

**Albemarle County Planning Commission
FINAL Minutes June 15, 2021**

The Albemarle County Planning Commission held a public hearing on Tuesday, June 15, 2021 at 6:00 p.m.

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

Members absent: none.

Other staff members present were Bill Fritz; Francis MacCall; Stacy Pethia; Tori Kanellopoulos; Jodie Filardo; Andy Reitelbach; Charles Rapp, Director of Planning; Andy Herrick, County Attorney's Office; and Carolyn Shaffer, Clerk to the Planning Commission.

Call to Order and Establish Quorum

Mr. Bivins said the meeting was being held pursuant to and in compliance with Ordinance No. 20-A(16), "An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster." He said opportunities for the public to access and participate in the electronic meeting will be posted at www.albemarle.org on the Community County Calendar, when available.

Ms. Shaffer called the roll. All Commissioners indicated their presence.

Mr. Bivins established a quorum.

Other Matters Not Listed on the Agenda from the Public

There were none.

Consent Agenda

Mr. Bivins asked the Commissioners if they wished to pull the item from the consent agenda and heard no requests to do so.

Mr. Keller moved to approve the consent agenda.

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

Public Hearings

ZMA202000007 RST Residences

Mr. Reitelbach, senior planner with the Albemarle County Planning Commission, said that evening would be a continuation of a public hearing for ZMA2020-7, RST Residences, which first came before the Planning Commission a few months prior on Tuesday, March 2nd, and Mr. Bivins, the Chair, had said that it was deferred by the Planning Commission at that time.

Mr. Reitelbach reminded the Commission that the site was two parcels located near the intersection of Ashwood Boulevard and Route 29 to the west of the Forest Lakes neighborhood. He presented a zoomed-in aerial view of the site showing there was currently a motel on the site

as well as a mobile home community and a street-level view of the motel from Route 29. He said the current zoning of this property is R-1 residential, which allows up to one unit per acre; by-right, the property owner could have 19 dwelling units plus additional units depending on potential bonus factors; and there are several overlay zoning districts on this site including the entrance corridor, the airport impact area, and both managed and preserved steep slopes.

Mr. Reitelbach said in the comprehensive plan for this area (the Places29 Master Plan—Community of Hollymead), these two parcels are largely designated for urban density residential, which recommends residential at 6.01 to 34 units per acre and a maximum height of four stories, and then there is a small sliver of the property mainly along Route 29 that is designated as privately owned open space.

Mr. Reitelbach said the proposal had been before the Planning Commission previously on March 2nd when the Planning Commission deferred action at the request of the applicant. He said it consists of two parcels of approximately 19.5 acres and includes a mobile home community, a motel, and there is also a small cemetery on the site. Mr. Reitelbach said the applicant was requesting to rezone this property to planned residential development (PRD) for a maximum of 332 residential units. He said there was also an associated special exception request to modify the setback requirements so that the fourth stories of buildings do not have to meet the setback requirement that is dictated in the zoning ordinance.

Mr. Reitelbach said since the March 2nd meeting when the Planning Commission deferred action, the applicant had made several revisions to the proposal, and on May 13th, the applicant did return to the Places29-North CAC to present their changes. Mr. Reitelbach said there was a proposed reduction in the maximum number of units from 370 to 332, which is 38 units. He said the applicant was proposing 254 multifamily units and 78 two-over-two townhouse-style units. He said in the original plan, there were eight rows of townhouses, and now that had been reduced to six rows. He said the overall net density of the project had been reduced by approximately two units/acre from about 19.8 to 17.85 units.

Mr. Reitelbach said the height of several buildings had also changed; the end townhouse unit at the southeast end of each of the six rows (closest to the southeast property line) had been reduced from four stories to three stories to provide a bit of a setback and transition from this development to the existing Ashland Townhomes development to the southeast. He said the other townhouse units in each row would remain four stories. He said the fifth story of the two central buildings was now proposed to be stepped back in line with what is required by the zoning ordinance, and then the three other apartment buildings which are closer to Route 29 on the west side of the site had been increased from three stories to four stories in height. He noted there was a special exception request to modify the setback requirement so that these four-story buildings do not have to have that 15-foot setback as required in the zoning ordinance.

Mr. Reitelbach said there were buffer areas that had been increased in size; the buffer on the southeast side of the property along the Ashland Townhomes property line had been increased from 20 feet in width to 40 feet in width. He said the applicant had identified an existing berm along Ashwood Blvd. to remain, and there was an expanded recreational area at the southern entrance to the site at Ashwood Blvd.; because of this expanded recreational area, the first row of townhouses coming from that southern entrance had now been set back farther from the Ashwood Blvd. right-of-way.

Mr. Reitelbach said open space and recreational facilities had also seen some changes; the applicant was now proposing 32% open space as opposed to the 25% minimum required by the planned residential development zoning district. He said included with some of these increases in open space were a courtyard area at the center of the townhouse section of the development and an expanded recreational area at the southern entrance. He said the applicant had also provided a substitution request better identifying and more clearly describing the proposed recreational facilities and amenities that they intend to provide in this development.

Mr. Reitelbach said in concern about the lack of accommodation for transit, the applicant had identified three potential sites for future bus stops to be provided on the application plan, and the final decision on the location of those three would be made in consultation with the transit provider (whoever that may be, whether it is CAT or JAUNT or some other provider) when service is eventually expanded to this area, as currently there is no transit service to this part of the County.

Mr. Reitelbach said the amount and rate of affordable housing had been increased by the applicant; the applicant was proposing to designate 75% of the multifamily units as affordable, and these would be designated for 30 years for those earning between 30% and 80% of the area median income (AMI) with an average income of 60% of AMI. He said this proposal on affordable housing was more than what is recommended by both the existing County housing policy and the proposed County housing policy that is currently under review by the Board of Supervisors.

Mr. Reitelbach demonstrated the revised plan showing the building and parking envelopes for the development and a slide showing a conceptual layout for the development of the various apartment buildings, the townhouse units, stormwater management facilities, open space and recreational areas, parking, and that sort of thing.

Mr. Reitelbach said access and circulation was another issue that was brought up at the previous Planning Commission meeting. He said there was a TIA provided by the applicant (Attachment I.9). He said it was accepted and reviewed by VDOT according to their criteria, and no objections were expressed based on the original study, which was for a maximum of 375 units, and now with the revised plan as the applicant is now requesting a maximum of 332 units, there are still no objections expressed regarding the TIA and traffic generation. He said the applicant was proposing to extend or construct new turn lanes as recommended in the TIA.

Mr. Reitelbach said impacts to schools were also brought up at the previous Planning Commission meeting; with the reduction in the requested maximum unit count, there would be approximately 11 fewer students generated by this development according to the public school system's student generation calculator. He said the school system had also provided updated enrollment and capacity conflict numbers for the next 10 years and demonstrated a chart reflecting that, where with the projected number of students generated by this development, both Hollymead and Sutherland elementary and middle schools would remain slightly under capacity, whereas Albemarle High School is already over capacity and would remain over capacity, and with this proposed development, it would continue to remain over capacity.

Mr. Reitelbach said staff's factors favorable that were identified included that this request was consistent with the uses and density recommended by the master plan; affordable housing is being provided with this development at an amount that is greater than both the existing and the proposed housing policies; the request proposes to provide additional pedestrian connections in the area as well as several potential locations for future transit service; the plan proposes to provide more open and recreational space than the requested zoning district requires; and the 12

neighborhood model principles are being either met or mostly met.

Mr. Reitelbach said factors unfavorable included that 1) the proposed development would result in additional student enrollment in area schools, including Albemarle High, which is already over capacity, and also 2) the proposed height of five stories of the two central apartment buildings is higher than the four stories recommended in the Places29 Master Plan; however, there is a stepback now proposed for that fifth story of these buildings. He said it was not proposed in the original plan that the Planning Commission had seen on March 2nd.

Mr. Reitelbach said overall with these revisions that have been made to the plan and the revised staff analysis of factors favorable and unfavorable, staff recommends approval of ZMA202000007 RST Residences, and staff also recommends approval of the special exception request SE202000003, which is a request to modify the stepback requirements for buildings in the development with the conditions that are identified in the staff report.

Mr. Clayborne asked Mr. Reitelbach if he knew if the Albemarle County schools had any expansion or renovation or improvement plans for Albemarle High School in the next three to five years or so.

Mr. Reitelbach replied there were none in the CIP that he was aware of at this time.

Mr. Keller asked if sidewalks were considered open space.

Mr. Reitelbach replied that they were included in the open space calculations.

Mr. Keller asked if locations of trash removal and dumpsters were considered open space.

Mr. Reitelbach answered no.

Mr. Keller said he saw something about compaction of trash and asked if there was a location for recycling.

Mr. Reitelbach said it was not identified on the application plan, but the applicant may have more information on how they propose to deal with the waste generated by this development.

Mr. Keller asked given the issues and the policy that had been generated in the County if it would behoove them to have this as part of something that is required in the plan discussions as they are having more of these larger developments.

Mr. Reitelbach agreed that he would think so and said there currently were not any requirements in the zoning ordinance, however, for recycling and that sort of thing. He said there are only requirements for dumpster pad areas.

Mr. Keller said he appreciated the fact that affordable housing units were now being added to the work that they do, where they have a discussion of that. He asked if it was discussed how many units of affordable housing would be lost on the site with the removal of the trailers. He said he would argue that they need to be talking about what the net gain on a site is, so when they have a number that the applicant puts forward for how many units there are going to be, it would be important to note what that actual number is as an increase for the County. He asked for a summary of the number of units that are on site now that would be removed, the total number

proposed, and then what the net gain would be.

Mr. Reitelbach said he did not remember the exact number of units that were on site; it had already been reduced from what was there several years prior. He said the applicant may have more information on that, but he believed it was somewhere around 75 or 80 units, and with the proposed number that the applicant was identifying on the application plan that would provide 192 units, it would be an overall net gain of 110-120, somewhere around that figure.

Mr. Keller said he guessed this was a discussion on a different point, but it was important for the Planning Commission to have some way to understand through the application and through the staff report the net gains. He said they all know that affordable units are being lost every moment in the County, and they need to be realistic about what the net gains are.

Ms. Firehock said along the lines of an earlier question for what counts as open space, she noted the area by the pool that she guessed would be counted as open space and what looked like a paved plaza on one of the conceptual drawings. She asked if the paved area was also counted as "open space."

Mr. Reitelbach replied yes; it would depend on exactly what ended up being located in that area, but he thought it was being proposed as open space by the applicant at this time.

Ms. Firehock said if that were the case, she hoped they would consider permeable pavers for their plaza because there was quite a lot of pavement of what she thought was going to be more recreational space.

Mr. Copeland deferred his time to Ms. Valerie Long, who was representing them in this case.

Ms. Long thanked the Commissioners for the opportunity to provide them with an update on the RST project and introduced the team members so they would know the resources and expertise that could be drawn upon if needed. She said they had met Mr. Scott Copeland with RST and also introduced Mr. Ryan Yauger with Bohler Engineering, Mr. Alex Mays with RST as well, and Carl Hultgren with Ramey Kemp engineers, who was the traffic engineering firm and expert that has been advising them in preparing. She said there were several representatives of LAS, the architecture firm, including Neil King, who had been instrumental in helping with revisions to the plans to address the comments that had been received at the last meeting.

Ms. Long said she also wanted to recognize and acknowledge the tremendous amount of assistance they had received from Mr. Reitelbach and others in Community Development since the last meeting including Mr. Rapp and Ms. Filardo who were very helpful to them and the transportation planning team whose guidance and input had helped them form the revisions to the plan, and the time and guidance they had provided over the last few weeks were appreciated.

Ms. Long said that Mr. Reitelbach had covered the updates to the plan very thoroughly so she would hit the highlights: reduction of the total unit count; updated layout of townhouses, removing two rows of townhouses, and revisions to the height of the apartments; most significantly, they had clarified the issue with affordable housing and were very proud to be able to commit that 75% of the apartment units would be affordable for a 30-year term.

Ms. Long said following meetings with the Forest Lakes homeowners association representatives, they had increased the buffer along the rear side of the property on the eastern boundary, doubled

the width of the buffer from 20 feet to 40 feet, clarified that the berm along Ashwood Blvd. would be preserved, moved the townhouses back further, added more open space where some of the other townhouses were originally located, and worked closely with staff to address some of the comments and feedback they had originally provided about the opportunities to improve pedestrian orientation and had added a number of locations on the plans where transit could be located.

