

**Albemarle County Planning Commission  
FINAL Minutes June 2, 2020**

The Albemarle County Planning Commission held a public hearing on Tuesday, June 2, 2020 at 6:00 p.m.

Members attending were Julian Bivins, Chair; Karen Firehock, Vice-Chair; Tim Keller; Rick Randolph; Corey Clayborne; Daniel Bailey; Jennie More; and Luis Carrazana, UVA representative.

Members absent: None.

Other officials present were Cameron Langille; Andy Reitelbach; Charles Rapp, Planning Director; David Benish; Jodie Filardi; Andy Herrick, County Attorney's Office; and Carolyn Shaffer, Clerk to the Planning Commission.

**Call to Order and Establish Quorum**

Mr. Bivins called the regular electronic meeting to order at 6:00 p.m. and established a quorum. He said this meeting was held pursuant to and in compliance with Ordinance No. 20-A(6), "An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster."

Mr. Bivins said that electronically present that evening were: Mr. Keller, Ms. Firehock, Mr. Randolph, Mr. Clayborne, Mr. Bailey, Mr. Carrazana, and himself.

Mr. Bivins said the public could access and participate in this electronic meeting by following the link available at [www.albemarle.org/calendar](http://www.albemarle.org/calendar), or by calling 877-853-5257.

It was noted that Mr. Bailey would be arriving later.

**Consent Agenda**

There was no consent agenda.

**Public Hearing Items**

**SP201900016 Bamboo Grove**

Mr. Cameron Langille, Senior Planner, presented the staff report. He said this is a public hearing request to rezone two properties from the R2 Residential Zoning District to the R4 District. He said he would provide some site context, an overview of the current zoning as well as the future land use recommendations from the Crozet Master Plan, a discussion on the project specifics and proffers, and a summary of the factors favorable and unfavorable as well as the staff recommendation.

Mr. Langille said the two properties are Tax Map Parcels 55-68C and 55-68B. He said they are located in the Crozet Development Area on the western side of Orchard Drive, just north of the intersection with Jarmans Gap Road. He said the parcels are noted by a star on the map. He said to the north of those parcels is the Orchard Acres subdivision. He said to the south are some single-family homes that do not belong to any named subdivision, as well as the adjacent parcel

to the west, which is not part of any subdivision.

Mr. Langille said further to the west is the Bargamin Park neighborhood, which consists of single-family attached and detached homes. He said to the northeast across Orchard Drive is the Pleasant Green neighborhood, which is currently under construction and includes single-family attached homes. He said there was not any updated satellite imagery available to show the layout of the streets and where those houses are located.

Mr. Langille said further east to the site is an apartment complex that is also under construction, known as The View. He said this site is approximately 600 linear feet west of the western edges of Downtown Crozet. He indicated on the map to where Downtown Crozet begins near Jarmans Gap Road.

Mr. Langille presented a zoomed-in view of the two parcels in question. He said there is a 100-foot Water Protection Ordinance buffer on Tax Map Parcel 55-68C. He said that parcel measures about 0.88 acres, and the WPO buffer covers approximately two-thirds of that. He said Tax Map Parcel 55-68D is totally undeveloped, and that neither parcel has any structures on them, but that there is some existing vegetation on 55-68C that includes some extensive areas of bamboo.

Mr. Langille said both of these parcels are currently zoned R2 Residential, meaning there can be single-family residential uses at a gross density of 2 dwelling units per acre. He said combined, the site measures 1.24 acres, so the applicant would be able to get 2 dwelling units and stay outside of that WPO buffer as-is.

Mr. Langille said there are no overlay zoning districts that apply to either parcel. He noted that all parcels to the east are zoned R6 Residential. He said the land that adjoins the Bamboo Grove sites to the north, west, and south are also zoned R2. He said Bargamin Park is zoned PRD (Planned Residential District).

Mr. Langille said these parcels are in the Crozet Development Area, and presented the future land use plan from the Crozet Master Plan. He said there were actually two future land use designations on these parcels. He said the yellow color on the map represents Neighborhood Density Residential, which calls primarily for single-family detached units with some single-family attached units at density ranges between 3-6 dwelling units per acre. He said the green space on the map represents everywhere that is included within sensitive environmental features such as 100-year floodplain or WPO stream buffers.

Mr. Langille noted that when it comes to staff looking at residential proposals for rezonings in the Development Areas, they are required to evaluate the proposed net density of a project. He said this means that any of the land within the project boundary that is included as greenspace needs to be subtracted from the available acreage that they use to determine the number of dwelling units on this parcel.

Mr. Langille said other pertinent sections from the Crozet Master Plan that apply to these parcels come from the Parks and Green Systems chapter of the Master Plan, which states that a major greenway trail should be installed running east to west through the greenspace area on the northern piece of land. He said the idea is that this greenway trail will eventually connect all the way down to Crozet Avenue, continue south, and connect to Crozet Elementary School. He said he could later show the actual plan and the extent of the full greenway network.

Mr. Langille presented a concept plan that was provided by the applicant to demonstrate how these parcels could be developed, should the rezoning be approved to R4. He said this shows 6 dwelling units, each located on an individual lot. He said the applicant proposes to make two of the units be affordable housing, noting he would explain this later, as it is included in the proffer statement. He said with 6 dwelling units proposed, this would be a gross density of 4.84 units per acre. He said subtracting the greenspace, it ends up being about 9 dwelling units per acre. He said he would also discuss this on another slide later.

Mr. Langille said looking at the concept plan, it shows that the northern half of the project would be entirely open space. He said the applicant is proffering a dedication of land to the County of 0.22 acres to install that greenway trail, as recommended by the Master Plan. He said this leaves about 0.35 acres that will be given to a private HOA for ownership and maintenance. He said the open space includes the 100-foot WPO stream buffer. He said a rain guard is proposed for stormwater management purposes, as well as new landscaping that is required per the Zoning Ordinance.

Mr. Langille said the individual residential lots would be accessed by a new internal private street. He indicated to the street in the center of the image, noting it is about 7,540 square feet of asphalt surface. He said this would include 8 on-street parking spaces.

Mr. Langille said the image shows that in Lot 1 and Lot 2, there appears to be a color brown that is supposed to represent a driveway. He said this is a coloring error, and that it is supposed to be a driveway where parking spaces could go so that cars are not parked on the street. He said overall, with the parking spaces in those two driveways and the 8 on-street spaces, this would meet the County's requirements under the Zoning Ordinance for these types of residential uses.

Mr. Langille presented the third sheet from the concept plan provided by the applicant, which shows the street section from the private street that would access the lots. He said it also gives an idea of the form of the residential structures they are seeking here. He noted that the project narrative that was provided by the applicant includes the reason they are pursuing the project, which is that the dwelling types they will be building are much smaller than the typical single-family home. He said the goal is to provide the missing middle housing that the County strives to get but often times, it is hard to get developers to agree to it. He said there is more discussion on that in the narrative as well.

Mr. Langille indicated on the screen to an exhibit that comes from the Crozet Master Plan Parks and Green Systems Plan, which shows the greenway trail. He said he also had a larger image he could provide that shows greater context for the whole Development Area and how that greenway will be a full network in the future.

Mr. Langille said as far as density, Attachment 6 from the staff report provides an analysis of what the density could be now and under the proposal, and a comparison of this to the Master Plan. He said one could have 2 dwelling units on the parcel right now by right, without any zoning change. He said going to the R4 Zoning District, one can have 4 dwelling units by right. He said if one did a bonus-level cluster development, they could get up to 6 units per acre. He said bonus-level cluster development requires to do some things such as set aside affordable units, preserve existing wooded areas within the development, and other provisions.

Mr. Langille said when subtracting the 0.67 acres that is in the Neighborhood Density Residential area, they end up with a net density range of units between 2-4 units allowed. He said this request

to do 6 units does exceed the net density recommendations, and is about 8.95 units per acre. He said this has been noted as a factor unfavorable in the staff report, which would be discussed later before getting to the final recommendation.

Mr. Langille said the applicant has included a proffer statement with the ZMA. He said Proffer 1 is all about affordable housing, with the applicant proposing to proffer 2 affordable units. He said the affordable units are defined as units that would be affordable to a household that makes less than 80% of the Area Median Income (AMI). He said there are some sub-proffers under Proffer 1 that spell out ways the County can track whether the units have been given if they are affordable or if they are done for rent. He said Housing Planner Ms. Stacey Pethia has reviewed that proffer and has no objections.

Mr. Langille said Proffer 2 is all about the open space on the site and the trail dedication. He said the proffer first commits to providing at least 25% of open space within the development. He said the second half of the proffer spells out the timing and dedication for the greenway trail area that is noted on the concept plan. He noted that the dedication of land of the greenway trail will be done prior to issuance of the third Certificate of Occupancy, meaning that if the applicant develops more than what they can currently do by right, they would have to get the trail done and the dedication before that third house is issued its CO.

Mr. Langille said the factors favorable with the request were all included in the staff report, and although he would not read them all aloud, it was important to mention that it is consistent with the majority of the Neighborhood Model Principles from Chapter 8 of the Comprehensive Plan.

