

A regular day meeting of the Board of Supervisors of Albemarle County, Virginia, was held on August 21, 2019, at 1:00 p.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia. The regular night meeting was held at 6:00 p.m.

PRESENT: Mr. Norman G. Dill, Mr. Ned Gallaway, Ms. Ann Mallek, Ms. Diantha H. McKeel, Ms. Liz A. Palmer and Mr. Rick Randolph.

ABSENT: None.

OFFICERS PRESENT: County Executive, Jeff Richardson, Deputy County Executive, Doug Walker, Assistant County Executive, Trevor Henry, County Attorney, Greg Kamptner, Clerk, Claudette Borgersen, and Senior Deputy Clerk, Travis O. Morris.

Agenda Item No. 1. Call to Order. The meeting was called to order at 1:04 p.m., by the Chair, Mr. Gallaway.

Agenda Item No. 2. Pledge of Allegiance.
Agenda Item No. 3. Moment of Silence.

Agenda Item No. 4. Adoption of Final Agenda.

Mr. Gallaway asked the Board to amend the agenda to switch Agenda Item No. 11, ZMA201800013 Rio West, and Agenda Item No. 12, Closed Meeting. He said the owner has a time conflict and asked for this consideration. Board members concurred.

Ms. McKeel **moved** that the Board adopt the final agenda, as amended. The motion was **seconded** by Ms. Mallek.

Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Gallaway, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph and Mr. Dill.
NAYS: None.

Mr. Gallaway asked if Board members needed to pull any items from the Consent Agenda. There were none.

Introductions. Mr. Gallaway the presiding security officer, Sgt. Sean Hackney and Lt. Terry Walls, and County staff at the dais.

Agenda Item No. 5. Brief Announcements by Board Members.

Ms. Palmer said that last time the Board met, she invited everyone to the North Garden Community Day, which was held on Saturday, August 17th. She said that this has been going on for seven years in conjunction with the North Garden Volunteer Fire Department and area church associations, and it grows each year. Ms. Palmer said that this year, there were about 500 people who attended. She said that there was free food, bounce houses and other kids' activities, and cake walks. Ms. Palmer suggested Board members look for this event again next year.

Ms. Palmer said that she, along with some members from the Solid Waste Committee, took a field trip to the Chester County waste recycling facility and to the County waste Zion Crossroads transfer station. She said that she could answer any questions and if there was a time, she could provide a report, adding that she does not think it would happen during the present meeting.

Mr. Randolph reported that his representative on the Albemarle County DSS Advisory Board informed him that the State is preparing for the potential for a work requirement and Medicaid expansion. He explained that the upcoming changes in SNAP benefits, which would limit the amount of time that adults without dependents could receive the benefits, makes it imperative that these individuals attain meaningful employment. Mr. Randolph said that these changes are occurring during a time of full employment and if there is a potential recession, the impact to these individuals not being able to receive benefits, either Medicaid or SNAP, could be devastating.

Mr. Randolph said that on another topic, he reported earlier that the Boys and Girls Club ride, which has traditionally taken place in Crozet, is still going to take place, but it is being organized by several dedicated supporters, mainly members of the Charlottesville Chain Gang Bike Team. He said that it would be an informal potluck event that would operate out of Walnut Creek Park, Shelter #1. He said that they are offering 15, 25, 40, and 50-mile routes, and one could do 100 miles by doing the 50-mile route twice. Mr. Randolph said that it starts at 8:00 a.m. on September 15, and attendees can show up anytime between 8:00 a.m.-10:00 a.m. He said that he could offer more information as needed.

Mr. Randolph said that the Village of Rivanna Citizens Advisory Committee met on August 16th. He said that there was not a quorum, but the Committee had hoped to have Tim Culpeper make a

presentation. He said Mr. Culpeper is a representative of Robinson Development, which has taken over the site, with the houses themselves being built by Ryan Homes. He said Mr. Culpeper did report that as of last night 64 of the 74 proposed homes, or 86.5%, in Phase I, have been sold. He added that there are a couple issues that need to be worked out with the County. Mr. Randolph said that townhomes starting in the high \$200,000 to single-family detached in the low \$500,000 are selling well on the east side of town.

Ms. McKeel provided Board members with a copy of a newsletter she received at the last Police Citizens Advisory Committee meeting. She said the letter was compiled by the Albemarle County Police Foundation, noting that the newsletter was available as a digital copy as well. She said that the Foundation is very active and supports the work of the Police Department.

Ms. McKeel said that she has two arts initiatives, with one that rolled out yesterday, and another that was coming soon. She said that the arts initiatives announced yesterday, which would also be publicized on television that evening, is called "Art on Fire," which is a fire hydrant mural project sponsored by the Albemarle County Service Authority, Charlottesville Mural Project, the Bridge PAI, and Albemarle County with in-kind services.

Ms. McKeel continued that she has been working with Gary O'Connell of the Service Authority on the project for a year. She said that they selected five fire hydrants around the Barracks Road/Georgetown Road/Hydraulic Road/Commonwealth Whitewood area, and there is a call to artists for artistic design on the hydrants with a deadline of September 20. Ms. McKeel said that they are looking at the project as a pilot and has planned such that if other community members or magisterial districts citizens are interested, it could be adopted in other areas.

Ms. McKeel said that the second initiative would be announced within a few weeks and is called "The Sense of Place," which is an art project around two CAT transit stops at Stonefield. She said that this project was being done by CAT, County of Albemarle, The Shops at Stonefield, Charlottesville Mural Project, Bridge Progressive Arts Initiative (PAI), and the City of Charlottesville. Ms. McKeel said that there was a call for artists to design one or both of the CAT bus stops at Stonefield, which could look very different, as one has a shelter and the other does not. She said that they have to keep in mind that Stonefield is essentially private property, which is one of the reasons why the project was started. She added that Stonefield reached out to her.

Ms. McKeel explained this is a great opportunity on private property for two CAT bus stops, and it has been planned in a way that could also be a pilot, making it possible to roll out a similar project at CAT bus stops in the County or even in the City. She noted that the City bus stops have different regulations than the ones the County has on VDOT roads. She added that Joel DeNunzio has taken part in the meetings for this initiative. Ms. McKeel commented that she has been looking forward to this work and trying to focus on arts in the urban rings.

Ms. Mallek asked Mr. Kamptner to, at a future time, help the Supervisors understand how they could clarify their discrepancy over the leash law two categories in parks versus neighborhoods and what would be involved in this. She asked if it was simply a matter of changing a sentence in order to accomplish this. Ms. Mallek said that she would like feedback on this as the matter has come up in several districts over the past six months, both in parks and in neighborhoods.

Ms. Mallek said that this morning, she was in Richmond for the second of the Chesapeake Bay workgroup meetings. She said Albemarle County was invited to be part of the panel and reported on some of the things that it has worked on since 1988 when the bill was adopted. She added that Loudon County and Powhatan also attended the meeting. Ms. Mallek said there was a great discussion and she would be bringing back more information as the reports are completed.

Ms. Mallek said at the VACo summit last week, they heard about the census. She said that she hopes the Board will hear what the County is doing on the census to get a complete count. She said there are many counties in Virginia who already have a complete count committee and she was unsure if there was anything happening behind the scenes, but she has materials she could distribute as it needs to be organized and not something to be put off until March.

Regarding leash laws, Ms. McKeel said that she has had two calls from two different neighborhoods within the past week about dogs not being on leashes. She said there was much confusion around what the ordinance actually says. She agrees with Ms. Mallek's request and said that the ordinance needs to be revisited, and it should not be a time intensive endeavor.

Ms. Mallek said that she thought this had already been taken care of.

Mr. Dill said that he was pleased to be at the Employee Town Hall in Lane Auditorium a couple days ago. He said it was a fast moving display of team building and staff comradery. He said that many key people from different departments gave examples of the work they do and the results that have occurred because of the work. He added that it was well done.

Mr. Gallaway noted that this was the first day of school and he wished the students a successful school year. He reminded everyone that at bus stops, there are now cameras watching to make sure drivers obey the rules and that the children are kept safe. Mr. Gallaway said that these cameras were implemented over the summer and are now in full force. He said that hopefully everyone would be mindful and the extra level of enforcement would help solve what has been an issue in the County.

Agenda Item No. 6a. Proclamations and Recognitions: Resolution in Support of Ratification by Virginia of the Equal Rights Amendment to the United States Constitution.

Ms. Palmer read and **moved** to adopt the following Resolution:

**Resolution in Support of Ratification by Virginia
of the Equal Rights Amendment to the United States Constitution**

WHEREAS, equality under the law is a fundamental value of Americans and the people of Albemarle County; and the United States Constitution does not explicitly guarantee equal rights and equal protection for the sexes; and the 14th Amendment to the United States Constitution does not provide the strict scrutiny for sex-based classifications that is provided for classifications based on race, religion, and national origin; and

WHEREAS, state laws are not uniform, federal laws are not comprehensive and laws can be repealed or reduced; and the Supreme Court can strike legislation or retreat from its own precedent; and the people of the United States continue to experience the negative effects of lack of political parity between men and women, workplace discrimination, health care inequities, disparate rates of poverty, rape and domestic violence assaults; and

WHEREAS, the Equal Rights Amendment (ERA) provides that "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex;" and the Amendment would help ensure women and men have the same constitutional protections; and

WHEREAS, the ERA was passed by Congress in 1972 and has been ratified by 37 states, requiring just one more state to ratify to satisfy the constitutional requirement for the amendment to become valid; and the time limit for the ERA appears only in the preamble and Congress presently is considering a bill that removes the time limit for ratification of the ERA; and

WHEREAS, for 48 years, the Virginia State Constitution has sought to protect Virginians from discrimination by the Commonwealth on the basis of sex;

NOW, THEREFORE, BE IT RESOLVED that we, the Albemarle County Board of Supervisors, support the ratification of the Equal Rights Amendment; and

BE IT FURTHER RESOLVED that we, the Albemarle County Board of Supervisors, urge the General Assembly of the Commonwealth of Virginia to ratify the ERA to the U.S. Constitution, as proposed by Congress on March 22, 1972, during the 2020 legislative session.

Signed this 21st day of August 2019.

The motion was **seconded** by Ms. Mallek. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Gallaway, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph and Mr. Dill.

NAYS: None.

Ms. Virginia Daugherty addressed the Board and said that she has other representatives from the Charlottesville NOW Board, as well as from the League of Women Voters. She thanked the Board for the resolution. She said that each year since 1975, the Charlottesville Chapter of the National Organization of Women (NOW) has asked its local governments to pass a resolution commemorating Women's Equality Day. She said it is also an acknowledgment that women's right to vote has not translated into full equality, noting that there was still much work to do.

Ms. Daugherty said that last year, as part of a state-wide effort, NOW sought a resolution supporting ratification of the Equal Rights Amendment, and they were proud to say that the Albemarle County Board of Supervisors was among the first few to do so. She said that the Board's actions served as a model for the nearly 40 localities which followed. She said unfortunately, despite overwhelming support by Virginia voters, local government leaders, and organizations, the General Assembly failed to ratify the ERA in the 2019 session.

Ms. Daugherty said that what NOW learned is that a change in leadership is required and before the ERA can be ratified, new leadership must be brought to the General Assembly. She said NOW is hard at work to elect pro-equality candidates on November 5. She said that other states are also working towards being the final historic state to ratify ERA, but Virginia is still considered to be the next most-likely state to ratify. She thanked the Board again for leading the way in Virginia by issuing this proclamation. She said that NOW would use it to help urge others to get involved, to raise awareness about the ERA,

and to act to elect lawmakers who would finally do the right thing for Virginia families, Virginia women, and women across the country.

Ms. Daugherty expressed NOW's gratitude to the Board for continuing to stand for equality for all and thanked the Board for its continuing support and efforts on behalf of the community.

Ms. Palmer thanked Ms. Daugherty for her previous service on City Council and as Mayor of Charlottesville.

Item No. 6b. Proclamations and Recognitions: Welcoming Week Proclamation.

Mr. Gallaway read and **moved** to adopt the following resolution:

Welcoming Week Proclamation

WHEREAS, Albemarle County strives to welcome people from all backgrounds and cultures; and

WHEREAS, immigrants and refugees bring a great deal of energy and creativity to our community and have contributed to our economy and understanding of other cultures; and

WHEREAS, the Albemarle County Board of Supervisors is committed to creating an inclusive community where the dignity and worth of each person is respected; and

WHEREAS, the annual Welcoming Week events help our residents appreciate the many contributions and diverse cultures of our immigrants and refugees.

NOW, THEREFORE, BE IT RESOLVED, that we, the Albemarle County Board of Supervisors strongly supports residents in our community who have come here from other countries; and

BE IT FURTHER RESOLVED, that we, the Albemarle County Board of Supervisors do hereby proclaim

Friday, September 13, through Sunday, September 22, 2019

as

Welcoming Week

and urges County residents to attend the Welcoming Week events in order to support and celebrate the immigrants and refugees who now live among us.

Signed this 21st day of August 2019.

The motion was **seconded** by Ms. Mallek. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Gallaway, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph and Mr. Dill.

NAYS: None.

Mr. Russ Linden, Chair of Welcoming Greater Charlottesville, addressed the Board. He said that the proclamation was a wonderful set of words for people who have ancestors who chose to come to America from other countries for different reasons, sometimes for a better life, sometimes to escape oppression, and often to enjoy the blessings of liberty. He said that Welcoming Week shines a light on these people, as often times they are talked about as abstract or numbers, explaining that these are human beings who live in the County, contribute, pay taxes, and build schools and businesses.

Mr. Linden said that he is pleased the Board issued the proclamation stating its commitment. He added that he knows these are more than just words, and he has seen several concrete actions from the Board that demonstrate its commitment. He said that one example is that Ms. Siri Russell, of the Equity and Inclusion Office, has worked closely with Welcoming Greater Charlottesville as they have developed a variety of Welcoming Week and other activities. He said that this work has been invaluable, as Ms. Russell has helped them connect with others that they would have otherwise not known about.

Mr. Linden said that the new Photo ID program gives verifiable photo IDs to people who sometimes have trouble attaining a government ID. He said that over 400 people have signed up for the program and are delighted to have IDs, and this opens all kinds of doors. He said it does not give them the rights that they cannot have, such as to drive or vote, but it does open many other doors.

Mr. Linden continued that one of the interesting things about the program is that some people get the ID card not only to have access to services that require an ID, such as healthcare and Social Services, but some people get it because it makes them feel more a part of the community. He said that Mr. Doug Walker has given wise guidance as to how to implement the program, and Captain Sean Reeves, of the Police Department, meets with the people who sign up for the program. He said this contributes to community safety, as when police and communities work closely together, it increases trust, and people are more likely to call the police if they have a problem. He said that all of these are concrete actions that make a difference.

NonAgenda. Mr. Gallaway stated that the Board has received a request from Mr. Don Franco, representing the applicant for the Southwood presentation. He said the normal time allotted to the applicant is 10 minutes, but because of the nature and complexity of the project, Mr. Franco has requested 20 minutes for the applicant's slot. Mr. Gallaway said he thinks it is a reasonable request and asked for a vote on it whether to extend the applicant time to 20 minutes or not.

Ms. Palmer said that typically what is done is the applicant speaks for 10 minutes, they receive the Board's questions, and then frequently speaks for at least another 10 minutes. She said that she wants to ensure that Mr. Franco has all the Board's questions, and this would be her only concern.

Mr. Randolph explained that Mr. Franco communicated to him that he felt that 10 minutes that the applicant had before the Planning Commission was insufficient to explain the range and depth of the issues in anticipation of the questions. He said that Mr. Franco expressed that if he had had additional time, some of the questions that had come from the Planning Commission would have been resolved because he would have addressed them in his presentation. Mr. Randolph expressed that allowing Mr. Franco with 20 minutes to present would hopefully be productive in ensuring that the meeting adjourns in a timely way.

Ms. Palmer said that this would be fine, and that she wanted to make sure the applicant was answering the Board's questions. She said that her understanding was that Mr. Franco did go before the Planning Commission a few times to answer its questions.

Ms. Mallek expressed her hope that the applicant would focus on the things they are certain on and that she would like to have the proposal presented in a coherent way.

Mr. Randolph **moved** to extend the Southwood proposal's applicant's presentation time to 20 minutes. The motion was **seconded** by Ms. McKeel.

Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Gallaway, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph and Mr. Dill.
NAYS: None.

Agenda Item No. 7. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Mr. Caetano de Compos Lopes addressed the Board and said that his organization, the Charlottesville Climate Collaborative, is a non-profit organization that works to promote climate action, both public and private. He said that they have engaged with businesses in the communities, with a network of almost 100 businesses and about 250 households in the Charlottesville area. He expressed his appreciation for the climate action engagement process the County held in the past two to three months, noting that it was participative and affirmative. He thanked the Board for having climate change as one of its priorities.

Mr. de Compos Lopes asked the Board to vote for climate options and goals aligned with the IPCC and the recently approved goals of the City of Charlottesville. He said that in the week prior, the CCC had an interesting engagement with the Southwood community and asked them how much they cared about climate change, which resulted in a range of importance placed. He said that they are very interested in climate change.

Mr. de Compos Lopes said that during the Back to School festival in Southwood, which he noted that was very well organized, with help from County staff, he asked how much Southwood community members pay in their electricity bills. He said that the response was about \$500 on average per month on electricity bills, with a number of members paying over \$200, which he noted was interesting because they are a small community with low-income households, but they pay more in electricity than most members of the wider community. He said that this was an opportunity to say that climate action makes economic sense and is an opportunity for the County, with the conversation about Southwood, to talk about both affordable housing as well as energy and climate justice.

Mr. Grey McLean, a County resident in the White Hall district, addressed the Board. He thanked the Board for its leadership and staff organization, as well as how the Board has indicated it wants to allocate resources to the issue of climate. He encouraged the Board to adopt the goal IPCC ACLI goal of 45% reduction by 2030, and carbon neutral by 2050. He said that this was what was moving through the process and expressed hope that it would come to pass.

Mr. McLean also encouraged the Board to move toward and require a greenhouse gas inventory every two years, explaining that this was important because there has not been an update since 2008, and they cannot tell whether or not they are making progress in terms of their climate goals if they do not measure them. He said that in his experience, what gets measured gets done. He said that climate action is often categorized as a government issue and it is obviously important to do municipal buildings, public schools, etc., but it was so much more and interconnects with many other issues that the Board finds important.

Mr. McLean said that a smart climate policy is smart economic development, it makes the County's businesses and community more attractive to businesses coming there, and lowers long-term

operating costs for those businesses. He said that smart climate policy is smart transit and reduces congestion on roads. He said that smart climate policy offers more affordable housing, as affordable housing is not just about rent. He added it is also about clean air and water and community health. He said that often, the interconnections are passed over.

Mr. Paul Grady, a resident of the White Hall district, addressed the Board. He said that in June 2016, he ran into a friend he had known for 40 years on the Downtown Mall. He said that after speaking with him, he revealed that he was homeless and sleeping in the post office. Mr. Grady said that he took his friend home that day, determined to help him find a place to live for the rest of his life. He said that something about his friend was off and he seemed dazed and confused, and for the next 2.5 years, he took him for every test he could think of.

Mr. Grady said that finally last December, an MRI revealed that he had had several strokes and confirmed his suspicions that his friend was in early stages of dementia. He said this diagnosis actually made it easier to find housing for his friend and because of his small income, he qualified for an auxiliary grant from Medicaid, which would pay for his housing and care for the rest of his life and allowed him to go straight into a nursing home. He said that during the entire process, he realized that his friend was probably not the only person in the area who needed temporary housing while he looked for permanent long term housing.

Mr. Grady said that he checked with The Meadows in Crozet, which has over a two-year waiting list for subsidized housing. He said that Mountainside Living's waiting list is even longer. He said that after many discussions with Albemarle County Social Services, he learned that most assisted living facilities do not take Medicaid auxiliary grants and those who do only allow 5% of their beds to be for auxiliary grant recipients. Mr. Grady said that he has an Albemarle County approved apartment in his home that he has been renting for 15 years and has decided to turn it into the Crozet Home for Elderly Men.

Mr. Grady said that discussions with the Director of Albemarle County Social Services indicated that no local or state permits are required for four or less rooms and he is simply a landlord. He said that four rooms may only be a drop in the bucket, but he would at least be able to help four people at a time. Mr. Grady urged the Board, as it grapples with the issue of affordable housing, to keep in mind the senior population. He said that there are simply not enough places for them to live, especially if they want to live alone. He said that studio and 1-bedroom apartments simply do not exist.

The Board thanked Mr. Grady for his dedication.

Mr. John Cruickshank, a resident of the Earlysville area of the White Hall district, addressed the Board and expressed his support of the climate plan developed by County staff with a great deal of community input. He said that he was speaking to represent his grandson, who is beginning kindergarten in the County schools. Mr. Cruickshank said that he himself may not be around to experience the worst effects of climate change but that his grandson would be, and he was very concerned about this. He said that this has been a long time concern for him, noting that he served on the steering committee for the local climate action planning process, along with Ms. Mallek.

Mr. Cruickshank said that much progress has been made along with good recommendations, though he was concerned that there has not been a greenhouse gas inventory done for nine years. He said that climate change was the greatest threat facing the human population of the earth and that looking at Virginia Climate Fever, excessive heat and rising sea levels and the profound effect it is having on the fauna and flora of Virginia and on human health is scary.

Mr. Cruickshank said that decisive action is needed now and was actually needed 15 to 20 years ago. He said that it is not too late, however, and if decisive action is taken, the planet may be able to avoid the worst effects of climate change. He said that if nothing is done, he is not sure what would happen to the human population. He said that unfortunately, the federal government seems to be in paralysis on this issue and it is up to state and local governments, businesses and institutions, and individuals to take action. He said that greenhouse gas emissions need to be reduced by 50% by 2030, 80% by 2040, and 100% by 2050.

Mr. Cruickshank added everyone should be supporting legislation such as the Energy Innovation and Carbon Dividend Act, which is a carbon tax. He said that he has heard about this tax for 15 to 20 years now, that it is needed and is working for other countries. He said that it is a fee on carbon and the proceeds from the money collected is passed on to the citizens. He said that it incentives renewable energy and energy conservation.

Ms. Emily Little, a resident of Albemarle County, addressed the Board. She said that she has the privilege at the moment of being a stay-at-home mom and feels that two of her most foundational roles as a mother are first, letting her children know unconditional, fierce, and powerful love; and second, keeping them safe. She said that thinking ahead to her children's future and in reading the IPCC report put out by the UN and thinking about what 2030 and 2050 might look like for them, she feels sick. She said that this morning, she dropped off her class of 2032 kindergartener and all she could think of was that, in 2032, her daughter may not have a future. She said that time could run out by then; climate action has to happen now.

Ms. Little said that she thinks of small things she does every day to make her children safe and loved, and then thinks about how individuals are using up the planet's resources so fast that their dreams may never be realized because of what generations of humans have done before them and what is happening now. She said that the County and City has to act to set aggressive greenhouse gas goals so that when their children and grandchildren look at them in 17 and 32 years, they could say that they did something and started something in their own homes, businesses, County, and City, and in 2019, bigger goals were set without the fear of failure. She said that the County is falling short because they know how serious this is for the future of the children.

Ms. Little said that all of the everyday things done for children would not mean anything if they cannot stop climate change. She said that as a mother she has to believe, in order to sleep at night, that the people of the County can fiercely love its future generations in order to keep them safe.

Mr. Chip Boyles, Executive Director, Thomas Jefferson Planning District Commission, addressed the Board and said that he wanted to speak to an issue Ms. Mallek brought up. He said that she and he had rode together to and from the Chesapeake Bay Program meeting in Richmond and discussed everything except for a census complete count committee.

Mr. Boyles said that he wanted to provide an update and that under the previous leadership of Mr. Randolph, who was Chair of the Thomas Jefferson Planning District Commission, the Planning District Commission budgeted some money and has begun moving forward on a regional census complete count committee that would be a very large, comprehensive group of stakeholders with all local governments, regional library, neighborhood associations and especially hard-to-count populations to ensure they get as accurate a count as possible within the region. He said that from this very large committee would be sub-committees where local governments could choose to have their own communities, noting that the direction he was given was that most of the local governments prefer a regional committee.

Mr. Boyles continued that this would take place through April 1, which is the count day, but would also continue through June 30 so that the counts could be assessed with opportunity to question and correct anything that may occur, as well as to try to get out to populations that did not respond on April 1. Mr. Boyles added he has been working with County staff on this for the past month, and the first committee meeting would take place in September.

Ms. Mallek said that at the VACo summit last week, the Supervisor from Rockingham County described that in their census discussion, they would have their seniors in government with their student laptops at schools all throughout Rockingham. She said that the thought is that people may be more comfortable coming to a school and having a student help them fill out the census. She said that the fact that so much of the push is online is seen as a deterrent to rural and older populations.

Ms. Palmer said that this was a great idea and wondered if they should be discussing this with the schools.

Ms. McKeel said that because there were so many speakers addressing the issue of climate change, she wanted to point out that on August 14, National Geographic published an article about tiny pieces of plastic that have been found in the Arctic snow. She said that these are being found in France, China, Germany, the Alps and other places, explaining that microplastics are now circulating in the atmosphere. She said that there is an urgency to this.

Ms. Mallek noted that the plastics industry is discussing doubling production in the next six years and expressed that this was terrifying.

Agenda Item No. 8. Consent Agenda.

Mr. Randolph **moved** that the Board approve the Consent Agenda. The motion was **seconded** by Ms. Palmer.

Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Gallaway, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph and Mr. Dill.
NAYS: None.

Item No. 8.1. Approval of Minutes: September 12, 2018.

Mr. Dill had read the minutes of September 12, 2018, and found them to be in order.

By the above-recorded vote, the Board approved the minutes as read.

Item No. 8.2. FY 20 Appropriation.

The Executive Summary forwarded to the Board states that Virginia Code §15.2-2507 provides that any locality may amend its budget to adjust the aggregate amount to be appropriated during the fiscal year as shown in the currently adopted budget; provided, however, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by first publishing a notice of a meeting and holding a public hearing before amending the budget. The Code section applies to all County funds, i.e., General Fund, Capital Funds, E911, School Self-Sustaining, etc.

The total change to the FY 20 budget due to the appropriation itemized in Attachment A is \$204,660.00. A budget amendment public hearing is not required because the amount of the cumulative appropriations does not exceed one percent of the currently adopted budget.

Staff recommends that the Board adopt the attached Resolution (Attachment B) to approve the appropriation for local government projects and programs as described in Attachment A.

Appropriation #2020016		\$ 204,660.00
Source:	General Fund balance	\$ 204,660.00

This request is to appropriate \$204,660.00 from General Fund fund balance for leases at 400 Preston Avenue and 110 Old Preston Avenue and related operating and one-time costs pursuant to Board of Supervisors action at its August 7, 2019 meeting. This funding will be allocated as follows:

Facilities and Environmental Services Department	\$ 15,898.00
Finance Department	\$ 55,090.00
Information Technology Department	\$ 56,936.00
Office of Economic Development	\$ 76,736.00

This proposed use of the General Fund fund balance will not reduce the County's 10% unassigned fund balance or 1% Budget Stabilization Reserve; however, it does reduce the amount of FY 19 undesignated funds that would be available for other uses.

By the above-recorded vote, the Board adopted the following Resolution to approve the appropriation for local government projects and programs as described:

**RESOLUTION TO APPROVE
ADDITIONAL FY 2020 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriation #2020016 is approved; and
- 2) That the appropriation referenced in Paragraph #1, above, is subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2020.

			Fiscal Year: Budget FY20
APP#	Account	Description	Amount
2020016	3-1000-51000-351000-510100-9999	SA2020016 GF FB: costs related to Finance and EDO leases in IT, FES, EDO, and Finance	\$204,660.00
2020016	4-1000-12141-412140-800801-1001	SA2020016 Rent - 400 Preston Avenue	\$52,500.00
2020016	4-1000-81050-481050-800801-1008	SA2020016 Rent - 110 Old Preston Avenue	\$39,160.00
2020016	4-1000-12141-412140-530200-1001	SA2020016 Insurance - 400 Preston Avenue	\$90.00
2020016	4-1000-81050-481050-530200-1008	SA2020016 Insurance - 110 Old Preston Avenue	\$90.00
2020016	4-1000-12200-412200-800700-1001	SA2020016 Telephone/Network - Hardware - 400 Preston Avenue	\$42,143.00
2020016	4-1000-12200-412200-520304-1001	SA2020016 Telephone/Network - WAN/MetroE - 400 Preston Avenue	\$5,500.00
2020016	4-1000-81050-481050-540225-1008	SA2020016 Parking - 110 Old Preston Avenue	\$8,400.00
2020016	4-1000-81050-481050-800200-1008	SA2020016 Furniture - 110 Old Preston Avenue	\$20,376.00
2020016	4-1000-81050-481050-601700-1008	SA2020016 Copier Rental - 110 Old Preston Avenue	\$2,710.00
2020016	4-1000-43202-443200-331000-8110	SA2020016 Tenant Maintenance Responsibility - 110 Old Preston Avenue	\$2,090.00
2020016	4-1000-43203-443200-332200-1401	SA2020016 Custodial Services - 400 Preston Avenue	\$3,890.00
2020016	4-1000-43202-443200-390000-1004	SA2020016 Moving Expense - 400 Preston Avenue	\$1,799.00
2020016	4-1000-43206-443200-301210-8110	SA2020016 Snow Removal - 110 Old Preston Avenue	\$1,670.00
2020016	4-1000-12141-412140-800801-1001	SA2020016 Utilities - 400 Preston Avenue	\$2,500.00
2020016	4-1000-81050-481050-800801-1008	SA2020016 Utilities - 110 Old Preston Avenue	\$5,000.00
2020016	4-1000-12200-412200-800700-1001	SA2020016 Telephone/Network - Hardware - 110 Old Preston Avenue	\$7,793.00
2020016	4-1000-12200-412200-520304-1001	SA2020016 Telephone/Network - WAN/DSL - 110 Old Preston Avenue	\$1,500.00
2020016	4-1000-81050-481050-540225-1008	SA2020016 Signage - 110 Old Preston Avenue	\$1,000.00
2020016	4-1000-81050-481050-800200-1008	SA2020016 Tenant Maintenance Responsibility - 400 Preston Avenue	\$2,090.00
2020016	4-1000-43202-443200-390000-1004	SA2020016 Moving Expense - 110 Old Preston Avenue	\$1,799.00
2020016	4-1000-43203-443200-332200-8110	SA2020016 Custodial Services - 110 Old Preston Avenue	\$2,560.00

Item No. 8.3. Ivy Convenience Center Agreement Between the County of Albemarle and the Rivanna Solid Waste Authority.

The Executive Summary forwarded to the Board states that on November 20, 1990, the City of Charlottesville and the County entered into a Solid Waste Organizational Agreement for the purpose of forming the Rivanna Solid Waste Authority (RSWA) to operate the Ivy Landfill. Following the closure of the landfill in 2001, RSWA continued solid waste management operations at the site. The Ivy Material Utilization Center (MUC) includes numerous community services: a solid waste transfer station; a “second hand shop” to divert items with remaining useful life from landfills; household hazardous waste and bulky waste collection; wood waste-to-mulch recycling operation; and household food waste compost drop off. The Ivy MUC is also home to a small recycling convenience center where citizens may use to drop off a limited range of recyclable materials.

Pursuant to Section 4.3 of the Organizational Agreement, the County has determined the need for the Convenience Center to offer expanded recycling services at the Ivy MUC and generally provide similar services as the McIntire Recycling Center. The Board of Supervisors allocated funding for this purpose in FY2019. The construction is intended to be managed by RSWA, with costs reimbursed by the County. A formal agreement between the parties is required before design and construction can begin. Attachment A is the proposed draft Agreement.

In FY2019, the County appropriated \$350,000 for the design and construction of the new Convenience Center. Financial support for the operation of the facility was included in the FY2019 General Fund operating budget.

Staff recommends that the Board adopt the attached Resolution (Attachment B) approving the Agreement and authorizing the County Executive to sign the Agreement on behalf of the County.

By the above-recorded vote, the Board adopted the following Resolution approving the Agreement and authorizing the County Executive to sign the Agreement on behalf of the County:

**RESOLUTION TO APPROVE IVY CONVENIENCE CENTER
AGREEMENT BETWEEN THE COUNTY OF ALBEMARLE
AND THE RIVANNA SOLID WASTE AUTHORITY**

WHEREAS, the Authority owns and operates the transfer station and provides other waste and recycling services at the Ivy Landfill site pursuant to the Amended and Restated Ivy Material Utilization Center Programs Agreement between the County and the Rivanna Solid Waste Authority (“RSWA”) dated May 4, 2016; and

WHEREAS, the Board finds it is in the best interest of the County to enter into an agreement with the RSWA to provide for the design, construction and operation of an expanded convenience center at the site to offer expanded recycling services that are similar to those provided at the McIntire Recycling Center.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the Ivy Convenience Center Agreement between the County of Albemarle and the Rivanna Solid Waste Authority, and authorizes the County Executive to sign the Agreement after approval as to content and form by the County Attorney.

**IVY CONVENIENCE CENTER AGREEMENT
BETWEEN
THE COUNTY OF ALBEMARLE
AND
THE RIVANNA SOLID WASTE AUTHORITY**

This **Ivy Convenience Center Agreement** (this “Agreement”) is made this ____ day of _____, 2019 by and between the **County of Albemarle, Virginia** (the “County”) and the **Rivanna Solid Waste Authority** (the “Authority”, individually a “Party”, and together referred to as the “Parties”).

WHEREAS, on November 20, 1990, the City of Charlottesville (the “City”) and the County entered into a certain Solid Waste Organizational Agreement (the “Organizational Agreement”) for the purpose of forming the Authority to operate the Ivy Landfill (the “Landfill”) and provide other waste management services for the City and County;

WHEREAS, the Landfill operated continuously from 1968 until the closure of Cell 2 in 2001; however the Authority continues to provide waste management services to the City and County and has continuing obligations with respect to the closure, remediation and monitoring of the Landfill;

WHEREAS, the Authority owns a transfer station funded by the County and completed in 2018 at the Landfill site (the “Ivy Transfer Station”) currently operated by the Authority and constructed at the request of the County pursuant to the Ivy Material Utilization Center Programs Agreement dated August 23, 2011 between the County and the Authority (the “Ivy MUC Programs Agreement”);

- WHEREAS, in addition to the Ivy Transfer Station, the Authority provides other waste and recycling services at the Landfill site, commonly referred to as the "Ivy Material Utilization Center" (the "Ivy MUC").
- WHEREAS, the City, the County, the Authority and the University of Virginia entered into a Memorandum of Understanding dated January 10, 2005 with respect to the sharing of costs related to the closure, remediation and monitoring of the Landfill (the "Environmental Expenses MOU");
- WHEREAS, the County, the City and the Authority entered into a separate Local Government Support Agreement for Recycling Programs dated August 23, 2011, as amended by eight amendments thereto, pursuant to which the Authority operates a recycling center on McIntire Road in the City as well as a paper sort facility in the City (the "Recycling Programs LGSA").
- WHEREAS, the County has appropriated \$350,000 in Capital Improvement funds for the Authority to manage the design and construction of a new recycling convenience center facility (the "Convenience Center") at the Authority's Ivy site as well as operate the Convenience Center after its construction; and
- WHEREAS, the County and the Authority have agreed to enter into this Ivy Convenience Center Agreement pursuant to which the Authority will provide for the management of design and construction of the Convenience Center and the operation by the Authority of the Convenience Center on behalf of the County and the County will continue to provide for financial support to the Authority to include the necessary capital, administration and operating expenses allocated by the Authority to the management of the design and construction and subsequent operation of the Convenience Center as defined above and in the Authority's adopted budget over and above the revenues, if any, received under, and the costs covered by, the Ivy MUC Programs Agreement, the Environmental Expenses MOU and the Recycling Programs LGSA, and other revenues received by the Authority.

NOW, THEREFORE, the Parties agree as follows:

1. **County Request for Convenience Center**

Pursuant to Section 4.3 of the Organizational Agreement, the County has determined the need for the Convenience Center to offer expanded recycling services at the Ivy Material Utilization and generally providing similar services as the Authority's McIntire Recycling Center and hereby requests the Authority, and the Authority hereby agrees, to manage the design and construction of, and thereafter operate, the Convenience Center and provide such services, subject to the terms and conditions set forth herein.

2. **County's Financial Support of Authority's Projected Annual Convenience Center Operation's Deficit**

Based upon cost estimates and recommendations provided by an engineering firm selected and retained by the Authority ("Engineer"), it is the expectation of the County and the Authority that operating and administrative expenses of the Convenience Center will exceed revenues from any fees charged for use of the Convenience Center and other revenues will be insufficient to cover such expenses. The Authority shall prepare and adopt a budget based upon the Authority using all reasonable efforts to effectively and efficiently operate the Convenience Center and including reasonable reserves, balanced by using revenue to be contributed by the County, notwithstanding anything contained in Section 4.3 of the Organizational Agreement to the contrary. The County agrees to fund that portion of the operating, annual depreciation, and administrative expenses related to operating the Convenience Center that exceeds revenues.

3. **Quarterly Payments**

If the Authority's proposed annual budget for the Convenience Center is balanced by revenues to be contributed by the County, the County agrees to provide such revenues by payments to the Authority made quarterly on the first day of July, October, January, and April of such fiscal year of the Authority.

4. **Increase or Decrease in the Convenience Center Deficit**

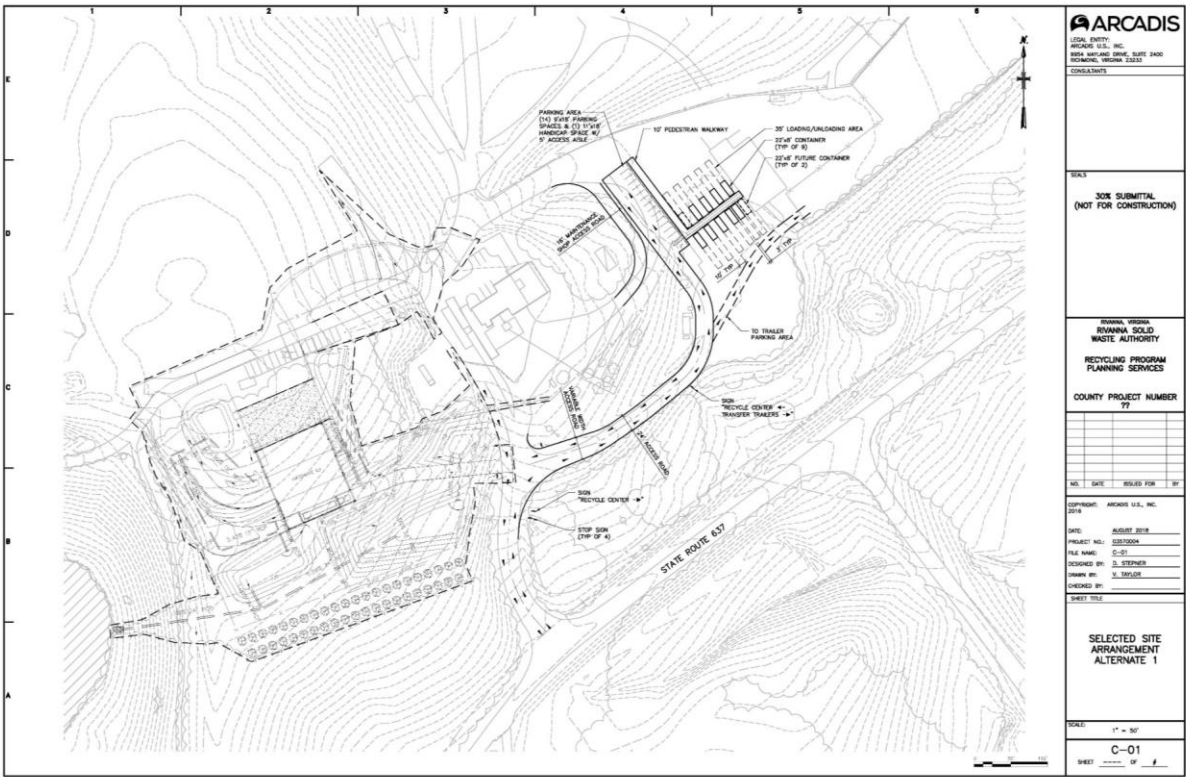
Payments by the County to the Authority for any particular fiscal quarter shall be increased or decreased, as appropriate to take into account any extraordinary increases or reductions in the Convenience Center expenses and/or reductions or increases in revenue not anticipated by the adopted budget for such year upon the Authority's submission to the County of an amended budget approved by the Authority's Board of Directors at least 30 days prior to the due date of the next payment. Upon completion of the audited financial statements of the Authority for the prior fiscal year, the County's payments to the Authority shall be increased or decreased, as appropriate, to take into account increases or decreases in actual Convenience Center expenses and/or reductions or increases in actual revenues from those anticipated by the adopted budget as shown by such financial statement; provided, however, that any such increase or decrease shall take into account any increase or decrease in payments for such year pursuant to the most recently adopted

amended budget of the Authority for such year, if any. In the event the amount of the County's payments exceed the amount of revenues needed by the Authority pursuant to paragraph 2 above, the Authority shall remit such excess to the County, or in the event that the County extends this Agreement as provided in paragraph 6 below, the Authority may carry such excess over to the next fiscal year giving the County credit during such year for such excess.

5. **Construction of Convenience Center and Operating Reserve**

A. The Authority will construct and operate the Convenience Center consistent with the conceptual plan and site plan prepared by the Engineer (the "Conceptual Plan"), approved by the Authority's Board of Directors (Figure 1). The Convenience Center shall be designed and constructed at the sole cost of the County with the design and construction cost to be initially budgeted at the preliminary estimate of \$350,000, including equipment and project administration costs. The County appropriated \$350,000 in July 2018 toward design and other costs related to the Convenience Center.

Figure 1 – Conceptual Plan



B. The Authority will be responsible for the permitting, design and construction of the Convenience Center. The Convenience Center shall be constructed in a timely manner to the extent of the Authority's reasonable control. Reasonable efforts will be made to expedite construction where practicable and within the reasonable control of the Authority.

C. The Authority will provide professional project management services throughout the design, bidding and construction of the Convenience Center. Such services include establishing and appropriately updating costs estimates for construction, engineering, and management services at appropriate intervals as determined by the Authority and updating project schedules. The Parties agree that the overall project costs for design and construction of the Convenience Center will depend upon numerous factors, many of which are beyond the direct control of the Authority including, but not limited to, market changes in commodity prices, bid competitiveness within the construction industry, competency and performance of the construction contractor which must be selected within the limitations of the Virginia Public Procurement Act, and subsurface conditions later identified but not fully known at the beginning of design. The Authority may make adjustments to the project scope during design, bidding and construction based upon its reasonable updated projections of cost and time, in order to maintain a high probability that the project will be completed within the County's budget; provided, however, that to the extent such project scope adjustments may materially affect the Authority's Conceptual Plan as further developed by the preliminary design and detailed design, the Authority will consult with the County before making such adjustments. To the extent the County may not desire project scope adjustments materially affecting the Conceptual Plan as further developed by the preliminary design and the detailed design that the Authority has concluded are necessary to manage the project within budget, the County may authorize an increase in the project budget and make any additional appropriation required therefor and/or modify the project schedule in such a manner that the Authority may confirm the project scope adjustments are no longer necessary, provided that the County acts within a timeframe permitting the Authority to meet the timeline obligations in subparagraph C as reasonably determined by the Authority. The Authority may authorize such change orders as it deems necessary and appropriate for the management of the construction contract and within timeframes

necessary to avoid delay claims from the contractor and will consult with the County's Director of Facilities and Environmental Services, or his designee, prior to execution of any material change order. The Authority's Executive Director shall obtain the approval of the Authority's Board of Directors prior to executing any change order in an amount which would exceed the total amount budgeted for this project. The construction contract for the Convenience Center shall be subject to approval by the Authority's Board of Directors. The Authority will provide the County staff or its Board of Supervisors with periodic updates during construction of the Convenience Center as may be requested by the County.

- D. The County will pay the Authority the amounts approved by the Authority for payment pursuant to the design and construction contracts for the Convenience Center on a monthly basis, within thirty (30) days of the Authority's written request for such payment, which request shall include copies of the contractor's invoice.
- E. The Authority shall maintain a general liability insurance policy with a minimum of two million dollars of coverage and an excess liability policy with a minimum of ten million dollars of coverage. In addition, the Authority shall maintain an environmental policy with a minimum of one million dollars in coverage. The County will be responsible for any claims arising out of the operation of the Convenience Center that exceeds the applicable coverage limits.

6. **Term of Agreement**

- A. This Agreement shall be effective upon execution. Subject to Paragraph 2 above, the term of this Agreement shall be extended for additional one (1) year terms unless terminated by the County by written notice received by the Authority not later than January 1st prior to the then applicable expiration date of the Agreement.
- B. Notwithstanding the above, this Agreement may be terminated upon thirty days written notice by the Authority to the County if (i) the County fails to appropriate, within the timeframes required under this Agreement, the funds necessary to fund any excess expenses over revenues projected in the operating budget for the Convenience Center under Paragraph 2 of this Agreement, or fund any reserves required under Paragraph 3 of this Agreement; (ii) the County fails to pay when due any amounts owed to the Authority under the terms of this Agreement and the County fails to make such payment within thirty days of such written notice; or (iii) the County breaches any other term of this Agreement and fails to cure such breach within ninety days of such written notice. The Authority, upon termination of this Agreement, may recover its net expenses up to the date of termination from operating reserves without prejudice to any claim for remaining expenses, including costs of collection and legal fees. Upon any such termination, the Authority shall cease any further design and/or construction of the Convenience Center, terminate any operation of the Convenience Center and decommission the Convenience Center (if construction has commenced). The County shall reimburse the Authority for all costs incurred by the Authority, including, but not limited to, design and consultants fees, legal fees and other "soft" costs in connection with the design, construction and/or operation of the Convenience Center (collectively, the "Authority Costs") and the Authority's obligations to design, construct and operate the Convenience Center shall terminate.

7. **Solid Waste Organizational Agreement**

The Parties enter this Agreement notwithstanding any provisions in the Organizational Agreement conflicting with this Agreement and agree that in the event of any such conflicting provisions, this Agreement shall control.

8. **Voluntary County Funding**

Nothing in this Agreement shall be construed as creating a claim, cause of action, or right of recovery against either the County by the Authority or by any creditor or claimant of the Authority. The Authority acknowledges that the County is not under any legal or equitable obligation to provide funding to the Authority, but that it has voluntarily chosen to do so for the sole reason of insuring the continuation of a certain level of solid waste disposal and recycling services to be provided by the Authority at the Convenience Center, and the County acknowledges that in the event such funding is not made available to the Authority, the Authority will necessarily have to curtail those services.

9. **Non-Appropriation**

This Agreement is subject to the approval, ratification, and annual appropriations by the Albemarle County Board of Supervisors of the necessary money to fund this Agreement for this and any succeeding fiscal years. Should the County fail to appropriate the necessary funding, it shall give prompt written notice to the Authority of such nonappropriation and this Agreement shall automatically terminate without further notice by or to any Party.

10. **Amendment**

Any amendment to this Agreement must be made in writing and signed by the Authority and the County.

11. **Governing Law**

This Agreement shall be governed in all respects by the laws of the Commonwealth of Virginia.

