

**Albemarle County Planning Commission  
FINAL Minutes July 12, 2022**

The Albemarle County Planning Commission held a public hearing on Tuesday, July 12, 2022, at 6:00 p.m.

**NOTE: The first half of the meeting recording had significant technical difficulties.**

Members attending were: Karen Firehock, Chair; Corey Clayborne, Vice-Chair; Julian Bivins; Fred Missel; Luis Carrazana; and Lonnie Murray.

Members absent: Daniel Bailey joined the meeting remotely from his home at 543 Tyree Lane, Charlottesville, Virginia, but was not able to participate in discussion due to technical difficulties.

Other officials present were: Charles Rapp, Deputy Director, Operations; Andy Reitelbach; Andy Herrick, County Attorney's Office; and Carolyn Shaffer, Clerk to the Planning Commission.

**Call to Order and Establish Quorum**

Ms. Firehock said opportunities for the public to access and participate in the hybrid meeting were posted on the County's website on Planning Commission's homepage and on the County Calendar when available. She said participation would include the opportunity to comment on those matters from which comments from the public would be received.

Ms. Shaffer called the roll.

Ms. Firehock established a quorum.

Mr. Bailey asked if he could be heard.

Ms. Shaffer asked if he could try talking again.

Mr. Bailey asked if the Commission could hear him.

Ms. Shaffer said she could hear Mr. Bailey on her computer.

Mr. Bailey indicated he could only hear Ms. Shaffer.

Ms. Shaffer asked if Mr. Bailey heard Ms. Firehock's question regarding his location and reason for absence.

Mr. Bailey explained he contracted COVID-19 the week prior, so he was in the last days of his quarantine.

Ms. Shaffer asked where Mr. Bailey was located.

Mr. Bailey said he was located at his home in the Rio District.

Ms. Shaffer clarified Mr. Bailey said he was at his home in the Rio District.

Mr. Bailey clarified that he was located at 543 Tyree Lane, Charlottesville.

Ms. Shaffer said they should be able to see Mr. Bailey on the screen.

Ms. Firehock said they could not hear Mr. Bailey. She said her recommendation, because they did not have an additional speaker, was to allow Mr. Bailey to listen to the discussion but not participate. She said the technology was not up to snuff. She asked if Mr. Bailey could hear the Commission.

Mr. Bailey said he thought so. He said he thought he made out what Ms. Firehock said—listen in, but not participate because he could not be heard. He said he could barely hear Ms. Firehock as well.

Ms. Shaffer echoed for the Commission that Mr. Bailey understood what Ms. Firehock stated.

Mr. Herrick said there was a rule in the procedures that stated if an absent Commissioner could not reasonably be heard, the meeting may continue without the participation of the absent Commissioner. He said an alternative would be to take a brief recess to see if they could resolve the technology issue. He said otherwise the meeting could continue.

Ms. Firehock suggested the meeting continue because the item on the agenda was not a contentious topic. She noted they had a quorum.

Mr. Herrick said none of the subject matter on the agenda [inaudible 00:07:18]. He said it was the Chair's decision.

Ms. Firehock said they should move forward [inaudible 00:07:25].

### **Other Matters Not Listed on the Agenda from the Public**

There were none.

### **Consent Agenda**

Ms. Firehock asked if there were items to pull from the consent agenda.

Mr. Murray said [inaudible 00:07:56].

Ms. Firehock said there would be discussion of that item. She asked Mr. Murray if he would like to present what he would like to discuss on the item.

Mr. Murray said one of the things noticeable when you look on the map is that there was on street parking indicated. He said [inaudible 00:09:30 – 00:09:43].

Ms. Firehock said she did not know whether they can [inaudible 00:09:45].

Mr. Andy Reitelbach, Planner, said it was a request for sidewalk and planting strip waivers for an associated site plan in Hollymead Town Center Area C Block II.[00:10:00]. He said [inaudible 00:10:10 – 00:10:30]

Ms. Shaffer said she was not sure why.

Mr. Rapp said they would take a brief pause to deal with technical issues because nothing was projecting.

Ms. Firehock said [inaudible 00:10:55]. She asked how many minutes it would take to fix.

Ms. Shaffer said it would be no more than 10 minutes.

### **Recess**

Ms. Firehock said they would take a 10-minute recess to 6:20 p.m.

### **Consent Agenda**

At 6:20 p.m., Ms. Firehock reconvened the meeting of the Planning Commission for July 12, 2022. She said they had taken a brief recess to solve technical difficulties. She noted the issues had been partially solved. She said they were unable to host public comment through the web interface. She said if there were members of the public who wished to comment on the items on the agenda, they could do so by dialing in. She said the phone number to call in was 1-877-853-5247.

Ms. Firehock said they would not be able to have Mr. Bailey participating in the meeting because the remote participants could not see the presentations from the dais. She noted it was not a legal requirement to have remote participation—it was otherwise offered as a courtesy. She said if members of the public wanted to review the materials for the meeting, they were on the County's website.

Mr. Herrick clarified that Ms. Firehock had provided an 1-800 number, but there was also a webinar ID to provide with the phone number. He said the webinar ID was 89178762509. He said the webinar ID could also be found on the County's website.

Ms. Firehock said they would return to the item they were previously discussing, the pulled consent agenda item SE202200016 HTC Area C Block II Sidewalk and Planting Strip Waivers. She said Mr. Murray was discussing his concerns over losing the greenspace and whether there were other things to be done.

Mr. Murray said the Comprehensive Plan discussed [inaudible 00:13:40 – 00:14:19].

Ms. Firehock said [inaudible 00:14:20 – 00:14:40]. She asked if staff could respond.

