

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

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

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

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

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

Call to Order and Establish Quorum

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

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

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

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

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

Consent Agenda

None.

Deferred Items

SP201900004 Va. Institute of Autism Adult Service Center

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

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

Work Session

ZMA201900004 Breezy Hill

Mr. Keller asked for the staff report.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ms. Riley asked if Mr. Paladino was uncertain.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ms. Spain asked about the lane reversal.

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

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

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

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

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

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

Mr. Keller said the Commission would proceed with questions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Benish said yes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ms. Riley agreed.

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

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

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

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

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

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

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

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

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

Mr. Keller said he would.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Keller thanked everyone for attending.

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

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

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

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

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

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

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

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

Committee Reports

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

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

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

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

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

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

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

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

place to increase pedestrian travel. Mr. Bivins said that from the NPO tech meeting that took place on July 16, they are putting in two transportation alternative program grants - one for Hilltop in Crozet to put sidewalks in to get to Crozet Park to get from the square to the library, and another to do around Hydraulic Road, which is a shared use path that would be put from the bypass to Hillsdale Drive.

Old Business

There was no old business to report.

New Business

Mr. Keller read a piece to the Commission that stated, "Last week, the Planning Commission was asked to consider a revise on a portion of the Southwood development. These two resolutions we have passed out in front of you are an attempt to discuss raised questions about the interconnections among current and anticipated components of the Southwood development in order to aid the Board of Supervisors and their consideration of this important project. These two draft resolutions (which Mr. Keller said he hoped the Commission could discuss and vote on) are an attempt to summarize the bigger picture concerns expressed by Planning commissioners during the July 23 Planning Commission meeting. This drew heavily on the document that Ms. Firehock passed on to Ms. Shaffer that we believe is part of the record, as well as Ms. Riley's comments."

Ms. Shaffer clarified that these would be in the minutes and not in the action memo.

Mr. Keller said it was built upon comments that others had said. He said the commissioners met one-on-one to pull this together. He said the sense from everyone was that because they were so focused on one particular issue and one particular component of the project, and because the commissioners have delved into it so much, it was important for them to have the opportunity to share concerns and opportunities with the supervisors as a whole. Mr. Keller said the Commission may recall that this year, with Mr. Dotson's concern about the entry corridor and how that process was going, the Commission pulled out concerns that were not directly related to a particular item and sent those on to the Board of Supervisors on that. He said in the same spirit, they have done something similar with Southwood.

Mr. Keller said they have spoken with Mr. Herrick and though they were unsure on a title, they would call them "resolutions."

Mr. Keller said he wanted to be sure that everyone in the room had a copy of the resolutions. He said he wasn't sure if they needed to read through each point, though the Commission was prepared to. Mr. Keller said Mr. Bivins would be focusing on housing affordability, non-displacement and segregation concerns; and that he himself would focus on transportation, green open spaces, and other related matters. He asked how everyone would like the information to be reviewed and discussed.

Ms. Firehock said she didn't believe there is anything in the resolutions that wasn't discussed in the Planning Commission meeting.

Mr. Keller said this is correct. He said the only thing is that fleshed out more is the point of a transit center – that multimodal was discussed, but a transit center wasn't and yet, as comments were coming to him, it was apparent that it was something that warranted being fleshed out as

something to be considered by the supervisors in their deliberations. Mr. Keller said this affects not just what the Commission heard, but it is a more global issue of where this might be located and if it would affect anything that the public brings forward, as it was certainly discussed for 29 North.

Ms. Spain asked if there was anything in the resolutions that differ significantly from what was circulated.

Mr. Keller replied no.

Ms. Riley said she thought it was worth reading, for the record, and also in case there are any questions or discussion that they may want to have.

Mr. Herrick said he wanted to clarify a procedural point. He said the official action of the Planning Commission last week was to approve the rezoning of Phase I of Southwood. Mr. Herrick said the Planning Commission has the ability to adopt resolutions, and once adopted by the Planning Commission, they become the official statements of the Commission. He said the official action as summarized in the prior week was the recommendation. Mr. Herrick said the Commission is not precluded from adopting additional statement, but to keep in mind that what is mandated to go to the Board of Supervisors is the recommendation from last week. He said that even if these statements don't differ from what individual commissioners said last week, if the Commission as a whole were to adopt these, they would become the official statements of the Commission as a whole. Mr. Herrick said that though each commissioner made individual statements, by adopting a resolution, it becomes a statement of the entire Commission.

