revegetate that, they did not want to put it in a steep slope. Mr. Shimp said that within the site, they might want to a 2:1 slope perhaps 500 feet from the preserved slopes. He said the applicant did not want to have that ruled out because of this disturbance. He said the applicant would be comfortable with a condition that would require 3:1 slopes in any area of the preserved slope disturbance on the east side of the entrance, if that slope was vegetated at 3:1, but that the applicant wanted to be able to do a 2:1 slope on the west side because that was where if they were required to do a 3:1, they would disturb more trees and slope without any real benefit.

Ms. Firehock said she did not have any problem with that, and it was also stated on page 6 of the staff report that one mitigation technique would be "implementation of offsite 'bank erosion control mitigation.'" Ms. Firehock asked Mr. Shimp what he meant by offsite.

Mr. Shimp said he wanted to defer to Mr. Hickman about that item because he had not been involved in all of those discussions.

Mr. Hickman explained that this referred to Mr. Herz' property.

Ms. Firehock asked if that meant streambank or road bank.

Mr. Hickman said the road leaned into the Herz property instead of leaning into the applicant's property. He said the intent was to go over and work on the bank to accept the water that keeps rolling onto Mr. Herz's property. Mr. Hickman said the exact details had not been finalized on how that bank would look, though he said there had been positive conversations about it.

Ms. Firehock said there had been a lot of talk from the applicant about one percent of the stormwater leaving the property and that maybe they would use cisterns or bioswales. Ms. Firehock said she liked to treat as much stormwater onsite and not shunt it off to the street. She asked for the applicant to sum up the overall stormwater strategy because she said it seemed they had a lot of options and possibilities. She said it did not seem totally clear to her and she wanted to know the overarching philosophy for stormwater management. Ms. Firehock urged staff and counsel to consider what would need to be put into the language of the conditions so that the end product was not 1970s era stormwater management.

Mr. Hickman responded that the plans were still in flux. He said a big part of the theme of the project was handling the water, so they had to play with Virginia Department of Environmental Quality rules and certain guidelines. Mr. Hickman said the development team also had to think

about how to create opportunities to do the things they thought were important and that hopefully others would think were important. He said he was not sure he could answer her question other than to say that they would try to grab as much of the water as possible and keep it from getting down to Meadow Creek, as well as slowing down and dealing with the quality. Mr. Hickman said that in the end, the stormwater would hit that line whenever it came down to the bottom. He said that if the stormwater plan had handled the quality side of it, there would then be a conversation about the quantity. Mr. Hickman said they really wanted to collect the water and run it back up and utilize it and do things with it. He said they would go well beyond what they needed to do to meet the other requirements. Mr. Hickman asked if he had answered the question.

Ms. Firehock said she had a lot of experience with sites where people had the best of intentions but came back and said it was too expensive.

Mr. Hickman said he understood that and he was not sure how to work with the county to package that language up to say to pay more attention or to insist on requirements.

Ms. Firehock suggested Mr. Shimp join the conversation because he understood the different kinds of technologies and how this could be proposed.

Mr. Shimp said the way the staff had written the conditions was to require the applicant to have all of the water quality treatment for all of the water onsite, which meant that would establish a performance standard whereas if the applicant created impervious areas, the water had to be treated onsite. However, Mr. Shimp pointed out the language did not restrict the developer as to a water quantity level. He said they would still need to comply with the regulations as they were, which allowed for a variety of options, or it would leave Mr. Hickman the possibility to do other things he would want to do. Mr. Shimp said the idea was that if you captured and treated all of the stormwater, that was really quite a bit above the minimum standard which was where most people bought nutrient credits offsite. He said that was a big step up over the minimum standards and that he saw that as a way of demonstrating that they would meet a higher standard without requiring a specific technology in the conditions. He said that was a good framework that would make the project easily enforceable.

Ms. Firehock said that in developments such as River Bluff, they had permeable paths to houses and measures that reduced the area you had to treat stormwater for. She said some of the surfaces the applicant wanted to pave for the convenience of the residents could be treated differently to reduce the volume of stormwater that would have to be dealt with.

Mr. Shimp agreed and said that because they would treat the water quality onsite, it would incentivize to use those sorts of measures. He said that as a matter of practicality, they would have to use walkways between houses as small micro-bioretenion places just to meet the threshold of the condition.

