

**Albemarle County Planning Commission  
FINAL Minutes June 4, 2019**

The Albemarle County Planning Commission held a public hearing on Tuesday, June 4, 2019, at 6:00 p.m., at the County Office Building, Room 241, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Tim Keller, Chair; Julian Bivins; Daphne Spain; Bruce Dotson; Pam Riley, Vice-Chair; Karen Firehock; Jenie More; and Luis Carrazana, UVA representative (left at 8:40 p.m.).

Members absent: None.

Other officials present were Leah Brumfield, Senior Planner; David Benish, Interim Director of Planning; Megan Nedostup, Senior Planner; Kevin McDermott, Transportation Planner; Carolyn Shaffer, Clerk to Planning Commission; and Andy Herrick, Deputy County Attorney.

**Call to Order and Establish Quorum**

Mr. Keller, Chair, called the regular meeting to order at 6:00 p.m. and established a quorum.

The meeting moved to the next agenda item.

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

Mr. Keller invited comment from the public on other matters not listed on the agenda. Hearing none, he said the meeting would move to the next item.

**Items Requesting Deferral**

**ZMA201700005 Hollymead Town Center, Area C – Block II, III, and VII**

Mr. Keller asked any member of the public had comments on this item, which had been requested for deferral. Hearing none, he asked if there was a motion from a Commissioner to grant the deferral.

Ms. Spain **moved** to defer ZMA201700005. Mr. Dotson **seconded** the motion, which passed by a vote of 7:0.

**Work Session**

**ZMA201800003 Southwood Phase 1**

Ms. Nedostup reported that County staff and Habitat for Humanity have worked together on the code of development to address some of the concerns raised at the joint session, but there

were a few items requiring further input – which was the purpose of this work session. She said they would like to receive the feedback so the applicant can address concerns prior to the public hearing tentatively scheduled for the end of July.

Ms. Nedostup stated that the Southwood Property is off of Old Lynchburg Road, with three parcels proposed to be rezoned – all currently greenfield parcels. She said that the rest of the Southwood development had 341 mobile homes, which would be phase two of the redevelopment of Southwood. She noted that Biscuit Run Park was located to the south and Mosby Mountain subdivision was located to the west. She said that two of the parcels were currently zoned R-2 Residential and one was zoned Neighborhood Model, with all three parcels proposed to be rezoned to Neighborhood Model.

Ms. Nedostup presented a plan for rezoning, stating that there were two blocks proposed for this phase – Block A and Block B – and she noted their locations in proximity to Old Lynchburg Road, Hickory Street, and a new road coming into the undeveloped parcels. She stated that Block A was adjacent to Biscuit Run and Block B was the large portion along Lynchburg Road; most of the discussion tonight would focus on Block B.

Ms. Nedostup stated that a maximum of 450 residential units and 50,000 square feet of non-residential are proposed. She said that Block B is the most intense block, with non-residential and residential uses permitted; Block A is anticipated to be mostly residential with limited non-residential uses restricted by intensity and size. She stated that the road system would eventually connect back into the existing Southwood community that would be part of phase two.

Ms. Nedostup reported that there was general consensus among the Board and Planning Commission that Block A was acceptable and shouldn't require significant changes, but more detail was needed on the stepbacks, massing, greenspace, density, uses, and how Block B would connect with Block A and the existing Southwood community and how it would relate to the neighborhood across from Old Lynchburg Road. She stated that feedback was given that a concept plan should be provided, and consensus from the Board at the meeting was that it didn't need to be a master plan but should show connectivity and how the proposed and existing neighborhoods would relate to each other. She noted that some of the descriptions of the character areas in the code of development, including parking, needed more clarification.

Ms. Nedostup stated that since that time, parking was updated and administrative modification request was submitted, and both planning and zoning staff support that request. She said that Habitat went back to the residents of Southwood and held a number of workshops for Block B, which followed what they had done for Block A. She said that the residents had participated in the design for Block B, and that information is reflected in the illustrative concept plans and the contacts and history document.

Ms. Nedostup said that the code of development was updated to include clarity and information regarding the proposed trail system, pedestrian connection areas, and civic space. She stated that the table for the regulations for each character were updated, and building regulation diagrams were added to the code of development to address concerns from staff and from the joint work session. She noted that a heat map concept plan was provided and the context and history document that shows how the density and uses from phase one may be translated into phase two, and also includes how the road system network may develop.

Ms. Nedostup referenced a slide showing the proposed concept plans that Habitat worked with residents to create, which are contained in the context and history document, and pointed out on the heat map the phase one intensity uses translating into phase two. She said they also added road network connections and how that could be developed for phase two, as well as a network of open space and trail system that traverses around the community.

Ms. Nedostup reported that the first question is what the maximum height for the building code of development should be, and the maximum number of stories in all character areas is four stories – with stepbacks of 15 feet required in C5, C4, and C3 for buildings greater than three stories. She said that stepbacks are not required for buildings with a front step back of at least 15 and do not currently apply to buildings along Old Lynchburg Road, but Block B requires a 50-foot building setback parallel to Old Lynchburg Road in character areas 3 and 4. She pointed out the C5 location on a map, with C3 at 55 feet and C4 at 65 feet building height. She said that a 30-foot trail and trail buffer is being provided along the property line south of Hickory Street that will connect to the trail system in Southwood, and it is located along the property line along Old Lynchburg Road.

Ms. Nedostup reported that the Comp Plan designates these parcels as urban density residential, which is 6-34 units per acre, with a center designation at Hickory and Old Lynchburg Road. She referenced the map from the Comp Plan, which states that the redevelopment of the Southwood Mobile Home Park should be as a mixed-use community, with housing types for different income levels, and a retail or services area for the neighborhood. She noted that the Comp Plan recommends a height of one to three stories in this location, with taller heights permitted where appropriate – but staff believes that a case could be made for four stories in this location since it has been designated as a center.

Ms. Nedostup presented photos of Old Lynchburg Road and the Mosby Mountain subdivision, with one taken heading south on Old Lynchburg Road, and one taken straight across from Mosby Mountain into Hickory Street. She said that the other photos were looking from the other side of Old Lynchburg Road, looking at Mosby Mountain from Hickory Street. She pointed out the C5 areas and large buffer areas.

Ms. Nedostup stated that the second question was “Should Lynchburg Road be a framework street,” and explained that the code of development regulates certain standards such as stepbacks, building length, garages, etc., based on whether a building is located on a framework

street. She noted that the framework streets identified in the code of development were Hickory Street and the new road 1A within the development. She said that staff is recommending that Old Lynchburg Road be a framework street for scale and mapping purposes.

Ms. Nedostup said that the third question related to the proposed recreation substitution requests for Block B, stating that the planning director has the ability to review and approve substitutions to require recreational facilities per the ordinance, and this question was brought to the Commission because staff had a concern about the recreational facilities being provided in Block B.

Ms. Nedostup said they reviewed the request for substitution for Block A and are supportive of that request, but for Block B, they are proposing up to two tot lots and one half-basketball court – with a request for the pedestrian trail to substitute for one of the two tot lots and 6,500 square foot civic space to substitute for the other. She stated that two tot lots and two half-basketball courts, which were required for the density, were not being provided and a substitution was not being proposed at this time.

Ms. Nedostup said that staff is recommending that additional recreational facilities be provided as specified by the ordinance or a substitution request be made for the additional two tot lots and courts, with equivalent recreational amenities provided in Block B. She stated that question four was an open-ended question, but staff wanted to get feedback on whether there were any other aspects of the code of development and application plan as submitted that require any additional detail, revisions, or clarifications.

Mr. Keller invited the applicant to present.

Ms. Rush Otis, director of redevelopment for Habitat for Humanity of Greater Charlottesville, addressed the Commission and thanked staff for their work. She said that there had been significant adaptations to the code of development since the last work session a year earlier, specifically in response to feedback and suggestions received at that time. She stated that there were representatives from the engineering and architectural firms and from Habitat, and they wanted this to be a collaborative and productive work session.

Ms. Otis reported that the rules and regulations in the rezoning application before them were the result of an extensive, resident-driven design process – and Southwood resident designers were in full support of the project moving forward. She said that as the application was developed, they have recognized that there has been a lot of agreement and confluence between what the residents' vision and aspirations for this project are, and what the County's aspirations are in the context of the Comp Plan.

Ms. Otis stated that the areas designated as Urban Residential Density, and the rezoning application was well within the confines of that density maximum of 34 – with areas of 7-23

units per acre, with the most intensive areas in Block B. She said that as residents were asked how they wanted the community to present itself, the idea of a neighborhood center at the entrance of Hickory Street made a lot of sense to neighborhood planners and was referenced and backed up by the Comp Plan's identification of a neighborhood center in that area. She said that this guidance has led the team to develop a plan that has appropriately located density that allows them to scale back at times where they want to better integrate into an existing community or into the future proposed development of Southwood.

Ms. Otis said that well-designed intensity also provides a lot of benefits, and phase one can serve as a microcosm – a catalyst for the conversion of the mobile home park into a mixed-income, mixed-use community. She stated that they want to see a healthy housing ecosystem that provides ladders of opportunity for people at all income levels, and aspire to a community where families can change their circumstances and financial situation without having to change their community – which is only possible when there is a diverse range of housing types available at a wide range of affordability.

Ms. Otis reported that they are working with a developer to submit an application in March 2020 for a competitive financing pool that would bring up to 80 affordable units to the north side of Hickory Street, where “affordable rental” is identified on the slide shown, as well as bringing a mixed-use building fronting along Hickory Street that could provide up to 10,000 square feet of commercial space that would be available as a business incubator for community members who own and operate small businesses in Southwood.

Ms. Otis stated that as they know from the recent regional housing partnership report and Dr. Pethia's presentation, the need in the community for that type of affordable rental in 60-80% area median income is critical. She noted that Block B's density also provides the density for them to increase the market rate and workforce rental housing stock, and that along with the projected market rate and affordable home ownership in Block A will allow them to increase the housing stock in a supply-constrained environment in the community.

Ms. Otis said that there is a strong relationship between well-designed and density and meaningful open space, and the team noted Commissioner Bivins statement from the work session a year ago that recommended that they thought about the quality of a walk as well as the distance of it – which has encouraged them to consider an increase in the trail system. She said they now have a half-mile of walking paths that would allow someone to move from Block A to Block B from Hickory Street to Biscuit Run Park along a natural and landscaped area.

Ms. Otis said they also required intentional pedestrian connections, running across the site, which encourage and allow for connection between the sidewalk infrastructure and the trail system, so people can make a decision about the type of walk they want to take and possibly vary it. She stated that in addition, they have 6,500 square feet of civic space identified on the north side of Hickory Street to walk to as a gathering point for community members.