Mr. Keller agreed and said this was the point. He said as a body, they voted and showed their support for the rezoning. He said that both individually and collectively, there were a number of concerns about the bigger picture and how all the phases would fit together. Mr. Keller said many of these ideas are addressed by the Memorandum of Agreement between the Board and Habitat, but the Commission wanted to call out, beyond that, areas within its purview the land use, planning, and design.

Mr. Herrick said he was not discouraging the Commission from adopting the resolutions but wanted to clarify the procedure.

Mr. Keller clarified that in no way is this a re-look at what happened last week. He said this is moving on and building with what happened last week.

Ms. Firehock said this was a chance to give commissioners a chance to weigh in and say they agree with it, because what did not occur in the prior meeting was when someone brought up a comment about the affordability for the residents, the commissioners didn't get a chance to agree with it. She said there are individual statements out there and that this was a chance to bring them all together and ask themselves, as a collective body, if they all agree with the statements.

Mr. Keller said this is most likely the argument for reading it as a whole.

Ms. Spain asked if it wasn't their purview last week to talk about affordable housing or a transit center, and if it was just Phase I.

Mr. Herrick said it was to recommend or not recommend approval of the application to the Board of Supervisors. He said the reasons one might recommended or not recommended approval may be based on the reasons that are articulated in the resolutions.

Ms. Riley said they should proceed with reading it and have the discussion on the specific items.

Mr. Keller said this would take about 20 minutes or more, but it was what the majority wanted.

Ms. Spain asked if this was submitted to the minutes, why this was not sufficient and why the ROAs have to be made.

Mr. Keller said the Commission has the opportunity that Mr. Dotson came up with (and is now outlined in the Commission's rules) that within a week, the resolution will be summarized and passed on from the Commission's clerk to the supervisors' clerk so it can become an official piece for the board in time for when their deliberation occurs.

Mr. Bivins read the Planning Commission resolution on housing called, "Affordability, Non-Displacement, and Segregation Concerns":

"Whereas, the Board of Supervisors passed a Resolution of Intent in 2017 to develop an action plan in partnership with Habitat to redevelop Southwood [inaudible] affordable residential uses and business uses.

"Whereas, the Board of Supervisors in FY 20 and 22 continue the partnership with Habitat for Humanity using the team approach with a focus on quality community and non-displacement.

"Whereas, the Planning Commission, in review of the zoning application for Southwood Phase I, has identified and would like to communicate the following concerns regarding housing affordability, non-displacement, and segregation in the proposed redevelopment of Southwood.

"Therefore, be it resolved that the Planning Commission offers the following considerations for the Board of Supervisors in its review of the Southwood application.

"Housing Affordability Concerns. Attachment E of the application shows that 80% of randomly sampled residents in 2019 have income that is less than 50% of the Area Mean Income (AMI). Of that 80%, 51% have income less than 30% of the AMI. The applicant in the 7-23-19 hearing stated their development model offers ownership units to residents that have 30% or less of the AMI. Despite a request by the Planning Commission for a housing affordability plan during the study session, the applicant has still not provided a detailed plan that demonstrates the percentage of families who qualify for and desire ownership, and the percentage that will be rehoused in rental housing.

"Additionally, the applicant has not provided a specific plan as to the type of rental units to be developed and the sources for the rental subsidies. A detailed rehousing plan for the entire 341 homes should be provided to the Board of Supervisors prior to the public hearing. Any affordable apartments are proposed in Block 12 of the outparcel listed in the performance agreement, and what is now being called the Neighborhood Center – Special area (rose color. This apartment building is proposed to be a four-story, 20,000 -square-foot developer-constructed 275-foot-long building along Hickory Street. This is not proffered and therefore unenforceable. The apartment building is not guaranteed because it relies on tax credits being offered by the federal government to a third party, not Habitat for Humanity. The applicant stated in the 7-23-19 public hearing, for the first time, that these units are not intended to be offered to current Southwood residents and

that only three of the current 341 Southwood families would qualify based on their income. The applicant has not provided any data or detailed program description that would explain what type of units would be developed for the lowest income families of Southwood, providing no assurance that they will be able to afford to live in redeveloped Southwood.

