

**Albemarle County Planning Commission**  
**FINAL July 30, 2019**

The Albemarle County Planning Commission held a public hearing on Tuesday, July 30, 2019, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Tim Keller, Chair; Julian Bivins, Vice-Chair; Daphne Spain; Pam Riley; and Karen Firehock.

Members absent: Bruce Dotson; Jennie More; and Luis Carrazana, UVA representative.

Other officials present were David Benish, Interim Director of Planning; Carolyn Shaffer, Clerk to Planning Commission; Supervisor Diantha McKeel; Supervisor Rick Randolph; Mariah Gleason; Tim Paladino; and Andy Herrick.

**Call to Order and Establish Quorum**

Mr. Keller called the regular meeting to order at 6:05 p.m. He said the reason the meeting was moved to a different room was because a much larger public group was anticipated for a meeting about Cale school name discussion, which was located to the auditorium.

Mr. Keller said he believed the reason many members of the public were present was because of Breezy Hill. He said this would be the first of three conversations the public will have the opportunity to participate in. Mr. Keller informed the attendees that this would be a work session during which the Commission does not take action but, rather, responds to questions to help guide county staff and to let their views be known. He said there would then be a public hearing in which the applicant and the public will have an opportunity to speak, and the Commission would take action and make recommendations as suitable. Mr. Keller again stated that there would be three opportunities for the discussion to evolve.

Mr. Keller established a quorum and said there was not a consent agenda item to vote on. He said that the Commission would have to take a vote on deferring the first agenda item, SP201900004 Va. Institute of Autism Adult Service Center.

**From the Public: Matters Not Listed for Public Hearing on the Agenda**

Mr. Keller invited comment from the public on other matters not listed on the agenda. He also gave the public opportunity to speak to SP201900004 Va. Institute of Autism Adult Service Center, as there would be a vote on deferring it. Hearing no comments, he moved on to the next item.

**Consent Agenda**

None.

## **Deferred Items**

### **SP201900004 Va. Institute of Autism Adult Service Center**

Mr. Bivins moved to defer the item to August 20, 2019.

Ms. Riley seconded the motion, which was carried by a vote of 5:0 (with Mr. Dotson and Ms. More absent).

## **Work Session**

### **ZMA201900004 Breezy Hill**

Mr. Keller asked for the staff report.

Mr. Tim Paladino, Senior Chairman of Community Development, said he would provide information about the subject property for the ZMA application and the proposal itself; briefly touch on the review process, to date; and present four major issues or questions which staff is requesting Planning Commission direction on. He offered to take questions at any point during the presentation.

Mr. Paladino said the purposes of the work session were so that staff can present the major issues and questions that have been generated by the project, and for the Commission to engage staff and the applicants and interested members of the public in a setting that does not involve a decision being made. He said it was also an opportunity for the Commission to provide direction on their expectations for how the major issues or questions can be appropriately addressed, moving forward. Mr. Paladino said the Commission has been asked to either affirm the conclusions staff will have presented or suggest alternative recommendations for consideration. He said that generally, the work session provides direction for the applicants and how they can proceed from this point forward and provide them with interpretations of the master plan for the community and for future applications as well.

Mr. Paladino said the applicants for the ZMA application are Southern Development Homes; and Roudabush, Gale & Associates. He said the request is to rezone 84 acres from R-A Rural Areas to R-4 Residential. Mr. Paladino said that R-4 zoning would generally allow 4 dwelling units per acre at maximum, but this proposal as has been submitted is for a maximum of 200 dwelling units across those 84 acres. He said the ZMA includes a draft proffer statement, but staff understands that those proffers are subject to revision.

Mr. Paladino said the location is in the Village of Rivanna development area. He indicated to a map that showed the Village of Rivanna comp plan area and a corner of the Pantops comp plan area connected by US-250/Richmond Road. Mr. Paladino zoomed in more closely on the 84 acres included in the ZMA application and indicated to the white outlined area, which was shown in context with the overall Rivanna Village area, outlined in orange on the map.

Mr. Paladino zoomed in more closely and indicated to the 84 total acres that are comprised of eight parcels of record, which includes frontage along US-250 and small segments of frontage along Running Deer Drive. He said the eight parcels are all included on Tax Map 94 as parcels numbers 1A, 5, 6, 48, 48A, 8, 8A, and portions of 8C.

Mr. Paladino presented a map that shows the current zoning of these parcels and the surrounding parcels, which are zoned rural areas and are also included in the development area. He presented a zoning map including critical resources, indicating to the flood hazard overlay in an area along Carroll Creek and the 100-foot water protection ordinance buffer, as well as preserved steep slopes occurring at several locations on the subject property.

Mr. Paladino presented a map showing the future land use plan, as it is contained in the Village of Rivanna master plan and said there are two designations for the subject properties. He indicated to the majority designation (shown in pale yellow) as “Neighborhood Density Residential – Low,” which recommends a maximum of 2 dwelling units per acre. Mr. Paladino indicated to the subject properties shown in green, more notably along Carroll Creek, and explained that these are designated as “parks and green systems” future land uses. He said he would discuss more of the future land use recommendations in detail when staff’s second question is addressed.

Mr. Paladino said the ZMA application was submitted in April 2019, and staff began the review process and submitted the first review comment letter to the applicants on May 31. He said a community meeting was held in the development area on June 24 and since this meeting, staff has worked to set up a group email to be able to quickly share updates with interested members of the public.

Mr. Paladino said there has also been an extensive amount of incoming correspondence from the public and pointed out that 17 letters opposing the project have been received by staff, with some of them sent to the Commission and others straight to staff. He said that because the Commission has not seen all the letters at this point and they are still coming in, he would summarize the major themes that seem to be consistent throughout the letters.

Mr. Paladino said one of major concerns from the public is that the increased residential development at Breezy Hill would harm the character of the existing Running Deer neighborhood. He explained the residents feel the number of proposed dwellings is too many, and the density of the proposed development would be too high relative to the rural Running Deer subdivision.

Mr. Paladino said another apparent theme from members of the public is the belief that Breezy Hill’s proposed connection with Running Deer Drive would be inappropriate for a variety of different reasons, including the specifications and construction of Running Deer Drive not being designed to accommodate an increase in traffic. He said there was perceived incompatibility with the current use of Running Deer Drive by residents, including the use of it as a community space for walking, jogging, bicycling, and other unstructured play and socializing. Mr. Paladino said there was concern that increased volume of traffic on Running Deer would change the character of the Running Deer neighborhood.

Mr. Paladino said the other main thread of commentary that staff has received is that an increase in traffic on Route 250 would be inappropriate due to the existing issues with congestion, especially during peak hours.

Mr. Paladino said staff has heard multiple times concerns from the public about honoring the precise language that was deliberately included in the master plan, specifically recommendations about infrastructure capacity and the timing of future development.

Mr. Paladino said projecting forward from the present work session, as Mr. Keller explained earlier, there is at least a public hearing before the Commission, and a public hearing with the

board. He said these would be two additional opportunities for the public to weigh in beyond the present work session.