Ms. Long demonstrated the original plan with a total of eight rows. She said they had received a lot of comment from the public about proximity to Ashwood Blvd. and demonstrated the new layout with only six rows of buildings and a new common open space area in between; the building that is now closest to Ashwood is about 190 feet away now from the property line, and they had made replacement with some green space and other amenity areas nearby. She demonstrated the highlighted areas where the transit would be located and noted they reworked the pool and central amenity area to make it much more connected to the common area space, both physically connected as well as visually connected, and improved the pedestrian access to that central amenity area.

Ms. Long demonstrated the buffers and the area where they had doubled the buffer from 20 to 40 feet; she noted they still have 20 feet on either side and then the 100 feet along Route 29 as recommended by the Places29 Master Plan. She said there was an awful lot of discussion at the last meeting from the public about the distance of the townhouse buildings from the adjacent property line so she wanted to clarify that all six of the buildings would be 88 feet away from the property line.

Ms. Long said with regard to the buffers, they had discussed that a little bit at the last meeting, and there is no requirement in the zoning ordinance in the PRD zoning district for a buffer. She said they started with 20 feet on three sides because that is what would be required if they had a commercial use that was adjacent to the residential use. She said just by note, if this use were light industrial, it would only have to be set back 50 feet (for building setbacks) and 100 feet if it were heavy industrial, and their building setback is 88 feet, so it is more than what would be required if the use were light industrial and certainly more than what is required for commercial; the undisturbed buffer areas are only 20 and 30 feet depending on the use, and they are proposing again the 40 feet from the residential neighborhoods entirely voluntarily.

Ms. Long presented a slide to highlight the distance of the buildings to the adjacent property lines. She said again all of the townhouse buildings are 88 feet; the five-story buildings are 324 feet, 321 and another 392 feet from Ashwood, for example. She said as discussed, they took to heart the Planning Commission's comments and input with regard to the amenity areas; now 32% of the area is open space. She said in response to Ms. Firehock's question, they are calculating that based on the definition of amenity areas and open space in the ordinance. She demonstrated those highlighted areas, particularly the central green, the new open space and plazas and courtyards, which are counted as amenity areas under the ordinance.

Ms. Long said one of the most significant changes they had made in response to the feedback was to provide that the unit of townhouses closest to the adjacent Forest Lakes community would only be a three-story unit on that end; that would allow for transition from the two-story units to the four stories on the rest of those units. She said they had updated the sight lines to reflect that; again, depending on the angle, the buffer is 45 feet with an additional 57 feet in between, and the slide shows that actually the sight line goes up over that, and they would see part of that fourth floor, but it would be at a great distance, and likewise from the townhouses on Ashland Drive, it

is perpendicular 40 feet of buffer plus a 48-foot difference (for the 88-foot distance) of that closest three-story townhouse building to the property line.

Ms. Long said with regard to the special exception request, they had modified their request; they are still asking for a waiver for the fourth floors of the buildings but have provided it for the fifth floor and think that is a real improvement and appreciate the feedback on that. Ms. Long said just to highlight the impact that the stepback requirement if not modified as requested would have on the top floor of the two-over-two townhouse buildings, it would completely wipe out two of the bedrooms, one of the bathrooms, and the stairwell and laundry area, so it has a significant impact on those units and would frankly make them unmarketable.

Ms. Long said they tried to include some comments from the staff report with regard to why they have recommended approval of the special exception request, which they thought were all very spot-on. She said they had some additional positions as well that were included in their application, most importantly that the five-story buildings have been stepped back, are centrally located, are not visible from off site with the existing vegetation, and they are more than 300 feet away from the adjacent residential property lines. She said they do not think there is any risk of a canyon effect; there are screenings and buffers in place. She said they contend that there would be no impact to the public in granting the waiver of the stepback request. She said certainly it will help further the goals of affordable housing because if the stepback is enforced, that will result in further reductions in unit count and certainly with reductions in affordable units as well, and they do not want to do that.

Ms. Long presented an architectural rendering of how the stepback would look; she said it was looking directly at the two five-story buildings, and she pointed out the fourth floor and the building stepback, that are connected by open walkways. Ms. Long said they also took updated photographs from Route 29 and Ashwood Blvd. to demonstrate the level of tree coverage that exists offsite, which is not on their property, with a rendering that showed the buildings behind it where the trees were leafed out, and on the next slide, the buildings were shown behind the vegetation. She pointed out the areas of the vegetation on site that would be removed to accommodate the construction project. She demonstrated another vantage point from Ashwood Blvd looking into the new site with the existing trees both on the adjacent VDOT parcel including the trees in the Ashwood Blvd. median, and again, the buildings would be behind those trees. She said they had shown similar images from when the trees were not leafed out during the winter at the previous meeting.

Ms. Long presented an exhibit showing the trees that would remain and those that would need to be removed. She pointed out Ashwood Blvd and 29 North and the offsite trees on the VDOT parcel and also the trees that would need to be removed to create the interconnection and another tree to facilitate a connection to the offsite sewer line and otherwise the trees that would remain including the berm seen. She said that would very effectively screen both the new open space that is provided as well as the townhouse units that are about 190 feet away.

Ms. Long presented a slide of the application plan and pointed out what would be binding showing the building and parking envelopes and where the 88-foot distance was measured from each of those building envelopes to the adjacent property line and reflects the 40-foot buffer and all the other amenities and provisions mentioned. She showed the conceptual plan and said it was extremely hard to see, which was why they showed the colored rendering as well.

Ms. Long said they would ask for the opportunity to respond to any comments or questions with regard to the traffic study, the school capacity issues, really anything. She said they had worked very, very hard to incorporate the feedback and comments that they had received from the public, from the Commissioners, and from the County staff and were very proud of the changes. She said they thought it was a much better plan that it was when they were before the Planning Commission in March and acknowledged that was largely due to the feedback that the Planning Commission had provided to them. She said she would not get into the traffic issues but to please know they had their traffic expert there, and their study had been vetted.

Mr. Keller asked for Ms. Long to put the slide back up of the plan view that showed the closeup of the townhouses. He asked if he was reading it correctly that on the east, the townhouses to his left did not seem to have sidewalks that connected from them across the east facades to that central green space, but the ones to his right appeared to. He asked if that was just an early version of the plan or if that was actually correct.

Ms. Long said she did not think they were entirely reflected there and went to another slide.

Mr. Keller said that was the one he was referring to. He said it did not appear to be showing sidewalks "above" those townhouses to his left.

Ms. Long noted on the picture that they were shown to the right but not to the left. She said it was probably just an error; they have a package of the renderings, and one of them is specific to sidewalks. She noted on that next slide they were not shown and said she did not think that was intentional and would ask their project planner or Mr. Yauger with Bohler to jump in.

Mr. Keller said to let the experts give the answer to that, and if not, they needed to know why.

Mr. Keller asked if the cemetery was considered part of the open space.

Ms. Long answered no.

Mr. Keller said as an editorial comment (and he would be interested to see how his colleagues feel), he thought a visualization that is showing tree cover that is going to go away with the buildings just barely showing behind was almost disingenuous. He said if they were going to do it as a visualization the way it is going to be when built, the Commissioners need to see the shorter tree cover that is going to be there that is not going to be lessening the impact of that visualization. He said he had never seen Ms. Long be involved in a project where there was not a candid assessment of what the visualization was and was disappointed to see that.

Ms. Long said she wanted to understand better what Mr. Keller's criticism was. She said they worked hard to try to be accurate, so if they missed the mark on that, that certainly was not their intention.

Mr. Keller asked to see the slide which showed the buildings behind.

Ms. Long pulled up the slide from 29 essentially right at the intersection.

Mr. Keller said she had told them that the tree cover that was there now was going to be removed.

Ms. Long replied no. She explained those were trees that would remain because they are offsite of the project and were not trees on the RST parcel; however (and she would ask the architects who helped her with the renderings to jump in if she was misspeaking), her understanding was that this reflected the trees that would be removed to construct the project (daylight behind them), but the trees seen would remain, or at least they would not be taking them down because they are not on the RST parcel.

Mr. Copeland clarified that the image was to show not the trees that would be removed; the slide was simply to show what is behind the trees. He said they made the trees opaque so that the relationship of the renders of the actual buildings and the heights could be seen. He said basically going back a slide without the trees in the opaque form they are in, it shows that the buildings cannot be seen. He said they wanted to provide the Commission that the buildings were indeed behind these trees. He said those trees were offsite trees and RST has no control if they are there or if they are not, but if one were to go out there today and the buildings were behind it, this is what would be seen. He said that was the intent.

Mr. Keller said that was fair, but he did think that when it is presented that way, it needed to have the clarification that this site is not controlled by the applicant and that they could be removed tomorrow. He said the argument could then be that whatever goes there would then block the view.

Mr. Copeland said Mr. Keller was 100% correct; they are, and it should have been stated, in the VDOT right-of-way; while they do not anticipate that those trees would be removed, Mr. Keller was 100% correct in that they could. He asked Ms. Long to go to the slide that shows the trees that are on the property line that would not be removed along Ashwood. He said it was an attempt for them to show the amount of buffer and not intended to be disingenuous and apologized if it had come off that way. He said it was an effort to show how much natural buffer there already is between them and the future buildings.

Mr. Keller said it was a fair answer, fair response, and he accepted it. He said just in future, he would hope they would have those kinds of clarifications.

Mr. Copeland said understood and thanked Mr. Keller.

Ms. Long apologized that she was not clear in her explanation. She said the other reason they wanted to show those was because there was concern by a number of representatives from the public that all those trees seen from that intersection would go away as part of this project, and so their effort was to show that while they obviously have no control over trees that are offsite (and she did not intend to say that they guaranteed those trees would stay because they know that is not the case), RST would not take those trees down.

Mr. Clayborne thanked Ms. Long for the presentation and acknowledged the design team's effort to come this far. He said a lot of improvements had been made, and that did not go unnoticed. He said regarding sustainability and the design piece of it, at this point, those conversations certainly are happening between the architectural team and engineering and site teams, and he would like to hear a little bit about what the team is thinking with a project of this magnitude, what sorts of sustainability features they were looking at, since this would be taking up a pretty large footprint of the site.

Ms. Long said they appreciated Mr. Clayborne's comments about acknowledging the changes. She asked Mr. Copeland or others to join in in terms of the sustainability but answered Mr. Clayborne certainly with regard to the preservation of as much of the open space as possible, obviously keeping away from all the preserved slopes, doing everything they can to minimize, and they actually hope at the site plan stage that they will be able to have less parking than is actually required under County ordinance if a waiver is granted. She asked Mr. Copeland to jump in and share some of the issues. She noted a lot of this has not been developed yet at this rezoning stage.

Mr. Copeland said he was afraid that he was not prepared to discuss anything in great detail. He said they have been focused on this rezoning effort and have not focused on items that may be addressed more specifically in the site plan and obviously at the architectural review board as they continue on with the project. He said they are very sensitive to the issue of sustainability; they are a family-owned business and take a lot of pride in what they build and develop and manage and look for them to be a part of their portfolio for a very long time. He said as their strategies evolve obviously in the next round of these approvals, they will address that much more specifically. He apologized for being unable to provide Mr. Clayborne with more that evening.

Mr. Clayborne said his next question was regarding pedestrian and vehicular circulation. He said his concern was that on the eastern property line with those townhomes back there, he envisions there would be a number of children living there wanting to access that pool area that is in the center of the site, and there is a vehicular pathway that bisects those townhomes and the hub. He noted the way people drive in parking lots, and it is not 5 miles an hour, and wondered if they could talk about traffic calming or the thoughts the design team had as they were making that because of his concern about children crossing the street and trying to get to the pool in that big neighborhood.

Mr. Copeland said that was a very fair question. He said they worked hard to create a little more connectivity from a grading standpoint between the pool (the hub) and this new green space in and around the townhouses. He said the area between the townhouses is designed to be elevated (sort of like a tabletop) to help bring that side of the elevation up while at the same time they were able to bring the elevation of the pool down a little bit (there was a large grade differential, maybe 8 feet, previously, and he thinks it is down to under 3). He said to Mr. Clayborne's point, a great opportunity for them is to continue with that tabletop feature as a large crosswalk or speedbump, if you will, that is elevated (obviously that is still safe to drive on) in the drive aisle so that it is a calming from a speed standpoint and provides the safe area to cross the street. He said they will be working with the architectural review board with site lighting and things that are allowable to keep it as identifiable as humanly possible but yet again another detail that is yet to come.