“Habitat for Humanity’s own documentation states that they will facilitate finding affordable dwellings for other households. This is not the same as provide or guarantee. See Attachment F, page 1. While Southwood hopes to rehouse everyone, the income levels cited make the stated house sale prices cited in the application largely unattainable. During questioning during the public hearing, the applicant shared for the first time to the Planning Commission that families that could not afford ownership would be offered accessory rental units located on single-family lots in Phase I. While this is good to hear there may be some type of rental units available other than apartments, the applicant needs to provide a detailed program description for this strategy, including how many families are qualified for these rentals, who would develop these units, who would own these units, and the potential sources of the rental subsidy if needed. This information should be provided to the Board of Supervisors prior to the public hearing.

“Attachment I includes a sampling of Habitat housing types to be built. Projected monthly payment costs are provided for condo, townhouse, single-family attached, and single-family unattached for owners; but no monthly rental and overall costs are identified for apartment dwellers, nor anyone living in an accessory dwelling unit. These rental projection costs by unit type should be provided prior to the Board of Supervisors public hearing.

“Concerns listed so far relate to initial affordability of homes. There are longer-term costs associated with this redevelopment and those costs need to be better understood and evaluated to determine the ultimate affordability for current residents and their families choosing to live in Southwood. One significant consideration is the cost of future Homeowner Association fees. In the 7-23-19 hearing, the applicant shared that a Homeowners Association would be responsible for maintaining the proposed greenspace in the community. The code of development also allows for the streets in Phase I to be private. In other words, they do not need to be built to public standards that would allow for VDOT to assume maintenance in the future. Therefore, by creating private streets, the developer and Habitat could pass on substantial costs to future property owners that will affect the affordability of the ownership and rental units, since these costs will be passed on to residents. The applicant should provide the estimate HOA fees associated with maintenance agreements, space, and private streets to the future residents and a comparison of HOA fees with and without the development of private streets. This information should be provided to the Board of Supervisors prior to the public hearing.

“Finally, we think it is important to point out the issue of gentrification associated with this redevelopment. If the goal is housing affordability, one must understand that the overall redevelopment of this site, with the majority of market-rate housing and business use, will cause housing affordability to decline as surrounding properties would also likely be assessed higher because of the change assessments. This leads us to the next concern regarding non-displacement.

“Non-displacement. Habitat still has not provided an adequate plan that demonstrates that existing residents will not be displaced due to the redevelopment of Southwood. The non-displacement binding agreement signed between Habitat for Humanity and the county refers only to those displaced during Phase I and has no bearing on the majority of Southwood residents. Specific to Phase I, Habitat has not provided information regarding the potential relocation of 11 or more families due to infrastructure installment in response to requests by the Planning

Commission for more information to be provided at the hearing regarding these displacements and relocation concerns. A letter was sent by Mandy Burbage, land development coordinator for Habitat, which included the following statement: *'Phase I was intentionally sited on undeveloped land so that rehousing opportunities would be created before anyone in Southwood needs to relocate. This plan provides that no one will be displaced or even temporarily relocated during the development of Phase I.'* This statement does not square with the communication from Stacey Pethia (county housing coordinator) to commissioner Firehock dated 7-19-19 that stated: *'The possibility of 11 families needing to be relocated due to Phase I infrastructure installment.'* The Board of Supervisors should receive a report from Habitat as to the likelihood of temporary relocation due to Phase I development and specific plans for rehousing within the Southwood community for these families, and whether that housing will be permanent or temporary (as was alluded to during the public hearing held 7-23-2019).

"Habitat should also share with the Board of Supervisors whether possibly impacted families who would need to relocate for Phase I have received communication in writing or orally regarding the possibility of temporary or permanent relocation, and what the cost would be to individual families and how they will be supported in the relocation.

"Segregation Concerns. The redeveloped Southwood could result in segregation. Figure 4 of the code of development, page 5, shows the conceptual plan on how the future phases of Southwood redevelopment might be envisioned. The Neighborhood Center – Special area (rose color) is shown extended across Bitternut Road and up to a stand of mature trees in a future phase of development. If the Neighborhood Center – Special area-built environment of four stories multi-family structures with possible commercial on the ground floor, it would appear that the high-density conceptual location Urban Residential (yellow), an affordable replacement housing section of the redeveloped Southwood community, could result in being constructively segregated from the market rate salmon and pale-yellow sections of Southwood.