12. **Notices**

Any notice, invoice, statement, instructions, or direction required or permitted by this Agreement shall be addressed as follows:

- a. To the County: Office of the County Executive
401 McIntire Road
Charlottesville, VA 22902
- b. To the Authority: Office of the Executive Director
Rivanna Solid Waste Authority
P.O. Box 979
Charlottesville, Virginia 22902-0979

or to such other address or addresses as shall at any time or from time to time be specified by any Party by written notice to the other Party.

13. **Execution**

This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

WHEREAS these terms are agreeable to the County of Albemarle and the Rivanna Solid Waste Authority, and each Party offers its signature as of the date below.

THE COUNTY OF ALBEMARLE:

Jeff Richardson
County Executive

Date

RIVANNA SOLID WASTE AUTHORITY:

William I. Mawyer, Jr., P.E.
Executive Director

Date

Item No. 8.4. Accepting Offer of Dedication of Public Roads in Crozet.

The Executive Summary forwarded to the Board states that:

Oak Street and "15 ft. Space for Drive" By deed dated December 16, 1946 and recorded January 6, 1947 in Deed Book 272, pages 111-113, S.W. Barnes subdivided certain property south of the present CSX railroad and east of the presently Crozet Avenue in Crozet. The plat recorded with the 1946-47 deed (Attachment A) establishes certain rights-of-way, including Oak Street and a "15 ft. space for drive" immediately south of the "C & O Depot Lot" (presently The Square).

Crozet New Town Property

Crozet New Town Associates, LLC is the owner of certain property located in Crozet, described as Albemarle County Tax Map Parcels Nos. 56A2-0-25, 26, 71 and 71B, containing 20 acres, more or less. As part of its plan to redevelop the former Barnes Lumber site in Downtown Crozet, Crozet New Town is offering to dedicate to public use certain rights-of-way, including (a) extensions of both The Square and Library Avenue, (b) a connector road between them, and (c) associated traffic circles, all shown on the attached Attachment B.

The dedication of Oak Street and the area entitled "15 ft. space for drive" is a common law dedication that requires the Board of Supervisors to accept the dedication. The Board has previously (e.g., Board resolution dated May 16, 1963 requesting the State Department of Highways to accept identified segments into the secondary system of highways) accepted other segments of right-of-way shown on Attachment A.

The acceptance of these dedications would allow the proposed redevelopment of the former Barnes Lumber site in Downtown Crozet to proceed as planned. The performance agreement with Crozet New Town Associates, LLC, approved by the Board on June 19 and by the Economic Development Authority on July 16, reflect the importance of the proposed Crozet redevelopment to the County.

There would be no budget impact if the County accepts the common law dedications. If the County does not accept the dedications, the County could need to acquire the 15 foot alley/drive located

between The Square's store fronts and the County parcel, as well as the Oak Street 40 foot right-of-way unless the lands adjoining Oak Street are subdivided or developed as explained in the next paragraph. Using the average assessed land value of \$21.49/square foot for the properties adjacent to The Square and the current assessed value of \$2.81/square foot for the Barnes property, staff estimates that the acquisition cost would be in the range of \$150,000 - \$200,000. Should the assessed land value of the Barnes property increase after the rezoning is approved, this would increase the cost of the Oak Street right-of-way.

The Oak Street alignment is located on the Crozet New Town property and its general location is shown on the Crozet Master Plan Transportation Plan. Therefore, even if the Board does not accept the common law dedication, the County may in the future require the Oak Street alignment to be dedicated to the County when the Crozet New Town property is subdivided or developed by subdivision plat or site plan, respectively, under Virginia Code §§ 15.2-2241(2) and 15.2-2265, and County Code §§ 14-409 and 18-32.7.2.2.

Staff recommends that the Board adopt the attached proposed Resolution (Attachment A).

By the above-recorded vote, the Board adopted the following Resolution:

**RESOLUTION APPROVING THE ACCEPTANCE OF
THE DEDICATION OF CERTAIN RIGHTS-OF-WAY IN CROZET**

WHEREAS, by deed dated December 16, 1946 and recorded January 6, 1947 in Deed Book 272, pages 111-113 (the "Deed"), S.W. Barnes subdivided certain property south of the "Main Line Chesapeake & Ohio [presently CSX] R.R." and east of "Miller School Road [presently Crozet Avenue]" in Crozet; and

WHEREAS, the plat recorded with the Deed (the "Plat") establishes certain rights-of-way, including Oak Street and a "15 ft. space for drive" immediately south of the "C & O Depot Lot" (presently The Square); and

WHEREAS, the Board finds it is in the best interest of the County to accept the dedication of Oak Street and the "15 ft. space for drive" immediately south of the "C & O Depot Lot," as shown on the Plat; and

WHEREAS, Crozet New Town Associates, LLC ("Crozet New Town") is the owner of certain property located in Crozet, described as Albemarle County Tax Map Parcels Nos. 56A2-0-25, 26, 71 and 71B, containing 20 acres, more or less; and

WHEREAS, as part of its plan to redevelop the former Barnes Lumber site in Downtown Crozet, Crozet New Town is offering to dedicate to public use certain rights-of-way, including (a) extensions of both The Square and Library Avenue, (b) a connector road between them, and (c) associated traffic circles; and

WHEREAS, the Board finds it is in the best interest of the County to accept the dedication of (a) the extensions of both The Square and Library Avenue, (b) the connector road between them, and (c) the associated traffic circles, all as shown on the approved final site plan for the Crozet New Town property.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the acceptance of the dedication of Oak Street and the "15 ft. space for drive" immediately south of the "C & O Depot Lot," as shown on the Plat, and authorizes the County Executive to sign any document(s) accepting this dedication once the County Attorney has approved the document(s) as to form and substance; and

BE IT FURTHER RESOLVED that the Albemarle County Board of Supervisors hereby accepts the dedication of (a) the extensions of both The Square and Library Avenue, (b) the connector road between them, and (c) the associated traffic circles, , all as shown on the approved final site plan for the Crozet New Town property, and authorizes the County Executive to sign any document(s) accepting this dedication once the County Attorney has approved the document(s) as to form and substance.

WITNESS the following signature and seal.

J. W. Hildebrand (SEAL)

STATE OF VIRGINIA,
COUNTY OF ALBEMARLE, TO-WIT:

I, Nancy H. Wade, a Notary Public in and for the County of Albemarle aforesaid, in the State of Virginia, do certify that J. W. Hildebrand, a widower, whose name is signed to the foregoing writing, bearing date on the 18th day of December, 1946, has acknowledged the same before me in my County and State aforesaid.

Given under my hand, this 18th day of December, 1946.

My commission expires on the 25th day of July, 1950.

Nancy H. Wade, Notary Public.

VIRGINIA,

IN THE CLERK'S OFFICE OF ALBEMARLE CIRCUIT COURT, JANUARY 4, 1947.

This deed was presented to me in said office and with certificate annexed admitted to record at 12:15 P. M. & \$1.65 Stamp Affixed.

Teste:

Eva W. Maguire, Clerk.

Exd.

THIS DEED, made this 17th day of December, 1946, between S. W. Barnes S. W. Barnes, a widower, party of the first part, and Walter N. Gentry, party of the second part,

To E/S

Walter N. Gentry

WITNESSETH:

That for and in consideration of \$750.00, receipt of which is hereby acknowledged, S. W. Barnes grants, bargains, sells and conveys with general warranty of title unto Walter N. Gentry, all those two certain lots of land at Crozet in Albemarle County, Virginia, designated as lots 17 and 18, plat of Hugh F. Simms & Son, C. L. S's dated December, 1946 and attached hereto as a part of this deed, being part of the land conveyed to Ethel B. Barnes by Hugh T. Wiley and wife by deed dated January 20th, 1944 and recorded in the Clerk's Office of the Circuit Court of Albemarle County in D. B. 259, p. 109, and being also a part of the land devised to S. W. Barnes by Ethel B. Barnes by will probated in said Clerk's Office October 25th, 1944 and spread in W. B. 37, p. 275. Reference is made to said deed and plat for a more complete description of the said lots.

Fee \$1.75
Tax .96
Tran 1.00
Plat 2.00

Pd. \$5.71

Mailed to
Walter N. Gentry
Crozet
Jan 7, 1947

Said lots are conveyed subject to the following restrictions:

1. That for a period of twenty years from January 1st, 1947, said lots shall be used for residential purposes and shall be used for no other purposes except with the written consent of S. W. Barnes or his

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112

assigns first obtained.

2. Said lots shall not be sold, leased to or occupied by a person of Negro race, but this shall not be construed to prohibit the keeping of Negro Servants on the property.

3. No buildings costing less than \$4,000.00 except the usual and necessary outbuildings used in connection with the residence, shall be erected on said land.

4. No nuisance shall be maintained on said property.

S. W. Barnes covenants with Walter N. Gentry that he has the right to convey said land to the grantee; that the grantee shall have quiet possession of said land, free from all encumbrances; that he has done no act to encumber said land; and that he will execute such further assurances of said land as may be requisite.

WITNESS the following signature and seal.

S. W. Barnes (SEAL)

STATE OF VIRGINIA,

COUNTY OF ALBEMARLE, TO-WIT:

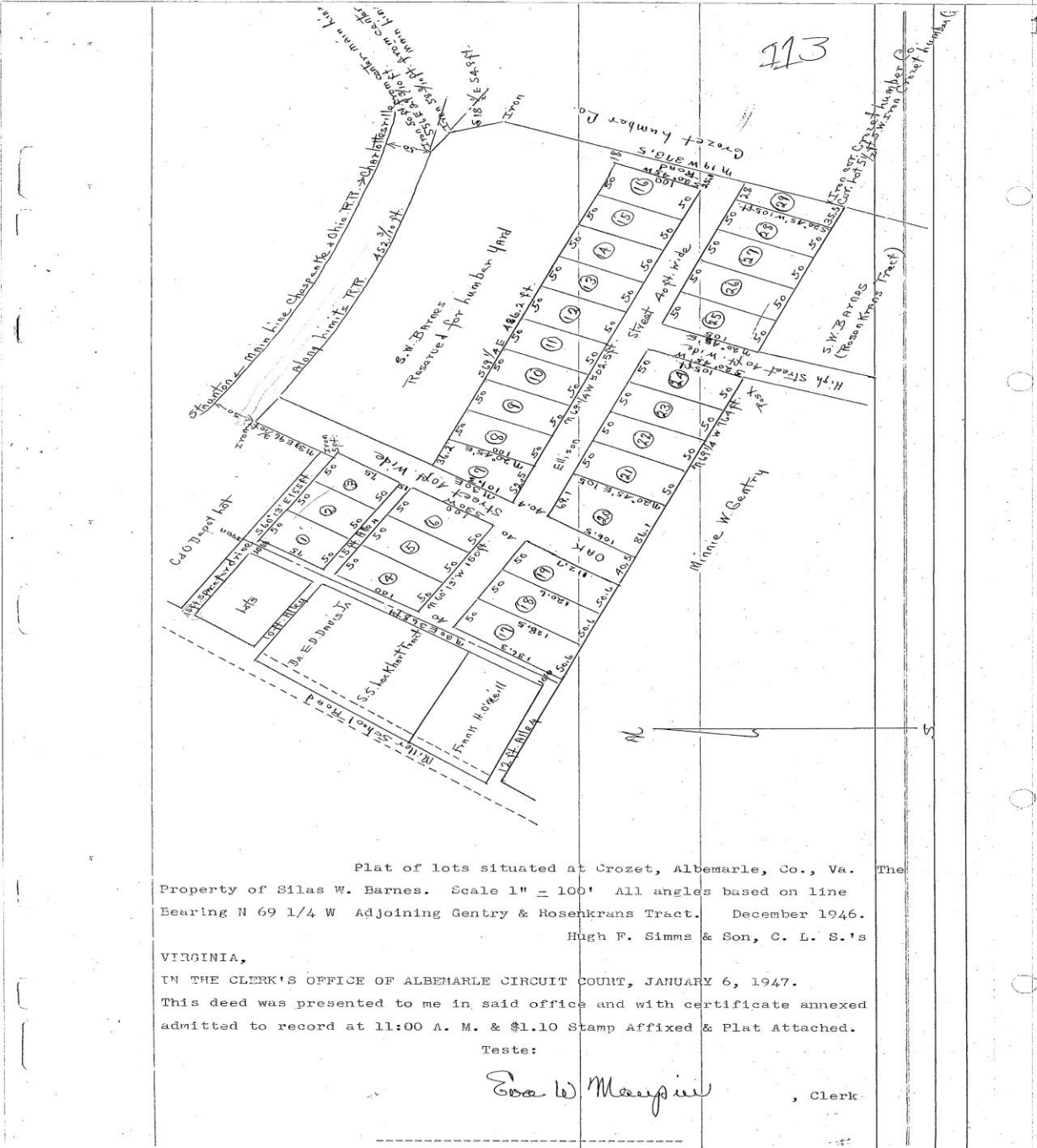
I, Frances O'Neill, a Notary Public for the County aforesaid, in the State of Virginia, do hereby certify that S. W. Barnes, whose name is signed to the foregoing writing bearing date on the 17th day of December, 1946, has acknowledged the same before me in my County and State aforesaid.

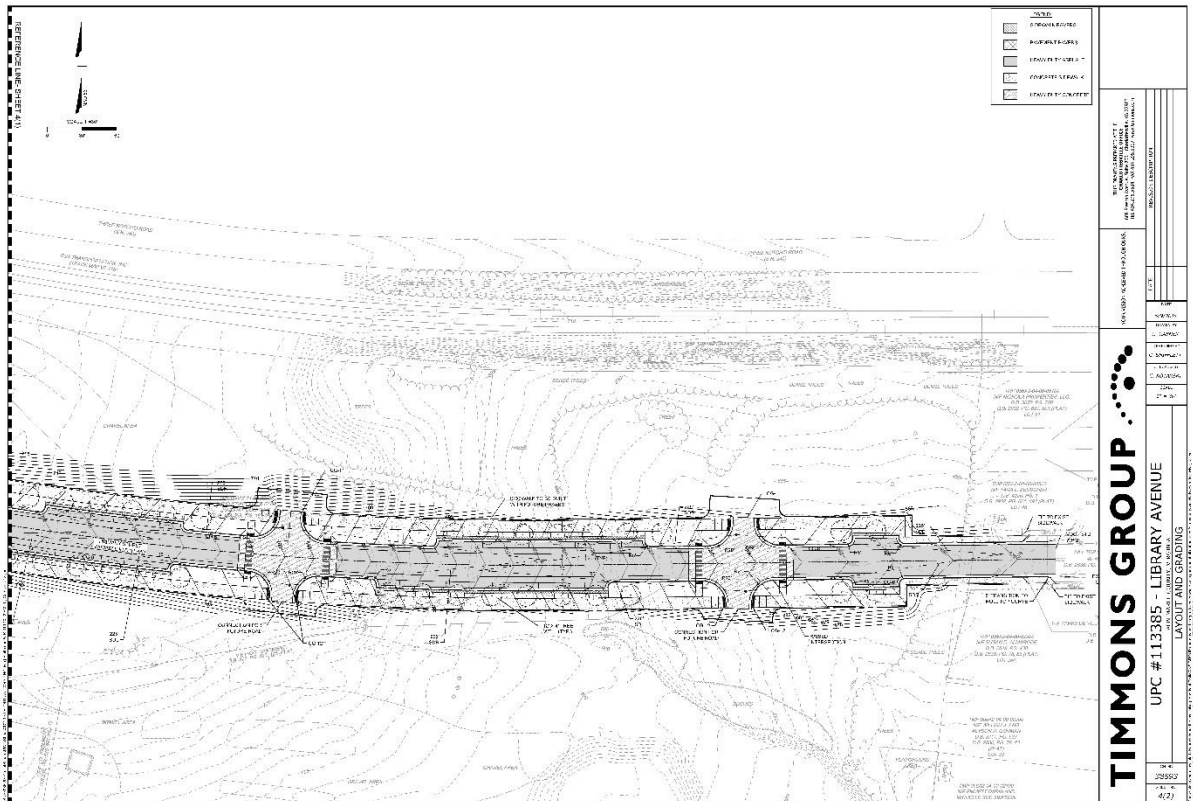
Given under my hand this 18th day of December, 1946.

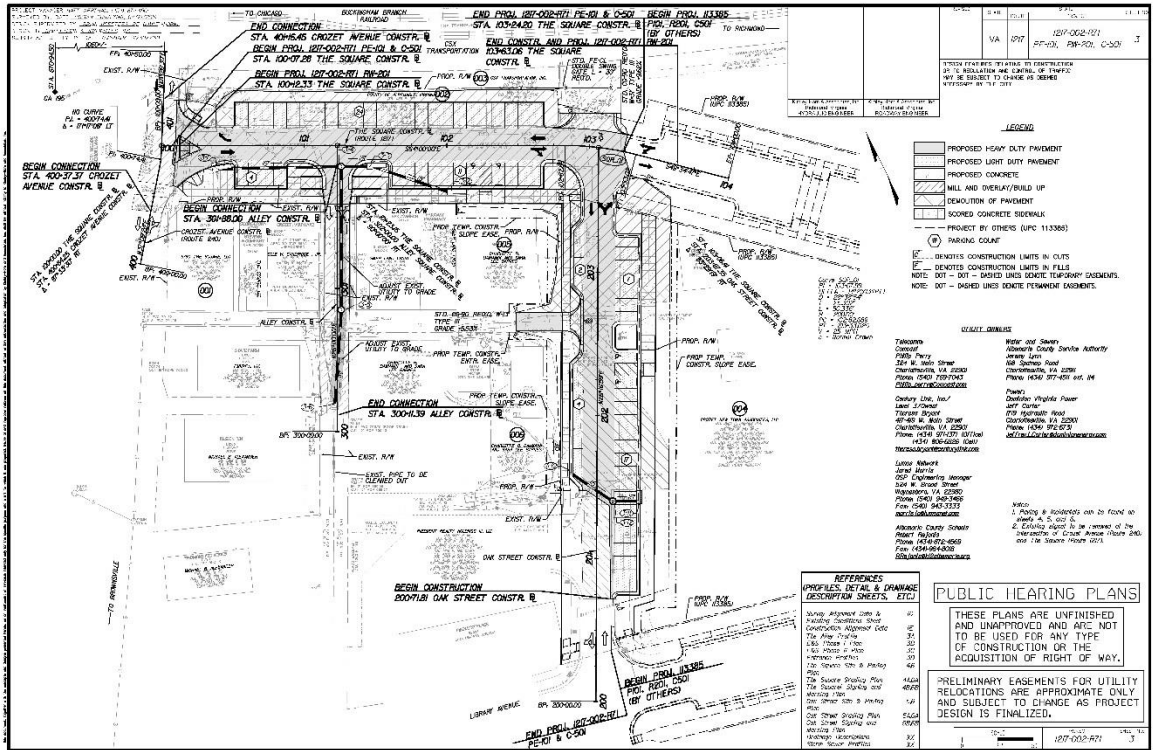
My commission expires September 1, 1948.

Frances O'Neill, Notary Public.

(See Plat on Next Page)







Item No. 8.5. Coles Rolling Road Rural Rustic Road Designation.

The Executive Summary forwarded to the Board states that a 2.75-mile section of Route 712, Coles Rolling Road, is scheduled to be paved in two phases; Phase 1: From Glendower Road (Route 713) to 1.40 miles east of Glendower Road on Coles Rolling Road, and Phase 2: From end location of phase 1 paving (1.40 miles east of Glendower Road) to 2.75 miles east of Glendower Road on Coles Rolling Road. This paving project was previously prioritized by the Board and approved in the most recent Secondary-Six Year Improvement Program (SSYP) on June 19, 2019. Phase 1 paving of Coles Rolling Road in the SSYP is fully funded in FY 2020. Phase 2 paving of Coles Rolling Road in the SSYP is partially funded in FY 2020 and fully funded in FY 2021. The Virginia Department of Transportation (VDOT) requires that the governing body of the jurisdiction within which a road proposed for paving under the Rural Rustic Road program is located, adopt a Resolution designating that road as a Rural Rustic Road.

Each spring the Board approves the SSYP, which includes funds dedicated to paving unpaved roads in the County under the Rural Rustic Road (RRR) Program. The RRR Program is VDOT's preferred approach to paving low-volume roads. The goal of the program is to keep traditional rural lane ambience, while improving the road surface within the current right-of-way. In FY 2020 Albemarle County was allocated approximately \$550,000 in funds toward paving unpaved state-maintained roads, which includes the funds to pave Coles Rolling Road (Route 712) Phase 1 and which partially funds Phase 2 at \$52,158. The remainder of Phase 2 is to be funded in the FY 2021 SSYP at \$312,342.

The process for identifying and prioritizing RRR paving projects in Albemarle County begins with an evaluation of submitted paving requests to identify eligibility and need. The Board then approves the prioritized list of projects and the SSYP that reflects those priorities. Prior to a road being designated RRR and being paved, adjacent landowners are notified and given an opportunity to comment. Following that comment period, the Board is presented with a Resolution designating the road RRR.

Property owner notifications were sent out on June 25, 2019 for Coles Rolling Road requesting comments back by August 1, 2019. Three landowners responded to the notifications with two being very supportive of the paving and one not in support. The landowner not in support shared that the notification letter was their first- time hearing of the paving.

Coles Rolling Road provides through-road connection to primary Route 20 and is located in an area of the County designated by the Comprehensive Plan and zoned as Rural Areas. The SSYP Average Annual Daily Traffic (AADT) for Coles Rolling Road was 300 vehicles per day from 2012 and is unlikely to increase because of the Rural Areas designation.

Adoption of this Resolution will have no impact on the County budget. This authorizes VDOT to expend state funds on a project to which the Board has previously recommended state funds be allocated through the SSYP.

Staff recommends that the Board adopt the attached Resolution (Attachment A) to designate Route 712, Coles Rolling Road, as a Rural Rustic Road.

By the above-recorded vote, the Board adopted the following Resolution to designate Route 712, Coles Rolling Road, as a Rural Rustic Road:

**RESOLUTION TO DESIGNATE ROUTE 712,
COLES ROLLING ROAD, AS A RURAL RUSTIC ROAD**

WHEREAS, Virginia Code § 33.2-332 permits the hard-surfacing of certain unpaved roads deemed to qualify for designation as a Rural Rustic Road; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1,500 vehicles per day; and

WHEREAS, the Board of Supervisors of Albemarle County, Virginia desires to consider whether Route 712, Coles Rolling Road, from Route 713, Glendower Road, to 2.75 miles east of Route 713, Glendower Road, should be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of any pending development that will significantly affect the existing traffic on this road; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics; and

WHEREAS, this road is in the Board's six-year plan for improvements to the secondary system of state highways.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors hereby designates Route 712, Coles Rolling Road, from Route 713, Glendower Road, to 2.75 miles east of Route 713, Glendower Road, a Rural Rustic Road, and requests that the Resident Engineer for the Virginia Department of Transportation concur in this designation; and

BE IT FURTHER RESOLVED, that the Board requests that Route 712, Coles Rolling Road, from Route 713, Glendower Road, to 2.75 miles east of Route 713, Glendower Road, be hard-surfaced and, to the fullest extent prudent, be improved within the existing right-of-way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Virginia Department of Transportation Resident Engineer.

Item No. 8.6. SDP201900038 Verizon - Shadwell (Easton Property) Tier II PWSF Special Exception Request.

The Executive Summary forwarded to the Board states that a special exception request was submitted with an application to construct a Tier II personal wireless service facility. The proposed 100.5' tall monopole will be sited near Easton's Furniture, between 3646 Richmond Road and Interstate 64. (See Attachment A – Application Materials).

County Code § 18-5.1.40.a(12) allows special exceptions to waive or modify the requirements of County Code § 18-5.1.40 for personal wireless service facilities. The applicant has requested the following special exception:

1. Modify County Code § 18-5.1.40(b)(2)(c) projection of antennas

Staff analysis of the request is provided as Attachment B.

Staff recommends that the Board adopt the attached Resolution (Attachment C) approving the special exception, subject to the conditions attached thereto.

By the above-recorded vote, the Board adopted the following Resolution approving the special exception, subject to the conditions attached thereto:

**RESOLUTION TO APPROVE SPECIAL EXCEPTION FOR
SDP201900038 – VERIZON – SHADWELL (EASTON PROPERTY) - TIER II PWSF**

WHEREAS, the Owner of Tax Parcels 079A1-00-0C-00300 and 079A1-00-0C-01600 filed an application for a Tier II Personal Wireless Service Facility, and the application is identified as Site Development Plan 201900038 ("SDP 19-38"); and

WHEREAS, SDP 19-38 included a request for a special exception to modify the requirements of County Code § 18-5.1.40(b)(2)(c); and

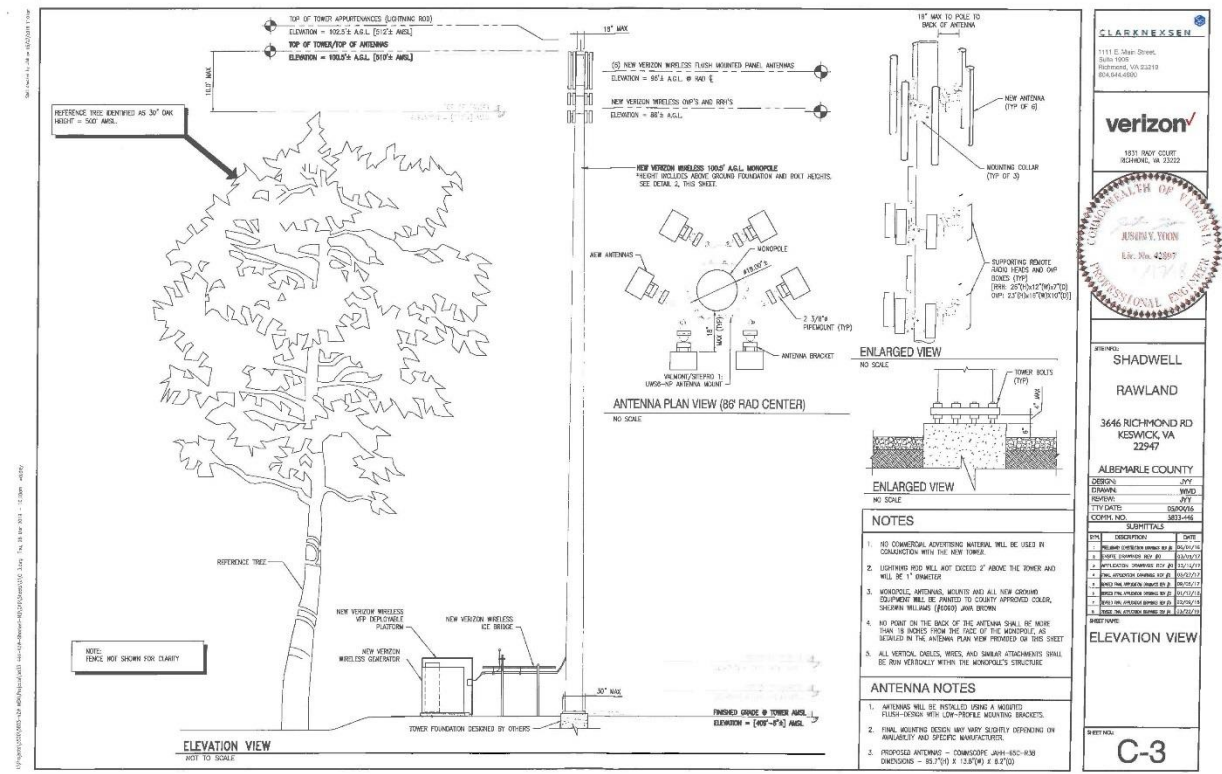
WHEREAS, Albemarle County Code § 18-5.1.40(b)(2)(c) requires that antennas be mounted so that in no case shall the closest point of the back of the antenna be more than twelve (12) inches from the facility, which may be modified by special exception.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared in conjunction with the application, all of the factors relevant to the special exceptions in County Code §§ 18-5.1.40(b)(2)(c) and 18-33.49.B, and the information provided at the Board of Supervisors

meeting, the Albemarle County Board of Supervisors hereby approves the special exception to modify the requirements of County Code 18-5.1.40(b)(2)(c), subject to the conditions attached hereto.

**SDP201900038 – Verizon – Shadwell (Easton Property) - Tier II PWSF
Special Exception Conditions**

- 1. The antenna shall be installed as depicted on Sheet C-3 of the site plan referred to as “Shadwell 3646 Richmond Road Keswick, VA 22947” prepared by Justin Y. Yoon, last revised on March 22, 2019.
- 2. No antenna authorized by this special exception shall project more than eighteen inches (18”) from the monopole to the back of the antenna.



Agenda Item No. 9. Work Session: Work Plan for Housing Policy Update.

The Executive Summary forwarded to the Board states that during the April 3, 2019 meeting of the Board of Supervisors, the Board discussed the results of the Comprehensive Regional Housing Study and Needs Analysis report, which outlines the affordable housing needs of current and future County residents. Among the actions taken, the Board approved a staff recommendation to seek Planning Commission approval to amend the Comprehensive Plan with an updated Affordable Housing Policy using results of the housing study as guidance for this update. The Planning Commission approved a Resolution of Intent for this amendment during the Commission’s July 23, 2019 meeting. Board members also directed staff to draft a community engagement work plan and timeline for the policy update and to present the draft plan to the Board at a later date.

County staff has developed a draft work plan and timeline for the Affordable Housing Policy update, copies of which are included as Attachments A and B to this agenda item. The policy update will involve a three-step process that includes community engagement, drafting an updated policy document, and development of a draft policy implementation plan.

To help ensure the new housing policy represents the housing needs and aspirations of all members of our community, the work plan incorporates a variety of community engagement tools designed to reach a broad spectrum of County residents. The community engagement tools proposed for this effort include: creation of both stakeholder and technical advisory committees, a series of focus groups with a cross-sector of community members, a series of community-wide meetings, a project-specific webpage, and a resident questionnaire.

Upon completion of the initial phase of community engagement, staff will work with both advisory committees to analyze the information collected and develop recommendations for broad housing policy goals, as well as developing recommendations for housing priorities, specific numerical targets for housing development and preservation, and the strategies needed to meet those targets. Additionally, a series of housing metrics to track the County’s progress towards meeting housing goals will be developed along with the mechanisms to collect, and report out, those metrics. Staff anticipates completion of the draft housing policy and associated housing strategy document by September 2020. A more detailed description of the proposed work plan can be found in Attachment A, which includes recommendations received from the Planning Commission on July 23, 2019.

There is no direct budgetary impact specifically related to the work plan identified. Required staff resource in-kind costs are already included in the current budget.

Staff recommends the Board receive the information provided in the presentation and provide feedback on the proposed work plan (Attachment A) and project timeline (Attachment B).

Ms. Stacey Pethia, Housing Planner for Albemarle County, said that when she presented the results of the Regional Housing Study in April to the Board, the Board approved at that time staff moving forward with the Resolution of Intent to the Planning Commission to amend the Comprehensive Plan with an updated housing policy. She said that she was happy to say that the Planning Commission approved this on July 23, 2019, but at that time in April, the Board also asked her to come back with a work plan of how that housing policy would be updated, which she would present.

Ms. Pethia provided background on the housing policy. She said the current policy was first adopted into the Comprehensive Plan in 2004. She said that there had been some minor amendments to the policy with the Comprehensive Plan update in 2015. She reiterated that the Planning Commission did approve a Resolution of Intent to move forward with updating the policy at the present time. She said the current policy provides strategies and recommendations to support affordable housing in the County, with affordable housing defined as "houses affordable to County residents with household incomes no greater than 80% of Area Median Income."

Ms. Pethia said that the policy addresses five broad housing objectives covering topics such as safe and decent housing options, ensuring housing choice and equal access to housing opportunities as well as community sustainability, noting that these broad objectives are addressed through five overarching strategies. She said that the strategies include regulatory and administrative functions to support affordable housing; affordable housing development; mechanisms for long-term affordability of housing; private sector partnerships; and identifying additional resources for affordable housing projects and programs.

Ms. Pethia explained why an affordable housing policy was needed at present time. She said that the Regional Housing Study that was released in April, 2019 identified more than 10,000 County households that are struggling with housing costs, with any of those families having incomes less than 50% of the Area Median Income. She said that the number of cost-burdened households in Albemarle County is projected to increase by approximately 34% by 2040, which would be an increase to about 15,000 households. She said that completing a comprehensive review and update of affordable housing policy now would help equip the County with the tools necessary to meet its current and future affordable housing needs.

Ms. Pethia said that staff has identified a three-step process to update the housing policy, which includes a community engagement and data gathering period, formulation of recommendations for the affordable housing policy, and the creation of a policy implementation strategy to help meet those policy goals.

Ms. Pethia gave a broad overview of how the update process would work. She said that it was designed to engage with as many County residents as possible, and staff would utilize a wide variety of engagement tools. She said that two advisory committees would be created, with one being a technical advisory committee, which is more internal, comprised of members of different County departments such as Community Development, Economic Development, the Housing Choice Voucher Program, and others. She said the technical advisory committee would provide technical assistance to a stakeholder committee that would also be created, and would help to ensure that policy recommendations conform with existing policies and programs, such as the Comprehensive Plan and Project Enable.

Ms. Pethia said that staff would also convene a Stakeholder Advisory Committee comprised of 11 members comprised of a Supervisor; a Planning Commissioner; two lower income residents with one a homeowner, one a renter, with hopefully one being a senior citizen; representatives from the City of Charlottesville and Regional Housing Partnership; a residential developer; a landlord; and a representative from the Thomas Jefferson Area Coalition for the Homeless. She said Impact has also been invited to have a representative as well.

Ms. Pethia said that staff would hold a number of focus groups with specific sectors in the community. She said that a sample of who they would like to speak with consists of for-profit residential developers, non-profit housing providers and social service providers, representatives from the local business community, County schools, and health sector. She said that most importantly, they would make sure that underrepresented communities are involved in the conversation, and that staff would reach out and work with various non-profits to convene focus groups of the clients they serve in order to have one-on-one, honest conversations about their housing struggles and needs.

Ms. Pethia said that there would also be four community meetings held, with the three at the beginning that would cover learning about affordable housing in the County; a listening session, which would consist of small group discussions with residents speaking about their experiences with housing and what they feel their needs are in the County; and working in small groups again to help identify solutions that the County could use to address housing needs. She said that the fourth community meeting would be held at the end of the process, which would be a public comment period on the draft policy and strategies.

Ms. Pethia said that staff is also working to create a webpage dedicated specifically to the housing policy update and all materials from the community meetings will be posted there as well as mechanisms for residents unable to attend those meetings to provide feedback on that material. She said that general housing information would be placed out, and staff has created a number of infographics related to affordable housing in terms of snapshots of how it relates to various other areas in society. She said the webpage would also provide regular updates on the process.

Ms. Pethia said that staff has also been working with the Thomas Jefferson Planning District Commission in their effort to develop a regional questionnaire that would be sent out to the various jurisdictions in the Planning District region to understand what their housing needs are. She said that she has worked to ensure there are questions relevant to the County, and information would be constantly shared between them.

Ms. Pethia explained that once the community engagement process is finished, staff would work with both the Stakeholder and Technical Committees to create draft recommendations for a housing policy and an implementation strategy. She said that background work for both of those documents, such as reviewing current policies and enabling legislation and best practices research, is currently underway.

Ms. Pethia said that staff would work with the advisory committees to develop policy recommendations based on community input and available data, establish County-wide goals for affordable housing, and identify tools and programs to meet those goals. She said that the advisory committees would also help to develop a series of housing metrics, which would be used to track the County's progress towards meeting the goals identified in the policies and figuring out the most appropriate ways to disseminate that information.

Ms. Pethia said that staff anticipates the housing policy update work to take a total of approximately 16 months, with some of the work already under way. She said that they see the entire project coming to a close by August and September of 2020. She said that the entire timeline includes approximately three months for the community outreach work, which would be a time period to work with the stakeholder committees to develop the recommendations and write the policy.

Ms. Pethia said that they anticipate a joint Board of Supervisors and Planning Commission work session on the draft recommendations to take place in April 2020 and once that work session is complete and the Board's comments have been incorporated, a draft policy would go out for public comment May through June of 2020, with the final draft recommendations coming to both the Board and the Planning Commission in August and September of 2020.

Ms. Pethia said that some of the feedback that was received from the Planning Commission during the July 23 meeting covered potential additions to the Stakeholder Advisory Committee; additional research, data, and information needs for the process; definitions of affordable housing and workforce housing moving forward; and they believed that the timeline was too long and wanted to see it done in a much shorter time period. She said staff has worked to incorporate the Planning Commission's comments in various ways. She said that the Commission had recommended including a representative from JAUNT on the Stakeholder Committee, and staff would include this person on the Technical Advisory Committee. She said that the Planning Commission wanted to hold many of the non-profit and service sector representatives on the Stakeholder Committee, but they were already included within the focus group sectors. She said that there has been ongoing research and much of what the Planning Commission asked for is already being collected and would be presented to the Stakeholder Advisory Committee to help them form their recommendations on policy. She said if updated definitions of affordable and workforce housing are needed, this would be a discussion held throughout the process and would come out in the recommendations. She said as for a shortened timeline, staff believes that the amount of community engagement necessary for the process would take longer than a couple of months. Ms. Pethia explained that she has worked on these types of projects before where the community was not heavily involved and the policy went nowhere. She said they still recommend that everything will be completed by September 2020 at the latest.

Mr. Randolph asked if any thought has been given on including any veteran groups in the process because the needs of veterans, especially those with PTSD and potential neurological problems are perhaps unique. He noted that he did not see them listed as a group and was not sure if they would be included. Ms. Pethia said that she was looking at a focus group to include them, but she would look into adding them to the Stakeholder Committee as well.

Ms. Mallek said that she was not sure where the discussion would best happen, but they should be considered somewhere in the process. Ms. Pethia said that it was hard to say, and there was a good place for them either way. Ms. Mallek said she wants people to feel as if they are being heard and appreciated, and she was not sure whether or not a smaller group is better for this. Ms. McKeel agreed that this was a good suggestion.

Ms. Mallek asked if Ms. Pethia could present the original stakeholder blocks again. She said that though she does not mean to sound snarky, there are many City blocks included and suggested that if this is supposed to be a County housing policy, their needs could be very different than the City's. She said that she would like for this to be more of the focus rather than having more than five of the groups being potential City groups. She said that it was the County's job as well as its citizens to take on.

Ms. Mallek also asked when the Board engages in overarching policy questions, such as consideration of changing the long-time policy of not building and operating housing itself. She said that it

seems as though this should be answered first before the process happens, or otherwise information is being gathered and perhaps not acted upon later.

Ms. McKeel said that she has seen several places in the document that says "CAT/JAUNT" and recommends it should say "CAT and JAUNT," as CAT is City focused and while she understands that they are looking at the County more, JAUNT is running commuter services and all kinds of opportunities exist there. She noted that these should be separate seats.

Ms. McKeel said that she also noticed that one suggestion was to include discussions about manufactured and modular homes. She expressed hope that they would be able to discuss this at some point, as it has not been discussed in the community for a long time.

Mr. Randolph said that Ms. McKeel's question gets into the question of rehabilitation of existing buildings and new construction, and that Tim Keller had suggested taking a look at modular and manufactured housing. Mr. Randolph noted that traditionally, these were trailers, but it is very different today. He added that he had a conversation with one of the members of the TJPDC housing group about the challenge of rehabilitation, which is the "unknown unknowns" as one never knows when they get into a project what they would open up (e.g., termites). He said it does provide for many of the residents an opportunity to stay in place in a rural area, as has been seen in Alberene, which has been invaluable. He said that it is also very site specific because it allows for rehabilitation of the community in an area with substandard housing in place. He expressed hope that at some point, the Board would have an opportunity to discuss rehabilitation versus new construction and where the Board wants to put its resources moving forward.

Ms. Palmer said that in the many conversations she has had while dealing with Southwood and talking about tree conservation zones, she acknowledged that this is healthier for the community and if people are healthier, they would do better economically as well. She said that she has heard numerous times over the past few months that acquiring these things would make projects more expensive, therefore they should not be required. She said there is a minimum tree standard in the County that goes by the Virginia State law, and she would like to see statements to encourage a healthy environment with tree conservation zones, street trees, or other ways to do something more than the minimum requirement of the State (10-20%, depending on density). She suggested that perhaps a landscape architect should be on the Technical Advisory Committee, or someone who could intelligently and specifically guide some policy with respect to new development, noting that they cannot require more than they are allowed to require.

Mr. Dill said that he was having some of the same thoughts in regard to the Planning Commission's desire to have the process happen more quickly. He said that he understands the sequence and logic of the plan, but said that he was unsure. He said that last year, it seemed as if the County was not throwing its weight into low-income housing because TJPDC was doing their study, resulting in a wait. He said that now, the process would not be complete for another year due to the amount of citizen engagement and talks with experts. He said that there was no question about the need for it, but that practically speaking, the Board would be doing its budget for affordable housing in the next few months and it would be helpful to have guidance for that.

Mr. Dill said that he respects Ms. Pethia's experience and judgment and expressed hope that while the update process is happening, the Board could receive some guidance as far as what programs are most effective now. He said that the problem of low-income housing is changing and confusing not just in Albemarle County, but around the world, and they cannot wait until they have a final and perfect solution before they begin moving on it. He said that he would personally like to receive some guidance in the fall as the Board works on the budget.

Ms. Mallek said that she would very much support renovation because at least for 12 years, and perhaps longer, the County budget has supported AHIP help people stay in the homes they are in. She added that for the first time this year, they have participated with Leap for weatherization for the same low-income folks so that they are able to be safer and warmer (or cooler) in their homes. She said that she was shocked to see the \$500 per-month electric bill in Southwood for 800 square-foot of living space. She said that this was an ongoing budget item that she supports and hopes would be made bigger.

Ms. Mallek said that the update process was important as it would help the Board focus where the highest priority is for Year 1, etc. and does not mean that they are not doing this, because they have already been doing much and hopefully they would be doing them more, but assembling all the investments they have made into one coherent place would help her (and perhaps the public as well) understand the efforts made, noting that it was over \$1 million last year when putting all the categories into place.

Ms. Mallek said that the County needs to think about the best way to deliver affordable housing in many different avenues, whether more modular such as the Beaver Creek neighborhood, where trailers have been replaced with \$50,000-\$80,000 modular units. She said that there are great opportunities for many approaches at various steps rather than just one magic bullet.

Mr. Gallaway said that, reinforcing the Planning Commission's sentiment about the timeline with community engagement, three months is a relatively quick engagement period but as opposed to saying to do it faster, he was trying to think of a way where they have received so much engagement from the public on the issue in a variety of ways over the past few years that perhaps some time could be done with meta-analysis on the research that has been done on the public engagement that has already been

received. He said that this could shorten the public engagement period so that they are not starting from scratch but rather, asking for feedback on what has already been received so that the things they do not know could come up.

Mr. Gallaway also asked about the link or connection with the Regional Housing Partnership. He presumed there would be many parallels going on with this group. He noted that under the homeowners' section of participants (low to moderate income homeowner) and asked if there could be a value in the County to have both urban and rural representation. He said that he has been struck by different times when the Board has heard about the results in Albemarle in terms of how different the circumstances are and asked the staff not to lose sight of this. He said that the experiences of urban versus rural homeowners may warrant having both perspectives represented.

Mr. Gallaway reinforced what Mr. Dill commented on as far as how the update process aligns and forms their budgeting. He said that it is either continued, one-time money investment or annual budget dollars being programmed towards budgeting policy. He expressed concern about getting past another budget cycle without having the work done, knowing that the work would help inform it, and encouraged finding a way to get these in parallel so that whatever is learned while going through the update process could be inserted into the next budget cycle.

Ms. Pethia said that she planned to provide regular updates in some form to all Supervisors so what comes out of the public engagement period would be shared with the Board once it is summarized. She said that this process would highlight where the community feels the priorities lie.

Mr. Dill noted that AHIP has laid off one of its crews because they have lost funding at the federal and state level, and AHIP is not able to keep up with their goals. He said they need to look at the impact of that lost. Board members concurred.

Agenda Item No. 10. **Presentation:** Claudius Crozet Park Aquatic and Fitness Center.

The Executive Summary forwarded to the Board states that Claudius Crozet Park (CCP) is a 23-acre community, non-profit recreational facility open for public use that has been serving the Crozet and Western Albemarle community since 1958. CCP is the home to the ever-expanding Peachtree Baseball program, the Crozet Gators swim team, soccer and baseball fields, Quick Start tennis courts, playgrounds, a community pool and recreation center open year-round through a joint venture agreement with the Piedmont Family YMCA, Arts and Crafts Festivals, walking trails, dog park and the Crozet Independence Day Celebration.

History of Cooperative Agreements

On November 6, 1985, CCP and the County entered into a Restrictive Covenant Agreement for 13.62 acres of park. This agreement establishes that the property be used solely for recreational and public purposes. The County agreed to consider funding park improvements as part of its Capital Improvement Plan (CIP) process and to have County staff assume responsibility for the maintenance of these improvements. This agreement allowed the CCP Board to place all of its resources toward the operation and maintenance of the pool, and to retire its pool debt of \$50,000 in 1988.

In the mid 90's, the CCP swimming pool was deteriorating rapidly, and the options before CCP were to either renovate the pool for \$200,000 (with no warranty) or to build a new pool for \$330,000. The CCP asked the County to assist with funding the construction of a new swimming facility and to assist with master planning and funding additional recreational facilities at the Park. Recognizing the County's critical need for athletic fields and other recreational amenities and that a very vital part of Crozet's history and future was in jeopardy, the County agreed to enter into a joint operating agreement with CCP for the Park's operation in 1997. Under the 1997 Crozet Park Agreement and Restrictive Covenant, the County agreed to contribute \$200,000 to be used solely for the construction of a new swimming facility while the CCP agreed that the entire 23-acre park would be solely used for recreational and public purposes in perpetuity and would be open for public use, and if CCP ever ceases to exist as a legal entity, the fee simple title to the park and all improvements will transfer to the County at no cost upon the County's request. This operating agreement provided CCP and the County, as partners, the opportunity to provide needed recreational improvements and opportunities to serve the Crozet community and citizens of Western Albemarle.

At present, CCP in partnership with the YMCA operates an Aquatic and Fitness/Wellness Center in an existing facility, which was completely renovated several years ago. The current facility is now inadequate due to its membership growth and size to meet the recreational needs/desires of the steady growth in the Crozet/Western Albemarle community. The 2018, Community Recreation Needs Assessment acknowledged that recreational opportunities need to keep pace with the growing population, especially in the high growth areas. Through private and public partnerships, the CCP envisions a state of the art facility by constructing a new facility with an overall square footage of 47,360 +/- which includes a multi-purpose gymnasium, fitness and wellness area, indoor walking track, community room, a stay and play area, after school and summer activities for elementary children and more. The County has enjoyed a long successful working relationship with CCP, which has generated positive benefits for the citizens of Crozet and the entire western region of the County. CCP has a dedicated, energetic and enthusiastic group to volunteers. The County has emphasized the need and desire to pursue and promote community/volunteer partnerships to the greatest extent possible to ensure the County's vibrancy. The proposal by CCP, as well as its passion and commitment to raising private donations for this project, are truly reflective of the spirit and intent of the CCP Board's strategic plan goal.

There is no formal action required at this time.

Staff is requesting that the Board provide direction regarding this matter.