Mr. Rapp said they would discuss with the applicant if they were willing to offer additional tree plantings to offset the loss of the planting strips. He said they would work with the applicant to identify additional opportunities.

Ms. Firehock said that was an example of why [00:15:10]. She asked if there were other comments on the matter.

[Inaudible 00:15:25 – 00:15:57.]

Mr. Reitelbach said [inaudible 00:16:00].

Mr. Bivins said [inaudible 00:16:01] the southwest corner.

Mr. Reitelbach noted there was an ADA accessible ramp on the right corner of Berkmar Drive. He said it would be reviewed during the site plan process to ensure that the sidewalks that are provided are accessible. [inaudible 00:16:22].

Ms. Firehock said [inaudible 00:16:34]

Mr. Herrick said he would advise someone to move to approve the consent agenda or make a motion for each of the two waivers presented by Mr. Reitelbach.

Ms. Firehock said there was a motion and asked if there was a second.

Commissioner Murray motioned to approve the consent agenda. Commissioner Clayborne seconded the motion. The motion carried unanimously (6-0). (Mr. Bailey was not participating).

## **PUBLIC HEARING**

### **ZMA202100011 The Heritage on Rio**

Mr. Reitelbach said he would present on the zoning application, ZMA202100011 The Heritage on Rio. He said he provided an aerial view [inaudible 00:18:22] to provide more context on the location of the site. He said the offering in the application consisted of five parcels located on Rio Road West, [inaudible 00:18:30 – 00:18:55], and he identified the existing uses on the surrounding adjacent properties. He said the five parcels totaled 8.23 acres, and the applicant requested to rezone the parcels from R6 to PRD and allow for a maximum of 250 residential units. He said four of the parcels have existing single-family detached houses on them, and the fifth parcel is largely wooded, with an entrance drive to the rehab center [inaudible 00:19:05 – 00:19:35]. He said the whole area of 8.23 acres would currently allow approximately 49 dwelling units by-right, and [inaudible 00:19:37 - 00:20:20].

Mr. Reitelbach said the five parcels were located in the Places29 Master Plan within the greater Comprehensive Plan. He said they were largely designated as urban residential. He said the urban residential designation recommended residential units at a density of 6.01 to 34 units per acre, along with limited commercial and service uses [inaudible 00:20:30 – 00:20:43]. He said a small portion of TMP 45-26A2, the larger one, was – was designated [inaudible 00:20:45 – 00:21:25] as neighborhood service center, which recommends a mixture of uses, with supporting residential.

Mr. Reitelbach said the applicant's conceptual plan showed the where the buildings, travelways, and parking lots were proposed. He said [inaudible 00:21:43] the green areas are the proposed open space, including amenities, recreational facilities, and landscaping buffers. He said the final specifics on the proposal [inaudible 00:21:50 – 00:22:10] are determined at the site planning

stage. He said the proposed maximum height for the buildings was four stories [inaudible 00:22:14 – 00:22:22]. He said there was a stepback waiver request special exception [inaudible 00:22:35] to waive the stepback requirement for the three interior buildings – buildings 5-7. He said the applicant proposed affordable housing at 15% of the constructed units at 80% of AMI, consistent with the County's housing policy.[inaudible 00:22:45 – 00:22:50].

Mr. Reitelbach said a minimum of 25% of the site was required to be open space, and the applicant demonstrated that [inaudible 00:23:05] this minimum could be met at the site planning stage. He said there is a 10-ft. landscaping buffer around the perimeter of the site, along with two main recreational areas. One that is half an acre in the middle of the site, and one that is about 1/5 of an acre in the southeast corner. [inaudible 00:23:10 – 00:23:25]. He said the development would generate an additional [inaudible 00:23:31] 43 total students across all 3 school levels. He noted Albemarle High School was over-capacity, and the admission of students would [inaudible 00:23:40 – 00:24:00] continue to keep it over capacity. He said that Agnor-Hurt Elementary and Burley Middle have available capacity. He said there were two entrances on Rio Road West. He said entrance design would be approved at the site plan stage after review by VDOT. He said [inaudible 00:24:14].

Mr. Reitelbach said the applicant proposed a bus shelter, bus stop, and a multi-use path, an access easement for potential inter-parcel connections. He said staff has determined that there are several factors favorable to this request, including being consistent with the Places29 master plan; providing multi-modal infrastructure; being consistent or mostly consistent with the applicable neighborhood model principles; and providing affordable housing at 15% of total units constructed, consistent with County policy.[inaudible 00:24:15 – 00:26:10]. He said a negative for the request was the additional students to Albemarle High School. He said staff recommended approval of the zoning request and the special exception request. He said he was available for questions.

Ms. Firehock asked if there were questions.

Mr. Missel said [inaudible 00:27:10 – 00:28:00].

Mr. Reitelbach said staff worked with the applicant on the frontage along Rio Road to create sufficient width of a minimum of about 10 feet to allow landscaping to be planted for ARB review. [inaudible 00:28:20 – 00:28:43].

Mr. Rapp said during the conversation, the applicant was able to provide illustrations, and those were included in the application. [inaudible 00:28:44]. He said they showed typical sections and perspectives of the landscape.

[Inaudible 00:29:10 – 00:30:20].

Mr. Reitelbach said there was 25% of open space, which included both green space areas and recreational facilities. [inaudible 00:30:22]. He said the zoning ordinance required certain facilities. He said there were substitutions for other things, and the substitution requests would be subject to review and approval by the Planning director during the site planning stage. [inaudible 00:30:45 – 00:31:05].

Mr. Murray said [inaudible 00:31:05 – 00:31:50].

Mr. Reitelbach said during the site plan stage, landscaping would be reviewed in the buffer and frontage areas [inaudible 00:31:55 – 00:32:20]. He said the applicant was working with the County to ensure native plants were planted in those areas.