"Bruce Wardell, lead architect for the project, during a robust discussion at the 7-23-19 public hearing, indicated that segregation was not intended, and the various outer ring areas shaded pale yellow and labeled 'Conceptual Location – Neighborhood Density Low' would not be completely market-rate housing. He further indicated that there was not a desire to segregate any of the communities as a result of the Southwood redevelopment. The concern is that it is easy to assume, after reviewing Figure 4 on page 5, that a de facto segregation of the affordable replacement housing could occur if a corridor of four-story multi-family building, with possible ground floor commercial commencing at Old Lynchburg Road and extending past Bitternut, is built. While these are still conceptual plans, the actual level of community integration that might be experienced in the redeveloped area appears segregated in Southwood, given the built environment."

Mr. Keller asked if there were comments.

Ms. Spain said she regretted not having had time to send her comments via email. She recalled stating at the 7-23-19 meeting that she has been involved with Habitat for 10 years, that the discussion at the meeting in the minutes concerns her because they reflect lack of trust in Habitat, and the tone is more accusatory than cooperative via its repeated requests.

Ms. Spain proposed that they may not have the data the Commission is asking for and that the Commission is asking for a snapshot of a very fluid process. She said they perhaps do not know, hypothetically, which families will be in which types of category or housing.

Ms. Spain said that she had thought when she heard about the project several years ago that it was a great opportunity for the county to participate with Habitat, putting it on the map by its support of resident-driven development. She said the Commission approves or recommends developer-driven development all the time, and that the Commission doesn't have anywhere near the type of input on developer-driven work. Ms. Spain said she assumes that because the county has already put in a significant amount of money, and promises to put more in, that the Commission feels it's its responsibility to point out the issues. She said she is disappointed in the tone of the resolutions.

Ms. Spain said she would also like to know if the resolutions are being sent to Dan Rosensweig and others at Habitat, and if they know it is coming from the Planning Commission.

Mr. Keller said this is something they will need to discuss.

Ms. Spain said it should be, and she would assume it would make Habitat go crazy because they were trying to do a good thing, and now they will have to answer these questions. She expressed that she is apparently much more sympathetic than anyone else on the Commission and still hoped they could turn the project into a positive, successful venture – whether it takes 5, 10, or 15 years.

Ms. Spain expressed that the project is not another Vinegar Hill, and that Vinegar Hill occurred because local government stepped in and through eminent domain, took houses away from residents. She said Southwood is exactly the opposite, with residents saying what they want to do with the community, and that they have learned how to do it and will continue to learn. Ms. Spain said the residents want to do as much as they can to determine their fate, and that she didn't see any way in which this could be the next Vinegar Hill.

Mr. Bivins offered another example. He said one of the interesting things that took place at Friendship Court where the model was going to change from being 100% affordable to about 25% is that the community there pushed back. Mr. Bivins said when the new executive director came in and had conversations internally and externally, they tried to see if they could minimize the number of market-rate homes and try to keep the character of affordability and of the generations who have been there. He said a decision was made on a very expensive piece of property, and what he had thought would happen was that a development father-and-son team would purchase the property, but that they backed away from it.

Mr. Bivins said for him, when he saw the number of market-driven units in the Southwood proposal, his concern was that the same kind of calculus as Friendship Court would take place there – that in order to make the project work, they would have to go to market rate, noting it makes sense. He said he was not sure if they have had conversations about what would happen if they don't go to market rate and if they've tried to see if they could raise the funds for affordable units. Mr. Bivins said if he was on the board for the project, he would be pushing for this.

Mr. Bivins reflected that he was a child of the Northeast and had watched blended communities be obliterated by nice housing, and the people who had lived there no longer had a place in those communities. He said in Albemarle, he isn't sure where some of the people of Southwood would go. Mr. Bivins said looking at the Dice Street area behind First Baptist on Main Street, for example, families he knows there are having to figure out new places to go because they can't afford their houses as the appreciation has gone up (which he noted has gone up for good reasons). He said houses are being remodeled in new and interesting ways, but it's having an impact on a

community that's forcing them to go to very different places and to leave the Dice Street area that was historically an African-American community.

Mr. Bivins said he wanted to be careful to say that what the resolutions are trying to communicate to Habitat is that Southwood is a different model, and it isn't a two-block street. He said there is a level of scrutiny for the county (as an investor) to ask questions and make suggestions to the Board of Supervisors to get them to further exercise these points with the applicant.

Mr. Bivins continued to say he thinks that Habitat is being exercised in way in Charlottesville that they have never had to do before, and that they are having to think about various models. He said he was involved with the trailer park conversion in the city, as a funder with the residences off of Rose Hill Drive, which was a very straightforward project. Mr. Bivins said Southwood is a very different project because determinations need to be made on what will be done with the people, on maintaining the type of community, on having to graft on a community of a different type, and on how to bring a WPA community in a place that he doesn't necessarily knows that Habitat Charlottesville has experience doing. He said this is why the level of scrutiny on behalf of the supervisors is important, noting that the Planning Commission cannot make any decisions for the board.