Mr. Bivins said he had a couple of definitional questions that came from his reading of the two documents. He asked if the common house was what had previously been referred to as the "community house." He noted that the plats used the phrase "community house" but the phrase "common house" was used in the documents.

Mr. Hickman responded that they were the same thing.

Mr. Bivins said when he was looking at the schematics for the houses, he noted that eight of the structures had garages built into them. He pointed out on the map that these were across from the main parking area. Mr. Hickman said that they had put the driveways there because that helped meet the county's requirement for parking. He said he was not sure they would be garages when built. He said the development team's hope was that those would be accessory units.

Mr. Bivins said he was trying to figure out the parking and the reconfiguration of the parking. He asked if they would be putting people underneath the houses and he was trying to understand the plat because some names appeared and then they disappeared. Mr. Bivins asked for the location of Allwood Lane.

Mr. Hickman said it was in the top corner and would take care of the adjacent properties.

Mr. Bivins asked where the old driveway was on the displayed map.

Mr. Hickman said that Mr. Padalino had pointed to indicate the location where the steep slopes opened up.

Mr. Bivins asked for confirmation that the old driveway would no longer be used.

Mr. Hickman responded yes.

Mr. Bivins stated that the applicant was looking for permission to create a new entrance.

Mr. Hickman said it was about 110 or 120 feet down the road.

Mr. Bivins said his only concern was related to the water that would originate from the project, stating that Condition 4 under staff's recommendations required the quality to be addressed onsite. He said he assumed that GC7 on the drawing referred to gutters and curbs.

Mr. Hickman confirmed this.

Mr. Bivins mentioned the water that Mr. Dotson and Ms. Firehock had said would come down Rio Road. He asked if that water, plus the water that came off of the property, would somehow find its way into Meadow Creek.

Mr. Hickman said it would go down the pipe.

Mr. Bivins said there would be cleanish water mixed in with not so-cleanish water, and then all of that water would be pushed back up to the property.

Mr. Hickman responded that this would not be the case and they would collect the water coming around, which he called “dirty water” or “street water.” Mr. Hickman said the curb and gutter would capture the clean water and aggregate it so it flowed down to Meadow Creek. He said he was talking about siphoning off of that system onto the development project and putting the water into cisterns that could be run back up to the site to do some interesting things and keep the streams going.

Mr. Bivins asked for clarification that the water from the property should not find its way into Meadow Creek.

Mr. Hickman responded that it would.

Ms. Firehock said they would have to convey the stormwater offsite to a receiving stream or lake. She said there were not too many zero discharges, and that was the way the state stormwater rules were set up. Ms. Firehock said they were not doing anything strange but the developers were proposing to do more water quality treatment than what the state regulations required, with the state regulations changed in recent years to add nutrient trading as a mitigation. She said that as a result, there were fewer low-impact development best management practices -- which she felt was unfortunate. Ms. Firehock said there were some strange issues with the regulations but that could be discussed at another time.

Mr. Hickman said if they did not run the water down to Meadow Creek using the one percent rule, then the development team would clean the water up and have it sit in the cisterns and then the water would be eased back out into the street.

Mr. Keller asked if there was currently a pipe from an inlet on Rio Road going down to Meadow Creek.

Mr. Hickman responded that there was not and said the water crossed the street and hit a wall of concrete and had a path down to the stream.

Mr. Keller asked if the discussion about the pipe would involve another property owner and their permission for access.

Mr. Hickman said that the property owner, Oliver Kuttner, had granted permission to bring the line and sewer to Meadow Creek.

Ms. Riley said she was pleased to hear that the project would involve affordable housing and that there would be a minimum of four units. Ms. Riley asked Mr. Hickman to define what he

meant by affordable housing and who would be served by the units, and what area median income was as the target for people who would be eligible for the units.