Mr. Paladino asked the Commission to consider the following four major issues or questions and either affirm the conclusions of staff, or suggest alternative recommendations to be considered, to help provide direction for the applicants and for staff relative to the ZMA application, as well as provide interpretation of the master plan that will be useful in the future.

Mr. Paladino read the first question relating to infrastructure capacity: *“Should all the recommended improvements to transportation infrastructure, and water and sewer infrastructure, be implemented prior to any development occurring in the rezoning?”* He said this question stems from the fact that the Village of Rivanna master plan includes strong language that establishes the potential appropriateness of rezoning land or additional new development as pending upon the completion of certain infrastructure improvements and upgrades. Mr. Paladino said the master plan refers to water and wastewater utilities as well as transportation infrastructure.

Mr. Paladino said that regarding the issue around sewer and water, staff is currently working with ACSA and RWSA and Mr. Alex Morrison (Senior Civil Engineer at ACSA) concluded that there are no capacity issues for water or wastewater related to the Breezy Hill ZMA proposal. He said RWSA has since contacted staff to inquire about the timing of the proposed development to better understand if there are improvements and upgrades that are already planned and funded and if these could be synchronized with the timing of the Breezy Hill development, if ultimately approved. Mr. Paladino said this question is ongoing, but that the service authorities are interested in how their improvement plans might relate to the timing of Breezy Hill.

Mr. Paladino said the other half of the series of recommendations deals with transportation and noted that Mr. Kevin McDermott (transportation planner) has conducted an updated evaluation of the master plan recommendations specifically relating to transportation improvements. He noted this was provided as Attachment 6 in the staff report, and that he had selected a few highlights from Mr. McDermott’s memo, which could be discussed in more detail as necessary.

Mr. Paladino said that first, staff acknowledges that a strict interpretation of the master plan would seem to preclude development through rezoning until after additional transportation improvement projects have been implemented. He noted, however, that the transportation planner’s updated evaluation of the Breezy Hill proposal and the identified transportation projects in the master plan include a statement that says, “Many of the previously recommended improvements may no longer be recommended because of changes in travel patterns and new strategies to address transportation issues.” Mr. Paladino said a summary of six identified projects has been provided. He said even so, the transportation planner concluded that, “Although capacity and safety improvements on US-250 between I-64 and Route 20 will remain a high priority, and no significant improvements have been made to this segment of US-250 since the approval of the master plan, the proposed development would add a potentially noticeable number of new trips to the segment, and therefore this issue should be addressed to meet the master plan directives.” Mr. Paladino said the evaluation adds that the Milton Road and Black Cat intersections with US-250 also continue to be unaddressed problems and recommended that those be addressed as secondary issues as part of the rezoning proposal.

Mr. Paladino said that with respect to the question of transportation capacity, staff has also been asked to address the difference between assumptions that were made during the master plan process for the Village of Rivanna and the result of the subsequent rezoning downloading by the Rivanna Village project. He said this relates to ZMA 2003-00012, which was a rezoning that

resulted in 121 fewer dwelling units being approved within the overall development area, and there was a [inaudible] at the time of the master plan process. Mr. Paladino said with respect to this issue, staff acknowledges that the reduction in dwelling units within the Rivanna Village project could be considered as units that are currently unaccounted for with regards to the anticipated capacity of the transportation network infrastructure, as well as the recommended transportation improvement projects identified in the master plan.

Mr. Paladino returned to the main question on the issue. He stated that staff recommends that the Commission carefully consider the transportation planner's updated context and updated recommendations in lieu of only connecting a strict reading and strict interpretation of the master plan language, which recommends against approval of any new development through rezoning unless or until identified transportation improvement projects are constructed. Mr. Paladino said staff also recommends that the Commission consider the fact that the Rivanna Village development was rezoned to include 121 fewer dwelling units. He said accordingly, staff believes that new residential development could potentially be appropriate in this location at this time, provided that transportation issues and recommendations (as described in the transportation planner's July 14 memo) are sufficiently addressed by the applicants so as to provide appropriate mitigation of rezoning's anticipated impacts.

Mr. Paladino said he had included excerpts from the master plan for the Commission to read, and though he wouldn't read them verbatim, they are available for reference later.

Mr. Paladino read the second question from staff: *"What is the appropriate density for residential development at Breezy Hill?"* He said this question stems from the fact that there are multiple ways of recommending residential densities in this portion of the Village of Rivanna development area. Mr. Paladino reiterated that the future land use plan designates the subject property primarily as being "Neighborhood Density Residential – Low" future land use designation. He said this recommends a maximum density of 2 dwelling units per acre or less, depending on the property.

Mr. Paladino said that, however, the residential areas section of Chapter 4 of the master plan contains a different recommendation for development density within the West Falls Area B, which is a portion of the Village of Rivanna comp plan area that became the Breezy Hill subject properties, noting that he had a map to explain the difference. He said this residential area's section states that, "Area B shall have the lowest density of this development area. Single-family detached homes on medium or small lots are expected."

Mr. Paladino showed a corresponding chart that identifies a possible mixture of density for the three areas, including Area B, and in turn includes recommended density levels as well as the specific number of recommended dwelling units for each of the areas. He clarified that the insert was referencing Area B, in the southeastern or eastern corner of the development area.

Mr. Paladino presented another map to show the area in better detail and indicated to the development area properties in orange, Area B in transparent orange, and the eight parcels that are part of the ZMA application outlined in purple. Mr. Paladino said the ZMA does represent the majority area of Area B, but that there are several parcels that are not included, pointing out this distinction.

Mr. Paladino said looking more carefully at the subject property, for Area B, the chart specifically recommends residential development at a density of 1 unit per acre. He said the Breezy Hill subject property contains 84 total acres, but after factoring out the areas designated as "Parks

and Green Systems” on the future land use plan, the subject property contains approximately 65 acres that have been designated for residential development.

Mr. Paladino said returning to the main question, staff emphasizes that the “Neighborhood Density Residential – Low” future land use designation and the corresponding maximum density recommendation of 2 units per acre has been provided for most of the Village of Rivanna comp plan area (including Glenmore). He added that staff also emphasized that Area B is recommended to have “the lowest density of this development area” and is elsewhere specifically recommended for a density of 1 unit per acre.

Mr. Paladino said with the overall consideration of the multiple layers of recommendations contained within the master plan, staff recommends that the residential area’s insert and chart should be used for density recommendations in this portion of the development area and specifically recommends that a development density of 1 unit per acre, equating to a total of 65 dwelling units, would be appropriate relative to the recommendations in the master plan. He said residential development density would be considered as an isolated question.

Mr. Paladino said the third question relates to unit types, and is as phrased: *“Should a variety of housing types, such as townhomes and single-family attached, be provided within the development, or should only single-family detached dwellings be provided?”* He said staff has considered the following facts.

Mr. Paladino said that the master plan’s Executive Summary recommendations about character and density on the east side of Carroll Creek includes language so that Area B (containing Breezy Hill) is expected develop as single-family detached dwellings, and that the master plan also includes language about the proximity of the proposed development to the existing Running Deer neighborhood, which is listed as being expected to retain the low-density character. He said that therefore, staff has concluded that it would be not be inappropriate for only single-family detached dwelling units to be provided in Breezy Hill.