Ms. Spain said that Mr. Bivins is saying that Dan Rosensweig knows reps for [inaudible].

Mr. Bivins said that is exactly what he is saying.

Ms. Spain said she was okay with all of this, but that she was trying to convey that if she was a supervisor and received this communication of the resolutions, or if she was Mr. Rosensweig and saw the communication, she would wonder why it is so combative and why does the Commission act as if Habitat knows nothing. She said they may need help, and she thinks it's the Commission's job to hold them accountable.

Mr. Bivins said that he is trained as a lawyer, and the Commission has asked Habitat on several occasions to give them information. He said being an attorney, he becomes suspicious, which he noted was perhaps too strong of a word and that a better word would be "cautious." He added that he asked a question at one meeting, and then when the question was asked at the next meeting, the answer changed, and that it changed again at the next one. Mr. Bivins said he is okay that the answers change, but he wants to be informed that they will change. He said he wants the applicant to be upfront, and what he has become uncomfortable with is that he hasn't experienced this as an evolutionary, evolving process but rather, that the community felt annoyed by the way they were represented by Habitat, and again expressed his caution.

Mr. Bivins noted that when the Commission met with the community at Southwood, the residents were upset because they heard things at the meeting a year ago that they've never heard before. He said he is now seeing things through a different lens and that he is not only thinking about if the things he has heard sound appropriate to him, but he is also thinking about the residents and how they are feeling, as well as the supervisors.

Mr. Bivins expressed that he was in an interesting, neutral position where he can provide feedback to the Habitat and the board, and they can choose whether or not to take it. He said he feels he has an obligation, based on the things he's heard at Southwood and being an agent of advice to the supervisors, to ask them to make those considerations.

Mr. Keller said he agreed.

Mr. Bivins noted that the Commission is in an odd role and that it would be nice if they could have time to talk to people, but because of the public nature of what they do and the way things come to them, the ability to wrestle with ideas doesn't happen in their environment. He said as a result, things unfortunately feel more adversarial than they are and have more of an adversarial tone. Mr. Bivins said if everyone could discuss it together in a conference room, it would bring down the angst in some of the language.

Ms. Riley said she agreed with much of what Mr. Bivins said, and that she views the Commission's role as doing due diligence on all the applications. She said she would apply this level of scrutiny to any developer. Ms. Riley said she was sorry if Ms. Spain thought the tone is inappropriate, but that she agrees with Mr. Bivins and recalled that in June 2018, much of this information had been requested by the Board of Supervisors and the Planning Commission, and that Habitat has not provided the information and continues to avoid providing it.

Ms. Riley said this information is important in doing due diligence. She said there is another document that the Commission will go over about the code of development but given her background in affordable housing (noting she worked in the field for a long time), she is feeling unfamiliar with the information that has been provided to funders. Ms. Riley said the county is not just a funder in this case, but the county is also the regulating body and will live with the results of what happens here, as well as the residents. She said she feels like she is trying to protect the interests of the residents as well as the county, as that is her role as a commissioner, and that her intent behind this was, to the best of her ability at this point, to provide another opportunity for the applicant to provide the information that will allow the Board of Supervisors to do a proper evaluation.

Ms. Spain asked if Habitat needs to see the resolutions before going to the board.

Ms. Riley said she would have liked to have this information, and that the Commission had asked for it is going back to August 7 and June 24, noting that the concept plan was asked for by the Executive Team in June 2018. Ms. Riley said Habitat has chosen not to provide it to the Commission. She said she is frustrated and feels very responsible not to simply allow this proposal to go through.

Ms. Firehock said that though she had attached her concerns from the last meeting, she did vote for the project as she believes that overall, it is a great idea. She noted, however, that she shares others' concerns about the feasibility of what is proposed. Ms. Firehock said she is, in this case, trying to look out for the residents. She brought up Ms. Spain's comment about the project not being like Vinegar Hill because the people were told they had to leave, but added that homeowners were also given a certain amount of money for whatever it was assumed their homes were worth, noting that it was not enough money to buy another house because of dilapidated structures, etc. Ms. Firehock said that in Southwood's case, it is somewhat similar in that Habitat will be telling some residents they will have to vacate the space because they need the land to redevelop. She said the residents have the option to pay to have their trailer moved or to sell their trailer, noting that the trailers are in such dilapidated shape that they probably won't get anything for them – perhaps only \$100-200.