Mr. Carrazana said in buildings 6 and 5 of the interior buildings, the setbacks [inaudible 00:32:35 – 00:32:50]. He asked if they required 5-foot setbacks from the sidewalk.

Mr. Reitelbach said it would be a minimum of 5 feet from the line of the access easement.

[inaudible 00:33:10 – 00:33:30]

Mr. Carrazana asked if staff had verified if the buildings would be within 5 feet of the access easement. He said they could accomplish what was proposed—a street lawn, sidewalk, and then a massive 30-foot building.

Mr. Reitelbach said yes. He said the illustrative plans show potential street sections, and this would be reviewed and confirmed at site plan. [inaudible 00:34:10 – 00:34:25].

Ms. Firehock asked if there were other questions before the applicant presented.

Ms. Valerie Long, Williams Mullen, said she represented the applicant. She said [inaudible 00:35:10]. She said the traffic engineer was present online. She noted it was challenging for him to hear.

**[WARNING: HARSH FEEDBACK 00:36:00; 00:36:11]**

[Inaudible 00:35:30 – 00:36:22].

Ms. Shaffer said she did not think anybody could hear.

[Inaudible 00:36:30 – 00:36:40].

Ms. Long said [inaudible 00:36:40 – 00:37:20] existing driveway . She said they proposed to move the bus stop to a better location and replace it with a shelter. She said the application proposed to rezone the parcels to PRD. She said it was developed in general accord [inaudible 00:37:30 – 00:37:50]. She provided a rendering of one of the open spaces. She said they were providing the standard affordable housing allowance, with a significant emphasis on multimodal [inaudible 00:37:55 – 00:38:55].

Ms. Long said there was a proposed multi-use path along with a sidewalk and planting strip. She said the path would support bicycle use and pedestrians. She said they proposed to relocate the bus stop to a better location, and they would have a sheltered bench. She said [inaudible 00:39:15 – 00:39:35]. She said the application plan provided commitments to the locations of the buildings and the building heights.

Ms. Long said the buildings would have to be located within the specified areas. She said the taller buildings would be located away from Rio Road. She said [inaudible 00:39:55 – 00:40:45]. She explained the ARB would have jurisdiction over the design and the site plan. She said [inaudible 00:40:55 – 00:41:25]. She said the illustrations did not do justice to the area. She noted Mr. Bivins noted that the trees [inaudible 00:41:30]

[Inaudible 00:41:30 – 00:43:35]

**[00:43:39 AUDIO AND VIDEO RETURN TO somewhat NORMAL QUALITY]**

Ms. Long said she hoped the Commission saw the care that went into the design, the sufficient space for plantings, and the benefits of the higher-quality path. She said the image displayed was looking up the existing driveway. She noted Mr. Carrazana's question regarding the planting strips, sidewalks, and setbacks from the edge of the travel way. She said the image provided a better view of the clubhouse and how it could be programmed and designed for high-quality amenities for the residents. She noted there was a small dog area [inaudible 00:44:30 – 00:45:03]. She said the slide displayed ideas and examples of what the clients and developers used readily. She said [inaudible 00:45:15 – 00:46:20].

Ms. Firehock asked if there were questions for the applicant.

Ms. Shaffer asked Mr. Murray to pull his microphone down.

Mr. Murray said [inaudible 00:46:35 -- 00:46:55].

Mr. Clayborne said [inaudible 00:46:55 – 00:47: 10].

Ms. Long responded [inaudible 00:47:10 – 00:47:28].

Ms. Long said they would be of varying sizes, and the buildings would all be slightly different in terms of their unit layout and the composition of the various units—one-bedroom, two-bedroom, three-bedroom units. She said she thought they would be.

Mr. Clayborne noted it would be important in terms of their version for a healthy community. He said for the units facing Rio, was the intention that the backs of the buildings would face Rio Road. He said it appeared that way with the tree plantings.

Ms. Long said the access to the buildings would be behind and away from Rio Road where the parking was located. She said the ARB guidelines would require the sides of the buildings along Rio Road to have a high-quality appearance. She said it would not look like the backs of the buildings.

Ms. Firehock said they would not allow a blank wall to be placed there.

Ms. Long said she believed there would likely be balconies. She said those were the types of items covered in the ARB design guidelines. She said she was confident the ARB would require the building to look a certain way.

Mr. Clayborne noted the sustainability features. He asked if those were commitments for the project or things applicants and developers typically did.

Ms. Long said they were items developers typically had within their communities or worked to provide whenever they could. She said most likely, all of the items, such as electric vehicle chargers, were market standard and required. She said it became a competitive issue to provide good Wi-Fi for telecommuters. She said the density was built into the project at 32 units per acre.

She said items such as low-flow fixtures and faucets were standard. She said the bus stop, the path, and the bike racks were commitments in the plan. She said the benefits included items that the market was demanding.

Ms. Firehock said she had listened to the community meeting that was held. She said there was a question regarding sustainable features, such as permeable pavement. She said the response was that the developer would always try to do that whenever they could. She said in her experience, applicants would note the features were nice, but it was always more expensive than the other available options. She said the more green and progressive elements saved money over the lifecycle of maintaining other stormwater management techniques.

Ms. Firehock said the applicant claimed the items being displayed were industry standard or were provided to make the apartments competitive. She asked why some of those items were not included as part of the standards. She said she would love for the applicant to set the standard for other developers.