Ms. Otis stated that locating density and intensity in C5, the entrance area along Hickory Street, has also allowed them to negotiate with developers to ensure they could provide more human scale typology like townhomes along road 1A, proposed to go between the new development and the existing Southwood community so the walk experience is more pedestrian friendly and inviting.

Ms. Otis stated that there were some other significant design benefits to locating intensity and density at C5 at the neighborhood center, as identified in the Comp Plan, and in the rezoning application, they have required 12-foot, floor-to-floor ceiling heights on the ground floor for building that front on Hickory Street to support non-residential and commercial activity – which would activate that street edge. She noted that they were working with the developer for the north side of Hickory Street to be able to provide 10,000 square feet that would be low to no-cost for Southwood business owners and operators to serve as a business incubator. She said that while a mixed-use building like that may demand more height, they also believe that bringing in that commercial opportunity helps bring the existing community and proposed development together, serving as a critical component of the development of the first phase.

Ms. Otis stated that they have been able to negotiate for structured parking for buildings on the south side of Hickory Street, and islands of parking that often accompany high-density development are not necessarily good for the environment or human experience – so being able to increase the building height slightly has allowed them to encourage the developer to structure the parking and reduce the amount of surface parking. She noted that the civic space previously mentioned on the north side of Hickory Street offers a place to congregate and gather at the neighborhood center of the development.

Ms. Otis said that the development would bring a significant amount of change to the Old Lynchburg corridor, but Habitat and Southwood feels that it is positive and will allow for the entire community to grow and advance together. She stated that the regulations and development framework in the rezoning application support the vision of Southwood as well as the County's Comp Plan – and the team is before the Commission for guidance, to work to mitigate development impacts and improve this framework, while still staying true to the vision that the Southwood community and county have are proud of.

Mr. Bivins opened the public comment period.

Mr. Ken Garrison of the Mosby Mountain Homeowners Association addressed the Commission and stated that the homeowners have listened to the development plan for Southwood and are supportive of the concept – but the concern is that this has moved from a redevelopment of Southwood to the sale of outparcels to commercial developers that will increase the density and height and will change the character of Old Lynchburg Road and the communities that align along that road.

Mr. Garrison said that the association emailed a letter on March 29 that asked, in part, if they could look at setbacks on Old Lynchburg Road. He stated that there is a power pole 52 feet off the road, and the proposal is a 65-foot-high building 52 feet off the road. He stated that moving the 6,500-foot green space to the front instead of the back would help, as would a berm on Old Lynchburg Road, expanding the trail buffer, and lowering the building height maximums.

Mr. Garrison stated that the conclusion of the Timmons Group traffic report was that this would not affect the traffic, but in reading the VDOT questions, there is discussion of a 1,786% delay at Stagecoach and 5th Street, as well as a discussion of intersections that are failing – and he finds it hard to believe that’s not an increase in traffic. He stated that there was also a request for no proffers on this, and if that is the case, he did not know how the county would come up with the money to redevelop Old Lynchburg Road because it would need it at some point. He said that the last concern is that the changes without properly addressing them will reduce the home values of the communities that are already there, so he would encourage them to look at this as a way to develop the community but look at all of the community – not just Southwood, but the communities that line Old Lynchburg Road.

Mr. Richard Tremblay, member of the Habitat Board of Directors and a former planner, stated that this application represents the vision of residents of Southwood in a two-year process designing the plan and the code of development for this application. He said that the proposed densities, particularly with regard to concerns of Mosby Mountain in Block B, align with the Comp Plan densities for the area. He said that the intensity of development in Block B is the appropriate location for that type of development at the intersection, and it is part of the community center that the Comp Plan has identified in this area, and it has the mix of uses a community center is intended to have with neighborhoods serving commercial uses.

Mr. Tremblay stated that the intensity in Block B helps accomplish a mix of housing types, open space in phase one, and it is integral to the economics of the redevelopment plan, which includes affordable housing, market rate housing, and commercial development. He said that the four-story height is due to structured parking on the first level and the ground level, which will help reduce the surface parking substantially and allow for more open space, and it fits the design principles for a community center. He said that the 50-foot buffer is already an enhanced buffer, with 30 feet of it landscaped, and it will substantially screen the development from Old Lynchburg Road.

Ms. Jennifer Flores read a letter on behalf of the Southwood community and presented a copy to the clerk.

Mr. Bivins asked her how many individuals present live in the Southwood community and asked them to stand.

Ms. Otis thanked community members and others for attending. She said that the goal of her presentation is to find places of compromise so they can mitigate the impacts the development

will have on the Southwood community and the larger community, and some of the work the architects have done over the last few months has been to examine through cross-sections through Old Lynchburg Road where they can negotiate around building heights and footprints, to mitigate the impact to Old Lynchburg Road as well as to Road 1A, the internal street. She said Mr. Tremblay explained well what the concerns are, and she said that the development proposed for Block B is a critical component of how Southwood will work, even though it would be provided by a third-party developer.

Ms. Otis stated that it had always been envisioned that the community would be developed by a range of other developers besides Southwood, so when housing types and products are needed to make the community successful, those partnerships can come into play. She said that the inclusion of workforce and market rate rental and low-income housing tax credit rental feels like an appropriate mix to provide in Block B in support of the overall density and mix of phase one.

Mr. Keller thanked the speakers and asked Ms. Nedostup to go back to the first question.

Ms. Nedostup reiterated that the first question pertained to the maximum building height per the code of development.

Mr. Dotson said that one of his questions related to the parking in the structure and the greater height to accommodate that, but his understanding was a uniform prohibition on anything over four stories – and he asked how a story is measured. He asked if a level of parking beneath a building was considered the first story or the zero story, as that would make a difference.

Ms. Nedostup responded that this was why they had two measurements in the code for stories or height, and the parking garage would count towards a story, depending on whether it was at or below grade – so it would have to be halfway below grade for it not to count as a story, but if it was at street level, it would count as a full story.

Mr. Dotson said the applicant was requesting 65, and the staff report indicates that staff is advocating for 50 feet. He asked if staff felt that was sufficient for commercial at the ground floor.

Ms. Nedostup responded that the first story would be 12 feet with three additional stories of 10-foot ceilings, which would total 42 feet and give the applicants some buffer. She said that staff had discussed with Habitat the way the building might sit on the site and topography, that some portions of the building may end up being taller at one end than at the other or in the middle.

Mr. Dotson stated that the way that height was typically measured would account for that, is it was something like the average along the side and so forth.

Ms. Nedostup said that there was concern along the Old Lynchburg Road portion as to how it would be measured, for site planning purposes.

Mr. Dotson stated that at some point he would like to hear from the applicant as to why 65 would be appropriate.

Ms. More asked about the area in front of C4 and whether it was a VDOT right of way, and she asked how big it was at its largest point.

Ms. Nedostup responded that it looks to be about 50 feet, although she hadn't measured it specifically.

Ms. More said that there is the 50-foot VDOT right of way up to that point, where the first C3 is, and the trail buffer is 30 feet – with the setback on one of the charts at five feet.

Ms. Nedostup replied that it would depend on whether or not it was a front, but there was a statement that said character area C4, C3 south of Hickory Street, shall have a 50-foot building setback parallel to Old Lynchburg Road – so it would be an additional 20 feet off of the trail easement.

Ms. More asked if Hickory Street was the only in and out point by way of Old Lynchburg Road to Block B and A.

Ms. Nedostup responded that Hickory Street continues around to Stagecoach and then comes back out to 5th Street as well, and she highlighted on a map Hickory and the other parcels proposed for rezoning. She stated that it continues on behind the Covenant School over to the COB-5th building and then to 5th Street itself, so there are two access points in and out of Southwood.

Ms. More stated that Hickory Street is the most direct way to access this, particularly Block A.

Ms. Nedostup confirmed this, and she pointed out the location of Block A, stating that a vehicle could choose to come out and go left on Hickory Street to Old Lynchburg or go right and go around the other way.

Ms. More asked if Block A would connect if the existing Southwood neighborhood were to be redeveloped.

Ms. Nedostup replied that it was proposed for an emergency access connection, or there might be an alternative one – but there were no other vehicular connections proposed at this time.

Ms. Firehock said she was reading the explanations in the staff report and found some things to be confusing. She stated that she was trying to understand the height, and asked if the first floor would be all structured parking.

Ms. Nedostup responded that Habitat would need to clarify the parking and how it was going to be tucked in.

Ms. Firehock said that if the structured parking was at the surface level on the first floor, it didn't make sense because commercial development is not usually accessed by elevator or stairs to a second floor – and was usually surface level or in a structure on top. She said that surface-level parking is around \$17K per space, whereas underground it is \$40-55K per space, and she was struggling to understand the financial feasibility of bringing in a tenant who would have to provide structure parking.

Ms. Firehock noted that this all related to how tall the building needed to be, and she was also struggling with the topography because the building sloped and seemed to be taller on one side of Old Lynchburg than the other – and it was hard to get a sense of the building massing. She said that she assumed the applicants did not want to take up a lot of land for surface parking and land was at a premium, and she wasn't sure a commercial business would be willing to provide structured parking, as they would in a larger city.

Ms. Nedostup stated that the building in C5 needed to provide the first floor as if a commercial or retail space would go in there, but it wasn't required up front – so they could put residential in first and be converted later, which the structure and ceiling height would allow for.

Mr. Bivins said that from across Old Lynchburg Road coming in and going down was probably the highest piece, and it would be helpful to have a balloon test to show how a height of 55 feet would look over the tree line. Short of that, he said, he would like the structure to be lower. He also stated that he struggled with C5 and whether there would be structured parking in the high-density, multi-unit dwelling on the north side, or if it was only intended to be on the south side. He asked if the applicant was stipulating that anything built in C5 would have structured parking.

Ms. Nedostup responded that on page 20 of the code of development, there was a parking space location based on the different use types and where those parking spaces can be located. She explained that there is standalone parking, relegated parking in a lot or bay, offsite, on street, alley, garage parking, and on and offsite shared parking. She said that all of the uses can be met in one of these locations, but it was not specific to the block or character areas.

Ms. Riley thanked staff for all the hard work on this, as they have devoted a lot of time and have done a great job. She also thanked the Habitat applicants and residents. She said that in the Southern and Western Area Plan, they lack any definition of centers – and staff pointed to the Commission to consider the Places 29 definitions for centers. Ms. Riley stated that she

would like to hear an explanation of why those would be the appropriate definitions, and within that there were two distinctions: a neighborhood service center and a community center. She said that she believed a neighborhood service center was most appropriate because of all the land uses and aspirations the community was expressing in their application, but she asked if there were other possibilities.