Mr. Paladino said alternatively, a case could be made that other dwelling unit types – such as single-family attached, duplexes, or townhouses – could be appropriate if such dwelling units were located on the northern or western portions of the proposed development nearest Carroll Creek and therefore, nearest to the Village Center. He added that only single-family detached dwellings would be located in the central and eastern portions of the proposed project, which would be in closer proximity to the Running Deer neighborhood. Mr. Paladino said that mixture of housing types in this particular arrangement could be consistent with the master plan language recommending “a mix of housing types...with the greatest variety of types being in the Village Center,” and “density radiating from the Village Center with the lowest densities at the edges of the development areas.”

Mr. Paladino stated the fourth question, *“Could monetary contributions to off-site affordable housing initiatives within the county address the affordable housing policy as it relates to this proposed project?”* He said with regard to the issue of affordable housing, staff has engaged with the applicants and with Ms. Stacey Pethia (principal planner for housing) and has held preliminary discussion about different potential scenarios for how the proposed Breezy Hill project could address the issue of affordable housing. Mr. Paladino said based on those discussions, staff believes a monetary contribution to support off-site affordable housing initiatives within the county would be appropriate in lieu of providing affordable housing on site, provided that such a proffer is eventually voluntarily made (as has been verbally indicated by the applicant), and provided that the amount of the proffered monetary commitment is determined to be sufficient. Mr. Paladino

said this conclusion was based in part on the lack of public transit options that are available at or near the development and is based in part on the scale of other ongoing affordable housing initiatives in the county, including one that has been identified by the Board of Supervisors as a priority project (i.e. the Southwood redevelopment).

Mr. Paladino concluded his presentation and asked if the commissioners had any questions.

Ms. Spain asked, regarding the first question from staff, if the Commission decides collectively that the infrastructure should be in place first, if everything else is made moot and the whole idea is deferred, or if there should still be discussion on each point made by staff.

Mr. Paladino replied there should be discussion on each point, and though this question is somewhat preeminent, it should be considered in isolation and the context of the other issues.

Ms. Riley asked, regarding the sewer infrastructure capacity and civil engineer Mr. Morrison's comments in his memo, what was meant by "additional density factors" in the sentence, "During the study, the ACSA took into account the approved Village of Rivanna master plan and applied additional density factors to the undeveloped areas."

Mr. Paladino said he would defer to Mr. Morrison as to what this meant, as he was also curious, but that he assumed it relates to the fact that those density factors can be applied in certain development areas, and perhaps they are accounting for this potential increase.

Ms. Riley asked if Mr. Paladino was uncertain.

Mr. Benish said that these are the types of questions staff can follow up on.

Ms. Riley said it would be helpful to have this clarified.

Mr. Keller asked the commissioners if they had any other questions. Hearing none, he invited the applicant to come forward.

Mr. Charlie Armstrong with Southern Development noted that members of his team were present, along with representatives from Roudabush Gale. He said they were attending to hear input from the Commission and from the public, some of which they had heard at the community meeting as well.

Mr. Armstrong said they agree that the questions posed by staff are the key ones that need to be discussed, and that they have been created in a way that will help the applicants think through them. He said one question is the density and the growth area boundary with Running Deer. Mr. Armstrong said it is a question of the hard edge growth area or the soft edge growth area, and what is desired there. He said that either way, the growth area doesn't extend to Running Deer along most of the frontage of the property, and the majority of Running Deer would stay as is. Mr. Armstrong said in the area where there is a proposed road connection to Running Deer, there is a buffer that would be in the area as well. He said the question for him is really whether the hard edges (which precedents from the past) are, or soft edges, are desired.

Mr. Armstrong said regarding traffic, the applicants agree that Route 250 has issues at peak hours, especially coming into town. He said the question the applicants are thinking about is if they can find ways to make traffic better at the bottleneck intersections (e.g. Milton, Route 22, and I-64) under a scenario where Breezy Hill is not developed and then they will have done their part,

or more than their part, to aid the traffic. Mr. Armstrong acknowledged that this was a tall order in some ways, but if they could find ways to improve traffic, whether or not Breezy Hill is built, it would solve the problem.

Mr. Armstrong said input has been received on the Running Deer connector, and that they had included the connection in their plan as it is what the master plan calls for. He said the master plan also calls for a connection to the east, if possible, although this area is stream limited, but they are doing as much as they can there. Mr. Armstrong said the applicants have strived to follow what the master plan shows for transportation and land use guidelines on the parcel. He said if this is something that the Commission, Board of Supervisors, and the neighborhood feels very strongly should not be there, the applicants are amenable to removing it, but they need direction on this as well. Mr. Armstrong said the applicants were attending the work session to answer questions along the way, and that they were happy to have a productive conversation on this.

Mr. Bivins addressed the public and said there were five people signed up requesting to speak, and that the Commission was open to other people speaking as well. He gave them the guidelines for speaking at the podium and explained to them the 3-minute time limit and how the time indicator lights work. Mr. Bivins said there would likely be a hard stop on the time limits, depending on how many people would be speaking. He asked the public to consider that if they agree with a speaker, to raise their hands, and asked them to refrain from applause.

Mr. Dennis Odinov said he was the chairman of the Rivanna Community Advisory Council for six years. He said in 2010, the master plan came to light and passed through the Planning Commission and the Board of Supervisors unanimously. Mr. Odinov said the plan says no new development should take place until all necessary improvements are made to Route 250, noting this is essential. He said that no one knew at the time that US-250 would become a traffic trap in the morning and evening peak hours. Mr. Odinov said as early as 2005, Route 250 at the junction of Route 22 and Milton Road was turned into a Class F road by VDOT. He said they knew that when the Village of Rivanna was completed, it would add additional traffic.

Mr. Odinov said the Breezy Hill traffic impact study by VDOT is misleading and is incomplete. He said the study asked the question of what impact Breezy Hill would have on traffic, and that they concluded it would be minimal. Mr. Odinov said the study also compares existing traffic operations in the development area in 2023, which assumed a 2% increase in traffic every year and also added Rivanna Village. He said the result was that the morning peak westbound 250 traffic goes up to 113% of the capacity of the road. Mr. Odinov said the intersection goes from Class D to Class F, and that it doesn't get any worse than Class F, which means the road is over capacity and unstable. He said cumulative queues in the morning go from totals of 825 vehicles up to 932 vehicles passing and queuing on Route 250 in the morning peak hour, and that Breezy Hill would add another 108 vehicles per morning that would approach this intersection in 2023.

Mr. Odinov said there were people present that could support his statement that lines of vehicles extend from the Shadwell light up to the Glenmore entrance and Commonplace (with Glenmore being one mile up the road), and that he has seen the line go farther than this. He said there are numerous drivers merging from Route 22 to Route 250 who routinely ignore their yield sign to force their way into traffic, and they do this out of frustration. Mr. Odinov asked what would happen if there is an accident at the interchange and emergency vehicles can't get through. He said these situations make it very difficult for people to get to work on time and hinders emergency vehicles' ability to get through at peak traffic hours. Mr. Odinov said enough is enough, and that if the project is approved, the master plan becomes meaningless, and it puts in peril every other



community's master plans because they could possibly be overwritten. He concluded that the road situation cannot support additional growth.