Mr. Hickman responded that it was his understanding that there were rules in place that if the developer provided four units, they would get something from the county per existing guidelines. He said it was his understanding that the county would figure out and vet those people. Mr. Hickman said he had a long conversation with Ron White four or five months ago and that he was not sure of the new rules but that the development team would follow those specific guidelines. Mr. Hickman said he was not sure if it was 60 percent and he did not know how the affordable housing structured worked. He said it was a flawed picture and that the market needed to find a way to want to build affordable housing and how to make that work so it was a sustainable model. Mr. Hickman said he was starting to look at ideas in the city with teachers and whether units could be sold for more than \$240,000 and mutually owned. He noted that there were models from Burlington, Vermont -- but the four in this project were set by the county.

Ms. Riley said she would assume that these projects would be for 80 percent below AMI.

Mr. Keller said the last time the project was before the Planning Commission as well as this time, he was excited about the concepts and the storytelling. He said the project was still nebulous and if the development team thought it were ready to go, and the Planning Commission were to recommend approval and the Board of Supervisors were to approve it, the project could end up being very different from what was discussed.

Mr. Keller commented to Mr. Herrick that there was a need to have real definitions about what affordable housing was and whether the definition was for below 80 percent or if it were something that might not even get to the market. He said the county needed to be much more specific about what affordable housing was and if it was for the workforce. Mr. Keller said a lot of these things were being discussed and that his hope was that the Regional Housing Study would lead the county in other directions.

Mr. Keller said he could not support the project but added that he did not want his feeling to come off as being negative about the project. He said he did not think that the project was ready for review before, and he did not think it was ready for review at this meeting. He said there were too many variables and added that he thought many of them could be easily addressed but it would mean going to a next step. Mr. Keller said that as a former design professor who had students doing similar projects, wonderful ideas could come from student work with input from professionals.

Mr. Hickman said he more than understood Mr. Keller's concerns about the uncertainty and that he could agree with that. He said that if his team had brought a lot of specificity to it and nailed down exactly what would happen on the site, he did not know if a recommendation for the approval of the steep slopes waiver would allow enough flexibility at the site plan stage.

Mr. Keller noted that Mr. Shimp had just asked Mr. Padalino a question and asked if the subject was about this matter.

Mr. Padalino asked for the question to be reframed because he did not catch it.

Mr. Keller asked how much maneuverability there would be in the site plan with the steep slopes waiver that had been proposed.

Mr. Padalino responded that hypothetically there would be flexibility because county staff thought of the site plan and the steep slopes waiver as being conjoined applications, as this was an unusual type of special use based on the disturbance that transcended to form and physical expressions. He said most uses were about land use, and this application was a little different so county staff had requested that the plan and the special use permit be reviewed as concurrently as possible.

Mr. Padalino said this was just a request for the disturbance of preserved slopes so if that was approved with conditions, some other by-right development could presumably happen outside of the whole area of slopes.

Mr. Benish said the impact of the slopes would be driven by the conditions of approval and they would run with the land. He said if a different site plan from a different owner were to come in but they were impacting the preserved slopes, they would either do it by this plan or they would resubmit a revised plan. He said that would include water quality, which was offsite, as conditioned in condition 4. Mr. Benish said that was where it was a bit nebulous because those improvements were not necessarily in the preserved slope area, but the impact from the slopes would cause that to be a condition. He said that would still run with the site plan or another site plan submitted by someone else.

Mr. Herrick said that county staff had proposed four conditions, many of which were tied into the specific plans that had already been submitted. He said proposed condition #4 was not tied to any specific plan, but conditions #3 and #4 required certain standards to be met to the satisfaction of the county engineer. Mr. Herrick said that did build in some flexibility and at the same time, it would tie this applicant and any future owners of the property to specific components of the existing plans that were referenced in conditions #2 and #3.

Mr. Dotson said that one of the things he had heard as a concern was that not everything was pinned down, with the biggest lack of specificity being whether or not VDOT would approve the entrance waiver. Mr. Dotson said he thought the answer would be that if the Commission recommended and the Board approved the permit showing the alternative location, the developer would have to come back and amend the special use permit if he wanted to use the waiver. Mr. Dotson asked if that were correct.

Mr. Padalino responded that he did not believe that was correct because the configuration that was originally proposed would involve less areas of disturbance of preserved steep slopes. He

said that was what the application hinged on. He said this was a design move to push the location further down the hill to get away from the need to request a waiver from VDOT and offset that by grading the road bank further back. Mr. Padalino said that if VDOT were to approve the waiver and the developer wanted to locate the entrance in the original location, it would result in a reduction of disturbance near the blind curve where Agnese Street dropped down into the City of Charlottesville. He said it might be a slight reduction in disturbance of preserved slopes. Mr. Padalino indicated the location on the map and said otherwise the disturbance that was shown would still be necessary for the entrance at either location.