Mr. Langille said the Parks and Recreation Department has also evaluated the land dedication and the greenway trail, and they support this as a proffer. He said it is consistent with the Crozet Master Plan's general recreation recommendations, as well as land use recommendations related to that greenspace. He said it does preserve some of that stream buffer in the area, and so staff is very supportive of that.

Mr. Langille said that with the County's Housing Policy, the applicant would have to provide 15% of affordable units which, in this case, would really only be one, but the applicant is proffering to provide two, exceeding the policy.

Mr. Langille said regarding the factors unfavorable, perhaps the biggest one is that if this site were developed up to 6 units, it would exceed the net density recommendations from the Crozet Master Plan. He said there are some technical changes that staff has spelled out in the report related to the proffer statement and the concept plan. He said there is some general introductory language that they typically have in proffers that describe the major elements of the development, and that they have said that this is a factor unfavorable.

Mr. Langille said another factor unfavorable that is worthy of note is that in the concept plan, one of the lots (Lot 2) shows its lot lines extending into the WPO stream buffer. He said staff thinks it is important with the rezoning to get that lot line out of the WPO buffer.

Mr. Langille said the staff recommendation is for approval, provided that based on previous staff recommendations on other ZMAs that are proposing to exceed the net density from the Master Plan, the applicant reduce the proposed number of dwelling units down to 4, which would be the maximum they could get when calculating the net density range allowed for this site.

Mr. Langille said the second recommendation comes from the County Engineer, which is a recommendation he has made on similar rezonings, which is treatment of stormwater management on-site as opposed to purchasing off-site credits for stormwater.

Mr. Langille said staff recommends the applicant relocate all the private residential lots outside of the WPO buffer.

Mr. Langille said Recommendation #4 was included in the staff report, but that staff has had some discussions with the applicant since the report was published. He said there was a discrepancy there on staff's part. He said there is no more necessary change needed related to open space on the concept plan, so this has a strikethrough on the report.

Mr. Langille said staff wants the applicant to clarify the notes further on the concept plan regarding the minimum lot size. He said currently, it says it will be determined at subdivision plat review, but staff thinks it is best for the applicant to get this locked down right now.

Mr. Langille said regarding Recommendation #6, staff has had some discussions with the County Attorney, and that they believe the language is too specific, so they have struck through this recommendation.

Mr. Langille said Recommendation #7 is making the changes to the proffer statement as outlined in the staff report.

Mr. Langille said there are some supplemental requests with this rezoning, with one for private street authorization. He said the Planning Commission actually has to approve this request, and it does not go forward to the Board of Supervisors. He said in the Development Areas, if one wants to have a private street to serve residential lots, one must receive approval from the Commission. He said staff has included an analysis of this in the staff report, and are recommending approval because the applicant meets the justification and provisions that are spelled out in Section 234C of the Subdivision Ordinance.

Mr. Langille said there is a modification of street standards. He said typically, it is required to have sidewalks installed on both sides, and that the applicant has proposed to only install sidewalks on the south side. He said the reason for this is that if they were to put a sidewalk in on the north side, it would encroach into the WPO stream buffer. He said the County Engineer and Planning staff have reviewed that request, and they think it is appropriate to waive the sidewalk requirement on the north side of the private street. He said the applicant also provided some justification that meets all the provisions spelled out in Section 422E of the Subdivision Ordinance.

Mr. Langille said the motions for the rezoning requests would be done first and then afterwards, they could make the motions on the private street and the sidewalk waiver.

Ms. More asked Mr. Langille to clarify the staff recommendation about providing a maximum number of 4 dwelling units. She asked if Mr. Langille was saying staff did not want 6, but a maximum of 4.

Mr. Langille replied this was correct. He said on similar rezonings they have had recently where the applicant proposes a number of dwelling units that exceeds the net density total number, staff has recommended that the applicant reduce the number to meet the maximum units that they could get.

Ms. More asked if they could hear from the applicant about their response to the recommendation.

Mr. Langille replied yes.

Mr. Clayborne asked a follow-up question to Ms. More's question. He asked if on Recommendation #1, the number of affordable housing units were associated if the Commission were to accept this recommendation. He said right now, there was a total of 6 units, with 2 being affordable. He asked if this recommendation would change anything.

Mr. Langille replied that right now, the proffer statement does not commit to the total number of dwelling units, but only states the amount of affordable housing that would be provided. He said he would have to let the applicant respond, and if the Commission does recommend reducing the number of total dwelling units to 4, the applicant may want to amend that proffer. He said right now, the way it stands is that there are 2 affordable units being provided, and their idea was to get 6 units total. He said if the applicant does not want to change the affordable proffer, and the Commission did recommend approval to reduce it to 4 units, that would mean that 2 of the 4 would be affordable.

Mr. Clayborne acknowledged this was a concept plan, but noted that he did not see any handicapped parking. He said he wanted to confirm that the parking counts include handicapped parking.

Mr. Langille replied that they would. He said at the time of the road plan and the subdivision plat, they would be coordinating with the Building Official, who enforces all ADA requirements. He said they have certain standards for the grade and the cross-slope that one can have in parking spaces, and the accessway into the residential units, and this has to meet ADA requirements.

Mr. Bivins opened the public hearing and invited the applicant to speak.

Mr. Christopher Fuller, the applicant, said he owned the two parcels. He said he bought them to do affordable housing on. He said he had not intended to become a developer, and had been trying to get other people to build pocket neighborhoods for the past 10 years. He said he decided it wasn't working that way, so he bought this piece of property. He said it is a 6-minute walk from his office as well.

Mr. Fuller said Ms. Nicole Scro and Mr. Justin Shimp were helping him with the site development.

Mr. Fuller said they had talked about the proximity of the site, which would offer more walkability and mean less cars. He said this was the place that density made the most sense, although it was not much density. He said there will be walking trails inside the neighborhood, and one through the stream buffer to eventually connect the entire greenway system, which would be great once complete.

Mr. Fuller said parking goes on the edge because when putting cars to every house, people start to lose connection to each other. He said the amenity greenspace sits in the middle and becomes a central focal point for the neighborhood.

Mr. Fuller said that tilting everything 45 degrees made for an interesting design, which makes appealing outdoor spaces for each dwelling unit that one would not normally get if they put

everything 90 degrees to the road.

Mr. Fuller acknowledged that the sidewalk connected to Jarmans Gap was one of the factors in the staff report. He said he did not know how much it costs, but he wants to do it. He said if it costs a lot of money, it would be difficult to do, as they do not have much money on this project and there are very small margins. He said if they have the money for it, however, they will do it.

Mr. Fuller said he wanted to introduce the term “sociable distancing” because of the current state of the pandemic. He said the neighborhood he currently lives in has seen an amazing transformation since March 15 and has become stronger. He said he lives in Oak Forest Circle, which is a 1980s R4 development. He said it is amazing how the design of it has made it so that everyone has gotten to know each other in this unprecedented time. He said it was really about outdoor adaptable space that can change and be converted into different things, as needed.

Mr. Fuller said they strive to have an environmental focus. He said they want to protect the stream and contain the bamboo. He said although removing it did not make much sense environmentally, containing it does. He said trying to treat everything on site was possible, but that he was not a civil engineer.

Mr. Fuller said utilities are on the site, so they do not have to do digging for that. He said everything is compact, so it treads lightly on the land. He said they can offer affordable housing without it looking “affordable,” but looking like everything else in the neighborhood.

Mr. Fuller said by-right zoning makes it so that the lots are big and expensive, which means expensive housing. He said the general rule for the cost of a lot is 20-25%, and the rest of it is the building. He said when looking at the numbers, the lot has to be \$50,000, which is half of what the market is doing right now. He said affordability cannot be done at all in by-right. He said rezoning is a prerequisite, especially in R1 and R2, due to the low density.

Mr. Fuller presented different scenarios, noting this is important because of the staff report’s recommendations. He said with the by-right zoning of 2 units, there is no possibility for affordability there. He said with rezoning at the Comprehensive Plan recommendation, which is what the staff report recommends at 4 units, there is no possibility for affordability there either, as they would spend at least \$200,000 building all the infrastructure shown on the plan, and they would not recoup it. He said each lot costs \$100,000, so there are \$400,000-500,000 houses.

Mr. Fuller said they begin to see some affordability at 5 units, with 1 affordable house and the other 4 houses staying at the \$100,000 price point because the infrastructure didn’t change much between 4 and 5 units. He said between 5 and 6 units, the infrastructure does not change at all, and that this is where they start to see 33-50% affordability being possible. He said this is with 2 houses that they are proffering. He said they promised to do 2 affordable units if they can build 6 units. He said if they get 4 units total, they cannot do any affordable units, which is why the scenarios are important.

Mr. Fuller said what they would like to do is have 6 units, with 3 of them being actually in different affordable ranges. He said 2 would be at the below 80% AMI, and 1 would be at 100% AMI. He said that is for form, as looking at the lots, they could see the prices have dropped significantly when they get 6 units. He said the economics were easy to see at this scale.