Mr. Neal Means said he owns most of the land across Carroll's Creek from the Breezy Hill development and has lived there since 1980. He said he was involved in the master planning, as he was on the Community Advisory Committee for a number of years. Mr. Means said he wanted to speak about the Route 250 issues, as discussed in the staff report and in Attachment 6, in the transportation planner's memo.

Mr. Means said the staff's transportation analysis and recommendations are based on misunderstandings of the master plan and the circumstances leading to it. He said a major source from the master plan transportation analysis was the East Albemarle Sub-Area Study, which was [inaudible] by VDOT, the Thomas Jefferson Planning District Commission, and the County of Albemarle and was dated 2008 (though the data used in it was based on data collected in 2005). Mr. Means said in 2005, Route 250 between Shadwell and I-64 was over capacity, with the highest amount of anywhere in study. He said this was before Rivanna Village traffic was factored in, and that there has been growth since 2005 in other places that use Route 250, including Glenmore.

Mr. Means said all this traffic has been added, and will be added, to an already over capacity road. He said the master plan was not written assuming that Rivanna Village's traffic would fit on Route 250, but that it was written knowing that Rivanna Village's traffic would not fit on Route 250. Mr. Means said the residents wanted to do the master plan before Rivanna Village was considered for approval, but the county insisted on approving Rivanna Village first. He said it was approved by the county knowing that Route 250 did not have the capacity to absorb traffic. Mr. Means said there is no extra capacity for Breezy Hill traffic and that because Rivanna Village was built out with fewer units than were approved, that does not provide any extra space on Route 250 – it just means that it will be slightly less grossly over congested, in his opinion.

Mr. Means said the memo states that a four-lane Route 250 from I-64 to Milton or Glenmore Way is neither feasible, nor recommended. He said the four laning was one of the recommendations listed in the 2008 study by VDOT and the county, and asked how, when or why it then became neither feasible nor recommended.

Mr. Mark Schwarz said he would add two things. He said he was glad to see the developer is stepping up to say they would help with transportation improvements. Mr. Schwarz said improvements cost about \$1 million per mile of road and expressed his doubts that the four laning would be funded.

Mr. Schwarz used a metaphor to describe the traffic issue in real life. He said right now one could walk out to the Rivanna River with about 20 pounds of rocks in their pockets and if one is a good swimmer, they can manage to come back out of the water. Mr. Schwarz said what they are talking about doing with the buildout of not just Rivanna Village, but 200 units already available in Glenmore, plus whatever number is put in Breezy Hill, is taking it up to 35 pounds of rocks. He said the VDOT study is saying there is no difference between 33 pounds of rocks and 35 pounds of rocks, which is certainly true – you're going to drown either way, which is his point. Mr. Schwarz said it doesn't seem to matter to VDOT, but he is concerned that this is going to make the road impassable.

Mr. Schwarz said in the non-summer months, once every 10 business days, there is a backup often to Glenmore Way and sometimes beyond it. Mr. Schwarz explained that at 20 feet per car, a 900-car queue from the light at Route 22 backs up to Black Cat Road. He said that I-64 routinely

has accidents (with one that happened recently) and is not a viable option to get around Route 250.

Ms. Debra Conway said she is the president of the Glenmore Community Association Board of Directors. She said they wrote a letter stating that they very much hope that the application for rezoning is rejected because they believe the master plan is the best guide for how development should happen in their area. Ms. Conway said she agrees with all the previous speakers that the traffic is miserable every work morning. She said she moved there timing her commute to work and comparing it to other parts of the county and had thought she would be able to tolerate the commute but that every year, it got worse. Ms. Conway said Rivanna Village is not built out, and neither are other parts, and it is already intolerable. She said it is perplexing how this application could be entertained by the good people of the county who are interested in the residents' wellbeing. Ms. Conway said she appreciates the county's time in looking at this problem very carefully, as the GCAB hopes the Commission will reject the application and look towards ways to improve the traffic.

Mr. Rosenoff said there were petitions against the rezoning, with 237 people who are against it, and thanked everyone who signed it.

Mr. Barry Ewers said he lives beside the property that would be built out, on Hearn's Lane. He asked why there was not a sign about the rezoning put up on Route 250. Mr. Ewers said it was put up on the corner of Running Deer Drive and Hearn's Lane, but it is not on Route 250 where other people could see it. He added that the way the hills lie on the property, as well as a large pond, does not leave space for a new development.

Ms. Deena Kirby recalled that her husband was almost killed in front of Glenmore before they got a traffic light. She said someone speeding hit his truck and that he had to be pried out of the truck. Ms. Kirby expressed her gratitude that Glenmore now has a light but noted that Running Deer Drive (where they live) does not have one.

Mr. Anthony Crimaldi said he lives in Glenmore and works on Pantops, and that it takes him anywhere from 13 minutes to over an hour to get to work. He said his coworkers live in Free Union and on a day-to-day basis, those people make it to work in a shorter amount of time than he can.

Mr. Crimaldi said his question is simple. He said there are three lanes of road most of the way on Route 250 and asked if the turning lane could be flipped to go into town in the mornings, and then to run out of town in the afternoons. Mr. Crimaldi said this is done in big cities all the time, and that red X's and green arrows could be hung to provide three lanes of highway. He said the county really needs four lanes all the way out to Black Cat, but that is for another day. Mr. Crimaldi said this idea, as well as the proposed VDOT change of the I-64 exit, will move a lot more traffic than is moving now. He asked if his idea has been considered and if not, why not.

Ms. Jen McCarthy, a resident of Glenmore, said that one of the differences in the traffic she tried to escape in Northern Virginia versus the traffic in the area is that at least Northern Virginia has alternatives there. She said those living along Route 250 have no alternatives whatsoever, stating that once you are stuck there, you are stuck there, that there are no places to cut through, and the traffic does not move. Ms. McCarthy said that many residents moved to the area for healthcare and other things, and noted that despite living close to Martha Jefferson Hospital, it doesn't matter if she isn't able to get there and that this was upsetting in terms of quality of life issues. She said the county is also allowing smaller developments to come along that aren't being mentioned, such as a large church built in the area with a 7-days-a-week daycare, adding traffic moving in and out

on Route 250, and more commercial development going on which have not been included in this discussion.

Mr. Kevin Fitzpatrick, a resident of Glenmore, said he lived in Fairfax County for about 10 years and over that period of time, traffic became unbearable. He said he decided not to live in a place with this kind of traffic ever again, and to move to Albemarle County, as the county seemed to have a plan. Mr. Fitzpatrick said a few years have passed and that it doesn't seem as if it's clear that they have a master plan. He expressed his feelings of being duped.