Mr. Dotson asked if it were correct that none of the conditions as outlined would have to be modified if the entrance were in the original location.

Mr. Benish said that as long as the original impacts were lesser than those conditions, and as long as the conditions could still be met, there was nothing that would mandate they take an option for lesser disturbance if one were available. He said there would still be a financial incentive to taking the lesser disturbance option.

Ms. Riley asked if an additional condition could be created to address this matter if it were a concern of the Commission that the latest proposed entrance could be conditioned not in the site plan but in the approval of the special use permit.

Mr. Padalino responded that it could in theory.

Mr. Keller asked to make certain that there was nothing in the recommended conditions that would address the patio downhill and lights that shone into the space at night. He said that if the Commission wanted to address that matter, they would need to add something about the offer of vegetated screening. Mr. Keller asked if that were correct.

Mr. Padalino responded that it was, as it related to the adjoining property across the road. He said the conditions did not address those potential impacts but could be potentially added.

Mr. Keller said that from his vantage point, he saw the creativity the applicant was trying to embrace for this project. He said the challenge was to take a European model like the German model and state they would not have any water going off of the site. He said that would have an effect on any changes or modifications that would happen to the steep slopes, and he saw the interconnection between the two. He said that would mean roof gardens on all the units to stop water coming off, which would mean dealing with permeable surfaces for all of the roadways and parking areas and having some form of retention to provide the water back onto the property. Mr. Keller said that more and more, that was what was needed at these challenging sites, but noted that was a personal opinion based on his career in design. He said he was thinking about hydrology.

Mr. Hickman said he heard what Mr. Keller had said and was processing the math. Referring to the entrance, Mr. Hickman said that outside of further conversations with Mr. Herz, his feeling

was that if they went through that negotiation and the waiver came through, they would just have to disturb less, especially toward the east of the hill. He said he was trying to figure out the question about going back to the other entrance and said it would probably be because of conversations with Mr. Herz about the patio, the lights and the safety issues. He said this was a brand-new conversation and his gut said they would not disturb as much because the line of sight would go in his property's direction.

Referring to the water onsite, Mr. Hickman said that he did not know how to address that issue. He said if he had to put landscaped roofs on every house, that would make the homes less affordable. He said it was a great idea and that he loved what Austria did in terms of the ability to do more on your land, but he said he was not sure he could make it work here.

Mr. Keller asked if there were any more questions for the applicant. Hearing none, he closed the public hearing and asked Commissions for a discussion or action.

Mr. Dotson said the applicant had indicated in condition #3a that they believed the intent for the 3:1 slope was in the area to the east of the entrance. He asked if that were correct and if that was staff's intention.

Mr. Padalino responded that the condition was written to apply to all of the disturbance proposed with the application. He said that in working with Mr. Pohl, it was related to the areas closest to the proposed parking area private facility, and that caught staff's attention when they were looking at the site plan and the conceptual grading. He said what he thought Mr. Shimp was saying was related to another area, noting the area on the screen. He said Mr. Shimp had said that if he had to meet a 3:1 slope, which was not shown in the conceptual grading plan, that slope would creep up the road bank high enough that it would have an impact or actually require the removal of the large stand of Virginia pines.

Mr. Padalino said it was hard to make a call without seeing how the grading would work and looking at it at the proper scale. He said he and Mr. Benish were at the property that morning and it did appear that the pines were set up on the crest of the slopes and that there was a fair amount of width between where they had staked the proposed disturbance and the remaining road bank up to where the crest of the trees began. Mr. Padalino said it would be hard to know if there could be more disturbance without impacting the root systems or actually requiring the removal of the trees.

Mr. Dotson asked about the condition that had been suggested by the Southern Environmental Law Center that would require the tall pines and evergreens along Rio Road East to be retained. He asked if that were to be added and the condition clarified that the 3:1 slope would apply to the area east of the entrance, if that would complete the purposes.