Mr. Fuller said if nothing else, it is a good exercise in market affordability. He said in some cities,

applicants can do other things, but they aren't very reputable. He said people want to live in Crozet, so they can either have the housing here, or have it elsewhere. HE said it makes sense to have it in Crozet. He said the existing neighborhoods are the most walkable and will create the least number of cars while strengthening those neighborhoods. He said it needs some investment at this point in time.

Mr. Fuller said most people won't go through rezonings, especially small builders, and that it makes sense to have some by-right options, or at least some zoning options, that represent this. He said rezoning to R4 is not really applicable to what they are doing, and they are having to proffer, which is difficult to do. He said at this size, he didn't know anyone else who would go through this again.

Mr. Fuller said if the Commission were to do something tomorrow to affect affordability, they should get rid of the lot size and frontage requirements in R1 and R2, and give applicants some ways of providing affordability, such as a form of detached accessory unit and pocket neighborhoods. He said it is so important to the future of these neighborhoods to keep them stable. He said this is what it looks like to the neighborhood, and that it doesn't look any different (and perhaps even smaller) to what is currently there.

Mr. Fuller asked the Commission to let them rezone the property to allow for 6 units of compact affordable housing. He said they were talking about 3 units under 1,200 square feet, and 3 units under 2,000 square feet. He asked the Commission to let them put the parking on the edge and have the amenity in the center, noting that this was important. He asked the Commission to allow them to build 2 affordable units, which is more than what the current Comprehensive Plan allows. He said every unit he was asking for over the maximum was going to be affordable.

Mr. Clayborne said he could appreciate what Mr. Fuller was trying to do. He asked for more details about the size and composition of the affordable units. He asked if the cost was about \$200,000-240,000 and what the applicant would get for that.

Mr. Fuller asked Mr. Clayborne if he was referring to the size of the houses.

Mr. Clayborne asked for square footage, bedrooms, and bathrooms.

Mr. Fuller replied that they would have 2 bedrooms and 1.5 bathrooms, at 900 square feet. He said Habitat builds the houses, they may be somewhat larger, but that they have not had this discussion yet. He said he loves what Habitat does because they create more long-term affordability, as people stay there. He said there is no guarantee that once affordable housing is created in this neighborhood, it will be affordable the next time. He said they can push it that way if it is 900 square feet, but that they cannot guarantee it.

Mr. Clayborne asked in terms of refuse collection, if there would be a dumpster, or if people would have pickup service.

Mr. Fuller replied it would be a pickup service, and that there would be a pad set up for that for people to set out their trash.

Ms. More asked Mr. Fuller if he could talk about the lot that was encroaching on the WPO buffer, if they were to have 6 units. She asked if it were possible to get out of the buffer.

Mr. Fuller replied they could get out of the buffer and that this was not a big deal. He said he was just continuing the line of the right of way and that the lot does not need to be in the buffer.

Ms. More asked if the applicant was saying it would be expensive to install the sidewalk as recommended by staff.

Mr. Fuller said he did not commit to this in the proffer statement. He said it is in the concept plan and they have every intention of doing it. He said he wanted to be sensitive to how much everything will cost.

Ms. More asked if currently, there was no sidewalk they were meeting up with.

Mr. Fuller said there will be a sidewalk on the other side of the street.

Ms. More asked if on his side, he would just be making a sidewalk.

Mr. Fuller replied yes and indicated on the map to its location.

Ms. Firehock submitted her question via chat: "Would the applicant treat stormwater on-site?"

Mr. Fuller replied that the idea was to definitely do that. He said the plan is to put a stormwater management facility on the lower side of the parking area. He said the parking area would all drain into that stormwater management. He said he didn't know if this was all the stormwater management they needed, but that the intent was to do all of it on-site.

Mr. Keller said the Commission has enjoyed following the several projects Mr. Fuller has brought to them through the years, and that his commitment to trying to get smaller and more affordable housing types was admirable. He said he wondered if he could make an argument for the size of these being equal to either the square footage footprint, or the square footage of 4 units in a contextual area around this. He said in other words, if the Commission were to make a decision to go against the staff recommendation and add 2 units, he thinks there needs to be a sound argument for how, in many ways, this is still comparable to an overall square footage of four units.

Mr. Fuller said the average unit size being built in Crozet is about 3,000 square feet. He said this would be a total of 12,000 square feet, and they were talking about doing less than that. He said there would be 3 units at 2,000 square feet and under, which is 6,000 square feet. He said the rest of them would be about 900-1,000 square feet. He said this all totals around 9,000 square feet, which is actually less square footage than the standard houses being built in the area.

Mr. Keller said in the future, Mr. Fuller may want to add a slide in his presentation to make this point, if it goes forward.

Mr. Fuller said the number of cars is also something to look at. He said if putting three cars at each of these, which is more standard in the Crozet area, this would be 12 parking spaces for 4 units, which is the same number of parking spaces they have in the plan for 6 units. He said there would be less car trips, and it is close to Downtown as well.

Mr. Keller said his second point is about the invasive bamboo. He said there was talk about environmental sustainability and appropriateness. He said he was wondering about this because there are some bamboos that are native to the South, and with the warming environment, they

could most likely find a native bamboo if they want to stick to that theme. He said the applicant may want to consider that.

Mr. Fuller said he believes containing the bamboo is the best option at this point, as it does cover the entire stream buffer, and he would rather not pull apart the stream buffer to replace it with a native species. He said this would be more damaging than containing it.

Mr. Bivins asked if there will be edge parking and they are talking about environmental components they hope to have on the project, how they are considering electric vehicles.

Mr. Fuller replied that he has thought about this. He said the two spots at the north end of the parking area are next to the common area which, in theory, could have solar panels on top of a shelter, which would help power the EV charging spots. He said it was a nice-to-have and he had no idea if they could do it or not.

Mr. Bivins said he was not asking Mr. Fuller to commit to anything, but if he had been considering it, as he was presenting it as a place with a lot of forward-thinking design capabilities.

Mr. Fuller said he considered it.

Mr. Bivins also asked about the HOA and its obligations, such as cleaning of the parking lot, and management of bamboo (which could be an onerous task). He said if they are talking about affordability being a primary aspect of the community, he hoped Mr. Fuller was considering the types of expenses that may have to be carried by individuals who may not have that kind of cash flow on a month-to-month basis.

Mr. Fuller agreed that nothing is inexpensive, and although there are costs for HOAs, he did not think it was more than other neighborhoods of this type.

Mr. Bivins opened the public comment portion of the hearing. Hearing no speakers, he closed the public hearing and brought the matter back to the Commission.

Ms. More said there was an email from a neighbor that went out to the entire Commission that day. She said the neighbor had indicated that she was going to participate, but emailed saying she was not able to log in due to a technical issue on the County calendar.

Mr. Bivins asked if everyone had received the email and voicemail from Ms. Sylvia Hallock.

Mr. Bailey said he had not.

Mr. Bivins asked Ms. Shaffer if she could read the email aloud.

Ms. Shaffer read Ms. Hallock's email aloud: "I am writing in support of the above cited project, Bamboo Grove. I own and reside in the adjacent house at 1193 Orchard Drive. I spoke in favor of the project when it was presented at the Crozet Community at Large. Approximately 50 residents of those surrounding neighborhoods attended the meeting and expressed strong support for the project, recognizing the need for affordable, well-designed, well-constructed, and well-maintained homes in our neighborhood.

"As a former State Executive Director of Habitat for Humanity in Virginia, I am well aware of the

pride and respect that lower to medium-income families have for the privilege of home ownership. I have every expectation that Bamboo Grove will be the kind of pocket neighborhood that will engender that pride and respect. My faith in that is boosted by the fact that Chris Fuller, the architect and developer, intends to make Bamboo Grove home for his family.

“During my 20 years with Habitat, I was successful in promoting green building in affordable housing, and is extremely delighted that Mr. Fuller has included sustainable and energy-efficient elements in these home designs. I also applaud the design of communal outdoor space to encourage neighborly gatherings and places for children to play.

“I appreciate the opportunity to write this review, and strongly request that you send your recommendation for the project to the Board of Supervisors. It is my understanding that our Supervisor, Ann Mallek, is in favor of the project. I can be reached for further discussion or by returned email.”

Ms. Firehock said she knows that the developer does not necessarily wish to treat stormwater on-site, and that they are nervous about the profit margin, as it is so narrow with this project. She said they are potentially considering additional density on the site, however, over what would be normally allowed and above what the Comprehensive Plan actually recommends. She said for that reason, she would like to see the applicant treat the stormwater on-site.

Ms. Firehock said they have enough open space to create some permeable surfaces to do that, as well as considering adding cisterns to the building to hold the stormwater at each individual unit. She said there are quite a few simple technologies, and that she knows they cost more than just letting water leave the site, but that she thinks it is a fair exchange for the additional density. She said she was generally in favor of the project.