Mr. Bob Crickenberger, Director of Parks & Recreation, addressed the Board. He said that his presentation was an opportunity for the Claudius Crozet Park to share with the Board its vision of developing and constructing a state-of-the-art aquatic, fitness, and wellness center.

Mr. Crickenberger said that in its executive summary, staff tried to identify the long standing relationship it has had with Crozet Park and how the partnership has transformed the park into what many would consider to be the recreation hub of Crozet Park. He said that he has had the opportunity to work with the Crozet Park Board for many years and it consists of a group of enthusiastic, energetic volunteers that are willing to give something back to the community. Mr. Crickenberger then introduced one of the volunteers, Mr. Drew Holzwarth.

Mr. Holzwarth addressed the Board and thanked them for giving him the opportunity to speak about what would be a transformative facility for the residents of Albemarle County. He said that he has been fairly active on the Claudius Crozet Park Board since 2014.

Mr. Holzwarth said that he would provide background of the park. He said the park was founded by a generous donation by a Crozet resident in 1958, and that 22 acres were donated to the Albemarle County community with the focus of providing affordable recreation for its residents. He said since that time, much has transpired in Claudius Crozet Park but one thing that has been consistent all along is the fact that it has been managed by a group of committed community volunteers with a close relationship with Albemarle County Parks and Recreation. He said that this public-private relationship has been going on for many years, and he wishes partnerships like this exists everywhere, adding that he was proud to be a part of it.

Mr. Holzwarth said that the park has undergone a renaissance, specifically over the past 10 years. He urged those who have not been to the park to come see it, explaining it is an amazing parcel of ground with amazing views, and that it was difficult to stand in any part of its 22 acres without feeling inspired about the area.

Mr. Holzwarth said in the past, there has been a series of public-private partnerships, including the long standing one with Albemarle County. He said that many volunteers have become close with Mr. Crickenberger and others at Parks and Recreation. He said that in 2016, a dog park was built that has been active every day of the week. He said in 2018, there was a fundraising campaign to add lights to the lower field, which changed Peachtree's baseball and softball league, which played recently in the World Series. He said the success of the league continues to grow as the County grows.

Mr. Holzwarth said that there was a grant and a match to the grant to install a perimeter trail, which is just under three-quarters mile. He said that at any time of day, people could be seen jogging and walking their dogs on the trail, which was installed in 2018. He said that there was a generous gift that was matched in 2017 to rebuild one of the pavilions, which is a great place to hang out at on a weekend afternoon and a key facility during the Arts and Crafts Festival.

Mr. Holzwarth said that there is an opportunity that is being driven by the needs of the community. He said that they are in the midst of an affordable after-school care issue in the County. He noted that the opportunity to sign up for the after school program goes online and within three minutes, it was already full for the County's western feeder schools. He said that at the end of the three minutes, a wait list was started, and currently for Merriweather Lewis, Brownsville, Crozet, Henley, and Murray Elementary Schools, there were 129 children waiting on the list. He said what is not on the list is what they consider to be the "shadow," which are the parents that do not try to sign up because they do not have the opportunity to get their children into after-school care or have the ability to pick them up on time. He said that he attended the School Board meeting earlier in the month and they received a letter of support from the School Board. He said that not only is there a clear need with the children on the waitlist, but there is also a shadow inventory that they do not really know.

Mr. Holzwarth said that, as was noted in the June 13 Board of Supervisors meeting, there is a critical need for indoor recreational space in the County. He said that in speaking with the School Board, many children that do not have the facilities at home, whether broadband or wireless, or support at the end of the school day, as their parents may work for a period of time, fall further behind their peers. He said this was an opportunity for the park to work with transportation and have four elementary schools and one middle school children bused to a facility, which would provide after-school care for 300 children that currently do not have the opportunities their peers have with support at home.

Mr. Holzwarth said that one of the important things to the community is having scholarships available, and one thing that would be key is that no family would be turned away for their inability to pay. He said that there have been scholarships at Crozet Park for the families that have historically used the facility, and this would continue. He said the new facility would provide additional space for the growing number of community sports and civic organizations. He said that the Crozet Library has been great to use for events but it fills up quickly and planning must be done early. He said that after school, there are tutors at the library that run out of space. He said that work has been done with a national planner to design the space to make sure the facility has spaces necessary to be on the cutting edge in terms of what the community needs are. He said this is a national company called Grow that works with the

YMCA, Boys and Girls Clubs, and other like facilities around the country. He said that the inside of the space has been designed so that opportunity would be maximized.

Mr. Holzwarth said that in many communities, there is some sort of programming close by at shopping malls, department stores, etc. where seniors could go during the day, walk, and feel like they are part of something. He noted that this is particularly important in the winter months when they do not want to drive 15 miles into a city to go to a shopping mall or senior center. He said that they would be working with the local support for seniors to make sure there is programming and activities during the day for seniors so they could stay active and connected all 12 months of the year.

Mr. Holzwarth said that in terms of facility concept, they have worked with the interior planning and the main benefit they have at the park is that the 22 acres given in 1959 is debt free. He said that they have taken on and paid off debt over the years, and the facility is currently debt free with cash in the coffers. He said that looking at the opportunity for the project, all that is being looked at are the vertical construction costs and the furniture, fixtures and equipment. He said that the current concept calls for different rooms and active spaces on the first floor, as well as a large lobby. He said that there would be a teen flex room, a stay-and-play for younger kids, a wellness room that would have cardio machines, and a basketball court. He said in comparison with Brooks YMCA, the concept plan is slightly larger, with a 360-foot walking track suspended above two basketball courts. He said that the basketball courts would be painted in a way that they would provide an opportunity for a variety of sports, including pickleball, basketball, and gymnastics. He said that the exterior pool would remain the same in terms of Phase I, and the facilities would be built around the existing pool. He indicated the current facility and existing parking lot on a plan, and said that they are building and planning the building in a way to enable the current operations of the park to continue while the new facility is built, and there would be a period of time in which they would move into the next building.

Mr. Holzwarth said that on the second floor, there would be a mezzanine, a community room, two large rooms that could be used for meetings or exercise, a bridge programmed for couch space and the potential to play card games during the day, and another room for cycling. He mentioned again that this plan has been created in consultation with the company Grow. He said in terms of costs, the site work is targeted at \$780,000. He said that the vertical construction of the facility is \$5.2 million. He said FF&E would be another \$550,000, with a total budget on the project of \$6,530,000. He said that his team has looked at and scrubbed the budgets for the site work and they are working closely with RE Lee in a design-build Concept, as well as a local architect. He said that in looking at the numbers, they are great numbers for a facility of this size. Mr. Holzwarth remarked that what is not seen is that the land is paid for and the facility they are planning is a metal building. He said that metal buildings could be attractive, noting that several local churches have been built with metal. He said they are energy-efficient, lifetime buildings and they are designing a building that is incredibly efficient.

Mr. Holzwarth said that they are asking the County for \$2.4 million of CIP funding split evenly over the next two budgeting years. He said the balance of the cost would be financed through a community fundraising effort and structured debt through a local community bank. He said that considering what the County could receive for an investment of \$2.4 million, it is unparalleled.

Mr. Holzwarth said in terms of operating the facility, there is a current operator of the facility that is their tenant in Western Albemarle (YMCA) and because of the commitment they are asking from the County, they would issue an RFP for who would operate the facility at the time construction begins. He said that Crozet Park, together with Albemarle County Parks and Recreation, would continue its long-standing relationship that has lasted for years and would continue to grow and build a partnership into the future.

Mr. Holzwarth anticipated questions about how the money would be raised. He said that the reality is that the debt coverage could be financed by the operations and by members of the facility, even at discounted rates. He said that over the most recent years, they successfully put together, executed, and paid off the debt of the dome project over the pool. He said that they successfully raised money for the interior components of the Crozet Library and dog park. He said most recently, they raised \$126,000 in five weeks for lighting of the baseball field at Crozet Park, noting that the money ran over what they were asking to raise and used the extra money to add a high-tech lightning detection system for the park that is used by the umpires on the baseball field, SOCA, and the pool for when storms move over the mountain. He said that what is interesting about the fundraising for softball and baseball was that this was a very small sector of the market, yet they were able to raise a large amount of money in five weeks.

Mr. Holzwarth said that the project's transformative nature makes it different, explaining that it hits every segment of the population. He said that they are fortunate as to where they live and for the enormous amount of wealth in the community, and they feel confident with the campaign they are preparing to release. He said that he has already distributed to the Supervisors some collateral material and explained that when they reach out to the stakeholders and community members, they would come up with a raise to hopefully be debt free by the time the facility is finished and, if not, they have the backdrop of a local community bank that could fund the project.

Mr. Randolph recalled Mr. Holzwarth's comment about there being an enormous amount of wealth in the community, and yet he is asking County taxpayers, many of whom live in the northeastern and southeastern part of the County, who would never utilize a Crozet YMCA facility. He asked why they should dedicate \$2.4 million of scarce CIP funds when, over the course of the last six years, the Board has committed money to build in a centralized location in the County senior center and a YMCA that is conveniently and geographically accessible to the maximum number of people. He asked if, in fact,

Crozet has enormous wealth in the community, why the County should offer 36.8% of the financing for this facility. Mr. Holzwarth said that this was a great question that he appreciated. He stated that looking at the CIP needs, there is a limited amount of money to be spread around the County. He asked the Board that as they are looking at the needs, to consider where else they could take \$2.4 million of the scarce funds, leverage them, and get a facility that would change the lives of the amount of people that this facility would. He said it would change the lives of the children that are being sent home to empty houses until their parents come home, the lives of active people from teens to baby boomers, the lives of the aging population such as those in Murray and Merriweather, and commented that a large segment of the County would benefit from this facility.

Ms. McKeel said that she was struggling with the idea, because if this question was asked of her, she would answer that that amount of money leveraged in the urban ring, where they have a high level of poverty, would really improve the lives of the people in the urban ring, noting that they have no access. She said that the Board provided money for the YMCA on Route 250, and she is still struggling as to why her urban ring students, who live blocks away, could not get to that facility to learn how to swim. She said that there are children on the campus of Albemarle High School, Greer, and Jack Jouett who have no access to swimming lessons. She said that again she was struggling with the idea, which has taken her aback, considering the CIP's limited funds. Ms. McKeel asked if Mr. Holzwarth was asking her to support the request at present time. Mr. Holzwarth responded "no". Ms. McKeel expressed it was a presentation that would come back to the Board at a later time. Mr. Holzwarth said that he understands where Ms. McKeel was coming from in terms of the opportunities in the urban ring, acknowledging it is a challenge in the community. He said that in the urban ring, there is a Boys and Girls Club, the YMCA, and Senior Center. He said that looking at the people in need, those are the people who cannot get into the urban ring, and looking at the population going to the four elementary schools and the western feeder program, they go to their farms and the same needs are there. He asked the Board to consider a facility that would change the lives of those folks as well. Ms. McKeel suggested that the schools in the urban ring have a hugely long waiting list for after school childcare and while she appreciates Mr. Holzwarth's remarks, the western feeder pattern is not the only group of schools that have such a waiting list.

Ms. Palmer expressed appreciation for the work done on the proposal. She commented that she voted for the Senior Center and YMCA, and frankly, not many of the people in her district can take advantage of those places because they are very inconvenient for the people in her district. She said that the proposal is more convenient for the people in her district. She said that this being said that, she does have a difficult time with these types of projects in general. She said that one of the things that struck her about the proposal, and about the Senior Center and YMCA, was that it suddenly came up. She said there have been items in the CIP and capital needs assessment for years that grind through the evaluation by County staff, and yet this proposal would jump in front of many of the needs they already have in the CIP. She said that it is not that she does not see the value in what Mr. Holzwarth is talking about, because she does and sees the professional effort from the community put into the project.

Ms. Palmer said that she wished she could have heard about it earlier in order to have more time to consider it, because the ask is for the next two years, which bothers her as it jumps in front of the other items, much like the Senior Center and YMCA did. She recalled that the YMCA was the precedent the Board used to address and vote on the Senior Center. She said that at some point, the Board needs to make a decision on how it handles these types of requests in general that come through the CIP, which was a separate discussion. She again expressed her appreciation for the effort put into the project and said that she needs time to think more about it.

Mr. Holzwarth noted that while Claudius Crozet Park is a new project, the need for a recreational center either central or west in Albemarle County is something that has been discussed for quite some time to the Board. He said that while the project is new, the discussion is not.

Ms. Palmer said that one of the big things the Board has on its plate currently, in terms of recreation, is Biscuit Run Park, which is uncertain as to whether or not they would receive money from the State for it. Ms. Mallek noted that everything is shut down. Ms. Palmer agreed and noted that there is a long list for recreational needs. She said that she does agree with Mr. Holzwarth that there is a need for this type of recreational facility and for after-school care all over the County.

Ms. McKeel agreed that there is a need all over the County, with the need in some areas more than others, looking at it through an equity lens.

Mr. Dill said that another metric that should be considered, especially with talks of climate action, relates to the lighting and the pool put in, which takes up a tremendous amount of energy. He said that it would be good when the Board hears a project like this that they understand they are trying to go to net zero carbon emissions by 2050 and a 45% reduction by 2030. He said that this project would add another large chunk of energy that would have to be offset somewhere, if they have any hope of reaching those goals. He said that this should be part of any project, and he was not just singling out this proposal but it has been mentioned to other groups as well. Mr. Dill said that it was important to look at this and asked if the annual energy costs have been estimated, noting that he thinks it could be a tremendous amount of energy. Mr. Dill clarified that Mr. Holzwarth does not have to answer immediately, but he was asking him to consider how the project would affect the County's climate action goals, just as he would ask other groups.

Ms. Palmer noted that what would actually reduce transportation costs is if people in the area are going elsewhere. She said that from that standpoint, concentrating the activities in the area could be beneficial. Mr. Dill commented that it is complicated when trying to figure out factors such as this.

Ms. McKeel agreed that it does become very complicated. She said that she recently read in the paper that Western Albemarle is requesting \$400,000 for more parking for more students to be able to drive to school. She said that she understands it is separate from the proposal and it comes from a different budget, but when looking at environmental issues, she wonders why they are considering putting more parking at a school that has the Environmental Academy. Mr. Dill said they need to change the way they look at things. Ms. McKeel said that at some point, they need to figure this out as a community.

Ms. Mallek invited the other Supervisors to speak to the School Board members in their districts, as she has raised the issue to them for years. She said that it used to be that when she was in high school, only the seniors with jobs got to drive to school and expressed that it is ridiculous what is going on and its impact on the community. She noted that this was not Mr. Holzwarth's issue.

Ms. Mallek said that she agrees with all the comments, but added that this was only a proposal to think about and she did not hear Mr. Holzwarth ask that it be done in the current year. She said that there is no perfect time to present the proposal, as Mr. Holzwarth would either be told to raise the money first or it is too late because the CIP process is over. She said that the point was simply to present it as an opportunity and allow the Board to consider it.

Mr. Dill said that he was very impressed with the community's involvement. Ms. Palmer agreed. Mr. Dill said that this addresses a need and he does not want to sound too discouraging.

Ms. McKeel said that there is a need to recognize that there are some communities that cannot present this type of community involvement and work because they are struggling.

Ms. Mallek said that department staff needs to step up and do this.

Mr. Holzwarth welcomed the Supervisors to come out to Claudius Crozet Park on a Saturday or Sunday, because one of the things the community has struggled with in the last few years is inclusion. He said that you get a "slice of life" at the park every Saturday morning, with all sorts of people utilizing the park, and the park brings the community together like nothing he has ever seen.

Mr. Randolph said that the Board received an excellent email from David Storm, who advocated for the Board to seriously consider the fact that Crozet is in the midst of revising its master plan. He said that it was important for the Board to see what is in this master plan, as there could be other priorities that arise in the community, and then the community has to provide input as to what they feel are the priorities. He said that Mr. Holzwarth is up against the fact that the Board has to prioritize for the whole County, and this is one or two magisterial districts that would be affected by this, with four others. He said that Mr. Storm made a good point that while there is never ideal timing, the Board was all caught off guard by the amount of money that is being asked of the County for the project. Mr. Randolph said that this was subject to further discussion and thanked Mr. Holzwarth for presenting.

Mr. Gallaway asked if the School Division in its letter of support was committing busing for the project. Mr. Holzwarth explained that the School Board wants the project to work with transportation to get busing from the four elementary schools and middle school to get to the park.

Mr. Gallaway asked if this was the park providing the busing, or the schools. Mr. Holzwarth said that it was the school transportation providing the busing.

Ms. McKeel said that this was very interesting because she has been working for three years to try to get busing for her urban ring students to the YMCA on Route 250.

Mr. Holzwarth clarified that it was not committed, but he was encouraged to work with transportation.

Ms. Mallek noted that school transportation already drops off in many places on the ride home.

Mr. Holzwarth added that the current facility at Claudius Crozet Park has 27 children going to after-school care and there is currently busing going from Crozet and Brownsville Elementary schools to the park, and has been this way for years. He said that the proposal would include the other two elementary schools and Henley Middle School.

There was no further discussion at this time.

Agenda Item No. 12. Closed Meeting.

At 2:53 p.m., Mr. Dill **moved** that the Board go into a closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- Under Subsection (1), to discuss and consider the annual performance of the County Attorney; and
- Under Subsection (7), to consult with legal counsel and briefings by staff members pertaining to actual litigation between the Board of Supervisors or the County and:
 1. The Scottsville Volunteer Rescue Squad;
 2. The holder of a special use permit;
 3. A taxpayer; and

- Under Subsection (8), to consult with and be briefed by legal counsel matters requiring legal advice relating to the requirements pertaining to construction and demolition activities resulting in fill and waste activities under the State Stormwater Management Act, the Water Protection Ordinance, and the Zoning Ordinance.

The motion was **seconded** by Ms. Mallek. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Gallaway, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph and Mr. Dill.
NAYS: None.

Agenda Item No. 13. Certify Closed Meeting.

At 4:59 p.m., Mr. Dill **moved** that the Board of Supervisors certify by a recorded vote that, to the best of each Supervisor's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed, or considered in the closed meeting. The motion was **seconded** by Ms. Mallek.

Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Gallaway, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph and Mr. Dill.
NAYS: None.

Agenda Item No. 11. ZMA2018000013 – Rio West.

The Executive Summary forwarded to the Board states that at its meeting on July 17, 2019, the Board of Supervisors voted (4:1 Palmer absent, Dill dissent) to defer a vote on this application to August 21, 2019. The reason for deferral was to allow the applicant to consider revisions to the application materials to address the Board's desire that the applicant make a commitment to the timing of the residential building in Block 1.

At its July 17 public hearing, the Board discussed the need for a timing commitment for the construction of the proposed residential Block 1 building relative to the timing of the proposed interior storage building in Block 2, in order to achieve the goals of the Rio29 Small Area Plan and Neighborhood Model Principles. The Board also discussed the need for a commitment to the daylighting of the stream through the proposed greenspace in Block 3 rather than relying on public funding for these improvements.

The applicant resubmitted materials on July 31, 2019 with the following changes:

1. Revised Code of Development with language requiring an annual cash contribution in the amount of \$10,000 if the Block 1 building has not commenced within 2 calendar years, starting on December 31 of the year the Block 2 building CO is issued. "Commencement" is defined as obtaining a building permit and completion of initial zoning inspection for the Block 1 building (Attachment G – Pg. 8).
2. Revised proffer statement with a commitment to "daylight" the stream prior to the issuance of a Certificate of Occupancy (CO) for the second building on site, or upon demand of the County, to allow the improvement to occur concurrent with adjoining sections of path and stream (Attachment H - Proffer 3).
3. Additional clarifying language in the Code of Development and proffer statement about interim Block 1 landscape and streetscape improvements, which are to be completed if Block 1 building is not commenced within 1 year of issuance of CO of the Block 2 building. Proposed improvements include an 8-foot sidewalk and compliance with the landscaping requirements of County Code § 18-32.7.9 and the Entrance Corridor Design Guidelines (which will include street trees and parking lot screening).

Staff recommends that the Board determine whether it believes the revisions achieve its desire for a good faith commitment to the construction of the Block 1 building to ensure that the project is consistent with the Rio29 Small Area Plan and Neighborhood Model Principles. If the Board wishes to approve ZMA201800013, staff recommends the Board adopt the attached Ordinance to approve ZMA201800013 (Attachment I) and the Resolution to approve the special exception for a mix of housing types (Attachment J).

Ms. Rachel Falkenstein, Principal Planner, addressed the Board. She said that a public hearing was previously held on July 17, 2019 for the request, which is to rezone 3.3 acres from C-1 Commercial to NMD Neighborhood Model District.

Ms. Falkenstein said that at the July 17 public hearing, the Board voted 4-1 to defer the vote to the present time. She said that the reason for the deferral was a request from the Board for the applicant to make a commitment to the timing of the residential building in Block I, which she would discuss in more detail.

Ms. Falkenstein said that the project is located on Rio Road West and consists of 4 parcels at about 3.3 acres. She indicated on a map the current zoning of the property, which is C-1 Commercial, and noted that the adjacent properties are also C-1 Commercial, or HC Commercial. She said that the area falls within the Rio 29 Small Area Plan and is within the Core area along the frontage of the property on Rio Road. She said that the back portion of the property is designated Flex space.

Ms. Falkenstein said that the proposal divides the property into three blocks. She indicated Block I and noted that the applicant has designated it as "Active Urban Space," with proposed mixed uses allowed in the block. She noted that the applicant's intent is to construct a residential building in Block I, with the first floor being designed to allow conversion to commercial uses in the future. She added the applicant is dedicating 15% affordable housing.

Ms. Falkenstein said that Block II is labeled "Local Manufacturing and Neighborhood Service," which also allows for a mixture of uses, such as office, flex, and light industrial. She noted that the applicant has stated their intention of building an interior self-storage building in Block II.

Ms. Falkenstein said that Block III is about one-half acre and is being committed to greenspace. She said the applicant is committed to constructing a shared use path in this block, a new commitment of daylighting the stream, and dedicating land to the County for a future linear park that is shown in this area on the Small Area Plan.

Ms. Falkenstein presented a slide showing the site section viewing the site facing west. She indicated Rio Road on the left, noting Blocks I and II. She recalled from the discussion from July 17 that the applicant has shared their intent to construct Block II first, which is the interior storage building. She said that staff and the Board concurred during their discussion that without the construction of Block I, this site would not be consistent with Neighborhood Model (NMD) principles, nor the Rio 29 Small Area Plan. She said that the July 17 submittal did not have a commitment to the timing of the Block I residential building, so the Board asked for a commitment, which was the reason for deferral.

Ms. Falkenstein said that the Board also discussed the stream in Block III; the previous application did not demonstrate the applicant daylighting the stream and relying on public funds for a future public park to daylight the stream.

Ms. Falkenstein said that the applicant has since submitted revised materials that contain three major changes: 1) a commitment within the Code of Development requiring a \$10,000 annual cash contribution if the Block I building has not commenced within two calendar years of the completion of Block II; 2) a revised proffer statement with a commitment to daylight the stream in the greenspace behind the Block II building and Block III; and 3) clarifying language in the Code of Development in the proffers about the interim Block I condition, noting that if Block I does not commence within one year of Block II, the storage building, the applicant has committed to providing landscaping and streetscape elements along Rio Road, including the sidewalk and street trees.

Ms. Falkenstein said that there are still five proffers such as with the last application, but with some changes, including the sidewalk construction along Rio Road as well as daylighting of the stream. She said that the \$10,000 commitment she previously mentioned is in the Code of Development.

Ms. Falkenstein reminded the Board that there was a special exception request associated with the project and when the Board takes action, there would be a second action on the special exception. She said that the exception is a request to waive the requirement for a mix of housing types, which is required within the NMD zoning district. She said that staff is supportive of this because of the adjacent housing options in the area as well as the applicant providing the 15% affordable housing.

Ms. Falkenstein concluded her presentation, stating that she has two motions for the Board when ready, and offered to answer questions.

Ms. Palmer asked if the sidewalk would go along all three blocks. Ms. Falkenstein responded "no" and that the sidewalk would be located along Rio Road. Ms. Palmer said that she knew it would be along Rio Road, but asked on which blocks this would be. Ms. Falkenstein responded that the sidewalk is just located along Rio Road. She added they are constructing a sidewalk onsite whenever the site construction is done to access Block III. She said that because of the slope, she believes there would be a staircase along a portion of that sidewalk.

Ms. Mallek asked if there was an approximate range of a real number of units of housing or if the number was still up to 112. Ms. Falkenstein responded that the minimum number of units was 34. Ms. Mallek asked if there was parking onsite for all the units, even up to 200 spaces. Ms. Falkenstein responded "yes".

Ms. McKeel said that in looking at the language that describes the contribution commitment after two years, it specifically states, "starting on December 31 of the year of the Block II building." She asked if this would essentially make the time frame three years. Ms. Falkenstein responded that it depends on when the Certificate of Occupancy (CO) is issued. She explained that if the CO is issued on January 1, it would be three years. Ms. McKeel said that this would give the applicant an extra year. Ms. Falkenstein responded yes and said that if the CO is issued December 30, it would be two years. Ms. McKeel said that it seems as if the applicant is possibly trying to get three years rather than two. Ms. Falkenstein responded that it was possible.

Ms. Palmer asked if it was possible if they could word the language in such a way where the applicant would only get two years and if there was any reason why it was worded the way it was. Ms. Falkenstein responded that the applicant proposed the language and perhaps they could speak to it.

Mr. Gallaway asked how the items in Attachment 6 would play out, if approved, and why they were not clarified ahead of time. He clarified this was the attachment stating, "COD Application Materials and Proffers," which was the staff's second factor unfavorable, continuing that it, "needs several minor clarifying changes and small subsequent changes prior to Board of Supervisors approval, as described in this report and summarized in Attachment 6." Ms. Falkenstein said that all the changes were addressed and were with the Planning Commission staff report. Mr. Gallaway said that he had misunderstood that there were still items that, if approved, would still have to be handled. Ms. Falkenstein clarified that these have been addressed.

Mr. Gallaway asked if the applicant would like to come forward to address Ms. McKeel's question of two versus three years.

Mr. Justin Shimp, Engineer of the project, addressed the Board. He said that the language was worked so as to bring consistency and clarity, i.e., knowing that there is a specific date, and said that he has no problem with the two-year time frame.

Ms. Palmer asked if this would be two years from the issuance of the CO. Mr. Shimp responded "yes". Ms. McKeel added that they would take out the date.

Ms. Kelsey Schlein, Planner with Shimp Engineering, explained that including the date was to have a certain date where the money is due for tracking purposes. She said that, as Mr. Shimp stated, they are open to making the time frame two years from the CO.

Mr. Shimp presented a graphic or cross section of the interim condition. He recalled from the last discussion with the Board that there was a question about what would happen if Block II was built and there was a delay. He said that for the record, the delay was not in the applicant's interest and they want to see the residential building built, noting that sitting on vacant land is expensive. He clarified that the existing oak trees would stay and they do not need to be removed to build the back building.

Mr. Shimp said that per the proffer, the applicant would have to plant trees along the sidewalk, which he indicated on the graphic, noting that the sidewalk is \$50,000 and if the applicant does not make its one-year deadline, they would have to build the front building, destroy the sidewalk, and build it again. He said that there is, therefore, a \$50,000 incentive for the applicant to get Block I started within one year.

Mr. Shimp indicated on the graphic a representation of the storage building. He indicated two stories on one side and noted that there are two basements, as the site slopes so steeply. He explained that from Rio Road, one would see street trees, with large shade trees required by the ARB every 40 feet along the parking lot, and internal trees within the parking areas. He stressed that the interim condition would not look like a big box with no landscaping and he hopes the cross section would prove to be helpful to the Board.

Ms. Mallek asked if the beige layers above are what was allowed by the ordinance and if the applicant was not planning to do this. Mr. Shimp responded this was correct. He noted that if it is a storage building, it would not be built that tall.

Ms. Palmer noted that there would be many elevators if that was the case. Mr. Shimp responded "yes" and added that there are fire codes and other reasons not to do this.

Mr. Gallaway asked if Mr. Shimp had anything else to add. Mr. Shimp responded that he believes it is in the applicant's best interest to build the residential building, expressing that the plan was complicated and they have come so far that it was more profitable to follow the plan as quickly as possible.

Mr. Randolph asked Mr. Shimp about page 7, VIII Lot and Building Height Regulation, Section 20a.5i. on the original Code of Development on that page, they had cited on the ground floor transparency minimums on the front façade, the rear façade, and all other facades residential. He said that on the new submission, this has been omitted. He asked Mr. Shimp to explain, adding that it was subsumed under Section VII, but Section VII does not specify any of the minimums. He said that the submission has gone from a high degree of specificity, which the Board had seen before, to a lack of specificity in regard to ground floor transparency. Ms. Schlein responded that the Code of Development dated July 31, includes this in Section VII.

Mr. Randolph said that he was looking at Section VIII, Table D, Lot and Building Regulation that was on page 7. Ms. Schlein said that the applicant added additional architectural standards in Section VII on page 5. She said those revisions were made in consultation with the County's Entrance Corridor Review Planner and Historic Resources Planner. She said the applicant and staff reviewed architectural standards together and provided stricter standards, which are included in Section VII on page 5. She said that in the previous submittal, this was lacking, so the architectural standards were provided for in the table Mr. Randolph had been looking at. She clarified that Section VII is now the supplement, which includes much more information and specificity about how the buildings need to be constructed.

Mr. Randolph said that this answered his question. He added that the allowable building square footage was originally to be 290,900 square feet and noted that it was now cited as below 310,000 square feet. He asked why this changed. Ms. Schlein said that she was looking at the July 31 submittal at page 3. Mr. Randolph said that he was looking at page 7. Ms. Schlein said that in the July 31 submittal to the County, it is listed as 290,900. She said that it previously was 310,000, which was the maximum that could be built on the site encompassing all of the provisions for open space provided and maximum lot coverage provided, noting that there is a maximum percentage of the lot that could actually be covered. She explained that the 310,000 was in a prior submittal and now, in the July 31 submittal, is listed as 290,900 for every table.

Mr. Randolph asked if, regarding page 5 under "Parking Standards," an example could be cited where the County has accepted bicycle parking as a substitute for automobile parking in an urban area. Ms. Schlein responded that she may have to defer to the County planners for a specific example and said that it was outlined in the County Code when exploring parking reduction requirements. She said that it notes that shared parking agreements and bicycle parking could be explored, which is where this line originated.

Mr. Shimp said that this code does not necessarily give the applicant a break by saying if 10 bicycle spaces are provided, it does not have to provide 10 car spaces. He said that rather, it is saying that in the future, when the applicant applies for the site plan, the County zoning officials could consider things such as bicycles and alternate transit to reduce the parking requirement and would be at their discretion, adding that they have a standard procedure for a parking waiver. He said that the submission was giving consideration to that as it could be part of the future in this corridor.

Ms. McKeel said that looking at the Code of Development, specifically the June 24 copy on pages 1 and 2, it seems as though an auto dealership would be permitted on Block II, but to put an auto dealership on Block I is by special use permit. She questioned the permitted piece and asked that if Block I never happened, they would end up with a by-right auto dealership. Mr. Shimp said that the display would only take place inside the building. He said that the use itself is allowed, but the display of vehicles outside is not, and that this would be a separate special use permit. He said that perhaps when both buildings are built, it would make sense to have this, but it would not be permitted without having to come back to the Board.

Ms. McKeel said that she was concerned about the \$10,000 contribution, expressing that this amount was low and she would prefer to see it at a higher number. She said it seems as though \$10,000 in escrow was a low amount if the construction is not commenced in two years. She said that often, penalties are simply regarded as the cost of doing business and this particular penalty seems low.

Mr. Gallaway asked if there was a rationale behind arriving at this number. Mr. Shimp responded there was. He explained that the \$10,000 is not a one-time payment, but an annual one. He said that if it was five years, for example, it would total \$50,000. He said that the maximum amount allowed by zoning is a \$5,000 one-time fine. He said that this was discussed at the very beginning and perhaps the discussion never evolved. He said that this \$5,000 was doubled to account for a two-year timeframe, thinking along the lines of what the County would consider to be a maximum possible fine.

Mr. Shimp said that this also came from Mr. Randolph's suggestion from the last discussion about a bond and that the bank would be paid \$10,000 per year in bond fees. He said that the applicant would rather pay the County \$10,000 a year to put towards infrastructure and sidewalk improvements in that neighborhood than pay a bank. He said that the deal becomes more complicated as time goes on and it is a liability to the property, and every economic incentive exists to build the residential building in the front. He said that the only way it does not get built is if it was not approved, as zoning is not currently allowed. He said that the \$10,000 seems reasonable to the applicant but it can be discussed.

Mr. Randolph asked if his understanding was correct, that if at the end of two years the building is not constructed, the applicant would need to pay the County \$10,000 a year for five years. Mr. Shimp responded it would be an unlimited number of years until the building is constructed.

Mr. Gallaway asked if the landscaping component would still be done. Mr. Shimp responded yes. He said that it would be a \$50,000 hit at year one, and \$10,000 for every subsequent year thereafter. Ms. McKeel said that this needs to be very clear.

Mr. Gallaway asked if the \$50,000 piece was the cost to construct the sidewalk until the building would be constructed. Mr. Shimp confirmed this.

Ms. Falkenstein said that the statement that needs to be clearer, as Ms. McKeel suggested, is listed in the proffers.

Ms. Palmer asked Mr. Shimp to explain once more about the \$50,000 sidewalk. Mr. Shimp said that their proffer requires them to build all streetscape improvements on Rio Road, an 8-foot sidewalk and landscaping if the residential building is not started within one year. He said that if the four-story building is built next to the sidewalk, the sidewalk would be destroyed and the applicant would have to pay to put it in again. He said that this in and of itself is an incentive to start the building in the first year.

Ms. Mallek said that she was interested in the last presentation about daylighting the stream and appreciates what the applicant said that in Proffer 2 about being "on demand by the County." She said that it seems it would make sense that this work be done while the equipment was there constructing the

building on Block II as opposed to waiting until sometime 10 years in the future when the County might have something next door. She said that she would rather get the work done while the machinery is there and asked if there was a reason why it was a problem to do it that way, expressing that it would be difficult to get machinery in that location later. Ms. Mallek continued that the proffer, 11.0, first page, seems to be written to only be allowed when adjoining sections are ready. She explained that if it says, "on demand by the County," then it should be on demand of the County without restriction. She asked Mr. Kamptner if this was legitimate.

Mr. Kamptner asked for clarification on where this was written. Ms. Mallek said that she was looking at the Executive Summary, 11.0, number 2 under the discussion given by staff, and specifically regarding the three changes the Board was asked to focus on. She said that she was referring to Attachment H, Proffer 3. Mr. Shimp said that the proffer says, "Prior to the Certificate of Occupancy (CO) of the second building, or upon demand of the County." He said that Ms. Mallek was likely correct and that it would make sense to use the machinery while it was already there, as it would be more expensive to mobilize after. He agreed that practically, this is where the work would occur. Ms. Mallek said that she would be content with cleaning up the language in that section.

Mr. Kamptner said that if this was approved and the County made a demand tomorrow, and articulated when they wanted the path constructed, this would be acceptable under the language. Ms. Mallek asked if his understanding was not that the demand has to wait until the adjoining properties were doing something. She said that this was her concern and she wants to take care of each parcel as they go along rather than having it rely on something someone east or west is doing. Ms. Palmer agreed and suggested doing the work immediately. Mr. Kamptner said that he could read it this way as well.

Ms. Palmer asked if clarification was needed. Mr. Kamptner said that they could strike the clause to allow installation concurrent with adjoining sections of the path. He asked if, from a trail construction standpoint, this makes sense. Ms. Falkenstein noted that this could result in some time where it is a trail to nowhere on either side.

Ms. Mallek said that it was the daylighting of the stream that was so important and not the trail, and the trail was incidental by comparison. She said that it was important to remove the pipe and this needs to happen when there is a backhoe and other machinery on the site.

Ms. Palmer agreed that the trail was not needed at this time.

Mr. Dill asked if the trail was part of a larger trail for the area. Ms. Mallek responded that perhaps it would be in the future.

Ms. McKeel noted that they would not want to see this go away, but that the daylighting was priority.

Mr. Kamptner said that they could strike the next sentence, "Concurrent with construction of the multi-use path..." and replace it with "upon demand by the County, the property owner shall remove the pipes and stabilize the stream channel."

Mr. Shimp said that the County could demand this with the site plan approval by specifying that within a certain amount of time of breaking ground, the applicant would need to daylight the stream.

Ms. Mallek said this would take place after the disturbance is done and before the machinery leaves.

Mr. Kamptner asked if they were talking about opening the stream, or opening the stream and constructing the path. Ms. McKeel responded that the stream was the important thing and the trail could come later.

Ms. Mallek said that she would not mind the trail piece being done as well.

Mr. Gallaway said that he expects the applicant would want to do what costs them the least amount of money.

Ms. Mallek said that the next paragraph looks fine as well.

Mr. Randolph said that he has a question for staff about Proffer 1. He read the last sentence, "At the time of easement recordation, the property owner and the County shall agree to the terms of the easement to include location width and maintenance." He said that he believes this was open-ended and thought that, operating under form based code, they would want to know these things going in at the beginning rather than leaving it subject to negotiation down the line. He said that he wants to ensure that this is all worked out as cleanly as possible before the Board so that there are no unanswered questions going forward. Ms. Falkenstein agreed and said that this was a good point, but they do not know the location of the road. She said that there has not been survey work done yet to know precisely where the road location would be and the intent was to figure this out at a later date when adjacent properties develop. She noted that the applicant noted on the application plan generally where it would be located, and believes the language was such that it would be in a sensible location to provide a future connection.

Ms. McKeel said that at this point, the building would already be onsite, and that has precedence to where the road would go.

Mr. Shimp said that there would be three or four travel ways across the street in that direction, and the location depends on what develops next door as well as the elevations because of the hilly terrain. He said that if a road is set now, it could be later determined that a connection could not be made. He said that because it is unknown what would happen around the site, they could not pin down the location for certain.

Mr. Randolph said that he was not asking for it to be pinned down exactly, but having an approximate location, width, and some definition of the maintenance may be helpful rather than leaving it completely wide open to interpretation. He agrees with Mr. Shimp that they cannot ask for specificity at this point and that the site plan would be the appropriate avenue for a resolution to the question, but it seems very open ended to him.

Ms. Mallek said that the diagram shows the shape and width.

Ms. Schlein said that the sentence with “interconnected streets and transportation network” talks about the possible Type C local street, which is an internal future street and not the Rio Road West right-of-way improvements. She said that the Type C local street is identified in the Rio 29 Small Area Plan and in the application plan, which works concurrently with the proffer statement in the Code of Development, they have an approximate location for the Type C street.

Mr. Shimp said that the Type C street does have its own dimensions and details, generally defined.

Mr. David Benish, Chief of Planning/Interim Director, said that the way the proffer is worded does require an agreement, and the County does have control in being comfortable at that point in time and where the location is. He said that the wording perhaps could be stronger, but he was comfortable that the statement, “The County shall agree with the applicant,” gives the County leverage to control the best location.

Mr. Kamptner said that with the correction of the proffers, this would be an amendment to the proffer after a public hearing, and there is a motion needed to waive the public hearing. He said that it is a material change, although it just pertains to the timing, it does not affect use or density. He said that they need a motion to waive the public hearing for the amended proffers.

Mr. Randolph **moved** to waive the public hearing for the amended proffers for ZMA201800013 Rio West. The motion was **seconded** by Ms. McKeel.

Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Gallaway, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph and Mr. Dill.
NAYS: None.

Mr. Kamptner noted that the language he corrected was the language that deals with the timing of the daylighting of the stream. He said that the construction of the trail could be built as early as the applicant would like.

Ms. McKeel noted that this could be done however it makes sense. She asked if there was already the change in the language for the two-year time period for committing to the Block I residential building versus the three-year possibility.

Mr. Kamptner said that he sent Ms. Borgersen some language for the Code of Development and asked her to display it on the screen. Once displayed, the Board members agreed that the new language would work. Mr. Kamptner added that he would write in “as further amended on this date” in order to capture everything in writing. Mr. Shimp concurred with the language.

Mr. Gallaway **moved** to adopt the ordinance to approve ZMA201800013 Rio West as amended, related to the \$10,000 annual payment and the issue around the daylighting of the stream. The motion was **seconded** by Mr. Dill.

Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Gallaway, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph and Mr. Dill.
NAYS: None.

ORDINANCE NO. 19-A(13)
ZMA 2018-00013

AN ORDINANCE TO AMEND THE ZONING MAP FOR TAX PARCELS
04500-00-00-01000, 04500-00-00-0100A, 04500-00-00-01010, 04500-00-00-0101B

WHEREAS, the application to rezone Tax Parcels 04500-00-00-01000, 04500-00-00-0100A, 04500-00-00-01010, and 04500-00-00-0101B (the “Property”) from C1 Commercial to NMD Neighborhood Model District to allow a mix of uses with a maximum of 112 units for a proposed density of approximately 34 units per acre is identified as ZMA 2018-00013 Rio Road West (“ZMA 2018-13”); and

WHEREAS, the Planning Commission held a duly noticed public hearing on ZMA 2018-13 on June 18, 2019 and recommended approval of ZMA 2018-13 contingent on the Applicant meeting all of staff's recommended changes, and providing landscaping and screening of Block 2 and construction of the sidewalk and street trees along Rio Road within one year of the issuance of a Certificate of Occupancy for the Block 2 building in lieu of staff's recommended timing commitment; and

WHEREAS, the Applicant submitted revised materials on June 26 in which most of staff's recommended revisions were made, with the exception of two recommendations regarding building height and setback; and

WHEREAS, the Applicant submitted further revised materials on July 15 in which all of staff's and the Planning Commission's recommended changes were made; and

WHEREAS, on July 17, 2019, the Albemarle County Board of Supervisors held a duly noticed public hearing on ZMA 2018-13, and discussed the need for a timing commitment for the construction of the proposed residential Block 1 building relative to the timing of the proposed interior storage building in Block 2, and the need for a commitment to the daylighting of the stream without relying on public funding, and deferred a vote on this application to August 21, 2019; and

WHEREAS, the Applicant submitted further revised materials on July 31, 2019; and

WHEREAS, on August 21, 2019, the Board determined that the revised materials for ZMA 2018-13 achieve the Board's desire for a good faith commitment to the construction of the Block 1 building.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the transmittal summary and staff report prepared for ZMA 2018-00013 and their attachments, including the revised proffers, code of development, and application plan, the information presented at the public hearing, any written comments received, the material and relevant factors in Virginia Code § 15.2-2284 and County Code § 18-20A, and for the purposes of public necessity, convenience, general welfare and good zoning practices, the Board hereby approves ZMA 2018-00013 with the Code of Development entitled "ZMA2018-13 Rio Road West Code of Development," prepared by Shimp Engineering, P.C., dated October 18, 2018 and last revised on July 31, 2019, and as further amended on August 21, 2019, the Application Plan entitled "Zoning Map Amendment 2018-00013 Application Plan, Rio Road West, TMP(s) 45-101, 45-101b, 45-100-A, 45-100, Albemarle County, Virginia," prepared by Shimp Engineering, P.C., dated October 18, 2018 and last revised on June 24, 2019, and the Proffers dated July 31, 2019, as amended on August 21, 2019.

Original Proffers X
Amendment

PROFFER STATEMENT

ZMA Number: 2018-00013
Tax Map and Parcel Number: 04500-00-00-10000, 04500-00-00-100A0, 04500-00-00-10100,
04500-00-00-101B0
Owner: Auto LLC
Date of Proffer Signature: July 31, 2019
Rezone 3.32 acres from C-1 to NMD

Auto LLC, is the owner (the “Owner”) of Tax Map and Parcel Numbers **04500-00-00-10000, 04500-00-00-100A0, 04500-00-00-10100, 04500-00-00-101B0** (the “Property”) which is the subject of rezoning application ZMA No. 2018-00013, a project known as “**Rio Road W**” (the “Project”).

Pursuant to Section 33 of the Albemarle County Zoning Ordinance (Chapter 18 of the Albemarle County Code), the Owner hereby voluntarily proffers the conditions listed below which shall be applied to the Property if ZMA 2018-00013 is approved. These conditions are proffered as a part of the requested rezoning and the Owner acknowledges that the conditions are reasonable. Each signatory below signing on behalf of the Owner covenants and warrants that they are an authorized signatory of the Owner for this Proffer Statement.

- 1.) INTERCONNECTED STREETS AND TRANSPORTATION NETWORKS:**
- Upon demand by the County, the property owner shall draft and record an access easement for the purposes of interparcel connectivity and shared access to Rio Road W for adjacent parcels. The location of the access easement shall be provided in general accord with Sheet 4 of the Application Plan, prepared by Shimp Engineering dated October 18, 2018 and last revised June 24, 2019; this plan depicts the general location as “possible future local type ‘C Street.’” At the time of easement recordation, the property owner and the County shall agree to the terms of the easement to include location, width, and maintenance.

2.) BLOCK 1 LANDSCAPE IMPROVEMENTS

The property owner shall install landscape improvements in Block 1 adjacent to the Rio Road W Right-of-Way in accordance with all applicable provisions of Sec. 32.7.9 of the Code of Albemarle and Entrance Corridor Design Guidelines within one year of the issuance of Certificate of Occupancy for any building in Block 2 and the owner shall construct an 8' sidewalk consistent with the Technical Conceptual Section shown on Sheet 7 of the Application Plan, prepared by Shimp Engineering dated October 18, 2018 and last revised June 24, 2019, provided that commencement of construction of any building in Block 1 has not occurred, where construction shall be considered installation of utilities, building footers, or other site improvements necessary for building completion. If commencement of construction of any building in Block 1 has occurred within one year of issuance of Certificate of Occupancy of any building in Block 2, the property owner shall provide landscape improvements in accordance with all applicable provisions of Sec. 32.7.9 of the Code of Albemarle and Entrance Corridor Design Guidelines within one year of the issuance of Certificate of Occupancy of any building in Block 1.

3.) MULTI-USE PATH AND LINEAR PARK

A multi-use path shall be constructed in Block 3 to comply with Class A-type 2 low maintenance, multi-use path standards as outlined in the Albemarle County Design Standards Manual, with a revision date of April 27, 2015, or to any standard approved by the Director of Planning. The path shall be constructed prior to the issuance of Certificate of Occupancy of the 2nd building on-site or upon demand of the County to allow installation concurrent with adjoining sections of the path, whichever occurs first, and shall be constructed to align with adjacent sections of path that are planned or already constructed. Concurrent with the construction of the multi-use path, the property owner shall remove the HDPE pipes and stabilize the stream channel and bank on the property for the purpose of stream daylighting. Pipe removal and stream channel and bank stabilization shall be completed to the reasonable satisfaction of the County Engineer.

Upon demand by the County, the multi-use path constructed in Block 3 shall be donated to the County for public access and maintenance. This dedication shall occur prior to the development of any portions of the trail located directly adjacent to the property. Concurrent with the dedication of the multi-use path to the County, the property owner shall dedicate the portion of the property inclusive of the stream and north of the stream, approximately 0.4 acres, to the County to be incorporated into a linear park network as proposed in the Rio29 Small Area Plan dated December 12, 2018.