Ms. Nedostup responded that in the last work session, they talked about whether the neighborhood service center would be appropriate – and at the time, the small area plan for Rio/29 was the master plan that had the most definition for what a center could contain and at what size, scale, form and massing could be within those centers. She stated that they had this to extrapolate from and that was the discussion at that joint meeting, and as she recalls, they discussed that it might be in between a neighborhood service center and community center – and there might be other neighborhoods that come to a restaurant, coffee shop, etc. that would be located there. She noted that it could be size or scale in between the two center types.

Ms. Riley stated that without any renderings, a balloon test, or sections of the massing of buildings provided, the Commission was being asked to provide input without adequate information. She said that particularly for the existing residents for Southwood, who would have these buildings in their backyard, there should at least be renderings that represent what the elevation changes are for the neighbors across the street and the 25 homes currently on Bitternut Lane. She emphasized that she would appreciate that information and would have a hard time giving a recommendation without that additional information and those renderings.

Ms. Nedostup responded that they did not need an answer on a definite height, but that feedback on what the applicants could provide for further discussion at the public hearing is very beneficial for staff to evaluate.

Ms. Riley said she also had a question regarding neighborhood model principles, which they were trying to conform to, there was a concept in the Comp Plan of the transitioning continuum of intensity of uses. She stated that if they were evaluating whether a maximum height of 50 feet was appropriate for C5, they also needed to look at the maximum heights for C4 and C3 – because they were looking for the continuum of intensity to decrease.

Ms. Spain stated that most of the correspondence the Commission received about this application expressed concern about the height and massing on Old Lynchburg Road, and if the first floor is going to be structured parking at a very expensive rate, she would like to see some renderings as to where relegated surface parking might go. She also asked how many yards the C5 frontage is on Old Lynchburg Road and what percentage it is of Block B, as it seemed to be between a quarter and a third.

Ms. Nedostup responded that it was listed as 2.65 acres out of the 33.96 total, so about 8 percent.

Mr. Benish said that he did a quick measurement of about 600 feet of frontage, but the applicant could provide further clarification.

Ms. Spain commented that it was a relatively small amount, but it happened to be the parcel directly across from Mosby Mountain.

Mr. Carrazana stated that he was also having a hard time understanding the 65 feet in relation to the four stories and the building program. He said that he was looking at commercial on the first floor at 12 feet for C5, and if that is the case, there is the question of parking and how it works. He emphasized that a cross-section of the building would really help, particularly in relation to Old Lynchburg Road, as would some understanding of the building use on the first floor – and it could mean just two floors for residential units. He said that they could certainly build four 12-foot stories, which would be a nice size.

Mr. Keller asked the applicants to respond to specific questions, and he noted that there were two other agenda items after this one.

Ms. Otis stated that they do have some cross-sections specifically through that building, which was one of the questions Ms. Nedostup had made when she created the staff report. Ms. Otis said that they were specifically looking at structured parking on the building that fronts Hickory Street on the south side of the street, and what was really pushing the idea of four stories was that the mixed-use component would have commercial on the first floor and residential on the three floors above.

Ms. Otis stated that they were particularly negotiating is the building fronting on Hickory Street to the north side, but also the potential that the building to the south side could convert over time to non-residential or commercial uses as well. She emphasized that it is intended that the structured parking would likely not count as a story because it would be 50 percent or more underground, which meets the current county definition.

Ms. Otis stated that the height is taken from the midline of the frontage for the building, so there is room for them to come down on the parking, because even with the four stories and the structured parking underneath, because it is mostly below grade, most of the four stories would be able to be contained within a smaller envelope than the 65 feet initially requested.

Ms. Otis said that she appreciated Ms. Firehock's point regarding the expense of structured parking, and the negotiating point to require the structured parking discounted the land sale slightly because they felt it was so important. She stated that another important piece of the puzzle is that Southwood is in a designated opportunity zone, which incentivizes the investment of developers who might otherwise see this as a more risky proposal or opportunity and allows them to take more calculated risks because of the potential tax benefits long term – so they

have taken advantage of that designation in order to mitigate some of the impacts of surface parking and something this dense.

Ms. Otis stated that there had also been some confusion regarding the question of how the trail buffer works in relationship to the building setback required in C3 and C4 south of Hickory Street, and one of the changes to the code of development would be the fact there is a 30-foot trail buffer that goes from the south side of Hickory Street through the natural area where that picks up in Block A, as well as a 20-foot setback off of the trail buffer that achieves the 50-foot setback for anything along Old Lynchburg Road in C4 and C3 to the south of Hickory Street.

Ms. Otis emphasized that four stories were about accommodating the aspiration for a mixed-use building and the ability to provide commercial opportunity, particularly on the north side of Hickory Street, that would be a business incubator for community members, with residential on top of it.

Mr. Bruce Wardell, principle at BRW Architects, addressed the Commission and stated that he has worked with the residents at Habitat over the last two years to develop these concepts and the zoning application. He said that what is presented are conceptual sections through the areas the Commission was concerned about, and he noted that there was a diagram of Block B with various sections taken through – one on the north side of Hickory, section one; one on the south side of Hickory, section two; section three through section C4; section four through C3.

Mr. Wardell referenced two diagrams that were different approaches to the code of development, noting that one of the discussions with staff was that no building would be longer than 200 feet. He said that Option A is the length of building of 200 feet along Hickory generates exposure along Old Lynchburg Road, and in response to some of the concerns of the community, there is an option of extending that maximum building length, which would allow for a bar building along Hickory – minimizing that exposure. He noted that this was the preferred approach for this point in time, and section one in the building envelope shows a maximum of 65 feet or four stories.

Mr. Wardell said that in C5, they never imagined that the parking would be on the surface and that the structured parking would be below grade, with commercial on the ground floor. He noted that there was no prohibition of that in the code, but that was clearly the applicants' understanding, and the four stories were commercial, 12 feet, and three 10-foot floors, with some additional for the structure.

Mr. Wardell stated that sections 2B and 2A are the sections of both versions of the buildings on Hickory, and 2B is the section through the bar building with a step back at Hickory and at 1A; Section 2A is the section through a three-story building along Hickory. He said that Section 3 goes through C4, where Old Lynchburg Road and the property line are visible, and the phone pole at 52 feet from the street is probably at the limit of the right of way – so the existing 30-foot tree buffer has trees that are already 60-70 feet tall. He said they show the 30-foot trail

buffer plus the 20-foot building setback, as well as the two different building envelopes and master plan of the buildings. He noted that Section 4 goes through a C3 designation, with a narrower section of Old Lynchburg Road, with a 30-foot trail buffer and 20-foot building setback.

Mr. Dotson commented that the diagrams just submitted were very useful, but people in the audience had not been able to see them – and it would be good to make them available, especially for the residents of Mosby Mountain.

Mr. Keller asked staff how soon it could be up on the website.

Ms. Nedostup responded that she could upload it tomorrow to be part of the ZMA link.

Ms. Riley stated that this is very helpful, but she hoped that before the public hearing, they would receive cross-sections that showed elevation. She said that when they reviewed the hotel at Pantops the previous week, the rendering provided a better sense of how it would affect the current residents. Ms. Riley asked if the applicant was still requesting parking waivers, because as of March, they were asking for a waiver specifically to reduce the multi-family parking spaces from 2 or more parking spaces to 1.5, even though the ordinance requires 2 parking spaces. She asked if the rezoning request was still in part of the application, and how it either supported or contradicted that.

Ms. Otis confirmed that they were requesting a reduction for Block B multi-family from 2 to 1.5 units for the larger multi-family units, and Timmons had put together some justifications for that based on other studies, with the developer feeling that this was a comfortable amount of parking and helped reduce the amount of surface parking and mitigate open acres of parking.

Ms. Nedostup stated that planning and zoning staff evaluated that request, and it was for multi-family units that have two or more bedrooms – so any less than that would not have that reduction. She said that typically, that was a zoning administrator approval, and staff did not find any issue with that reduction.

Ms. Spain said she was curious as to whether the parking reductions applied to the whole site.

Ms. Nedostup explained that the other parking modification related to where the parking would be located, and the ordinance required that it be located onsite. She said that the applicant had requested that it be modified to allow for parking off the lot but within 200 feet of the structure.

Mr. Dotson stated that there were two different concepts in the package relating to building height, and in the aerial photographs they were shown again but with buildings – and it looked fairly benign when he looked at it. He said that when he looked at the code of development and saw maximum, he assumed that it would be applied throughout the area, but

the maximum only applied to the multi-family. He asked if there was some way to revise the code of development to make it clear there was a mix of uses and not all at the maximum.

Ms. Otis responded that there was a comparison between the bar building and the L building, with the bar building being what was presented in January and revised in March – responsive to the 200-foot maximum building length. She said they would be happy to step up the building length in C5 to 275 or 300, limiting that length to Hickory Street and the exposure along 1A to 100 feet, which would provide an edge for a neighborhood center without having an imposing presence on the existing neighborhood and Old Lynchburg Road as well. She stated that the current rezoning application had a blanket 200 feet as a maximum. Ms. Otis said that staff felt there was a variation among typologies, but a row of eight townhomes would reach the maximum 200-foot building length if the units were a typical 22-foot unit size. She stated that C2 and C1, with more single-family housing typologies also envisioned the attached units Habitat built, so a row of six units might press against those building lengths.

Mr. Dotson asked if there was any meeting of the minds between 50 and 65 feet.

Ms. Otis responded that they recognize that they can come down from 65 feet, now that they've done the cross-sections, and they are looking at the flexibility to be provided since they don't have exact engineering for the topography and where the building height would be measured from, whether there would be steps up to the entrance, and what the roof height might entail.

Ms. More said that in Block B, they talked about the mixed-use nature of C5, but that was also possible in C4 and C3 in Block B.

Ms. Otis replied that the other uses were allowable, but they were not contemplating the same floor-to-floor height. She said that a mixed-use building with first-floor commercial residential above was contemplated in C5, but there was no restriction against it in C4. She stated that in Block A, there were size restrictions so they might have a townhome living above a shop below, but not the same intensity as Block B.

Ms. Riley said that she did not take the heat map as any conceptual information prior to this meeting, but it seemed to be a real concept plan. She said that the map shows extending this type of massing further south on Hickory into the neighborhood on phase two, and asked if that was correct.

Ms. Otis responded that if they saw success in the creation of business incubation and business spaces that Southwood residents supported in the first phase, there could be a similar scale or typology moving into the whole neighborhood center.

Ms. Riley stated that from Bitternut coming down, it looked as though they could potentially extend C5 if they doubled it and moved it south – and the Commission was being asked to

provide feedback on whether this type of massing was in character of the existing community, but they had not been given information about what phase two would look like. She asked for clarification as to what they were planning to do in terms of intensity in phase two.