Mr. Keller said he was supportive of the project. He said they need to talk with staff and the developer about making an argument for going above the numbers, and that he himself thinks that basing it on footprint square footage and resident square footage totals is an interesting way to proceed. He said an argument could also be made about the percentage of the use of the lots.

Mr. Keller said the County is being challenged with infill development and that lately, there have been several projects like this (with the same project team members on those projects as well), and that he thinks it would be worth trying some of these projects to see how successful they will be. He said he appreciated staff working on this and trying to figure out a way to fit this difficult foot into a smaller shoe.

Mr. Bailey said overall, this was a difficult project when reading the staff recommendations. He said hearing it and listening to it, he applauded the effort they put together. He said the applicant has done the best they could with the unique shape of land that has a lot of natural habitat considerations. He said he was generally in favor of the project.

Mr. Bailey said he did have some concerns. He said if they cannot get to 6 units, the question is how to get the affordable housing. He said affordable housing, along with sustainability, is the thing that makes this particular project unique and a way to push towards the Master Planning.

Mr. Bailey agreed with Mr. Keller that they need to figure out how to address this and try it so they can try to bring some affordable housing to these areas.

Mr. Randolph said the question before the Commission was about if affordable housing, in reality, is a de facto public good. He said aspirationally, he agrees, but functionally, he is not so sure if the affordable housing development does not contain operation and maintenance costs for its residents, that the Commission wouldn't again see an HOA in a lower-income community that will be the source of funding for operation of a private road. He said there is a track record of private roads not being successfully funded and maintained by residents who then appeal to the Board of Supervisors (and thereby, the taxpayers of the County) to bail out the community because of the inadequacy of funds to maintain the road.

Mr. Randolph said he was also concerned that this development does not address the multimodal and stormwater requirements that he believes are essential, given the densities, as Ms. Firehock has pointed out. He said there is also a potential inadequacy of the buffering. He said the applicant has said this evening that he is willing to commit to ensuring that there will not be encroachment of housing affecting the buffering of the streams on-site. He said this assurance has not been provided to staff, however, and the staff report that evening does not reflect that such assurances have been provided.

Mr. Randolph said he had those concerns about this, and therefore, he is channeling the remarks he made at last week's Commission meeting about capacity of the residents to address all of the needs. He said although he didn't see environmental constraints here, he did see (as he did last week) concerns about stormwater and multimodal connectivity, which he believes is essential for lower-income residents to be able to get out to Jarmans Gap Road.

Mr. Clayborne said he shared some of the same concerns with Mr. Randolph. He said he loved the idea of having affordable units. He said he knew that Mr. Fuller was just playing by the letters of the policies the County has, and so it was not his fault, but if a young couple saved up a quarter of a million dollars and in return, they get a 900-foot residence and some HOA fees that will probably be higher than normal, it makes him stop to question if that was truly an affordable purchase. He said he didn't know what the answer was to this, and that he hoped that as the County starts to look at these policies, they can have these conversations. He said it doesn't apply to the applicant at hand, but in general, he hoped the housing policy would start to take into account the size that a person is getting and not just the cost.

Mr. Clayborne said overall, it was a nice project and that in general, he was in support of it, although he did have those concerns as they look into the future.

Ms. Firehock said she wanted to address some of the comments about maintenance. She said some of what Mr. Randolph talked about harkens back to some of the concerns with other applications for other developments by some low-income housing providers. She said this is a relatively small site, however, and if the applicant were to use low-impact development technologies such as rain garden, permeable pavers, cisterns and other technologies, they are not expensive to maintain and cost far less than stormwater ponds and pipes. She said very expensive HOAs involve the maintenance of major infrastructure. She added that she has a lot of experience in this arena.

Ms. Firehock said she has seen some very interesting cluster development at a very small scale, such as this one, where they banded together and paid one of the residents to do some of the maintenance such as trimming the shrubbery and mowing the lawn. She said that provided that lower-income resident with additional income, and it is the kind of thing they can do on the weekends. She said there are many creative ways to make these very small-scale developments

low maintenance and affordable, both in terms of stormwater technology as well as how they are taken care of. She said she was happy to share more of those ideas offline with the applicant, but that she was not as concerned with this particular site.

Ms. More said she appreciated the other comments, particularly those from Ms. Firehock. She said in response to Mr. Randolph's comment about the multimodal connections, she feels that this site is very close to Jarmans Gap and that it is ideal because whether or not the applicant puts in that sidewalk, it connects right into Jarmans Gap, which has sidewalks that run all the way to Downtown. She said this is a great site for walkability and bikeability to Downtown, and so she feels comfortable with the multimodal access the neighbors would have.

Ms. More said typically, she would not support something that went over what is recommended by the Master Plan, but she likes this project because she likes the idea of the pocket neighborhood. She said it is small and that they are not talking about a huge number of units. She said as others have indicated, this is giving them the unit type and price point they are missing in the community. She said when looking at a small-scale request like this compared to some of the horrific things that have been done with density around this development, she finds herself in favor of this.

Ms. More said she thinks the applicant definitely needs to stay out of the buffer if they get their six units.

Ms. More said she had a general comment that she felt she needed to make. She said the staff report talked about the Crozet Master Plan not recommending that Orchard Drive be updated. She said she did not think this application has any responsibility for improvements on Orchard Drive, but that she does believe that since the County is under Master Plan review, this is something that could come up.

Ms. More said it wouldn't be an impact from this neighborhood that would cause a need for some dedicated turn lanes off of Orchard Drive onto Jarmans Gap. She said there is a huge amount of traffic that will be put onto this road not too far across from this development. She said she did not think this development will contribute much to what they will see happen to Orchard Drive. She said this will be for VDOT and others to figure out if they have this in the Master Plan, but she thinks there will be queuing at that Orchard Drive and Jarmans Gap connection.

Ms. More said she was in favor of allowing the six units. She said there have been other applications where they have put a burden on building a sidewalk on an applicant where there is no sidewalk they are connecting to. She said when the sidewalk is going in on the other side, she didn't know that she felt that strongly about making them commit to the sidewalk. She said she felt that this is normally a situation where she would want to see the sidewalk connectivity there but that in this case, there is no sidewalk, and she cannot imagine there would ever be a sidewalk that would run through Orchard Acres on that side of the road.

Mr. Bivins asked Mr. Langille if staff was striking Recommendation #6, which was about the sidewalk.

Mr. Langille replied yes.

Mr. Bivins asked if currently, the recommendation put forth was to strike Recommendations #4 and #6.

Mr. Langille said this was correct.

Ms. More said if they wanted the six units, they would have to strike Recommendation #1.

Mr. Bivins said he wanted to make sure everyone was okay about Recommendations #4 and 6 being stricken before moving on.

Mr. Bivins asked if they could speak about Recommendation #1, which was where some of the conversation they had was about perhaps not accepting that, and granting the applicant 6 units. He said there seemed to be some condition there with at least 3 of the units being within the affordable range, if not all of them. He said there was commitment for 2 affordable units and one that seemed to be on the border, which he did not see anywhere in the presentation or the materials given to the Commission. He said perhaps Mr. Langille could speak to that.

Mr. Langille said under the County's Affordable Housing Policy, affordable housing is defined as a unit that is affordable to a household that makes less than 80% AMI. He said Mr. Fuller was saying that one of the units may fall under the workforce housing price range.

Mr. Bivins said they would then get 2 units that fall directly into the policy, and one that might be in the workforce, which is slightly higher income.

Mr. Langille said this was correct.

Mr. Bivins asked if everyone understood this.

Ms. More asked if this was covered in the proffers, and that the proffers would be revised for technical changes.

Mr. Langille replied that he didn't think they would be adding anything to the affordable housing proffer to say that the third unit needs to be in the workforce range. He said they are citing the Housing Policy under the review of this, and if they meet or exceed it with the 2 units.

Mr. Randolph said he was comfortable supporting this, provided that the applicant makes a commitment in the recommendations on page 11 to points 1, 2, 3, 5, and 7.

Mr. Bivins asked if one would be the change to 6 units, or to 4 units.

Mr. Randolph replied 4.

Mr. Bivins asked if Mr. Randolph was asking the Commission to not consider changing the density to 6 units.

Mr. Randolph replied yes.

Mr. Bailey said if there was a change to 4 units, he assumed there would be a desire to strike the proffer of affordable housing.

Mr. Fuller said affordable housing is not possible at 4 units.

Mr. Bivins directed the conversation back to the Commission.

Mr. Bailey asked Mr. Randolph if his support was with or without Proffer 1 on affordable housing. He said if Mr. Randolph recommended points 1, 2, 3, 5, and 7, the question that he wanted to ask in clarification of that was if it would still be contingent on Proffer 1 being included for Mr. Randolph's recommendation.

Mr. Randolph said for reasons having to do with his own magisterial district, he is seeking to achieve consistency with the local Master Plan and leave it to the Board, if they want to expand beyond the Crozet Master Plan and increase the density. He said he was not comfortable making a recommendation at a Planning Commission level to go ahead and expand beyond the Crozet Master Plan.

Mr. Bailey said it was helpful to him to hear this, as a new Commissioner.