Ms. Firehock said she then asks what will happen to those residents. She mentioned Habitat's motto of "a hand up rather than a handout," and said this is a great motto, as it worked well for affordable housing in Belmont, and she worked very closely with getting a number of those units put in. Ms. Firehock said in Southwood's case, she looks at the income levels of the residents,

and she was very disturbed by Habitat's answer. She said that regarding her question about affordable rental units, she had thought (and it was implied) that 75 affordable houses would be provided and 80 rental units, but that then under questioning, Habitat said only three families will be able to go into those. Ms. Firehock said doing the math of how many people would be accounted for, and looking at the AMIs, she was questioning the need, perhaps, for a "handout."

Ms. Firehock said she wanted to know there was some guarantee that from whatever means – be it donations or fundraising campaigns – that everyone will have a home to live in and will not have to leave the community, adding that what makes the Southwood community is the rich fabric of the people who are there. She said if they now become dispersed, one quarter of them would remain there and the others would be elsewhere and perhaps even homeless, as they wouldn't be able to find situation like they have now in terms of affordability. Ms. Firehock said the resolutions truly are coming from a place of deep concern for making sure that the residents have homes, and that reading the fine print, the facilitated assistance to find homes for them (e.g. giving them options, credit counseling, helping them figure out grants and loans, etc.) is not the same thing as guaranteeing homes for everyone. She said agreeing with the Board of Supervisors, the only thing adhering to guaranteeing affordable housing is the ones disturbed by building Phase I, which is about 11 trailers.

Ms. Firehock said that she could agree that the tone does sound accusatory and annoyed and perhaps could be improved upon. She noted, however, that people are frustrated because they feel as if they have asked questions, and it has only been implied that the residents would all be taken care of. Ms. Firehock said she doesn't understand how it will be possible, but she hopes it is. She said the Commission was only asked to vote last week on one phase, but it's under the assumption that they are taking care of many people as a result of it. Ms. Firehock said she feels as if the resolution is based on trying to look out for the people of Southwood, and she has no doubt that Mr. Rosensweig and Habitat have the absolute best of intentions and plan to work to try to house everyone. She said, however, that she did doubt ability, and wants to figure out how they can ensure that it happens.

Mr. Keller said that he voted in support of the project with grave reservations about the conceptualization, and has made it clear to everyone (including Mr. Rosensweig) that he thinks it would be better to use the ROC USA model where, one by one, each family has a replacement facility there so they will be in the same relationship they have now with what they have opted for. He said he took a big leap of faith to support this project as a whole. Mr. Keller said when his colleagues reiterated their concerns about specifics, he agreed to pull together the resolutions because he felt that with the vote (which was significantly in support), the Commission now has a responsibility to make sure that the project really is going to be successful. He said the supervisors have the power to do that by making sure that all the questions are answered, and it will be up to them which of the resolutions they accept.

Mr. Keller said that in terms of Mr. Rosensweig, he feels that the resolutions are much like a staff report, adding that they are public record. He said the Commission receives a staff report for them to respond to where in effect, they are giving their thoughts to the supervisors for them to make their decision, and the supervisors can choose what they do with those. Mr. Keller said the resolutions were designed to go out, and perhaps the tone is different, but given the frustrations of individuals and trying to get answers many times, he thinks it is appropriate to be able to send it to the supervisors.

Mr. Keller said the question for the Commission as a whole is if they would like to read the second resolution all the way through.

Ms. Spain joked that they should do this before she blows up again.

Mr. Bivins said it was fair for Ms. Spain to give her opinions, as she has a long tradition with Habitat as an insider, which brings knowledge and appreciation of the organization that perhaps an outsider would not have. He said Ms. Spain has a level of knowledge that he does not have, and that he comes with years of having to react to Habitat that brings him to this place.

Mr. Keller asked if he should move on to the next resolution.

Ms. Firehock asked if they should procedurally vote on the first one and then go to the next one.

Mr. Keller asked if there was a motion.

Ms. Riley moved to adopt the Resolution of Housing Affordability, Non-Displacement, and Segregation Concerns.