Ms. Otis replied that they were envisioning that Hickory Street could be something different in the neighborhood because of its through nature, also looking at the master plan for Biscuit Run and recognizing that one of the first steps is the trailhead across from Covenant School further down Hickory Street outside of Southwood's property. She said that there was a question of whether that would reduce to three stories as they stepped internal to the site, and they recognized that Old Lynchburg Road's frontage provides the applicability of that level of intensity at its intersection with Hickory Street.

Ms. Riley said that in the Comp Plan and neighborhood model, they look for increasing intensity – and if 50 feet or lower is the maximum height, she wondered if C4, C3, and C2 would also adjust their maximum heights.

Ms. Otis responded that they could look at that, and one of the typologies envisioned in C1 or C2 was something like the condo building in Sunrise, which is a four-story condo across a small right of way across from two-story duplexes – a scale that worked very well. She emphasized that they didn't want to reduce the maximum height so much that they couldn't recreate a condo unit similar to that, so they could offer the housing typology in areas like C2 and C1 for resident rehousing and wanted to make sure that was an option.

Ms. Firehock stated that she was a strong supporter of business incubators, which was mentioned in the applicants' report, but she didn't understand that with the property being sold they could ensure the buyer would build structures to house these types of businesses. She said that she was thinking about services such as catering, lawn care, crafting, etc. – and she asked what they were incubating and how they would ensure a buyer would achieve that.

Ms. Otis responded that this is part of the MOU and would be put into a deed restriction for that sale to provide the \$10K square feet, and it also means they've reduced the sale price of the land to ensure it would be feasible for the developer. She stated that one of the community engagement specialists on their team is focused on working with small business owners and potential owners, with approximately 90 businesses currently operating in the community.

Ms. Otis said that families have self-identified as wanting to live in phase one, and Habitat is working with them on financial coaching, and they would be assembling soon to start site planning their first village. In addition, she said, they would be working with small business owners who have identified as having a role in phase one, with each having a different footprint and space requirement – so Habitat would ensure they could create a space that's flexible enough that it would work with what those small businesses were.

Ms. Firehock asked where the 10,000 square feet was located.

Ms. Otis replied that it was on the north side of C5, and there was also opportunity for some home occupations and in C3. She said that when there was non-residential included in Block A, it was typically included at the intersection, so that's why it was captured as C3. She stated that village one residents would have to come together and decide if it was an applicable use for the neighborhood, which was the kind of conversation they were having now to understand the potentials of C3.

Ms. Firehock asked if a person would be required to maintain a small business incubator.

Ms. Otis responded that it would be for a limited period of item, with the hope the incubator would work and they could then rent the space as full retail.

Mr. Keller asked if it was five years.

Ms. Otis confirmed that it was.

Mr. Bivins asked if the MOU pertaining to C5 also included having high-density affordable housing.

Ms. Otis responded that the developer they were working with was looking to put forward an application in March 2020 for LI-tech, and that was currently in the MOU. She confirmed that there was a 60-80 percent AMI requirement, with a 15-year initial period and a 30-year period for LI-tech.

Ms. Nedostup stated that she wanted some input on whether the Commission felt these needed to be included in the code of development moving forward or in the context in history document so that they're part of the application as they move forward. She confirmed that the Commission still wanted a balloon test at different heights; applicant consideration of height adjustment for C4, C3, and C2, based on building programming; and feedback on mix of uses to not all be at the maximum for multi-family.

Ms. More commented that the character of the existing area is rural in nature and close to the boundary, and she understood the need for Block B to help achieve the existing goals. However, she said, this is quite dense for something that is on the edge of the growth area. She noted that there wasn't a definition for a neighborhood center in the master plan for this and it was taken from Places 29 – but the character is quite different from this area, and she wanted to make sure the neighborhood service center allowed for the three stories, so she would be more inclined to look at that as a center to define this area.

Ms. More noted that as staff pointed out in the report, there had not been sufficient information submitted up to date for a recommendation of a building height more than three stories. She said that they all know something four stories can be very well done, which has a

lot to do with topography and the step backs, and three stories can also be done very badly. She stated that with a lack of information, it is hard to make that determination – and she wanted to say she didn't support the four stories at 65 feet, but might be convinced otherwise if she had information that showed how it could be done in a way that related to what was across the street and what would develop where the existing neighborhood is.

Ms. More emphasized that if they were going to pick one, she would choose the neighborhood service center because of the nature of the area as it transitions into the rural area. She stated that staff recommends that the height be limited to four stories or 50 feet, whatever is less, and this goes back to what staff and the applicant had conveyed to the Commission at this meeting. She added that regardless of the ultimate height, staff recommends that the step back regulation apply to Old Lynchburg Road and should be specified based on both height and stories, and she supports the recommendation that staff made in regard to question one.

Mr. Keller asked if they were ready to move into question two.

Ms. Nedostup stated that the question was whether Old Lynchburg Road should be a framework street where the step back would apply.

Ms. Otis asked what the timing was for balloon tests.

Ms. Nedostup responded that staff would work with them.

Mr. Keller said that the Commission kept getting these things at the last minute, and they would like to have all the information two weeks before the public hearing.

Ms. Nedostup asked if there were additional comments beyond the step back along Old Lynchburg Road.

Ms. Spain said that the framework street was to parallel 1A, and asked what the advantages and disadvantages were of making it a framework street, and how it would differ from its current designation.

Ms. Nedostup responded that typically, existing streets would have these regulations on step back after the third story – so this was deviating from the ordinance with by right or current zoning. She said that R-15 allows a 65-foot building but requires a step back of 15 feet after the third story. She stated that Old Lynchburg Road not being a framework street wouldn't require the step back or those regulations to occur.

Ms. Riley commented that she agreed with the staff recommendation that Old Lynchburg Road be considered a framework street.

Mr. Keller agreed.

Ms. Firehock asked from which two points it would become a framework street.

Ms. Nedostup responded that she thought it would be the whole length.

Ms. Firehock asked if that meant Block B all the way into town.

Ms. Nedostup responded that it did not. She explained that staff had less concern with the north side of Hickory Street because of the large right of way in that location, so it was south of Hickory Street to where Block A would be.

Ms. Firehock asked if the framework street designation was only in the context of this development, and Old Lynchburg Road was not becoming a framework street.

Ms. Nedostup confirmed this.

Ms. More said that she also supported the notion of a framework street, primarily because it simplified the regulations – which made it more straightforward and ensured more consistency across that stretch. She stated that in looking at the charts, it would eliminate a lot of the flipping back and forth between the pages, and if it were to be considered then those requirements would apply.

Mr. Dotson stated that he would support a framework street designation and asked if Old Lynchburg was an entrance corridor.

Ms. More responded that it was not, and she confirmed that there would not be ARB review.

Mr. Dotson said that this would mean careful attention is called for.

Mr. Keller commented that Mr. Gast-Bray had shared with them the redefinitions of entrance corridors by VDOT, and asked if this might meet that.

Mr. Benish responded that it would depend on whether it was an arterial road or not.

Mr. McDermott stated that staff was working with other staff and the ARB at looking at some of the roads previously identified as entrance corridors that did not meet the state standards, and there was no change planned at the VDOT level for entrance corridors, as it was a local designation. He commented that they were required to be arterials, as far as staff could tell, and they were continuing to look at that and discuss with VDOT if any of the collectors would qualify as arterials – but it was still up in the air and was an application they had to work through with the Federal Highway Administration.

Ms. Spain said that Old Lynchburg Road would not be an arterial.

Mr. McDermott confirmed this.

Ms. Nedostup stated that question three relates to recreation substitution, and staff is recommending that additional facilities be provided, as specified by the ordinance – or the request should be modified to provide equivalent recreation amenities to those deficient tot lots and basketball courts.

Mr. Dotson commented that when he was at Southwood and met with residents, and in presentations he had attended, he noticed how much the basketball court at the community center building was being used after school – which made him lean toward having more of these facilities. He said that at one point a garden was converted to a soccer field and was greatly appreciated, and the civic space did not look appropriate for a soccer field and you could not play soccer on the trail. He stated that he wondered if they had targeted the right recreation activities and if they had done enough by substituting and not providing the full measure.

Ms. More said that she would echo what Mr. Dotson said and asked how much greenspace was being provided in Block A that wasn't in constrained land – as she could only find it in the illustrative conception plans, Attachment 4, Page 12. She asked if this was just open space in Block A.

Ms. Nedostup stated that the plans were just conceptual and were not part of the code of development regulations, so they were looking at Page 13 of the code of the development, which talked about the recreational areas and facilities provided. She stated that in Block A, there were up to two tot lots provided and up to one half-court basketball amenity. She said that tot lots are required per the ordinance to be 2,000 square feet in size, and a recreational basketball court is approximately 30 by 30 feet.

Ms. More said that for children older than tot lot-age, she was concerned about space for soccer and making sure there was enough open space that was not a prescribed court. She stated that there is a soccer area adapted from a garden, which was really important to the community, and she wanted to ensure that was replicated. She said that what was proposed in Block B would not provide the recreational space those residents might crave, so it would put pressure on Block A to absorb it. She stated that she felt Block B was under-parked and Block A would also potentially suffer for that.

Ms. Firehock stated that in earlier versions of these plans, Biscuit Run was used as a rationale as to why there needed to be less recreational space, but as time has gone on, it has become apparent that Biscuit Run would not be close enough to serve as neighborhood recreation. She said that they still have a similar request now without the rationale, and a trail was not a tot lot and served a completely different function. She stated that it would be helpful to have some data or information to go on as to why one form was chosen over another, but she has nothing

to give them an exception and she didn't want to shortchange residents. Ms. Firehock encouraged them to provide some rationale so she could decide on that fairly.

Mr. Bivins said that he did not accept or support the substitute for recreation, stating that this was an opportunity for Block B to integrate with Bitternut Lane, and what they would see was Block B residents with a lane 1A, then Bitternut Lane after that. He stated that he was concerned about creating a preferred location in Block A, where everyone else has fewer amenities – so he hoped the greenspaces and recreational places could be places of community as opposed to “blocks.”

Ms. Riley agreed with the statements of previous Commissioners and said she had been invited to participate in the charettes for Block A but was unable to participate for Block B. She said that every group she observed advocated for more greenspaces and recreational uses – but they all put soccer fields in their mock-ups. She stated that they should not be providing less amenities in the new development, and she would like to see them meet the required amount of passive and active recreation, and she did not have a preference as to what type.