Mr. Keller said that though this was not a public hearing, the applicants could express any other points they would like to address. Hearing none, he moved forward with discussion.

Mr. Keller asked if there were any points the public made that staff might want to respond to, perhaps some of the transportation issues.

Mr. David Benish, Chief of Planning, said it was unfortunate that Mr. McDermott wasn't in attendance to answer transportation questions. He clarified that the intent of Mr. McDermott's comment was that a recommendation for the type of improvement may need to be reconsidered. Mr. Benish said that he recognized that operational, safety, and capacity improvements in the area are needed. He said at this point in time, there may be different recommendations as to what those improvements are. Mr. Benish said at a minimum, they have recognized that a reversible three-lane would be one of the options to be used, and Mr. McDermott had emphasized that this was a possibility. He said this was one of the changes in concept of improvements that had been his intent around recommendations. Mr. Benish clarified that improvements in that area are recommended, but they may be different types of improvements when evaluating the area today.

Ms. Spain asked about the lane reversal.

Mr. Benish said the third lane being reversed would require addressing [inaudible] movements, so there might be additional [inaudible] construction. He said part of the feasibility issue is if there are now conservation easements on the east side or south side, depending on how one looks at the property. Mr. Benish said they are practically precluded from any improvements in areas where conservation easements exist (Peter Jefferson [inaudible]), which creates some feasibility issues with the four-lane widening. Mr. Benish said it doesn't make it completely infeasible, but that this – along with the long list of high-priority projects – could make the timing and costs of getting those improvements difficult. He said there is an impediment of getting what would essentially be five lanes and reiterated his point that there was no intention to say that improvements were not still needed.

Mr. Keller asked the commissioners if they would like to immediately proceed to staff's four questions, or if they had comments to make or questions for staff first.

Ms. Firehock said she wanted to clarify for the public that the Planning Commission does not pick and choose which proposals to bring forward.

Mr. Andy Herrick, Deputy County Attorney, said this is correct, and that the Commission as well as the Board of Supervisors entertain applications that are brought forward, adding that the county does not solicit the applications. He said that once the applicant makes an application, it is entitled to consideration by the county. Mr. Herrick said they hold work sessions as well as a mandated public hearing before the Planning Commission, before the applications go to the Board of Supervisors.

Mr. Benish said that there should be a sign about the rezoning posted on Route 250, and that staff would check to make sure the sign hasn't been taken or knocked down. He ensured it would get posted.

Mr. Benish said in terms of priorities, he noticed that the ACSA had said there was adequate water and sewer. He asked if they did not have adequate water and sewer, could they go ahead with the project. He said the answer is no, and asked if there is not adequate transportation, can or should they go ahead with the project.

Mr. Keller said the Commission would proceed with questions.

Mr. Paladino recapped the first question, *"Should all the recommended improvements to transportation infrastructure, and water and sewer infrastructure, be implemented prior to any development occurring in the rezoning?"*

Ms. Firehock said the way the Commission has been led to understand how VDOT makes these decisions has to do with warrants, or reasons, for why they should build infrastructure improvements. She said the way that VDOT normally operates, they wait until there are enough vehicular crashes that would call for a warrant to take action (whether that is putting in a light, a lane, etc.). Ms. Firehock said this creates a "Catch-22" in that the infrastructure has to be built, and then there is a waiting period until it gets very bad and is failing, noting that some members of the public said the roads are already failing. Ms. Firehock said she didn't understand why this was in the master plan, because it seemed like it would never be true, as they would have never built it. Ms. Firehock said in this case, there would never be enough warrants to be able to build the improvements. She said the county has some in its Smart Scale applications and other ways that they have to fund transportation improvements. Ms. Firehock said the question is, would the county ever have made the number of improvements that would then make this development possible and would suffice to meet with the master plan. She asked for explanation as to why there is a circular relationship between the master plan and how VDOT actually work.

Mr. Benish said the way VDOT works is complicated. He said in terms of warrants for specific site or area improvements, such as intersections, her understanding is true, noting that signals usually don't get posted until there are warrants. He said VDOT's studies indicate that signals in unwarranted locations could actually be more dangerous, and right now, VDOT looks for other alternatives to traffic signals, as traffic signals are almost a last resort under their process.

Mr. Benish said for very site-specific intersection improvements, they all warrant. He said that for larger sections of roadway, what was recognized through residents' concerns is that the overall traffic conditions in this area have been in a failing circumstance, and in terms of the ability to get those funded, the question for VDOT and the county is the limited funding and the relative priority for the funds available. Mr. Benish said their biggest concern is the ability to address what is a deficient area where there are capacity issues on the roadway. He said that while this is an area where there are significant traffic issues, there are other areas with higher impacts that are generating the greatest demand for VDOT.

Ms. Firehock said therein lies the rest of her concern and noted that there are "traffic refugees" in the area from Northern Virginia that moved to the area. She said the problem is that Albemarle competes based on the number of jobs that will be affected by making the traffic improvements,

the number of people, density of the area, etc. Ms. Firehock asked what it will take to make Albemarle rise to the top and get funded.

Mr. Benish said there is a competitive disadvantage because while Route 250 is an important road from an interstate-intrastate standpoint, it doesn't generate some of the commercial activities that other roads with higher priorities have. He said the improvements on Route 29, the urban area of Route 250, or the interstates get the priority. Mr. Benish said that with the Smart Scale effort, which is the state effort to fund transportation projects, the bulk of the money went to a tunnel in the Tidewater area. He said he thinks this speaks to some of the issues Mr. McDermott was trying to clarify, and that perhaps he could have clarified it better. Mr. Benish said as much as a need that there is in Albemarle, it is difficult to see funding coming in the near term because of the competitive disadvantage relative to other areas. He said this is the VDOT issue that relates to warrants at intersections – that the warrants and funding for these improvements are likely farther down the road.

Ms. Spain said she lives in the Pantops district and is familiar with Route 250 and explained that she comes down Route 20 and merges on to Route 250 (either right or left, depending on where she is going). She said she understands the traffic issues, and that this was not the first time the Commission has heard this type of argument from people in neighborhoods abutting proposed developments, noting that the same argument came before the Commissions several weeks ago. Ms. Spain said it seems as though the Commission cannot control VDOT or the county's budget for roads, but that it can influence whether or not more development goes in. She said she has arrived at the point where she feels (particularly with the master plan) that if citizens are to have confidence in the master plan and in their ability to participate (through the CAC and the county's master planning and comp planning processes), the Commission needs to respect the master plans.

Ms. Spain asked if the commissioners are stating their decisions.

Ms. Firehock said she would first like to hear what everyone says, because otherwise she wouldn't have taken their points into account.

Mr. Keller said it is just a question and it is fair to ask. He said they would get through the evening sooner if they all give staff an answer to the questions that were posed.

Ms. Firehock said she wants to hear what everyone has to say so that it informs her deliberation. She said otherwise, she just has her predisposed notion without regard for what everyone else will say.

Ms. Spain noted that they have all heard the residents.

Ms. Firehock acknowledged this but expressed that she still wanted to hear the other commissioners' remarks.