JAY GARLUCK CEO GREENSCAPE DEVELOPMENT PARTNERS
AUTHORIZED AGENT. *[Signature]* 8/21/19

4.) STORMWATER MANAGEMENT

All design and engineering for improving the property will comply with applicable County and State regulations. Stormwater management design will be consistent with similar urban development projects and will utilize on-site underground detention and/or infiltration below the parking area in Blocks 1 and 2. A minimum of 25% of treatment shall be provided on site.

5.) RIGHT OF WAY

a. IMPROVEMENTS

The property owner shall dedicate eleven (11) feet of the property, along Rio Road W, as shown on Sheet 7 of the application plan, to public right of way. Landscape improvements shall be provided in the Right-of-Way as approved by VDOT or the Director of Planning and installation shall occur concurrently with Block 1 Landscape Improvements.

b. DEDICATION

If commencement of construction of any building in Block 1 has occurred within one year of issuance of Certificate of Occupancy of any building in Block 2, dedication of right of way shall occur prior of issuance of Certificate of Occupancy for any building in Block 1. If commencement of construction of any building in Block 1 has not occurred within one year of issuance of Certificate of Occupancy for any building in Block 2 then dedication of right of way shall occur upon completion of improvements provided for in Proffer 2.

The undersigned Owner hereby proffers that the use and development of the Property shall be in conformance with the proffers and conditions herein above. This document shall supersede all other agreements, proffers or conditions that may be found to be in conflict. The Owner agrees that all proffers shall be binding to the property, which means the proffers shall be transferred to all future property successors of the land.

WITNESS the following signature:

Auto LLC
By: Julie Kay Minetas, Sole Member
Julie Kay Minetas

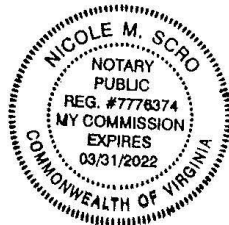
COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF Albemarle, to wit:

The foregoing instrument was acknowledged before me this 31 day of July 2019
by Auto LLC.

My Commission expires: 3/31/2022

[Signature]
Notary Public





Initial: October 18, 2018
Revised: March 12, 2019
Revised: April 29, 2019
Revised: June 3, 2019
Revised: June 24, 2019
Revised: July 15, 2019
Revised: July 31, 2019
Revised: August 21, 2019 (BOS Approval Date)

ZMA2018-13 Rio Road West

Code of Development

The following is a Code of Development drafted in accordance with Sec.20A.5 of Chapter 18 of the Code of Albemarle; this Code of Development is specific to tax map parcels 45-101, 45-101B, 45-100A, and 45-100 in Albemarle County. This Code of Development establishes the unifying design guidelines, specific regulations, and block characteristics of this Neighborhood Model District. The COD also provides certainty about the permitted uses, locations and appearance of central features.

I. Table of Uses by Block (Section 20A.5a)

The table below establishes the permitted residential and non-residential uses, special uses and prohibited uses by block.

“P” = “Permitted”
“SP” = “Special Use Permit”
“N” = “Not Permitted”

Table A. Uses: By Right, by Special Permit and Not Permitted
Restrictions & Requirements Associated with standards in the table:
Mixed uses (residential and commercial) are allowed in Blocks 1 and 2.

Table A. Uses: By Right, by Special Permit, and Not Permitted			
BLOCK	BLOCK 1	BLOCK 2	BLOCK 3
	Active Urban	Neighborhood Services & Local Manufacturing	Neighborhood Greenspace
Residential			
Single Family Attached/Townhouses	SP	SP	N
Multifamily	P	P	N
Non- Residential			
Retail (Neighborhood, Community, Regional)	P	P	N
General Commercial Service	P	P	N

Office / R&D / Flex	P	P	N
Light Industrial / Self-Storage / Distribution	SP	P	N
Auto Commercial Sales & Service	SP	P	N
Institutional	P	P	N
Parking Facilities/Structured Parking	P	P	N
Water, sewer, energy and communications distribution facilities	P	P	P
Accessory uses and buildings including storage buildings	P	P	P
Temporary construction headquarters and temporary construction storage yards (reference 5.1.18)	P	P	P
Public uses (reference 5.1.12)	P	P	P
Group Homes	P	P	N
Tier I and Tier II personal wireless service facilities (reference 5.1.40)	P	P	P
Outdoor storage, display and/or sales serving or associated with a permitted use, other than a residential use	N	SP	N
Greenspace and Amenities	P	P	P

- Notes to Table A:
- 1.) Reference to uses not otherwise defined or listed in this Code of Development shall be defined as listed first, in the Albemarle County Zoning Ordinance or second, in the adopted Comprehensive Plan. If no definition of the use is provided in any of the three noted documents (Code of Development, Zoning Ordinance, Comprehensive Plan) then such use must be officially determined by the zoning administrator to be permitted in a particular Block pursuant to subsection 8.5.5.2(c)(1).
 - 2.) Accessory uses in Block 3 shall be accessory to the recreational use of the block

II. Use Requirements and Restrictions (Section 20A.5.e)

Uses and buildings permitted within the neighborhood greenspace shall be accessory to recreational use.

Hotels, motels, and inns shall be considered general commercial service use.

III. Prohibited Uses (Section 20A.5.f)

The following are prohibited uses within the NMD:

- All uses expressly provided for in Sec. 26.2(d) of the Albemarle County Code.

Rio Road West-Code of Development

- Single Family Detached Residential

IV. Development Square Footage Proposed and Residential Density (Section 20A.5b & c)

Table B. Density, Housing Type and Non-Residential Use by Block							
Block	Approximate Block Size	MIN Dwelling Units	MAX Dwelling Units	MAX Block Gross Density	Permitted Housing Types	MIN Non-Residential SF	MAX Non-Residential SF
Block 1	64,033 SF						
Active Urban	1.47 Ac	30	112	76 DUA	Multifamily, Group Homes	0	290,900
Block 2	56,628 SF						
Neighborhood Services & Local Manufacturing	1.3 Ac	0	62	47.7 DUA	Multifamily, Group Homes	0	290,900
Block 3	23,958 SF						
Neighborhood Greenspace	.55 ac	0	0	0	Not Permitted	0	600
TOTAL	3.32 Ac	30	112	33.7 DUA		0	582,400

Notes to Table B:

- 1.) Non-residential square footage allowed in neighborhood greenspace to accommodate structures such as picnic pavilions and buildings accessory to the recreational use of the block.
- 2.) 15% of the residential units built within the NMD will be designated as affordable for a period of 10 years from the date of issuance of certificate of occupancy. The units will rent at a rate making them affordable to those making no more than 80% of Albemarle County's median family income. The monthly rental rate shall not exceed 30% of the monthly gross income of a family making 80% of Albemarle County's median family income. The property owner shall maintain records documenting the household income of the occupants of the affordable units; and upon request by the County, the property owner shall provide the County with these records.

If the residential units within the NMD are built incrementally, one (1) affordable unit shall be provided for every seven (7) market rate units built.

V. Green Space & Amenities (Section 20A.5d)

The table below establishes green space and amenities provided by block. The Greenspace provided in Block 3 is within the Amenity Area. The Amenity Area in Block 3 is to be outdoor, ground story open space.

Table C. Minimum Green Space and Amenities by Block

Table C. Minimum Green Space and Amenities by Block			
BLOCK	Amenity Area MIN	Green Space Area MIN	Green Space Elements
Block 1			
Active Urban	0	0	Landscaping and Screening in accordance with Sec. 32.7.9 of the Albemarle County Code
Block 2			
Local Manufacturing & Neighborhood Services	0	0	Landscaping and Screening in accordance with Sec. 32.7.9 of the Albemarle County Code
Block 3			
Neighborhood Greenspace	.55 Acre	.5 Acre	Designed Landscape including Canopy Cover and Understory, Landscaping and Screening in accordance with Sec. 32.7.9 of the Albemarle County Code
% of total area	16.5%	15%	

VI. Parking Standards

Parking provided on site shall comply with regulations outlined in Sec. 4.12.6 of the Albemarle County Zoning Ordinance unless a future parking and loading needs study is approved to allow for a lesser parking standard on the property.

Bicycle parking may be one method utilized to alleviate the need for automobile parking.

Parking shall be constructed on site concurrent with the affiliated use.

VII. Architectural Standards (Section 20A.5g)

The form of the building and proportions of structures shall be informed by the lot and building regulations provided for within this code of development.

Architectural design and detail of structures visible from an Entrance Corridor in Block 1 and Block 2 shall be subject to Architectural Review Board (ARB) review and Sec. 30.6 "Entrance Corridor Overlay District" of the Albemarle County Code. ARB review shall occur during site plan review.

Additional Architectural Standards:

The rear façade of any building containing a primary use in Block 2 shall be subject to the following architectural standards:

Material Treatments MIN	EIFS Treatment Coverage MAX	Transparency MIN
3	49%	9%

- 1.) Windows and doors shall not contribute to the minimum number of material treatments
- 2.) Façade relief shall be consistent with Image 1 provided in this Code of Development
- 3.) Whichever material treatment is used on the rear façade nearest to the corners (shared by the rear and side façades) shall extend horizontally for a minimum of 5' along the side facades

Image 1.



Historic Resources

There are no designated historic sites or structures on the property.

VIII. Landscape Treatment (Section 20A.5h)

Landscaping and screening shall be provided in accordance with Sec. 32.7.9 of the Albemarle County Code.

Additional Landscape Requirements:

Block 2/Southern Portion of Block 3: The area located at the rear of Block 2 adjacent to Block 3 and the southern portion of Block 3 shall feature medium or large trees appropriate for the planting conditions at a minimum spacing of 30'. One and a half (1.5) understory canopy trees shall be provided for every medium or large tree located in this area.

Landscape improvements in Block 1 and the Right of Way Dedication area shall be provided in accordance with the proffer statement provided with this ZMA. Block 1 shall be a maintained landscape until the Block is improved with structures.

IX. Lot & Building Height Regulation (Section 20A.5i)

Table D. Lot & Building Regulation

Table D. Lot and Building Regulations			
	BLOCK 1	BLOCK 2	BLOCK 3
	Active Urban	Neighborhood Services & Local Manufacturing	Neighborhood Greenspace
Building Height			
Stories			
Primary	3 Min.– 6 Max.	2 Min.– 6 Max.	1 Max
Ground Floor to Floor	14' Min.	9' Min	N/A
Setbacks			
Front	2' min. – 12' max.	N/A	5' min.
Side	0'	0'	5' min.
Rear	0'	0'	15' min.
Stepbacks	Minimum 15' after the 4th Floor Ceiling Height or 50' Vertical Height whichever is lesser	Minimum 15' after the 4th Floor Ceiling Height or 50' Vertical Height whichever is lesser (see note 3 for rear stepback)	N/A
Frontage Build-out	70% min.	N/A	N/A
Other			
Allowable Building SF	290,900	290,900	600
Min Lot Size SF	2,000	2,000	N/A
Ground Floor Transparency MIN	Front Façade: residential: 30%; commercial 60%	(see Section VII)	N/A

	Rear Façade: Residential: 10% Commercial: 15% All Other Façades: Residential: none required Commercial: none required		
MIN Distance Between Front Façade Ground Floor Pedestrian Entrances	residential 100'; commercial 50'	residential 100'; commercial 50'	
Lot Coverage	90% Max	90% Max	10% Max

Notes to Table D:

- 1.) Porches, eaves and awnings are considered to be part of the structure and shall not encroach into the minimum setback.
- 2.) Non-residential square footage allowed in neighborhood greenspace to accommodate structures such as picnic pavilions and structures accessory to the recreational use of the block.
- 3.) The rear façade of any building in Block 2 shall not extend more than 50' vertical height without a 15' stepback, where the rear façade height is the average height of three equidistant points measured from grade along the rear façade. This stepback is a rear a façade stepback.
- 4.) Front setback for Block 1 shall be measured from the edge of the future ROW dedication line for Rio Road W as shown on Sheet 7 of the Application Plan.
- 5.) Frontage build-out is measured as the portion of the minimum front setback line that must be occupied by a structure.
- 6.) Lot Coverage is the amount of impervious surfaces permitted in each block.
- 7.) Buildings within the NMD shall be constructed in accordance with all applicable USBC standards, including building separation.

X. Phasing

The purpose of the following conditions is to ensure mixed-use development of the property satisfies Neighborhood Model District principles and objectives outlined in the Rio Road W Small Area Plan and Albemarle County Comprehensive Plan.

Block 1 Landscape Improvements

The property owner shall install landscape improvements in Block 1 adjacent to the Rio Road W Right-of-Way in accordance with all applicable provisions of Sec. 32.7.9 of the Code of Albemarle and Entrance Corridor Design Guidelines within one year of the issuance of certificate of occupancy for any building in Block 2 and the owner shall construct an 8' sidewalk consistent with the Technical Conceptual Section shown on Sheet 7 of the Application Plan, prepared by Shimp Engineering dated October 18, 2018 and last revised June 24, 2019, provided that commencement of construction of any building in Block 1 has not occurred, where construction shall be considered installation of utilities, building footers, or other site improvements necessary for building completion. If commencement of construction of any building in Block 1 has occurred within one year of issuance of certificate of occupancy of any building in Block 2, the property owner shall provide landscape improvements in accordance with all applicable provisions of Sec. 32.7.9 of the Code of Albemarle and Entrance Corridor Design Guidelines within one year of the issuance of certificate of occupancy of any building in Block 1.

Block 1 Building Construction

A building permit for any primary building in Block 1 shall be obtained within two years of issuance of certificate of occupancy of any primary building in Block 2. If, for any reason, a building permit for any primary building in Block 1 is not obtained and actively pursued within two years of issuance of certificate of occupancy of any primary building in Block 2, then the property owner of Block 1 shall make a cash contribution to Albemarle County. A cash contribution payment shall commence two years after issuance of certificate of occupancy for any primary building in Block 2 (the "anniversary") and shall be paid to the County within 30 days after the anniversary and within 30 days after every subsequent anniversary until an initial zoning inspection affiliated for a building permit is obtained for any primary building in Block 1. The annual cash contribution amount shall be \$10,000.00.

Mr. Gallaway **moved** to adopt the resolution to approve the special exception to waive the requirement of mix of housing types. The motion was **seconded** by Ms. McKeel.

Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Gallaway, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph and Mr. Dill.
NAYS: None.

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR ZMA201800013 RIO ROAD WEST**

WHEREAS, the Owner of Tax Parcels 04500-00-00-01000, 04500-00-00-0100A, 04500-00-00-01010, and 04500-00-00-0101B (the "Property") filed a request for a special exception in conjunction with ZMA201800013 Rio Road West to waive the requirement for a mix of housing types within the Neighborhood Model District as depicted in the pending plan and Code of Development under review by the County's Department of Community Development.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the Board's approval of ZMA2018-00013, the Staff Report and Transmittal Summary prepared in conjunction with the special exception request and the attachments thereto, including staff's supporting analysis, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-20A.8(a) and 18-33.49, the Albemarle County Board of Supervisors hereby approves the special exception to waive the requirement of a mix of housing types for the development of the Property.

Recess. At 5:41 p.m., the Board recessed. The Board reconvened into open session at 6:00 p.m.

Agenda Item No. 14. From the Public: Matters Not Listed for Public Hearing on the Agenda.

There was no one present.

Agenda Item No. 15. **Public Hearing: ZMA201000018 Crozet Square (Barnes Lumber).**

MAGISTERIAL DISTRICT: White Hall Magisterial District.

TAX MAP/PARCELS: 056A2010007100, 056A20100071B0 (part), and 056A2010002500 (part).

LOCATION: 5755 The Square, the western portion of 5627 & 5625 The Square, and a small portion of a property adjacent to and south of CSX Railroad (approximately 1,000 feet east from the intersection of Crozet Ave. and the railroad tracks).

PROPOSAL: Rezone property to allow for a mixed use development including a civic plaza.

PETITION: Rezone 6.25 acres from HI Heavy Industry (industrial and commercial uses, no residential use) and C-1 Commercial (retail sales and service; residential by special use permit (15 units/acre)) to DCD Downtown Crozet District (commercial, office, service, mixed with residential (up to 36 units/acre), light industrial uses and single family detached dwellings by special use permit) to allow a mixed use development.

OVERLAY DISTRICT(S): EC, Entrance Corridor; Steep Slopes.

PROFFERS: Yes.

COMPREHENSIVE PLAN LAND USE/DENSITY: Mixed Office/Research & Development/Flex and Commercial which allows a mix of employment, retail, service uses with light industrial and residential uses (up to 36 du/acre) as secondary uses and Downtown which allows commercial, employment, office, institutional, office, research and development, and residential uses (up to 36 du/ac) in the Crozet Community.

(Advertised in the Daily Progress on August 5 and August 12, 2019.)

The Executive Summary forwarded to the Board states that the Planning Commission conducted a public hearing on August 6, 2019 and voted to recommend approval of ZMA201800017. The Commission's staff report, action memo, and minutes are attached (Attachments A, B, and C).

At the Planning Commission meeting, staff recommended approval of the proposed Zoning Map Amendment application. The Planning Commission voted 6:0 (Firehock absent) to recommended approval of ZMA201000018.

Staff recommends that the Board adopt the attached Ordinance to approve ZMA201000018 (Attachment D).

Mr. David Benish, Chief of Planning/Interim Director, presented. He explained that this was a proposal to rezone 6.25 acres from Heavy Industrial and C-1 to Downtown Crozet District (DCD). He said the DCD encourages and permits a mix of uses; light industrial, single-family detached, residential, and commercial-type uses. He said the proposal is located in Downtown Crozet at the site of the old Barnes Lumber building just south of the South Fork Rivanna River. He indicated on a map an area larger than the rezoning, noting that he would later show a map of the more precise location. He said that the map shows the entire Barnes Lumber property as well as a connector road that would run through the entire site and connect to the development to the east.

Mr. Benish provided background on the proposal. He said the County initiated a rezoning of Downtown Crozet in 2008. He said that this rezoning established the DCD in the area that is designated Downtown in the Comprehensive Plan. He said that the particular site, the Barnes Lumber business operation, was still operating at the time, and the owner declined to participate in the County-initiated rezoning. He said subsequently, the business ceased operation, and there was a request from a different application that was submitted in 2010, which is the reason for the old number on the request. He said the application was deferred, and that applicant subsequently left the project. He said that the current applicant purchased the property and reactivated the rezoning in 2014, which was a request to rezone the entire approximately 19-acre portion of the Barnes Lumber property. He said in 2017, the applicant modified that rezoning proposal to reduce it down to a smaller portion of the Barnes Lumber site, which is the current proposal for the 6.25 acre portion. He said the applicant has been working with the community and the County to develop the project concepts that would implement the vision of the Master Plan, which was part of the current proposal.

Mr. Benish added that in June 2019, the Board of Supervisors approved a development agreement, or performance agreement, that provides for commitments that are intended to enable certain projects to be undertaken in the area, including the construction of a civic plaza to be dedicated to public use; and the construction of what is referred to as "Main Street" in the Master Plan, which is the extension

of Library Avenue to connect to existing streets being constructed to the east and other residential developments. He said with the connecting street, the "Main Street Project", the County received a revenue-sharing grant award, and the project is currently under design.

Mr. Benish said that the applicant has engaged in a number of public processes over the course of his control of the property since 2014. He said there have been many meetings that include general citizen meetings, community events, the CCAC, and the Downtown Crozet Initiative (DCI).

Mr. Benish said that regarding the recommendations in the Master Plan for the area, the area is designated as a Downtown area, which encourages a mix of uses promoting commercial, employment, and office uses. He said the Master Plan further recommends that the Downtown area serves as the focal point for the community, as the Downtown area is identified as one of the priority areas in Crozet, which are areas where both public and private investment are encouraged to occur first in the development area. He said that it calls for the civic green/plaza, and the construction of "Main Street", which would ultimately connect to the future eastern avenue. He said the vision of the Master Plan emphasizes the importance of Downtown as a vibrant place for activity and identifies it as the largest and most important center.

Mr. Benish said that in regard to the DCD being requested, the DCD is a form-based code type of ordinance and has elements of that, where the ordinance establishes requirements for the physical form of development and some of the arrangements of the uses. He said it was specifically designed to implement the vision for Downtown Crozet and is consistent with other Neighborhood Model principles. He explained that because of the structure of the DCD district, it eliminates the need for a code of development and a more detailed application plan, which is often seen in development proposals. He said that in this case, the DCD essentially establishes those items that are normally seen in a code of development.

Mr. Benish referenced a map that outlines the area that is subject to the rezoning. He indicated an area that was a future phase that is currently under review. He said that the development concept for the area under review is approximately 58,000 square feet of retail, a hotel, office uses, and the potential of approximately 52 residential units.

Mr. Benish presented an illustrative conceptual layout. He said this particular drawing was not proffered, per se, and reiterated that the DCD district dictates the form of development, making it less necessary. He explained that this was the conceptual layout to date for the plan, and the applicant could speak to more detail to it, if needed. Mr. Benish indicated to the plaza, the connecting road, and the phase of development that continues on east to Hilltop Street.

Mr. Benish said that some of the aspects of the performance agreement, which identifies the improvements that would occur in the area, include the road improvements. He explained that the private developer is responsible for the County's match (\$2 million) towards the revenue-sharing project, is developing the road plans and submitted them for review as part of the revenue-sharing project. He said the County's role and responsibility related to the performance agreement and the roads is that its Department of Facilities and Environmental Services is managing the construction and the County would ultimately be responsible for road maintenance for the parts of the road adjacent to the plaza where there is landscaping that transitions from the plaza into the road. He said for the plaza improvement, the developer has committed to getting the construction loan of \$1.6 million and is the contractor for developing the plaza. He said the County is responsible for an in-kind like \$1.6 million contribution, construction contract approval, construction inspection, plaza maintenance, and for leasing of the property and controlling it or providing it for other entities to manage.

Mr. Benish said there are two proffers associated with the request. He said the proffers commit to constructing the green and to undertaking a transportation study, which is referred to the Central Crozet Transportation Study. He added that there is also a contribution towards funded projects for improvements in Downtown Crozet.

Mr. Benish said that the application plan is fairly simple because of the DCD district, but it does identify the plaza and the road construction as a major feature that would need to be constructed and would run with the approval of the rezoning.

Mr. Benish said that in staff's analysis of the proposal, staff found that it is consistent with the Master Plan in terms of land use, mix of uses, development form, and the location of the development, which is in the priority area. He said the proposal is consistent with the County's Economic Development program and goals. He said there would be a significant impact to Downtown traffic, particularly to some of the intersections along Crozet Avenue. He added that there are also improvements being committed to by the applicant that will, in the long run, develop a network that would be a net benefit to the transportation system, and the applicant is also committing to a transportation study to determine what improvements would be needed in the future to address not only the development of this property, but the overall growth in the Crozet area as it impacts Crozet Avenue and Downtown.

Mr. Benish said the project is a development that would allow for a vertical mix of potential residential, apartment units. He said that the potential impact to schools could be six elementary students, two middle and three, with the potential of up to 52 units in this phase of development. He said that there is a capacity issue currently with Crozet Elementary School, which is projected to be 40 students for 2019-2020. He said however, the impact from this development should be fairly minimal to the school.

Mr. Benish said that no affordable housing is proposed with this phase of development. He pointed out that no other development that was rezoned to DCD is subject to the cash proffer policy. He said that at the time the County initiated the rezoning, the property would have been added to the district if the property owner would have been willing. He said that staff's opinion was that subjecting the property to affordable housing policy requirements would put it at a competitive disadvantage to the other rezoned properties that were provided DCD zoning with the County initiated rezoning.

Mr. Benish said that as Downtown activity continues to be generated, there would continue to be an additional parking need, and this development would likely add to the demand for more parking. He said as part of the performance agreement, the County has agreed to undertake a parking study, which they would be carrying out as part of the Crozet Master Plan update.

Mr. Benish said that the property is within the Crozet Historic District; however, there are no contributing structures on the property and, therefore, would be no impact to that district. He said that a portion of the site is in the Entrance Corridor and would be subject to ARB review. He said the applicant is working on design guidelines for the full site and has been working with the County and the community in developing those guidelines, which are still in process.

Mr. Benish said there was some soil contamination found on a portion of the site, and the County has received a grant from the state to further assess this issue. He said the developer, as part of the agreement, is paying for the local match for the grant.

Mr. Benish said that the factors unfavorable for the development include the impacts to intersections along Crozet Avenue with the construction of the development. He said the project would create additional pressures for parking in the greater Downtown area, and there is a potential impact to Crozet Elementary School. He said factors favorable include consistency with the Crozet Master Plan and it falls within the priority area for the Crozet Master Plan, the most important priority area for development. He said that the project provides for a major road network improvement that would improve the overall transportation system in the area. He said it is providing for a traffic study that would identify the needed improvements in the Downtown area and Crozet Avenue. He said that it provides for the construction and dedication of a civic plaza to be dedicated for public use. He said the project supports the Board of Supervisors' strategic plan goal for revitalizing urban neighborhoods.

Mr. Benish stated that staff recommends approval of the proposal and he offered to answer questions. He added that Mr. Roger Johnson and Mr. Kamptner could help answer any performance agreement questions. He said that Mr. Kevin McDermott could answer any questions regarding transportation issues.

Hearing no questions from the Board, Mr. Gallaway invited the applicant to come forward.

Mr. Frank Stoner addressed the Board and said that he was present on behalf of Milestone Partners, developer of the Barnes Lumber property, as well as the owner of the property (Crozet Newtown Associates). He said that the rezoning application was an important milestone for the project and that there would be many more. He said that they are currently working with staff, DCI, and VDOT on the final road design, which has proved to be somewhat challenging. He said they are also working with staff and DCI on a set of architectural guidelines for the Barnes Lumber property, which would overlay and interface with the County's existing architectural guidelines for all of Crozet. He said they are working with the local builders and businesses who have an interest in being a part of the new town center, and there would be a Phase II rezoning application.

Mr. Stoner acknowledged that it would take a number of years to build out the project, but with the Board's approval, tonight they would be taking another significant step forward. He thanked the members of the Board for their time and patience in all the presentations made as well as for their receptive responses.

Mr. Stoner thanked staff for their tireless efforts, noting that almost every department has participated in the project. He thanked the CCAC and the DCI, noting they are important groups in Crozet who have been very active as the plan has been developed and refined over time. He said they are in the fifth year of the project and they would not be here without all the people he just mentioned, adding that their participation and commitment has been instrumental in approving the plan. He said that the applicant is excited about the possibility of creating a vibrant town center for Crozet, which is long overdue.

Mr. Stoner said that in the interest of time, he does not have a formal presentation but offered to answer any questions.

Ms. Palmer said that she was caught by surprise when Mr. Stoner said the project has been going on for five years, noting it has been going on a long time, but at the end of the day, it was a great project. Mr. Stoner responded that the community is very excited about it.

Mr. Randolph said he wants to review different aspects of the project that the applicant has voluntarily offered to fund. He listed the aspects: 1) a \$2 million local match for VDOT revenue sharing program funds for a western connector of Library Avenue, 2) road plans for the roads associated with the project, 3) Central Crozet Transportation Study, and 4) Virginia Brownfields Restoration and Economic Redevelopment Assistant Program local match. Mr. Randolph asked if there was anything else the applicant has offered in this program in working with the County to help offset some of the impacts of the

projects. Mr. Stoner responded that they are also offering \$800,000 for the right-of-way. Mr. Randolph said that this was a very comprehensive list and that he wanted to recognize and applaud Mr. Stoner for this.

Ms. Mallek said that she would add the design charrettes and the landscape architect who did multiple iterations of the plaza design that the County would have had to pay for otherwise.

Mr. Gallaway opened the public hearing.

Mr. Paul Grady, of the White Hall District, said that Mr. Stoner did a great job involving the community in the process, but he does have two concerns, parking and density. He said the Board of Supervisors did the County a great disservice years ago when it excessively lowered the parking requirements in the Downtown Crozet Commercial District (DCD), thereby committing the County to pay for building not one, but two, parking garages in the DCD. He said the growth areas in Albemarle County are beginning to suffer from what he calls the "Growth Area Syndrome." He said that diminishing developable areas, high land costs, high costs of living, and a high construction cost translate into higher rents.

Mr. Grady said that there have been a number of businesses that have opened in Crozet in the past 45 years that he has seen flounder for 3 to 4 years and then close, all for the same reason: not enough customers walking through the door each day. He noted that there are currently five empty restaurants, which has never happened before. He said that currently, the center of Old Trail would be as densely populated as Barnes Lumber, and Crozet needs to start thinking of itself much like Charlottesville. He explained that Charlottesville could not grow out, so it started growing up.

Mr. Grady said that 3- and 4-story buildings on the Barnes Lumber property simply would not be enough, and rents would be too high. He said that years ago, the County made the mistake of limiting the height of buildings in the DCD to 40 feet. He said that as a Class A contractor, he knows that the most expensive parts of the building are the foundation, the first floor, and the roof, and each additional floor adds a marginal amount to the cost. He said in a three-story building, each floor has to pay one-third of the mortgage, while in a six-story building, each floor only has to pay one-sixth of the mortgage. He said that therefore, rents in a six-story building could be lower than in a three-story building and if the upper floors are all housing, the taller buildings provide more customers for the businesses on the first floor. He asked who would be patronizing those businesses in the middle of February when there are 10 inches of snow on the ground, and said the answer was the people who could walk there.

Mr. Grady said that some time ago, he offered the idea of 1,000 housing units on the Barnes Lumber property and he received some pushback for that. He did not say at the time was that he hoped that at least one-half of the units would be a studio or one-bedroom apartments or condos. Mr. Grady said that he came up with an idea that he thinks would at least partially solve some of his concerns about Barnes Lumber, but it would require the County to amend the Crozet Master Plan, explaining that if the property purchaser was willing to put in underground parking then he should be allowed to build a six-story building. He said the two buildings just west of the plaza would be prime candidates for this option.

Mr. Grady said that if the property purchaser was willing to contribute money to construct a parking deck on its block, he should also be able to build a five-story building. He said that because of the change in topography, the block just east of the plaza would be a perfect location for this option. He said if the County was willing to amend the Crozet Master Plan to allow for these two options and make it retroactive to the Phase I development, the County may only have to build one parking garage and could save an excess of \$5 million.

Mr. Doug Bates, of the White Hall District, said he was a member of the Crozet Community Advisory Council (CCAC) and a Board member of the Downtown Crozet Initiative (DCI), and said that he could speak on behalf of both of those organizations. He said that in the week prior, the CCAC unanimously passed a resolution in support of the rezoning application, and the DCI fully supports the activities of the Barnes Lumber reconstruction. He said that the groups respect, and are equally concerned with the issues raised by Mr. Grady but nonetheless, the rezoning proposal was an important interim step. Mr. Bates recalled that he last spoke to the Board in June in support of the financing arrangements that were agreed upon and expressed his appreciation of the Board's efforts there. He expressed that he would likely be speaking in front of the Board again in the future regarding the project and that Crozet was looking forward to the project.

There being no further comments from the public, the public hearing was closed.

Mr. Gallaway asked staff if the impact made on the schools was in regard to the entire project or just the current phase. Mr. Benish responded that it was only for the current phase. Mr. Gallaway asked if staff has looked at the impact to the schools by the full development. Mr. Benish said that there was no plan yet for Phase II, and this was something that the applicant would be coming back to staff with shortly.

Mr. Gallaway said that his Planning Commissioner was struck that there was not anyone present at their meeting to speak favorably to the project and it would have helped inform him about what was felt because typically when transportation is a potential negative impact from a development, it brings out many people in opposition. He said that his Planning Commissioner expressed surprise that his community was okay with the impact. Mr. Gallaway asked Ms. Mallek if she could speak about what the CCAC has discussed.

Ms. Mallek said that there has been much discussion for years about how the community has absorbed 5,000 new units in the last decade, and there has been much adjusting. She noted that, however, the staff report very clearly reflected the improvements which have already been made and the improvements which the applicant is proposing to carry out, which would help all across the Downtown zone. She said that this is where the comfort from the community came from, as well as knowing that there are other high priority items working their way through the Board's list that would help spread out the traffic and connect many of the streets, which individual developers have been building linkages of over the past 10 years as well.

Ms. Mallek said that some crucial connections are needed, including Library Avenue from the Square to Parkside Village which would give everyone a different east-west way to connect, a way for easterners to get to Downtown, and for Downtown folks to get out of town easily without having to go onto Crozet Avenue and down to Route 250 directly. She said that this should take a lot of pressure off of those high-density intersections.

Ms. Mallek said that among 100 people in Downtown Crozet, there are 100 different ideas of how to solve the issues around the four streets coming together, and they are continually debating with VDOT about this. She said that this is something that has been going on for the past 10 years, unrelated to the project. She said that the community is intent to solve these problems, though they do not have the solution yet.

Ms. Mallek **moved** that the Board adopt the proposed ordinance to approve ZMA201000018 Crozet Square, as proffered. The motion was **seconded** by Ms. McKeel.

Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Gallaway, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph and Mr. Dill.
NAYS: None.

ORDINANCE NO. 19-A(14)
ZMA 2010-00018

AN ORDINANCE TO AMEND THE ZONING MAP
FOR TAX PARCEL 056A2-01-00-07100, 056A2-01-00-071B0, AND 055A2-01-00-02500

WHEREAS, the application to rezone 6.25 acres on Tax Parcel 056A2-01-00-07100, 056A2-01-00-071B0 (portion), and 055A2-01-00-02500 (portion) is identified as ZMA 2010-00018 Crozet Square (Barnes Lumber, Phase 1) ("ZMA 2010-00018"); and

WHEREAS, on August 6, 2019, after a duly noticed public hearing, the Planning Commission recommended approval of ZMA 2010-00018; and

WHEREAS, on August 21, 2019, the Albemarle County Board of Supervisors held a duly noticed public hearing on ZMA 2010-00018.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the transmittal summary and staff reports prepared for ZMA 2010-00018 and their attachments, including the revised Application Plan, the information presented at the public hearings, any written comments received, the material and relevant factors in Virginia Code § 15.2-2284 and County Code § 18-20B.1, and for the purposes of public necessity, convenience, general welfare and good zoning practices, the Board hereby approves ZMA 2010-00018 with the Application Plan entitled "Barnes Lumber – Phase 1 Concept Plan," prepared by Timmons Group, dated October 2, 2017, and revised on July 22, 2019, and the Proffers dated August 8, 2019.

Original Proffers _____
Amendment _____

PROFFER STATEMENT

Project Name: Crozet Square (J. Barnes Lumber, Phase 1)
Date: August 8, 2019
ZMA #: ZMA 2010-00018
Tax Map Parcel #: TMP 056A2-01-00-07100 and 056A2-01-00-071B0 (portion) and 056A2-01-00-02500(portion), (the "Property")

Rezone one parcel and portions of two additional parcels totaling 6.2407 acres, more or less, from Heavy Industry (HI) to Downtown Crozet District (DCD) and a portion of one from Commercial (C-1) to Downtown Crozet District (DCD).

Pursuant to Sections 33 of the Albemarle County Zoning Ordinance (Chapter 18 of the Albemarle County Code), the Owner hereby voluntarily proffers the conditions listed herein which shall be applied to the Property if the Zoning Map Amendment identified as ZMA 2010-00018 and referred to as "Crozet Square" (hereinafter the "ZMA"), is approved by the County of Albemarle (the "County"). These conditions are proffered as a part of the requested ZMA and the Owner acknowledges that the conditions are reasonable. These conditions are proffered as a part of the requested ZMA and it is agreed that: (1) the ZMA itself gives rise to the need for the conditions, and (2) such conditions have a reasonable relation to the rezoning requested.

The term "Owner" as referenced herein shall mean the owner of record and successors in interest of the Property.

The Phase 1 Plan shall refer to that certain Application Plan prepared by Timmons Group dated October 2, 2017, and revised July 22, 2019, labeled "Barnes Lumber – Phase 1 Concept Plan, Exhibit A" (hereinafter referred to as "Phase 1 Plan").

The headings of the proffers and conditions set forth below have been prepared for convenience or reference only and shall not control or affect the meaning or be taken as an interpretation of any provisions of the proffers.

This proffer statement shall supersede and replace in all respects the proffer statement approved by the Board of Supervisors on December 21, 2016 in connection with ZMA 2016-20, with regard to the Property.

Each signatory below signing on behalf of the Owner covenants and warrants that they are an authorized signatory of the Owner for this Proffer Statement.

1. Plan of Development

The property shall be developed in general accord with Exhibit A, General Plan of Development for the subject property, titled "Barnes Lumber Phase 1 Concept Plan", prepared by the

Timmons Group, dated 10/2/17, and revised 7/22/19, and must reflect the following elements as shown and noted on the plan:

- Construction and dedication to the County for public use the civic plaza; and
- Construction of the roads shown on the plan (labeled Primary, High St. Ext, Road A, and the extension of existing Library Avenue to High St Ext.).


These elements will be constructed in accord with the terms of the Development Agreement between The County Of Albemarle, The Economic Development Authority of the County of Albemarle, And Crozet New Town Associates, LLC signed and executed as of _____, 2019, and/or their respective successors and assigns.

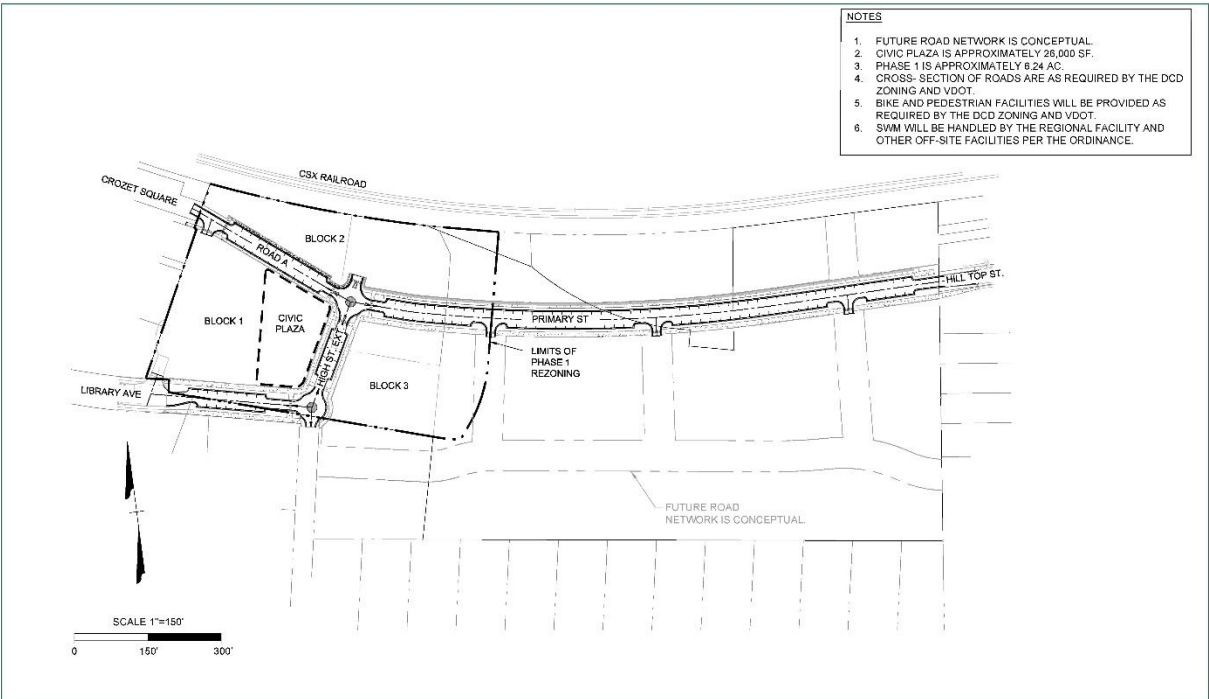
2. Off Site Transportation Contribution.

Upon demand by the County and approval by VDOT of the final road plans as shown in Exhibit A to be constructed under a revenue share agreement between VDOT and Albemarle County, Owner will undertake, or fund an amount not to exceed \$48,000 for a traffic study to, A) estimate traffic volumes for the 20 year horizon for Crozet Avenue, Eastern Avenue and Route 240, once the Eastern Avenue connection is made and additional residential density has been constructed, and B) prepare a detailed analysis for the 20 year planning horizon to determine what future road and intersection improvements will be helpful for reducing traffic congestion and improving connectivity. The Owner will contribute \$27,000 toward either A), the installation of the required traffic signal if, in the future, warrants are met for a traffic signal at the Crozet Avenue/Library Avenue intersection, or B) other transportation improvements identified that improve the Crozet Avenue/Library Avenue intersection, the Crozet Avenue/Jarmans Gap Road intersection, and/or the intervening section of Crozet Avenue. The contribution shall be paid by Owner when the balance of the funding has been allocated in the County's Capital Improvements Program or VDOT Six Year Improvement Program for either one of the improvements identified in A or B above.

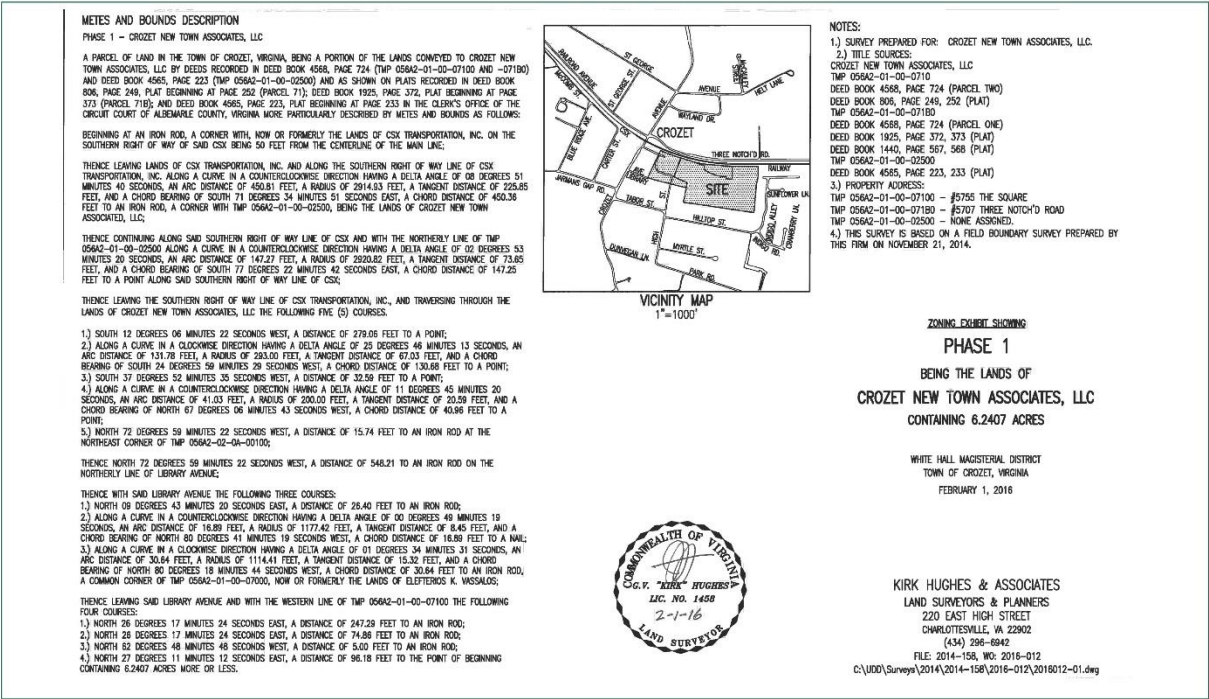
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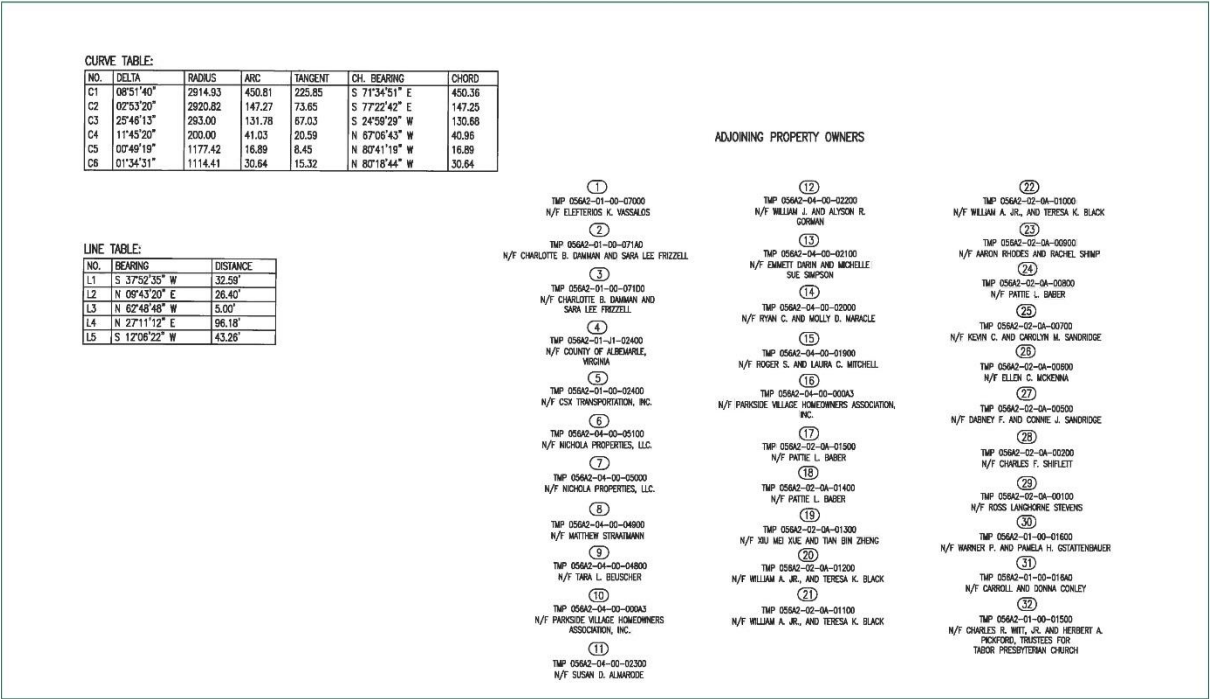
Crozet New Town Associates, LLC

By: 
Frank R. Stoner, Manager



BARNES LUMBER - PHASE 1 CONCEPT PLAN, EXHIBIT A
10/02/2017
REVISED 07/22/2019





BARNES LUMBER - PHASE 1 CONCEPT PLAN, PLAT
10/02/2017
REVISED 07/22/2019



Agenda Item No. 16. **Public Hearing: ZMA201800003 Southwood.**
PROJECT: ZMA201800003 Southwood Phase 1.
MAGISTERIAL DISTRICT: Scottsville.
TAX MAP/PARCEL(S): 090000000001A0; 090A10000001E0; 0760000000051A0.
LOCATION: Southwood Mobile Home Park located along Old Lynchburg Road (State Route 631) off of Hickory Street approximately 350 feet from Ambrose Commons Drive.
PROPOSAL: Rezone property from residential to a mixed use- mixed income development.
PETITION: Rezone 33.96 acres from R2 Residential zoning district, which allows residential uses at a density of 2 units per acre, and Neighborhood Model District (NMD), which allows residential uses at a density of 3-34 units per acres, mixed with commercial, service, and industrial uses, to Neighborhood Model District (NMD). This request includes amending a portion of ZMA200500017 Biscuit Run included on TMP 90A1-1E which is zoned NMD to remove the proffers from the parcel. A maximum of 450 units are proposed for a gross density of approximately 13 units per acre and a net density of approximately 19 units per acre. A maximum of 50,000 non-residential square footage is also requested.
OVERLAY DISTRICT(S): Flood Hazard Overlay District; Steep Slopes- Managed and Preserved.
PROFFERS: Yes.
COMPREHENSIVE PLAN: Parks and Green Systems – parks, playgrounds, play fields, greenways, trails, paths, recreational facilities and equipment, plazas, outdoor sitting areas, natural areas, preservation of stream buffers, floodplains and steep slopes adjacent to rivers and streams; Urban Density Residential – residential (6.01-34 units/acre); supporting uses such as places of worship, schools, public and institutional uses, neighborhood scale commercial, office, and service uses with a Center in the Southern Neighborhood within the Southern and Western Urban Area Master Plan.
MONTICELLO VIEWSHED: Yes.
(Advertised in the Daily Progress on August 5 and August 12, 2019.)

