

Hi Ned,

I was, unfortunately, out of town on June 25 when 999 East Rio was heard by the Planning Commission. The Commission's vote was 4 "yes" to 1 (Spain) "no" to recommend that the BOS approve this development.

Since I have returned, I have read all the details in the staff report and listened to the audio of the long Commission meeting including the developers remarks, the public hearing comments and the PC discussion. I also have a copy of the letter and petition submitted by the Dunlora neighbors.

I am not certain of the date when this application will come to the BOS but I want to let you know what my vote and reasoning would have been if I had been able to be in attendance on the 25th since these will not be included in the minutes from that meeting.

I would have voted "no". Had I been there my reasoning may or may not have had any influence on how the other PC members voted. I favor the developer filing a different application for a strictly residential development. Let me explain.

A significant issue is with the commercial/office/non-residential aspect of the 999 proposal. The arguments in favor of allowing some non-residential uses in some "urban density residential" designated properties is that mixed use can function as a service center for nearby residents. However, the 999 site is not designated as a "Neighborhood Service Center" in the Places29 master plan. Instead other very nearby areas are designated "Neighborhood Service Center". There is a substantial commercial/office area along the north side of E Rio containing several gas stations and convenience stores, a car wash, several small offices (real estate, home remodeling, title loans) and a thrift shop. This area is zoned and planned for non-residential services and this area is, in fact, heavily used for neighborhood services, not only for vehicles but also for pedestrians. That is the reason for the ped-crossing NIFI project at the Greenbrier intersection. There is also a designated "Neighborhood Service Center" not far down Belvedere Boulevard which will house "The Center at Belvedere", formerly the Senior

Center. Currently under construction, this will include a variety of service uses such as a Greenberry's Coffee, a primary care clinic, and possibly other service activities. There is also a small neighborhood service area a little further down Belvedere that contains a dental office and I have been told that a coffee shop is also contemplated. In sum, the 999 site is not designated "NS", others are so designated, and these meet or exceed the neighborhood need.

Related to my concern about the most appropriate land use for this property is its small size, under two acres. Yes, the Comprehensive Plan and the Places29 Master Plan speak about mixing service uses/jobs and residential uses. Typically the context for thinking about such a relationship is larger planned developments. Also, not every single parcel, especially small ones, needs to have mixed uses. The Comp Plan recognizes that strictly residential properties that are near to strictly commercial properties can achieve the purpose of building a community based on centers and service areas. Again, not every property needs to be both commercial and residential as long as such uses are near each other. I feel like the 999 proposal is trying to do it all and to squeeze mixed use onto a very small, less than two acre, parcel, and, to use the cliché, trying to fit too big a foot into too small a shoe.....and there is commercial/service/office services already available nearby. Again, I favor a different proposal being submitted for 999, one that is residential only.

The current R-4 zoning would allow up to 11 dwelling units, with bonuses, according to the Planning Commission staff report. I am not certain whether 11 is the right number or not for this parcel. The Comp Plan designation for the Dunlora neighborhood is "neighborhood density residential". The Comprehensive Plan designates the 999 property as "urban density residential". Clearly the intent is some differentiation between the two areas beginning with 999. Consistent with the Comp Plan, density should increase as you move westward toward the RR. I could imagine a different development proposal being submitted that mixes one of more residential types but that would most likely emphasize single family attached/townhouse configurations. It could include the small detached units that the applicant proposes. That would be a bump up

the density scale and could also be a smooth transition from the predominantly detached units next door.

Regarding traffic issues, the intersection of Belvedere Boulevard and E Rio is widely recognized as a dangerous situation, especially for left hand turns out of Belvedere. As Belvedere builds out, as the "Center at Belvedere" is completed, as the SOCA fields become used, traffic will increase at this intersection. The 999 parcel, at the corner of Belvedere and E Rio, sits right in the crosshairs of this difficult situation and warrants great care therefore.

I agree that, given its small size, this parcel will not add much in the way of traffic volume compared to that which is already present or is likely as other properties build out. Volume is less my concern that safety and workability. Development of 999 will add complexity to this already bad situation.