Ms. Riley agreed with Ms. Spain's remarks and that she believes that, in this case, they should especially take the guidance of the master plan regarding waiting for new development until the infrastructure improvements have been made. She said that part of it is because the transportation planner has indicated in some of his comments that there is already a significant problem that has been spoken to well by the members of the public in attendance, and that he insinuated there might be a feasibility problem with the type of improvements that need to be made on the road. Ms. Riley said Mr. Benish has at least alluded to one possibility, which has a

problem with conservation easements on the east side of the road. She said there are structural issues involving implementing improvements and that while she appreciates that the applicant has potentially proffered some funds to deal with the impacts, she was not of the mindset that the money would do anything other than sit in an escrow account for many years, as she doesn't believe the improvements could be implemented.

Mr. Bivins said the question is, would new residents in a residential development be appropriate there. He said yes, this could be appropriate, but that there are many infrastructure issues there that would make him pull back. Mr. Bivins said that while he believes there are new residences that could be constructed there, the way that it is being proposed (and given the statement in the master plan and where the particular roads exist), he is struggling with how a puzzle of this size would fit in without creating a different level of failing. He said that while there should be residential there, he was not in a place of accepting what was being proposed to the Commission.

Mr. Keller agreed with the other commissioners' statements. He said that while residential there makes sense, the fact is that it's rural zoned (even if it is within the growth area, which warrants its own discussion). He acknowledged there are communities in the state and around the county that have made a political decision to spend their money up front on infrastructure and concentrate where development would occur, which makes it better for the development community in one way, as they are more directed where it will happen. Mr. Keller said the Commission understands what the fiscal challenges have been in catch-up for a rural county that is urbanizing the way it is. He said that in this particular case, to answer Question 1 from staff, it would be nice to have infrastructure more ready to take this on, and this is what had been heard overwhelming from residents in the area.

Ms. Firehock said that, having heard the other commissioners, she agrees that they should respect the master plan in terms of Question 1. She also requested that the county takes up some of those concerns that the traffic engineer noted, when he said there were things that were out of sync with what the master plan had conveyed regarding traffic. Ms. Firehock said the county wants to see growth occur in this area, and it is back on the county to update the traffic assumptions and to update the plan accordingly, because otherwise the analysis is confusing.

Ms. Spain said she would answer Question 1 as "yes," but rather than saying "all the recommended improvements," she would rephrase the question to be, "Should *significant* improvements to transportation infrastructure be made?"

Ms. Riley said her answer to Question 1 is "yes."

Mr. Paladino read Question 2: *"What is the appropriate density for residential development at Breezy Hill?"*

Ms. Riley asked what the number of units allowed is under by-right.

Mr. Paladino said the current zoning is Rural Areas, which allows residential uses at a density of 0.5 dwelling units per acre. He said that with the total acreage of 84 acres, a theoretical maximum would be up to 42 dwelling units, but that this would depend on some fine grade analysis that hasn't been conducted. Mr. Paladino said it would be subject to many regulations and requirements beyond simply the allowed density in the current zone.

Ms. Spain asked if this wouldn't also be reduced to the 65 acres in the same way that the 84 acres are reduced to 65.

Mr. Paladino said no, that the parks and green systems recommendations are taken into account when the appropriateness of the development proposal is being evaluated in a legislative application setting, but that a by-right development would simply need to cite the units on a building site, meaning that with the many regulations, 42 would be a theoretical maximum, and more likely quite less than that.

Mr. Benish said he could not emphasize the complexity in figuring out the densities as they have to determine whether the single parcel was combined into multiple parcels, noting that each parcel of record of 1980 has by-right development rights, and there is a mathematical calculation after that. He said this is a ballpark number, but that they cannot say exactly what it is.

Mr. Bivins asked for the map to be presented again that showed the different densities on the property. He asked if Mr. Paladino could also give some indication as to where the boundaries are located vis-à-vis the Running Deer neighborhood.

Mr. Paladino presented the map and said that the master plan includes recommendations to have development occur in a gradient, with the greatest densities in the Village Center, which is to the northwest within the Village of Rivanna development area. He said this density is envisioned as gradually reducing moving east towards the boundary with the road areas and noted this was somewhat unique to this master plan and development area. Mr. Paladino said with this in mind, staff suggested that the appropriateness of different unit types on the western and northern portions of the subject property be considered, if it then transitions to single-family detached housing moving east towards the existing Running Deer community. He said this could satisfy a number of recommendations, but that staff hasn't suggested any dimensions or areas and is simply carrying forward the gradient idea for this particular property.

Mr. Benish added that the first question of density is regardless of the unit type. He said the unit type isn't to achieve additional density but is simply a market choice.

Mr. Bivins asked if within the 94 8-A parcel, it would be all low density.

Mr. Benish said yes.

Mr. Paladino said this is actually recommended for low density throughout, overall on average, but staff believes that it might be appropriate (if the applicant wanted to do different unit types) to locate these to the west and north, and would be less appropriate to do so closer to the existing single-family residential neighborhood because of the protection of the character of the neighborhood.

Mr. Keller noted that the challenge is that if it were to remain in rural, and depending on when the various lots are subdivided, there is the rural problem of the 2-acre lots for the first five outparcels large enough to do that, and the 21-acre minimum lot size after that. He said the 42 (which is half of 84) might even be half of that in terms of the actual by-right if this is not rezoned and it stays in the rural category. Mr. Keller said if it were to remain in the rural category, there is also the Rural Preservation Development (RPD), which focuses on clusters which could allow for open space that would, as Mr. Bivins mentioned, could allow the transition from higher density to lower density. He said the question is, if it stays rural, whether there is an opportunity to increase that number from a low number of development units to a higher one.

Mr. Benish said that the Rural Area zoning district (using the by-right zoning) has an option for a Special Use Permit to ask for more lots than what could be done with the by-right maximum under the 2-acre lot. He said it is a legislative act, much like a zoning. Mr. Benish said the RPD option gives the applicant more 2-acre lots but does not change the total number of lots. He said it is only by the Special Use Permit under the R-A zoning that the total number of lots can increase, which is a legislative act somewhere within the process and the only way that this can be done.

Mr. Keller said they have established that the number that the applicant is hoping for (in the 200 range), and the number that staff is proposing (in a comfort zone of 65) is actually less than what's stated in the R-A if it wasn't rezoned. He said in other words, it would be on the much smaller end than the 200 that was proposed.

Mr. Benish said that 65 would be much closer to what the by-right calculation would be on the parcel and that the 2 is much, much higher.

Mr. Don Franco with Roudabush Gale said that instead of looking at it as 0.5 units per acre, the math would actually be that the four parcels could get the five 2-acre lots, with five times four being twenty, and then 21 after that, totaling up to 84 units. He said it would actually be more like 22-24 units that would be, at the maximum, the by-right scenario. Mr. Franco said with the complications Mr. Benish referenced of how many of the rights have been used before, the number is closer to mid-20s than it is to mid-40s.