The Executive Summary forwarded to the Board states that subsequent to a work session on June 4, 2019, followed by a revision to the proposal, a Planning Commission public hearing was held on July 23, 2019. At its meeting the Planning Commission voted 6:1 (Riley voted nay) to recommend approval of ZMA201800003. The Commission’s staff report, action letter, and minutes are attached (Attachments A, B, and C). A number of emails were sent from community members to the Planning Commission concerning this application prior to the public hearing and they are provided in Attachment F.

Since the Planning Commission meeting, the applicant has updated the Code of Development to provide non-substantive clarifications and to correct typos. One of the changes is in response to Planning Commissioner Dotson’s request made at the Planning Commission meeting. He requested a commitment be made that the buildings within Block 11 be located away from Old Lynchburg Road, as it was depicted on the concept plan. The applicant has since revised the Code of Development to require parking between the trail buffer and any proposed buildings within Block 11 to address this request.

The revised Code of Development is found in Attachment D. In addition, at its meeting on July 30th, the Planning Commission adopted two resolutions concerning the Southwood application. They are provided in Attachment G.

Staff recommends that the Board adopt the attached Ordinance to approve ZMA201800003 (Attachment H) with the Signed Amended Proffer Statement (Attachment E).

Ms. Megan Nedostup, Principal Planner, presented. She acknowledged that there would be many questions and comments, and that in the staff report, her goal was to provide a detailed and extensive analysis of the development. She said that she would quickly provide an overview of the property's location, highlight the proposal, give an update on what has occurred since the Board last saw the proposal over a year ago at the joint work session with the Planning Commission, and then provide a more detailed look at the proposal and some of the concerns that have been raised. She noted that Ms. Stacy Pethia, Housing Planner; Mr. Frank Pohl, County Engineer; and Mr. Kevin McDermott, Transportation Planner, would be able to provide information as well.

Ms. Nedostup presented a map that was an aerial photograph, and another map that shows the environmental features. She indicated Old Lynchburg Road and three parcels highlighted on each of the maps. She said that Biscuit Run Park and the Whittington Subdivision are located to the south, Mosby Mountain Subdivision is located to the west, and the County Office Building and The Covenant School are located to the north. She said that three parcels are being requested at this time. She said the properties are mainly wooded and contain a number of environmental features including streams, managed and preserved steep slopes, and flood plain. She indicated the features on the map.

Ms. Nedostup said that there are 341 existing mobile homes on what would be future phases of the redevelopment for Southwood, however, this area is not requested for rezoning at this time. She indicated to this area on the map. She presented the proposed application plan and explained that Old Lynchburg Road is located along the top of the map. She said the proposal is for the first phase of the Southwood redevelopment, which includes the three parcels for a total acreage of 33.96 acres that are currently greenfield. She said that the proposal is to rezone from R-2 Residential and Neighborhood Model District (NMD) to all NMD. She said there is a parcel that is referred to as the "exchange parcel" that was part of the Biscuit Run ZMA and is currently zoned NMD, noting that this was the portion that would be rezoned to NMD but with a different design. Ms. Nedostup indicated to the outline of Phase I and said that 450 maximum residential units and 50,000 square feet of non-residential is proposed. She said that green space that would contain trails, steep slopes, streams, buffer, and floodplain are within Blocks 1 and 2. She also pointed out the trail buffer located along the perimeter of Old Lynchburg Road.

Ms. Nedostup said that the recreational areas that meet the requirements of the ordinance contain both active and passive recreation are distributed across the rest of the blocks. She said that programming of those recreational areas would occur by the residents of Southwood at the site plan stage, which is typical for a rezoning.

Ms. Nedostup presented the application plan that the Board last viewed in August 2018 to remind them that Block A was located in a different location, which she indicated on a map, and explained that now, Block B is closest to Old Lynchburg Road, also pointing out Hickory Street on the map. She said that within those blocks are character areas and so the Code of Development and the application plan were revised to have each of those character areas become its own block. She said that the road network has stayed the same and indicated the proposed Blocks 3 through 8 being contained within what was the old Block A. She also explained that Blocks 9 through 12 are within the old Block B.

Ms. Nedostup recapped what staff heard at a high level. She said there was much discussion at the joint work session, and the highlights out of that meeting were that general consensus among the Board and Planning Commission was that Block A, now Blocks 9 through 12, are acceptable and should not require any significant changes; and that for Block B, more detail was requested for stepbacks, massing, density, greenspace, uses, and how it would connect to Block A and the existing Southwood community and relate to its neighbors across Old Lynchburg Road. She said a concept plan was recommended, and the consensus from the Board was that it did not need to be a Master Plan. She said that the feedback from the Board was to show connectivity and how the proposed and existing neighborhoods would relate to each other. She said that other feedback received was that the required affordable housing was requested and should be provided within the development of Southwood and not in another jurisdiction.

Ms. Nedostup said that since the 2018 work session, Habitat for Humanity has led workshops with the residents for the design of Block B, now Blocks 9 through 12. She said that Habitat and County staff have worked together to revise the Code of Development, and some of the outcomes of this was that the affordable housing language was revised to state that those units shall be provided within Southwood, and an illustrative concept plan was provided for Phase II.

Ms. Nedostup said that the Planning Commission held a work session on June 4 and following the work session, these changes occurred. She said that the Code of Development and application plan were updated and reformatted, based on feedback resulting in the character areas becoming their own blocks. She said that the building height for blocks adjacent to Hickory Street were reduced from 65 feet to four stories, or 45 feet; and within a new Neighborhood Special Area, the height was reduced to four stories, or 50 feet. She said that building regulations were updated to include Old Lynchburg Road and the recreation amenities were clarified in a table format.

Ms. Nedostup said the Board approved a performance agreement for Southwood on June 19, followed by a public hearing on July 23, where the Planning Commission voted for approval by a vote of 6-1. She said the Planning Commission then adopted resolutions on July 30 to forward to the Board, noting this was included in the Board's packet. She said that since the public hearing, Habitat revised the Code of Development with some technical and clarification changes to the table for greenspace and amenities, as well as a couple other clarifying items within the Code of Development.

Ms. Nedostup presented a slide that showed the application plan that the Board last saw, compared to the new application plan. She explained that Block 2 contains the trail buffer along Old Lynchburg Road, which is 30 feet. She said that Blocks 9 through 12 allow residential and nonresidential uses, and a Neighborhood Center Special Overlay was added along Hickory Street within Blocks 11 and 12. She indicated the Overlay located on either side of Hickory Street allows for a building height of four stories, or 50 feet, with a 15-foot stepback requirement at three stories or 45 feet. She said Blocks 3 through 8 contain mostly residential uses, and there is opportunity for small scale nonresidential retail and restaurants but those uses are restricted at 1,600 square feet. She said that within Blocks 9 through 12 outside of the Neighborhood Center Special area, an additional 20-foot setback for the buildings is required from the trail buffer area.

Ms. Palmer expressed confusion about the buffer along Old Lynchburg Road along Block 11. She asked if it was 30 feet from the trail, or 30 feet including the trail. Ms. Nedostup responded that it was including the trail.

Ms. Nedostup spoke to some of the concerns that were raised. She said that one is concerning the Center designation within the Southern and Western Neighborhood's Master Plan. She said that this Master Plan designates these properties as Urban Density Residential (6 to 34 units per acre), with a Center designation at the intersection of Hickory Street and Old Lynchburg Road, and pointed out Old Lynchburg Road on the map. She said the Master Plan recommends 1 to 3 stories for Urban Density, and additional height where appropriate. She said Southwood is also listed in the Master Plan as a priority area and is also designated as an opportunity zone. She said there have been concerns raised about the location of the Center, shown on the Master Plan, and the building height proposed for Southwood. She noted that the Center is a focal point and not a geographical location, and Centers are recommended in the Comprehensive Plan to be visually discernible to help create and facilitate a sense of arrival. Ms. Nedostup said that staff analyzed the appropriateness of the proposed four stories, considering the guidance in the Comprehensive Plan. She said since the Master Plan designates a Center at this location, which was discussed through a community vetted process during the update to the Master Plan in 2015, and the Comprehensive Plan states that Centers are the most intensive. She said along with the guidance that Southwood should be a mixed-income, mixed-use community with retail and/or service areas provided for the neighborhood, staff found the increase in height as appropriate in this location.

Ms. Nedostup said another concern that has been raised that relates to the scale along Old Lynchburg Road is whether or not a buffer or larger setback is appropriate, considering the form of development in the area. She indicated an aerial map and pointed out Old Lynchburg Road, Hickory Street and Mosby Mountain. She explained that the map inset is from the Parks and Green Systems Plan within the Master Plan, indicating to Old Lynchburg Road, Mosby Mountain and the Southwood parcels. She said a buffer is not shown or recommended in the Master Plan in this area, and there is language regarding buffers near Southwood within the Master Plan, stating that a vegetative buffer be provided along 5th Street, Old Lynchburg Road, south from the southernmost edge of Southwood on both sides of the street. She said this indicates that a buffer is not recommended for Southwood but should be provided south of the property. She added that while Mosby Mountain is not in the rural area, it is a by right rural subdivision design with large lots and setbacks. She said there is language within the Comprehensive Plan that states when development occurs on the edge of development areas in the rural areas that a discernable boundary should be provided and a transitional area between the rural area and the development area should not be required. She said this being stated, the applicant is providing a 30-foot trail buffer area outside of the right-of-way along the property line along Old Lynchburg Road south of Hickory Street.

Ms. Nedostup said that the factors unfavorable for the application include that the rezoning request would add additional students to Cale Elementary, which is over capacity with no identified plans for expansion at this time; and the rezoning would add additional traffic to Old Lynchburg Road, 5th Street Extended, and impact existing intersections along the corridor. She said improvements have been identified as high priority; however, funding has not been identified for those projects to date.

Ms. Nedostup said that the factors favorable for this request include that the rezoning request is consistent with the recommendations within the Southern and Western Neighborhoods Master Plan and Comprehensive Plan; the rezoning is within the priority area of the Southern and Western Neighborhoods Master Plan; the rezoning is consistent with Neighborhood Model Principles; the rezoning provides affordable housing that meets the Housing Policy within the Comprehensive Plan; the rezoning request allows for future connections to Biscuit Run Park; and the rezoning supports the Board of Supervisors' strategic plan goal for revitalizing aging urban neighborhoods and is within an opportunity zone.

Ms. Nedostup said that based on the favorable factors, staff recommends approval, and she offered to answer questions.

Ms. Palmer asked Ms. Nedostup to present the slide on factors unfavorable again. She asked when the Master Plan for the area was completed, and how old it is. Ms. Nedostup said that she has a slide to present the history of the Master Plan. She indicated the Master Plan from 1980 and explained that at that time, the development area boundary hugged Mosby Mountain. She said at this time, it was designated as low density. She said in 1989, the plan was revised, with the same designation of low density residential. She said that in 1996, the density was revised to increase to 3 to 6 units and became Neighborhood Density Residential. She said in 2015, the development area boundary was extended to include the rest of Mosby Mountain and Whittington, as a jurisdictional area request was approved and per the County's policy, the services and utilities should be in the development areas, so these were

included. She said that at that time, the Center designation and Urban Density Residential designation was approved.

Ms. Palmer said that on what could be required by State law for tree cover is different for different densities. She asked what this would be, given there is such a wide range of units per acre on Block B, and if it would be 10%. Ms. Nedostup said that she believes it was, and she would have to look at the ordinance to verify.

Mr. Randolph said that as a point of clarification, there is no Master Plan for this community and it is the Comprehensive Plan that serves as a substitute for a designated Master Plan. He said that 5th and Avon CAC has been asking for a Master Plan, but that this is not a Master Plan. He said that the 2015 plan shows the changes consistent with when the Board updated the Comprehensive Plan. He said that he wanted to clarify for the record that they are not looking at a Master Plan, but rather, a Comprehensive Plan that applies broadly for the area. He said that it is included in the Comprehensive Plan, but it does not have a Master Plan like Crozet and the Village of Rivanna have, noting they both have defined and designated Master Plans. Ms. Palmer thanked Mr. Randolph for the clarification, as she did not recall going through a Master Plan process for this area.

Mr. David Benish said that this could be a matter of semantics, but the Comprehensive Plan contains the Southern and Western Neighborhoods Master Plan. He said that it was done as part of the Comprehensive Plan update and though it did not happen as a separate process, but at least by title it is referred to as a Master Plan.

Mr. Randolph said that he understands and acknowledged it has been a point of contention for a long period of time by residents of 5th and Avon because they look at it as a Comprehensive Plan being applied to the area rather than having the kind of dedicated focus as has Crozet or the Village of Rivanna. He said that he understands that in the Comprehensive Plan, it states it is a Master Plan, but that it does not actually exist independently.

Mr. Gallaway asked about factors unfavorable regarding Cale Elementary. He asked if staff arrived at a number of students. Ms. Palmer asked for this slide to be presented again. Ms. Nedostup said that it would be between 50 and 70 elementary students.

Ms. Mallek asked if there would be a discussion about possible stormwater levels later, or if there was an update. Ms. Nedostup said that Mr. Pohl would be able to answer questions about this.

Ms. Palmer asked Ms. Nedostup to present the slide showing the buffer area where there were slopes, steep slopes, and the floodplain. She said there was a list of things allowed in the buffer area, and asked Ms. Nedostup if she could point out which areas those things could go into. Mr. Randolph asked Ms. Palmer if she was referring to the Code of Development. Ms. Palmer responded "yes". Ms. Nedostup presented a slide showing the application plan. She said there are other green space areas that are not designated as preserved slopes, stream buffer, or flood plain that are designated as green space within that area, and those uses could go within the area of green space that are outside of those features.

Ms. Palmer asked if this was what Ms. Nedostup was indicating to on the screen, along Block 4. Ms. Nedostup said that it is Block 1. She said the applicant could speak more about where they anticipate those uses.

Ms. Mallek asked if Mr. Pohl could help explain how the stormwater would be considered for a project like this one and what his determination has been. Mr. Pohl suggested that the applicant would explain the plans, and then he would be happy to respond.

Mr. Gallaway said that the Board voted earlier in the day to approve the applicant's request to extend their presentation time from 10 minutes to 20 minutes. He invited the applicant to come forward.

Mr. Don Franco, Principal at Roudabush & Gale, presented on behalf of Habitat for Humanity of Greater Charlottesville, owner and developer of the property, and the design team, which includes BRW, Timmons and Water Street Studios, and the resident planners who participated in the process, making up about 200 of the 341 units.

Mr. Franco presented the pursued concept on the screen, noting that it was not the proffered plan, but a picture of what they are trying to execute with the Code of Development. He said that staff has hit most of the highlights and what he wants to concentrate on are some of the important planned features, noting that the Center has been talked about in detail and adding that Mr. Grady, in the previous rezoning, mentioned businesses in Downtown and Old Trail that struggled for a few years before disappearing. He said similar to Old Trail, there has been discussion about putting the Center internal to Southwood, but they are not interested in doing this. He explained that the way it is set up, Southwood would have about half the size, half the units, as Old Trail and it would set them up for failure to put it in the Center. He said that the same observation was made by the former County Economic Development Director. He said that they believe it is in the right place and is consistent with the Master Plan and wanted to highlight the comment from the last rezoning.

Mr. Franco acknowledged that there was a question about stormwater. He said that the easiest way to explain the stormwater is that stream renovation is not an approved water quality facility and is not allowed for in DEQ's program at this time. He said there have been discussions and they are open to trying to refine it, but the project is trying to pursue renovating and restoring the streams that are internal

to the site and receive credit for this. He said when they were going through the rezoning, part of the process was staff reviewing it, and as they reviewed it, Mr. Pohl's objection was not to have the applicant proposing something that was not approvable by him because it is not an approved measure. He said that instead, Mr. Pohl asked the applicant to do the standard and then allow for the other alternatives in the future once they begin the site plan process and begin to work with DEQ. He said that the applicant is pursuing innovative features but at this point, standard is what they have to apply for until they receive approval of the innovative features.

Ms. Palmer asked if the applicant does not get approval, which could very well happen by the time they go to the site plan process, what "Plan B" is. Mr. Franco responded that Plan B is the standard features, which is why they have to do it this way. He said that they could accomplish stormwater management and are not asking for waiver of it, but clarified that it would be more standard and traditional as opposed to something innovative, such as stream restoration.

Ms. Palmer said that she would later ask what "standard" means after Mr. Franco finishes presenting.

Mr. Franco said that another topic related to the site plan has been private roads and there has been confusion on this. He said that they asked for private roads because there would be alleys for townhouses. He said that they want to ensure they have the ability to build these types of roads in general. He said our goal is to make everything public, if possible, because of the economics. He said that it would make much more sense not to have the residents and HOA maintaining the roads, but to make them public roads maintained by VDOT. He said that this is the goal, and not to put private roads everywhere, but to have the ability to do them when needed.

Mr. Franco said that two other recent topics have been open space uses and active recreational spaces. He showed an enlarged picture of Block 1 with the open space that has been discussed, and indicated to a list of the different uses allowed in that space. He noted that the colors provided, with the blue being designated as the 100-year flood plain, aqua representing the 100-foot buffer for the streams, and green being the preserved slopes. He noted that all of these are in the open space, but as seen in Blocks 4 and 7, there are places that are not within one of those special areas. He said that this is the reason they have the extra requests, and there was also the potential in the future for a relatively flat spot for the residents to have a field. He said that this possibility has been reserved as being listed as a potential use, recognizing that being in the floodplain and stream buffer have checks that would have to go through another approval process with the Board. He said that they did not want to have to do a rezoning as well as a special use permit in order to allow for that use in the future.

Mr. Franco said that with active recreational space, some of the feedback received early on from the Planning Commission was that they were not interested in seeing a trade of trails proposed within the open space for one of the project's tot lots. He said they have taken the trade off the table and made a prediction of, if this develops, what would the requirement be by Code for the project. He said that what they found is that what they offer exceeds the minimum standards for the active recreation required for a project of this size, or group of projects of this size. Mr. Franco said that he put together a graphic of the different blocks and how they would develop, indicating Blocks 9 through 11 and sections of 100 square feet of recreational or active facility required for that area. He noted that the areas not filled in with shading are 100 square feet that are missing, and the circles filled in represent the amount of trail. He said that in this case, each dot is about 300 linear feet of trail, totaling 1800 feet of trail that is being offered as part of Blocks 9 through 11 and it is short about 2,300 to 2,400 square feet. He said in Blocks 5 through 8, it is closer but is short about 400 square feet, and the reason these are coming up short is because one of the things the Planning Commission wanted to see was a larger open space recreational opportunity at the beginning at the Neighborhood Center. He said that they have provided a 6,500 square foot field in that area that could be used for informal pickup games, gatherings, etc. He indicated to orange areas representing square footage provided but not required. He said that considering scale, looking at the different areas, one could see that they are providing above and beyond the recreational requirement that would need to be met during the site plan level, without taking advantage of the trails.

Mr. Franco presented highlights of the rezoning Code of Development. He said that there have been many uncertainties about the plan itself, much of which does not have to do with land use but how the whole program and project would work. He said that he heard that the applicant was not providing certain information to the Planning Commission, with the first being the concept plan for all of Southwood, and the second being a detailed rehousing plan for the entire 341 homes. He said that these are things that could not be provided at this point in time and includes areas that are not being rezoned now and have not been planned. He said they have done the best they could with trying to give the Planning Commission an idea of what is going on. He said that, for instance, they provided a graphic representing what the project would potentially look like. He said that in particular areas, they showed where anticipated green space would be located, where lots tend to be front-loaded basement lots because of the grade itself and would likely be single-family detached or attached housing in that area. He said that they showed where the higher density would make the most amount of sense. He said that this is as far as they have been able to go because in the process, the residents would be planning the areas.

Mr. Franco said that there have been other questions about the longer term costs relative to affordability. He said that there was much confusion about how the program works and concerns about HOAs, as well as condo and apartment fees. He said that the partner-family housing as well as rentals that Habitat would provide in that area would be based on affordability. He said that in mortgage and in rentals, it is 25% to 30% of the income of the owner or renter, as a general rule, and this number includes

HOA dues, utilities, etc., and is considered as part of the process. He said that we can rest assured that affordability is being considered.

Mr. Franco said that there have been many questions about non-displacement, and that it is one of the things on the list in the performance agreement that would have to be produced and provided to the County when that occurs. He said the goal of Phase I is to not displace anyone, and that is why the plan has not been created at this point. He said that as the project advances, if someone wants to or has to be displaced for some reason, that plan would have to be produced both as a requirement of the state and federal funding in the County performance agreement.

Mr. Franco said that the next two topics dealt with complete misunderstandings and he was asked to walk through how the program would work. He said that one issue was segregation, and the other was understanding how the lowest income families would be taken care of. Mr. Franco presented a graph, which has been included in the handouts provided to the Supervisors, that shows Phase I with a dark circle, which represents what is envisioned to be the first village, or cohort of people to be going into. He said that roughly 90 people have showed interest and are signing up to participate in Phase I, with 30 being in the first group. He said this first group would begin to plan their own rehousing area, which would include market rate as well as replacement housing opportunities, and while this is happening it would go through a site plan approval phase while the next village is planned, and so on. He said that this is why there is not much detail, as he does not know what this would look like yet. He said that a framework of the road network has been provided for it but as far as where the units are, what they would look like, and where the open space would be, this is information he could not provide at this time. He assured that it would meet the Code, the minimum, and everything all other developments have to do, and the flexibility being asked for at this point is to allow the residents to design where and what it is.

Mr. Franco presented a picture of the first cohort of 30 people signing up for the first area. He said that it was an enhanced image of Blocks 3, 5, and 8 and explained that it is the area that would be planned out by the first group. He said they would be responsible for deciding where the open space is, what kind of housing they would have and where it would be located, and provide for market rate lots. He said the lots on the outside are set up as front-loading, likely single-family detached or attached, housing. He said this would probably be more market rate driven, but there would be opportunities for trading of houses, as they would decide where this is going. He said it is not segregation in any form, but would be integrated back and forth between the areas, noting that it was up to the residents to provide for the market rate group.

Mr. Franco said that another question that has come up is regarding how the project would all be done. He said there is much confusion about what it looks like and how it would work. He presented a graph, noting it was in the documents the Supervisors received, that breaks down how many people would be in each of the AMI groups. He said that looking at the numbers, 25% to 80% AMI is the group that would be served by Habitat, which is roughly 73% of the project. Pointing to the outliers on the graph, Mr. Franco said that about 4% or 12 residents from 2013 are in the 80% to 100% or 120% AMI. He added that about 80 families being in the 0-25% AMI would primarily be rentals. He said that he also wanted to consider that, because this is a multi-year project, what could happen to the group that is 15% to 25% in terms of working with Habitat to try to lift up their incomes and give them an opportunity to purchase a Habitat partner-family home. He said looking at this, about 66 of the 80 are in this group and to extend it this far, it takes the numbers up to almost 80% that then could be part of the Habitat program. He said that it becomes fairly realistic to execute.

Mr. Franco said that questions have also been asked as to how they would deal with the very low-income residents. He said that he was involved in the Sunrise project that Habitat did several years ago, and the basic philosophy was to fundraise and build the replacement as the Promise-Keeper House condo building. He said it rehoused individuals from the trailer park that was redeveloped and because it was fundraised, the renters there had an agreed upon rate of rent that was based on their income. He said if there were any changes in the rent; for instance, several years ago, there was an increase in the HOA dues as well as a \$1,500 special assessment, it did not affect what the renters pay and was absorbed by Habitat as part of the program, and they were able to absorb this because the building had been totally fundraised and paid for at the beginning of the project. He said that on the other side were partner families, and it was more challenging for them, but Habitat worked with them to rewrite their mortgages so that the new expense could be accommodated within their budgets. He said that whether it is a rental or a Habitat partner family house, or even a market rate house, the project can be done and be very executable. He offered to answer any questions.

Ms. Palmer said that she misunderstood Mr. Franco at the CAC meeting, expressing she thought he had said the buffer along Old Lynchburg Road in Block 11 was going to be 30 feet, not including the trail. She asked if this was not the case. Mr. Franco responded "no"; there is a 30-foot parcel buffer that exists where the trail would go in the first 30 feet. He said the trail is being designed to minimize any tree taking required, and likely there would be some thinning down of bushes. He said they would try to work in the trail between the trees. He said that this is the first 30 feet, and the next 20 feet, with some in Block 11 is eased or has part setback, and they have agreed with some of the residents on the other side of Mosby Mountain to make sure that the parking lot is between the buildings in Block 11 and Old Lynchburg Road. He said this would be exclusive of the buildings in the town Center on Hickory Street.

Ms. Palmer asked if the trail was 8-foot asphalt. Mr. Franco responded "yes" and that it is the multi-use trail.

Ms. Palmer asked for the explanation of Plan B for stormwater. She said there are many different BMPs that could be done for stormwater and her understanding was that they have to do 75% for water quality onsite. Mr. Franco said that it would be a combination of ponds and the porous material are more near-source alternatives, such as rain barrels and rainwater detention on the sides of the road. He said that all of that stuff is in play. He said their first choice is to try to do it with the channels of the natural area as it adds value to the property to start with. He said that they are eroded now and to restore those areas would be a great benefit to the property itself. Ms. Palmer said her understanding is that the applicant has already spoken to VDOT and asked this, and that they have said that "no". She asked if this was not the case. Mr. Franco responded "no", this was not the case. Ms. Palmer said that this was another thing that she had misunderstood. She asked if the applicant would consider restoring the streams if they did not receive credit for it. Mr. Franco responded that this was a possibility and it was not off the table. He said they were not ready to proffer that or something. He added that specific questions could be answered by his design team.

Mr. Dill asked if Mr. Franco could speak to how the resident designers choose where their houses would be located, what they would look like, and who leads these sessions. Mr. Franco said that when designers from BRW started working with Southwood residents a couple years prior, they worked with them both in a group and one-on-one to create a common language to help the residents understand how design works. He said that this would be the same team, along with Habitat, to sit with the residents on the design details on a house-by-house basis. He said they try to reserve the potential for almost any kind of product, keeping the scale appropriate. He said they were going to do it with the help of the design team.

Mr. Dill asked if there was a basic format to follow, such as having to be energy efficient, have a certain amount of installation, certain appliances, etc. He asked if there was a framework to follow with choices to make, as well as receiving financial advice. Mr. Franco said that he believes this was all part of the package and that Habitat could be brought forward to answer questions as needed. He said that generally, what would happen is they would start with the "dream" where needs and wants are discussed, then there would be discussion with Habitat as far as what the residents could afford. He said the Habitat Partner Family Program takes about 18 months from start to finish, and this is about the time it would take to get through the resident design process and site plan process. He said that the idea is to give people what they want and need.

Ms. McKeel said that going back to the topic of stormwater, there was some concern about buying off site credits. Mr. Franco said that this was an alternative allowed and it may be something the applicant pursues, noting that they have not taken any options off the table. He said that it could be a combination of buying credits as well as doing individual near-source or ponds. He said that they have tried to demonstrate to staff that it could be addressed and accommodated for within the plan, which follows the main goal of the rezoning to lay the groundwork and ensure that when they come to the site plan process, stormwater management is taken care of.

Ms. Mallek said that she did not see where there are currently any drop inlets or places for the rainwater to go, due to the old road design. She affirmed that the new ones, even if in the same location, would have drainage and the other pipes would lead into their features, noting that she was excited by the possibility of having the stream daylighted as much as possible as it is wonderful for the families who live there.

Mr. Randolph said that a year prior during charrettes, residents placed a priority in setting aside green space for active recreation for their children; yet the design presented in the Code of Development has drastically reduced shared open space in Phase I. He said that he understands that the current amount meets the County's minimum requirements. He asked since Habitat is representing the best interests of the residents why it would not seek more recreational space rather than settling for the minimum. Mr. Franco said that there were a number of meetings with the residents and over the last 2.5 years, the design team and residents met every Thursday, totaling about 117 to 120 meetings. He said that from the charrettes, there were meetings that delved into questions like that. He said that discussion points that influenced decisions the residents made were concerns about costs and if they needed that much open space, explaining that there were several soccer fields on the original plans but as these were assessed, the residents decided they did not need that much space. He said that the first plan probably could have been accommodated, but it would have meant that all the replacement housing was multi-family, which is not what the residents were interested in. He said giving up some of the open space was a trade-off choice that the residents made during the process, and an emphasis was placed on smaller, better spaces spread out within the development. He said there is nothing that prohibits the residents from putting more than the minimum requirement, but as a rezoning, it is a better idea to make sure they comply with the ordinance but not to proffer the residents' dreams.

Mr. Randolph said that the only problem he has with this was that the residents are designing for themselves and yet, looking at who would be living there, the residents constitute a smaller than majority portion. He said that he would revisit that point later. He continued that 4,900 square feet of green space is set aside in residential Blocks 5 through 8, but 4,900 square feet now proposed in Block 12 remains inadequate, given the residents' expressed design preference for nearby usable recreational space. He said given that these 4,900 square feet areas, even if used for soccer or other sports activities, would need to compete with other non-recreational uses identified in the Code of Development, page 11, this approximately 200 x 25 foot area would probably not survive as a dedicated team sport recreational space. He said that Rivanna Village at full build out would have a permitted maximum of 400 new residential uses, but 8.315 acres of dedicated green space. He asked if the applicant really believe that 4,900 square feet of recreational space is adequate to meet the recreational needs of a maximum of 450

new dwelling units in Phase I. Mr. Franco responded that of the 8.315 acres in Rivanna Village, there were some trails passing through as well as a dog park but for the most part, it was passive recreational area. He said Southwood would have at least this in Blocks 1 and 2. He said that they would have a large area for passive recreation, and the focus has been on the active recreation facilities and the tot lot, soccer field, etc. He said the total area in Blocks 1 and 2 for the trail areas is 9.4 acres, which is in excess of what Rivanna Village had with about the same number of residents.

Mr. Randolph said that two residents spoke at the Planning Commission meeting to their concerns about personal safety regarding high winds and the multi-limbed trees that overhang the residences. He said in addition, in the three charrettes he had attended, the Southwood residents in the winter, spring, and summer of 2018 repeatedly revealed in their design plans a concern with safety, especially for their children. He said their design plans across three early adopter groups showed commercial activities as best situated on the north side of Phase I so the commercial traffic could be minimized where they saw their children playing; yet the Code of Development (page 10) for Blocks 3 through 8 indicates that tourist lodging, farmers markets, retail or service stores, eating establishments, and religious assembly all would be permitted in these blocks, all of which have the potential and reality of introducing outside traffic to these blocks. He asked how the Code of Development squares with the often cited residents' safety concern he heard stressed repeatedly, as did Supervisor McKeel. Mr. Franco said that this was the back and forth of balancing the desires and goals of the residents. He said a provision has been made so that most of the non-recreational area in Phase I is in Block 12. He said that as much as 5,000 square feet is allowed in Blocks 3 through 8 and the real reason it is there is that it does not have to be in one use, and the residents wanted to reflect how Southwood is today. He said that there is an environment where there are many businesses amongst the housing now, and they wanted to continue to allow for that possibility without cutting people out or making people change the way they live. He said there were some uses the residents were concerned about, such as automobile services, and those have been banned and not provided for. He said that the residents specifically looked at what businesses exist today and wished to continue to make a provision for it within an appropriate scale. He said that with respect to parking or other things, when this comes in as a site plan, they would ensure the parking is provided for.

Mr. Randolph said that it feels strange that in the three charrettes, there was consistency in each one of the designs emphasizing safety. He said that the charrette then takes place after last August's joint Planning Commission and Board meeting to which no one from the County was invited, and then they were told that the residents have changed their minds. He said that he wants the residents to know that the Board is asking these questions because they heard their concerns about safety at the three charrettes. He said that it feels odd that the Supervisors participated in these sessions, and after a charrette occurred that they were not invited to, things changed.

Mr. Randolph said that at the Planning Commission meeting, it was revealed for the first time that an HOA would be responsible for maintaining the proposed green space and roads in the community, in other words, the residents would have to pay monthly, semi-annually, or annually and be assessed annually for Homeowner Association (HOA) fees. He said this raises the fundamental question of how hard working, blue collar families within Southwood who currently seek to save money for their children's higher education, who send funds from their income weekly to support family members still residing in their countries of origin, and who also apply a portion of their earnings yearly into growing their businesses would manage budget wise to pay annual HOA fees on top of rent and utility costs in the apartments and accessory units. Mr. Franco said that the previous graphics he showed demonstrated that the executability of the project that the Habitat Partner Family Program could cover 80% of the homes that are there and that Habitat has dealt with the rental side as well. He cited Sunrise as an example, where fixed rents were established in the beginning and was based on keeping expenses inclusive of HOA dues, utilities, rent, etc., and all this was considered in keeping that within 25% to 30% of their income. He said this number could change depending on who it is and how much is going home and could go lower. He said that they have been able to maintain this by fundraising for the rental so that when dues go up or there is a special assessment, they have been able to accommodate it without increasing the cost of rent. Mr. Randolph said that he appreciates Mr. Franco's answer, but he was sensitive to the fact that the world economy was teetering, with a possibility of recession and an administration that denies that such a recession occurs is doing everything possible to batten the hatches for an economic downturn to occur. He said that Phase I is basically 3 to 4 times the size of Sunrise in terms of the number of individual and Habitat needs to fundraise to cover the costs of Phases II, III, IV, and V going forward. He said that at the same time, it is incurring costs to cover HOA fees and rents. He said that there are concerns there for residents about the economic viability. Mr. Franco presented a graphic and noted that there was the potential of 150 residents going into that area. He said that each village would be about 50 units, with 30 of those likely being Habitat replacement housing and the other 20 being market rate, noting that there could be changes to those numbers. He said that 30 units is in the wheelhouse of Habitat and is half the size of Sunrise and if this is a year-long project, they are building 30 units per year now and stepping up so that in a couple years, they would be building 35 units a year. He said that this is why the villages are being formed at that scale in that development so that it is feasible by Habitat. He said that it was not a big issue, as it is something Habitat has been doing now for the last several years. Mr. Randolph agreed in terms of ability to build the units and said that his question was about being able to sustain covering HOA fees and rental costs.

Ms. Mallek asked if the roads would be public roads, except for alleys in the back where they do not meet state qualifications but allow for people to park behind their houses. Mr. Franco said that this was correct, for the townhouses.

Ms. Mallek said that this would not be burdening an HOA because the roads would be public.

Ms. Palmer asked if this was in the Code of Development for assurance that these would be VDOT roads, except for the alleyways.

Ms. McKeel said that she was concerned about the other parking areas, not the alleyways, that are private and not public, but perhaps she was confused and the Board needs more education about the parking and roads.

Ms. Mallek said that this should be made clear now and easy for everyone to understand.

Mr. Randolph noted that Commissioner Bivins was concerned that the design of Phase I would contribute to segregation in Southwood by concentrating lower AMI residents primarily in one or two types of housing being apartment buildings or accessory units. He said that while some lower AMI residents may initially be housed in accessory units behind single-family units, demand driven market forces may quickly drive up the rents on these same units as they have out in Old Trail, forcing lower AMI residents who wish to remain in their community to have the apartments as their only housing option. He said although the apartments are designed and pitched as being multi-use and multi-income, the reality is that a higher concentration of lower income residents in these buildings would over time quite possibly tip the units into becoming majority lower income housing units. He asked how this would be prevented from happening. Mr. Franco thanked the Board for the extra time to present, noting that he did not have this ability at the Planning Commission meeting and so there were misunderstandings. He said that he spoke with Commissioner Bivins after that meeting, and much of his understanding was that the replacement housing was occurring in a single area, which he indicated on a slide, and clarified that this was not true. He explained looking at rental opportunities, there would be mid-sized, three-story apartment buildings along with accessory units. He said that if they are built within the indicated blocks, they could be built and added on as part of the Habitat partner families and as such, they would be restricted and guaranteed through the Habitat Partner Family Program. Mr. Franco said that LIHTC, if it occurs, would be another possibility. He said that though he does not have a quick or detailed answer because they do not yet have the economics of all the residents; but the goal is to put everyone into a unit that is sustainable at their economics.

Mr. Randolph asked if this degree of assurance was anywhere in the Code of Development. Mr. Franco responded "no"; it would need to be in the performance agreement as it is not land use related at this point, but related more to the performance of the project. Mr. Randolph asked if this was perhaps something that is not in there that should be. Mr. Franco agreed.

Mr. Dill said that as far as the affordability and HOA fees, he understands that there would be personal individual and family counseling for the residents and asked if this was true. Mr. Franco responded this was true. Mr. Dill asked if there was someone on staff who speaks to the residents and plans their budgets. Mr. Franco said that Habitat could answer this question. Ms. McKeel said that Habitat would have someone on staff to do this. Mr. Franco said that Habitat has a program where counselors work one on one with the family to talk about their finances, help understand what it means to be a homeowner and how to budget for it correctly, how to clean up their credit to receive loans, etc. He said that this is an 18-month program where they work with the families to advance them. He said that there are also counselors that would get the incubator businesses to either move into the 5,000 square foot area or build half of this size as part of their complex in the neighborhood, or to take one of the incubator spaces in Block 12. He said that this is being approached on multiple levels.

Mr. Randolph said that Attachment I is "Typology of Housing Types" to be constructed in Southwood and it contains no information about the apartment buildings in which current residents are to be housed and were not identified as a housing option until the Planning Commission meeting. He said that what was also not defined were the monthly outlays that are projected to be required of relocated residents. He said Attachment I sampling of the applicant's proposed housing types provides projected monthly payment costs for condos, townhomes, single-family attached, and single-family dwelling owners. He noted that no monthly rental and overall costs are identified for apartment dwellers, nor for anyone living in an accessory dwelling unit (ADU), despite the reality admitted to at the public hearing at the Planning Commission meeting on July 23 that the bulk of Southwood's current displaced residents would occupy these two housing types. He asked why this information was not included in Attachment I. Mr. Franco responded that he does not expect for the bulk of the replacement housing for the residents would be apartments, explaining that this is something the residents have pushed back against. He acknowledged there are people who want apartments and want to rent, such as seniors not willing to invest, or people who cannot afford to buy. Mr. Franco said that there would be meetings between residents and Habitat staff to come up with what the number is that they can afford, and this is where it would be capped. He said that affordability is based on the residents' income and would not exceed 25% to 30% of their income. He said that this was talked about in other places that the typology was there and referenced Sunrise, but there was not much in the mechanics of the costs and how it would be done because Sunrise was done by fundraising for the construction of the building in total, which is what enabled them to be able to maintain the rents at that level.

Mr. Randolph said that to assume, for example, that he lives in Southwood and operates a lawn maintenance business, and therefore he has a trailer and associated equipment. He said in the Code of Development (pages 11 and 12), Blocks 3 through 12 indicate that storage yards are permitted as non-residential uses. He said while such spaces may enable current residents to store their work related vehicles and trailers there, he asked where residents would store their hand-operated equipment such as riding mowers, weed whackers, and similar equipment in the design plan going forward. Mr. Franco said that this was for the residents to decide. He said that there are sheds and many outdoors spaces and the

residents, when designing the neighborhood, could provide for that outdoor storage. He said that the major thing the applicant is making a provision for was the offsite parking, explaining that there was a goal to move the work vehicles away from the housing side. He said the idea behind the storage lots was to have a provision for the bigger vehicles to be stored elsewhere. He said that when the residents design their houses, they could design sheds in the back and was all part of the program.

Mr. Randolph asked who would build and operate the storage yards. Mr. Franco said that this would all be done as part of the development project. He said in Forest Lakes and Glenmore, they are operated by the developer and by the homeowner's association (HOA). He said that they are not allowed to have RVs in the home areas at those subdivisions, and both had secure, offsite storage yards.

Mr. Randolph asked if, in this case, it could also be a possibility that it would be a HOA-managed storage yard. Mr. Franco responded that it would be accommodated by the HOA who would have to use and maintain it. Mr. Randolph noted that this would be another cost for the residents in terms of the HOA. Mr. Franco said that this lowers the amount that could not necessarily be paid in dues but could go towards principal. He said that if one is capped at \$250, for example, the fact that another \$50 has been added to the expenses does not change the \$250 they would pay.

Mr. Randolph recalled Mr. Franco's remark on the Center, that concerns were raised by residents of Mosby Mountain and members of the Planning Commission about the location of the Center being on the periphery of Hickory Street and Old Lynchburg Road. He said that the section of the Comprehensive Plan for this area (page 28) states that centers are focal points or places where people congregate. He said the Master Plan within the Comprehensive Plan says (on page 39) that centers are places where people congregate for retail or other services. He said that there is no mention of a condominium building or a 6,500 square foot field serving as a center. Mr. Franco responded that this was all part of the idea of mixed use, that there would be different uses, including residential, in the buildings. He said that part of the challenge was that the Comprehensive Plan calls for 6.01 to 34 units per acre for this development. He said that looking at the standards for R-6, it would be a 35- to 40-foot tall building, and as soon as going over R-6, it would be 65 feet. He said that much of this could be looked at as the residential project that it is with some accessory non-residential, noting the building heights seem appropriate and because of the density there, the Planning Commission wanted to see a public feature such as the field. He noted that is how it ended up there.

Mr. Randolph asked if the map that was presented at the Planning Commission meeting could be presented. He said that this was the first time the Planning Commission had seen this, as well as the Board. He said that this was showing Phase II to the east of Blocks 9 through 12, and pointed out that they are continuing a large condominium building design plan into Phase II. He asked if Ms. Nedostup could present his (Mr. Randolph's) extrapolation of this. He pointed out that these are 275 foot long buildings and are 72 feet wide, which is 6 feet short of the length of Center Court at Wimbledon. He expressed that these are very large buildings. Mr. Randolph pointed to his extrapolation and explained that he continued the design motif. He acknowledged that the residents, nor Habitat, has approved it, but he was following the design plan he sees being extended down Hickory Street with the massive structures. He noted that he suspended the structures in the middle where currently, there is the Boys and Girls Club, as well as the Habitat Community Center and it continues on. He said that his point was that if, in fact, they continue to look at different phases and follow a certain logic, they may see high density continuing across Hickory Street, which would therefore serve, based on Commissioner Bivins' concern, in essence as a four-story, 45- to 50-foot building barrier between the north side of Habitat's Southwood and the south side.

Mr. Franco responded that one of the challenges of preparing an overall concept plan for the development, especially phases that are 15 years in the future that are resident driven, is that he cannot answer Mr. Randolph's points. He indicated a corner on the map that shows a potential extension and said in this area, it makes sense to extend the building because of the potential of the LIHTC and mirroring that building, it comes to 160 units and is a more attractive project. He said that is why conceptually said go here. He said the residents have been talking all along about more townhouse development and density there and have not been talking about continuing apartments all the way down. He said that this has not been an area of focus, and smaller planning groups of 50 would be taking those areas. He said that he does not anticipate 275 foot long apartments continuing down the street because it was not the product they are looking for and said that instead, he anticipates higher-density townhouses potentially there.

Mr. Randolph stated that the location of the tallest buildings and the highest density in the proposal, directly across from the Mosby Mountain community, is why many Mosby Mountain residents are concerned about the project, beyond a normal fear of increased traffic and congestion. He said there is a reasonable planning basis for Mosby Mountain residents to undertake this position as he was also raising questions this evening. He said the argument made by three advocates of the Southwood application at the Planning Commission meeting that, "Elitism and classicism were the center of the Mosby Mountain's concerns were insulting to those residents whose communications with the County and the Planning Commission hearing about the application have all referenced their support for the redevelopment project. He said that they have a basis for those ongoing concerns. Mr. Randolph thanked Mr. Franco for his patience and responsiveness.

Mr. Franco said that he agrees with Mr. Randolph's last statement and, in fact, the applicant has worked hard with Mosby Mountain residents recently to compromise and find common ground. He said that they have been receptive and they have a reasonable understanding, and the applicant has done what they can to accommodate this. He said that the face of the building that shows towards Old

Lynchburg Road is basically two single-family houses next to each other at 10 to 15 feet taller than a single-family house. He said that it may sound huge when talking about 50 feet on its own, but it does have the stepbacks, so it is 40 feet before the stepback occurs. He said they have tried to respond to Mosby Mountain residents' concerns with the design features on the buildings and site features by buffering and moving buildings back.

Ms. Mallek said that there had been a drawing that showed the Old Lynchburg Road view with buildings, trees and the sidewalk and asked if it was available to be shown. Mr. Franco responded that it was not part of his presentation, but he did include it. He said that one of the studies they did when they went to the Planning Commission was to look at what it would look like from different places on Old Lynchburg Road. He said part of the compromise was to move the bigger buildings away from Old Lynchburg Road instead of having them front there. He indicated the elevations starting on the southern end of the property and an etching of what the buildings would look like at the designed height and pushed back away from the road. He indicated the large trees in that area and explained that the buildings are not even approaching the height of the trees, noting that they are dealing with heights much lower in order to screen the buildings. Mr. Franco also presented a picture that was taken across the street from the entrance to Mosby Mountain and indicated a large tree that could be seen for reference when sitting at that location. He indicated an etching of the building and noted that it was pushed away from the road, with the parking in between, and showed a picture of what the property looks like standing from that intersection at Old Lynchburg Road. He noted that a 35-foot tall telephone pole there that was added as a reference, explaining that this is the height of a single-family detached building. He said that the building is stepped back, and not all 50 feet of it is against Old Lynchburg Road.

Mr. Palmer asked if the picture was not in the Code of Development, but a possibility. Mr. Franco responded it is a possibility, and that the residents of Mosby Mountain have been offered a place on the ARB for the development and have them have a voting right in order to participate in the elevation and make it look nice. He said that the stepback is in the Code of Development as a requirement, as well as the buffers. He said that the parking lot between the buildings in Block 11 and Old Lynchburg Road is also in the Code of Development. He said that they have tried to accommodate different design features in order to soften the look and mitigate the residents' concerns.

Mr. Randolph shared pictures he took the day of the balloon test, noting the arrow that points to the 50-foot balloon. He indicated the entrance at Hickory Street. He explained that using a physician's ruler, he drew an even line across the 50 feet, and then began an angled line as the road dips down as it goes south while keeping the proportions the same. He noted that the orange line which shows the 50 feet continuing. He showed another balloon picture that was taken from the entrance to Mosby Mountain and said that one of the reasons why the residents were concerned was because of the size of the building and that they would be looking at it directly in front of them, with the trees felled. He said that there should be discussion to try to ensure that there is maintenance of a tree buffer there in the right-of-way to shield the massive buildings visually along the Entrance Corridor and along Old Lynchburg Road.