Cars leaving 999 and wanting to turn left will have to intersperse themselves with the flow of cars from Belvedere seeking to get onto E Rio. Other than by moving the point of egress as far as possible away from E Rio and by limiting the number of trips emanating from 999, I don't know how to solve that problem. What happens in these situations is that cars seeking to exit 999 onto Belvedere must yield to cars already in Belvedere. Drivers having right-of-way on Belvedere may try to be considerate and to motion to cars wanting to exit 999. What can happen is that the car exiting 999 may not see a faster moving car coming off E Rio and into the lane that they must cross. What can also happen is that the very polite car yielding to 999 can get rear-ended because the car behind them did not expect a car to stop to yield to another. Also, if the car exiting 999 hesitates but then proceeds, the Belvedere car may assume that the offer to exit has not been accepted and proceed simultaneously resulting in a collision. These kinds of situations are very real and rely on judgements rather than clear rules or traffic controls. Politeness is nice but it can also become a hazard. The only solutions are to move the egress from 999 to the back of the property and make do, despite VDOT's desire for two points of access, with a single point of access. Perhaps emergency access could be from the county owned strip that is between Fowler Ridge Court and this property and serving a similar

purpose for the Shepherds Ridge development. I would be interested to see if VDOT would approve such an arrangement.

From the PC meeting materials and testimony, I understand that VDOT is in the very early stages of studying an alternative intersection design (R-Cut is what it is being called) that would eliminate left turns from Belvedere onto E Rio and substitute U-turns further up E Rio. This could add a safety improvement at Belvedere, and perhaps move cars more quickly through the intersection, but it is still a difficult location and could be managed more safely if fewer cars were coming off the 999 site. Under the developers proposal for 999, up to 46 units could be built. As I noted above, R-4 by-right development with bonuses would yield 11 units. Something between 11 and 46 might be the best compromise but, of course, it is up to the developer to decide what is feasible and still profitable and it is up to the current land owner to think realistically about what can be achieved on this small parcel.

Testimony indicated that warrants for a signal at Belvedere are not likely in the near future. I do wonder where further up E Rio the location might be for U-turns, somewhere between the RR Bridge and Greenbrier. Greenbrier is the only signal and I believe that U-turns are only allowed at signalized intersections. This is also the location of the proposed pedestrian crossing. It is all very complicated and I wonder if the R-Cut solution might just shift problems elsewhere.

So, these are the primary reasons I would have joined Daphne in voting "no".

There are questions about some of the details of the proposed rezoning that I would have asked if I had been able to be at the meeting.

The staff report indicates that a 35% reduction in the parking requirement is being requested but will not be addressed until the site plan stage. On such a small site I imagine that this 35% reduction is essential to making this project feasible as designed. Seems like a decision on that reduction should precede a rezoning decision therefore. I question whether reducing parking is not begging for trouble at this location in the crosshairs of the Belvedere and E Rio

intersection. You don't want reduced parking to tempt people to park or stand along the Belvedere curb in the bike lane, even if posted as prohibited, while making a quick run into whatever convenience business might be there. You also don't want cars waiting on Belvedere to make a right turn into the 999 site while someone maneuvers to back a large SUV into or out of one of 999's reduced number of spaces.

Two small dog parks are shown on the plans adjacent to both sides of the main entranceway. Will these be fenced to protect the dogs and owners from vehicles at this point of ingress/egress? Seems like it would have to be. Then my concern would be with sight distance for cars exiting 999 onto Belvedere. Again, this project is trying to do a lot in a little space.

Given my overriding negative assessment of this proposal, let me also point out some positives. After the community meeting, the developer made a number of changes to respond to concerns expressed such as building height. She met with the abutting homeowners about potential screening and buffering. Additional uses were removed from the code of development. At the hearing, the developer indicated an intent to comply with the County's affordable housing policy. Also it was noted that this development would provide a missing link in the multiple use path. (I suspect, however, that this is the result of a County requirement to provide curb, gutter and sidewalk along the periphery of the property. Any development on this property would have to meet that requirement I would imagine.)

My being out of town was determined before it was apparent when 999 would be on the agenda. I wish I could have been there to participate in the discussion. At least, I am able to follow up with this set of notes to provide my thoughts to you before this application comes before the BOS.

If you want to meet to discuss this further, please let me know.

Bruce