Mr. Randolph said he had several commendations and then a series of questions. He said on the positive end, he wanted to commend the developers on some improvements including adding 1,537 square feet to the tot lot along the property line with the Commonwealth of Virginia's property, which is located at the northwestern part of the property; eliminating two rows of townhomes and dedicating 1,700 new square feet as a recreational area; lowering the height from four stories to three stories for the southeast-most townhome units in each of the six rows and proposing five-story setbacks on the two five-story apartment buildings. He said he thought those were forward steps and commended them for the 40-foot buffer now along the northwest property line with Ashland and the reconfigured plaza area on the southwest sides of the roundabout that now presents more of a central feel and character to this high-density development.

Mr. Randolph asked why the stormwater management acreage was shown along the southeast side with Ashland on the March 2, 2021, Bohler concept plan sheet #4 and was not shown on the new Bohler plan before the Planning Commission that night. He said there was no mention of a stormwater management facility which runs along that southeast side with Ashland.

Mr. Randolph said sheet #4 also of the 06/15/21 Bohler concept plan shows an 11,100 square foot recreation area along the same southeast border with Ashland. He asked (given that the 03/02/21 Bohler concept plan sheet #4 indicates that stormwater management capabilities are to be located in the same area) whether the 11,100 square foot recreation area was now identified in any way as part of the stormwater management area.

Mr. Randolph said he wanted to make note about garages. He said it was cited that they were going to be using garage space as one place for a car to be parked, and the other place would be out on the asphalt or concrete pad in front of the townhomes, but in his experience in having traveled through many different developments, garages are rarely used anymore to house cars and instead are often used to house "stuff," and cars are parked therefore on the outside and not on the inside in the garage. He said he was determining that probably 50% of the garage spaces would not be holding cars but were going to have stuff in them. He asked where the residents would park their cars with no garage for units. He said the applicants were confidently suggesting that they were going to have more than enough parking spaces available but were making some serious assumptions about human behavior that there would be cars in all these garages, and he would question that.

Mr. Randolph said he had a question about the right turn lane off 29 North into RST. He said that was a positive development, but it was not identified who would pay for this. He asked if RST would be paying for this and said he did not see a proffer there indicating that money was being set aside to cover the costs of the development of that right turn lane.

Mr. Randolph said he wanted to focus in on one major issue that he had brought up before that he still feels is a serious vulnerability on this project. He said the applicants were looking to establish a range of affordability which is between 30% and 60%, and he lauded that objective; however, 30% AMI in Albemarle County currently with the median household income in 2021 being stated as \$93,700 is \$28,110. He said he would like to know how they expect people at 30% AMI to be able to afford an annual HOA fee which is going to pay for a swimming pool and is also going to set money aside in a reserve account for maintenance of the roads and the parking spaces with the extensive amount of asphalt that is going in. He asked how these people at that level of income would be able to afford those HOA fees.

Mr. Randolph said he noted with interest a project they had worked on in Gaithersburg, Maryland, the Y-Site on North Summit Avenue, where it was very clear that Mr. Copeland had stated publicly that he saw this project as high-end affordable housing. Mr. Randolph noted the applicant was indicating for this site that he would be providing 30% AMI, which he said he did not look at realistically as high-end affordable housing but being at the lower end of the range, and he appreciated that and thought it laudable to provide 30% AMI housing; however, he asked how those people at 30% could afford the HOA fees for the amenities on this site, especially when they were proposing that they not provide basketball courts and tot lots, which really have a very low annual maintenance fee, and instead substitute for them what he looks at as being high-end amenities like swimming pools, which he does not see how these people are going to be able to afford at 30% and 50% AMI.

Mr. Copeland responded to the last question by telling Mr. Randolph he hoped he understood one thing, and he wanted to make it very clear: The affordable units are in the rental portion of this project. He said they are not proposing that those units are for sale; there will be no HOA fees, zero. He said they will as a management company be responsible to maintain those amenities and have done this successfully in several projects, and when he references a high-end or a first-class affordable project, or market-rate project for that matter, it has nothing to do with the tenancy; it has everything to do with the asset and the quality of amenities that is deserving of every segment of the community. He said he trusts that when an individual or household qualifies to live in that community because they qualify under the HUD guidelines regarding AMI, they will be a productive member in their project and will be able to enjoy that amenity space. He asked Mr. Randolph if that answered his question.

Mr. Randolph said not really because if, in fact, the housing wage for the community is \$24.35 an hour, which comes to \$50,640 annually, and therefore at 30% AMI, somebody is looking at an annual income of \$28,110, he still is raising the question of affordability; dancing around the issue of whether they are rental or owning, they still have a monthly cost.

Mr. Copeland explained that Mr. Randolph was missing the point on the rental; for the affordable housing units in the 30% to 80% range (which averages at 60%), the rent is adjusted for 30% households. He said if one qualified for a 30% unit because that is his income level, he would be paying the equivalency of a 30% rent and not paying the same rent that somebody in a 60% household or an 80% household or a market rate rent would be paying. He said he trusted that there are plenty of families in Albemarle County that would qualify to live in that unit that currently do not have that opportunity to live in such a property (to have a pool as an amenity and to have all this open space as an amenity), so he thinks that this project should be applauded for serving every segment of this community regardless of their income level. He said they are providing an atmosphere and a place to serve people that are in the lower scale of wages all the way up to market rate units, and they are proud of that.

Mr. Randolph asked what Mr. Copeland's anticipated annual HOA fee was for this facility then.

Mr. Copeland said there were no HOA fees.

Mr. Randolph asked how money gets set aside on an annual basis for maintenance of the property and who would pay for the swimming pool and for repaving the parking lots and for the road.

Mr. Copeland said he does as the landlord. He asked Mr. Randolph in any other rental community who pays for that.

Mr. Randolph said it is all covered as the property management fee.

Mr. Copeland said the property pays for it; if the pool needs to be repaired, the property pays to have the pool repaired, and if the roads need to be repaved or the park equipment needs to be replaced or a roof needs to be replaced or a sink needs to be replaced, just like in any other rental community, the landlord is responsible to do that.

Ms. Long said there are no additional fees for any maintenance or anything like that; it is included in the rent rate.

Mr. Copeland said of course there are no additional fees; it is like any other rental project in any community throughout the country and is no different. He said he had done it with thousands of units in the state of Virginia and elsewhere.

Ms. Long said with regard to Mr. Randolph's first question about the stormwater management and the size and location of that facility, when they had to rearrange the plans a little bit in between the two Planning Commission meetings, the removal of the two rows of townhouse units and the addition of the open space in the middle and the widening of the buffer and other things like that did require their engineer to take a fresh look at conceptual locations for stormwater management. She said on the most current set of the plans with the June date, there is a hard-to-see area (she recognized there was a lot going on, but in the very first rectangular block shown is a grey rectangle with an orange outline), and that is the proposed stormwater management area, and the new conceptual locations are shown in essentially the top left corner of the townhouses (the orange and grey shown in a rectangle).

Ms. Long said there is a smaller narrower strip right next to the buffer, and then there is also some stormwater area shown to the far right of the page near the newer dog park and tot lot that are shown adjacent to Ashwood, that area also again underneath some parking. She said it was just a conceptual location; the stormwater management plan has not been fully designed at this point and is not required to be, but the zoning ordinance does require for a PRD zoning district to show on the application plan a conceptual stormwater management plan so that staff can be reasonably assured that once the official design is underway as part of the site plan application that it is, in fact, possible to comply with the stormwater ordinance regulations with a plan of this sort and this many units. She said it had been relocated a little bit but is still there.

Ms. Long answered with regard to garages (and she certainly does not dispute that there are a lot of individuals and families who live in homes with garages where they park their cars either in the driveway or on the street, and certainly not everyone does but certainly some do), that is not something they can control but are very confident based on the years of experience that RST and its team have with developing apartment complexes and multifamily and townhouse communities that there is sufficient parking to accommodate those needs. She said not every one of them will have more than one car, but certainly some of them will, and there are extensive areas of parking; in addition to the garages, there are parking lots and parallel parking spaces, and most importantly, it complies with the County's zoning ordinance regulations for parking for these types of units.

Ms. Long said with regard to the question Mr. Randolph had about who pays for the right turn lane from Route 29 that goes into the project at the main entrance on 29, there is a note on the application plan (sheet 3), and it is shown on that plan a proposed right turn lane extension (at the very bottom of the page pointing to that turn lane) that is on the application plan, and that plan is a proffered plan under the PRD zoning ordinance, so if the Board of Supervisors approves the rezoning application, they would be approving this application plan, and it is a proffered plan and thus a proffered obligation.

Ms. Long said they had already talked about the affordable housing and believed that was all of Mr. Randolph's questions but asked him to let her know if she could help with anything.

Mr. Randolph said he had not caught that about the turn lane, so he appreciated that.

Ms. Firehock said she only had one question, and that was about the buffer. She said she was glad they had expanded the width and asked what would be allowed to go on in the buffer, specifically, for example, if there would be a trail within the buffer (and when she says trail, she is referring to maybe something that is more of an A.T. standard rustic-type trail) to make that buffer not just a buffer but also part of usable open space. She said she was also concerned with whether any stormwater management facilities would be located in the buffer, so she wanted some assurance that the buffer would be precisely that and was curious as to whether it would also allow for some recreational use by the residents so that it can serve as usable open space.

Ms. Long said there was a detailed note that addresses Ms. Firehock's question on the cover sheet of the plans. She said it does expressly state that there are certain uses that are allowed in the buffer; the main purpose of the buffer, of course, is to serve as a buffer, particularly along that area where the adjacent community has made it very clear that they want that to be as robust of a buffer as possible. She said that was one of the main reasons for expanding it. She said there are notes on the cover sheet that say that certain things are permitted including pedestrian multiuse paths and stormwater management facilities. She said they knew there would need to be some limited disturbance of those areas to extend some of the utilities, and certainly they would be looking to minimize that as much as possible.

Ms. Long said there is also a note in that same section that along that southeastern border, the developer will supplement that buffer with additional planting in areas where it does not provide screening right now; some of the existing vegetation there is not as robust or is more sparse in some areas than in others, and so in response to a request from the adjacent owners, they added that note and commitment to the plan that says that the developer would supplement the buffer with additional plans to put up a fence, but screening was the main thing they heard about from that adjacent community, so they want to honor that commitment. She said it was not intended that that would be for active open space; they have all the other amenity areas and open space that is more geared for that use.

Ms. Firehock said she had read that and was concerned about stormwater management facilities because, by definition, that could be a very large stormwater pond that could basically obliterate the buffer. She said she would like to know with some assurance that there would be a vegetated maintained buffer and that it would not simply be removed to accommodate as-yet-unplanned stormwater ponds or other large-scale items that would disturb its function.

Ms. Long said they showed the stormwater management facilities in the conceptual plan to demonstrate that there are other areas where the stormwater management facilities can be located. She said she would call on Mr. Ryan Yauger from Bohler Engineering to weigh in on this, but she thought it was more knowing that there may be some utilities or pipes or any elements of a stormwater facility that might need to disturb limited areas of the buffer.

Mr. Yauger said the intention behind that note was not to allow for large ponds as Ms. Firehock mentioned but also to be outfall associated with the stormwater management facilities. He said looking at a site this large with this type of development, a lot of times they do go underground with the stormwater management detention to utilize the space in multiple different ways, so it is not the intention to go with a large-scale stormwater management facility within the buffer.

Ms. Long added the buffer is shown on the application plan, which again is binding on the project, and so certainly to the extent that a site plan application were to be submitted that showed what

Ms. Firehock was concerned about (a large stormwater facility in the buffer) that really was not in accord with the application plan, she feels fairly confident that the planning department would not approve that change and would likely find it to be not in general accord with the application plan, and they would challenge Mr. Yaeger and his colleagues to figure out a way to fit the stormwater in, in locations that do not so severely impact the buffer.

Ms. Firehock said she would take that for now but noted that even if it were extensive underground storage, that would disturb tree roots. She said she knew they might have to sheet flow something and knew they might have to have a pipe that goes through to convey water from point A to point B, and of course, the Commission will work with staff on this to ensure that the buffer adheres.