Mr. Benish clarified that a large parcel such as 8A in years past was actually multiple parcels, and that this is why zoning does a division right determination. He said there are occasions where there appears to be less development potential, but there is actually more. Mr. Benish said this is a complex process to pin down the exact numbers, and what Mr. Franco said is usually the case, but there are many exceptions where one large parcel that would be assumed to have five 2-acre lot division rights may actually have 10 or 15.

Mr. Keller said in terms of public education, he has gone through this purposely to get a sense of what the range in one area is, as opposed to a rezoning and counting this as part of the development area.

Ms. Riley asked for clarification about the conclusions made on this point. She said she heard Mr. Franco say that he believes the by-right is likely more than mid-20s range, but in comparison to rezoning to R-1, it might be more like 65 units. Ms. Riley asked if they kept it Rural and exercised their right for Special Use, they could ask for more units than by-right.

Mr. Benish said with the Rural Area zoning, there is a discussion-based legislative process similar to the process of Planning Commission review and Board action in which they can request additional lots. He said this is provided in the Rural Area district only for areas outside of the county's watershed areas. Mr. Benish said that while it is not frequently used, it is theoretically an option. He reiterated that it is a legislative act rather than an administrative one.

Ms. Spain expressed her opinion that the lowest density option is appropriate, and that the 200 (and perhaps even 65) seems much too high. She said the fewer units, the better.

Ms. Firehock agreed. She said that a lot of effort went into the master plan, and if the master plan is out of date, it needs to be revisited through the normal process rather than the Planning Commission second-guessing it. Ms. Firehock said that not all master plans are perfect, but that



a lot of work went in to make this determination on the density desired, and that people bought homes with that expectation.

Mr. Paladino read the third question, relating to unit types: *“Should a variety of housing types, such as townhomes and single-family attached, be provided within the development, or should only single-family detached dwellings be provided?”*

Ms. Firehock said she didn’t have a strong opinion on this question. She said to her, townhomes would be much more out of character with the type of pattern that is seen in the area. Ms. Firehock said she would accept some single-family attached duplexes, as they are not quite as urban in form.

Ms. Spain said that since the tendency is to provide affordable housing off site rather than here, she would assume that there would be less of a demand or need for townhouses than if they were going to be affordable housing on site.

Ms. Riley said she thinks it would be okay to have some attached homes. She agreed with staff’s recommendations of located attached homes in the northern, western portions closer to the density to the Village of Rivanna and that the areas abutting Running Deer would be single-family detached.

Mr. Keller said he was still interested in whether there is a way to cluster and gain significant open space in this to provide the rural feel that is currently there. He said the green scheme would connect with some of the open space of Glenmore and take it down to the Rivanna River Trail that will one day go all the way to Fluvanna. Mr. Keller said there would be interconnections this way. He said that though they have spoken about the density, rather than breaking this up into individual lot, there is potential for consolidating where the development occurs, if there is a thoughtful way to deal with the open space.

Ms. Riley agreed.

Mr. Bivins said that while he may not look at the detached pieces, he thinks it may be an opportunity for a smaller footprint for a single household or single house. He said Glenmore has large structures as well as golf cottages, which he thinks is a fair structure to have in a place such as this. Mr. Bivins said the development could model its neighbor and if the space opens up, there would be easier transition between the two communities. He said he wasn’t necessarily for duplexes here, but he does think it will be an ideal place for houses with smaller footprints.

Mr. Paladino read the fourth question dealing with affordable housing policy: *“Could monetary contributions to off-site affordable housing initiatives within the county address the affordable housing policy?”*

Ms. Firehock harkened back to a question the Commission asked the county to answer as to understand what number of units they would set aside for affordable housing were realized, as there is a certain timeframe by which they are realized. She said this is putting money into a fund and that she doesn’t have a clear picture of what happens to the money, or a clear understanding of the comparison of money put in versus money provided for down payment assistance, for her to have assurance that they have achieved the desired result. Ms. Firehock said generally, if the county’s policy works the way it is supposed to, she doesn’t have a problem with affordable housing being provided off-site, because the problem with affordable housing is that there is no way right now (except if it is zoned by land trust) to keep it affordable so that overtime, the

neighborhood's value would continue to climb and it would roll out of the affordable housing goals, if it was located in the subject area.

Ms. Spain echoed Ms. Firehock's remarks by noting that if affordable units are built, the Commission still has no sense of whether they are on the market or if they go to the families that need them. She said she is fine with the off-site contributions and wanted to echo the concern of accounting for how the money is spent.

Ms. Riley said she has the same concerns and expressed that the county should strive for more permanent affordable housing when it invests in units. She said the question here is whether or not they would allow contributions for an off-site location versus on the subject property. Ms. Riley said she does agree with staff's comments that it is best to locate these affordable housing units near public transit. She said from her own experience in the southern area of the county, they have cited a number of affordable units proffered in Avinity and Avon, but there is no public transit going out there, and that this is happening all over the county. Ms. Riley said in terms of their current policy, the county doesn't require this. She said that she believes that in principle, the county should be allowing people to choose a variety of locations they want to live in, and she personally thinks that affordable housing could be located here. Ms. Riley said the Commission cannot assume that someone can't afford a car and drive along Route 250, as backed up as the traffic can be. She said that she could live with the affordable housing going off site, but in principle, she thinks they should provide for a variety of locations for people seeking affordable housing.

Mr. Keller said that ideally, affordable housing should stay on site. He said this is a good example of discussing the mixing of socioeconomic groups into the same community. Mr. Keller said moving along Route 250 and going east, except for the land values, they would find many houses in the affordable range. He said that it seems as they are transitioning from more valuable houses in some parts of Glenmore that there should be opportunity for more affordable options in this location as well. Mr. Keller said the Commission will be called out for white, high-income privilege if they don't figure out how to deal with this in every community. He said it would be awhile, just as with the transportation improvements, before they have the mass transit that many would like to see that would allow people to be able to move from this area without a vehicle.

Mr. Bivins said he was struck by how wonderful the Running Deer neighborhood is and by the variety of houses that are there. He said when he visited there, he thought it was a great place because it was clear that the community had homes with higher assessment values as well as homes with different values. Mr. Bivins said the entire neighborhood was a wonderful space and noted that the neighborhood has wider streets than his does. He said he would like to see a mixture of houses there, and that he believes it is possible to have a community that sits and knits together with a whole range of shapes, sizes, and affordability within its boundaries, rather than those houses and people being someplace else in the county.

Ms. Riley said they were not asked this question, but the issue of whether or not an entrance should be located on Running Deer Drive is a question that she would like to weigh on, and perhaps other commissioners would.

Mr. Keller said he would.

Ms. Riley said she thinks it is odd that the boundary between the development area and rural area goes right down the middle of the road. She said she was unsure of how or why that happened. Ms. Riley said it's clear that the entire community (which is one house per 2 acres) is rural in

character. She added that much of the feedback from the public regarding the questions asked is suggesting lower density and less homes, and she thinks that most of what she had heard confirms her conclusions that there does not need to be interconnectivity with the rural area, and there does not need to be a road connecting whatever development may or may not happen with Running Deer.