Ms. Spain said that she had the same concern, and there was no subject for active recreation. She stated that the connectivity was an important priority, but not as much as providing active recreation space. She commented that this was the one area she felt the residents had something to do with, and the Commission's expertise is more with the height, framework street, and zoning, etc.

Mr. Keller agreed with fellow Commissioners and said that he hoped that [Dan's] expertise would be leveraged, as he has significant knowledge of urban soccer in small spaces, and it would be nice to have those models.

Ms. Nedostup summarized that the Commission wanted to see more space for active recreation and open play for older children, integration of Block B with the existing community, and further resident input as to what spaces are.

Mr. Dotson said he would be interested to hear Habitat's response to these comments.

Ms. Otis stated that they had a failed community garden in another area of the neighborhood and learned from that not to superimpose their own ideas on the community, with increased engagement in the design process for the new development. She said that there were community members coming together to start the preliminary stages of site planning, with the very first village in phase one and Block A having self-identified individuals stating they were ready for that. She said that the scale of play spaces and pickup soccer games were significantly smaller than regulation-size fields, and what they found early in the charrette process for phase one of Block A was that everyone wanted soccer fields – but they recognized that there was a tradeoff between open space and the ability to house everyone affordably.

Ms. Otis stated that there was an eight-acre natural area bordering the property, so they did not want to give up too much affordable acreage as potential for affordable housing in lieu of recreational amenities. She stated that it was not just about quantity of space but was about the usage of that acreage, and they needed to take into account the importance of active recreation. She said the scale of the open spaces was potentially smaller and more in line with a pocket park size, with the soccer field they had and liked being about 500 square feet, so they could make a new one bigger than that. She stated that some of the substitutions between having to program all the open spaces as tot lots could happen administratively as they developed site plans.

Ms. Nedostup confirmed this, but said that if they were requesting this as part of the rezoning, the information needed to be in the code of development.

Ms. Otis said that thus far, the substitution would be in Block A for the trail area to count as one of the tot lot requirements but then comply with Section 4.16 for every 50 additional units to have a tot lot, which could be substituted as a soccer field in the site plan. She stated that in learning from the garden to soccer field situation, they would work in cohesion with the residents designing the villages to determine what that park space is. She said that they recognize that Block B had less recreational space than in the current rezoning application, and they were requesting one substitution for the trail and one for the civic space – and they would need four additional tot lots to be sufficient for the max density in that block, and they were happy to amend that.

Ms. Nedostup stated that the last question was whether there were aspects requiring additional detail, revisions, or clarifications, in reviewing the code of development and application that were not already discussed.

Mr. Carrazana said that as you look at Old Lynchburg Road and the parking, it is really a five-story building – and if the road is a framework street, the question is how the four stories are counted.

Ms. Nedostup responded that she would have to talk to zoning about that to be sure.

Ms. Riley said that they have not discussed the impact on the schools, and this was an area of grave concern for her. She stated that there are 350 students from Southwood currently attending Cale – which is about half that elementary school – and she met with her district's school board representative to get information on capacity versus enrollment. She said that the school does a great job with projections, but have acknowledged they've under-projected enrollment capacity here. She stated that they would be putting two new learning cottages at Cale next year to accommodate just the new kindergarten class, and there have been a number of applications approved along Avon Street Extended and along 5th Street.

Ms. Riley said there had been discussion years ago about the need for an elementary school along 5th Street, and she did not know what the school's long-range plan was, but they probably needed an intermediate plan at least for the elementary school. She stated that it wasn't the applicant's responsibility to address the impact of all children going to the schools, but every application needed to provide a projection – and a formulaic approach already existed.

Ms. Nedostup responded that it was a standard part of public hearing preparation, and staff would provide it for that.

Ms. Riley stated that the other need was traffic information, and they had a traffic impact analysis for phase one and there was no question that there would be impact. She said that Old Lynchburg where it met 5th Street Extended was already failing, and she would like to see more recommendations from the applicant, such as the need for signals at Hickory, plans for the entrance at Stagecoach, etc.

Ms. Nedostup responded that VDOT had undertaken a study of that corridor and would be providing recommendations for improvements as they created the study.

Mr. Bivins asked what ARB's role would be, and what would happen when disputes occurred and who would serve as the "court of record" with new tenants and the legacy community. He said that at one point, the Commission was told that water and sewer systems in the legacy community were failing, but somewhere in the document, they were told that there was more than adequate capacity coming down Old Lynchburg Road to service the Block A and Block B development. He asked how this might benefit the legacy community so that both populations were receiving equitable infrastructure.

Ms. Firehock said that there were a lot of trees that would need to be removed in Block B, and she was curious as to Habitat's plans because in other communities, they have left very little vegetation. She stated that she did not see any storm water amenities and would like to see more about the tree character of the community. Ms. Firehock stated that the bigger question for her was how all the residents would be accommodated, especially given the income challenges of many of the families. She said that a lot of people have built lean-to sheds against their homes, but in looking at the brochures, she did not see those types of things represented – and the lifestyle did not seem to be translated into the new community.

Ms. Firehock said that she was also concerned about affordability on a broader scale, and once they developed the commercial area and the houses – with more market-rate houses added in – and over time, the overall assessments would drive them up for the entire area. She commented that she had not seen any analysis on this from Albemarle County, as there were other houses down Old Lynchburg Road that may become unaffordable. She asked if they would be going back to question one with opinions.

Ms. More commented that she echoes the concerns of other Commissioners and had concerns she was not comfortable sharing at this point, and she found it interesting that this had been such a long process yet they had a public hearing date that would make it a challenge to incorporate feedback just on these three questions. She stated that it wasn't sure why there wasn't more time for the applicant to go back and do this, and she had not had an opportunity to look at everything presented at this meeting. Ms. More expressed her appreciation to staff for the way they outlined questions, but the packet was incredibly confusing and was not user friendly – making it hard just to answer the three questions presented.

Ms. Firehock said she shared the same challenges, and it was hard to tell what was new information versus what they had seen before. She noted that she had read the conceptual plan was what they needed for this level of review and rezoning, but the Commission was trying to do a good job and did not agree to that approach – which was why there were requests for additional information.

Ms. Nedostup commented that there have been a number of revisions and staff has worked closely with Habitat since the joint work session; the neighborhood model is confusing for code of development, and they were writing their own zoning code for their development; and the concept plan was discussed at the joint meeting and was the Board's preference at that time.

Ms. More stated that it was the code of development issue that caused her concern, as there was add-on information that was not in the chart form presented. She said that she felt she might be missing something as she read through.

Ms. Firehock stated that she did miss the joint work session, but the Board should note that they needed a deeper level of information. She noted that she is a full-time planner and taught it at UVA, and she had the same level of confusion as a layperson looking at this. She emphasized that it was a lot to ask Commissioners to have to look through and determine what was new and what wasn't, and she found some contradictions in the document that made it even more difficult.

Ms. Riley commented that she did not feel the Commission had received the concept plan that was required by the county and requested in a letter dated August 6, 2018 – so it made it nearly impossible to evaluate this phase, as they wanted to review the entire redevelopment project and its connectivity to the rest of the area. She said that a critical component of the concept plan, which was touched on in affordable housing goals in a separate document, was what they were doing to preserve the social and cultural fabric of the community, in addition to the housing alone. She stated that some of them who are experienced planners have seen less than desirable results with “urban renewal,” and the question remained as to whether this would be a comparable community in a cultural sense.

Mr. Dotson stated that he would like to have a clear, focused discussion on how the affordable housing would happen. He said that it was clear on the Habitat land but needed to be

expressed for the land sold to other developers in terms of requirements, longevity, etc. for affordability – and how residents might assume homeowner fees to take care of the common areas in the plans.

Ms. Spain emphasized that attendees should not take this as totally negative comments, as they were trying to help the project go forward and were expressing legitimate concerns to make that happen. She said that if Habitat had not come to Southwood, it may have suffered – and this was something new that would take time and might be confusing along the way. She stated that all of the concerns expressed related to time, and she wasn't sure what might be possible in terms of advertising. She said that if there were a way to put this off, it might be a step in the right direction.

Mr. Keller stated that they would have that opportunity during the public hearing, and he summarized the ideas mentioned: an overall project conceptual plan showing the multi-phased project area that delineates the approach to maintaining the integrity of the traditional cultural community; the average AMI of the early adopters and other sections, minus early adopters; the anti-displacement strategy for all residents, not just the early adopters; a concept plan articulating the overall residential mixed location strategy for affordable and market-rate housing and commercial; the school impact analysis; the balloon test and renderings of buildings facing Hickory and Old Lynchburg, including sections across Old Lynchburg Road.

Mr. Keller stated that as they were thinking about a 40-plus year transportation plan and schools, he looked at Old Lynchburg and Plank Road, which connects to Route 20 and 29, would become an increasingly important connector – so they need to think about how much right of way would be needed for the widening of Old Lynchburg in that area. He said that there were also environmental concerns as raised by Ms. Firehock, and asked if anything else needed to be added.

Ms. Spain said there was still the question of height.

Mr. Keller asked for comments on question one.

Ms. Firehock said she appreciated the effort to turn the building massing sideways so there was less of it along Old Lynchburg Road. She stated that she still felt the height in the recommendation was much too tall, and she felt that “center” should be neighborhood center businesses that didn't exceed two stories. She said that anything taller would bring a very different character to the area, and they did not have a detailed master plan for the Southern Area Neighborhood – with Route 29 standards not being appropriate for the massing here.

Mr. Bivins stated that his concern with C5 was trying to preserve woodlands and not make it an office park, and he mentioned Sachem Village and some Richmond developments that offered both woodlands and business. He stated that in looking at small businesses, connectivity between commercial spaces would lend itself to a nice setting that might preclude clear-cutting

of 20 acres, which would be a great loss to the legacy community. He added that he would prefer a building that was not four tall stories of glass, so it would better integrate into the land.

Mr. Keller expressed agreement with his colleagues' statements, noting that they should really be thinking about a scale that was filtering out from the higher intensity and heights up to I-64 and the city, and lower would be better. He noted that a taller building might have less impact, but that was up to the designers, although the concept of the community center should be a smaller scale.

Ms. Spain commented that she thought they had already decided this and talked about a preference for a lower height, which Habitat had agreed to proceed with. She said that she agreed with her colleagues but wasn't sure how much woodland could be preserved in a growth area, and she saw this as a different issue than the height of the building – but the lower, the better.

Mr. Keller thanked staff and announced a 10-minute break.

**Recess.**

The Commission recessed at 8:36 p.m. and reconvened at 8:48 p.m.

**ZMA201800007 Belvedere Proffer Amendment – Carriage Houses**

Mr. Benish presented the staff report. He stated that this is a proposal to amend the proffers and code of development for the Belvedere development, noting that Belvedere is located north of Rio Rd., east of the Norfolk Southern Railroad and Dunlora area in Neighborhood 2 in the Places 29 Master Plan area.