Ms. More said she appreciated the clarifications that the applicant had given. She said because of some of the emails they had gotten, she wanted to point out for the listeners as they head into public comment that when Mr. Reitelbach in his staff report was saying affordable housing was more than what is recommended, she does not know how it is that someone would feel that is a bad thing or that the County should not accept more, so she hoped that was just a misunderstanding, maybe in how it is worded, because that is a good thing. She said she wanted to make that point and had a theory about why that could not actually be a misunderstanding, but she hoped that it was and thought it was what the County would hope for, and when they see this opportunity for more of that, that is really amazing and a good thing.

Mr. Keller said he was a bit harsh with his first set, but he was actually very positively inclined towards this but thought it was their role to ask tough questions to make these projects better if they can. He said he would like to hear a dialogue between Mr. Copeland and County council about how to memorialize this idea of the average 60% AMI over 30 years based on Mr. Copeland's experience and how they had done it in other communities and some issues that the County has had where things seem to fall through the wayside through time. He said they often see commitments that are made (not necessarily on affordable housing but other issues) and then newer staff comes back a decade later and cannot find the answers to these kinds of questions, and maybe this is something they need their housing staff member in on as well. He said he would like to hear Mr. Copeland's take and then Mr. Herrick's response to that.

Mr. Copeland said he could go on for much longer than they would want him to about affordable housing. He said the bottom line is that this project with the way that it will be financed will be subject to a use agreement that will be between himself as the developer and the authority that provides the bonds, the low-income housing tax credits, to finance the project. He said that will be a recorded instrument beyond the County. He said they are subject to an audit on an annualized basis to make sure that they are indeed in compliance with the affordable requirements that the financing requires, and typically the tax credits are exchanged for equity in the project with large institutions, and so there is a huge financial recourse to him if he does not rent these units to people that are qualified through these ranges (the 30% to 80% income levels). He said there are a lot of checks and balances along the way that candidly take the County quite out of it; it is sort of beyond the County, so if a new housing director or someone comes along in 10 years, it is kind of immaterial because this document is recorded, and it runs with the land as far as those restrictions are concerned.

Mr. Keller said he would like to hear Mr. Herrick's response.

Mr. Herrick said from the County enforceability perspective, as Ms. Long indicated, the plat notes on this or the application notes on this are binding in that this is a PRD zoning, and in fact, there

is a note on this application plan that commits this owner to providing the affordable housing that they have indicated. He said the mechanism by which the County would enforce that is via the plat note that becomes approved as part of the plan.

Mr. Bailey said he appreciated listening and was very positive toward the change in the plans for the townhomes in the back and the connection of the hub; the hub is a really nice thing for the community to create that sense of place and community. He said he lives in Belvedere, and they have something similar like that, and it is a good place where they gather and people play, and that is a very positive improvement over the original plan.

Mr. Bailey noted as a lot of colleagues brought up that the applicant does not own the land that is providing a majority of the screening; it is VDOT land on the southwest side of the property. He said he could not tell, but in the conceptual drawing, it looked like there might be some trees on their land popping up past that and asked if that land were to be forested and sold off or something what type of screening plan was actually included in this on their side of the property along that southwest corner and 29 and Ashwood.

Ms. Long shared her buffers and setback screen and said one way they are working to address this is with the buffers that are provided, most significantly the 100-foot buffer that is along the property frontage of Route 29. She said that was the area that was owned by VDOT; VDOT has advertised this land for sale, so a new owner could come along and pursue development of that, and certainly if they pursue a rezoning or frankly probably a special use permit, she suspects that there would be an expectation for the 100-foot buffer to be maintained on that parcel as well as recommended by the Places29 Master Plan. She said certainly they could come in and do a by-right plan, and that would not be required; she did not know.

Ms. Long said what they have tried to do is certainly at a minimum show buffers on all sides, the large one and 20 feet on either side; they have a fair amount of open space, and there are some trees that are not in programmed space. She said they obviously will have landscaping along the perimeter of the parking lot as required by the zoning ordinance, and the preservation of the cemetery area will also have some benefits there; that area will be fenced off to protect it, so there may be a little bit of disturbance needed to erect a fence, but otherwise that area gets left alone, and that will help contribute to some screening as well. She pointed out an area where a large portion of it is a preserved steep slope, so they would not be permitted to disturb that area.

Mr. Keller said he was primarily asking about the southwest side and along the property line with the VDOT heading north. He clarified that it is intended that the trees remain on their side of the property because that parking lot comes right up to the property line very closely. He said he saw some light green trees that he assumed to be new plantings and then some existing trees and asked if the intent was to maintain as much vegetated screening as possible that is existing.

Mr. Copeland said exactly right.

Ms. Long answered yes.

Mr. Clayborne said he was curious if they would consider making the circulation path continuous that runs behind the building and is not continuous and is interrupted by that park and then stretching the park so that it is green space that runs into the pool as opposed to the asphalt that is going through there. He said this was to address his comment that he had mentioned earlier about the circulation with pedestrians and vehicles.

Mr. Copeland said it was a very interesting comment; he knew that some of that area that would be that connection is stormwater, and he is nervous about the relationship to the buffer, and he said he could not make a commitment to that right now but could assure Mr. Clayborne that they would look into that.

Mr. Bivins said they had spent a lot of time talking about the ZMA, and he would like to spend some time about the special exception but before doing that had some questions. He asked who would maintain the cemetery.

Mr. Copeland said they would maintain access to the cemetery and the landscaping in and around the perimeter.

Mr. Bivins said there was a question by Mr. Keller about perhaps being able to pull the northeast sidewalk across around the back so there would be some connectivity there. He said if they were looking at sidewalks, he would ask them to give some consideration to perhaps taking a few parking spaces from the tot lot and putting some green space there and then creating a walkway to get from the tot lot to the cemetery so that people could communicate there. He asked they not put a dumpster at a cemetery plot.

Mr. Copeland replied heard and understood.

Mr. Bivins asked for the slide of the two five-story buildings. He commented that the new pool in London where one could swim between two buildings was evocative, but he was sure there would not be swimming between these buildings. He asked why this was something the Planning Commission should support, what the functionality of the four different levels of crossover was and what they were achieving there. He said while they had talked a good deal about the ZMA, he did not believe they had necessarily wrestled a good bit with the special exception.

Ms. Long said a lot of it had to do with frankly recapturing some of the living space with the removal of two entire rows of the townhouse buildings (that alone was a 40-unit reduction) and then they removed it further by making a few other adjustments, and so there was a need to recapture some living space. She said the three apartment buildings that were originally three stories and would not have required any setback relief were now four stories, and so they would like relief from that requirement so that they can actually take advantage of that living space and not lose it on those buildings.

Ms. Long said with the five stories, it was frankly good suggestions from senior County Community Development staff to help them look for ways to transition, and the stepback at the fifth floor would help address the need and the purpose of that stepback waiver without creating an adverse impact, that plus the change with regard to the end unit of all the townhouses making that a three-story unit, that the stepback is essentially created where it actually can provide some benefit, in this case to the adjacent neighbors (whereas the thought was it was not really needed as much, certainly from their perspective, from the other vantage points because there just is not a canyon effect). Ms. Long said she had a number of other slides she could show with some bullet points for why if Mr. Bivins wanted her to go through that.

Mr. Bivins asked for clarification if the four buildings which are the multifamily buildings would be rental and whether the properties along the northeastern boundary, the townhouses, would be.

Ms. Long asked Mr. Bivins if the question was whether the townhouses would be for sale or for rent.

Mr. Bivins said correct.

Ms. Long said she did not know that had been decided yet but would let Mr. Copeland answer.

Mr. Copeland said it had not been decided; it was to be determined.

Mr. Bivins said he was trying to understand what the property was, whether X amount of rental and Y amount of ownership, and that would go to some of the questions Mr. Randolph was trying to get into about the HOA.

Mr. Copeland said yes but to Mr. Randolph's question and comment, though, even if they were for sale, the affordable nature does not accrue to those townhouses; that is why they were specific to the multifamily, so the question regarding an HOA on the affordable units would not apply regardless.

Mr. Bivins opened to public comments. Mr. Bivins reminded the community that they were talking about the new pieces which were presented and reviewed in the resubmission. He said they had received plenty of information and plenty of comment on the older piece and asked they confine observations to the new piece.

Ms. Jennifer Brannock (1824 Amberfield Drive) said her HOA would be there that day to speak, but she is not a part of their group and wanted to make it clear that they would not be speaking for her. She said she was there to ask the Planning Commission to approve the RST residences because she strongly believes that the people who work in this County should have homes in this County. She said according to the County's housing website, 59% of people who work in Albemarle County cannot afford to even rent an apartment there. She said these are the people who work in the retail stores and restaurants, deliver packages, teach the children, and keep homes safe. She said the foundation of the community lies in their labor, and these families deserve the same access to the things that she and her neighbors already have like their parks, shorter commutes, and proximity to good hospitals, and their children should be able to attend the excellent schools.

Ms. Brannock said she was there to advocate for the 332 families that will one day live in these high-density homes; it is time to put the needs of these workers and their families ahead of the comforts of those who already live there. She said to the members of the Planning Commission that she knew it may be difficult to approve these plans, and she was sure they were going to hear much opposition, but as they are aware, the County is really committed to addressing the housing crisis in the County. Ms. Brannock asked they approve this housing over the complaints of her neighbors because it is the right thing to do and because it will give these historically economically disenfranchised people a voice in the community.

Ms. Brannock said she would ask her neighbors to accept a few inconveniences in their lives and maybe or maybe not a change in their commute and a big building adjacent to their neighborhood because there is an opportunity here to lift up those who have less, to make progress on tackling the affordable housing issue plaguing the community, and to welcome these new neighbors with open arms into their community. She said she would challenge her neighbors to petition the school board to build new schools and address overcrowding with the same vigor as they are going to

use that day. She said they could use their power for good and create a community where all are truly welcome and to create a community where everyone who works in Albemarle County can have a home in Albemarle County.

Mr. Bill McLaughlin (1800 Easy Lane in Hollymead) said he was the chair of the Places29-North Citizens Advisory Committee, and the committee did propose a list of comments and questions about this development that they had forwarded on to Mr. Clayborne, and they wished that he would forward that on to the rest of the members of the Planning Commission. Mr. McLaughlin said a lot of things had already been covered; one of the things that disturbs him a little bit is referring to 78 townhouses. He said actually there are six townhouses in this community and 72 four-story apartment buildings. He said any definition of a townhouse would be something that shares its walls with its neighbor. He said these two-over-two “townhouses” also share a floor or a ceiling, so he does not know why the planning staff and the County seem to be accepting a definition of townhouse for something that is not actually a townhouse.

Mr. McLaughlin said the other thing that had just come up that evening that was a little disturbing is that they are not making a commitment to actually sell these four-story apartment buildings as condominiums so they could also be rental units, so in that case, this entire development would be fundamentally a rental complex. He said even if they did attempt to sell them as condos, the condominiums in his area (Hollymead Square Townhomes) are almost 80% rental units, and most of the owners there are not residents in Hollymead Square, so he is afraid that all these condominium apartments or most of them would actually be investment units as opposed to being occupied by homeowners.

Mr. Richard DiMeglio said he lived with his family at 2674 English Oaks Circle in Forest Lakes South, and they have lived in Forest Lakes for about a dozen years. He said he along with a few others who would follow him represent the majority, he thinks, of the Forest Lakes and Hollymead communities which comprise about 2,000 in housing and about 6,000 in residents which are adjacent to the RST development. He said while the majority of the discussion that evening was really focused on proposed development, they were going to discuss some of the impact on them. He said he would begin with their bottom-line upfront recommendation with regard to the amended proposal; they request the Albemarle County Planning Commission deny outright or at a minimum continue to accept a deferral by the developer to address the many continuing issues involved with this proposal. He said he would provide a bit of an overview and would be followed by some other residents that were going to discuss some issues in greater detail.

Mr. DiMeglio said as a quick overview, the revised proposal is still too dense with too many tall buildings in too small a space and grossly out of scale with the surrounding community, and it is a density issue overall. He said the density issue is what they fear will create significant traffic and safety problems, not just for the residents of Forest Lakes but also for this new development, as well as a slew of other concerns. He said that despite the recommendation by this Commission for the developer to engage the community, they received no emails or phone calls from RST or its agents following the March meeting, and therefore they established this committee of residents and reached out to RST in May to start a conversation, they hope, that could lead toward a development design that would be supportable by the majority of residents of Forest Lake and Hollymead. He said unfortunately that has not occurred.