Mr. Keller agreed, and went one step further in terms of the open space to say that he thinks in the future, there will be a younger group of residents coming in that may indeed want those interconnections in terms of walkability and pedestrian factors, and this affords an opportunity for that without the vehicular connections.

Mr. Bivins said he would take a different route, noting that he heard about the family whose husband was in an automobile accident and had to get him up to Pantops, and from the person who moved here from Northern Virginia to be able to get to Martha Jefferson Hospital. He said he personally lives on a road that has only one way out, and there has been a number of situations where the road has been blocked due to some disaster. Mr. Bivins suggested that in considering the one way out, perhaps there is an alternative route that meets their needs and allows the flexibility that would be helpful to them. He said there was a situation in which they needed to get someone off the road and could not. Mr. Bivins said while he lives on a wonderful, one-lane road, there are times where it would be very helpful to be able to get a person off the road.

Mr. Keller asked if he meant this would be something temporary.

Mr. Bivins said yes, that it would be something that would give someone the option to get someone off the road in an emergency situation.

Ms. Firehock said these could be designed with bollards that emergency vehicles have the ability to unlock, so they are never open unless there is an emergency.

Mr. Bivins said that they are hearing about Route 250 and how it can be inaccessible to emergency vehicles. He said given there isn't a light in the subject location, if there could be a place where it is more metered or another option nearby, perhaps using a bollard.

Ms. Spain asked whether the master plan addresses the issue of interconnectivity, and being written in 2010, if it perhaps wasn't the issue that it is now.

Mr. Odinov said the master plan did address the situation with regard to connectivity. He said it was seen that there was a hard barrier in the entire village, and the hard barrier was Carroll Creek. Mr. Odinov said that any development east of Carroll Creek would only have one exit, and that exit would be on Route 250. He said there were paths that were planned to go over Carroll Creek, but that it was all private property. Mr. Odinov said they considered the hard barrier or hard edge to be Carroll Creek because there was no connectivity between people living on the east side of Carroll Creek to the village.

Mr. Odinov said he had a question on the issue of affordable housing.

Mr. Keller noted that the public had had a chance for discussion, but that Mr. Odinov could continue his comments.

Mr. Odinov asked if it was true that when affordable housing is granted, there is a 50% bonus in density that is also granted, provided that 50% of the additional units built are affordable.

Mr. Keller replied that this was a complicated question that they would turn over to staff.

Mr. Benish replied that under the by-right zoning districts, there is a density bonus provision that is available, but this is not being requested under this rezoning request. He said that under this rezoning, in this point in time, the applicant is simply asking for this density and it does not come with any bonus provisions.

Mr. Keller asked if Mr. Benish could briefly explain how this would work in other types of developments.

Mr. Benish said in this zoning district where it is already applied on properties, there is a calculation that does allow for bonuses to be provided for various things, including open space, providing street trees, and other public improvements that are not otherwise required, and it does have a calculation for providing for open space. He said the density bonuses are not being requested by the applicant, so those wouldn't apply with this request, at least not at this point in time.

Mr. Paladino added that it is only 30% in those districts for the affordable housing.

Mr. Paladino asked if there were any concluding recommendations from the Commission.

Ms. Firehock said she wanted to concur with what had just been said about the access and entrance point.

Mr. Keller thanked everyone for attending.

Mr. Franco asked if he could ask one question relating to what was discussed. He said there has been much emphasis placed on the relationship of the project to the rural edge and rural communities, as well as to the rural feel. Mr. Franco said there have been many Neighborhood Model components that have not been deemed as appropriate. He asked if the Commission thinks rural roads would be more appropriate than the curb-and-gutter sidewalks on both sides in order to create a rural feel, and if this is something the applicant should consider.

Mr. Keller suggested hearing from staff first, as well as the ramifications of this becoming a VDOT-maintained road as opposed to private roads in the HOA.

Mr. Benish replied that the urban street system that staff looks for in the design of the development areas comes with a primary purpose of creating walkability and accessibility. He said if the development includes an internal pedestrian system that allows people to get around safely, a rural cross-section may be doable. Mr. Benish said there are also some advantages to storm water management with rural roads, but he thinks a rural design is possible there, and staff would be very interested in the character and quality of this in its use of street trees and canopies that create shading of the asphalt, as well as pedestrian connectivity.

Mr. Paladino said he would think the number of units would factor in as well.

Mr. Benish agreed and said it would be a function of how big the road would have to be to safely carry the traffic and be managed properly.

Mr. Keller asked if other commissioners cared to weigh in on Mr. Franco's question.

Ms. Firehock said she was a fan of less impervious surfaces, and if a road is designed so that if all else fails, [inaudible] so that storm water is treated on site and they avoid having to build large storm water facilities. She said the other problem is that since water quality credits can now be purchased off site, they are getting more water quality impacts at particular developments because they are paying for the water quality improvements off site. Ms. Firehock said that any time they can have less impervious surface and more localized treatment close to the source is ideal, adding that this is a rural character and not a downtown neighborhood.

Mr. Keller thanked everyone and announced there would be a 10-minute break.

### **Committee Reports**

[Audio after break abruptly began in the middle of Ms. Firehock's comments]

Ms. Firehock said that it primarily dealt with a conflict with the way the ordinance is written that talks about how the development rights are calculated and reported for properties that were assessing for possibility of purchasing development rights. She said the origin of the issue was that the community was asking if the county really ever accurately assesses development rights. Ms. Firehock said she has only had one conversation discussing what goes into assessing developable units and that this is important because when discussing the method of purchasing the property, credit is given for how many development rights they avoided. She said the question is if the county is accurately assessing them in the first place. Ms. Firehock said there would be a review of some past purchases to see if the county gets it right, then ask the assessors for the ones that they have just concluded voting on. She said nothing has been changed legally and there hasn't been a change in ordinance, but that this would be evaluated. Ms. Firehock said in terms of the complexities of the development rights in terms of needing a site survey to know how much could really be gotten.

Ms. Spain said that Places 29 North had a tour of the NIFI project for Baker Butler School, which was impressive. She said that though she was away and not able to attend the tour, there were comments afterwards implying that it was successful. Ms. Spain said this, along with the Pantops NIFI project, are nearly complete. She asked if there were any other ones that are complete.

Mr. Benish said these were the ones that were completed, and he could let her know of others.

Ms. Spain said that Pantops CAC had a presentation by engineering for Special Use Permits to expand the Flow Mazda and VW display area on Route 20 north.

Ms. Riley said 5<sup>th</sup> and Avon CAC met on July 18 and that she was not in attendance. She said there was a community meeting held on the EEC Microwave Communications Monopole that is proposed at the county office building.

Ms. Riley said there was an update from the consultant on the Avon Street Extended corridor study, and that the next step in the corridor study is that an online survey has been posted for people who would like to provide additional input on the current design. She said the study should be finalized in September or October, and that this would mark the completion of one of the Planning Commission's NIFI projects.

Mr. Bivins said that on the subject of NIFI, the Albemarle High School/Jack Jouett/Grier project has been slated for the fall. He said that with this project, the CACs are actually putting funds in