Mr. Keller said he would counter that they are an advisory body, and are often asked by individual elected Supervisors what their thoughts and rationales are. He said from what they heard, there are a number of Commissioners that would support the civics. He said it is only an advisory proposal, so he could not see that they need to hold back on what their thought process is for them to do it. He said the Board will decide on none, 4, or 6 units.

Ms. More said although she agrees with Mr. Randolph's point, she also agrees with Mr. Keller that they are an advisory body that gives recommendations. She said she finds herself in a unique situation where in most situations, she would not recommended they go above the density, but in this case, she would move to allow for this increased density because of the benefits they are getting with the unit type and because this is such a small pocket neighborhood with a small number of units. She said she didn't think they were setting a precedent or getting themselves into a slippery slope. She said they talk about precedent all the time with the attorneys, and that she is comfortable with this.

Ms. More said she wanted to be clear that the recommendation would be left as Recommendations 2, 3, 5, and 7.

Mr. Bivins said they should hold off on this because if they do want to do this, they should be intentional about what is being laid out in the applicant's proffer.

Mr. Charles Rapp (Director of Planning) recommended that the Commission specify the number of units. He said if they want to move to 6 units, they should change the 4 to 6 in Comment #1. He also recommended dropping the language that refers to "recommended net density," as that is inconsistent. He said to limit it to 6 dwelling units, period.

Mr. Carrazana said as a non-voting member, he wanted to echo Mr. Keller's thought of this body as being open to provide commentary, particularly when it is against a Comprehensive Plan or Master Plan. He said at the opposite end of this conversation, there are cases where the Comprehensive Plan may actually allow certain densities, but the infrastructure isn't there, whether it is schools or roads. He said in this case, if the Master Plan is standing in the way of a good idea, the Commission should be able to voice ways to accommodate the good idea and perhaps not allow the Master Plan to get in the way of that. He pointed out it has to go to the Supervisors anyway.

Mr. Carrazana said he wanted to echo that it is a good notion that the Commission needs to be able to voice concerns when something doesn't seem to be in line with infrastructure or, in this case, where the applicant is making efforts to do something that is needed in the community.

Ms. Firehock agreed with what Ms. More proposed, and also the addition Mr. Rapp suggested about changing Condition #1 to specifically say "6 units." She said she also wanted to echo the comment that it is the Planning Commission's role, as an advisory body, to make recommendations to the Board of Supervisors. She said she didn't think they were usurping the Board's authority by recommending going above density in the Comprehensive Plan. She said the Comprehensive Plan is a guide, and the Commission's job is to not only interpret it, but to improve upon it in specific situations, as the Comprehensive Plan cannot possibly imagine every single thing that would come forward. She said they need to make room for creativity, and this is why the Commission exists.

Ms. More asked if they had the appropriate motions available.

Mr. Bivins said after they follow through on this motion, they had two additional ones to make.

Ms. More moved to recommend approval of ZMA201900016 Bamboo Grove, provided that Condition #1 would read, "a commitment to provide a maximum number of 6 dwelling units"; and would include Conditions 3, 5, and 7 as recommended in the staff report.

Mr. Bivins asked Ms. More if she meant to include Condition 2.

Ms. More clarified that it would include Conditions 1-3 (with the change to Condition 1), 5, and 7.

Mr. Bivins asked Mr. Herrick if this covered it.

Mr. Herrick replied that this was a good motion.

Mr. Keller seconded the motion, which carried unanimously (7:0).

Mr. Bivins suggested Mr. Fuller meet with staff to perhaps commit to some of the things discussed that evening before going forward to the Board of Supervisors for their consideration. He said perhaps the piece of advice Mr. Keller offered about looking at how that space might compare with places around it might be something that Mr. Fuller wants to have a conversation with staff about.

Ms. More asked about the motions on the private street.

Mr. Bivins said there would be a motion for the private street, and one for the sidewalk.

Ms. More moved to approve the private street authorization request for ZMA201900016 Bamboo Grove for the reasons listed in the staff report.

Mr. Keller seconded the motion, which carried unanimously (7:0).

Ms. More moved to approve the sidewalk street standard modification request for ZMA201900016 Bamboo Grove for the reasons listed in the staff report.

Mr. Keller seconded the motion, which carried unanimously (7:0).

### **ZMA201900010 3223 Proffit Road**

Mr. Andy Reitelbach, Senior Planner, presented the staff report. He said the location of the subject parcel for this rezoning is on the north side of Proffit Road, east of Route 29, between the Southern States cooperative retail store and the Full Gospel Assembly Church, and north of the Maple Grove Christian Church and Lighthouse Christian Preschool. He said it is south of the North Point development.

Mr. Reitelbach said the parcel is approximately 7.29 acres. He said it is currently vacant, although portions of it have been recently cleared of forested area. He said the current zoning is R15 Residential, which allows residential units at 15 units per acre. He said the overlay districts include the Airport Impact Overlay, as well as Managed Steep Slopes. He said in the Places29 Master Plan, it is designated as Urban Density Residential, which permits 6-34 units per acre.

Mr. Reitelbach said currently, by right, 109 units are permitted on this property for gross density, with a net density of approximately 14.95 units per acre.

Mr. Reitelbach said currently, based on the concept plan that was approved with the original rezoning in 2018, there are two blocks. He said Block A is 5.2 acres, which was designated for residences. He said that is the southern portion adjacent to Proffit Road. He said Block B, which is the northern portion adjacent to the North Point development, is 2.09 acres, which was designated for open space, stormwater management facilities, and utilities.

Mr. Reitelbach said this application is a request to amend ZMA2018-6, which was originally approved by the Board of Supervisors on March 20, 2019. He said the applicant requests to amend both the proffers and the concept plan from this rezoning in order to do three major revisions. He said one is to permit residential units in Block B (the 2.09 acres originally for open space, stormwater management facilities, and utilities). He said in that area, there would be a maximum of 30 units permitted. He said the applicant is requesting to reduce the total number of units from 109 to 80 on the entire parcel, which would give a density of approximately 11 units per acre. He said there were revisions to the proposed street network that was shown on the original concept plan.

Mr. Reitelbach presented a map showing the zoning of the subject parcel (R15), along with the adjacent parcels, which include North Point (Planned Development - Mixed Commercial). He said the parcels to the east are Rural Areas, though they are in the Places29 Development Area (Hollymead neighborhood). He said to the south, there are parcels zoned both R1 and R15, and that to the west are Highway Commercial properties.

Mr. Reitelbach presented a map showing the Comprehensive Plan designations for the subject parcel as well as the adjacent parcels. He said the subject parcel and North Point are designated Urban Density Residential. He said to the west, closer to the Route 29 Highway Corridor, is Urban Mixed Use; and to the east, going east on Proffit Road heading towards the Rural Areas, it is designated as Neighborhood Density Residential.

Mr. Reitelbach presented the specifics of the proposal. He said there is a cemetery that is a historic and cultural resource and is associated with the adjacent Full Gospel Assembly Church to the east of the property. He said when a survey was done of the property with the March 20, 2019 approval, it was found that portions of the cemetery do slightly cross onto the subject

property. He said some headstones and grave markers were found on the subject parcel. He said the existing proposed eastern interparcel connection that had been proposed with the original concept plan from 2018 could potentially affect the cemetery based on where it was shown on that concept plan.

Mr. Reitelbach said the applicant has come back with a proposal for two new interparcel connections from the Block B area, with one connecting to North Point to the northwest. He said in the application plan that was approved with the North Point rezoning, there is actually a street stub in this general area shown on the application plan. He said the applicant is proposing another potential interparcel connection in the future to the Springfield Road area, which is to the northeast. He said the applicant is proposing to remove the interparcel connection which had originally been shown to go east towards the Full Gospel Assembly Church.

Mr. Reitelbach said the applicant is also requesting a reduction in the open space of the parcel, and to permit residences in Block B. He said the reduction would be from the existing 2.09-acre area, and the proposal would instead maintain the area of open space and rec facilities, which are required by 4.16 of the Zoning Ordinance, which is the recreational facilities.

Mr. Reitelbach said the applicant would, however, preserve the buffer area, which is in the northeast corner of the property. He said this is adjacent to the existing single-family houses that front on Springfield Road. He said this buffer would be 25 feet of undisturbed and 25-feet of minimally disturbed for a total of 50 feet. He said the definitions of what is undisturbed and minimally disturbed are included in the proffers associated with this rezoning. He said this buffer would only be disturbed if the adjacent parcel were to develop at some point in the future.

Mr. Reitelbach said there is also an intermittent stream channel that is shown going across the property from east to west. He said portions of this would remain preserved within both the buffer area as well as the areas of natural recreation that the new concept plan shows. He said portions, however, would be disturbed for the proposed street running from Block A up into Block B. He said with an intermittent stream, there is no WPO stream buffer, so disturbance is permitted subject to engineering requirements and approval of the County Engineer.

Mr. Reitelbach said in the discussions of the Planning Commission and Board of Supervisors with the previous rezoning, the final three items (the open space area of 2.09 acres, inclusion of the buffer area in the northeast corner, and any potential disturbance of the intermittent stream channel) were major points of discussion during those Commission and Board meetings at that time.