Mr. DiMeglio said it was important to note they are not opposed to general development in the area and applaud RST as many have done for its commitment to meeting and even surpassing affordable housing goals, but they feel strongly and think it is important that this development and

this process need not be an either/or situation. He said they have taken this issue very seriously and examined the proposal and believe with some more refinement the development can be a profitable venture for RST, can increase needed and truly livable housing in Albemarle County, comply with the Places29 Master Plan, and blend into the existing local community with minimal impact. He said indeed they feel if done correctly, this can be a model for future development adjoining existing communities on the Route 29 corridor, and overall, they will note that they find in part that the revised proposal is better than what was first presented and thanked them.

Mr. DiMeglio said the aesthetic improvements along Ashwood Blvd. and the larger buffer are a welcome change, although they recommend some tightening of the language and more binding commitments. He said they find in part, however, that the revised proposal is worse than what was presented, especially with regard to the height of the buildings, but they also find in majority the revised proposal is relatively unchanged and still fails to address many other areas that have been extensively pointed out in prior presentations and discussions.

Ms. Jane Keathley (2657 Coralberry Place in Forest Lakes) said she had been a resident there for about 25 years and is a current member of the Forest Lakes board of directors. She said she would begin by acknowledging and thanking RST for the several positive changes in this revised proposal; they have stated a commitment to improving the sight lines along Ashwood Blvd., removed some of the townhomes and increased the tree buffer between the townhomes and the adjacent Ashland community, and expanded the green space amenities. She said these are all steps in the right direction and are very much appreciated.

Ms. Keathley said some areas were made worse in the revised proposal; the planned buildings will tower over the Ashland community, even with the stepbacks, with the townhomes at 55 feet, well over the 45-foot maximum level, and apartment buildings at four and five stories and up to 65 feet. She said waivers would be required for these heights as well as other aspects of the proposal such as the stepbacks. She asked the Planning Commission to not provide these waivers and special exceptions.

Ms. Keathley said the revised proposal lacks binding commitments; many items are mentioned with caveats and language that could be reinterpreted in the actual development. She said terms such as “envisioned” and “not to scale” are frequently used, raising concerns about the actual intention to realize these plans.

Ms. Keathley said density as has been stated is another concern; the proposal continues to be at a density exceeding other local developments and would result in about 1,400 total housing units between RST, Forest Lakes, and parts of Hollymead and Brookhill plus school-related traffic from outside these neighborhoods all using the Ashwood Blvd. entrance. She said it is unrealistic to think that these will have no effect on traffic. She said the proposed density could be further reduced and still meet the County guidelines on density while alleviating many of the concerns about traffic, schools, stormwater management, amenities, etc.

Ms. Keathley said indeed, this development provides an opportunity for the County to create a precedent for future developments; alternate neighborhood models that utilize smaller scale buildings are available that would effectively address the County’s objectives on density, affordable housing, aesthetics, and community livability both for future and existing residents. She said these models deserve further exploration before a decision is made on this proposal. Ms. Keathley said in summary, they respectfully request the Planning Commission to deny this revised proposal and continue to work with RST to reduce the density and to build a neighborhood on a

scale and design that is harmonious with the surrounding communities.

Mr. George Pearsall (1486 Ashland Drive) said he represents the Ashland neighborhood, which is most directly affected by the RST proposal. He said the homeowners of Ashland are concerned not only with the height and density of the proposed buildings but also with the negative impacts other aspects of the project would have on their neighborhood. He said they believe the heights of the buildings are way out of scale compared to the Ashland neighborhood and Forest Lakes in general. He said the distance from existing homes, although somewhat improved from the prior proposal, is going to create an ominous effect on their community. He said many trees that provide a barrier between the properties will be removed contributing to unsightly views; the developer's proposal that the townhomes closest to the property line will only be three rather than four stories would generate little if any improvement in aesthetics. He said residents are still going to be presented with this monolith each and every day.

Mr. Pearsall said the residents are very concerned about the degree of light pollution that will be caused by a project of this magnitude; they currently have a very pleasing community and would be extremely saddened to have a light source akin to a shopping mall less than 100 feet away. He said noise was another issue the residents were concerned about; adding 332 residences in such close proximity is certainly going to contribute to noise levels experienced by the residents. He said during the months that trees are in full leaf, noise would be somewhat abated; however, for six months each year, there will be virtually no barrier to noise or to the light levels the project would generate.

Mr. Pearsall said they also have concerns about the effects that clearcutting close to the property line would have on trees in their neighborhood; tree roots do not honor property lines, and therefore excavation by the developer would probably harm mature trees belonging to their association. He noted they had said that they would provide plantings, but certainly a small tree is no replacement for a large mature tree.

Mr. Pearsall said the Places29 Master Plan designates this and other properties as urban density residential; however, those zoning changes have not yet been approved, and the plan is not a signal for a developer to saturate a property. He said a comprehensive plan needs to consider established communities and not approve development out of scale with the surroundings. He said others have and will address other aspects of this proposal as there are many negatives to this project. He said the Ashland Townhomes board of directors urges the Planning Commission to deny this proposal and require a redesign of the project.

Ms. Paula Grazzini (1872 Kernwood Place in Forest Lakes South) said besides the details brought up that evening, there are several higher-level issues here calling for actions and recommendations from the Planning Commission; specifically, the first one is that the Places29 Master Plan density criteria of 6 to 34 units/acre merits a fresh review in light of how massive that upper range is and consideration of the size of all the developments already approved for this growth area. She said the density issue is relevant all over the County, Crozet being just another current example, especially for affordable housing concerns; therefore, it is premature to approve the RST proposal now.

Ms. Grazzini said secondly, the proposed concentration of affordable housing for this particular parcel of 75% of all units is unprecedented and is contrary to the Places29 Master Plan which envisioned affordable housing being spread among the developments in the growth area. She said the jump from 15% to 75% affordable units was just offered by RST at the March Planning

Commission meeting and has not had adequate time to be fully considered alongside the input of other community groups interested in a regional collaborative approach such as the City of Charlottesville, Albemarle County, UVA's newly formed task force, and other groups. She said more discussion and exchange of ideas needs to happen before making any decision on this particular application.

Ms. Grazzini said thirdly, there is a definite need for VDOT to review and resolve the differing traffic studies (RST's and Forest Lakes') so everyone could get on the same page. She said this is a legitimate concern and one that they feel will have long-term impact in a designated growth area, so they really need to get it right. She said this should be resolved before the RST proposal moves forward. Ms. Grazzini said to provide the Planning Commission enough time to fully explore these key issues and develop their recommendations, they recommend respectfully that the current proposal be denied at this time.

Ms. Nancy Trudel (2666 English Oaks Circle in the Forest Lakes neighborhood) said she would like to start by referencing sincerely that she is a proponent and supporter of affordable housing and all the good that it represents; however, because of the scope of the pending application and the growth density proposed, she would like to ask the Commission to please revisit their requirements when considering an application such as this that is pending as set forth in Virginia code at section 15.2-2283. She said there are requirements in that code section that are clearly violated and in noncompliance by the proposed development; those include convenience of access, reduction or prevention of congestion in the public streets, protection against the overcrowding of land, undue density of population in relation to the community facilities existing or available, and danger and congestion in travel and transportation.

Ms. Trudel said at the last hearing, the applicant deferred his application and then slightly revised it by a reduction in overall units of approximately 10% to the 332 presented, but then it actually increased the proposed heights of the facility so that the development would still be grossly dense, overbuilt, and fail to provide a reasonable place to live not only for the surrounding area but the residents who would reside within the property.

Ms. Trudel said the RST traffic study even as amended in October 2020 fails to reference numerous assumptions, the first being the true number of RST residents who would use the roads, the second being the residents' daily use, the type of use and the timing. She said it also fails to consider the existing roads as a possible means for ingress and egress including Ridgewood Drive, Ridgewood Circle, McCauley Court, and as possible access through South Hollymead Drive. She said finally, the study fails to consider the northbound rush hour and congested traffic which crests the hill prior to the turning lane onto Ashwood and in doing so would overburden that stretch of road so that it became a backup and dangerous stretch amongst Route 29. Ms. Trudel said she appreciated the opportunity to present and respectfully requested that this Commission deny the revised application.

Mr. Scott Elliff (1885 Kernwood Place in Forest Lakes South) said being one of the organizers of their response to this development, it has been challenging to get everybody engaged, but there is certainly a groundswell of issues on this; it is overwhelming, frankly. He said there was a petition initially with over 500 signatures, lots of pointed comments, extensive testimony before, and levels of analysis and documentation that he is sure that the Planning Commission seldom sees, and now they have a detailed point-by-point analysis that is focused on the revised and amended proposal and are still getting comments as well.

Mr. Elliff said the bottom line is the latest revisions are a start, as everybody said, but they just do not go far enough; there are so many open questions that need resolution. He said it was the Planning Commission's responsibility to deny this as it is currently written, and the previous speaker, in fact, even gave a legal basis for what they need to consider that still has issues.

Mr. Elliff said this would affect a lot of people in a lot of ways so is serious business, and the Commission is to be commended for wrestling with it all; it is a very big challenge. He said once the trees are cut down, they cannot be put back up; once the buildings are built and the cars are in the parking lots and on the roads, whatever traffic backups emerge cannot be undone. He asked once there is a tall cluster of buildings that dominates the view what can be done afterwards. He asked if the development does end up being what was previously called a warehousing of people just staging to go to and from work down 29 how that would ever be remedied later.

Mr. Elliff said it was not about affordable housing, but in fact people that are general everyday working people were going to be using their cars to drive up and down all the time, and it is just shocking to imagine that there could not be a significant impact on the traffic flows with 600 or 700 cars from RST and hundreds of cars coming up from the northern section of Brookhill all to use the Ashwood traffic light. He said they showed before it was a 400-foot backup according to using just some different assumptions and the same underlying VDOT model, so this needs to get resolved. He said it would be a permanent long-term problem for the whole area otherwise.

Mr. Elliff told the Planning Commission they had an important role as a gatekeeper to ensure that proposals are well thought through and appropriate for the County and communities before they go on to the next steps, and the Commissioners have been doing that in lots of other situations, and they need and ask them to do the same thing here.

Mr. Bivins closed the public comments and thanked the public for their very thoughtful comments.

Ms. Long said if there were any issues that remained unresolved or that she had not adequately addressed, she would welcome the opportunity to answer any questions about anything the members of the Commission thought was still outstanding.

Ms. Long said she would start with perhaps a controversial statement, but the comments that were made that are critical of this being a for-rent community, perhaps an entirely for-rent community, are incredibly unfortunate. She said as the first speaker, Ms. Brannock, stated so eloquently, Albemarle County supports housing for all people at all income levels, whether they are homeowners or renters or anything else, and this community is intended to provide a high-level quality living community and neighborhood for anyone who wants to live there, and they are proud of that for all the reasons that Mr. Copeland had stated earlier.

Ms. Long said the lighting concerns will be more than adequately addressed with the County's lighting ordinance; in addition, the Architectural Review Board covers that issue as well. She said regarding noise complaints, the buildings are going to be 88 feet away from the adjacent property line, and she did not believe there was any basis for noise complaints; regardless, there is a noise ordinance in effect in the County.

Ms. Long said there was a comment that expressed that there would be tree clearcutting adjacent to the property line; the application plan, which is a proffered plan, shows a 40-foot buffer, and there will be no clearcutting of the buffer.

Ms. Long said regarding VDOT's need to "resolve the traffic studies," she would welcome any questions to their expert qualified and credentialed traffic engineer who joins them on this call; he can handle any question or concern that may be there, but she would reiterate again that VDOT has already resolved this issue. She said they have thoroughly inspected and reviewed the traffic study and raised a number of questions and comments which the team addressed, and they have signed off on it, as has the County's transportation planner. She said there is no issue with regard to traffic.