Ms. Long said she appreciated the comment. She said this was part of the hesitation of talking about these issues, because they appreciated the fact that it could be frustrating for the Planning Commission to hear that they were trying to do something but would not commit to it. She said they were not in a position right now to be able to commit with certainty because they had not designed the building and were still at the rezoning stage. She said what they told her was that those were things that they did, but they were not ready to make commitments there yet. She said she did not know if those were the types of things that were at the rezoning stage, and it added to the challenges in terms of preparing the site plan, reviewing, and enforcing the site plans, which over time became zoning regulations that had to be enforced. She asked how to enforce Wi-Fi-controlled thermostats and things like that.

Ms. Firehock said some things on the list were things they would have to work out. She said the site plan would have to have all the numbers correct in terms of spacing, like the charging stations, but other things like low-flow faucets had nothing to do with the arrangement of the buildings and width of the sidewalk. She said she thought with the Board of Supervisors being fairly green that they would love to see things as commitments.

Ms. Long reiterated that she appreciated the feedback. She said that one of the best things about this project was its location. She said it was located so well and designed with the additional multimodal, and they hoped that would be the biggest benefit in terms of sustainability, because it would make it easier for people who lived there to walk to work, the park, or school. She said any of the amenities and stores nearby made it easier for them to hopefully not need a car or use their car much less often.

Ms. Firehock said she would leave it at that.

Mr. Bivins said on Attachment 4, two proposed bike racks were notated with stars, but there were four additional stars at the top righthand side of the page, and he was wondering if those stars went to the note that the total number of residential units within the neighborhood service center Comprehensive Plan land use designation shall not exceed twenty units, or if those stars were the proposed bike racks or something else.

Ms. Long said those were the proposed locations of the bike racks.

Mr. Bivins asked if they all were bike racks.

Ms. Long said yes. She said they would not necessarily be exactly in those locations.

Mr. Bivins said he wanted to enumerate that there were that many bike racks.

Ms. Long said that was correct.

Mr. Bivins said that was odd, because he lived in the area and never saw that many people on bikes, but he would not discuss that further. He said he expected that while there were the proposed bike racks, it would be nice to put the proposed EV chargers in there too, but he would leave that for their team as they moved forward. He said while he was not part of the ARB, he found it wearisome to always see buildings which were large rectangles, particularly at such an interesting site. He said the glade of trees at the front would be given up for a parking lot, which with creative design perhaps could have had the trees maintained on the lefthand side going into the site and do something with buildings 6 and 5 that did not create a four-story corridor if they went along with the desire for the setback.

Mr. Bivins said he would struggle with that corridor with buildings 5 and 6, because it felt like they were putting four stories in a place where people would have to drive and walk through, creating a dominant piece. He said a similar project on Rio Road did something interesting to avoid creating the cavern effect there. He said having that there was troublesome for him, so perhaps if there was something that showed there was a lot of space there and it was not going to be a cavern, he would feel better about that. He said losing the glade of trees and having a cavern of concrete, windows, and buildings was something he struggled with for a piece of property that deserved to be given an interesting design, which Ms. Long's clients had the ability to do.

Mr. Bivins said the other thing that personally annoyed him was that the rehab hospital changed its name, so it was no longer "The Heritage on Rio," and he did not know what Rio's heritage was, but because it used to be Route 10, he was unsure if that was a heritage that should be promoted before the conversion to Rio. He said he did not understand why they were calling something "The Heritage on Rio" at this time.

Ms. Long asked if she could address that. She said her clients had asked her to address this at the beginning and she neglected to do so. She said it was not an unreasonable comment, and their clients raised the same issue. She said they asked her to say that it was just a placeholder and made-up name. She said they had to come up with a project name when they submitted an application, and they struggled with what to call this. She said there was already a rezoning application called "Rio Road West" or something, so they struggled to call it something that would allow people to identify it. She said they came up with this name on fairly short notice and later realized that not only was it temporary, but it could have negative connotations. She said to please be assured this would not be the project's name and would have a much better name, but was merely a placeholder, although perhaps not as thoughtful as it should have been.

Mr. Bivins said it was not his place to decide.

Ms. Long said they needed this feedback, impressions, and reactions, because it was helpful. She said she did not think of it at first, and she should have.

Mr. Bivins said going back to buildings 6 and 5, he would like to see an image to help him get more comfortable with that. He said he was thankful for the illustrations, because they gave a sense of place, but he was also sensitive to some of the conversation taking place in their sister city about what happened on West Main Street.

Ms. Long said sure.

Mr. Bivins said he wanted this to be warmly embraced, and that was why he was bringing this up.

Ms. Long said there were a few broad issues, one of which was that this was an urban area, so they were trying to balance achieving as much of the high density as possible, and that meant taller buildings. She said the buildings were only four stories, and she thought once these buildings were designed, it would help a lot. She said when they were shown as only these blank, grey buildings it looked imposing, and she could appreciate that. She said it was a compact, urban site, so they worked hard to balance getting the density at the right amount and make the project viable economically and have an urban project in an urban location.

Ms. Long said that was why they committed to having the planting strips, sidewalks, and setback. She said it was not an urban thoroughfare there but was a driveway that led back to a rehabilitation facility, which was important but was not a driveway that a large number of people would be driving on day after day. She said they tried to balance that as well so that they could make it look nice for the employees, visitors, and residents of that facility who would be going through.

Mr. Bivins said he felt much better about that. He said while he would like to have the glade of trees there because it was an interesting urban wooded area, he understood there were budgets that must be met and ways in which they made it green, so he was thankful for that. He said he would follow it at the site review and make sure that it did not have that cavern effect there.

Ms. Firehock said it was difficult to get that, because they looked like warehouses now, and while that was not what they would look like at the final stage, if there were balconies or something to make sure it was not just a wall of a building, it would add some life and articulation.

Ms. Long said there would be ground-floor patios for the ground-floor level and balconies above.

Ms. Firehock said it would feel like walking through a residential area.