Mr. Reitelbach presented a page from the concept plan showing the proposed interparcel connections. He said the areas of Block A remain roughly the same as they were originally approved with the 2018 rezoning; and the areas in Block B are the new interconnections, with the northwest connection going from North Point, and the northeast connection going towards Springfield Road. He said in the east-central area, the proposed interconnection that had gone to the Full Gospel Assembly Church is no longer there.

Mr. Reitelbach presented a more detailed conceptual site layout that the applicant has proposed that shows the road locations, parking areas, and the areas proposed for the natural and programmed recreational areas in the northwest of the parcel. He said the 25-foot undisturbed and 25-foot minimally disturbed buffers are shown on the parcel, adjacent to the single-family home. He said there is a note to allow for that buffer to be disturbed only if the residential parcel

to the east were to be redeveloped in the future, and the County were to demand the dedication of right of way in that area.

Mr. Reitelbach presented the draft proffers included with the application. He said Proffer #1 is for the street network grid and the interparcel connections. He said the proffer has been amended from the original draft proffers to include the new parcel numbers for North Point and the parcel to the northeast that are different from original interparcel connections.

Mr. Reitelbach said Proffer #2 is for right of way reservation and associated improvements along Proffit Road frontage. He said this proffer is not changing.

Mr. Reitelbach said Proffer #3 is for development density, requiring that a minimum of 44 total units be constructed. He said this proffer is not changing.

Mr. Reitelbach said Proffer #4 includes the undisturbed and minimally disturbed buffers along the northeastern property boundary. He said the only portion of #4 that is being amended with this application is to allow that disturbance in the future if there were to be an interparcel connection requested between the subject parcel and the parcel to the northeast.

Mr. Reitelbach said Proffers #5 and #6 (for the garage setbacks, and the relegated parking and parking standards) are not being amended with this application.

Mr. Reitelbach presented the recommended revisions from staff for the plan. He said there are a few in the concept plan. He said the only one he would specifically point out is #4, where some language was included in a note to ensure that the interparcel connection between North Point and the subject property do meet up. He said this language is not necessarily the exact language that staff is suggesting, but between the Planning Commission public hearing and the Board of Supervisors public hearing, staff would be open to working with the Zoning Division and the applicant to come to language that makes sense to ensure that that interconnection can be addressed in the future.

Mr. Reitelbach said the proffers are technical revisions to ensure clarity of the language and ensure consistency between what is mentioned in proffers and what is actually shown on the concept plan.

Mr. Reitelbach presented the factors for consideration for the application, noting there were several factors favorable, including its consistency with the use and density of the Places29 Master Plan. He said it is consistent with the applicable Neighborhood Model Principles. He said the proposal continues to include the dedication of right of way and construction of upgrades to Proffit Road. He said #4 is the proffered concept plan that creates a street network grid and allows for the potential for interparcel connections in the future, including pedestrian facilities, especially with the North Point development, which is a major development in the County. He said #5 is that the tree buffer along that northeastern property line would be maintained with this rezoning application.

Mr. Reitelbach said the main factor unfavorable is that the area of open space and for the recommendation greenway along the stream channel is being reduced from what was originally provided for in the original rezoning (ZMA2018-6). He pointed out, however, that portions of the greenway area are being maintained in the buffer area and in the natural recreation area. He also mentioned the recommended revisions to the application as a factor.

Mr. Reitelbach said ultimately, staff recommends approval of ZMA201900010 3223 Proffit Road, provided that the previously mentioned recommended revisions (which he has included in the staff report) are made to the application prior to the public hearing with the Board of Supervisors.

Mr. Keller said building on the comments of Mr. Randolph in their interaction on the other project, he does think it is very important for the Commission to understand when something comes to the Commission after it's been to the Board of Supervisors. He said he wondered if staff could say more about that series of discussions, specifically as it relates to the open space and the reduction.

Mr. Reitelbach said at the original meetings for the Planning Commission and Board of Supervisors, there were a lot of discussions about the open space at the rear of the parcel and ensuring that the views and a buffer would be maintained with the residential properties to the northeast. He said there was also a lot of discussion about the intermittent stream channel that goes through the parcel, and the importance of preserving intermittent stream channels in the Development Areas, as they do absorb stormwater runoff even though there are no specific requirements in the ordinance, nor in the County Engineer's requirements, for stream buffers or protecting intermittent streams.

Mr. Keller asked Mr. Reitelbach if he felt that the applicant has addressed this efficiently.

Mr. Reitelbach replied he does in that they are preserving portions of that intermittent stream channel. He said the County Engineer reviewed this application as well and expressed no concerns over it. He said the applicant also provided correspondence from the United States Army Corps of Engineers that they had no concerns with disturbance of portions of this stream channel.

Mr. Reitelbach said he mentioned in the staff report that there is a final site plan currently under review by County staff for a certain number of units (approximately 54 units) on the front portion of this parcel. He said with that site plan, there is actually some disturbance of the intermittent stream channel shown for stormwater management purposes, including channeling the stream channel, and including a culvert. He said even though he is not reviewing that final site plan, in speaking with both the Planning and Engineering reviewers for that, this would be permitted even under the current rezoning.

Mr. Randolph said he has looked in vain to try to find the actual amount of acreage that is proposed to be in Block B that will be developed, versus what would be open space. He asked how many acres of the 2.09 under this application is proposed as open space.

Mr. Reitelbach replied that the numbers the applicant has provided for the programmed and natural recreational areas shown on the concept plan together would total about 25,000 square feet. He said the buffer area in the northeast portion of the property would be another approximately 15,000 square feet, so that overall, it would be about 40,000 square feet. He said he would defer to the applicant, however, if they had anything to add on that, or more exact numbers regarding the area of the open space.

Mr. Randolph said with the 40,000 square feet, they were looking at a little under an acre.

Mr. Reitelbach said this was correct.

Mr. Bivins opened the public hearing and invited the applicant to speak.

Ms. Kelsey Schlein, Planner with Shimp Engineering, said she was presenting on behalf of Albemarle Land Development (the property owner and developer). She said Mr. Brent Hall with Albemarle Land Development was present, as well as Mr. Justin Shimp (the project engineer).

Ms. Schlein said this is an amendment to ZMA2018-6, which was approved for R15 zoning with a maximum of 109 units. She said there are no proposed changes to the existing Zoning District, but only changes to the property conceptual plan and the application proffers. She said the main changes include a redesign of the road network; relocating the recreational areas to be more centrally located and accessible to future residents of the property; and permitting residential development in Block B, with a reduction of overall density from 109 to 80 units.

Ms. Schlein said this property is located in the Places29 Master Plan area and is designated as Urban Density Residential, allowing for up to 34 dwelling units per acre. She said this property is somewhat in an area of transition, located between the Urban Mixed-Use area and the Neighborhood Density Residential. She said Urban Density Residential allows for a maximum of up to 34 dwelling units per acre, and a previous ZMA on this property allowed for up to 14.

Ms. Schlein said the applicant views this property as an area of transition between the higher, more intensity density development and the neighboring areas next door, which have historically developed as lower-density residential and are designated as Neighborhood Density Residential (with a maximum of 6 dwelling units per acre) on the Master Plan. She said their proposed maximum density with this application is 11 units per acre.

Ms. Schlein said the main reason for the change was that there are some roadblocks to developing the property as proposed in the proffered concept plan approved with ZMA2018-6. She said with the location of the cemetery on the adjacent Full Gospel Assembly property, and the road alignment as approved, the interparcel connection could not feasibly be realized in the future because of the existence of the cemetery in that location with how the road is aligned.

Ms. Schlein said additionally, there was no interparcel connection to North Point, which is designated as a Community Center. She said they really feel that was a missed opportunity for drawing future residents on this property to the businesses located within that adjacent development.

Ms. Schlein said with their plan, some elements of the previously approved ZMA were very strong and worth preserving and incorporating into this iteration of the plan. She said they maintain many of those elements that were particularly valued during the review of ZMA2018-6 by staff, the Commission, and the Board.

Ms. Schlein said they have maintained the right of way reservation along Proffit Road, and have proffered road improvements that are consistent with the Places29 Master Plan. She said these consist of a 6-foot sidewalk, a 10-foot landscape strip (which is more generous than the typical 6-foot requirement and certainly appropriate along Proffit Road to provide a greater buffer between the pedestrian realm and the vehicles there), and adequate right of way for the full street section proposed in the Master Plan, which calls for the center double left turn lane.

Ms. Schlein said they have ensured that units provided in Block A, Area 1 will front on Proffit Road

to create a sense of enclosure along the street and start to establish a pedestrian scale along Proffit Road as it approaches Community Centers at both North Point and along Worth Crossing. She said there is relegation of parking away from Proffit Road, and they have maintained the buffer area at the northeast corner of the property. She said there are some existing oak trees along the property line and in the property corner, which are of particular importance to nearby residents, are beautiful, and will ultimately be an asset for any new residents of the area as well. She said those are located within the buffer area.