Ms. Long said in addition, the traffic study was already a conservative study to begin with, which was very intentional. She said they had now reduced the number of units from 370 to 332, so it is even less of an issue now. She said as far as the homeowner's association's so-called study, they stated on the record at the Planning Commission meeting in March that it was based on made-up numbers; it is not a valid study with bad facts in and bad facts out. She said their traffic engineer even looked behind their numbers and confirmed that even if the basis of their study was assumed as accurate (which they dispute), there is no traffic impact. She said the concerns about traffic are all about their concerns that they will spend a few extra moments waiting at Ashwood to turn south on 29. She said their traffic study demonstrates that is a nominal delay; it is about 1 second using a very conservative number of assumptions, and they think actually it is going to be less than that.

Ms. Long said also the queue length was stated by Mr. Elliff as being 400 feet additional backup; in fact, their vetted traffic study demonstrated the additional increase in the queue length would be 25 feet, which is the length of one car. She said again that was an extraordinarily conservative traffic study, and she asked that if anyone had any concerns after she was finished to please pose them to Mr. Carl Hultgren of Ramey Kemp traffic engineers; all he does is traffic engineering.

Ms. Long said they think a lot of these concerns (and the neighbors have shared this with them) are really about opposing the Ashwood connection. She said they had heard a lot about that at the first Planning Commission meeting; this connection not only furthers all the goals of the comprehensive plan, and VDOT supports the connection, it is a critical connection for all the reasons she knew they all knew, and again, there is no traffic impact associated with that.

Ms. Long asked that the Commissioners remember that there were a large number of public comments at the first meeting in March strongly in support of this application. She remarked how eloquent she thought Ms. Brannock's comments were and appreciated her comments; she does not know her but thinks she summed up very well the comments that were made in March.

Ms. Long said with regard to the legal comments that were raised, she had pulled up that section of the zoning ordinance; that section 15.2-2283 is about the purpose of zoning ordinances. She said it is not a list of requirements; it is the state code stating the purpose of zoning ordinances, which is to protect against these adverse impacts. She said she would contend (and would ask Mr. Herrick if there was any disagreement) that the County zoning ordinance fully and clearly complies with this Virginia code section, so there is no legal dispute about any violation of any state code provision.

Ms. Long said there were comments about concerns about the height of the buildings, their proximity to the adjacent property lines, and that the buildings are just too tall. She reminded everyone again with the revisions to the plan since the March meeting directly in response to comments from the neighbors, they very intentionally shifted the density of these units away from

the neighbors; they shifted it towards Route 29, shifted it away from Ashwood and shifted it towards the north, or the left side when looking at the plans. She said they reduced that end townhouse unit on every single row of units to transition it. She said they do not have to be the same height as an adjacent project; they do not have to be the same density level as an adjacent project.

Ms. Long said there is not an actual viable claim that there is going to be an impact to a three-story building that is 88 feet away from a property line, with a 40-foot buffer in that, she might add. She stressed the five-story buildings that are being stepped back are over 300 feet away from the adjacent property line, hundreds of feet away from Route 29 and also from Ashwood Blvd., so as far as concerns about the building heights, they dispute that there would be any looming of buildings over anyone's neighborhood and think those concerns are unfounded.

Ms. Long said she would conclude with the request that to the extent anyone had any remaining concerns about any element of the project to please feel free to ask any of their team any questions; they were all there and ready to address those concerns.

Mr. Herrick confirmed that Ms. Long had correctly summarized Virginia code section 15.2-2283; it states what the purposes of zoning ordinances are, and in fact, the County's zoning ordinance does comply with 15.2-2283. He noted the Commissioners had heard Mr. Reitelbach, the planner, recommend in favor of this proposal, and it is Mr. Reitelbach's opinion that this is consistent and compliant with the County's zoning ordinance. He said they had heard a number of comments from the public with a contrary opinion, and obviously it was up to the Commission and the Board of Supervisors to judge between the two.

Mr. Randolph commended the team for their improvement in this application; they did listen very carefully to many of the concerns of residents, but there still remained some issues for him. He said while he appreciated the developer identifying now three potential locations along 29 North for a bus stop, he still felt given the impact on Albemarle High School of the added student population guaranteed to be generated by this high-density residential development that compensatory commitments were appropriate for the actual continuation and construction of a bus stop on 29 North.

Mr. Randolph said there was a need for a pedestrian crossing over 29. He said in the pictures, there are not even hashmarks that signify on this major state highway that there is a pedestrian crosswalk there, and there is not an island in the midst of 29 where people attempting to cross 29 actually have a safe place if they cannot make it all the way across in time. He said to be mindful that into a community with high-level affordable housing, there were going to be people that are handicapped and elderly, some of whom may need to move with wheelchairs and may be mobility challenged, so an island in 29 would be totally appropriate.

Mr. Randolph said as he had indicated earlier the last time, there still is no bus stop proposed along 29 South directly across, so for the advocates of this project to say there would be sidewalks and people can go ahead and walk the three miles to Walmart, for the elderly and the handicapped, that is not a viable suggestion, so he had concerns about the fact that the County wants high-density affordable housing (that is a good thing), but there is nothing in this application that addresses public transit except to say there could be three different locations and help guide them here but no commitment to providing that kind of infrastructure and guaranteed access for residents in this community.

Mr. Randolph said his second concern is that it is not sufficient that a proposed development have no negative impact on public facilities and public infrastructure (it states that in the staff report). He said with especially a development with the intensity of the density and the request for the County to permit this, there should be a discernable positive impact, especially on public transit, when there is a high degree of affordable housing units proposed, and he still does not see that commitment here.

Mr. Randolph said he saw here much more clearly than he had before a slippery slope for the County. He said if the public is granted access to private roads within this RST development, then RST residents will quite validly argue in the future that Albemarle County shares a primary responsibility to maintain those same roads, and again, his point when he was asking about HOA fees, there is here no guarantee that this development will be putting reserved funds aside for the maintenance of roads and the reconstruction of any damage in those roads in the future. He said he had been down this path before in his district as Planning Commissioner with Arden Drive where there were insufficient funds available, and the County had to help seek funds through the insurance company to cover the stormwater utilities that were inadequate and constructed. He said he did not want to see the County in the future having to step in and pick up responsibility.

Mr. Randolph said his last point he had raised earlier was the substitution request. He said they were being asked that evening to approve higher cost units for amenities and recreation, pools, dog parks (who is going to clean up), grill areas (who is going to clean up), indoor fitness center, and a reduction of tot lots and basketball courts, which have less maintenance costs associated with them. He asked they be mindful of that; it was wonderful that there would be people with 30% AMI if they were owners, but they are going to be renting, and be mindful what the average rental is in this community driven by the 800-pound gorilla UVA that increases all those rental costs.

Mr. Randolph said the County website does specify that the cost of living in Albemarle County includes groceries at 100.7%, healthcare costs 105.4%, but housing costs 143.5% when 100 is the average for Virginia, so housing and rental costs are greater, and he does not see how people are going to be able to afford at 30% and even 50% AMI if they own but on the rentals be able to afford these higher cost amenities.

Ms. More said speaking for herself, she was not sure that she thought it was appropriate for her to make an assumption about this development that she would not just assume about any other development that the County would have to come in and pay for roads or that there was going to be a problem with upkeep of shared amenities and facilities. She said she had no reason to believe that that would not be taken care of by the property management; it seemed like a presumption that it is not going to work out well, and she was not sure why that was (if it was just from an experience in the past), but she has every reason to believe that things would be taken care of just like they would with any other development.

Ms. More said she really did appreciate all the changes that have been made; there is substance, and it is better than what they saw the last time it was before them. She said she was not sure what to say about the transit because she felt like there was a lot happening in this area (and she understood probably part of the reaction from neighbors was there is a lot of development going on right here); being from Crozet, she understood how that feels and how people react to that, but it seemed to her that other developments there should be seen a part towards transit, or maybe it is the County's responsibility to provide it. She said in her mind, the applicant has done what they asked, at least what she thought they asked of them, which was to plan for that in the future but that they are not being saddled with any particular responsibility to create something

that is not quite there yet.

Ms. More said she does not know that they ask that of the other developments happening around there, and then she feels like she is hearing things that evening that they did not hear before with other applications that are right there in that area as well. She said she did not really know what to say about Mr. Randolph's thing with the crossing.

Ms. More said with schools, the way she sees it is that Albemarle is already going to be over capacity, and this is a situation that needs to be figured out regardless of this development; that to her seems like one of the places that they would be putting a lot of energy, and she knew the County has some land and there are some ideas and there is the Center as a place to redirect some enrollment, so that does not give her pause here. She said it just in general is a concern they all share and need to get to an answer with that.

Ms. More said she really was positively inclined for this development, and to get at the piece that Mr. Bivins was talking about with the special exception and the height, they did hear from the applicant about that but did not ask a lot about that. She said she is okay with those exceptions because in her mind, it is a tradeoff, and part of that was taking feedback; the Commissioners had pointed things out to them, said they wanted to see more open space, said they wanted to learn a little bit more about the amenities, and then, though, there was a reduction in numbers, and she felt like that is what they are seeing there. She said Ms. Long tried to explain also that there is the desire to take back that space, so it is a little bit taller but is centrally located, and the buffers are generous, and so she sees what she expected to see with this coming back; she sees all those improvements, so she feels really good about it moving forward.

Ms. Firehock said she wholeheartedly agreed with Ms. More's comments and had received a number of comments via email from the public; some of them were stating that the Commissioners were just giving the developer a pass because they had affordable housing. She said she did not think that was the case at all; the Commission gave them a very thorough review the first time around, and they did a lot of work to bring this development into what she and they feel is a much higher quality development. She said she did not share the concerns of some of the public that there is too much affordable housing in one location; she sees that as an apartment building where people who do not have as much means as some of the other people in close proximity could find a place to live.

Ms. Firehock said she could remember being a person in her 20s and not being able to find an apartment to live in because she had to pay more than 50% of her salary for housing, and people would not approve her applications; she only finally got an apartment by getting their staff accountant to lie about her wages when they called, and she never missed a rent payment in her life.

Ms. Firehock said she does feel that these buildings are backed up far enough away from the residences; there are other situations in downtown Charlottesville and Arlington, Virginia, where there are really tall buildings towering over backyards, but this is not the case, and there is not a problem with this level of density in this location. She said it meets the County's policies in the comprehensive plan for more dense infill development, and so she is in support of this development in its current form.

Mr. Bailey said there were a lot of concerns when this application first came about it lacking soul and not having a place that was home; the applicant really took that to heart, reducing the density and adding a hub and a central area to create a sense of community. He said there were also a lot of concerns about it being largely affordable housing with questions of where they would work and how they would get to places when there was not public transit. He said that remains a concern; however, there was movement to identify opportunities for JAUNT and other services like CAT to have a stop.

Mr. Bailey noted that 0.8 miles north of this site, there is a signaled crossing across 29, and two miles north, there is a major shopping center that provides a number of employment opportunities for people in the lower income bracket (that would be within walking distance) that could be able to afford this place. He said it was not that everybody could be going in town; there are employment and increasingly more employment opportunities coming in this area, as it is a development area, that could be applicable for residents of this development.

Mr. Bailey said he is a small business owner and has employees that commute that cannot afford to live in this area. He said he has friends that cannot afford to live in this area that have children who have to time their departure from Charlottesville to travel 45 minutes or an hour so they can pick their children up at school outside in a neighboring county. He said while he knows that there is a struggle with Albemarle High School that needs to be addressed, given the opportunity to allow 330-some families to come in and have less of a commute time and an opportunity to spend more time with their children while they are trying to increase their means and have a way of living where their employment is, that is a tradeoff worth taking and something that needs to be figured out to provide that opportunity for the citizens of Albemarle County.

Mr. Bailey said once again, he is inclined to support this proposal and is very pleased with the improvements made and the opportunity to bring this much and to make not enough dent but a reasonably large dent into the affordable housing crisis in Albemarle County.

Mr. Keller said that Ms. Firehock and Mr. Bailey summed up his position very well. He said they as a Commission have been working for many, many years to try to increase the number of affordable housing units and thought that the proffers were going to provide an opportunity for that for a long time; they now have seen the results of that work, having a housing manager in place, and are seeing that they really did not generate that many new units through that process. He said what is different about this particular developer is that they are specializing in affordable housing units; they have shown what the security is that the County is going to have these affordable units into the future.

Mr. Keller said for his mind as a designer asking a lot of tough questions along with staff and other Commissioners asking a lot of tough questions, they have seen significant improvements to the amenities and aspects such that they can feel good about what the amenities would be for the people who live there.