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

Mr. Keller read the proposed Planning Commission Resolution called "Transportation, Green Open Space, and Other Concerns":

"Whereas, the Board of Supervisors passed a resolution of intent in 2017 to develop an action plan in partnership with Habitat for Humanity to redevelop Southwood for both affordable residential uses and business uses.

"Whereas, the Board in FY 2020-2022 continued the partnership with Habitat for Humanity using the team approach and a focus on quality, community, and non-displacement.

"Whereas, the Planning Commission, in review of the rezoning application for Southwood Phase I, has identified and would like to communicate the following concerns regarding transportation, open space, and other items in Southwood.

"Therefore, be it resolved that the Planning Commission offers the following considerations for the Board of Supervisors in its review of the Southwood application.

"Transportation. A transit center is neither proposed nor provided as a component of the proposed commercial area, or elsewhere. Furthermore, if a commercial area develops in the location proposed, and a transit center is added to the current design configuration, it would occur at some distance from the core, where the core Southwood future owners are to be housed. A more central location (C1 Housing – ROA) with an associated, attractive transit center would better serve the Southwood community.

"Neighborhood Center – Auto-Centric or Multimodal. Should the Neighborhood Center be located on the periphery along Old Lynchburg Road in an auto-centric matter or located more centrally in the Southwood community. The comprehensive plan calls for a multimodal neighborhood center with a height of 1-3 stories and located a quarter mile from the edge to make it a more neighborhood-oriented, walkable community with access to public transportation.

“Private streets. Are private streets destined to be a future cost to either residents (through HOA fees), or to the county if the developers or residents petition for an exception for them to become public streets?

“Parking. Is parking adequate? Parking of 1.5 spaces per resident appears inadequate in this dispersed suburban development.

“Green open space. The code of development notes that it’s important to the resident community to preserve and honor the streams and other natural features that surround much of the site, and the design proposes to do that by designing Blocks 1 and 2 along the perimeter of the site as greenspace. Yet the code of development also notes that utilities will need to be located in stream buffers and built across steep slopes. Also, storm water facilities are shown in both greenspace blocks in the concept storm water plan, and the table of non-residential uses on page 11 of the COD shows various other uses allowed in Blocks 1 and 2 by-right, including electric and gas lines, wireless service facilities, and farmers markets, which could be a fine use for greenspace in some cases, but which also include large new structures and land disturbances that run counter to the idea of minimizing environmental impacts.

“Table 7 on page 15 of the COD is also confusing in this regard. It indicates that roughly 2 acres of Block 1 will be preserved, and that close to 6 acres of that same block will conserved. Block 2 is similarly divided between preservation and conservation. Yet there is no indication of how those terms differ from each other, or what it even means in the context of the COD. The COD leaves an open question about just what can and will be built on the greenspace, begging the question of whether the greenspace will embody the importance of the residents’ place in preserving and honoring the site’s sensitive ecological zones. The COD needs to be clarified in this respect so that communities and expectations are clear.

“These clarifications will not require major changes and should not stall this positive project. They are important to nailing down key environmental commitments in showing that Albemarle County can build affordable housing in development areas and at the same time protect sensitive environmental resources in these areas.

“Storm water management. The plan states it will discharge volume to streams and buy off-site credits, as allowed by state law. However, this means that the quality of local streams will decline. Only one section of stream has been protected could still suffer from high volumes of runoff.

“Active recreation. Amenities are too vague, insufficient, and noncommittal. 4,900 square feet distributed across Blocks 5-8 is still too small. Tot lots, structured recreation, and facilities are needed for a development of this scale. Blocks 1 and 2 are drawn as greenspace, but allow for other uses to occur, which may disturb it.

“Buffer and built form spatial organization. The comprehensive plan recommends that a buffer be along the road. However, when a four- or five-story building is placed in the buffer, it actually destroys this buffer in Blocks 8, 9, 10, 11, and 12. In addition, when a forest is removed (and down to the width proposed), trees tend to fall as they are not adapted to wind impacts. Trees shown in renderings, if planted, will take 70 years to provide the same function for screening, storm water uptake, particulate matter removal, and aesthetics.

“Finally, the surrounding neighborhoods have distinct rural characteristics and are set back from the road. This development design dramatically changes both the density and the built form spatial organization of the area irreparably.

“By approving the application with the center located on Old Lynchburg Road and on the periphery of the community, and by removing the buffer, this development will alter the character of the area and could establish a precedent for this scale of development all along Old Lynchburg Road.