Ms. Schlein said they are proposing intentionally located recreational areas that are central to the property and accessible to future residents. She said they are proposing both a more programmed recreational area in the square adjacent to Block D. She said this includes more traditional programmed recreational area, including traditional playground equipment.

Ms. Schlein said in Block B (which was formerly 2.1 acres of open space), they are proposing more natural recreational areas along the most environmentally sensitive features on the site. She said although there are no County-designated environmentally sensitive features, what is being referred to as an intermittent stream has been determined to be a swale for most of the property, transitioning to an intermittent stream as one moves to the western property line. She said that area will continue to be designated as open space.

Ms. Schlein said additionally, in the R15 Zoning District, if this property were to develop as a cluster development, cluster developments do require 25% open space, per the ordinance. She said after right of way dedication, this would come out to be approximately 1.7 acres. She said the 0.4-acre discrepancy between 1.7 that would be required with a cluster development on this property and the 2.1 that was provided with the previous iteration of this property is really made up with the construction of Road E. She said this ultimately comes out to being close to the 0.4 acres with the right of way reservation, planting strips, sidewalks, and road alignment.

Ms. Schlein said to reiterate the importance of this future connection to North Point, the North Point ZMA plan was first brought before the Board in 2000, and that this plan has been imagined for quite some time. She said they are starting to see the fruition of that plan. She said there has always been an intentional connection to this property and as said previously, it is really a missed opportunity for bringing future residents of the area to the designated Community Center at North Point, and possibly alleviating some traffic congestion along Proffit Road by offering drivers an opportunity to access the development from their own community inside the property rather than having to go out on Route 29.

Ms. Schlein said a portion of the property is designated as a potential greenway in the Places29 Master Plan, which was adopted in 2015. She said this has not been adopted and is not fully consistent with the approved Master Plan for North Point, but that the intent of the greenways in the Master Plan are to provide extensive access to County Parks for Rural Areas and other open spaces, as well as the two forks of the Rivanna River. She said considering access for residents and how the greenway can function, she believes they are achieving that.

Ms. Schlein said it was a recommendation from staff for the applicant to provide a trailhead from the programmed recreational area to the natural recreational area, and that they are fully on board with that and intend to include it on the conceptual plan, just as a trailhead was provided with the previously-approved ZMA2018-6.

Ms. Schlein said as far as staff's recommended revisions, the applicant is fully agreeable to them.

She said with the condition that they continue to work through the language for the recommended revision #4 as proposed by staff, a trailhead, pedestrian path, and crosswalks at the intersection of Roads C and E will be provided (as long as they are accepted by VDOT) and will be added to the conceptual plan, as they know they will be an asset to the community and would further promote walkability and pedestrian connections on the property.

Ms. Schlein said additionally, there was a question about whether the portion that is just north of the natural recreational area proposed in Block B will be buildable. She said this is proposed as buildable, and the depth of that will extend to accommodate lot depth for single-family detached and single-family attached lots in that area. She said there will be a minimum of 8,800 square feet of recreational area to be provided, with an additional 200 square feet per unit for a maximum of 80 units. She said this is consistent with the recreational requirements that were provided with the previously approved rezoning, and is consistent with the requirements of the R15 Zoning Ordinance.

Ms. Schlein said the applicant feels there are many great benefits to this application plan with providing the connection to North Point and creating a centrally located recreational area that is accessible and usable for future residents of the area. She said they are also proposing those in areas that are potentially environmentally sensitive on the site as well.

Mr. Randolph asked of the 25,000 square feet set aside in Block B, if any portion of this was designed for stormwater management.

Ms. Schlein replied yes. She said the stormwater management is proposed at this time to be provided as an underground detention area, but that this would ultimately be under the recreational area. She said the surface of the underground detention itself would be usable and accessible to residents.

Ms. More said at the beginning of the presentation, Ms. Schlein had talked about greenspace, and that even though they are looking at less of it, she said it was more centrally located. She said she didn't really see that when she looks at what Ms. Schlein is showing them. She asked if Ms. Schlein could explain how this is more centrally located.

Ms. Schlein replied that when compared to the previous proposal, the open space area was entirely relegated to the rear of the development. She said in this proposal, there would be units proposed on either side of the recreational area, and so they would be surrounding them. She said this would be more connected and incorporated into the development, rather than pushed to the rear as not as much of a programmed area.

Ms. More said she also had a question about the last image Ms. Schlein showed, which talked about the lots extending. She said she wanted to get back at what Mr. Randolph was asking at the beginning in terms of how much open space there is. She said in the last image, there was a note saying the lot would extend. She said what she was seeing was that it would extend into what Ms. Schlein is showing as green. She said she was still confused about how much open space really is being retained.

Ms. Schlein said she was touching on that this is an R15 development and she understands that previously, there was an entire block that was dedicated to open space. She said with the R15 ordinance and the way it is written, however, if they were to move forward with a cluster development on the property, 25% of the property would have to be preserved as open space.

Ms. Schlein said although they do not have those areas explicitly called out on the conceptual plan before the Commission, this is a requirement of the ordinance. She said the math she was given is a 25% open space requirement after right of way dedication on the property would equate to 1.7 acres. She said they were explicitly enumerating many of those things and have to write those regulations into those applications. She said this is a conventional application and although those regulations are not explicitly before the Commission, they are in the Zoning Ordinance.

Ms. Firehock said she read in the applicant's report that they would follow the Virginia Stormwater Management Program requirements. She said she understands they are creating the volume of stormwater in underground tanks, which she thinks is great rather than wasting a lot of surface land. She asked if they were planning to buy off-site water quality credits so they would not be treating the water quality on this site.

Ms. Schlein asked Mr. Shimp to respond to this question.

Mr. Justin Shimp (project engineer) replied that they are doing a portion of the treatment in the system. He said it has a filtering system that collects sediment and catches that before it would get out. He said that does pick up a portion, but not 100%. He said it was more like 50% of treatment.

Mr. Shimp said regarding the open space, the previous zoning plan didn't call for disturbance of the area, but did not preclude it. He said the area could be cleared to put in a large stormwater pond. He said it was noted that all the open space was essentially in someone's backyard. He said there would have been no real connection to that open space in the neighborhood. He said he understands the discussion about the acreage being smaller, but looking at it closely, they will find that the purpose of it now is much better served than the previous plan.

Ms. Firehock asked for the difference in acreage of open space in the prior plan compared to now, specifically with respect to natural areas. She said she was talking about unimproved open space -- not space on top of the stormwater underground storage.

Mr. Shimp replied that the previous plan proffered the 50-foot buffer around the side as an undisturbed open space, but without doing a site plan for what they would have done under the current zoning, that area would have been disturbed. He said he would have to speculate how much he would have disturbed in that space for stormwater and utilities, but he could say that as far as what is guaranteed along the side of the neighbors, it is the same.

Mr. Shimp said overall, for the product as a whole, the townhouse development does require the cluster provision, which is what was submitted, so they will have the 25% open space throughout the entire site. He said it may be spread out more, so perhaps an acre or so in Block B, and that this may be half an acre in Block A. He said overall, the acreage is similar, but may be dispersed slightly differently and, in his opinion, much more useful than it was previously.

Mr. Bivins asked if there were any comments from the public. Hearing no speakers, he closed the public hearing and brought the matter back to the Commission.

Mr. Randolph said 438 days ago, he moved approval that the Board level of the previous ZMA2018-00006, and the reason why he moved that was the absence of Supervisor Dill because of his wife's ill health at the time. He said he and Mr. Dill had an arrangement in his absence that

he would step in to assist the Rivanna District. He

Mr. Randolph he felt a certain degree of ownership on this site, and did recall very clearly an active discussion that the Board had, basically establishing that they were willing to provide the increased density on this site with the proviso that Block B would more or less be untouchable from a development standpoint, and that it would preserve the managed (not preserved) slopes that are there as well as protect the intermittent stream. He said thereby, it would also provide open space for the residents as they were giving greater density and wanted to ensure there would be open space that would accompany that.

Mr. Randolph said the Board vote was unanimous, and there was no opposition to the application because the concern about open space was addressed. He said Supervisor Mallek asked the question of staff if they were concerned about the map, and asked about density. He said staff was comfortable with the density, and so the Board went along with that.

Mr. Randolph said he could see a little bit of “salami tactics” here now, where there is a different applicant that has come back and taken over the site, and wants to reduce the density while expanding into Block B, which was set aside as open space. He said it was quite a significant reduction in going down from 2.09 acres to under 1 acre which, in some ways, is compromised because there will be stormwater facilities under part of that. He said he thinks this is a creative solution to a limited amount of land that is available for the purposes.

Mr. Randolph said he does think that this is a significant change in what was agreed to by the Board where, in Block A previously, there was no density whatsoever and now, there is a proposal that there be 30 units. He said before, there would not be a 45-foot-tall or four-story permitted building and now, a 45-foot, four-story building would be permissible. He said previously, there was not a road in Block B and now, there is a road that runs through Block B across the intermittent stream. He said this is a dramatic change from what the Board and Planning Commission previously saw, which was more than 438 days ago (apologizing that he did not calculate how many days it was since the Commission had seen this before). He said he has concerns around all this.