Mr. Benish lots of single-family detached and attached units, and the request is also to allow for carriage house units to be attached to the primary structures; currently, the carriage houses are only allowed as detached units. He noted that they would like to allow accessory apartments to count towards the proffer requirement that requires that a certain number of carriage house units be provided.

Mr. Benish reported that Belvedere was approved in 2005, and it permitted a maximum of 775 dwelling units and 110,000 square feet of commercial use. He said that it was the first neighborhood model district in Albemarle County. He stated that there were approved proffers as part of the rezoning approval that addressed the issue of affordable housing, and those approved proffers called for the applicant providing cash contributions per each dwelling unit developed. He said they also called for constructing a minimum of 103 carriage house units, which are small units typically 800 square feet in size. He noted that by the definition within the code of development, carriage houses must be physically separated from the primary unit – and most of them are above a garage.

Mr. Benish stated that the proffers at the time when they were approved did not require that the carriage house units be offered to low- to moderate-income families; this was more of a market-driven approach to address affordable housing, and the intent was to provide small-type dwelling units new to the area at the time. He said the smaller-type units in the market tend to be more affordable because of their size, and could address other household or family needs. He added that the concept for those approved proffers was that this method of providing affordable housing was a market-driven approach, and their availability and affordability was at the discretion of the owner.

Mr. Benish said that regarding the process of implementing the proffer and meeting the 103-unit requirement, staff calculates there are actually 82 carriage house units that have been either constructed or approved and are under contract for construction. He stated that there are 80 detached units and two others that were built as attached units that technically wouldn't count towards the 103, and these proffers and changes relate to providing how the remaining 21 units are provided, in regard to the accessory apartment change.

Mr. Benish said that in the analysis of the request, in terms of allowing accessory apartments to be counted or considered as carriage houses and meeting the 103-unit requirement and providing those are consistent with the housing policy, and the comprehensive plan which encourages the provision of those types of units, staff has determined that it's a housing type that does provide for affordability and addresses other certain household needs. He said that it supports the provision of housing, which meets various age levels and mobility needs.

Mr. Benish stated that the biggest potential downside identified is that an accessory apartment that is within the primary structure has the potential to be lost or reabsorbed into the house through renovations, whereas the physically separated carriage houses would likely stay there for a longer period of time. He said that both are small type of units, and it is completely at the discretion of the property owner to ever make them available, so they are subject to similar characteristics.

Mr. Benish said that in the analysis of the location and design changes proposed, regarding whether they can be attached to the primary unit or located on single-family attached lots as opposed to solely on detached lots, staff did not find a major issue with that change. He stated that part of the rationale is that the lot sizes are already relatively small in the Belvedere development, so there is not a significant difference in the size. He noted that the lot sizes for most of the attached single-family units are probably too small to accommodate a carriage house anyway, and they probably would be accommodated on a larger lot with a villa type of home.

Mr. Benish stated that there are design standards in the code that ensure compatibility of architecture and design. He said that in total, staff feels that there is not a significant change to the form of development in the Belvedere development, and that the accessory apartments for the remaining 21 units provide for a comparable variety of affordable small units (82 units).

Mr. Benish said that in summary, staff finds that the additional design flexibility for carriage houses is beneficial, and the accessory apartments allow a design and a type of unit that potentially provides for easier access to people with mobility needs, and the proposed design and location of the carriage houses would not impact the character of the area. He added that the one potential negative might be that the accessory apartments within buildings may be lost over time. He said that staff recommends approval, and there are some technical changes to the language that staff would like to work with the applicant on, but there are not substantive issues with the proffer proposed. He offered to answer any questions.

Ms. Firehock said that in factors unfavorable, Mr. Benish mentioned that it would be difficult to prevent enlarging the house by reducing the division. She asked if this is a simple matter of stating that this is not allowed, or if the issue is that it is too difficult to enforce. She said that from the outside, the unit would look attached, but one wouldn't be able to tell if the owner had knocked down the wall between them.

Mr. Benish stated that he was speaking to the accessory apartments that are within the primary structure, and they are typically invisible to the outside. He said they have to have a separate entrance but internally, the walls that separate it could be taken away. He agreed that there is an enforceability issue – but technically, the proffer does require them to be there; it was just difficult to enforce.

Mr. Keller invited the applicant to speak.

Ms. Valerie Long with Williams-Mullen, representative of the applicant (New Belvedere Inc.), introduced herself and Steve Krohn (Executive VP for New Belvedere and the development manager of the project). Ms. Long offered to present slides and photographs to show the existing carriage house units in Belvedere. She also offered to present examples of units that look, act, and function like carriage house units but didn't meet the technical requirements to qualify unless the technical proffer amendment is approved.

Presenting slides, Ms. Long pointed out a traditional carriage house unit in Belvedere, located over a detached garage, and she noted the the size of the lots. She pointed to another photo showing a detached carriage house, showing the stairs and separate entrance on the side. Ms. Long then showed a photo of an attached carriage house unit, showing the similarities. She also pointed to a unit that looks like a carriage house unit but is not one and was actually just a bonus room above a garage. She said that she included this example in the presentation to show how similar it looks to carriage houses in terms of architecture, regardless of whether it's an actual dwelling unit or just an extra room.

Ms. Long showed an example of a unit that the proposal would allow to count towards a carriage house unit and pointed out a residence in Old Trail, which is a garage attached to the primary dwelling, with the space above the garage being a carriage house unit. Ms. Long said

that this was allowed under the Old Trail code of development because they have a very similar description in terms of what qualifies as a carriage house unit. She said that the applicant has essentially modeled their proposal to match what's permitted in Old Trail, and she also noted a separate side entrance.

Ms. Long also showed an example of one of the technicalities the applicant is trying to avoid: a garage with a unit above it in Old Trail. She said that although it appears to be a detached garage (because the structure is obviously separate), it does not qualify due to the fact it is attached to the primary unit by a porch. Ms. Long stated that there are a number of homes in Belvedere where the builder has been very creative to come up with similar ways to have a carriage house unit above a garage that is attached to the primary structure, such as a breezeway between the two, so that someone traveling from the garage or carriage house unit to the primary dwelling did not get wet in the rain. She explained that this type of example technically did not count because it's an attached unit, and it is an example of what the applicant is trying to avoid.

Ms. Long concluded that this proposal supports numerous goals in the comprehensive plan to support the county's affordable housing goals, and would address questions or comments.

Mr. Bivins asked if there were any comments from the public. Hearing none, Mr. Keller asked if Commissioners had any questions for the applicant or staff.

Mr. Dotson asked if the proposal was approved whether the carriage house unit have a separate entrance, its own address, and a kitchen and bath of its own.

Ms. Long confirmed that it would have those things and that, especially to qualify as a separate dwelling unit under the county's zoning ordinance, it must have the kitchen and restroom, in addition to other elements.

Mr. Dotson asked if this type of unit is a unit in its own right.

Ms. Long confirmed that it is.

Mr. Benish added that the only right it doesn't have is to have its own accessory apartment.

Ms. More asked about a favorable factor that would allow a design type that potentially provides easier accessibility than the typical above-garage unit, and asked if there is a possibility for this to fit into a dense location that did not have stairs.

Ms. Long confirmed this and said there are some units that, if this proffer amendment was adopted, would qualify and count towards the minimum number of required carriage house units in Belvedere that are in basement apartments that may not technically be ADA compliant

but would be far more accessible to someone with limited mobility than would be a traditional carriage house unit where they have to climb a flight of stairs.

Ms. More said that's why she finds herself in favor of the request in general and cited examples in which stairs made it difficult for an aging parent with limited mobility, and the family for care for the aging parent.

Ms. Long stated that a walk-out unit could have allowed the parent to stay closer to the family for longer. She said that even if the unit is technically not ADA-compliant, it would lend itself to having a parent be able to age in a place close to their family. Ms. Long thanked Ms. More for sharing her thoughts and said this was exactly the plan and goal.

Mr. Bivins asked if the entire garage could be an accessory unit.

Ms. Long answered that it could in some respects, but it may present a problem in complying with the parking requirements under the code of development that required parking spaces for each attached and detached unit.

Mr. Benish said there needs to be at least two parking spaces per unit, and there has to be a parking space for the accessory apartment as well.

Mr. Keller asked if the inside of a garage counts as one of the spaces, and if the spaces have to be stacked.

Mr. Benish responded that they don't have to be stacked, and stacking can be used if you can fit the car length in it, but inside the garage does count as parking space.

Mr. Bivins asked if with the 21 remaining units, there were any plans to call back any existing units and make them part of the 21.

Ms. Long replied that other than the two attached units that Mr. Benish mentioned, which have either already been built or are underway but technically don't count, it would be all new units going forward.

Mr. Bivins asked if there would then be 19 new units.

Ms. Long confirmed this was correct.

Ms. Spain said these were the original "tiny houses" in Albemarle County, thought of as mother-in-law apartments, for aging parents, but they can also be for boomerang kids. She said that any multi-generational housing would be more appealing on the market. She added that the Senior Center is going to be located in Belvedere, which may create demand for people who are not related to those in the primary house. Because of these factors, Ms. Spain stated that she is in favor of the proposal.

Ms. Long said that Belvedere is already receiving more interest from people who are interested in living very close to the Senior Center.

Mr. Keller asked if staff had any data on carriage houses and if newer developments where carriage houses were located had data pertaining to who is living in those units – mother-in-law, boomerang kids, or family-occupied versus serving as a rental. He also asked if it is known if there are any voucher rentals being used there for affordable housing.

Mr. Benish said he is not aware of any information for Belvedere in particular, but Stacy Pethia may have more broad information on this.

Mr. Keller then asked if the HOAs in Belvedere and Old Trail preclude Airbnb. He said that a quick Google search shows there are many Airbnbs in these places.

Ms. Long responded that until the new zoning text amendment underway was enacted, under current law, you could not have a homestay in a single-family attached unit.

Mr. Keller clarified that he wasn't asking about the law but the reality.

Ms. Long said that the HOA does not speak to the issue, as it is a zoning issue. She said it's been much discussed, and that there is concern that different rules and different sections within Belvedere would create a significant amount of confusion for the residents, as well as enforcement challenges for the county, and this problem they were trying to avoid.

Mr. Keller said the topic of Accessory Dwelling Units (ADUs) has come up in terms of both Airbnb and carriage houses, as well as in the densification discussion. He asked if there should possibly be a terminology change in which one refers to the units as ADUs, instead of calling them carriage houses.