Mr. Franco said that they would be happy to have this conversation. He said that the design team used 3D modeling to represent the location, not just the heights. He said that looking at his pictures again, the height of the building is much lower because it is pushed back with the parking lot, which was a mitigation they spoke with the residents about. He indicated on a picture the 65 foot to 75 foot tall tree seen in Mr. Randolph's drawing and noted that the reality is, when the building is pushed back from the road 100 to 150 feet, the height of the building would visually have less impact. Mr. Randolph agreed that it would shrink but it was a question about, academically, how much. He said that he does understand Mr. Franco's points.

Ms. Palmer expressed her worry about what was actually in the Code of Development so that they can be assured before they do any up zoning that the County gets what they think they are getting. She said that with respect to tree cover, this has been a real concern of hers. She said that it is healthier to have good tree cover and the effects of it are very local. She said there is nothing in the project about a tree conservation plan and how much tree cover there would be. She acknowledged the project would meet the minimum standards that the State requires, which is what the County would require as well, but expressed her disappointment that there was not more in the Code of Development that shows what the plans are for these quality of life concerns, as well as in regard to stormwater.

At this time, the Chair opened the public hearing.

Mr. Sunshine Mathon, Executive Director of Piedmont Housing Alliance and resident of Albemarle County in the Rio District, addressed the Board. He said that in recent years, the region has become a nationally recognized epicenter for cutting edge, resident led redevelopment areas by and with historically poor communities of color. He said these transformational efforts are recognized as exceptional and nationally significant because they are being planned on the community's terms, honoring and building upon the community members' rich history and future aspirations. He said as an architect and Executive Director, and having had experience working with Friendship Court residents to co-design their future community, he could say with complete conviction that these rare inclusion processes, like Southwood, result in plans that are profoundly more responsive and unequivocally more accountable to the community than traditional planning processes. He said that this kind of process often takes unconventional pathways, has untraditional responses to civic conundrums, and requires acknowledging different sources of wisdom. He said that this kind of process, in fact, justifiably celebrates these, as should everyone.

Mr. Mathon said that at the same time, any such development must also align with the jurisdiction's Comprehensive Plan, reflecting long term strategic goals linked to growth, density, and usage typologies. He said that in all regards, his professional opinion was that the Board has an extraordinary plan in front of it, not only is the overall plan reflective of the community's aspirations, but he can see consistent align with every relevant Comprehensive Plan goal such as density, the planned Neighborhood Center, planned trail connections, and the task of provision of affordable housing within a mixed-income development model. He said the rezoning request explicitly acknowledged by staff as being consistent with the recommendations with the neighborhoods Master Plan and the County's Comprehensive Plan does a remarkable job at addressing every guideline and goal in terms that also address resident hopes for their own futures. He acknowledged some of the minutia are judiciously nuanced to respond to specific local conditions and the significant complexities that arise from a phased approach that honors both resident insight and market feasibility. He said that any intricate redevelopment would require such flexibility and partnership from the jurisdiction. He said with their support of the rezoning application, staff is providing that partnership, and he urged the Board to do the same. He said that in closing, he strongly supports the Southwood rezoning application because it demonstrates a future defined by the community itself and yet, more than that, based on its merits as a planning document, robustly consistent with the County's Comprehensive Plan goals.

Mr. Ron Wiley, a resident of the City of Charlottesville and a real estate attorney in the community since 1983, addressed the Board. He said that for many years, he has been a Habitat construction volunteer with a group of area Presbyterian congregations and has worked with both the Charlottesville Habitat Chapter in acquiring property for development and with Habitat homeowners in purchasing their homes. He said in his more than 35 years as a local real estate professional, Habitat for Humanity stands out as the most creative and reliable developer of affordable housing in the community. He said the Board of Supervisors should approve Habitat's application to rezone Phase I of the Southwood project to allow for the ultimate redevelopment of Southwood as planned by the Southwood community itself in partnership with Habitat. He said that there should be faith based in Habitat as it has shown its commitment to disrupting racial and economic segregation in the community by partnering with others to develop integrated neighborhoods. Mr. Wiley said that he was amazed several years prior when another mobile home park, Sunrise, was redeveloped in the city without dislocating any residents who wanted to remain. He said that many residents of the mobile homes moved to brand new apartments and some became homeowners in the new neighborhood. He said that today, Sunrise is a model of what Southwood would become if the Board listens to and trust the community in partnership with Habitat. Mr. Wiley suggested visiting any neighborhood where Greater Charlottesville Habitat has built homes in the past decade or more to see some of the best of the community, with integrated neighborhoods where residents from very different backgrounds live together. He said that one cannot tell Habitat partner families from other residents, which is the beloved community that should be built, noting it cannot wait forever. He asked the Board if it would have the foresight to share the vision of the community for a brighter future. He said the community is watching and he encouraged the Board to move forward with their long awaited dream.

Mr. Keir Zander addressed the Board as a representative of the Community Investment Collaborative, which is a non-profit that supports under resourced entrepreneurs building businesses in the community. He said that he attended the last Planning Commission session and he worries that the large number of supporters that were present may have been mischaracterized to some degree. He acknowledged there were residents who perhaps applauded out of turn or cheered at different moments, but this was evidence of a large portion of the community attempting to participate in a democratic process. He said that he does not believe anyone there was seeking to stifle the expressions of those present, nor be intentionally disruptive or coercive. Mr. Zander said that he was very concerned to hear that their presence was perceived in this way and that he, as much as anyone, appreciates the importance of rules and decorum. He said that they care deeply that everyone has the opportunity to voice their opinion freely, but if there is concern with stifling expression, a moment could be taken to appreciate the expression of new voices. He said if the residents come out to participate in the process of local government, they would have the opportunity to participate in decisions being made on their behalf. Mr. Zander said that the supporters are now present attempting to follow the appropriate process and urged the Board to forgive the attendees' lack of experience in these proceedings, explaining that they are passionate about the importance of the request and eager to make that passion felt. He said that there are more than 80 small businesses currently in Southwood and the big barrier to them was access to available commercial spaces. He said that the rezoning proposal allows for the creation of those commercial spaces. Mr. Zander said that the requirement of having four floors in some of the buildings allows for commercial spaces on the ground floor as well as creates spaces that residents can walk to and have access to important amenities and allows for the businesses they support to be present in their neighborhoods. He added that all the requests made by Habitat fall within the Comprehensive Plan guidelines, follow the resident density guidelines, and follow the determinations for where economic development should be taking place. He said that if the County wants affordable housing in Charlottesville, market developers should be allowed to participate in the process as parts have to be sold to market developers in order to afford the sewer systems, roads, and infrastructure needed for the development. He asked for the Board's support of the rezoning request.

Mr. Will Hueston, a resident of the White Hall District, addressed the Board. He said that he grew up in a Virginia where neighborhoods and communities were segregated by socioeconomic status and race. He said that he wants to see movement towards a County that is diverse and provides options for housing for all. He commended the Board on the Comprehensive Plan, for the priority it set for 2021 for revitalizing urban neighborhoods as a high priority, and for the proof that action is taken according to the plans and the partnership forged with Habitat. He said that the Habitat partnership is innovative, out of the box, and involves partnering with the residents in the development of a plan that addresses a wide range

of concerns, both legal and community concerns. Mr. Hueston said that the other aspect that is often misunderstood is that the Habitat proposal is built on the idea that affordable housing could be developed by partnering with the public and private sectors and by incorporating market rate lots into the community to make the rest of the Habitat homes affordable. He said that he sees the Southwood redevelopment and rezoning proposal as a win-win, notably, a win for the residents of Southwood getting the chance to for agency to help determine their future in terms of safe and decent housing, recreation opportunities, and business and economic growth. He said they get the opportunity to make a better world for their children. He said it is also a win for the residents of Albemarle County as they get to address the biggest concentration of substandard housing in our County. He said that it is a win for Albemarle County because it is a wise investment, and the leverage that the County gets with their commitment to Habitat would be repaid dramatically by the increased value of the community. He said the County's leveraged investment would pull in \$250 million in the redevelopment. He said that importantly, a safety factor would also be put in to ensure that Habitat fulfills its purpose. He said that in conclusion the lack of affordable housing is a growing problem in Albemarle County and elsewhere, and Southwood represents a big step in the right direction.

Mr. Overton McGehee said that he no longer works for Charlottesville Habitat but served as its Executive Director when it bought Southwood. He pointed out how consistent the plan has been for Southwood from that time. He said Southwood was already part of the County designated growth area when Habitat began to look at it in 2006. He said that at that point, they began discussing with County officials the possibility of redeveloping Southwood to a mixed-income, mixed-use development that would include affordable housing for the current residents. He said the plan was always for it to be mixed-use and mixed-income with a wide range of income, and for the current residents to help plan the development as is occurring now. Mr. McGehee said that the plan that was discussed with County officials in 2006 was 900 units with some commercial space. He said that some of these units would be built by Habitat and some by private builders. He said the lots they sold to private builders would help them pay for the affordable units that would be sold or rented to current residents. He said that Ms. Minor, who owns Southwood, sold it to Habitat because of this plan. He said that because it was in the County designated growth area, other developers wanted to buy Southwood and get it rezoned to a higher density, but Ms. Minor sold it to Habitat because they had a plan to prevent displacement. He said after Habitat bought Southwood, Albemarle County revised the Comp Plan to show Southwood as appropriate for mixed-use and mixed-income, up to 900 units. Mr. McGehee said that currently, Habitat is applying for the first phase of a 700 unit mixed-income neighborhood. He expressed his hope that the Board would approve the plan to strengthen an already strong, tightly knit community at Southwood. He said there have also been questions tonight raised about Habitat's commitment to the long term affordability of the owner occupied houses and townhouses as well as to the affordable rentals, and how the private donations and volunteer labor play a part. He said that those questions go to the core of what Habitat does worldwide. He encouraged the Board to ask Charlottesville Habitat to address those questions.

Ms. Jeanne McCusker, representing Habitat, addressed the Board. She said that she has served with Habitat partner families as an advocate on their journey towards home ownership, which she expressed has been an amazing process that works. She said that she was on the Board when they voted to buy Southwood. She said that people thought they were crazy but that it was the right thing to do. She said that it had to be done, and the alternative was to do nothing and watch the families at Southwood being sent off. She said that this is happening throughout the country as well as through Albemarle County. She said the Habitat Board has been very intentional throughout the entire process and created a core set of values that they apply to every decision made regarding the community. She said that one core value was a promise of non-displacement, and Habitat for Humanity is keeping that promise. She said that the promise was also kept at Sunrise Trailer Park in 2010, noting it was the only trailer park transformation in the country that the residents were not displaced and Habitat is proud of this project. She said the promise of non-displacement also extends to businesses that exist in Southwood and provide a lot of income for its residents. She said a viable neighborhood Center that is visible to the community and attracts business from outside of Southwood is critical. She said that staff and Board members traveled, researched, and found successful elements of other larger scale projects. She said as the Habitat Board, they supported staff's desire to go beyond what anyone has ever done in terms of the depth of community development and engagement. She said that they knew from experience that the process of designing the community's future is even more important than the final product, which is what makes redevelopment successful and sustainable. Ms. McCusker said that as a County resident, she has been on the Habitat Board for nine years, and was proud to be part of a County that says "yes" to initiatives such as this, and creativity is required to make change. She said that as a local business owner, she is very vested in the community's success as well as her neighbors'. She said that her business is healthy because her community is healthy, and vice-versa. She said the support the County has provided, the sense of partnership and the realization that this is truly a national model has enabled the Southwood community to get to this watershed moment. She said the whole process started because of Jennie Sue Minor, who loves Southwood and wanted the community to continue to flourish. She said that the Southwood community is an amazing group of people that she is very proud to call her neighbors. She asked the Board to join Habitat by voting their approval to unlock the power of community and confirm for hundreds of families that they are important to the community.

Ms. Annie Stup, a resident of the City of Charlottesville, addressed the Board. She expressed her support for rezoning Southwood and strong belief in the residents' vision of their community. She said it deserves her support, the support of the entire community, and most importantly of the Board of Supervisors. She said that as a former Habitat employee, she spent many hours at Southwood getting to know community members and seeing the redevelopment process evolve. She said that she has now worked at UVA for a year, but has kept up to date on Southwood's progress and remains deeply committed to the project on a personal level. Ms. Stup said that from a professional standpoint,

Southwood is a great opportunity to show the world the best of its community, adding that Southwood is truly the best. Ms. Stup said that after spending week after week there for a few years, she could truly attest that the residents are fully in the lead and have developed a very sophisticated understanding of complex planning concepts. She said that she watched the residents take the guidance of County staff, Habitat staff, and planning experts and become experts in their own right, noting that she was always impressed by their planning and design choices that put the needs of their community above their own individual interests. She said they prioritized safety, affordability, and inclusivity with the least disruption to everyday life as possible, and that she cannot imagine that anyone who has seen the process firsthand could decline to support launching the project into its next phase. Ms. Stup noted that there have been some criticisms from neighbors, Commissioners, and Supervisors about the scale and location of buildings and community centers, among others. She assured that the designs are fully aligned with the Comprehensive Plan and with County designated uses for this urban development area, and Southwood residents clearly desire to provide a visible entrance corridor that welcomes the public to enter their neighborhood. She said that they want to invite the larger community to take part in their businesses, share their resources, and get to know the neighbors. She said as seen clearly during July's Planning Commission meeting, members of the surrounding communities support the rezoning, even those with some reservations about its specific details. She said that the turnout of more than 450 people was heartwarming and showed that the larger Albemarle County population wants to see Southwood succeed and wants the region to set an example for the rest of the country. She urged the Board to support the will of its constituents and leave a legacy of inclusion, innovation, and progress by supporting Southwood's rezoning and helping to take it into the next phase. She said this is a truly historic endeavor that deserves a vote.

Ms. Faith Andrews Bedford, a resident of the Samuel Miller District, addressed the Board. She said that she volunteered building Habitat houses for decades and drove for Meals on Wheels for 30 years, noting that many of her clients were in the Southwood area. She said the growing excitement was palpable from them as the project came up. She said that over the last two years, as she travels and people ask her where she is from, she answers that she is from Charlottesville, and there is a pause. She said that they respond with condolences. She said the County has an opportunity to approve the program and be a beacon on the hill, rather than people remembering that two years ago, Charlottesville meant "hate" and "division" and "not inclusive." She said Southwood could set an example for America of a community that takes the most needy and holds them high, and that the County is inclusive and gives people an opportunity to make the American Dream theirs, as so many have had a taste of it already.

Ms. Rosa Calvario Smith addressed the Board and explained she would be speaking on behalf of her mother. She read her mother's statement. "I would like to tell you a little bit about my life for the past 10 years then I can explain why this redevelopment is so important to my family and the other families living in Southwood in 2009. I moved into Southwood in 2009. I was extremely excited about owning my own home. I got it at a great price because my in-laws are moving back to Mexico. In the beginning, I was angry that Habitat wanted to take the trailers out. This is mine, but after two years, I realized that I hated living there. I cannot flush tissue down my toilet because it backs up the pipes in half of the park. This caused issues at school, since my kids assumed that it was normal not to flush tissue. I ended up realizing I needed to explain our home was not like the most. My electric bill is about \$400 a month in the summer and between gas and electric, it runs closer to \$500 in the winter. Every time there is a storm, we evacuate to Wegman's parking lot. If there is a storm that is late, we all sleep in the living room. There are trees falling all the time, sometimes it is not even during storms. This may sound extreme to you, but it is not even the worst. Our biggest fear is fire. We know if there is a fire, we do not try to save each other. We only have a few seconds to get out. We are aware our pets will most certainly die and it is heartbreaking. Honestly, I do not want a huge home with all the amenities; I simply do not want to live in constant fear; fear of storms, electric bills, not being able to get caught up, or that my neighbor's heater might cause a fire that could make me lose everything. Please understand that having an exact rehousing plan is not possible for Habitat, since all residents have not decided if they want to rent or own. My family wants to own, but I would not try in the first phase because I am getting my finances in order, thanks to Habitat for Humanity. I know there has been some worry about the Community Center, and I want to move my business out of my home. I have been translating for about 12 years, and I know having an office would make my business seem even more professional, not to mention putting it in the middle would cause displacement of someone since the building would be done where no one is living, but putting my office so far from traffic would make it less accessible to anyone outside of Southwood, which would not be good for my business. Honestly, I cannot think of anything else to tell you. I am sorry I cannot read this myself — I am crying just writing it down. Please approve of this for no other reason because our families do not want to live in fear."

Mr. Aaron Winston, an organizer with the Charlottesville Low Income Housing Coalition (CLIHC), addressed the Board. He noted that the CLIHC fully supports the Southwood redevelopment process and thinks the rezoning application is appropriate and is a necessary next step in the process of this project. He said the region is in the grips of a serious housing crisis and it is not just a Charlottesville problem, but a problem in Albemarle, regionally, and nationally. He said that mobile home parks like Southwood are, in many ways, on the front lines of the battle against displacement and this project is a truly innovative and groundbreaking way to tackle that problem. He said in an alternate world, we could easily envision Southwood as being bought by a for profit developers with the current residents being displaced and thankfully, the reality is this was not happening. He said Habitat for Humanity has a proven track record for providing affordable housing, and he urged the Board of Supervisors to lend them its full faith. He said that they are not operating with a hidden ulterior motive but are a proven provider of housing. He said the project has been conducted in a groundbreaking way by centering the needs and desires of the people who live in the project. He said that they are conducting an experiment in a participatory, democratic development. He said this is a model that could be replicated all over the country and that all eyes are on

Charlottesville. He urged the Board to take the risk, noting it is uncharted territory and questions about affordability are valid, but Southwood cannot bear the burden of providing all the affordable housing for the region and it must be a district wide solution. He said while the Board's concerns are important, expecting Southwood to answer every problem related to affordable housing in the Albemarle County region is not realistic. He said that the project as it stands is a good one and if allowed to continue, would be instrumental in tackling this problem.

Ms. Jennifer Flores, a UVA student, addressed the Board. She said that she would be reading a statement on behalf of Guie Avarrado, who is also a mother figure to her. She read: "My name is Guie Avarrado. I have lived in Southwood for more than 20 years. I arrived in Southwood before Habitat bought the trailer park, and I have seen all the changes that have happened over the years. Before, people had a lot of trash on their lots, and Habitat started to put order and fined people who did not cooperate with the new rules. We want to live in a place that is clean, safe, and peaceful. When I came here with my young boys, they attended the schools of Cale, Walton, and Monticello. My youngest son had amazing help from the Boys and Girls Club. He was the first Hispanic child to attend the club. For the entire community, the Boys and Girls Club was essential for the children's growth. The redevelopment is very important for us but most of all, for our children. My children no longer live in Southwood, and I live alone. That is why, on my income alone, I could not pay for more expensive housing. We are a hardworking community who follows the laws of this country, such as paying taxes. We like living in Southwood because it is close to the best schools in the area. The location is good because we are close to the stores, the highway, and at the same time we are not within the city limits. We are close to our jobs, and we now have public transportation. We are very happy and excited for the redevelopment because we need better streets, lighting, and a better drainage system. We have a very old system. There is also no good signal for internet or cable, and it cannot be improved because of how old the system is. The most important thing is the water and the drainage. It is a necessity and it needs to be replaced. It is very uncomfortable to live like this. I share a septic tank with my neighbors and it is not nice. I would love to move to another place but I do not have the money to pay a higher rent. Something else that is dangerous is living in the middle of the forest. Although it is very pretty and healthy, it is a huge danger every time there is a storm. We fear that a tree, or in the best case scenario, a branch would fall on top of our trailers. When you do not have these problems, you do not understand how it is to live with these dangers and discomforts. Only the people who live in Southwood know our needs. We do not move to another place because we don't have enough money to pay the rent in another place. We want a safer place to live as well as more services. Because Southwood is an old trailer park, it is no longer functional. We also know that we have to sacrifice something in order to obtain the money for the land for one of the entrances in Southwood. That is the only way we can obtain the money for such an expensive project. The land has always been vacant, so that the sale does not affect us, but instead it helps us to construct these economic homes. We as a community know what it is like to have to make sacrifices in order to obtain something — we do it every day. We look for solutions for our community to live better. We know our plans for the redevelopment because we have worked for more than two years to create them. We met every week for this. These are not the plans of one sole person, but of the community as a whole. It was a lot of work in the beginning, but we adapted and learned how to work together. If you would like, you could come to Southwood and we could show you, step by step, how we came to this great plan. Of course, the architects helped us and that is how we learned, but we put in the effort. We would like for you to help us to keep on going with the redevelopment."

Mr. Steven Randilla addressed the Board. He said that he would be reading a statement for Mercedes Gomez, who was in the audience. "Hello, my name is Mercedes Gomez. I have lived in Southwood for 12 years. I have two children who were born in Southwood, and I am in favor of the Habitat project because Habitat has promised us low-cost houses. Many of us could not buy homes at market rate, and if you approve the project, it would make many families — including mine — happy to be able to have the opportunity to have a dignified and safe home in Southwood."

Ms. Carolina Campos, a UVA resident, addressed the Board and said that she would be speaking on behalf of Rena Vasquez. "Good evening. Thank you for giving me the opportunity to speak. My name is Rena Vasquez. I have lived in Southwood for more than 11 years and have been part of 47 planning meetings towards redevelopment. I am proud because during this time, I have learned to give presentations, communicate with neighbors, and participate in the organization of autumn and winter festivals. A few weeks ago, I had an interview that was published in the Washington Post where I talked about my life in Southwood. There, I mentioned the importance of having a good relationship with the neighbors and how we help each other, especially when we collect the leaves and snowfalls. I also talked about the repairs I am making to my trailer and how delicious I cook. My tortillas are made by hand, and everyone says I am a good cook. In Southwood, I am not only happy because I live with my family and my children have grown up there, but also because Habitat staff is always available to help us understand the mail we receive or requests from work, school, etc. They also connect us with other organizations and services. This year, I had the opportunity to file my taxes with a staff member. They not only help us, they guide us, and this makes me more independent. Today, in this important meeting, I want you to know that we, the residents of Southwood, are learning, designing, and participating in the redevelopment process. Our opinion is taken into account, and that is why I am here. I also want to tell you that during the July 23 meeting, the Planning Commissioner said that we want many soccer fields. That is not true — we want green areas and, if possible, a soccer field. Our goal is to have homes for all Southwood residents."

Ms. Rebecca Alemayehu, a student at UVA, addressed the Board and said that she would read a letter on behalf of Ms. Joann Peu, who was in the audience. "Dear Mr. Randolph, and the Albemarle Board of Supervisors. My name is Joann Peu, and I have lived in Southwood for 25 years. I have been participating in their redevelopment design process since January 2017 and have attended 50 different workshops. I came to the PC meeting on July 23 with the rest of my neighbors to show my support for the

rezoning application. When I found out that the PC talked about the Southwood application at the following meeting on July 30, I did not think it was right for them to discuss it without letting us know. If we had known, we would have been present for a conversation that is about us. We have been in the process for a long time and would like to know and find out everything that is going on related to the project. Southwood is important to me because of the people and how they get along, how they help you if you need it, and how they stick by you. We are what you call a family community, and we would like to continue being that way. We would appreciate if you could help us with redevelopment and help us solve the many problems we have, the lighting, the sewer, and the roads. I have volunteered on many different festivals we have here May Market Day, Christmas, Halloween, and Back to School. I have volunteered with the Senior Bingo and the redevelopment committee. I try to help out and do my best whenever I can for the Southwood community. At a lot of the meetings we went to, we found out that everyone wants the same thing, we all do. We want to be a respected community and a safe place for our families. We get tired of going out of here and hearing, 'Southwood is this,' and 'Southwood is that.' And nobody knows, because they do not live here, and they have not seen the new Southwood. We wish you would appreciate us and listen to what we have to say about the redevelopment project. We would appreciate anything you could do for us because we really need to keep our community together. I hope you would vote yes to our rezoning application and support affordable housing."

Ms. Maria Jimenez, a resident of Southwood, addressed the Board. She said that she has a dream for her kids and it was an affordable house. She said that this was the American Dream. She said that she is working every Thursday for 2.5 years with the other residents and Habitat, noting several of the residents present who have worked at those meetings.

Mr. Frank Valdez, a friend of Maria and a UVA student, read Maria's letter. He read: "My name is Maria Jimenez and I have been a resident of Southwood for 15 years. I am here to speak in reference to the Southwood project. When they started a plan for redevelopment, we as residents were invited to give our ideas about how we would like Southwood to be. For the last 2.5 years, we have been going every Thursday to share our ideas at the table. It has been a very beautiful experience, an opportunity that not everyone would give us. As residents, we have participated a lot to share what we want, what we do not want, and what works and does not work for us. For example, the soccer fields, or if we want a community center, or if we want a church. For all these ideas, we decided if they worked for us and did not. No one just came and built something and said that, 'Here it is.' It has not been like that. We have been working together with Habitat completing each step, combining our ideas, and sharing our ideas. We say this is our project because we, as residents, have worked together with them, so this project is part of us and we have the satisfaction that it is ours. No one told us what we wanted or what to say, or what decision we had to make. No one said that — on the contrary, it is our own, from our own minds. We hope that in the future, it would become a reality — this dream that belongs to Southwood residents — because we are hard-working people. We may be poor, but with great desire to achieve the American Dream. Keep in mind that we have ideas, too — we have the capacity to think and have opinions and to develop many things for the future, for our own children as well as for other children and the whole country, too. In reference to the Neighborhood Center — we, as residents, who participated in the planning made that decision. We considered many factors, for example, the traffic and safety of the children. If more cars travel inside the community, there could be more people that we do not know, and that could be dangerous for the children because many children walk to the club. We also planned where to locate the club. We also planned the soccer field for children from the Southwood community to play on. It should not be too big."

Ms. Sheila Herlihy addressed the Board. She said that she has worked in the Rio Hill District of the County for the last 6 years as the Church of the Incarnation. She said that for most of that time, she has served on the Board of IMPACT, the Interfaith Movement Promoting Action by Congregations Together. She said over the last two years, she has been a co-chair of IMPACT Housing Committee and through research, they have seen numerous times the shortage of affordable housing options in the community. She said the development being proposed at Southwood is a breath of fresh air in the midst of that trend. She said at Southwood, residents have been heard and seen as partners, which has led to proposals which would increase affordable and mixed-income housing in the County. She said that through the Southwood rezoning and redevelopment, not only would current residents have access to decent and affordable housing, but more units would be built for new residents all along the income spectrum. She said residents have led the decisions, which have resulted in the plans before the Board this evening. She said that she has been impressed with the listening oriented processes at Southwood and looks forward to seeing their hard work vindicated by the Board's support tonight. She said IMPACT works on a structural level to help create a community where better opportunities, like more access to affordable housing, are available. She said the work at Southwood has the potential to make some of these opportunities a reality for the residents. She said that not only are the results essential for the County, but the process that created the proposal was exemplary. She said many of the members of her church are residents at Southwood, and several of them have spoken. She said that she has been to the community for prayer services, rosarios, and the pilgrimage for Guadalupe. She said Southwood has a wonderful community spirit, and the rezoning allows the spirit to shine and to be visible to the broader community. She said the residents of Southwood have been empowered to control their own destiny, to listen to each other, and to design a neighborhood that capitalizes on their gifts. She said IMPACT recognizes the importance of the development, and encourages the Board to vote in favor of rezoning.

Mr. David Hirschman, a resident of the City, thanked the Board for the opportunity to speak in support of the rezoning. He said that his environmental firm, as well as another local environment firm (Eco System Services), were assisting Habitat very early on in the process, even before any lots, roads, or any preliminary designs. He said they were identifying, at that early stage, the environmental features of the site as seen in some of the graphics presented. He expressed his wish that all developers in the

community would be as proactive as Habitat has been in this regard. He said that they helped Habitat secure an environmental planting grant from the National Fish and Wildlife Foundation to promote the innovative stormwater strategy that was spoken about. Mr. Hirschman said that he would not go into elaborate details about the discussions they have had with DEQ about promoting an out-of-the-box concept, but noted that it was an ongoing process. He said that the site has been used to work with Mr. Frank Stoner and the County staff engineer to apply and refine their protocol for identifying perennial streams and stream buffers, promoting an open process. He said in spending much time on the site and working with Habitat and the design team, he witnessed the very deliberate and collaborative process that Habitat carried out to engage the residents at every step. He said that the property and landscape was extremely unique, as well as the water surrounding it. He said that it was a unique and wonderful community and expressed his hope that the Board would support the rezoning application.

Ms. Putnam Ivey Day Cortez, a resident of the White Hall District, addressed the Board. She said that over the past four years, she has had the opportunity to get to know members of the Southwood community in both a personal and a professional capacity and out of this, she has spent at least one, if not two or three, nights every week for the past four years in Southwood. She said that a great example of the community engagement and resident led programming that Habitat supports was that she helped support a group of women, many of whom have spoken, to start what was first a weekly walking group, which then became a Zumba dance group. She said they celebrated their two-year anniversary of dancing together for 1.5 hours every week in May, which is something that Habitat supported in terms of finding a space to do the activity, figuring out AV and all the logistics. She said that in this time, she has heard a lot, both from staff and community members, about the redevelopment process, and one of her favorite things was to go across the street from the community center to the big white trailer and take a look at what has been going on, the posters on the wall, and the Lego models from the design charrettes. Ms. Cortez said that she knows that everyone on the team has spent so much time thinking about what the development would look like and discussing the tradeoffs that are found in any design project. She said that with everything the Board has alluded to, the residents have talked about and considered what it means for themselves and their neighborhoods. She expressed that the team has come up with the best vision possible for what they want for their community and as a relatively recent homeowner herself, she hopes the Southwood residents would be able to have the same opportunity she has had and she assumes the Board and many other County residents have had, to have permanent, stable, affordable housing with updated and modern infrastructure.

Ms. Molly McCumber, staff at the Southwood office, said that Ms. Lucy McCauley was in the audience but was unable to stand at the podium herself. She said that she would read her statement. She read: "I have lived in Southwood Mobile Home Park for over 35 years and since 2017, I have attended 51 meetings concerning the redevelopment. The residents have come together and expressed their ideas of the improvements that have been submitted to you. I realize it would be a big project; however, after the completion is done, it would be a big improvement for Southwood. It would make Southwood more affordable for the residents and give them a stable place and not have to worry about moving unless they want to. We have put in a lot of hours, and we are still reviewing them at each meeting. Given the opportunity to pass the redevelopment of Southwood, I think the community would be surprised how much improvement this development could make for Southwood instead of the negativity people have had for the community."

Ms. Estephania Lopez addressed the Board. She said that the last time she attended a Board meeting, she read a statement from her mother, Isabelle, but this time she would make her own statement. She said that being a part of the community is great and important for her because they are able to afford to live near friends and family. She said if Southwood was expanded, she believes more people would love living there. She expressed her wish for families, kids, pets and their owners to enjoy walking the trails or around Southwood. Ms. Lopez said that as a younger kid, she always wanted a big house with her little brother and parents and she was sure other kids want this to, but they are unable to afford it. She said that she thinks Southwood would make that happen. She said that there would be other types of houses, not just trailers, and she wants to see the other kids happy and make it a good community. She said that this would also prevent trees falling on their houses and cars. She said they do not want trees everywhere, but they want them in some parts and most importantly, she wants people to feel safe and happy in Southwood. She thanked the Board for listening and expressed her hope that they would be persuaded to approve the request.

Ms. Jennifer Flores, through a translator, Ms. Lourdes Vazquez, addressed the Board. She said that she has lived in Southwood for 11 years and participated in 43 redevelopment planning meetings. She thanked the Habitat President, Dan Rosensweig, and his whole team, and the architects and engineers for trusting and believing in the residents and involving them in the project. She said that they may not have the same university education as them or as the Board, but they know how to make a good plan and understand what they want for their families. She said that they are not making sandcastles, they are making their homes for their families. In the past two years that they have been coming to the meetings as they have been waiting and hoping for confirmation, she has seen five to six new construction projects in the same area and asks herself why their project is so difficult, noting that they work in a team, have a table, papers, and wooden blocks they have been using to design the green spaces, entrances, exits, and play areas for the children. She said that they worry about the number of trees that could fall, but they are also considering planting many new trees, perhaps not at the same height, and they want their neighborhood to look beautiful. They are a community of Mexicans, Americans, Hondurans, Salvadorans, Puerto Ricans and she would not go on because she would never finish. She said that there are many diverse cultures. She said that she believes that for her, everyone's culture is beautiful. She said that for her, her culture is her people, the music, the food, and the friendships, but does not want this mixed up with their culture for houses, noting that their culture is not

living in trailers. She said that perhaps there are neighborhoods with a lot of trash, not like their own, or maybe others have space to store things inside their houses while they do not. She invited the Board to visit their community and meet the humble people who work hard and pay taxes. Their dream is to have a house where their children can live much better, noting that they currently live in a trailer and though outside it looks ugly, inside it is beautiful. She said that this is where their children are, they are a united family who do not have luxuries, but they have cleanliness and are teaching it to their children so they could value the efforts they are making to have their homes. Ms. Flores acknowledged the Board worries about the people who could live there in the future and what lifestyle they could have instead of considering the plans they have made. She urged the Board not to focus on their culture; they will take their cultures with them to their new homes. She said that they will not lose faith the Board would vote "yes", and if the Board votes "no", they will keep working even harder. She said that perhaps some of the Board members do not understand the project or how the residents have designed the entrance to the neighborhood or the green spaces. Ms. Flores said that the residents understand what they want, and the engineers have demonstrated to them in many different ways, yet some people still do not understand. She said that they will not stop and even if they are told "no", they will keep going and will not give up.

Mr. Stephen Von Storch, resident of the Samuel Miller District, addressed the Board. He said that he was going to speak to some of the technical points but they all have been covered. He said that looking around the room, if anyone has a question about how America would become great again, this was the answer. He said that many questions have been asked, except for the three most important ones: if not Habitat, who; if not Southwood, where; and if not now, when. He asked the Board to vote "yes".

Mr. Alfredo Martinez, through a translator, said that he has been a resident of the Southwood for nearly 12 years and is the owner of a small business that generates jobs, pays taxes to the County, and helps him give a future to his family. He said that almost every day, he visits families in Charlottesville for his work. He said that it makes him happy to see so many families with signs on their properties that say, "It doesn't matter who you are or where you are from. The important thing is that I am happy that you are my neighbor." Mr. Martinez remarked how marvelous it would be if everyone united together in this sentiment since, since at the end of one's life cycle in this world, everyone would go to the same place they have come from and be judged by the same Creator and judge. He said that the Board is an important link and popularly elected by families of different races, and obligated to work for the benefit of all without singling out anyone. He said that today, August 21, could be historic for the Board and for the community by permitting the project of new houses for the Southwood community through Habitat to be a reality. He wished God to bless everyone, Charlottesville, and the United States of America.

Ms. Guadalupe Manuel Flores addressed the Board. She said that she is a 16-year-old student at Monticello High School who has lived in Southwood for more than 10 years. She said that she grew up in Southwood playing with many of the kids of the neighborhood and many of them have become a family. She said that she works hard and closely with Habitat for Humanity with its amazing projects, including this one. She said that many of the Southwood community members and team have worked very hard to make this life changing project be possible. She said that many families, including hers, do not feel safe living in trailers and having the project move forward would be something extraordinary. She said that many of the families who live in Southwood and who are involved with the redevelopment project have never owned a house. She expressed her belief that having a safe home is a right and not a privilege. She reminded the Board that this would be her home, her neighbors' and everyone who lives in Southwood. She expressed her support for the project and hopes the Board would support it as well.

Ms. Rose Glasgow, a resident of Southwood, addressed the Board, noting she has lived there for a long time. She said that like everyone, she believes in the American Dream of home ownership and would not be in Southwood if not for other circumstances. She said that she had planned on moving out of Southwood and had saved enough money to purchase a home, but with a cancer diagnosis seven years ago and with the surgery, treatment, and medication, it all wiped out her savings. She said that this was now her second chance to own something and leave a legacy for her daughter, which is what every parent wants to do for their children. She said that she believes in the redevelopment project and asked the Board to help her get her second chance.

Mr. Luis Ayolla, a resident of Old Lynchburg Road and neighbor of Southwood, addressed the Board. He said that while he is an organizer at Legal Aid Justice Center, he was speaking on his personal capacity. He said that he supports the resident led redevelopment plan of Southwood as proposed and has known and been friends with the residents of Southwood for nearly a decade. He said that he can say that Southwood comes closest to a true community in the greater Charlottesville area. Mr. Ayolla said that regarding the concerns he has seen expressed about the affordability and land use for the development, though he believes developers should be questioned for their integrity and affordability; but, he has not heard these concerns for development proposals in the County that look more like Mosby Mountain, Redfields or those on 29 North. He asked why that detail is not acknowledged and why the burden of proof is on low income neighborhoods like Southwood. He said this is a unique project that can set a powerful precedent for the greater Charlottesville area. He said the low income residents in the area are too used to having to oppose developments that do not represent their interests, just to be ignored. He asked the Board to listen to what they have heard about the thorough process, the potential, and the great need from the residents. He said that the residents have said all that needs to be said that. He said that, "Residents of Southwood, we are with you."

At 9:19 p.m., hearing no further comments, Mr. Gallaway called a Board recess. The Board reconvened at 9:31 p.m.

At this time Mr. Gallaway announced that the public hearing was closed and the matter was brought back to the Board.

Ms. Palmer thanked the members of the public who spoke. She said that all the Supervisors appreciate their remarks and would have something to say about them. She said the Board has been working on the project for over two years now, along with Habitat, and has committed almost \$4 million of taxpayer money to the project. She said that they are putting \$20,000 per Habitat house for the 75 homes that are getting replaced in Phase I. She said that she wants everyone to understand that the Board has made a large commitment of taxpayer money to the project. She acknowledged that this is a large rezoning and only 16% of the houses are guaranteed to be affordable, which are the Habitat houses. She said that for the rest, though there is some potential for some LIHTC housing, the majority are market-rate housing. She said the Board supports mixed-use housing and the idea Habitat is putting forward. She said that there are some from the Board who understand what it is like to live in a trailer and be afraid it would catch on fire. She said that she was very happy to hear some of the discussion about the environmental issues because, as she has mentioned before, the Board would expect to have more information in a situation like this one. She said that Blocks 12, 11, 10, and 9 will be sold, hopefully soon, to developers and will be out of Habitat's hands. She said that she is very concerned about the buffer along Old Lynchburg Road because there are more people involved in this than the 75 families who will have new homes, which she expressed gratitude for those homes. Ms. Palmer said that the Board got involved because they knew the potential that could happen with the affordable housing that is present and the fact that it is not substandard housing. She stated that she wishes there was more in the Code of Development. She expressed appreciation for hearing Mr. Hirschman, who used to work for the County, speak about the buffer.

Ms. Palmer expressed her appreciation for Mr. Franco answering many of the questions, adding that she wished those items were in the Code of Development and that when the Code of Development comes before the Board in Phase II, they would see these things outlined and be assured that they would happen. She expressed her hope that, on the site plan level, they figure out a good way to handle stormwater, even if DEQ does not allow stream restoration because the Board still wants to see innovative changes. She noted that there are best management practices with stormwater management other than stream restoration and some are better than others. She expressed her hope that they can put more in the next Code of Development to prove to us that all these great things that you have said are going to happen will happen.

Mr. Dill said that a lot of the problems raised could be addressed. He expressed frustration that in the last few months, he has attended many community meetings and has been part of the approval process for two large hotel chains in Pantops, his district. He said that the Board approves hotels, car dealership expansions, Wawa, etc., because those players know how to work the system and are good at it. He said that there is a unique opportunity with Southwood to have the public meaning government working with the private sector, with Mr. Franco and many others giving their time with discounted rates or no rates and there was an incredible amount of a community effort here put in for something the County wants. Mr. Dill asked what else the County would want to do with those acres and noted that many things could go in the development area. He said that this was a unique and amazing process, and he did not realize until recently reading that Habitat has been working with Southwood for almost 30 years. He said had been a sad place, but Habitat has done so much to improve the site. He acknowledged people's concerns about the organization, whose budget is \$590 million nationwide, noting that Habitat is financially strong with many volunteers around the world. He said we should be ready to go since they have answered most of the questions, though it would be great to know how the stormwater would be handled, but this is a detail that he trusts Habitat to take care of and they certainly have the financial and human resources to do this. He said that he would rather approve the request with some minor water issues than approve a business such as a convenience store selling petroleum products and junk food.

Ms. Mallek said that she would personally hold applicants accountable for the things they represent at a public meeting, and it is the most important gathering of information about an application that there is because it is the basis on which decisions are made and what the public hears at the public hearing. She said that if they can find a way to go through the minutes and make lists of all the things that were presented, that this is the given, these are how we are going to do these things that it would be a big step forward towards assuring members who are concerned. She said that there are likely gaps in the Code of Development that she has missed as well and this would help make sure they are doing the best they can to nail down the details. She said that it is difficult to look at plans, and in the district she represents, there are many old buildings and new buildings side by side, noting that the new buildings look big by comparison. She said that the Habitat project in Wickham Pond has been a fantastic success, but there were pre-established three-story condos there meeting the maximum of what the County allows, noting that the heights there were already present and the new ones matched it. Ms. Mallek invited everyone to drive into Old Trail to see the heights of the tall buildings that are located right up to the road. She said that it is different, but it is not the end of the world and she thinks that several residents of the neighborhood have expressed that it would all work out. She acknowledged that residents of Mosby Mountain have been very supportive of the effort and she thinks they can figure out ways with the stepback and setback to assure that those larger buildings at Southwood would not be imposing. Ms. Mallek said that she had thought about the mass and thought that it is almost exactly the same size the Board approved earlier for Rio West. She said that if this is okay in one spot, then perhaps it is okay in another. She expressed her hope that if anyone have particular questions left, they would be raised now so that they can discuss them and a decision be made.

Mr. Randolph said that he wrote a statement a couple weeks prior in preparation for this meeting. He said that President Ronald Reagan famously quipped that his approach with nuclear arms reduction

with the Soviet Union would rely on trust but would verify. Mr. Randolph wrote that he would reverse that adage, explaining his approach would be to seek to verify information that is not clear or spelled out in the Code of Development and the Supervisors' questions have been based on a similar spirit of seeking to clarify the Code of Development. He said that he wrote only after doing so would he feel comfortable committing his full trust to the application as only then would he know that the concerns he has about the immediate and long-term welfare of the current residents, who are his constituents, are addressed and resolved. Mr. Randolph said that for those in the audience who want to keep score by rumbling about any critical questions asked here tonight, he would say this was not a game of winners and losers. He said that everyone on the Board is seeking to ensure that the best interests of the current residents, and taxpayers, are protected as much as possible. He said that he still has questions about the apartment buildings that are not covered in the Code of Development and about the tree preservation and having the trees identified in a plan to mitigate the visual impact of those buildings along Old Lynchburg Road, even if set back. He acknowledged that there is a slope there going up Hickory Street and that 50 feet added on to the height of the slight rise makes it look closer to 60 feet. He said that he would like more specifics on stormwater. He said Southern Environmental Law Center's Morgan Butler observed in his remarks before the Planning Commission on July 23 that the Code of Development notes, "It is important to the resident community to preserve and honor the streams and other natural features that surround much of the site, specifically in Blocks 1 and 2." He said Mr. Butler had said that there are contending and conflicting uses identified in the Code of Development for the buffers and steep slopes in the blocks such as undisturbed green space, stormwater facilities, utility right-of-way, i.e., gas, electric, wireless, potential public uses, a farmer's market has been cited, and recreational uses. He said that this still has not been sorted out this evening and stormwater is just one issue, with the more encompassing issue being what is going in Blocks 1 and 2.

Mr. Randolph said that he would also like to see some effort in the Code of Development to address the impacts that are real and present for Cale Elementary School, as well as transit impacts, not so much roads, now that his concerns have been allayed now knowing that the roads would be VDOT compliant but more about public transit. He said that he does not see any effort on the site to demonstrate that there would be bus stops and provision to meet the needs of the residents. He said that the existing bus stop is too far away for the convenience of residents, especially if they are handicapped, wheelchair bound, etc. He said that something that has been asked from the beginning, long before going to public session with the Planning Commission in August 2018, is a more complete concept plan for the application. He said there was some seen in the Planning Commission meeting but he still needs to see more in terms of the concept plan of what is laid out there. He acknowledged that the residents have not designed it yet, but noted that the residents have not designed what was shown to the Planning Commission, and yet it was presented. He said that early on in the process, the residents could be told that the plans are tentative and that their input would be determinative. He said that the County would not say that they would hold the residents to the plans but rather, they want to have an idea of what the roadmap is going forward.

Ms. McKeel thanked everyone for attending and it was great to hear their remarks. She expressed appreciation for Mr. Franco answering the Board's questions. She said that what she was hearing were concerns about the Code of Development and some of the concerns the Planning Commission had. She acknowledged this was Mr. Randolph's district and that some of his questions have not been answered, to which she agrees.

Mr. Randolph said that because he has these kinds of questions about significant issues, he feels that residents need to know what the apartment buildings are, how they would operate, what they would look like, and what the AMI and costs would be. He said that along with the other issues, he would have to vote "no" because a year has passed and there are still too many unanswered questions for his level of satisfaction. He said that he would not vote "yes" on an application if it came from a private developer and he would treat this application just as any other application as it is planning and land-use based. He said that he owes it to the County to evaluate it on those terms, especially because of the number of units in the plan that would not be for residents of Southwood. He said that if it was 100% Southwood, it might be different, but it is not. He said that the majority of units they are considering would be for non-Southwood residents. He said that he does not want to vote against it and would feel much more comfortable getting the issues worked out than to vote "no" on an application that he otherwise supports.

Ms. McKeel acknowledged that the Board has worked hard over the past two years on the project and she was trying to determine how it could move forward. She asked Mr. Randolph if they took 10 days or two weeks to get the answers to the Planning Commission and then revisit, would that suffice. Mr. Randolph responded that he thinks that these are planning related issues, except for the AMI for the apartment buildings. He said these were issues the Planning Commission was anxious to know more details about as communicated to the Board and as they indicated in the hearing. He said that Ms. McKeel's suggestion was something that could be worked out that he would feel comfortable with.

Ms. Palmer asked if Mr. Randolph would want the actual stormwater plan and how the buffers would be used. Ms. Mallek recommended going down the list in an organized fashion.

Ms. McKeel said that there need to be concrete concerns and questions.

Ms. Mallek said that she was not sure if the list she wrote down was complete. She asked Mr. Randolph what else, other than things he had just listed, were in items from the Planning Commission that he thinks need to be readdressed. She said that if there is more discussion, she wants to know what the questions are exactly and make sure that they are not questions that really pertain to the performance agreement as opposed to the zoning issue. She said that talking about AMI and costs of apartment

buildings, this sounds more like items for the performance agreement, which is not the role of the Planning Commission but is the role of the Board and its legal advisors to figure out.

Mr. Kamptner said that this was covered by the performance agreement, recognizing the performance agreement allows for some flexibility, as it was the way it was intentionally written recognizing the project as it would extend 15-20 years for the buildout, plus the affordability commitment, which is another four years beyond the completion of the structures. He said that in the email he sent out earlier in the day, he noted that even though there is some flexibility in the meaning of affordability, how the County monitors it and how the developer would provide it is described in the performance agreement.

Ms. Mallek and Mr. Randolph said that they would check off this item on the list.

Ms. Mallek said that the next item Mr. Randolph raised regarded tree preservation.

Mr. Randolph said that he meant along Old Lynchburg Road.