“Providing for impacts on transportation and schools. While Habitat is the developer of record, other builders and developers will be involved in this project. Given the majority of the overall development will be market rate or above, should proffers be considered when the county (supervisors, or EDA) are in partnership with an applicant? Given the impact of this development as a whole, could the cost of the impacts on transportation and schools be lessened through proffers, offers, or payments?”

Mr. Bivins said he had a question for counsel. He asked if Phase II might be the point at which proffers are discussed.

Mr. Herrick replied that if the application is still pending after July 1 of 2019, the applicant has the option (if it so chooses) of proceeding under 2016 2019 [inaudible].

Mr. Keller asked if they could do different phases or portions of it under different proffer rules.

Mr. Herrick said yes.

Mr. Keller asked if there was any discussion.

Mr. Bivins reiterated that the resolutions are offered up as suggestions and items for considerations by the supervisors, and the supervisors are free to use them or not.

Mr. Bivins said he asked last time they met who the developer was, and this was to have a sense of whether Habitat doing the whole project. He said while this would have not changed his ideas, he wanted to know their thoughts on how they will bring the concept to fruition.

Ms. Spain said Habitat had implied they were already working with a developer or at least having discussions.

Mr. Bivins agreed that they are having discussions with someone.

Mr. Keller said the supervisors likely know more about this than the Commission does, and the resolutions may serve as guiding information for them or, on the other hand, they may be well ahead of the Commission.

Mr. Bivins said he assumed they were.

Mr. Keller asked if there was a motion.

Ms. Firehock moved to adopt the ROA on Transportation, Green Open Space, and Other Concerns.

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

Mr. Keller asked if he could have an electronic version from Mr. Herrick.

Mr. Herrick replied yes.

Mr. Benish said the action would suffice, with a technical correction on the title to strike through "ROA" and re-word it as "Resolution."

Mr. Keller asked that members of the press who didn't receive a copy would email Mr. Benish to receive one.

Mr. Benish said that since the policy was adopted, there is a directive to make sure it gets forwarded to the County Executive and the Board of Supervisors. He said he would work with the County Executive to determine whether it goes as information on their Consent Agenda, or whether they tie it to the information provided with Southwood. Mr. Benish said he assumed the Commission would want to have the resolutions to them in advance of the 8-21-19 meeting, and that he would work with the County Executive and the clerk to get it forwarded.

Mr. Keller asked if there was any other new business.

Mr. Benish said the Commission receive the staff report for the Barnes Lumber ZMA. He noted that he would be out of town the rest of the week with limited internet access but would be checking emails periodically. Mr. Benish said if the Commission has questions, he won't be available, but that Wayne Cilimberg has some availability.

Mr. Herrick said he pulled up the rules and procedures of the Planning Commission regarding what gets communicated, and that under sub-rule procedure #6, "The commissioner may adopt resolutions to request the Board of Supervisors to adopt resolutions of intent to initiate comprehensive plan amendments, zoning map amendments, and zoning tech amendments." He said he raised this because he doesn't think the resolution falls within what's mandated to be communicated to clerk, but staff is getting direction from the Commission that they would like it communicated to the clerk, and that it is advantageous to do that. Mr. Herrick said he didn't want to speak for the Commission, but that perhaps the resolutions could be included in the packets that go to the board as an attachment.

Mr. Benish said that with the idea of communicating in advance, he would work to determine how to do this in advance, whether it's by email or through a public process.

Mr. Keller thanked Mr. Herrick for bringing it up and asked him to keep notes for when the next Commission comes in in January, as it may be a change in procedure, they would want them to know.

Mr. Herrick recalled that there was a resolution that was adopted shortly after this took place, and the planning director at the time went through great effort to make sure it was communicated to the clerk, out of an abundance of caution. He said the direction that was received from this was that resolutions such as that one did not require this communication, only resolutions regarding resolutions to these types of amendments. Mr. Herrick said he wanted to be clear in terms of what the resolutions mandate to be communicated and what it doesn't, and with the past history, there was a sense that a resolution was communicated that actually didn't need to be. He said, however, that he was hearing that the Commission wants it communicated, and quickly, given the fact the board is considering it, and he would make sure this happens.

Adjournment

At 8:56 p.m., the Commission adjourned to August 6, 2019 Albemarle County Planning Commission meeting, 6:00 p.m., Lane Auditorium, Second Floor, County Office Building, 401 McIntire Road, Charlottesville, Virginia.

David Benish, Interim Director of Planning

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

Approved by Planning Commission
Date: 08/20/2019
Initials: CSS