Ms. Long said she didn't know if she could speak to that and that the terminology does not matter as long as they would qualify under the proffers. Ms. Long says she doesn't believe that "carriage house" is actually defined in the zoning ordinance, which is why there exist references to ADU, two-family unit, and so forth. She said this is probably something that should be addressed in the longer term to create clarity for everyone so these types of proffer amendments wouldn't be needed. She added that carriage houses are indeed ADUs.

Mr. Keller asked if there were any other questions for the applicant. Hearing none, he thanked Ms. Long.

Mr. Dotson **moved** to recommend approval of ZMA201800007 – Belvedere Carriage House Unit Proffer Amendment, including modifications to Appendix A and Tables 1 and 2 of the code of development, provided that technical changes to the wording of the proffers are completed as

noted in the staff report. Ms. Spain **seconded** the motion. The motion was approved by a vote of 7:0.

Mr. Keller thanked the applicant, and asked the Commission to consider ADU policy.

### **Public Hearing Items.**

#### **ZMA201800014 Birdwood Mansion and Grounds**

Tim Paladino, a senior planner with Community Development, presented a brief summary of the staff report, including a description of the proposal, summary of staff analysis and recommendations, and a summary of corresponding special exception requests that go along with the ZMA proposal.

Mr. Paladino reported that the applicant is the University of Virginia Foundation, and this request involves a petition to rezone about 15.2 acres from Residential R-1 to Highway Commercial (HC), with proffers. He identified the Birdwood property as Tax Map/Parcel 75-63 and described it as a 544-acre property in the development area zoned R-1, adjacent to other residential districts. Mr. Paladino indicated on a zoning map that the Boar's Head Resort, which adjoins the subject property to the west, is in a Highway Commercial (HC) zoning district. He said the proposed district is located close to US-250 and would have the Birdwood Golf Course on three sides.

Mr. Paladino stated that a survey of the proposed HC district was provided as Attachment 2, prepared by Brian Ray of Roger, Ray, and Associates. He said it had been revised to exclude all the existing golf course, so that use would not be contained in the proposed HC district, and the same was true for the conceptual rezoning plan. He said that although no remarks were prepared on this, it was provided in the staff report and could be revisited at any time.

Mr. Paladino said that the 14 pages and 16 attachments in the staff report do contain a fully detailed analysis and evaluation

Mr. Paladino listed seven favorable factors of the proposal:

1. The proposal's consistency with the master plan in two different ways: 1) it is consistent with the institutional future land use designation in the master plan, and 2) consistent with the recent comp plan amendment adopted by the board on March 20, which identifies the Birdwood Mansion and Grounds project as an appropriate land use at this other area of importance. This is provided that this is done in a context-sensitive way that does not compromise the historic integrity of the buildings or the landscape, and does not jeopardize its listing on the state or national historic registers.

2. The proposal is proffered to mitigate reasonably anticipated impacts. The draft proffer statement (Attachment 5) includes the following proffers/commitments: 1) Development in general accord with the conceptual plan; 2) Prohibition of certain uses, meaning that most C1 and HC uses would not be permissible; 3) Event management plan would have to be updated and approved by the zoning administrator prior to issuing the certificate of occupancy; 4) The owner will conduct transportation analyses in 2019 and 2020 and also provide a pro rata financial contribution as may be warranted at such a time. (This carries over from a previous special use permit.) 5) The owner will provide a shared parking agreement with Boars Head Resort, also to be updated and approved by the zoning administrator; and 6) The commitment to install a house sound system that would have to be used for all events involving amplified music, which would limit the maximum sound level output at 85 decibels measured at a distance of 50 feet from the space.
3. The operations would be subject to an event management plan that deals with transportation and parking management protocols for different events based on their size or tier, and the applicants have discussed establishing communications protocols in their updated event management plan to maximize awareness among nearby residents.
4. The traffic memo prepared by VHB Inc. indicates that this proposal creates no notable transportation issues. A review of this information by VDOT and the county's transportation planner did not lead to any objections or requests or revisions.
5. This proposal is strongly shaped by historic preservation principles, and includes commitments to rehabilitate and reuse the historic site in ways that will not compromise the state or national historic listing. Examples of those principles being applied include prioritizing the rehabilitation and reuse of existing historic structures in historic infrastructure, as well as the careful and thoughtful planning and design of a relatively small number of proposed new improvements.

Additional commitments identified in the application materials include: a commitment of future consultation with the Virginia Department of Historic resources; adherence to treatment guidelines for the overall property as described on the conceptual plan and as informed by the Birdwood Landscape Stewardship Plan; ongoing collaboration with subject matter experts who have been assembled into the Foundations project team; and a continuation of what is described as the Foundation's and university's demonstrated commitment to the preservation of its historic resources, both on and off grounds.

6. Development of this proposal includes a Phase I archeological survey, conducted by Rivanna Archeological Services. The survey identified and described notable findings from the on-site survey, and identifies recommended practices conducting land-disturbing activities in historically-sensitive ways, as specified in the corresponding

construction monitoring plan.

7. The development of the proposal included a sound study conducted by Acentech, which included onsite testing as well as the development of a digital sound propagation model. The sound study concluded that each of the three sites that were evaluated for suitability as an outdoor event space (marked as Sites A, B, and C in the conceptual development plan) are predicted to meet the county's noise ordinance and be below 60 decibels at the property line. The proffer statement provides a commitment that events will be conducted using the house sound system to help ensure compliance with the noise ordinance.

Mr. Paladino said there were three unfavorable factors identified by staff:

1. The proposed implementation of new improvements, such as the service road or potential new permanent accessory structures, creates some amount of risk to the historic integrity of the site. However, the application materials do document the applicant's continued commitment to maintain the property's historic listing; while planning, designing, and implementing all aspects of the rehab and reuse.
2. The proposed weekend events would produce a notable amount of sound in general proximity to existing dwellings in a residential zoning district. However, the nearest residence is 650 feet from Site B, which would be closer than Sites A and C, and the sound study did demonstrate to the satisfaction of community development staff that the proposed events could be conducted in ways that would meet the applicant's programmatic needs without generating sounds that violate the applicable regulations and noise ordinance. Additionally, there is the proffered commitment to conduct the amplified music in a certain way.
3. The proffers did not contain any commitment to limit the duration or timing of the amplified music during weekend events.

Mr. Paladino stated that in consideration of staff's evaluation, as detailed fully in the staff report and based on the favorable factors outweighing the unfavorable factors, staff recommends approval of the ZMA application, provided that a finalized proffer statement is submitted prior to legal notice advertisement of the Board's public hearing.

Mr. Paladino introduced four special exception requests provided in conjunction with this proposed ZMA – one requested modification and three requested waivers – which would: 1) reduce the minimum side and rear setbacks from 50 feet to 0 feet; 2) eliminate the regulation that prohibits off-street parking within side and rear setback areas; 3) eliminate the regulation that prohibits any construction activity, grading, or clearing of vegetation within a buffer zone of 20 feet adjoining residential districts; and 4) eliminate the regulation that requires screening within said buffer zone.

Mr. Paladino said that staff concurs with the applicant's narrative and justification that the applicable regulations are not essential in this particular scenario. He said that this agreement is primarily based on the existing residential district and the proposed commercial district being under common ownership, and also on the fact that the existing residential district contains the Birdwood Golf Course and does not contain residential dwellings. Mr. Paladino said that in this case, strict application of the regulations would limit the ability of the property owner to plan, design, and construct the proposed uses and improvements in ways that maximize their ability to incorporate historic preservation and context-sensitive design principles into their ultimate site plan.

Mr. Paladino said that staff recommends approval of the four requested special exceptions, and the following motions are also available for the Commission's reference.

Mr. Keller asked if the Commission would vote on each of the four exceptions.

Mr. Paladino replied that they would.

Ms. More asked for clarification on special exception #2 – the regulation that prohibits off-street parking within the side and rear setback areas.

Mr. Paladino explained that this regulation pertains to situations in which a commercial district – in this case, the proposed HC district – adjoins a residential district. He said it is meant to protect the use and enjoyment of residential properties from more intensive commercial operations and activities. He noted that this is an atypical situation where the adjoining R-1 district is not used for residential purposes but is used for golf and other institutional uses.

Ms. More asked if parking would be allowed in the parking lot that serves the driving range, rather than parking in the grass, for example.

Mr. Paladino replied that this is a request to waive the regulation so that a parking lot could be sited close to the edge of the HC district, if this is what makes sense according to the site analysis and eventual site plan. He said that in this case, historic preservation necessitates more flexibility than would otherwise be required if this waiver was not granted. He stated that as seen in the conceptual plan, there is a proposed new parking lot on the eastern edge of the proposed HC district, so that might be the improvement the waiver is being requested for, and he offered to revisit this.

Ms. More asked if the waiver would allow for the new parking lot or something similar to occur.

Mr. Paladino replied it would.

Ms. Firehock asked about the rationale behind the exceptions #3 and 4 being requested.

Mr. Paladino explained that flexibility was cited as necessary to cite certain improvements in this existing historic site without affecting certain historic resources. Mr. Paladino said that if compliance with the 50 foot side and rear yard setbacks and other regulations was necessary, it would limit the ability to prioritize historic preservation when site planning. He noted that this was a preemptive request for all the possible flexibility for site planning, without having to come back in the future for a possible ZMA.

Mr. Keller invited the applicant to come forward.

Ms. Valerie Long stated that she was representing the applicant, the University of Virginia Foundation, introduced herself and her team from the UVA Foundation – Tim Rose; Fred Missel; Elise Cruise; Jim Wilson, head of the proposed renovation and event program; Bill Yoder, sound consultant with Accenture; and Rachel Lloyd with AECOM, who prepared the original study several years ago about preserving and protecting the historic resources.

Ms. Long presented slides and said the images had been shown to the community members and neighborhood associations, as well as in their internal team discussions. She showed photos of the original home, and pictures of how the interior rooms look today, noting the wear and tear. She said the UVA Foundation is investing a significant amount of money to restore the property consistent with the historic listing.

Ms. Long mentioned there were some examples from earlier proposals about how existing accessory structures onsite could be reused. She said an issue that had come up during staff review was the question of the need to build any future accessory structures when there were so many already. Ms. Long said there are plans to reuse and rehab the existing accessory structures, such as the old icehouse could be transformed into a guest room and an old garage that could become storage for outdoor events.

Ms. Long presented a Google Earth image of the mansion house that predates much of the recent programming onsite, including the indoor golf practice facility located here. She presented the concept plan, showing three different areas where events could take place. She indicated the proposed boundaries of the Highway Commercial zoning district. She said the areas outside the line would continue to be zoned as R-1 Residential.