Ms. Firehock said she agreed very much with Mr. Randolph. She said she thinks the interconnection proposed to the east does not provide substantial public benefit. She said meant the one that was not the connection to North Point. She said the new proposal provides about a third less density than the original proposal while adding far more disturbance of the site’s natural drainage. She said the argument by the applicant for the change, connecting to North Point, does not outweigh the loss of density in the proposal. She said they have a project now with less housing and far more impact in the site design that appears to disturb more land for less benefit. She said for these reasons, she was not in support of this new proposal.

Ms. Firehock said she didn’t want to launch into a landscape architect lecture, but the integrity and ability of those woodlands to absorb rainfall is much greater if they are left undisturbed, rather than chopped up into various pieces and redistributed around the site, with much of that appearing to become cleared land rather than woods.

Mr. Bailey agreed with Ms. Firehock’s and Mr. Randolph’s comments. He said he did not see the interconnection to the east. He said he understood the interconnection to North Point and that desire, and why there might be some disturbance to Block B for that, but that he agreed with what Ms. Firehock said about more disturbance for less density. He said at this point, he was leaning

not to be in favor of the request.

Mr. Carrazana said he thought the points had been well covered, and agreed with all three Commissioners who had commented.

Mr. Keller said he agreed with his fellow Commissioners.

Ms. More said she also agreed. She said she had one quick question for staff. She asked if what was said about Block B was that there was no commitment not to disturb portions of that with the design that was currently approved. She asked staff if, with what they have currently, there could be disruption for stormwater management or other things there with the exception of the 50-foot buffer, despite the intent that Block B would be largely undisturbed.

Mr. Reitelbach replied that under the existing zoning ZMA2018-6, there could be some disturbance in Block B only for stormwater management facilities, utilities, or recreational facilities. He said if they wanted to put in a basketball court or tot lot in Block B, for example, that disturbance would be permitted currently.

Mr. David Benish said there was nothing in the prior approval that called for it to be undisturbed, except for the buffer.

Ms. More asked if the disturbance they were talking about was minimal in comparison to what the amendment is asking for.

Mr. Benish replied that the disturbance would have had to been for those uses (recreation, stormwater facilities, public utilities, or open space).

Ms. More said she agreed with the other Commissioners, but just wanted to clarify that point to ensure that what they think they have already is correct.

Mr. Clayborne said he had nothing else to add. He said he agreed with the other Commissioners.

Mr. Bivins asked if Mr. Reitelbach could present the motions. He asked if what they were speaking about was what they find on page 11 of the staff report.

Mr. Reitelbach said this was correct. He said the motions were not included in the staff report this time around, and so the motions on the screen were what staff recommended based on staff's recommendation of approval.

Mr. Bivins said his understanding is that if the Commission moves to recommend, then they are accepting what is in the staff report. He said if they move not to recommend, then they are moving their recommendation to the Supervisors that the project moves as the Commission had recommended it over 438 days ago.

Mr. Rapp said this was correct.

Mr. Randolph said it was less than 438 days ago.

Ms. Firehock said she was prepared to make a motion.

Mr. Bivins asked if she was prepared or if Mr. Clayborne was prepared.

Mr. Clayborne moved to recommend denial of ZMA201900010 3223 Proffit Road for reasons associated with concerns of open space, more disturbance as a tradeoff of less density, and that the connection to the east is questionable in terms of the good to the public.

Mr. Randolph seconded the motion to deny.

Ms. More said she wanted to make sure they dealt with the issue of there being a cemetery. She said in this concept plan, that connection cannot happen there. She asked Mr. Bivins if he saw that the applicant had asked about if they were given the opportunity for rebuttal.

Mr. Bivins said he did see this. He said given the conversation they have had, and what he was sensing from the Commission, he was respectfully not doing this.

Ms. More agreed.

Mr. Bailey said he said in his original comments that the connection to North Point makes a lot of sense, and that there is a public good there. He said he didn't know how that fits in, but that this would have required a disturbance to Block B. He said he was very concerned that the road to the east did not appear to have a significant public good, but perhaps more placing for housing and more disturbance. He said he didn't know if it was as cut and dry as the approval or denial, or based on staff's recommendation, if there was latitude for discussion around that point and how that might be incorporated.

Mr. Bivins said the Supervisors get this full set of discussions, and the discussion they had as a Commission around not appreciating or understanding the value coming into Springfield Road, while seeing the value of the connection to North Point, will be part of the transcript that gets sent to the Board with their decision and discussion.

Ms. Firehock said she wanted to quickly respond to Ms. More, who raised the point that part of the reason the developer came back to the County was because of the inability to make the connection through what they say they did not know about, which was the cemetery on the adjacent property. She said she was very sympathetic to that, and she wouldn't want anyone to plow through a cemetery. She said she wanted to make the point, however, that this doesn't mean that this, therefore, is the best solution to that problem. She said she was not against this development, but against the redesign that gives them less than what they had before. She said she thinks there are better design options available that could be pursued, but that it was not the Commission's role to redesign the site.

Ms. More said she agreed. She said she simply wanted to acknowledge that this was the problem that had come up. She agreed this was not what the Commission was there to figure out.

The motion for denial carried unanimously (7:0).

Mr. Bivins informed Ms. Schlein that the application was recommended for denial, and suggested spending time with staff thinking about her presentation to the Supervisors.

## **Committee Reports**

There were none.

### **Review of Board of Supervisors Meeting - May 20, 2020**

Mr. Rapp said there was one public hearing for Boyd Tavern, which would be continued again in two weeks. He said there were many comments and good discussion, and that he would let the Commission know how the next public hearing plays out.

### **Old Business**

There was no old business.

### **New Business**

Mr. Bivins asked the Commission to provide ideas for the schedule to Mr. Rapp.

Ms. More said she had an item for follow-up. She asked if they could verify with the person who was trying to call in and couldn't get the technology to work whether it was a technical error or a human error.

Mr. Rapp replied that he verified with Ms. Shaffer earlier that there were nine other people in the public viewing, so the link was working for other people.

Ms. More asked about the information provided to the public for the Commission meetings.

Mr. Bivins said he was reading the same link that he has been read for the public parts.

Ms. More said one reason she was asking was that for the Board meeting the next day, they have a community member that wishes to speak but doesn't have a computer. She said she printed directions that Ms. Mallek gave her for how they can call in, and took it to their house that day. She said she was thinking that if this stays the same for all Board meetings, they could possibly post this information at the post office or other common places around Crozet that she can access so people can see it in the window, or possibly leave some extra printouts. She said she wanted to be sure that if she did that, she would be putting up information that would be good for every Board meeting.

Mr. Rapp replied that the call-in numbers are the same for all of the Board meetings, but the only thing that is different is the meeting ID. He said it has to be entered in through the phone to connect to the meeting, which changes every meeting.

Ms. More said the directions for the call-in for the Board meeting included hitting \*9, which lets someone know that they are trying to make a comment, and if someone hasn't signed up ahead of time, there is a number to call in for that as well for those who cannot access a computer.

Mr. Rapp said this was correct, and that he would work with Ms. Shaffer and follow-up with Ms. More.

Ms. More said she wanted to make sure they get the opportunity out to everyone they can.

Ms. Firehock said there is a community meeting online 6:00-7:00 p.m. for a proposal for the Village of Ivy to locate offices and a veterinary clinic next to where the railroad trestle is in Downtown Ivy, just across from the plant shop. She said she didn't have phone numbers for calling in for that, and only had a web link. She said she heard from some older folks in that community and that although some have computers, they are flummoxed by Zoom. She asked if those community meeting instructions could be put on the County's website. She said she didn't find it easy to find this, and only knew about this because she received a letter in the mail. She said she wondered if there was some way this information could be more obviously posted.

Mr. Rapp said staff could do that. He said those community meetings are being held through a third-party Public Input, which they use to post site plans along with a live meeting, but there is a call-in option that they could post information about.

Mr. Keller said he had a question that Mr. Reitelbach, Mr. Rapp, and Mr. Benish should think about. He said in public meetings in place, when an applicant is interested in a deferral at the last minute, there is a mechanism for them to go to staff when the Commission is having its discussion. He said he thought it was totally appropriate not to hear from the applicant after they closed the public hearing, but for those staff members in particular (and in conjunction with Mr. Bivins), he does think as long as they continue the virtual meetings, they might need to think through that process piece, if an applicant wants to suggest a deferral.

Mr. Rapp said they could consider this.

Mr. Bivins welcomed Mr. Bailey to the Planning Commission and encouraged him to ask his fellow Commissioners any questions as he comes on board.

### **Adjournment**

At 8:31 p.m., the Commission adjourned to June 16, 2020, Albemarle County Planning Commission meeting, 6:00 p.m. via electronic meeting.



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Charles Rapp, Director of Planning

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

Approved by Planning Commission
Date: 06/16/2020
Initials: CSS