Mr. Keller said that Mr. Randolph brought up an interesting point about the crossing, and he supports this project and is comfortable either as is or with a condition as Mr. Randolph outlined for at a minimum an island for crossing.

Mr. Carrazana thanked the team for their work and said they took the comments to heart as had been stated. He said the density has been mitigated in many ways, both with the additional buffers and the landscape that is there now, the existing tree cover, also topography, so there are a

number of things that are working to the advantage of this project to mitigate the density, and they have taken advantage of that now, maybe not so much the first time around.

Mr. Carrazana suggested (and Mr. Clayborne touched on this) that there is an opportunity here to go a little bit further as the applicants consider the site plan and go further into the design (he knows it is not architectural they are seeing—they are seeing massing—and he commended them for the massing as well, which is much improved). He said he believes that they are now creating not just a new development but a place for people to live. He said in this world now, they need to realize that everybody is not going to just leave and go to work; there is a higher percentage of people that are going to be working from home, and so thinking about the integration of pedestrians (bike/ped) and the car, he asked whether the car be deemphasized. He said he believed that is what Mr. Clayborne was getting at with his comment, so he would also urge the applicants to think about that, think about a way they could make this even more pedestrian friendly than they have.

Mr. Carrazana noted the applicants have made some really positive moves, but it could be enhanced; there are some amenities that he finds disconnected. He said the cemetery might be one of those amenities potentially. He encouraged them to think further, although he certainly applauded what they have done and also understood that they are not at that level of development yet but will be as they move forward to site plan and the architectural review, and it shows a lot of promise.

Mr. Clayborne said he wanted to thank the design team; it has come a long, long way, and that hard work does not go unnoticed. He thanked the public for making their comments. He said one of the hardest things for them to do as a Commission when they make these decisions is that they are not making these decisions necessarily off a subset of people but for the whole community, and it is so unfortunate that the people who would be benefiting the most from this project were not there that evening to speak whereas he thought one would hear a little bit of a different story.

Mr. Clayborne said the recommendation he was going to make was based off the data that has been provided to him. He said, for example, with the density, when one looks at the master plan, this fits within the parameters; that master plan was done for a reason, and so when the data is provided to him, he is using that to make his decisions.

Mr. Clayborne said he would just encourage the design team to really think through the sustainability portion as the design progresses, and it should not be an afterthought; when they build something that is going to be around for 50 to 75 years, they have that responsibility to make sure that with the footprint that they leave, the world is left a little bit better than when it was found. He said he had faith that they would be looking at that, and he sees the architects and planners and civil engineers they had with them and would take that to heart. He said it is a big enough project to where it does not really need to be a run-of-the-mill project; they have an opportunity to do something pretty special and show something that is a first-class facility. Mr. Clayborne said he was prepared to offer his support for it to move forward.

Mr. Bivins said one thing people should know is there is a study right now looking at enhanced transportation up 29 to the research park, so there may be an opportunity as they move through this working with the people within the County to talk about what that means for them, and whether or not that is CAT or JAUNT or on-demand, there will be opportunities to bring mass transportation to a project more up 29, and perhaps that is another project.

Mr. Bivins said he would hope when talking about sustainability that they look at some of the new technology that is around to do that, whether or not that is panels on top of things, but hopefully there will be EV charges (and not Tesla charges), so that if, in fact, this is going to be a place that is going to be available for a host of people, then if people want EVs that they can get EVs without having to move in that particular direction.

Mr. Bivins said (and he was not trying to be snarky with what he was about to say) those two pieces of property were 100% affordable between the trailer community and the single-home occupancy things there, and he is very pleased with the fact that the applicants will be coming up to a project that is going to be 75% of that when this is all built out; that has been a place where a number of tradespeople and people who have been in transition over the several decades he has been in the County have found themselves living comfortably and safely, and he is thankful that the applicants are looking to create a space for them and for people like that to do so again.

Mr. Bivins said he will be supporting both the ZMA and the special exception because he also thinks that in the setback from the fourth floor to the fifth floor for the two apartment buildings, there is a visual change that happens there that he is pleased with and would support. Mr. Bivins encouraged the applicant to listen to his colleagues when they talk about having the opportunity to tuck in there a very interesting project that not only can they herald as Commissioners at some point, but the applicants would be able to use in their portfolio when they go to other places (hopefully in the Albemarle ring as they build these things out).

Mr. Clayborne encouraged the team to continue to work with the community as this goes forward (pictures, pictures, pictures/renderings, renderings, renderings) and continue to be transparent as they walk through this process.

Mr. Clayborne moved to recommend approval of ZMA202000007 RST Residences for the reasons stated in the staff report.

Mr. Bailey seconded the motion, which carried 6:1 (Mr. Randolph opposed).

Mr. Clayborne moved to recommend approval of special exception request SE202000003 to modify the setback requirements for buildings in the development with the conditions listed in the staff report and for the reasons stated in the staff report.

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

Mr. Bivins told Ms. Long and Mr. Copeland that they had heard from the Commissioners and hopefully would receive it as wise advice and counsel from the Commission as they take this to the next level to meet with the Supervisors. He said that one piece that Mr. Clayborne said about having a really interesting set of visuals to share with them would probably be something they might want to consider, and also if they have an opportunity to talk to other people in the community that they do that so that they have included them in their movement to the next step.

At 8:35 p.m., Mr. Bivins called a 5-minute break.

At 8:41 p.m., Mr. Bivins called the Commission back into session.

Work Session

CCP202100001 ACSA Avon Street Facility

Ms. Kanellopoulos, senior planner in the Community Development Department, said they were there that evening for a work session on a consistency with the comprehensive plan application for a proposed Albemarle County Service Authority (ACSA) maintenance and training facility on Avon Street Extended. Ms. Kanellopoulos said she would start with the purpose of the consistency with the comp plan review, then cover the proposal and its background, and then discuss staff's analysis of the proposal.

Ms. Kanellopoulos said the purpose of a consistency with the comp plan application (CCP) is detailed in section 15.2-2232 of Virginia State Code, and in this case, it is for a proposed public facility that is not shown in the County's comprehensive plan. She said the Planning Commission reviews the proposal for whether the general location, character, and extent of the proposed public facility are in substantial accord with the comprehensive plan; the Planning Commission then forwards its findings to the Board of Supervisors for informational purposes only, and if the Planning Commission finds the application consistent with the comp plan, the next step for the applicant is to submit a site plan for review.

Ms. Kanellopoulos presented an aerial view demonstrating the site and some of the surrounding uses. She said the proposed facility would be located on tax map parcel 91-1 (highlighted in yellow on the map) and is approximately 9.5 acres located off of Avon Street Extended. She said there are several schools in the nearby area including Mountain View to the south, Monticello High to the northeast, and Tandem Friends School to the east, and there are primarily residential neighborhoods across Avon Street to the west including Mill Creek and Lake Reynovia.

Ms. Kanellopoulos presented a more zoomed-in aerial showing the existing site in more detail. She said there were a water tower and cell tower already on the site, and these would both remain with the proposed development. She said the parcel does have frontage on both Avon Street Extended and Founders Place, and adjacent uses include the shopping center at Mill Creek to the north, an undeveloped County-owned property to the north that is currently wooded, the fire rescue station, a healthcare facility, and equipment rentals to the south.

Ms. Kanellopoulos demonstrated a few photographs of the area around the property and said the top left photograph showed the current end of Founders Place, which is slightly past the fire rescue station, and in the future, this road will likely extend to Galaxie Farm Lane, which is a development off of Route 20. She described that the new High School Center II is planned along Founders Place, and that will be in the area to the left of that photograph, and the top right photo shows a view of the ACSA property looking across the street on Founders Place.

Ms. Kanellopoulos demonstrated an image of the proposed concept plan for the application; it is not a site plan at this stage. She said the proposed use of the property is a maintenance and training facility to provide a training area and minor repair facility for ACSA vehicles and redundancy for critical infrastructure and operations at the Spotnap Road headquarters. She said the proposal includes a 15,600 square foot two-story maintenance building, a 7,500 square foot training area, which includes confined space training, associated parking, and storage areas for large equipment such as pipes and vehicles, a fuel station, and a vehicle rinse station.

Ms. Kanellopoulos said there is some security fencing existing, and there would be more installed around the site for these new uses. She said there is an existing site access road which comes

in off of Avon Street Extended to get to the existing water tank and cell tower, and that would be extended to connect all the way to Founders Place; Founders Place would be the primary access point for this development, and Avon Street Extended would be used as an entrance and exit when needed such as for large trucks that have a harder time turning around.

Ms. Kanellopoulos said VDOT and transportation planning staff did review this proposal and did not find any significant transportation-related concerns; VDOT does not anticipate traffic conflicts with the adjacent future high school site due to the low number of trips with ACSA's proposed use, and ACSA estimates approximately 10 to 15 employees on site per day with potentially up to 30 people on site when there are training days.

Ms. Kanellopoulos said there are also five additional parcels along Avon Street Extended in front of this property; four are owned by ACSA, and a fifth is a privately owned property with a single-family residence. She said there was a community meeting held for this application which was during the regularly scheduled virtual 5th and Avon CAC meeting on April 15, 2021; the main topics of discussion at the meeting were potential impacts due to traffic, noise, and lighting as well as questions about landscaping and fencing. She said the applicant provided information related to these topics at the meeting including that they would retain as much landscaping as possible, that fencing that would be visible from Avon Street Extended would be more decorative, and that use of the property outside of normal business hours would be for emergencies. She said as previously noted, the traffic generation with this proposed use is expected to be minimal, and VDOT and transportation planning staff do not anticipate any substantial traffic impacts.

Ms. Kanellopoulos said there are no stream buffers, floodplain, or preserved steep slopes on the property; there are some managed steep slopes, but those may be disturbed by right if engineering design standards are met. She said this property was previously in the entrance corridor overlay; however, that designation is not currently being applied to Avon Street Extended as this road is no longer designated an arterial. She said the property is zoned R-1 residential, which allows public facilities and utilities by right; those are allowed in all the County's districts by right, and so the zoning district of this property does not change with this request.

Ms. Kanellopoulos said staff reviewed this application for its consistency with the comp plan and found it to be in substantial accord with the relevant recommendations. She said some of those include consistency with the growth management policy by establishing a public facility in the development areas; consistency with the development areas chapter including preserving areas of natural and green systems, as there are none affected by this proposal, and consistency with the relevant neighborhood model principles, which are also outlined in more detail in attachment 3 in the staff report; and consistency with the community facilities chapter including having sufficient space for potential future expansion, locating complementary services together, which in this case includes opportunities for joint fire rescue training and incident command operations, and the relevant neighborhood model considerations for community facilities, and those are outlined in more detail in attachment 4.

Ms. Kanellopoulos said in the southern and western neighborhoods master plans, the future land use designation for this site is institutional, which recommends uses such as schools, libraries, major utilities, and hospitals, and the recommended height and acreage vary depending on the needs of the use. She said the site is located adjacent to the Mill Creek Drive Center, which includes the fire rescue station, Monticello High School, and several large undeveloped properties owned by the County, and civic uses are likely expected on those County-owned properties in the future. She said there is a recommended small area plan for the Mill Creek Center that has not

been completed yet and would use community engagement to determine future uses in this area, and the intent of that small area plan is to look at County-owned properties and would likely not include this property, so staff finds that the proposed development of this site is consistent with the master plan.

Ms. Kanellopoulos said based on the factors favorable and the review with the comprehensive plan, staff recommends that the Commission find the location, character, and extent of the "ACSA Avon Street Facility" public facility and public use thereof, as proposed, to be in substantial accord with the Comprehensive Plan, for the reasons identified as favorable in the staff report.

Ms. Kanellopoulos presented the two motions for the Planning Commission's consideration to make a finding for the application and said she was happy to answer questions or defer to the applicant or return to any previous slides.

Mr. Alex Morrison said he was a senior civil engineer with the Albemarle County Service Authority, part of the owners group for this application, and he would be the project manager for this project and development.

Mr. Morrison said he would like to start by thanking the Planning Commission for allowing him to present their project, the County Community Development staff for facilitating their inclusion in the meeting, and members of the public who were in attendance. He said he would be talking about the Albemarle County Service Authority (Service Authority) Avon maintenance facility.