Ms. Long said what makes this unique is that the Foundation will continue to own the R-1 property as well as the HC property. She said because of this, zoning staff recommended that the applicant apply for and pursue the four special exception requests to eliminate the requirements, or ask for them to be eliminated or modified, because they wouldn't be relevant under the circumstances proposed. She pointed to the third page from the concept plan, which shows the existing outbuildings and how they might be reused, adding that there are a number of notes on the plan that address the treatment methods that would be standards established.

Regarding Ms. More's earlier question about the parking setback, Ms. Long indicated to an area on the plan that would be at issue with the buffer and setback, but explained that any new parking area or uses proposed would have to be in general accord with the plan. She assured Ms. More that the project team shares her concern and doesn't propose to put parking everywhere. Ms. Long said the parking would have to be consistent with the plan, which is why the team specifically identified areas of parking that could be used, including the new lot that was just constructed for the indoor golf practice facility, which would be perfect for shared parking.

Ms. Long indicated on the plan to another lot that would be supported, and said the idea is to share the parking for those areas. She also noted that there is a large parking lot that serves the golf course club house that isn't too far away, that essentially sits unused in the evening hours and would be perfect for shared parking opportunities during times when events are hosted in the evenings.

Ms. Long added that the Foundation and Boar's Head Inn staff have decades of experience managing large events, including numerous large events simultaneously, and with coordinating parking and employee staffing. She said they handle weddings and other outdoor events regularly and hold monthly meetings with all the neighborhoods in the area, as well as working hard to maintain communications and keep the community informed.

Ms. Long offered to answer any questions from the Commission or from the public.

Mr. Bivins asked if there were members of the public who would like to speak to the matter. Hearing none, Mr. Keller asked staff and the applicant to come forward for questions and discussion.

Ms. More asked about Attachment 5, page 5, addressing a caveat that states, "The proffer statement shall not be interpreted to prohibit uses accessory to hotel/motel, or any other uses permitted as by-right, per this proffer statement." She asked for an example of this concern and why it is there.

Ms. Long replied that an example would be a restaurant, and the intent is to not have a freestanding restaurant; however, a meal could be served for events that are proposed, and thus banquet facilities or catering facilities should be allowed. Ms. Long provided another example regarding using some of the rooms for guest rooms, such as for a bridal party, and another about using a room as a mini-spa for a bridal party. She also offered the example of a small office that a property or banquet manager could use to meet with potential customers, and this use is also permitted as part of a hotel. Ms. Long said that these are examples of an accessory use that's allowed for a hotel or motel and wanted to be clear that this is allowed.

Ms. More asked about leaving in the Tier 1 and Tier 2 personal wireless service facilities.

Ms. Long replied that it is consistent with the zoning of the rest of the Boars Head Inn and Sports Club, so they tried to mirror it, since they're all part of the same resort. Ms. Long said it would allow for concealed wireless facilities within the roof or attached to the building, but she doubted this would be something they would propose because the stringent historical regulations and state regulations could be a challenge, but there are ways to do it. She said there are a number of wireless facilities that are concealed within historic structures, but the process is longer, and more expensive, but it can be done, and the team didn't want to preclude that.

Ms. More said she was concerned about the historic nature of the property and the outline of the area in question, and what the intention was with the facilities.

Ms. Long replied that the stringent requirement for Tier 1 and Tier 2 wireless facilities that's in the ordinance would have to be met.

Ms. More mentioned a traffic study that spoke specifically to traffic patterns generated by wedding activity, which mentioned carpooling in 40 cars for a wedding of 100-120 guests, and expressed appreciation for this. She said she was surprised the data is limited to a wedding and that there isn't a non-wedding event that might also have 100-120 guests, and she asked if non-wedding events are being precluded.

Ms. Long replied other parties, such as a retirement, birthday, anniversary, or corporate gathering, are all envisioned and not precluded.

Ms. More asked about the count of 24 estimated events in a year, and if this count includes all events or only weddings.

Ms. Long replied that they provided an approximate number of events and clarified that the applicant is not asking to be limited to a certain number. She explained this is just the estimate that their project team and hospitality team has estimated that they would expect to have per year, based on what they do now in terms of business. She added the count of 24 is the estimated number of total events.

Ms. More said that she appreciated the nature of traffic an event like a wedding might generate, and she also appreciates the team's acknowledgment of the concerns neighbors have expressed about the intersection potentially becoming dangerous, and what this will look like and improvements that could be made. She noted that a non-wedding event might generate significantly more traffic, because guests wouldn't be sharing cars as they normally would at a wedding. She expressed concern with sound and asked why there couldn't be a cutoff time commitment that complies with the noise ordinance.

Ms. Long explained the team wasn't aware of this being an issue until they saw the staff report, so the team has been talking about it internally and is happy to discuss it further. Ms. Long said

the Foundation wants to have the time to discuss this with all the consultants they've been working with. She said the director of the Boar's Head Resort has been very involved and wants to understand what all the scenarios are.

Ms. More stated that a lot of thought has gone into the planning, and this is a reasonable request.

Ms. Long said the team is willing to discuss it before bringing it back to the Board of Supervisors, and wants to have the opportunity to work with the consultants before proposing anything to the Commission.

Mr. Fred Missel of the UVA Foundation said the team is working directly with neighbors, especially those directly adjoining the project site, and have notified them when the sound testing will be done. He said that regarding traffic concerns, the Boar's Head hosts the Turkey Trot every year, a large event, and many hundreds of people attend that – so they have experience handling large quantities of traffic.

Mr. Keller asked if the Commission could be notified of and invited to the sound test. The team replied yes.

Ms. Long introduced Elise Cruise, who has been working closely with the neighborhoods regarding sound testing.

Ms. Cruise said there was an initial sound test done on the property to hear tones of sounds, and received feedback from neighbors that it was jarring. She said the team would now test by playing some wedding music at the noise level suggested in the proffers, go out themselves, and measure the sound level and hear what it sounds like to the neighbors at the property line.

Ms. Cruise noted that the sound test would take place on June 5 from 1:00-3:00 pm, and the rain date is Thursday, June 6, 1:00-3:00 pm. She said the neighborhood associations were informed. Ms. Cruise said they would use the community meeting on Monday, June 10 to share feedback with the neighbors. She said the team's intention is that after the sound test, they would work with neighbors on both sides of the property, at their properties, to gather their reactions at various sound levels from different pavilion locations.

Ms. Firehock asked if there would be any testing to simulate crowd noise, noting that at events, people talk more loudly and are sometimes inebriated.

Ms. Cruise introduced Bill Yoder to address the question.

Mr. Yoder noted that crowd noise cannot be exactly simulated or predicted, but suggestions could be gathered from the predicted models. He said he followed literature that suggested what the sound levels are for different crowd sizes and identified what the sound power level

is, due to a crowd size of 50 and a crowd size of 200. He then predicted what the sound power would equate to at the property and said it is predicted to be quite low – lower than the sound level of the music – even at 200 guests. He again reminded Ms. Firehock that it cannot be predicted how people will react at events. Mr. Yoder noted that there is an attachment in the proposal package that contains his report.

Regarding Sites A, B, and C as identified on the conceptual plan, Mr. Dotson asked if there would ever be an occasion where all three would be used at once. He asked if three possible sources of sound would all be amplified in that case, noting that there would only be one house amplification system.

Mr. Missel responded that this still needs to be figured out and that there needs to be a full understanding of what the opportunities are for events, while balancing historic renovation with the ability to manage events. Mr. Missel said that the Boar’s Head director could speak better to this, but that he would imagine it would be a very rare time when there would be that many separate tents set up. He did acknowledge it as a possibility. He added that the sound would be mitigated as appropriate in that scenario.

Ms. Firehock asked if the team would continue having the neighborhood meetings once a month to offer feedback on noise, and the team confirmed this.

Mr. Missel replied that the team receives emails almost weekly from community members as well, and has good correspondence with the community.

Mr. Keller closed the public hearing.

Ms. Firehock **moved** to recommend approval of ZMA2018-000014 for the reasons stated in the staff report. Mr. Bivins seconded the motion.

Ms. More made the comment that in a county where there were no protections offered for historic structures, she’s familiar with the loss and pending loss of some of the historic properties, and appreciates the creative work the team is doing – and bringing back the building is refreshing. She thanked the team for its work.

Mr. Bivins said he has a 30-year history with this property and is amazed, and he congratulated the Foundation for moving this project forward.

Mr. Keller expressed his content with the Foundation and University is doing this project.

The motion was approved by a vote of 7:0.

Ms. Firehock **moved** to recommend approval of the requested special exceptions for reasons already outlined in the staff report. The motion was seconded, and approved by a vote of 7:0.

At the Commission's request, Ms. Firehock amended the motion to read out the four special exceptions:

- Modify (reduce) the minimum side and rear setbacks from 50 feet to 0 feet,
- Waive (eliminate) the regulation that prohibits off-street parking within the side and rear setback areas,
- Waive (eliminate) the regulation that prohibits any construction activity, grading, or clearing of vegetation within a buffer zone extending 20 feet from an adjoining residential district, and
- Waive (eliminate) the regulation that requires screening within the buffer zone.

Ms. Spain **seconded** the amended motion, which was again approved by a vote of 7:0.

Mr. Keller asked if there was any new business. Mr. Keller again suggested discussing the topic of ADUs and homestays in the future, as it relates to affordable housing and carriage houses being packaged all under an ADU.

#### **Upcoming Planning Commission meetings.**

Mr. Benish gave the schedule of topics for the Planning Commission over the next four months and noted that it is subject to change. He noted that staff is working on possibly giving each Southwood and Crozet Square their own individual meetings, as they are currently scheduled for July 23<sup>rd</sup> during the same public hearing. Mr. Benish acknowledged that there would be Commissioners absent for some dates in July and will have to possibly move the dates around Commissioner attendance and the constraints around moving proposals forward to the Board of Supervisors. The Commissioners engaged in discussion about scheduling.

Mr. Benish said that in August, there is a work session date tentatively scheduled to discuss the Planning Commission's role in the CIP, which is a topic Mr. Dotson previously brought up. Mr. Benish said he would coordinate with Mr. Keller and Mr. Dotson to determine if this meets their expectations.

#### **Old Business/Items for Follow-up.**

There was no old business presented.

#### **New Business.**

There was no new business presented.

#### **Adjournment.**

At 10:08 p.m., the Commission adjourn to June 18, 2019 Albemarle County Planning Commission meeting, 6:00 p.m., Lane Auditorium, Second Floor, county Office Building, 401 McIntire Road, Charlottesville, Virginia.

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David Benish, Interim Director of Planning

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

Approved by Planning Commission
Date: 06/25/2019
Initials: CSS