Mr. Benish responded that it would. He also said that the condition could be changed to say that 2:1 slope may be permitted west of the entrance to preserve existing trees. He said that

would say basically the same thing as #3a, which would give the latitude to the county engineer and staff to make sure the 2:1 slope was for the purpose of preserving trees.

Mr. Padalino said that perhaps if the 2:1 slopes in that area met the design standards of zoning ordinance section 30, it would not allow 2:1 slopes if they were to be mowed regularly.

Mr. Benish said staff could clean up the language before the Board meeting.

Mr. Bivins asked if that would bring in the explicit notion of preserving those trees or if the language had to be modified.

Mr. Benish said the addition of the 2:1 slopes in #3a if it were to be tied to the preservation of existing trees.

Mr. Keller said that as a landscape architect, it seemed to him that the trees were hitting maturity and really just have a tap root rather than a series of roots. He said they were not doing a whole lot in terms of the water and that deciduous trees were the ones that would be more likely to do that. He said that was another conversation the Planning Commission might want to have with staff and an arborist about why there were decisions to protect some things with the canopy up so high. He asked how much that would really provide visual relief for development that occurred on that curve, and asked if there might be other things that might be more beneficial to the development to not have to preserve those trees.

Ms. Firehock said she was also wondering about where the pines were in their lifecycle of maturity and if they would be going to advance measures to try to protect something that would fall over in 10 years. She said that to the point of stormwater management, the leaf area index of a pine was actually greater than a lot of broadleaf trees because there were so many needles and they were green all year so they actually did a lot for stormwater management. However, Ms. Firehock said that none of the Commissioners or staff could make up an arborist's judgement on the dais so maybe there would need to be some flexibility in the language that they didn't go to a lot of work to preserve something that might not be around.

Mr. Padalino said that staff's intention was for the consideration of the mature stand of pines as a contribution to the character of the district more so than a consideration of the ecological performance. He said the points were well made and well taken in terms of the possibility of sacrificing some things to save something that was in decline, which would be unwise.

Mr. Keller asked Commissioners if someone wanted to propose a motion.

Mr. Dotson said he would attempt one. He said that staff had pointed out that this was an unusual process because it was a special use permit and a site plan moving along at the same time. Mr. Dotson said his impression when he read the staff report was that there was a lot more information than he was used to, even though there were loose ends to determine, and that was the purpose of a site plan.

Mr. Dotson made a motion to recommend approval of SP-2018-16 for EcoVillage Charlottesville as proposed in the resubmitted materials with the conditions outlined in the staff report with the modification to #3A to indicate that 2:1 slopes would be allowed or could be considered in the area west of the driveway to retain the pines and evergreens in that area.

Mr. Keller asked Mr. Dotson if he wanted to say anything about the adjoining property owner.

Mr. Dotson responded that he did not.

Ms. Firehock seconded the motion.

Mr. Keller asked if there were any further discussion.

Hearing none, Ms. Blanton called the roll.

Mr. Keller said he would support the permit because of what he had heard from fellow Commissioners. He said he would take the leap because of the compelling arguments that had been made about trying to push the boundaries of development, and he hoped the county would be rewarded.

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

Mr. Keller thanked the applicant and his team for getting the county and the Commission to contemplate many issues over the past couple of meetings. He thanked staff for the concise way they had presented the summary so that the Commission could go through the changes.

Ms. Firehock commented that it was worth the effort to go back and have another look at this project, and it was a great example of when the Commission could encourage deferral and as a result get a much better product.

Public Hearing Items

SP201800019 Greenfield Terrace Apartments

MAGISTERIAL DISTRICT: Rio

TAX MAP/PARCEL(S): 04500-00-00-15700; 04500-00-00-15800

LOCATION: Greenfield Terrace: undeveloped area at the end of the cul-de-sac. Approx. 420' from the intersection of Greenfield Terrace and Berkmar Drive, and approx. 310' from the intersection of Station Lane and Rio Road W.

PROPOSAL: Amend existing SP200000074 to remove Tax Map Parcel 04500-00-00-15800 from the existing SP. New SP201800019 to build 33 multifamily residential dwelling units in a new 39,000 sq. ft. three-story building on Tax Map Parcels 04500-00-00-15700 and 04500-00-00-15800.