Ms. Long said exactly. She said again, it was really a driveway as opposed to street such as West Main Street, which was very different.

Ms. Firehock said it was also very busy.

Ms. Long said hopefully for the context, the location and all of the commitments combined would help avoid that concern.

Ms. Firehock said it was a valid point.

Mr. Missel said he appreciated the quality of the application and presentation. He said he was concerned about the small planting areas along the boundaries, and he understood the width from the illustrative plan. He said for example, looking at where the single-family home was in the center of the image, he was trying to figure out the contours. He asked if there were retaining

walls around the perimeter, and if so, where were they, or if they were meeting grade around the perimeter.

Ms. Long said she did not believe there was on that side, but she was going to ask her team to tell her if she was wrong. She said there were originally some retaining walls and what she would call a backwards retaining wall along the frontage, but not on that side. She said that was going to be a three-story building as well instead of a four, which was to try and be a bit of a transition to a single-family home. She said there was no guarantee on this, but their clients had told them they had reached out to that neighbor, and he had told them his plan was to redevelop his property as well and not keep it as a single-family home; nevertheless, they worked with Mr. Reitelbach to be sensitive to that issue and addressing it.

Mr. Missel said that was great.

Ms. Long said she hoped they had done a good job, and again leaving a little bit of extra space there for plantings to provide that buffer and transition.

Mr. Missel said he would take her word that it was all tied back and there were no retaining walls.

Ms. Long said Ms. Nedostup would provide additional information.

Ms. Nedostup introduced herself as Megan Nedostup with Williams Mullen. She said on sheet 5 of the application plan, there was a cross-section that showed the relation to the one story. She said it had a basement, so the street facing side of the house was falling back, and it could be seen it had a basement in the back of the house. She said that relationship could be seen better in that section, section number 1.

Mr. Missel said he could see it. He said it was basically level at that point.

Ms. Nedostup said it was on the screen for them to view.

Ms. Long apologized that she did not remember they had this graphic.

Mr. Missel said it was great. He said the other area was the dog area, which they showed a picture of, that he wanted to understand where it was on the plan.

Ms. Long said that was the rendering. She said on the plan, it was on sheet 1 of the plan on the righthand side. She said she would show them.

Mr. Missel said his question was if it was shown in the travelway parking envelope.

Ms. Long said the area she indicated was the area amenity area. She said it was shown in the renderings, but in the illustrations was fairly obscured by the trees. She said it was a small area and was again an illustrative plan and might end up being bigger.

Mr. Missel said that made sense; It looked like in the other image shown that it was at the corner and was in the travel way area. He said they mentioned having a meeting with Margaret Maliszewski to talk about the frontage. He asked if they talked with her at all about the step back waiver.

Ms. Long said she did not think so. She said the step back was for the three buildings that were not on Rio.

Mr. Missel said they were visible.

Ms. Long said that was correct. She said for buildings 5, 6, and 7 were where they requested that.

Mr. Missel said he was referring to the image she showed where the 5 and 6 were in the background and somewhat higher, because he thought the ARB would weigh in on them because of [inaudible 1:07:30].

Ms. Long said sure. She said they [inaudible 1:07:36] institutional grey block.

Mr. Missel said the step back would not be there anyway and would be on the other side.

Ms. Long said that was one of the issues that was unclear under the zoning ordinance: which did it apply to?

Mr. Missel said he understood.

Ms. Long said she thought it would be from the parking lot because that was the front of the building, which did not do any good from the entrance corridor perspective.

Mr. Missel said that was a good point. He asked if the shared use path that was shown continued past the single-family home in both directions.

Ms. Long said right now, it was a sidewalk without a planting strip right against the road.

Mr. Missel asked if they would tie into that essentially.

Ms. Long said yes. She said there was a pipe stem of the parcel with the rehab facility. She said it would continue into a sidewalk, and on this location, they could see the sidewalk there, so presumably if the property were redeveloped, she imagined they would be encouraged to extend the path across their frontage.

Mr. Missel said this showed it dead ending, but it obviously would connect.

Ms. Long said it would transition to the sidewalk as well.

Mr. Missel said that was it. He thanked Ms. Long.

Ms. Firehock asked if there were any other questions for the applicant.

Mr. Clayborne said he had an architectural comment that was perhaps a digression. He said looking at the axis of the first entry off of Rio Road West, if one were driving a car and turning in, they would drive right into the left edge of the clubhouse, so if the clubhouse were moved to the left a little bit, that axis would be centered on the clubhouse.

Ms. Long indicated the entrance Mr. Clayborne was referencing.

Mr. Clayborne said if driving in, it looked like it should be centered, although it was not part of the Planning Commission's purview.

Ms. Long said it was nevertheless helpful feedback.

Ms. Firehock said it appeared they were done with questions for the applicant for now, so they would now hear from the public. She said because of the audio issues, she did not think they would have anyone unless they called in, which no one had yet.

Ms. Firehock asked if there was anyone in the audience who would like to comment on this application. Seeing none, she closed that portion of the meeting.

Ms. Firehock asked if there were any additional comments from the applicant. Hearing none, she asked if the Planning Commissioners had anything else they would like to ask.

Mr. Bivins asked how they were dealing with stormwater management on the site.

Ms. Long said there would be an underground stormwater management facility.

Mr. Murray said those things could be notorious.

Ms. Long said they were challenging. She said they were more expensive on a site like this, trying to balance the goals of density, amenities, open space, planting areas, and it was often the best option. She said she did not know if Mr. Collins who designed it was there, but it was a challenge.

Mr. Murray said he hated to see people put in more surface parking than they actually needed.

Ms. Long said she agreed.