Ms. Mallek said that the buffer people seem to be referring to is the VDOT buffer, which is not something that the applicant can control. She said that it was there now, and if for some reason it was knocked down, something could be written in that they would thicken it up again. She said that this is something they do not do and have not done in any other project that she can recall over the past 12 years.

Ms. McKeel noted that this was at the right-of-way as well.

Ms. Mallek asked if they are expecting more than what the Board's standard process is and asked staff to weigh in. She asked if, on the tree preservation question, they have the authority to require this in this kind of circumstance, acknowledging that large trees on this site are potentially more dangerous than in other places.

Ms. McKeel asked Mr. Randolph if his question was about trees in the buffer in the right-of-way. Mr. Randolph responded "yes".

Mr. Kamptner responded that this was a development area and if the trees are intended to make the project invisible, it is a development area and everyone within the development area should have the expectation that the land across the street is going to be developed. He said that there is that aspect of the tree canopy and the tree preservation. He said the other aspect is mitigating the impact of the visibility of a 40-foot structure, which is five feet taller than a single-family house, and they would be allowed to go slightly higher. He said that when they go to the site plan process, if the trees are removed, there is a landscaping requirement and tree planting requirements. He said that the trees would be replaced and even without the 30-foot buffer they have already committed to, there is a landscaping requirement that would also be in place.

Ms. Nedostup said that regarding Ms. Palmer's earlier question about the ordinance for the tree canopy requirements, it is use dependent and so really this happens at site planning, that a minimum of 10% tree canopy is required for commercial uses, and 20 dwelling units per acre is 10%. She said that 10-20 units per acre is 15%, and 10 units or less per acre is 20%. She said that if it is a mixed-use site plan, they would go with the higher of the two.

Ms. Mallek asked if the higher number mentioned was 20%. Ms. Nedostup said that, for example, the units per acre was between 10 to 20 and there was a commercial component, 10 to 20 units per acre is 15% tree canopy, which is what they would require, noting that commercial is 10%.

Ms. Palmer asked about Blocks 9, 10, and 11 having a broad range of units per acre and overlapped both ranges. Ms. Nedostup said that staff would review this as each site plan comes in and the applicant would have to meet the requirement at each site plan stage. Ms. Palmer asked if it was by each block or by the entire rezoning of the 33 acres, noting that where houses are, there would be more trees. Ms. Nedostup responded that it would be by each site plan, which could be by block or by multiple blocks. Ms. Palmer commented that they do not know how this would be broken down. Ms. Nedostup agreed.

Ms. Mallek said that the result of this does not matter as they would still have the same standards, whether its three villages or six. Ms. McKeel agreed. Ms. Mallek asked if there were more concerns about tree buffers. Mr. Randolph responded "no".

Mr. Randolph moved on to the stormwater item and the multiple uses of the greenspace that are not specified. He said that it was said this evening by one speaker to the Board and audience that there was a noteworthy stormwater management approach but he does not see any evidence of that in Phase I. He said that he would like to see more creative stormwater management without relying on the Biscuit Run tributary and watershed to move water out of the area. He noted that looking at retention ponds, this was a net reduction in available green space that gets used up very quickly because of the size, and was unclear as it was not put into the calculations.

Ms. Mallek asked staff when these questions would normally be answered.

Mr. Dill noted that they were talking about approving Phase I and not the project for the next 30 years.

Mr. Pohl, County Engineer, said there are 15 different best management practices (BMPs) such as bio-filters, ponds, rooftop plantings, wet or dry swales, and not all of these would apply to every project, but perhaps 6 to 7 could be done on this project out of 15 possibilities. He said that they all have their pros and cons and different levels of treatment efficiencies, noting there are two levels of biofilters and in that, there is one particular BMP that ranges from 20% nutrient reduction to 80-90% for higher level biofilters. He said that if the applicant uses a lower-efficiency type BMP, there would have to be more of them. He said BMPs require maintenance agreements as well as easements, and if there are many BMPs throughout the site, there would be easements on everyone's property, which was found in past projects to not be very effective and sometimes they are not even built because builders may not see it and it was difficult to enforce long term. He said that when it comes down to practicality, the applicant would have to determine what is best for their project and the County allows the flexibility the State allows. He said that when he reviews a plan, he looks at State requirements, and his role is to make sure they are meeting the State and County requirements. He noted that the County has a higher standard for buffers. He said when discussing the buffers, he does not see stormwater facilities being allowed in a stream buffer, but it is allowed in the open space. He said that perhaps the areas overlap in the Code of Development, but the County's ordinance does not allow stormwater facilities within buffers. He said that it does currently allow for sediment and erosion control measures, but does not allow for permanent stormwater facilities.

Mr. Pohl said that there was mention of 75%, and there are three instances in which a project can use offsite nutrient credits and that is if the site is under five acres, which this was not; if the nutrient credit reduction requirement is under 10 pounds per year. He noted something Ms. Palmer had indicated this was around 29 to 30 pounds of requirements, so this could not be done in that scenario, or if 75% of the nutrient reduction requirements are provided onsite, then the other 25% could be purchased offsite. He said this last scenario has a condition or qualifier that if 75% can be achieved onsite practically. He said that if the applicant cannot, they would have to show him that they could not. He said that there is some other language that, if there is no way they could provide 75%, they could go lower, but this was not what he heard from the applicant.

Ms. Palmer said that it sounded like from Mr. Hirschman that there has been some discussion with the DEQ and that stream restoration has been applied for but not allowed. She asked if Mr. Pohl was aware of what has transpired. Mr. Pohl said that Greg Harper went with Mr. Hirschman to Richmond to the DEQ to discuss using the stream restoration as a comprehensive type of stormwater management facility, but the County would have to be involved in it. He noted that it was not something that is recognized as a BMP for private developments. He said that was that key that BMPs are specific in that they are in the clearinghouses, with 15 and two more that are for more proprietary type systems. He said that stream restoration is not recognized as a way to offset nutrient credit reduction requirements for private development.

Ms. Palmer asked if the applicant continues to work with the DEQ to try to achieve this, if this is a legislative or rule change. Mr. Pohl said that he believes it would require DEQ to process some kind of legislative action, but he does not see this happening before this applicant decides to move forward. He said that once this occurs, they would likely want to get started and would be looking at the currently allowed measures.

Mr. Kamptner said that he believes the BMPs are at the regulatory or administrative level, as the State statutes authorize DEQ to establish BMPs.

Ms. Palmer said that this was a major item, and asked if the chances of it occurring before the site plan level would be low. Mr. Pohl stated that these things move slowly and he was not sure what kind of change would be necessary.

Mr. Kamptner said that it requires a change to the regulations, including a public notice and comment period. He said that one thing to keep in mind is that this phase of Southwood would not be built over night. He said Phase I would be at least a several year process and even if there was a rule change, it would miss the first village. Ms. McKeel acknowledged there would be time to catch up. Mr. Pohl said that the plan could be modified later, even after plan approval.

Ms. Mallek said that she wrote down everything that was said and noted that this was all established policy procedure, as far as Mr. Pohl is concerned. She asked if he has all the capability to get this question answered over the next 18 months, or however long it takes, and the Board's action this evening would not interfere with what Mr. Pohl would have to do. Mr. Pohl responded "yes".

Ms. Mallek said that she would then check the box on stormwater as well. Mr. Randolph agreed. Mr. Pohl said that there was a long list of things for the applicant to go through and many details, and to get into the details at this level may lock the applicant into a box that may not be appropriate down the line. He said that there is some advantage to flexibility. Mr. Randolph commented that he just had a desire to know.

Ms. Palmer said that the expectation is still that this would be an environmentally sensitive development. Ms. Mallek stated that Mr. Pohl was an expert on this and he would take care of it. Ms. Palmer said that the Board's rules do not cover everything. Ms. Mallek commented that it was a site plan item and that it would happen.

Ms. Mallek said that the next item on the list was the use of the buffers. She said that she thought that the buffers had been explained by Ms. Nedostup where these were the only areas where activities such as farmers markets could happen because they were not steep slopes and/or floodplains or floodways. She asked Ms. Nedostup if she had any concerns about any lack of clarity in the buffer use. Ms. Nedostup responded "no".

Ms. McKeel asked Mr. Randolph if this addressed his concerns. Mr. Randolph responded that he had been echoing Mr. Butler's point that he had not seen it addressed, which is why he continued to raise the concern. He said that the question was not answered at the Planning Commission level, and he did not feel to date that it had been answered. He asked if this has been answered, noting there are multiple uses in that area. Ms. Nedostup said that the green space was designated areas and within the green space, there are steep slopes, floodplain, and stream buffers, but those uses are not permitted in those environmentally sensitive areas. She said there are areas outside of those environmentally sensitive areas where staff evaluated those uses and found that they are appropriate in the green space.

Ms. Mallek said that the example that came to her mind was that Belvedere has a huge soccer field installation in the floodplain, and seems like a perfectly good use if they have the space. She said that there was not a space that big in Southwood, but there would be plenty of places for pickup practice.

Mr. Randolph asked Ms. Nedostup if the buffers would be covered in site review. Ms. Nedostup responded "yes".

Ms. Mallek said that the next item was the impact on Cale Elementary, and that she does not believe that they have the authority to use impacts on schools for any kind of zoning decision and asked Mr. Kamptner to clarify. Mr. Kamptner said that there is an impact on capital facilities but they are already over capacity and his understanding was that the expansion for Cale is not yet in the CIP. The Supervisors confirmed this was correct.

Mr. Gallaway commented that the Long Range Planning Advisory Committee put their report in, noting that the School Board received it at their earlier meeting and it was on their agenda the following evening to approve. He said that the Cale expansion is #6 in the 5-Year Plan. He said that though it is not funded, it is in their plan, but ahead of this was about \$30 million in projects, including a Crozet expansion. He said that the expansion for \$5 million would include capacity for 100 students, which covers the students that would be impacted from Southwood, 50 to 70, but to keep in mind that there would be expansion and development going on directly next to Cale. Mr. Gallaway added that a six classroom, 100-seat capacity buildout at Cale would certainly not meet the needs of this project and others coming online. He noted that this was a bigger issue and one that he intended to raise as the Board could be mindful of this going through their CIP process to properly plan for the School Division. He said that he expects the School Board would approve it the next evening and that it would be a part of their 5-year CIP plan.

Ms. Nedostup said that when she read the draft language of the long-range plan, her understanding was that expansion was to cover the existing trailers that were on the property and not for additional capacity. Mr. Gallaway said that he was sure of this, because it is not taking into account what the new developments would do and was part of the issue with how we are doing planning.

Ms. McKeel said that Southwood was not approved before the School Board would vote, and that is the disconnect. Mr. Gallaway pointed out that there may not be room to expand other than the six classrooms there.

Ms. Mallek noted that the land there is small for playing space and stuff like that. She said that she was not sure the Board could do anything about this, as far as assigning responsibility for that to Southwood. Ms. Palmer agreed they could not. Mr. Randolph said that he just wanted to raise the question with the Board.

Ms. Palmer said that it would be good to point out to Habitat that when they figure out the financial plans for the 75 or 341 people that there would be higher taxes. She said that this is something that Habitat would have to consider.

Mr. Kamptner said that the fact that it is not yet in the CIP is not fatal to looking at it, but what they do not have is a value to assign to a particular development at this point. Ms. McKeel said that this was no different from what they have had for every development they've reviewed.

Ms. Mallek said that she feels badly for the School Board as they are in an impossible position. She said that a few years prior, there was a major redistricting away from Crozet Elementary and they were down so small that they were going to lose their librarian. She said that suddenly, the school is back to bursting at the seams in just five to six short years. She said that next on her list was impacts on transit, noting that the VDOT roads were checked off. She asked where in the process does the Board learn about bus stop locations and who is going to do that.

Ms. McKeel said that she was not an expert on transit and she was not as concerned about the transit piece currently.

Mr. Kevin McDermott, Transportation Planner, addressed the Board. He said that the issue he heard was that the single current bus stop would not be able to serve the entire area. He said that once

the road system is built, the County can work with CAT on the existing service to try to reroute to better serve the area and this should not be a problem. He said that they have enough connector roads so a bus stop could be added in, noting that an increase in service frequency would require an increase in the County's funding of CAT. Mr. Gallaway said that this would be true if they presume fixed routes. Ms. McKeel reminded the Board that other alternatives could be looked into and she would not say that transit is a hang up for the project. She said it could be worked out.

Mr. McDermott said that the other alternatives for transit allow for more fluidity on where stops are located. He said that transit would always be an issue, but the area is currently served by fixed route service and if they need to make minor adjustments to this service, it should not be a problem to work with CAT.

Mr. Randolph said that transit, for him, means covered bus stops and he does not see any provision or mention of this in the planning process for Phase I. He said that the reason he was bringing this up is because the taxpayers in the future would pay to put in bus stops when there is a development being built up and the stops are not part of it. Mr. Randolph said that this was going backwards in terms of everything the Board discussed earlier on climate change. He said that they want people to be taking public transit and hopefully they would see more of it, as it would be more fuel efficient to take electric buses than to be driving in internal combustion engine vehicles. He reiterated there was no provision anywhere in the plan for a transit stop, network, or center within Southwood, nor mention that at some point that a transit center would be there. He said he was expecting bus stops in Phase I and does not see them. He said that rather than the residents having to walk three-quarters of a mile to the bus stop, they would be going to a transit center to go in different directions in the community as a result of that. He said that he believes this information needs to be in the plan as the Board looks at the project moving forward.

Mr. McDermott agreed that identifying right-of-way or easements where the bus stops could be placed was an important factor. He said that even shelters are often covered heavily by the feds and the cost of the shelters are about \$2,000 each and CAT was writing grants to get these fully funded and installed where needed. He said that as long as they can be accommodated within right-of-way, the County can work with the developer to determine where the stops would go, and it should not be a cost to the County.

Mr. Randolph said that when he last looked at covered transit stops; they were at a minimum of \$14,000. Mr. McDermott said that including installation, it was about \$14,000.

Mr. Gallaway said that there are single poles along well-developed areas in the County and the reason there are not shelters there is because the fixed routes are not working to service those citizens. He said that something besides fixed route would have to come into play. He said at the last Board meeting, there was talk of hearing some ideas about this. He said that he would be happy if fixed routes were something that could be gone because they would have a more creative way out of the Rio district, and then he would be happy to send the fixed routes there to satisfy the request, which could free up the money to go that way.

Ms. McKeel said that she believes this piece could be worked out.

Ms. Palmer reiterated that the expectation is that the roads would be VDOT accepted, even if it is not in the Code of Development.

Mr. Kamptner said that Habitat intends to sell off some of the property and would have to go through the subdivision process. He said that the subdivision ordinance makes public streets the default, and the applicant has to get permission from the County to have a private street approved. He said that even if they dot all the "I's," it is not a mandatory approval. He said that Habitat has expressed their desire for public streets, and that is the default under the subdivision ordinance.

Ms. Nedostup added that on page 17 of the Code of Development under "Framework Streets," it states that all streets are intended to be public right-of-way where possible. She said that as Mr. Kamptner said that, they would have to go through the process for a private street request. Mr. Kamptner said that as Mr. Franco mentioned, the alleys are an example of what would become private streets, which happens in other projects.

Ms. Mallek said that with the project that the Board voted on earlier (Crozet), the reason the private streets on either side of the plaza are designated is because it is the only way they could do away with the curb that drops so that those streets could then become part of the activity space and they could be closed off when community events happen. She said that otherwise, there are odd shaped curbs that could cause people to fall.

Ms. Mallek said the last item on the list was the more complete concept plan for the rest of the phases, and she would push back to say that this was not currently a fair expectation because the applicant provided the villages and how they thought they would go in order based on topography, where people are living, and how people would be able to move more efficiently.

Mr. Randolph said he hopes that when the Board considers Phase II, there would be a Phase III roughly identified to at least give the Planning Commission and the Board of Supervisors some idea of where the development is going and what it would look like. He said that this was preliminary for the next stage because they are depending upon the residents to provide input. He said that it is helpful from a

planning standpoint to be aware of what the configuration would look like, with numbers not being needed, especially for the larger structures which are defining for the community.

Ms. Palmer said that for future phases, she would like to see redlined version when the Board receives additional Code of Development. She said that it saves the Board time and effort and decreases the questions that staff and the applicant have to answer.

Ms. McKeel agreed and said that redlining was true of almost anything.

Ms. Mallek asked if there were other questions that Board members had questions about that have been unanswered.

Ms. McKeel said that she appreciated Mr. Randolph's questions and it has been good to be able to work through them, as they had significant questions from the Planning Commission. She said that this was helpful.

Ms. Palmer said that the fact that the expectations are now on the public record was helpful because they did not know them coming into the meeting.

Mr. Gallaway asked if there were any other items. Hearing none, he said there have been two applications that evening where Mr. McDermott wrote a letter to the Board about current failing items around transportation before developments come into play. He said that he would appreciate having some follow up conversation, whether at the Board level or a different level, as there is a planning methodology that concerns him about allowing failing intersections to continue to fail with new developments. He said that there are apparently different levels of failure apparently and he wanted to make sure that is part of the conversation. He said transportation is the number one priority for CIP, is always a concern for projects that come up, and the Board cannot continue to put a blind eye to it despite community support. He said that the Board will deal with the traffic issues, but they still have to be properly planning for it as that community support will not always be there as they are dealing with failing intersections. He said that this does not need to be addressed this evening, but it needs to be addressed in another conversation at another time.

Ms. McKeel said that she was just in Church Hill in Richmond and noticed small roundabouts all through the neighborhood.

Ms. Mallek said that 20 years ago, VDOT argued with her for 14 hours straight about that, that they did not want to place roundabouts in Virginia.

Ms. Palmer said that she recently went on a roundabout inside a tunnel.

Mr. Gallaway remarked that this was the first project that, when he came onto the Board, everyone met with him to make sure he was up to speed on it, as there were critical decisions being made right away. He said that he had a great conversation with his Planning Commissioner in the past week, and Mr. Dotson and he visited the white trailer at Southwood to see where the work is being done on the project. He said that Mr. Dotson was not present when the Planning Commission voted on the resolutions a week after it was in front of the Commission, but he thinks Mr. Dotson summed it up and he concurs with his opinion. He said Mr. Dotson took questions about the buffer and building setback with Mr. Franco during the Planning Commission meeting and posed to him the four questions he asked and answered: was the project good; does it require an act of faith; are their risks involved; and are they acceptable risks — all of which Mr. Dotson and Mr. Gallaway agrees the answers to be "yes". He said that relating to Mr. Dotson's conditions, the proffers that are made and performance agreement in place are the devices the Board uses to make sure there is acceptable risks and that they are protecting the County assets they are putting into it, as well as the community it is going into.

Ms. McKeel said that it was wonderful that the Board had the opportunity to discuss the answers to the questions and she feels more comfortable.

Ms. Palmer noted that the Supervisors all had in-depth conversations with their Planning Commissioners for months, even years.

Mr. Dill added that it was very helpful for him.

Mr. Randolph then **moved** that the Board adopt the proposed Ordinance to approve ZMA201800003 Southwood Phase I. The motion was **seconded** by Ms. Mallek.

Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Gallaway, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph and Mr. Dill.
NAYS: None.

Mr. Gallaway welcomed other Board members to make comments and acknowledged the staff hours that have been put into the project. He thanked staff for the work that have been put into the project and would continue to be put into it. He said that this was a major milestone with the efforts and work that staff have done. He said that as Chair, he was incredibly grateful and appreciative of all the hard work done. He welcomed other Board members to make comments as well.

Ms. Mallek said she appreciates that everyone was willing to take an enormous leap in something they have never done before and it was difficult to do because it was new. Ms. McKeel agreed.

Mr. Richardson expressed appreciation to the Police Department and staff. He said they have done a wonderful job of being ambassadors for our organization and welcoming citizens into the building to make sure people are maneuvering through the building well. He remarked that there was an unusually large crowd and everything ran smoothly. He thanked those who worked behind the scenes to safely move people in and out of the building, allowing them to participate.

ORDINANCE NO. 19-A(15)
ZMA 2018-00003
ZMA 2005-00017

AN ORDINANCE TO AMEND THE ZONING MAP
FOR TAX PARCELS 09000-00-00-001A0, 090A1-00-00-001E0, AND 07600-00-00-051A0

WHEREAS, the application to rezone 33.96 acres from R2 Residential and Neighborhood Model District (NMD) on Tax Parcels 09000-00-00-001A0, 090A1-00-00-001E0, and 07600-00-00-051A0, including amending a portion of ZMA 2005-00017 Biscuit Run to remove the proffers from Tax Parcel 090A1-00-00-001E0, is identified as ZMA 2018-00003 Southwood Phase I ("ZMA 2018-00003"); and

WHEREAS, on July 23, 2019, after a duly noticed public hearing, the Planning Commission recommended approval of ZMA 2018-00003; and

WHEREAS, on August 21, 2019, the Albemarle County Board of Supervisors held a duly noticed public hearing on ZMA 2018-00003.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the transmittal summary and staff report prepared for ZMA 2018-00003 and their attachments, including the revised Code of Development and the Proffers, the information presented at the public hearings, any written comments received, the material and relevant factors in Virginia Code § 15.2-2284 and County Code § 18-20A.10, and for the purposes of public necessity, convenience, general welfare, and good zoning practices, the Board hereby approves ZMA 2018-00003 with the Code of Development entitled "Southwood Phase I – A Neighborhood Model District – Code of Development" prepared by Timmons Group, dated February 20, 2018, last revised on July 29, 2019, and the Proffers dated August 2, 2019.



SOUTHWOOD PHASE I
A NEIGHBORHOOD MODEL DISTRICT

CODE OF DEVELOPMENT

February 20, 2018
Revised July 2, 2018
Revised January 7, 2019
Revised March 18, 2019
Revised July 8, 2019
Revised July 29, 2019

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1.0 INTRODUCTION

Redevelopment of Southwood is unique in a number of ways. The most obvious of which is the existing trailer park community. Most development in the Charlottesville/Albemarle area is greenfield in nature. Traditionally, lands sold by resident landowners are developed for new communities. Southwood is a 100-acre residential trailer park serving the housing needs of roughly 1,500 residents of Albemarle County, residents who are the foundation of the vibrant community and culture that exists today.

The overall development philosophy envisions a multi-phase approach, allowing groups of residents to form multiple cohorts and to design their replacement housing and neighborhoods to their specific needs and desires. The replacement housing site for the first of these cohorts, the early adopters, is geographically located near the center of the first phase.

Southwood is located along Old Lynchburg Road, just south of the City of Charlottesville where the four lane divided street transitions to a two lane rural road (see FIGURE 1: Vicinity Map). The property is within the County's designated development area. It is surrounded by a mixture of residential and institutional/public uses and shares its southern property line with the Biscuit Run State Park (see FIGURE 2: Regional Context Map).

Phase I is planned within the project's undeveloped, thirty-four acres that includes the land swap tract, part of the original Biscuit Run NMD, and perimeter areas that have hidden the trailer park for years. Within this undeveloped acreage, resident planners have provided for a portion of the replacement housing and increased the County's overall stock of affordable housing. The Code of Development establishes dwelling units for a mixture of incomes, non-residential uses, and provides the opportunity to continue the informal services offered within the community into occupations or even small business ventures.

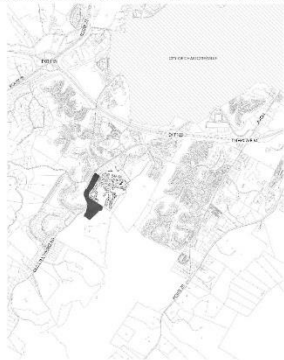


FIGURE 1: Vicinity Map

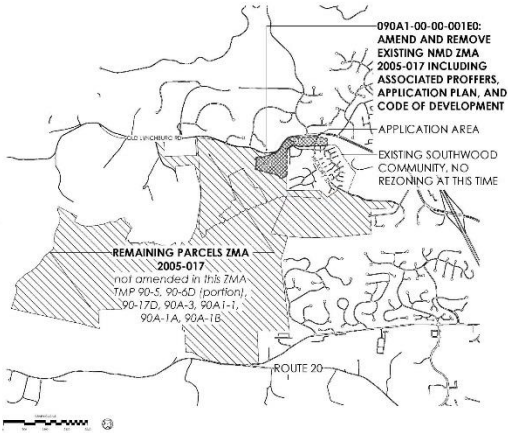


FIGURE 2: Regional Context Map

The resident planners chose to start on greenfield lands to provide a way for the community to redevelop without requiring off-site rehousing. Phase I provides for the rehousing needs of a minimum of seventy-five families. As these families relocate into their new homes, redevelopment opportunities open up within the existing trailer park, allowing development to "leapfrog" from one area to the next.

Keeping residents on site throughout the development, this plan allows the existing community to continue to be the foundation of the redevelopment. Key components of community, often lost through temporary off-site housing, are preserved. Finally, mixed use, mixed income projects are more sustainable, and the sale of out parcels and lots to builders is critical to fund the project's financial needs.

This document was prepared with the comprehensive participation and approval of the resident planners and represents their approach towards the re-development of their own neighborhood.

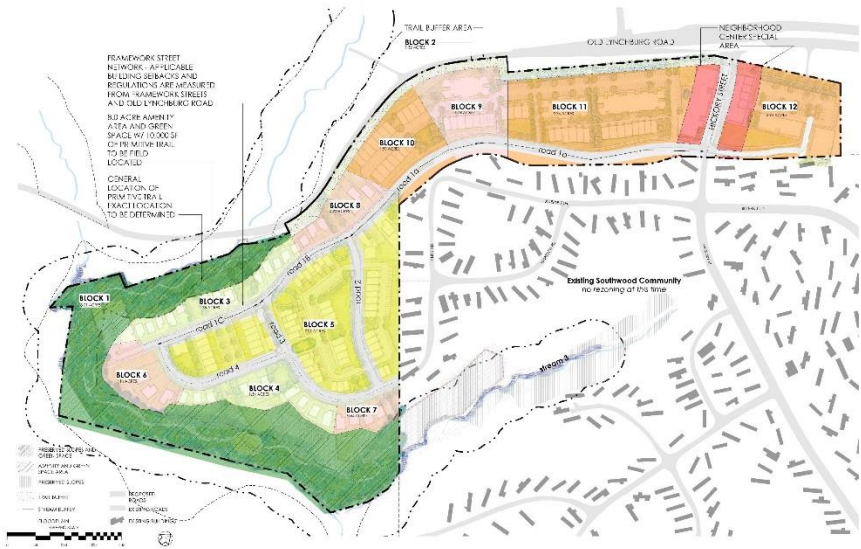


FIGURE 3: Concept Plan

2.0 APPLICATION PLAN & CODE OF DEVELOPMENT

The following sections of this document include the Application Plan and the Code of Development and are designed to work together to detail the design approach and provide specific metrics for the various design elements. The Code of Development also includes concept drawings, that while not proffered, provide a visual representation of one of the possible outcomes provided through this Code. FIGURE 3 Phase I Concept Plan is one such representation. The drawing shows conceptual locations for the larger manmade elements such as the street network, pedestrian and bicycle facilities, buildings and parking, and public areas.

Context Within Southwood

The Southwood Trailer Park is served by private water and sewer systems. Public water is provided through the park's private water distribution system. Wastewater north of Hickory Street is collected through a private sewer network and eventually conveyed westward to the public sewer system. Wastewater south of Hickory is collected via smaller networks and ultimately treated in septic fields. Both utility systems are aged and failing.

Similarly, the private road network is aged and in need of significant repairs and upgrades to meet current VDOT standards. Probably the most impactful of these upgrades is increasing the width of the roads.

FIGURE 4: Context Within Southwood



FIGURE 4: Context with Southwood shows how the Phase I Concept Plan relates to the existing portions of Southwood. Planning to date suggests that the future development will first continue south of Hickory, in an effort to address the failing septic systems, before continuing into the northern part of the project, which are currently served by sewer.

The exhibit is included to provide a general sense as to how the resident planners see the remainder of the project developing. Their plan identifies conceptual densities, neighborhood centers, special areas and specimen trees.

FIGURE 5: Connections to Existing Infrastructure shows how the proposed infrastructure connects into the existing network of utilities and roadways.

FIGURE 5: Connections to Existing Infrastructure



3.0 BLOCK PLAN – GENERAL DESCRIPTION

The project consists of general areas that are characterized by land use as primarily green space, residential, or mixed use. These areas may also include special designations, such as neighborhood center and placemaking locations, that are specifically identified by the County's Comprehensive Plan or through resident engagement.

Blocks

Land use, density regulations, and built form characteristics in Southwood Phase I are governed by blocks. The layout of the blocks is established by the framework street network shown in FIGURE 7 Application Plan. Applicable setbacks and building regulations with the blocks are measured from framework streets and Old Lynchburg Road. Approximate acreages of each block are provided in the supporting tables. The actual acreage of each block may deviate by 15%.

Green Space - Blocks 1 and 2

Blocks 1 and 2 designate green space along the perimeter of the development. While other blocks contain additional green spaces, these two blocks are used to protect environmental features such as floodplain, stream buffer, and preserved slopes, provide visual softening and screening and offer a natural amenity to the larger community.

Residential and Mixed Use – Blocks 3 through 12

These blocks are primarily designated for residential use, although non-residential uses are allowed in blocks 3-12. Density and intensity of non-residential uses vary by block with a bias towards single family attached and detached units with occasional home occupation type uses on the southern and eastern edge of the project and multi-family with commercial businesses in Block 12. Block 12, designated for mixed use UHTC funding, is being pursued to help further increase the County's stock of affordable housing.

Neighborhood Center Special Area

The County's Comprehensive Plan identifies a neighborhood center along the initial section of Hickory Street. As such, the Code of Development focuses the most intense and highest density uses in this area. The area is defined as the area between Old Lynchburg Road and Bitternut Lane. Through the use of building heights, existing and new buffers, building setbacks, and top floor setbacks, the built form standards accommodate higher density and frame Hickory Street while ensuring pedestrian orientation and guiding the focus away from Old Lynchburg Road and towards the first internal intersection.

Residential Village

Block 5 is the heart of the residential neighborhood and it is intended to host the majority of Southwood rehousing and allow for the most flexibility in design and use per site conditions and the Code of Development. This area will provide a mixture of housing types and allow for smaller residential groupings on public or private amenities or streets. Alleys, greenways, and/or internal sidewalk connections between residences and public amenities are permitted.

Neighborhood Places

Blocks 6, 7, 8, and 9 mediate intensity and provide connection. For example, the Block 8 area provides a transition from higher density of Blocks 10 through 12 to the less intense residential uses in Blocks 3 through 5. These blocks provide a pedestrian connection from the street network to the perimeter trail network. These blocks also provide an opportunity for a distinct identity, achieved either through use, form, intensity, or as a place to gather and connect to the natural area and trail amenity. Within these blocks are "place-making" reference points that suggest transition and connection between the developed community and the natural amenity and trail system while creating a varied pedestrian experience and destination "nodes" along the streets.



FIGURE 6: Conceptual Render Interior View of Neighborhood Center Special Area along Hickory

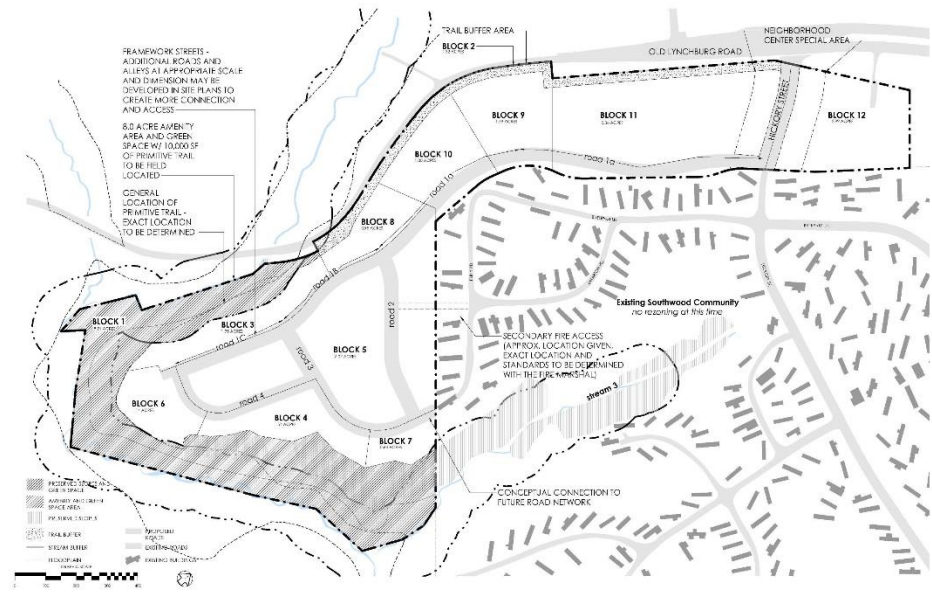


FIGURE 7: Application Plan

4.0 LAND USES BY BLOCK

Definitions

The following definitions supplant those found within Chapter 18 of the Albemarle County Code and in some cases define new uses and supplemental design standards.

Accessory Apartments: A separate, independent dwelling unit clearly subordinate to the principal single-family dwelling unit, as distinguished from a duplex, or other two-family dwelling.

Flexible Use Structure: A separate, independent, accessory structure detached from or attached to, and located on the same parcel as the principal single-family dwelling unit, as distinguished from a duplex, or other two-family dwelling.

Event Hall: A community space to be maintained by the neighborhood association or some other third-party organization or business, that can accommodate a variety of special events, public assemblies, and celebrations open to rent to the neighborhood and outside community. The event hall shall comply with minimum parking requirements for public assemblies in compliance with the Albemarle County Zoning Ordinance.

Urban Agriculture: An agricultural use as defined in Chapter 18 Section 3 of the Albemarle County Zoning Ordinance notwithstanding any accessory processing facilities other than allowable accessory units, structures, and/or sheds and including the keeping of allowable animals as described below.

General and Supplemental Regulations

Accessory Apartments: Each accessory apartment shall be subject to the following:

- Not more than one (1) accessory apartment, attached or detached, shall be permitted with any single-family dwelling.
- The gross floor area devoted to an accessory apartment shall have a minimum gross floor area of 200 square feet and not exceed 1,000 square feet or 50% of total gross floor area of the main dwelling unit, whichever is greater.
- The gross floor area of an accessory apartment shall not be included in calculating the gross floor area of the main dwelling unit for uses such as home occupations as provided in sections 5.2 and 5.2A and other similar uses in this chapter whose area within a dwelling unit is regulated.
- An accessory apartment shall enjoy all accessory uses available to the main dwelling, except that no accessory apartment shall be permitted as accessory to another accessory apartment.
- An accessory apartment shall be provided with a minimum of one (1) off-street parking space, arranged so that each parking space shall have reasonably uninhibited access to the street, subject to approval of the zoning administrator.
- A single-family dwelling which adds an accessory apartment shall be deemed to remain a single-family dwelling and shall be considered one (1) dwelling unit for purposes of area and bulk regulations of the district in which such dwelling is located. Accessory Apartments will not count against the overall dwelling unit allowances.

g. The owner must reside in the main dwelling to which the apartment unit is accessory or the apartment unit itself.

Flexible Use Structure: Each Flexible Use Structure shall be subject to the following:

- Not more than one (1) Flexible Use Structure, attached or detached, shall be permitted with any single-family dwelling.
- The gross floor area devoted to a Flexible Use Structure shall have a minimum gross floor area of 200 square feet and not exceed 1,000 square feet or 50% of total gross floor area of the main dwelling unit, whichever is greater.
- The gross floor area of the Flexible Use Structure shall not be included in calculating the gross floor area of the main dwelling unit for uses such as home occupations as provided in sections 5.2 and 5.2A and other similar uses in this chapter whose area within a dwelling unit is regulated.
- Maximum footprint area of Flexible Use Structures shall be limited to 1,000 square feet or 50% of total gross floor area of the main dwelling unit, whichever is greater.
- Minimum height of Flexible Use Structures shall be to 10 feet. Maximum height shall be limited to equal or less than that of the main building.
- All Flexible Use Structures shall be located in the rear or side of the lot. Notwithstanding any other requirements of this Code of Development, Flexible Use Structure setbacks shall be the same as for the principal building with which it shares a lot, except for the rear or side yard setback, which shall be a minimum of (3) three feet.
- A single-family dwelling which adds a Flexible Use Structure shall be deemed to remain a single-family dwelling and shall be considered one (1) dwelling unit for purposes of area and bulk regulations of the district in which such dwelling is located. Flexible Use Structure will not count against the overall dwelling unit allowances.
- A Flexible Use Structure may contain a dwelling unit and/or any Home Occupation Class B subject to special use permit and home occupation processes and regulations. A Flexible Use Structure may be a combination of allowed uses, subject to permitting processes and regulations.
- A Flexible Use Structure requires one (1) dedicated parking space unless the Flexible Use Structure is a dwelling with three or more bedrooms, in which case the Flexible Use Structure will require two (2) parking spaces.

Agricultural Use: An agricultural use shall be permitted on lots comprised of detached single-family dwellings and attached or semi-detached single-family dwellings (duplexes and townhomes) subject to the following:

- The agricultural use may take place on a parcel subject to the following size requirements:
 - The side and rear yard ("yard") shall be at least 30% of the associated dwelling's footprint.
 - This yard space shall incorporate a chicken coop or other adequate covered structure and shall be fenced (ref. adequate shelter Chapter 4 section 100 (5) of the Albemarle County Code).
- Coops or structures must meet accessory structure setbacks (411.2).
- The parcel shall have a fly-proof container for animal waste.
- Hens, goats, or bees may be permitted on the parcel subject to the following:
 - No more than 7 hens.
 - No more than 2 goats.
 - Beekeeping is permitted per County Ordinance.
 - On-site slaughter of one of each animal type is permitted per calendar year.
- Agricultural uses shall not require additional parking requirements beyond compliance with the parking regulations for dwellings as described in this Code of Development.

Alley Parking: Perpendicular or parallel parking off of the alley.

Community Garden: A parcel on which gardening is the primary use.

Stand-alone Parking: Stand-alone parking must be accessory to a use in Phase I. This use may be residential, in which case the parking shall serve residential uses within the Southwood neighborhood. See parking section for regulations about the location of stand-alone parking - it is not required that parking requirements be met on a parcel.

Amenity-Oriented Lots: Notwithstanding Chapter 18 sections 4.6.1 and 4.6.2 of the County Zoning Ordinance, attached and detached residential units with the front of the lot facing a grass or hardscaped mall, park, green space, open space, garden, or any other similar amenity area ("amenity") are permitted throughout the development, provided that the amenity must be at least thirty feet (30') in width, and an open area, from face of building to face of building must remain at forty feet (40') in width. The lot frontage may be obtained by the amenity rather than a public or private street.

Mixed Use: Mixed Use in a single building (residential and non-residential) are permitted.

Parking

Parking areas with 5 or more spaces must be relegated from Framework Streets and provided at rear of lots whenever possible. At a minimum, parking areas with 5 or more spaces must be behind the front face of the building. Parking areas with 5 or more spaces must be screened in accordance with Chapter 18 section 32.7.9.7. Safe pedestrian access from the parking spot to the associated building, parcel, or amenity or to a sidewalk must be provided for parking areas with 5 or more spaces. Requirements of Chapter 18 section 4.12 apply except for the following:

Modification of Location Requirements for Parking Spaces: The parking requirements for all residential and non-residential uses may be met on-street, off-street, off an alley, in a parking lot, in a stand alone parking lot, or in some similar parking situation as described in TABLE 1 so long as the total number of required parking spaces for the total number of residential and non-residential units are provided across

the project. It is not required that parking requirements be met on a parcel. Calculations shall be balanced at each subdivision plat submission and parking is to be within a 300' radius of the furthest entrance on the associated building.

Opportunities for stand alone parking accessory to a use shall be permitted for work or supplementary vehicles to decrease the demand on on-street and off-street parking within a 1/4 mile of any lot it serves or be located on a public transportation route.

Opportunities for shared parking and shared driveways shall be permitted.

Modification of Parking Requirements for Blocks 9-12: As an aggregate total, the ratio of parking spaces to residential dwelling units (as determined by density count) will be a minimum of 1.5 spaces per dwelling unit.

TABLE 1: PARKING SPACE LOCATIONS						
(PARKING REQUIREMENTS MAY BE MET IN ANY OF THE FOLLOWING LOCATIONS)						
UNIT TYPE	(OFF-SITE STAND-ALONE PARKING LOT OR BAY)	ON-SITE (OFF-STREET)	ALLEY PARKING	ON-STREET PARKING	GARAGE PARKING	ON OR OFF-SITE SHARED PARKING
SINGLE FAMILY DETACHED, CARTRIDGE HOMES, BURLINGS, TOWN HOMES, AND OTHER DETACHED AND ATTACHED UNITS		X	X	X	X	X
APARTMENTS AND MULTIFAMILY	X	X	X	X	X	X
TOURIST LODGING, BOARDING HOUSE	X	X	X	X	X	X
NON-RESIDENTIAL USES	X	X	X	X	X	X

Land Uses

All uses that reference a section of the Albemarle County Ordinance are to include all uses, definitions, and interpretations as specified in the aforementioned ordinance reference unless a use, otherwise listed in the ordinance reference, is separately and explicitly listed in the use lists within this Code of Development. In this case, the zoning administrator shall refer to the separate listing for this specific use.

The zoning administrator, after consultation with the director of planning and other appropriate officials, may permit as a use by-right, a use not specifically permitted; provided that such use shall be similar to uses permitted by-right in general character and more specifically, similar in terms of location requirements, operational characteristics, visual impact, and traffic generation.

Residential and Non-Residential Uses Permitted/Prohibited by Block

TABLE 2: RESIDENTIAL USES PERMITTED/PROHIBITED BY BLOCK												
	Greenspace/amenity area		Trail/ buffer									
Residential Uses	Block 1	Block 2	Block 3	Block 4	Block 5	Block 6	Block 7	Block 8	Block 9	Block 10	Block 11	Block 12
Accessory Uses and Buildings, including storage buildings	-	-	P	P	P	P	P	P	P	P	P	P
Home Occupation, Class A (S 2)	-	-	P	P	P	P	P	P	P	P	P	P
Detached Single Family	-	-	P	P	P	P	P	P	P	P	P	P
Boarding House	-	-	P	P	P	P	P	P	P	P	P	P
Family Day Home (S 1.56)	-	-	P	P	P	P	P	P	P	P	P	P
Group Home (S 1.07)	-	-	P	P	P	P	P	P	P	P	P	P
Multifamily	-	-	P	P	P	P	P	P	P	P	P	P
Semi-detached and attached single family including duplexes and townhomes	-	-	P	P	P	P	P	P	P	P	P	P
Tourist lodging (S 1.17)	-	-	P	P	P	P	P	P	P	P	P	P
Accessory Apartment	-	-	P	P	P	P	P	P	P	P	P	P
Flexible Use Structure	-	-	P	P	P	P	P	P	P	P	P	P
Home Occupation, Class B (S 2)	-	-	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP

Note: All Residential Lots shall be outside of stream buffers, preserved slopes, and floodplains.



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TABLE 3: NON-RESIDENTIAL USES PERMITTED/PROHIBITED BY BLOCK													
	Block 1	Block 2	Block 3	Block 4	Block 5	Block 6	Block 7	Block 8	Block 9	Block 10	Block 11	Block 12	
Non-residential uses	P	P	-	-	P	P	P	P	P	P	P	P	
Farmers Market (S1.47)													
Public Uses: electric, gas, oil and communication facilities, excluding tower structures, owned and operated by a public utility	P	P	P	P	P	P	P	P	P	P	P	P	
Uses permitted by-right within floodway fringe in accordance with 30.3.05.1.2 of the Zoning Ordinance	P	P	P	P	-	-	-	-	-	-	-	-	
Uses permitted by special use permit within floodway fringe in accordance with 30.3.05.2.2 of the Zoning Ordinance	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	
Stormwater management facilities	P	P	P	P	P	P	P	P	P	P	P	P	
Public recreational facilities	P	P	P	P	P	P	P	P	P	P	P	P	
Tier I and Tier II wireless service facilities (S1.40)	P	P	-	-	-	-	-	-	-	P	P	P	D
Public playgrounds and parks	P	P	P	P	P	P	P	P	P	P	P	P	P
Urban Agriculture	P	P	P	P	P	P	P	P	P	P	P	P	P
Community Garden	P	P	-	-	-	P	P	P	P	P	P	P	P
Retail store or service (22.2.1a/b)	-	-	P	P	P	P	P	P	P	P	P	P	P
Eating establishment	-	-	P	P	P	P	P	P	P	P	P	P	P
Storage yard	-	-	P	P	P	P	P	P	P	P	P	P	P
Religious assembly	-	-	P	P	P	P	P	P	P	P	P	P	P
Public uses	-	-	P	P	P	P	P	P	P	P	P	P	P
Community center (S1.040/S1.127) or neighborhood center	-	-	P	P	P	P	P	P	P	P	P	P	P
Temporary construction uses (S1.115)	-	-	P	P	P	P	P	P	P	P	P	P	P
Stand-alone parking structures	-	-	P	P	P	P	P	P	P	P	P	P	P
Mixed Use	-	-	P	P	P	P	P	P	P	P	P	P	P
Day care, child care or nursery facility (S1.06)	-	-	-	-	-	SP	SP	SP	P	P	P	P	P
Assisted living	-	-	-	-	-	P	P	P	P	P	P	P	P
Private school	-	-	-	-	-	-	-	-	P	P	P	P	P
Laundromat	-	-	-	-	-	-	-	-	P	P	P	P	P
Princial Institution	-	-	-	-	-	-	-	-	P	P	P	P	P
Medical Office	-	-	-	-	-	-	-	-	P	P	P	P	P
Professional Offices	-	-	-	-	-	-	-	-	P	P	P	P	P
Clubs and Lodges (S1.02)	-	-	-	-	-	-	-	-	P	P	P	P	P
Laboratories/Research/Development/Testing	-	-	-	-	-	-	-	-	P	P	P	P	P
Manufacturing/Processing/Assembly/Fabrication	-	-	-	-	-	-	-	-	P	P	P	P	P
Event Hall (S1.27)	-	-	-	-	-	-	-	-	P	P	P	P	P
Indoor Athletic Facilities	-	-	-	-	-	-	-	-	P	P	P	P	P
Commercial Recreational Establishment	-	-	-	-	-	-	-	-	P	P	P	P	P
Funeral Home	-	-	-	-	-	-	-	-	P	P	P	P	P

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5.0 DENSITY & SQUARE FOOTAGE BY BLOCK

Table 4 Provides the metrics for development of each block. These metrics are subject to the following conditions:

- (1) The final acreage and number of dwelling units per block may vary by 15% so long as the number of dwelling units does not exceed the total minimums and maximums allowed across the entire development.
(2) The total minimum number of dwelling units shall be achieved.
(3) The total maximum number of dwellings shall not be exceeded.
(4) At least two (2) different residential building typologies shall be provided in Blocks 3-5 and 10-11.
(5) The total gross maximum square footage of non-residential uses shall not exceed 50,000 square feet.
(6) Retail stores and services in blocks 3 - 8 shall not exceed a ground footprint of 1,600 net square feet.
(7) Eating establishments in blocks 3 - 8 shall not exceed a ground footprint of 1,600 net square feet.

