

**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, 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

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.

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.



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