Mr. Murray said if there was more surface parking than they actually needed, and they were willing to increase the amount of pervious surface in the form of additional green space or planting area, would that be something the applicant would consider.

Ms. Long said they were actually going to be requesting a parking reduction. She said much like other multi-family projects in the County, the existing parking regulations required more parking spaces than units actually required, so what was shown here was actually less parking than the ordinance would actually require, and they had submitted a waiver request to reduce it in light of its location and the multimodal opportunities. She said it may be that there were fewer spaces that would provide more space for landscaping, biofilters, planting, and other open areas. She said they were not there yet, because they did not know if they would get the parking reduction request approved, but they were optimistic about it.

Mr. Murray said he would strongly encourage that there were many ways that they could use their plantings, and because they were doing the plantings anyway, they could double them as places to treat the stormwater.

Ms. Long said that was right.

Mr. Murray said it could be attractive and beautiful, and yet also [inaudible 1:13:06 ].

Ms. Long said it served two functions. She thanked Mr. Murray.

Ms. Firehock said Ms. Long had received many emails from herself and comments over the years on bioswales, and she always passed it onto the applicant. She said the Commission generally recognized that their parking requirements were quite high and that was on their list of things to address over the next year or so, so they could look at ways to give exceptions or just change the standards themselves.

Ms. Firehock said for example, when she was on the Charlottesville Planning Commission, they provided reductions in parking for things such as having bus stops and bike lanes in proximity to transportation. She said they had a whole series of ways that they could reduce the amount of paved space, and this was a prime spot for something like that, even though it was a car-oriented society, it was starting to become an area where one could ride their bike to do errands.

Ms. Long said absolutely. She said she would like to add one more comment regarding Mr. Bivins' remarks about the trees. She said it was not the easiest thing to show with this exhibit, but she would begin here. She said the parcel that had the rehab facility was partially shown, and the area following her cursor on the screen was a part of that parcel. She said it actually was the original location for the driveway when it was first platted, but they realized at some point that it was right where the curb was on the road and did not meet site distance or safety, so they relocated the driveway, and unfortunately, to her great dismay, they did not vacate or redo the boundary lines on the other side, so it became an almost-wasted area of land.

Ms. Long said the owners of the parcel subject to this had the right under the driveway easement to use that for access, but it did no good. She said unfortunately, it was wasted. She said the one good thing, as Ms. Nedostup reminded her, was that that area was wooded right now and would stay wooded, so it would actually provide some benefit in that regard.

Ms. Firehock said that was good.

Ms. Long said they could see it in the location on the slide shown.

Ms. Firehock said that would be a lot more pleasant.

Ms. Long said it helped make that amenity area even cozier. She thanked the Commission for the opportunity to add that.

Ms. Firehock said it was helpful.

Ms. Long said they were present for any other questions that came up.

Ms. Firehock said the Commission would discuss the application further. She asked if any Commissioner had something they would like to bring up.

Mr. Missel said he had a few things to mention in general. He said related to sustainability, it was mentioned how nice it would be to have this project as an example for excellence in sustainability, and he wanted to point out that it would be wonderful for this County to be an example of excellence in sustainability and where developers could be thinking about sustainability in advance and build that into their financial models and be able to actually represent to them in

plain view and density what had actually already been filtered through sustainable practices as opposed to it being an afterthought. He said he understood they all were on the same page there.

Ms. Firehock said it was helpful for the record.

Mr. Missel said he was grateful there was an ARB but wanted to point out that when they were discussing building 6 and 5, he understood that because they were visible, there would be input on the ARB's side on those buildings. He continued that regarding density, he was fully supportive of this project, but it was interesting to see that the illustrations were exclusive of the adjoining properties. He said he knew they were not controlling or reviewing, or that even the developer had oversight of the adjoining properties, but thinking of it as part of a community and neighborhood and including that in some of the exhibits was always helpful, and would have revealed things like how the sidewalks connected and what the big picture was there, as well as scale issues with the adjoining parcels. He said that concluded his remarks.

Ms. Firehock said they did not have a lot of discussion about the request for the exception to modify the step back requirements. She said she did not know the Commissioners' feelings on that, but it had come up multiple times and they had talked with staff about in the future coming up with some guidelines or standards for specific situations and buildings in locations, they were okay, or they did not have to do them and were more appropriate for a different situation. She said they could craft guidance with illustrations to save time at this dais reviewing things they would probably be okay with. She said she wanted to say that that was still their intention, but right now they had this before them, and she did not know if anyone had a problem with that request to give them a break on the step back.

Mr. Bivins said he understood it was for three buildings.

Ms. Firehock said it was for the taller buildings.

Mr. Bivins said it was 5, 6, and the one in the back.

Mr. Carrazana said he had some general thoughts on that. He said it was a bit of a different situation because they had been [1:19:42 boarded them?] to minimize the impact on the public street. He said he was generally in support of this project, but he believed there were missed opportunities, which they saw in a lot of projects. He said the opportunities here lied in how they looked at the density at some point, and if they were truly going to begin talking about sustainability, if there were other sites that could take more density than what they were proposing. He said they limited it to this three- or four-story, but at some point, they had sites that were appropriate.

Mr. Carrazana said as they said, this had great amenities around it, and he thought that this was one of those sites that with more density, it provided more opportunities for more open space, provided potential opportunities to do things more creatively with stormwater management. He said they were taking a wooded lot that was pervious and were basically paving it, and he saw that as a missed opportunity. He said he was not sure if that term "wasted space" could be thought about in a different way.

Ms. Firehock said that was why they were saying they did not have the access to it.