TABLE 4: DENSITY REGULATIONS BY BLOCK SUMMARY						
LAND USE DESIGNATION	BLOCK	DENSITY RANGE (units / acre)	AREA (ac)	RESIDENTIAL USES		NON-RESIDENTIAL USES
				MINIMUM DWELLING UNITS	MAXIMUM DWELLING UNITS	MAXIMUM NON-RESIDENTIAL BUILDING (SF)
GREEN SPACE & BUFFER	1	0	9.0	0	0	0
	2	0	13	0	0	0
NEIGHBORHOOD DENSITY	3	3 - 6	1.4	4	12	5,000
	4	3 - 6	1.5	3	14	
URBAN DENSITY RESIDENTIAL VILLAGE	5	6 - 18	7.1	60	127	10,000
NEIGHBORHOOD MIXED USE / NEIGHBORHOOD PLACES	6	0 - 28	1.1	0	31	
	7	0 - 18	0.6	0	12	
	8	0 - 18	1.0	0	17	
	9	0 - 34	1.8	0	61	20,000
URBAN DENSITY MIXED USE	10	6 - 34	1.8	11	62	
	11	6 - 34	5.4	20	182	
	12	6 - 34	3.0	13	102	30,000
TOTAL MIN. AND MAX. ALLOWED DWELLING UNITS AND NON-RESIDENTIAL SQUARE FOOTAGE			34.0	150	450	50,000

6.0 BUILT FORM REQUIREMENTS BY BLOCK

TABLE 5: SETBACK + BUILDING REGULATIONS BY BLOCK					
REQUIREMENT	BLOCKS 3 – 4	BLOCK 5	BLOCKS 6 – 9	BLOCKS 10 -12	NEIGHBORHOOD CENTER SPECIAL AREA 115' measured on both sides from Hickory Street right-of-way
BUILDING HEIGHT MIN MAX	NO MIN 3 STORIES OR 36'	NO MIN 3 STORIES OR 40'	NO MIN 3 STORIES OR 45'	2 STORIES 4 STORIES OR 45'	2 STORIES 4 STORIES OR 50'
FRONT SETBACK MIN MAX	5' 25'	5' 25'	5' 25'	5' 18' ^A	15' MIN. SHALL ORIENT TOWARD HICKORY 10' 28' ^A
STEPBACK ^C MIN AT BUILDING HEIGHT OF	NA	NA	15' ^C 40'	15' ^C 40'	15' ^C 3 STORIES OR 45'
SIDE SETBACK MIN MAX	5' NO MAX	5' NO MAX	5' NO MAX	5' NO MAX	NO MIN NO MAX
REAR SETBACK MIN MAX	NO MIN NO MAX	5' NO MAX	5' NO MAX	5' NO MAX	NO MIN NO MAX
TRAIL BUFFER SETBACK ^D MIN MAX	NA	NA	BLOCKS 6 - 8: NA BLOCKS 9 - 10: MIN. NO MAX	NO MIN NO MAX	9' MIN NO MAX
GARAGE SETBACK ^E FRONT ACCESS MIN/MAX	TO COMPLY WITH 4.19 ^F ; NO MAX	FRAMEWORK STREET FACING GARAGE OPENINGS AND/OR GARAGE DOORS ARE NOT ALLOWED IN THESE BLOCKS. ALL GARAGE ACCESS MUST BE SIDE LOADED OR RELEGATED TO THE REAR OF THE BUILDING.			
MAX PORCH AND DECK ENCROACHMENT	4'	4'	4'	4'	9'
MAX BAY WINDOW/STAIRWAY ENCROACHMENT	2'	2'	3'	3'	3'
SINGLE BUILDING FOOTPRINT MAX NON-RESIDENTIAL	3,000 SF	3,000 SF	10,000 SF	20,000 SF	26,000 SF
STREET FACING BUILDING LENGTH MIN MAX MIN AIR PASSAGE WIDTH	NO MIN 200' 10'	NO MIN 200' 10'	NO MIN 200' 10'	NO MIN 200' 10'	NO 275' 10'

- ^A Up to an additional 22' of front setback may be provided for non-residential and mixed-use buildings for use as a front patio or courtyard and shall not exceed 25% of the length of the front facade.
- ^B In Block 11, for buildings over two (2) stories adjacent to the trail buffer, parking and/or drive aisles shall be between the building and the trail buffer.
- ^C The wall plane of all street facing garages must be set back a minimum distance of three feet (3') from the primary street facing building facade.
- ^D A setback is not required for buildings with a front setback of at least 15'.
- ^E Setbacks apply to non-residential and multifamily residential buildings only.
- ^F Coops, other agricultural use structures, and other accessory buildings except for Flexible Use Structures and Accessory Apartments must meet accessory structure setbacks (4.11.2).
- ^G Flexible Use Structures as defined in the Code of Development have the same minimum setbacks as the principal buildings with which they share a lot except for rear and side setbacks, which shall be a minimum of 3'.

TABLE 6: SETBACK + BUILDING REGULATIONS BY BLOCK ILLUSTRATIONS					
	BLOCKS 3 – 4	BLOCK 5	BLOCKS 6 – 9	BLOCKS 10 -12	NEIGHBORHOOD CENTER SPECIAL AREA 115' measured on both sides from hickory street right-of-way
SUMMARY ILLUSTRATIVE DIAGRAMS					
SUMMARY ILLUSTRATIVE SECTION THROUGH BLOCKS 3 – 12					

General Notes Applicable To All Blocks:

- All buildings adjacent to a Framework Street must have a minimum of one primary entrance facing the Framework Street. Corner buildings (facing two Framework Streets) may choose which Framework Street will receive the primary entrance.
- Floor to Floor height for the ground floor as measured from the Finish Floor Elevation facing Hickory Street, will be a minimum of 12'-0" regardless of use for buildings in the Neighborhood Service Special Area.
- Building height is defined per Albemarle County Zoning Ordinance.
- Side and rear minimum setbacks for any primary structure shall be constructed and separated in accordance with the current edition of the building code, side setbacks for buildings that share a common wall may be 0'.
- Street Facing Building Length is defined as the single or aggregate combined length of any building(s) facing a framework street without an open air passage to the rear of the parcel or a courtyard.
- All max building heights shall allow for exceptions and projections per 4.10.3.2 and 4.10.3.3 of the zoning ordinance. When the maximum height regulation in the TABLE 5 is given in feet and stories, it shall be limited to whichever value is less.
- Setbacks are measured from any Framework Street right-of-way, or back of sidewalk if sidewalk is outside of right-of-way, lot line, or trail buffer, if one is present, or Old Lynchburg Road.

Internal ARB

An internal Southwood Architectural Review Board will review individual submissions for a new building or village's compliance with the Southwood Phase 1 Neighborhood Model Code of Development's architecture, landscaping, buffer, screening and other standards as set forth herein. The ARB's specific guidelines governing the quality and characteristics of the Character Areas will be determined, maintained, and periodically updated by the Southwood Architectural Review Board. The ARB will be established prior to issuance of first building permit, and will be comprised of at least 51% Southwood residents, and will remain in place at least until the issuance of the final certificate of occupancy for Phase I.

7.0 GREEN SPACE AND AMENITY REQUIREMENTS BY BLOCK

TABLE 7: MINIMUM GREEN SPACE AND AMENITY AREA BY BLOCK SUMMARY							
BLOCK	STEEP SLOPES	OPEN SPACE	TRAIL & PATH AMENITY	RECREATIONAL AMENITY & CIVIC SPACES	MINIMUM RECREATIONAL AMENITIES & CIVIC SPACE	TOTAL GREEN SPACE (AC)	TOTAL AMENITY (SF)
1	1.80	5.97	0.23		2,000 LF Class B type 1 primitive trail	8.00	10,000
2	0.10	1.10	0.20		1,700 LF Class B type 2 pedestrian trail	1.4	8,700
3							
4							
5-8			0.12	0.11	500 SF neighborhood park	0.23	10,900
					600 LF Class B type 2 trails ^a		
					4,000 SF neighborhood park or recreational amenity ^b		
9-11			0.5	0.15	800 SF neighborhood park	0.63	22,700
					2,170 LF Class B type 2 trails ^a		
					8,000 sf recreational amenity ^b		
12				0.15	6,500 sf active use recreational area	0.15	6,500
TOTAL	1.90	7.07	1.05	0.39		10.41	58,400

^a Three pedestrian connections distributed across blocks 6, 7, and 8.
^b Four pedestrian connections distributed across blocks 9, 10 and/or 11.
^c Space requirement is cumulative and may be provided using not more than 6 spaces, none of which can be smaller than 500 SF distributed across blocks.

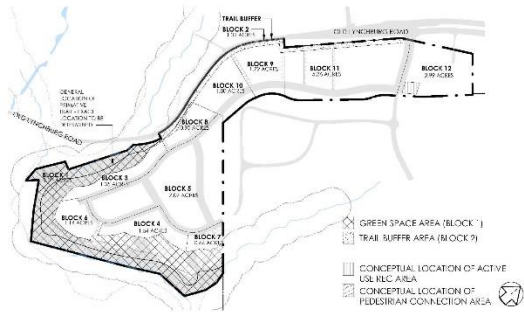


FIGURE 8: Conceptual Location of Amenity Areas

Definitions

Trail Buffer Area

The Trail Buffer Area, also known as Block 2, is an undisturbed or replanted landscaped buffer area with a trail and a minimum buffer width of 30', measured from the property line along Old Lynchburg Road. This Trail Buffer Area may be disturbed for trail construction, maintenance, and support, and any necessary grading, so long as the trail and plantings are replaced. The characteristics of the trail in this area will be equal to or better than 'Class B-type 2 high maintenance pedestrian path' as described by the Albemarle County Standard and Design Manual -Engineering (page 20, year 2019). The Trail Buffer Area shall be planted with a mixture of deciduous and evergreen trees and shrubs to be approved by the director of planning. See FIGURE 9: Conceptual Landscape Plan for illustrative concept of plantings in the Block 2 Trail Buffer Area and for the relationship between the Block 2 Trail Buffer Area, proposed trail setbacks, and buildings in the blocks along Old Lynchburg Road: Blocks 9 – 12.



FIGURE 9: Conceptual Landscape Plan: Trail Buffer / Block 2

Trail Amenities

An important amenity of this project is a pedestrian trail originating within the 8.0 acre green space area of Block 1 and continuing within a 1.3 acre Trail Buffer Area of Block 2, which is to be used for passive use recreational activity. The field-located trail amenity is to be within a quarter-mile of any residential unit in the Phase I Southwood Development. The trail may connect to any existing or future network of trails and sidewalks internal to the Southwood neighborhood and is intended to help complete and connect to any potential future regional trails built by others in this southwestern area of the County. The trail network is to be consistent with the County's design standards for a 'Class B type 1 primitive trail' in Block 1 and 'Class B type 2' in Block 2. The general location of the trail is shown in FIGURE 8: Conceptual Location of Amenity Areas and FIGURE 9: Conceptual Landscape Plan: Trail Buffer, however, exact trail locations shall be determined by the Owner based on site conditions.

Pedestrian Connection Area

The Pedestrian Connection Area is a landscaped area with a minimum total width of 10' which must include a pedestrian and cyclist path with a minimum travel width of 5'. The characteristics of this path will be equal to or better than 'Class B-type 2 high maintenance pedestrian path' as described by the Albemarle County Standard and Design Manual -Engineering (page 20, year 2019). These areas will connect the Framework Street sidewalk network to either the Block 2 Trail Buffer Area or the primitive trail within Block 1. Pedestrian Connection Areas may be interrupted by future roads, alleys, or parking travelways and are not required to be continuous. The characteristics of the landscape plantings in the Pedestrian Connection Area contain a mix of trees, shrubs, and ground cover. Within each 100 foot length of Pedestrian Connection Area, the planting mix will contain a minimum quantity and variable

locations/groupings of the following materials in addition to the trail surface: 4 flowering trees, 4 medium shrubs. See TABLE 7: GREEN SPACE AND AMENITY AREAS BY BLOCK for required locations and quantity and FIGURE 8: Conceptual Location of Amenity Areas for conceptual locations of the Pedestrian Connection Areas.

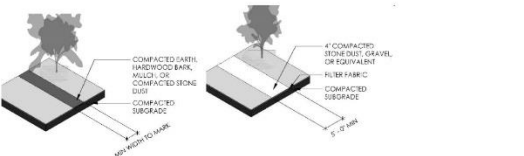


FIGURE 10: Primitive Trail (left) and Pedestrian Trail (right) Section Diagrams

Neighborhood Park

A Neighborhood Park is defined as a minimum of 500 sf of contiguous land that is suitable for providing passive gathering and/or unprogrammed open space for the neighborhood. The area must be accessible from a public way by pedestrians. The primary function of this space is to provide community-accessible green and open space for the neighborhood and the features and amenities within the Neighborhood Park will be determined by resident planners at site plan.

Recreational Amenity

A Recreational Amenity is defined as a minimum of 500 sf of contiguous land that is suitable for a variety of recreational activities. The area must have adequate drainage and proper proportions for recreational activities and gathering. This area must be open to the public and must be accessible from a public way by pedestrians and cyclists. The area may be used for a variety of active-use recreational activities, such as a basketball or sport court, sport field, playground, or some other use or uses to be determined by resident planners at site plan. Amenities and facilities appropriate to the recreational use or uses must be provided.

Active Use Recreational Area

The Active Use Recreational Area is defined as a minimum of 6,500 sf of contiguous land that is suitable for a variety of recreational activities. The area must have adequate drainage and proper proportions for recreational activities and for players and spectators to gather. This area must be open to the public and must be accessible from Hickory Street by pedestrians and cyclists. This area may have a variety of functions during any given day, week, season, or year and is intended to be flexible to serve multiple purposes, however, use as a community-accessible neighborhood-scale active recreational soccer field must be possible.

8.0 FRAMEWORK STREETS

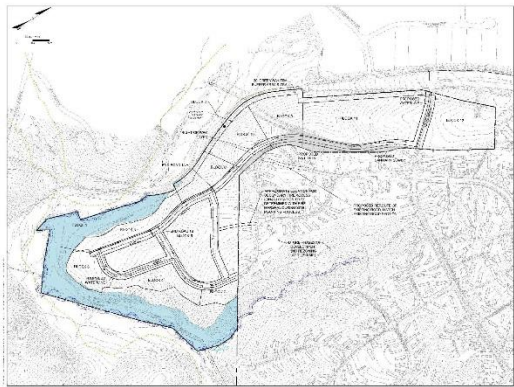


FIGURE 11. Framework Streets Technical Plan

Framework Streets

The street and pedestrian system for Phase I at Southwood is envisioned as the connective framework between the main entrance from Old Lynchburg Road at Hickory and the residential development of Southwood Phase I. The main framework road system sets up the first phase of a neighborhood center and 'main street' along road 1A from Blocks 9 through 11 as it travels north to south toward Blocks 3 through 8. The internal street system throughout Blocks 3 through 8 provides a safe neighborhood street system with a variety of on-street parking options, with block dimensions that reinforce the scale and configuration of the community, maximizing connection and minimizing dead-ends and cul-de-sacs. Associated with the street system is a system of sidewalks and pedestrian connection areas that separates pedestrians from vehicles. This system provides safe and coherent connections between various areas of the community and links the network of internal sidewalks to the trail system at specifically identified pedestrian connection areas.

The scale and configuration of road types vary in relationship to the density of development. If additional roads are designated at Site Planning, these additional roads will not be considered framework streets

and will serve more utilitarian purposes and these non-framework streets may be private and secondary. All streets are intended to be public right-of-way where possible. The road sections on the following page conform to Albemarle County and VDOT standards. The location and the design of framework street sections are intended to provide the Southwood neighborhood with safe, pedestrian- and neighborhood-friendly streets.

Possible Waiver Streets

In addition to the framework street sections provided within this Code of Development, the neighborhood is considering waivers to allow for road elements that deviate from current County and VDOT Standards. These modified road sections will continue to provide safe streets while integrating specific resident values and site constraints. As shown in FIGURES 12 - 14, these possible road waiver sections focus on two values: calming traffic to provide safe pedestrian experience and appropriately reducing the width of the right-of-way to allow more space for housing and amenities



FIGURE 12. Waiver Diagram. Reverse location of the planting strip and the sidewalk provides the perception of larger front yards and increased green space.

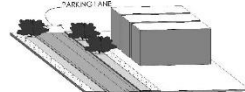


FIGURE 13. Waiver Diagram. A Yield Street allows for a reduced travel lane and provides on-street parking to calm traffic.

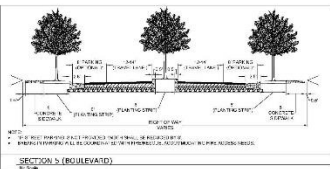
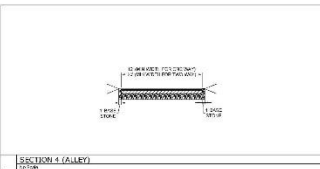
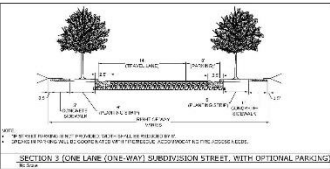
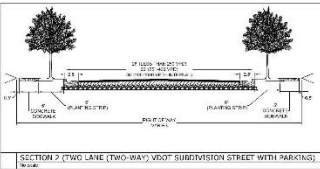
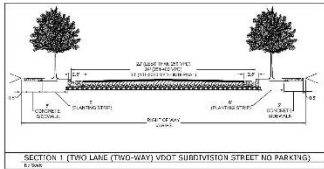


FIGURE 14. Waiver Diagram. To allow for a reduced sidewalk next to the curb adjacent to parking lane will reduce the actual width of the right-of-way and provide protection for the pedestrian.

Traffic Impact

The actual non-residential square footage and number of dwelling units will not exceed an additional daily vehicle trip count of 5,000 for the entire Southwood development, TMPs 90A1-1E, 90-1A, 75-51A, 90A1-1D, 90A-4, and 90A-1C. Each subdivision plat or site plan within the Property shall designate the daily vehicle trip count provided and must be approved by VDOT.

Framework Streets Sections



SECTION	1	2	3	4	5
HICKORY STREET	X	X			X
ROAD 1A	X	X			
ROAD 1B	X	X			
ROAD 1C	X	X	X		
ROAD 2	X	X			
ROAD 3	X	X			
ROAD 4	X	X	X		

* SIDEWALK AND PLANTING ASSOCIATED WITH THE SOUTH SIDE OF ROAD 1A MAY BE CONSTRUCTED DURING THE CONSTRUCTION AND DEVELOPMENT OF FUTURE PHASES.
* A 10' SIDE LANE WILL BE ADDED TO THE CHOSEN STREET SECTION FOR HICKORY STREET ON THE CLERKING SIDE, WITH THE OPTION TO ADD ONE TO THE CORNER SIDE ON PREVIOUS SHARROW MOUNTAIN MARKINGS. BUREL LANE IS OPTIONAL ON ALL OTHER STREETS AND MAY BE PROVIDED AT SITE PLANNING STAGE.

9.0 EVALUATION CRITERIA

As envisioned in the purpose and intent of the Neighborhood Model District set forth in Chapter 18, section 20.A.1 of the Zoning Ordinance, the Plan of Development for Southwood has been designed to further the following principles:

Pedestrian orientation This plan envisions sidewalks on all framework street as well as a 3,200 foot trail running from the entrance along Old Lynchburg Road through Block 2 to the 8.0 acre amenity area of Block 1, providing pedestrians with varied and secure options for mobility through all areas of Phase I. Because of this redundant system, there may be locations where it would be appropriate to have sidewalk present on only one side of any framework street.

Neighborhood friendly streets and paths Streets will be designed with traffic-calming techniques that will result in slow-moving traffic and minimized road widths to the extent allowed. Building setbacks appropriate to building scale will create a built form that addresses the street. The proposed path through the natural areas will increase the community's ability to access existing natural resources.

Interconnected streets and transportation networks The main road network proposed for Phase I sets a framework for developing a modified grid that both adapts to, and preserves the landscape to the extent possible. It enables an interconnected street system that will make travel intuitive. This network has been established with the opportunity for logical connections into the future phases of Southwood redevelopment and to the future Biscuit Run Park. This plan prioritizes a continuation and augmentation of the existing transportation partnership between the City of Charlottesville and Albemarle County which brings bus service to Southwood.

Parks and open space as amenities This plan proposes the preservation of more than 9 acres of natural green space and amenity areas made up of sensitive ecological zones such as floodplain, stream buffer and steep slopes, as well as newly created recreational amenities and civic spaces, all to maintain the area's natural setting and feeling of tranquility in the future redevelopment. Potential connections to future county and regional trails and the existing amenities in the Southwood community such as trails, parks and sport courts will be able to provide multiple varied recreational opportunities to this development.

Neighborhood centers The Neighborhood Center Special Area marks the intersection of Hickory Street and Old Lynchburg Road. This area serves as the entrance to the new Southwood, and as such is the most appropriate area for more intensive uses. Building regulations at this area support an appropriate scale to create non-residential opportunities and an activated street edge. The Neighborhood Places in Blocks 6 - 9 also provide opportunities for neighborhood commercial entities that would support the new neighborhood.

Buildings and spaces of human scale Maximum building heights proposed in this rezoning enable an urban form at a pedestrian-friendly scale. Pedestrian-centered street design and continuous sidewalks invite the neighborhood to engage with their community and create a neighborhood with a strong sense of place.

Relegated parking This plan envisions alleys in addition to main roads to allow for rear-loaded parking whenever appropriate, feasible, and allowable, and to minimize curb cuts. The parking plan allows flexible

solutions like surface lots, on-street parking and shared driveways to allow for ample parking that can be responsive to exact site and conditions the future development presents. The parking requirements will allow Southwood residents to have flexibility in locating required residential parking spaces to allow the neighborhood design flexibility to meet resident need. The project is within a half-mile of an existing bus stop in the adjacent Southwood Neighborhood. The project intends to encourage additional bus stops within the development when possible. The project also intends to encourage bike connectivity to a trail network outside of the Southwood Community.

Mixture of uses and types Phase I allows for a wide range of commercial and residential uses, with the most intensive uses focused in Blocks 9 - 12 along Old Lynchburg Road, and less intensive uses in Blocks 3 - 8. There are opportunities for commercial uses that act primarily as support services to the residential development in Blocks 3 - 8. The uses proposed in this Zoning Map Amendment have been designated by community leaders and have been memorialized in the enclosed use tables.

Mixture of housing types and affordability The Habitat homeownership model alongside innovative outside partnerships will provide sustainable affordable products available to a wide range of area median incomes. There will be ownership or rental structures to fit with the goals and aspirations of the community and the market. The Code of Development allows for a wide range of housing types such as single-family detached, single-family attached, townhomes, duplexes, apartments and flexible use structures. Within blocks 3-5 and 10-11, at least two of those such housing types will be provided to ensure a varied built environment. Proactive financial coaching has already begun within the community to best prepare residents for their future housing goals.

Site planning that respects terrain The team of landscape architects and environmental engineers that have been advising the redevelopment of Southwood have taken into consideration the unique conditions and topography present on this site. The road network's curvilinear design responds directly to existing grades and promotes the preservation of the natural areas at the edges of the site. All development shall comply with Chapter 18 section 30.7 of the Albemarle County Zoning Ordinance.

Clear boundaries with rural areas Southwood is located at the southern edge of the growth area and is bordered to the south by County-leased parkland, serving as a natural and abundant barrier between this residential urban development and the rural areas to the south. The nearest rural areas are 0.5 miles to the west and 1.5 miles to the south. The Application Plan includes a 30' wide trail buffer from Hickory Street south along Old Lynchburg Road.

Consistency with the Comprehensive Plan Southwood is part of Albemarle County's Southern and Western Development Area, which calls for an Urban Density Residential development with up to 34DU/acre and mixed-income, mixed-use development. The maximum density proposed in this rezoning application is 34DU/acre and is contained to the most dense section of Blocks 10 - 12, diminishing to a maximum of 6DU/acre in the more residential sections of Blocks 3 - 4. The building regulations identify a Neighborhood Center as identified by the Comprehensive Plan, and the Trail Buffer Area of Block 2 along Old Lynchburg Road supports the designation of a "greenway" in that area.

Proposed Impact on Public Facilities and Infrastructure

The Phase I development of Southwood will connect to the existing internal road Hickory Street, connecting approximately 330' south of Hickory Street's intersection with Old Lynchburg Road. This first phase does not contemplate large improvements at the intersection with Old Lynchburg Road, but does anticipate upgrading Hickory Street to the intersection for the entrance to Phase 1. Future phases and rezonings will continue to analyze these areas for additional improvements. A traffic study has contemplated total future build out to ensure long term development requirements are not missed during the early stages of the development.

Both water and sanitary utilities are located in the area. The existing sanitary line, which follows the stream, along the south end of the parcel, is well positioned to accept the flow from the first phase of development. Connection to the existing sanitary line will need to be designed and constructed with care, as it is located in the Water Protection Ordinance buffer, however connections of this type are allowed per the ordinance.

The existing waterline network that is located in Southwood runs to a master meter. With the completion of the Southwood Phase I project, it is anticipated that the neighborhood will continue to utilize the existing master meter. All new taps will connect into the water main in Old Lynchburg Road, allowing a service to be brought in to feed the first phase of development. The extension of this service will allow for individual meters to be set for each use, including both residential type units and commercial spaces. Coordination with the Rivanna Water and Sewer Authority and Albemarle County Service Authority has begun and will continue through the life of this project, including both during the rezoning application and the site plan/subdivision plan submissions. Because Southwood has existing water and sewer users, it is anticipated that redevelopment will be credited with an equal number of residential tap fees. Conversations have already begun with RWSA to coordinate through the site planning phases to calculate for these tap fee credits.

The development of Southwood also allows for the potential to extend access to a trail system and/or what may be Biscuit Run Park. This trail system will allow residents and the community to enjoy the natural areas and terrain, including the stream that runs along the western and southern borders of Phase I.

Impact on Environmental Features

This site is surrounded by natural features, such as streams, small areas of wetlands, and steep slopes. Each of these features defines this area and has become important to the resident community to be preserved and honored in the development of this first phase. Members of the resident design team have walked the site and acknowledged the environmental features that make it unique, focusing on ways to preserve and integrate each of these areas into the first phase of development.

The infrastructure and potential layouts carefully consider preserving these areas, while also making them accessible, allowing the environmental features of the area to be available for resident enjoyment. This access will be through a trail network developed in coordination with the Parks and Recreation department.

The streams and wetlands on the site will be preserved in a way to honor the natural habitats associated with each in partnership with the County of Albemarle. Restoration of some of the streams is being

contemplated. In addition, critical slopes are being honored along the south end of the property and stormwater and sanitary pipes will be located as to minimize disturbance of steep slopes and environmental features. When utilities are required to pass through steep slopes, all grades will be restored to their predevelopment state.

Strategies for Shared Stormwater

Blocks 3 - 8 will feature a mix of residential type units, but will primarily be of a lower density, resulting in less impervious surface and therefore a lower amount of required water quality treatment. Conversely, Blocks 9 - 12 will feature a more dense development, having a higher ratio of impervious surface and a greater need for water quality treatment. While all blocks will look to use non-proprietary measures such as bioretention, infiltration, and preservation of wooded areas, Blocks 9 - 12 will most likely require some form of proprietary treatment such as cartridge filtration or permeable pavers. While all water quality measures approved by DEQ will be a part of our toolbox during design, we will have a focus on the different areas as noted. Additionally, off-site water quality credits, in accordance with DEQ may also be used to meet requirements.

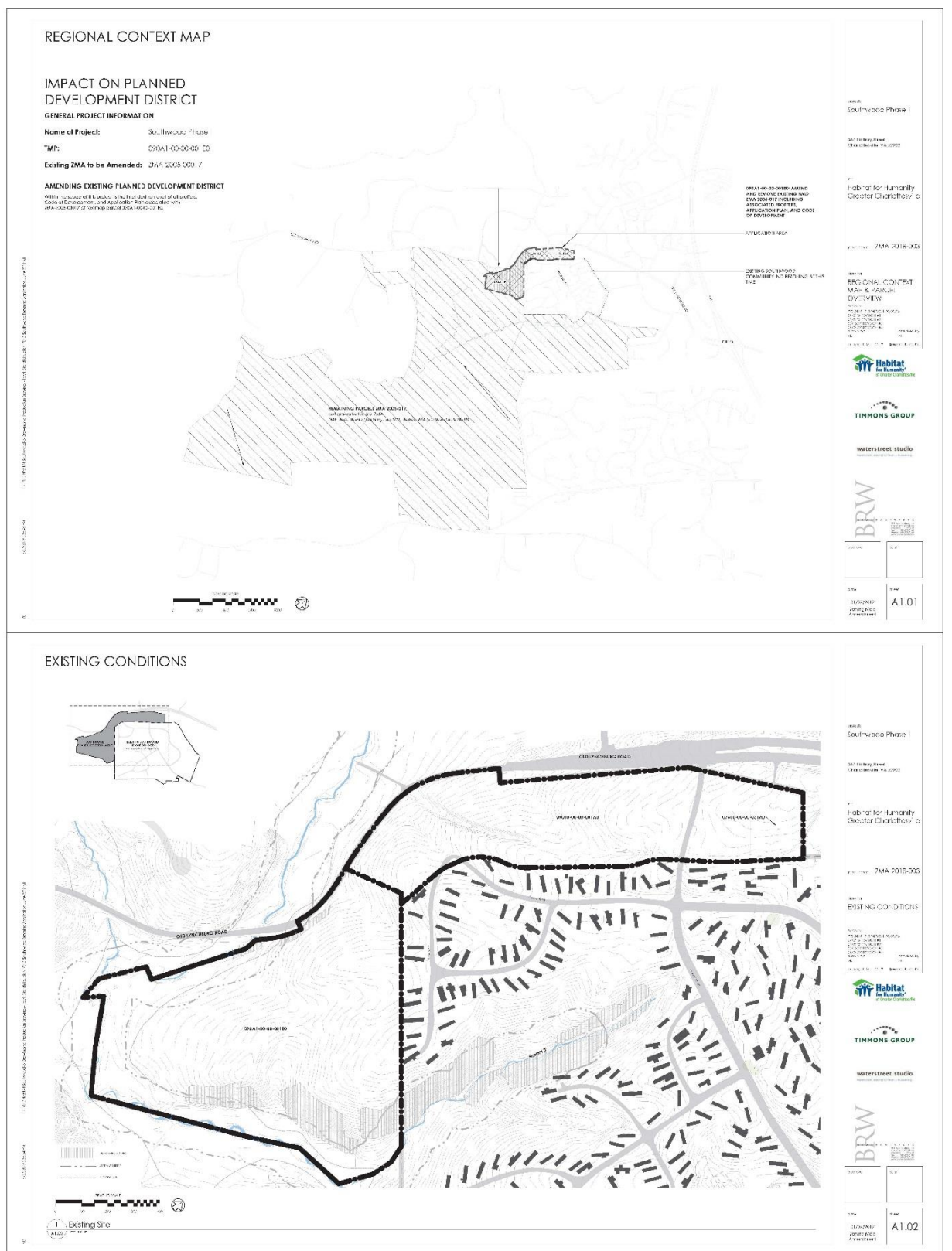
Additionally, Southwood redevelopment, in partnership with Albemarle County staff, is simultaneously exploring a potential pilot project with the Department of Environmental Quality (DEQ) to pursue stream restoration as an on-site stormwater quality best management practice. However, as that is not yet an approved BMP, the other options, previously mentioned and shown on the concept plan, can be implemented if it is determined that stream restoration does not meet the state requirements for water quality treatment.

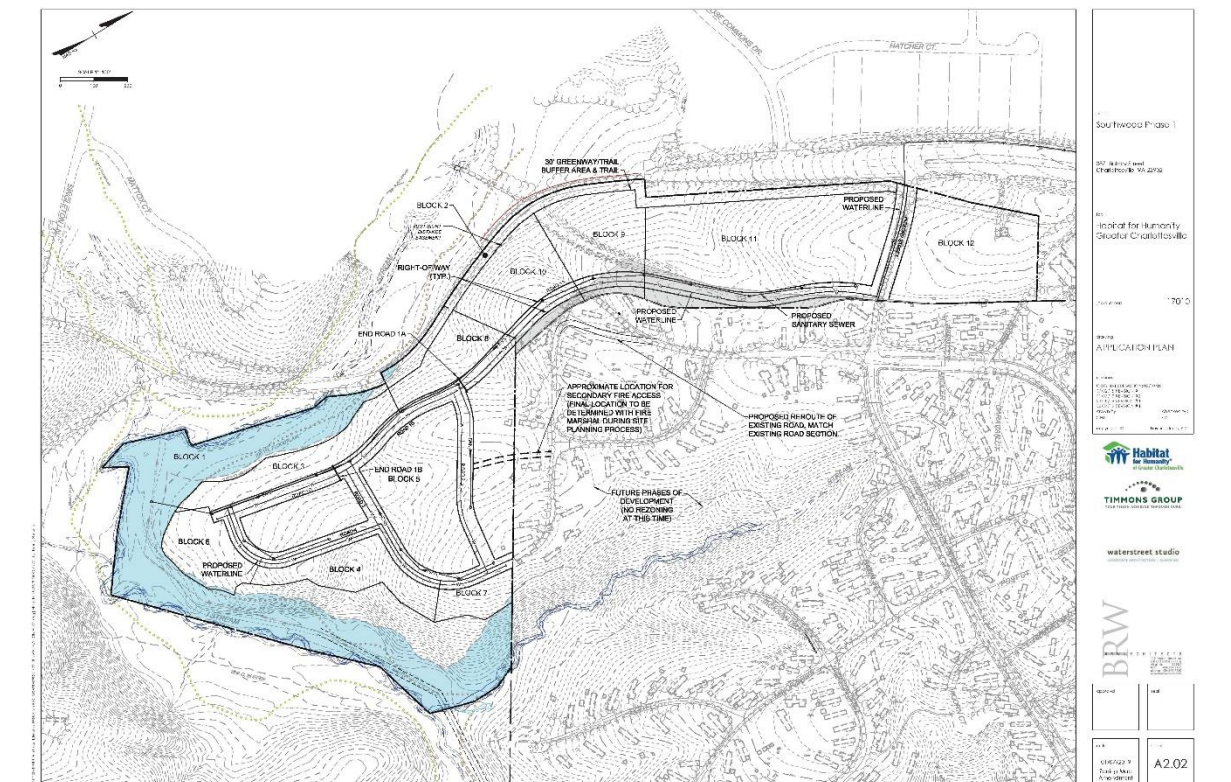
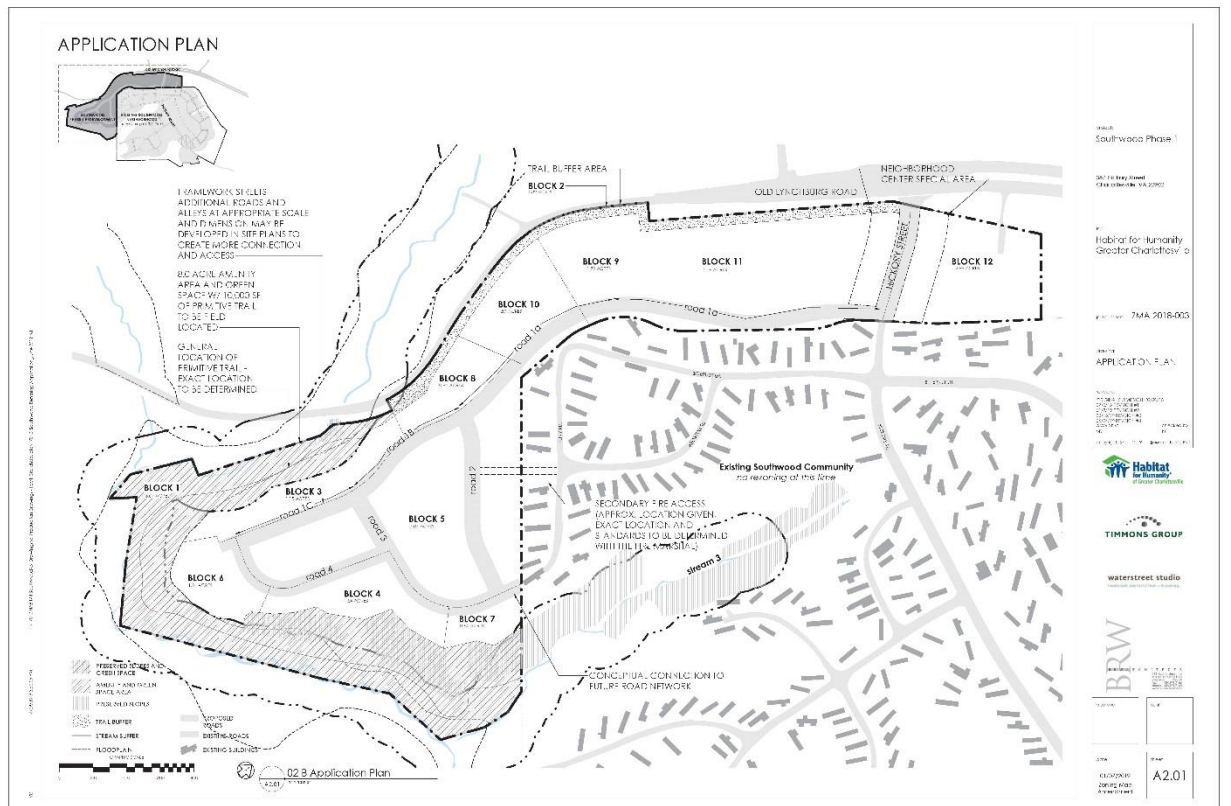
Water quantity requirements will be met on-site by outfalling directly to the stream, within the 100 year floodplain. Providing a stormwater outfall at this location will better move water through the drainage shed, versus allowing the upstream volume and flow to catch up to the on-site runoff.

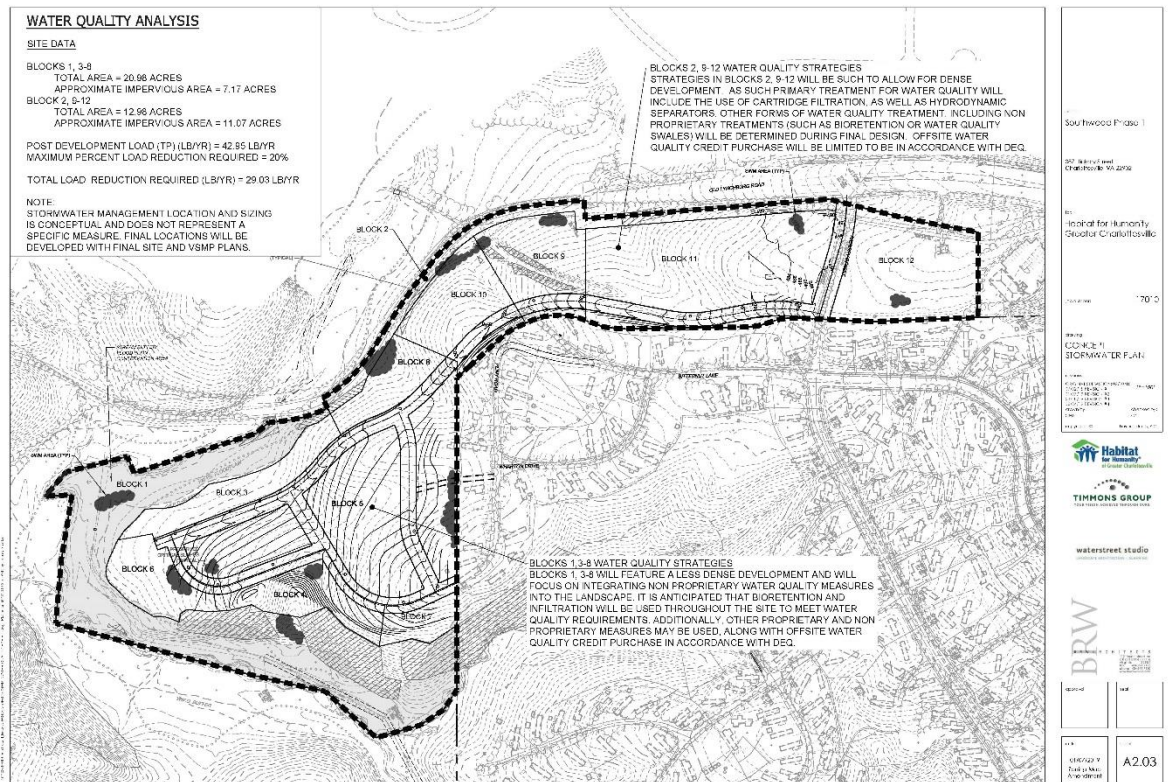
Grading

An overlot grading plan and final design of retaining walls shall be reviewed and approved in conjunction with the site and subdivision development plans for Southwood Phase I. Retaining walls shall be a maximum of six (6) feet in height, as measured from the top of wall to the finished grade at the bottom of the wall. The overall retained height may exceed six (6) feet with multiple stepped walls or, at the discretion of the Director of Community Development, in a single wall.

[illegible]







Original Proffers X
Amendment

PROFFER STATEMENT

ZMA No. 2018-003

Tax Map and Parcel Number(s): 09000-00-00-001A0, 090A1-00-00-001E0, 07600-00-00-051A0

Owner(s) of Record: **SOUTHWOOD CHARLOTTESVILLE, LLC**

Date of Proffer Signature: August 2, 2019

33.96 acres; TMP 90-1A (7.94 acres), TMP 76-51A (1.23 acres) to be rezoned from R-2 to NMD and TMP 90A1-1E (23.33 acres) which is to be rezoned from NMD to NMD. Southwood Charlottesville LLC, is the owner (the “Owner”) of Tax Map and Parcel Number **09000-00-00-001A0, 090A1-00-00-001E0, 07600-00-00-051A0** (the “Property”) which is the subject of rezoning application ZMA No. **2018-003**, a project known as “**Southwood Phase 1**” (the “Project”).

Pursuant to Section 33.3 of the Albemarle County Zoning Ordinance, the Owner hereby voluntarily proffers the conditions listed below which shall be applied to the Property if it is rezoned to the zoning district identified above. These conditions are voluntarily proffered as a part of the requested rezoning and the Owner acknowledges that (1) the rezoning itself gives rise to the need for the conditions; and (2) such conditions have a reasonable relation to the rezoning requested. This proffer statement shall supersede and replace in all respects the proffer statements approved by the Board of Supervisors in connection with ZMA 2005-00017.

1. **Removal of Proffers and Amendment of Code of Development for Biscuit Run ZMA 2005-00017 included on Tax Map Parcel 090A1-00-00-001E0.** All existing proffers associated with the Code of Development, applications, and Application Plan for ZMA 2005-00017 relating to Tax Map Parcel 090A1-00-00-001E0 are hereby removed and superseded by these proffers. Tax Map parcel 090A1-00-00-001E0 (along with parcels 09000-00-00-001A0 and 07600-00-0051A0) shall comply with the application plan and the Code of Development, entitled, “Southwood Phase I, A Neighborhood Model District,” dated February 20, 2018, last revised July 29, 2019.
2. **Trails, Parks, Civic Spaces.**
 - a. **Greenway Connections to Potential Adjacent County Parkland.** At any time from approval of this rezoning application until the final certificate of occupancy is granted for Phase I, upon written request by Albemarle County, the Owner shall dedicate to the County, at no cost to the County and within six (6) months of the aforementioned written request, an easement, deed property within the 8.0 acre green space described in paragraph 2(b) to the County, and/or enter into an agreement with the County to provide a public trail connection between the Trail described in paragraph 2(b) below and any trail constructed by the County on abutting County property, TMP 09000-00-00-00500. The land under easement, associated trail connection, associated signage, and any associated structures shall be maintained in perpetuity by Albemarle County.
 - b. **Trail Network.** The Owner shall establish a trail on the Property (“the Trail”), consistent with the County’s design standards for a Class B type 1 primitive nature trail, within the 8.0 acre green space and amenity area shown and described as Block 1 on pages 5 and 7 of the Code of Development. The general

location of the Trail is shown on the Application Plan on page 8 of the Code of Development; however exact trail locations shall be determined by the Owner based on site conditions and the then-current uses of the green space and amenity area and in coordination with the County. Installation of the Trail shall commence concurrently with the site work for Blocks 3-8 and the entire Trail shall be substantially completed prior to issuance of the one hundredth (100th) Permit for a dwelling within Blocks 3-8. The Trail shall be maintained by a property owners association established for Southwood. The public trail connection between the Trail and a potential, adjacent County trail network mentioned in paragraph 1(a) shall be maintained by the County as described in section 2a above.

- c. Owner shall provide a pedestrian connection between the northern terminus of the trail within Block 2 to the existing natural trail along the northern edge of the Southwood Trailer Park. The trail may be provided as an enhanced sidewalk (minimum ten (10) foot wide) along the Phase 1 streets, a Class B type 2 pedestrian trail around the perimeter of Block 12, or, subject to agreement of VDOT and adjacent property owner, as a Class B type 2 pedestrian trail within the ROW along Old Lynchburg Road, to the public road reservation through TMP 76-51. The pedestrian improvements shall be constructed prior to the issuance of the 300th Certificate of Occupancy in Phase 1.

SOUTHWOOD CHARLOTTESVILLE, LLC,
a Virginia limited liability company

By: Dan Rosensweig
Dan Rosensweig, Manager

Agenda Item No. 17. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Ms. Mallek said that she brought up the topic briefly during the Rio West discussion and it was something for Mr. Richardson and staff to consider. She asked if there should be a minimum acreage for a Neighborhood Model again, because there used to be one. She questioned that when there are many uses, if three acres really sufficient.

Ms. Mallek said that in the County's requirements only giant trees that finish out at 60 to 80 feet are required. She said that it has come to her attention from citizens that in planning, perhaps trees should be optimized to top out at 20 feet without overhanging the street and require constant pruning, which creates a lot of work. She added that having the top chopped out of a large deciduous tree was undesirable, because it would look bad and die.

Ms. Mallek remarked that this, along with the chloramine meeting, was one of the best things the Board has done.

Ms. McKeel said there should be a way to better share the work the Board is doing with the school system in regard to climate change so there is a better connection when discussing kids driving versus riding buses to school, as well as work being done to lower the carbon footprint. She said that it is almost as if they are operating on different tracks. She said there is a school with an environmental academy and they are talking about adding more parking spaces so that more students could drive, and there are also complaints about traffic at the intersection. She said that somehow, the connection needs to be made.

Ms. Palmer said that with the stakeholders committee for climate change, the school is represented. She said that hopefully, the School Board would be voting against expanding the parking.

Ms. Mallek pointed out that the joint meeting would be a great time to discuss these things.

Mr. David Benish said that regarding transportation planning and understanding the items seen in the staff report, the Planning Commission has asked for a work session on how transportation analysis is done. He asked if the Board would be interested in learning how this is done, what is and is not contained in the analysis, level of service, etc.

Mr. Gallaway said he would be interested but would also be attentive and listen to the work session when it is happening.

Mr. Benish said they would make the Board aware of when that work session is, noting that it has not yet been scheduled and was likely a couple months away.

Agenda Item No. 18. From the County Executive: Report on Matters Not Listed on the Agenda.

There were none.

Agenda Item No. 19. Adjourn to September 4, 2019, 1:00 p.m., Lane Auditorium.

At 10:39 p.m., Mr. Gallaway adjourned the Board until September 4, 2019 at 1:00 p.m. in Lane Auditorium.

Chairman

Approved by Board
Date 03/04/2020
Initials TOM