Mr. Morrison said he would go over a few quick agenda items that he would cover; he would go over a couple of introductions for members of the team in attendance, the role of the Service Authority and project needs, the project location within their jurisdictional area, the existing site versus the proposed site development, cover some of the development components that have been proposed, highlight a couple of proposed community partnerships that they are looking at through this development, and then take questions.

Mr. Morrison introduced the owner and design engineer staff in attendance including himself as senior civil engineer with the Service Authority who would act as the project manager; Mr. Gary O'Connell, the Service Authority Executive Director; Mr. Pete Gorham, Service Authority Director of Engineering; and Dewberry is their design consultant on this project, so Kevin Pennock with Dewberry, who is acting as the site civil designer, and Dodie Hudson, who is the architectural designer.

Mr. Morrison said the Avon Street Maintenance Facility project would allow the Service Authority to carry out its essential public health and welfare functions, which include providing water and treated sewer, mandated by the Board of Supervisors of Albemarle County at a reasonable cost to the Albemarle County citizens within the growth area.

Mr. Morrison provided some background on the growth of the Service Authority since this property was acquired in 1987. He said since 1987, they have increased from roughly 7,220 water connections to just over 21,000 water connections, which is an increase of 290%. He said they had increased from 157 miles of water mains to 358 miles, an increase of 228%, and have increased from 77 miles of sewer mains to 302 miles, an increase of 392%. He said as of July 1, 2020, they own, operate, and maintain over 660 miles of public utility mains with new infrastructure being installed daily.

Mr. Morrison said the proposed Avon facility location is centralized in the Service Authority service area to provide access to the service area via major transportation corridors such as Route 20 South to Scottsville, I-64 West to Crozet, I-64 West and Route 29 North for their western areas between the City of Charlottesville and Crozet as well as the northern service area from Rio Road up to the Briarwood area north of Hollymead and Forest Lakes.

Mr. Morrison said this project achieves the long-term purpose of the 1987 property acquisition by the Service Authority, which is a satellite maintenance yard. He said the current Service Authority Spotnap Road maintenance facility has no additional storage site capacity. He said their current location is bounded by highway commercial developments on three sides; to handle their workforce growth, they have conducted internal renovations, expanded into an adjacent rental house that they own, and expanded the employee parking lot. He said they have a small footprint for a future building expansion; what they do not have is a footprint to expand their maintenance yard for material and equipment storage and associated activities.

Mr. Morrison said redundancy for the Service Authority operations in the following areas have been identified as a critical need based on their recently completed facilities master plan as well as continuity planning. He said this includes a second maintenance base of operations, a second fuel station and vehicle wash area, additional material and equipment storage, a second server room to support onsite and remote operations, a dedicated confined space and operator training area, and conference room and workspaces to facilitate classroom training and support of Incident Command System operations.

Mr. Morrison presented an overview to demonstrate their service area within the County (highlighted in orange). He said their service area goes as far south as Scottsville, as far west as Crozet, as far east as Glenmore, and as far north as North Pines GE near the National Ground Intelligence Center. He said their main site in Pantops was shown on the map, and a small satellite facility with a short-term lease in Crozet was also shown. He said the proposed Avon facility was shown south of the Interstate 64 corridor.

Mr. Morrison presented a slide showing existing site conditions with field survey contours within the proposed development area. He said the location of the existing Rivanna Water and Sewer Authority water storage tank and a cell phone tower could also be seen.

Mr. Morrison presented the proposed site slide and said it showed components of the development which would be described on the next slide. He said a public meeting was held during the April 15th 5th and Avon CAC meeting, and community concerns were discussed during the meeting to ensure the design mitigates and addresses community concerns. He said they have discussed the proposed development with the adjacent resident along Avon Street bounded by the areas of the Service Authority property to remain undeveloped, and no concerns arose. He said they will be scheduling a meeting and work sessions with the Albemarle Health & Rehabilitation Center, a parcel adjacent to their southern property line, to ensure appropriate buffering is included in the site plan design prior to submittal as well as to present renderings of the development for the property owner based on the proposed development and buffering.

Mr. Morrison said the proposed development and use is consistent with the comprehensive plan designation as well as the future land use designation in the southern and western neighborhoods master plan. He said he would also note that although the slide showed a future water storage tank, the water storage tank is not part of this proposed development and is only shown to provide

an undeveloped area for a future tank. He said if Rivanna Water & Sewer Authority determines a second water storage tank is required based on system demand and fire flow storage requirements from growth, they will make the appropriate County applications for review and approval at that time.

Mr. Morrison said the proposed site components are as follows: a site access road, which will go from the current Avon Street entrance down to Founders Place; a dual level maintenance building with vehicle bays, vehicle maintenance workshop, facilities maintenance workshop, breakroom and restrooms, a server room and flex office space and conference room for training and the incident command; a vehicle storage yard; confined space entry training area; a fenced operator training area; a fueling station; associated stormwater management infrastructure; sanitary sewer infrastructure and potable water infrastructure to serve the building; security fencing with two entrance gates and associated retaining walls.

Mr. Morrison said he would also like to mention a few proposed community partnerships they are or will be exploring as part of this development. He said the Albemarle County fire/rescue confined space rescue team is located at the Monticello Fire Station adjacent to this site; they plan to conduct joint trainings with the fire/rescue to allow them to be familiar with confined spaces that the Service Authority enters while also allowing the Service Authority confined space teams to obtain institutional and safety knowledge.

Mr. Morrison said they also plan to conduct joint training with fire/rescue within their operator training area for trench safety and rescue. He said most of their maintenance activities occur within trenches of varying depth and configuration, and it is important to conduct continued safety training for these activities.

Mr. Morrison said they would also like to explore a partnership with the Albemarle County Public School system to provide operator training for technical education programs, and they are also in the process of creating a partnership with the Centers for Urban Habitats to provide biodiversity education and conservation on the undeveloped portion of their property.

Mr. Morrison opened the floor for questions. He said he would cover project scope questions, technical design questions would be directed to Dewberry, and any County process questions would be directed to County staff.

Ms. Firehock asked if the square that said training in the middle was a building or a location where they are doing training and what kind of training they are doing.

Mr. Morrison said that area was their operator training area; there will be a fenced area with permanent E&S measures, but that is varying topography there where they will train their operators on the use of equipment, specifically outriggers and trenching, so that they can refine their skills and conduct trench safety exercises in a controlled environment so if there is a major watermain break in the middle of the night which is an area that is difficult to access, they will have those skills to safely make the repairs.

Ms. Firehock said she realized their objective that evening was to make a finding as to whether they were in accord with the comprehensive plan and not a site review; however, she was curious if they were planning to do any washing of vehicles on the site. She said she is concerned because a lot of times these facilities do that, and there is [inaudible] runoff into the storm drain, and there are separate and not combined sewers in the County. She said she was curious as to whether

any of those type of activities or degreasing activities would occur since there might be some large equipment there.

Mr. Morrison replied that they were proposing a vehicle wash area similar to what they have on their site in Spotnap, which is a collection pad using handheld wash equipment (not an automatic car wash), and they are proposing to put in place oil/water separators and grit separators to ensure that the stormwater discharge is treated and is not taking sediment into that system. He said when it is not in use, it will discharge to stormwater; when it is in use, it will be discharged to the sanitary sewer system, so any green chemicals that are used during that washing will actually go through the sanitary sewer system and be treated at the wastewater plant. He said once that activity is finished, they will switch a diverter which will allow just the stormwater runoff from rain events off of the pad to go through the stormwater system and the associated stormwater facilities constructed on this site.

Ms. Firehock told Mr. Morrison that was the right answer and thanked him.

Mr. Bivins opened the public comments.

Ms. Pat Kesler (1301 Creekside Drive) said she also attended the Avon advisory virtual meeting. She said she believed the gentleman had said that there were no objections at that time, and yes there were objections at that time; she wanted to make a note of that. She asked what they propose would be the approximate number of large trucks that would need to access the Avon entrance or exit due to the fact they cannot turn around in the facility.

Mr. Morrison said when he had stated that no objection arose, he was specifically speaking to the residence which is bounded by ACSA properties on the Avon frontage on the ACSA development side of the road, and he apologized for any confusion. Mr. Morrison said as to Ms. Kesler's question for the number of large trucks, these would mainly be pipe deliveries, which are infrequent; they have a pipe delivery maybe every couple of weeks, if even that often. He said they have other smaller delivery trucks that would bring meter boxes and valves, but that is also every couple of weeks that they may have one of those deliveries come through, so they do not propose more than one trip a week if they even have that many.

Ms. Kesler asked if Mr. Morrison foresaw that the primary entrance would be not from Avon but from the other side.

Mr. Bivins asked Ms. Kesler if she had asked whether the primary entrance would be on Founders road.

Ms. Kesler replied yes.

Mr. Morrison said that was correct, so although they would have the two entrances for operational flexibility on the site, they will primarily use the Founders Place entrance. He said they were looking to make the Avon Street entrance a right-in/right-out but will have the flexibility to utilize the Avon Street during high traffic periods on Founders such as once the school center develops, if school is letting out, they would have the ability to use Avon and not impact that traffic, but for a majority of the time, Founders would be their primary ingress/egress to the site.

Ms. Kesler said Mr. Morrison had talked about the frontage there on Avon, the trees that are a screen that makes it unable for them to see the project that is going to be going up. She asked how long he foresaw those trees would be in existence or whether they would eventually be taken down.

Mr. Morrison said at this time, they had no plans to develop the frontage; their facilities master plan did not foresee any need to develop that area for 25+ years, if ever. He said this facility would give them the redundancy in their maintenance, and they have a location on their Spotnap site for an expansion of this building for administrative and engineering staff, so at this time, they do not foresee those trees being removed any time in the near- or long-term future. He noted that undeveloped area is also the area that they are working with the Centers for Urban Habitats for the biodiversity education and conservation; they have done some recent surveys in there, and that agreement is being worked on so that they can study and conserve some of that existing flora that they have located.

Mr. Bivins closed the public comments.

Mr. Morrison said he did not have any closing remarks as the development had been covered well in the presentation. He said his contact information was amorrison@serviceauthority.org and asked the Commissioners to please not hesitate to reach out. He thanked the Commission for allowing them the time to present and talk about this project.

Mr. Herrick said that Ms. Kanellopoulos cited Virginia code section 15.2-2232; that code section actually requires that the Commission state the reason for its approval if it does approve, so he would suggest that in addition to Ms. Kanellopoulos' motion that the motion state the reasons for recommendation if recommendation is approved. He said it could simply be adding to the end, "for the reasons stated in the staff report."

Mr. Randolph moved to find the location, character, and extent of the "ACSA Avon Street Facility" public facility and public use thereof, as proposed, to be in substantial accord with the Comprehensive Plan as stated in the staff report and for the factors that were favorable in the staff report because it is consistent with the applicable neighborhood model principles for public facilities as described in the comprehensive plan; the proposed use is consistent with the growth management policy in the comprehensive plan; and the proposed use is consistent with the future land use designation of institutional as described in the southern and western neighborhoods master plan.

Ms. Firehock seconded the motion, which carried unanimously (7:0).

Mr. Bivins told Mr. Morrison that the Commission had found this project in compliance with the comprehensive plan, and that notice would be passed on to the Supervisors.

Committee Reports

Mr. Randolph said the Village Rivanna CAC has reconstituted with five new members, and the topic of main conversation after the officers were chosen was Breezy Hill. He said there was a lot of active discussion about that, so the Planning Commission would be seeing this in July maybe and asked Mr. Rapp for confirmation.

Mr. Bivins asked if there was discussion about Clifton.

Mr. Randolph said there was no discussion yet about Clifton.

Mr. Rapp said it looked like July 20th.

Review of Board of Supervisors Meeting – June 2, 2021

Mr. Rapp said there was a Board meeting on June 2nd, where the Board supported the proposed amendments to section 33 for zoning text amendments, zoning map amendments, special use permits, and special exceptions. He said there would be a Board meeting the following day with a public hearing for the housing policy and Midway Solar projects.

Old/New Business

There was no old/new business.

Items for Follow-Up

There were no items.

Adjournment

At 9:15 p.m., the Commission adjourned to June 22, 2021, Albemarle County Planning Commission meeting, 6:00 p.m. via electronic meeting.



Charles Rapp, Director of Planning

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

Approved by Planning Commission
Date: 07/06/2021
Initials: CSS