Mr. Carrazana said he thought the property line was there. He apologized. He said when it came to the setback on that interior road, he saw it as a missed opportunity because it did create the canyon effect by putting the two largest buildings in close proximity to each other. He asked if there were opportunities here to look at the amount of parking, and he hoped they had less. He said he did not want to redesign this, but as they thought about opportunities, switching 7 and 6 so they did not have two large buildings next to each other, and perhaps that gave more opportunities for open space.

Mr. Carrazana said he would look at those elements, but he was not opposed to granting the step back waiver because of where it was, but if they relocated those buildings, building 6 would not have as big of an impact on Rio Road as well as creating the canyon effect with building 5. He said as they continued to design to look at opportunities to minimize the number of parking spaces and see if there were more creative things, they could do with stormwater management.

Ms. Firehock said she was waiting for a development that came forward with a green roof on top. She said she had seen buildings in other communities with green rooves with benches and butterflies, and treat stormwater on the green roof as well as enjoy the views of the mountains. She said there was much more that could be done to make this a truly green and inviting community, and they were not getting that level of creativity in Albemarle County yet, which was very unfortunate, and maybe there were things their County could do to incentivize that better.

Ms. Firehock said that was something she hoped they could look at as they redid the Comprehensive Plan, because their ways to offer incentives in Charlottesville for bioswales and other things led to some developments that infilled with features like that because they could afford them due to the additional density they got. She said they got density they wanted and infill redevelopment with green. She said they were not getting very progressive things. She said Albemarle County had a bioswale outside the building, but they were rarely seen in developments, even though it was old technology.

Mr. Carrazana said UVA had many examples of green rooves, and while there were maintenance issues, there were also maintenance issues with tanks underground, so the opportunity of density

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Ms. Firehock said green rooves cost more, but they lasted two to three times longer than conventional rooves, so the cost concern went away if one was the owner of the building and a longer lasting roof that costs less to heat and cool. She said this building had a green roof on it right now, and they saved 30% on energy costs because of it. She said they monitored it very carefully. She asked if there was anything about this particular site that should be discussed, or if they were ready to make a motion.

Mr. Bivins thanked the applicant for being aware that the project as named today was something that would not be how it was named when it was finished, and they were sensitive to the need to come up with a creative name for that project. He echoed what Mr. Carrazana had said, which was that this was one of the projects that would change the Rio Road West corridor. He said up until now, the speeds on that road were quite high at times, it was a place that would have visible density, because it was very residential there and all the density was off the road.

Mr. Bivins said there were a few communities there that had a great deal of density, but none of it could be seen from the road. He said this would be the first place where the density could be seen, and he believed this was a place that had the opportunity to be very interesting and exciting

and not simply to be a bunch of rectangles, whatever color they ended up being. He said to do something that said, as one of the entry places into their community, to see what they were able to do as builders and developers to bring to people. He said he thought they had a special site and if they brought special designs, they would be rewarded.

Ms. Firehock asked if there was a motion.

Mr. Bivins motioned to recommend approval for ZMA202100011 as presented in the staff report.

Mr. Herrick asked if Mr. Bivins was motioning to recommend approval for ZMA202100011.

Mr. Bivins said yes.

Ms. Firehock said that was with the special exception.

Mr. Bivins said he would have to do the special exception separately.

Mr. Herrick said the special exception would be handled with a separate motion. He asked if they were moving at this point for the Planning Commission to recommend approval of ZMA202100011 for the reasons stated in the staff report.

Mr. Missel seconded the motion, which passed (6-0). Mr. Bailey was absent from the vote.

Mr. Bivins motioned for Special Exception SE202100041, a special exception to modify the setback requirements for buildings as identified in the staff's report and staff's analysis for this project. Mr. Murray seconded the motion.

Mr. Carrazana asked if they could make a motion during the site plan phase to look at making adjustments to those buildings, whether it was staggering them or switching them out to minimize the mass of both of those buildings on that site.

Ms. Firehock said one could, but the question was if the illustrative plan were proffered, and then the general locations of those buildings would have to come back for another hearing, because that would be a substantial change to the plan.

Mr. Herrick said that was correct. He said what the Commission had voted on was to recommend the ZMA, and part of that ZMA was the application plan as submitted.

Mr. Missel said not the illustrative plan.

Mr. Carrazana said they had their comments, so hopefully they would take those to heart.

Ms. Firehock said they could potentially, in the time between now and meeting with the Board of Supervisors, work on a different version to present to the Board. She said she did not know anything about their timeframe, and it was not something they were able to be aware of now. She said it should be included in the record that Mr. Carrazana wanted them to look at that before it went to the Board, but she did not know if it needed a formal amendment to the motion, unless it was desired. She asked if there was any further discussion. Hearing none, she asked for the vote to be called.

The motion passed (6-0). Mr. Bailey was absent from the vote.

### **Committee Reports**

Mr. Missel said there was a meeting of the Agricultural and Forestal District, which he was going to hold his comments on until he had a chance to review his notes. He said the second was a Woodbridge community meeting that he attended, and it was focused on specifically the Woodridge solar project. He said there were lots of very interesting comments that related to visibility, potential glare, battery storage, and materials. He said there were questions about ongoing maintenance and if something happened, how quickly could they respond to problems, which were all answered well by the potential applicant.

Mr. Missel said there was a question about diminished property value because of the presence of them. He said there were interesting questions about the transmission line pole height needing to be increased. He said there were questions about whether this would help with the unreliable power that currently existed. He said there were questions about stormwater management and how that was being handled on site, and a question about whether they would be restoring wetlands if there were any on site to begin with.

Ms. Firehock asked if the County developed its stormwater regulations for solar facilities that was required by DEQ yet. She said DEQ required all localities to develop stormwater regulations for solar sites.

Mr. Rapp said he did not believe they had specific regulations set aside just for solar, but they were required to meet the water protection ordinance, so they sought clarification from DEQ as to how to treat the different types of panels, whether they were impervious or not, and again it depended on the type of panel being used and setup being implemented. He said Bill Fritz had been the primary reviewer of solar applications. He said they had a few different ones and a few different approaches that the DEQ directed them towards as to how to treat those.

Ms. Firehock asked if Mr. Rapp thought they were in good shape and ready.

Mr. Rapp said he certainly did.

Mr. Bivins said a long time ago, they saw a solar project off of Milton Road. He said he wondered if it had been built.

Mr. Rapp said if he was thinking of the same one, he did not believe it had been built.

Ms. Firehock said she knew what he was talking about.

Mr. Murray said he attended the Natural Heritage Committee, where they also brought up the topic of solar, in particular, the pollinator smart guidelines that were in place for solar facilities, as well as the merits of performance-based approval for solar facilities that could include some of these features they would like to see like setbacks, appropriate stormwater management, pollinator smart guidelines, and even inclusion of agriculture within the solar facilities.

Ms. Firehock said she would say that their County had not yet developed appropriate guidance for solar siting or solar site design in terms of state guidance that was now available. She said some other localities had even adopted percentages of rural area that could be used for solar and

specific areas within their County where solar was or was not a desirable land use. She said they had a way to go on that.

Mr. Murray said he had seen many localities get hit with super massive solar projects and then they wished they had guidelines, so he would encourage the County to develop some guidelines before they got hit by a project they would regret. He said having those guidelines up front and public meant that applicants knew exactly what they needed to do.

Ms. Firehock said that was right.

### **Old Business/New Business**

There was no business to discuss.

### **Items for Follow-Up**

Ms. Firehock asked if they could hear a brief report on where the comprehensive planning process was. She said she knew they were working on growth management right now.

Mr. Rapp said they had a work session with staff and the consultant who they had been working with, as well as a working group meeting this afternoon. He said they had some open house options over the past several weeks to discuss some of the growth management options that were out there based on some of the feedback they received, and they would be bringing that to the Commission to talk about and review where they were in the process and what they would like to get out of each work session. He said he would like to follow a similar approach with the zoning ordinance modernization projects they had.

Mr. Rapp said they heard the Planning Commission's feedback and thought they needed a bit of a reset on that and map out where they were going with that, so more information would be given on that for a new path forward. He said it had been complex and they wanted to be sure they were going about it the right way as they worked on it for the next couple of years. He said feedback he had received from both consultants on these projects was that they would like to find a way to get more time with the Planning Commission because the one-hour work session was not long enough.

Ms. Firehock said it really was not.

Mr. Rapp said he knew they agreed with that, so they were looking at options, also maybe going into a larger conference room so they could all be around a table in collaboration and ideally find a two-hour window. He said he did not know if that meant starting the work sessions earlier at 3 p.m. or 3:30 p.m. and going to 5:30 p.m. or going back to the third night per month. He said to think about that, and they would come back and talk about it in a few weeks about what those options were and what their process was.

Mr. Bivins said each of them would have the opportunity to be an ex-officio member of the plan, and he was intentionally not at the table. He said they lived a very privileged existence in what the Commission did, because it was clear there were opportunities that were needed to help their community understand just how multi-layered comprehensive plans, master plans, and ordinances were in the buildout of their community, and also help them understand that the market drove a lot of the things that happened. He said while they could guide things and set up smart

and easy-to-understand policies, if someone did not want to bring their dollars to their community, it did not matter what their rules were.

Mr. Bivins said there was an interesting balance emerging that they would see when Mr. Rapp came forward with more information. He said he came away from these three meetings feeling thankful for their work, but very aware that as a body, they needed to be very thoughtful about how they engaged with the community, because there was still a lot of thought that what they did was magic. He said some of it was, but most of it was not, so how they navigated that in their community was something they needed to think about over the next few years.

Ms. Firehock said Mr. Bivins had been attending the growth sessions, but up to two Commissioners could attend without having to call it as a special meeting of the Planning Commission. She said one of the challenges was that they were during the workday and many of them could not get away from work necessarily, but one other Commissioner could attend as well as they got the schedule for this to continue for a couple of years.

Mr. Missel said he had a question for staff. He asked if there was any update on the affordable housing policy.

Mr. Rapp said they had a work session with the Board on that and discussed working on an affordable dwelling unit ordinance, so that would be some more work they would be undertaking over this next year; there would be a resolution of intent going to the Board soon if it had not yet already. He said they would have to figure out what all that entailed, so that was the work ahead on that as well.

Mr. Missel said he had heard there was a potential transition or a recommendation that was approved to go to 20% and 60% AMI, and there was discussion about potential developer incentives that would go along with that.

Mr. Rapp said that was all a part of what it actually would be, but those were not set in stone. He said they had meetings with the community and other representative stakeholders to get their feedback, and they planned to continue to work with them to figure out what that balance was, and the incentives were.

Ms. Firehock said earlier in the year, they had asked for that information to be brought back to this Commission and they were told it would be.

Mr. Rapp said Dr. Pethia was still working on it, so as soon as she got to a point where she was ready to come back, they would certainly do that.

Mr. Missel thanked Mr. Rapp.

Ms. Firehock said for people who had vacations or business trips later in the summer to let them know so they did not end up in a situation where they did not have quorum. She said they understood with Covid-19 still raging, there could be a situation that could not be controlled where they suddenly could not come to the meeting, so please email her and staff right away if something happened.

## **Adjournment**

At 8:00 p.m., the Commission adjourned to July 26, 2022.



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Charles Rapp, Deputy Director of Community Development

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

Approved by Planning Commission
Date: 08/23/2022
Initials: CSS