

**Albemarle County Planning Commission  
Draft Minutes Work Session and Regular Meeting  
November 12, 2024**

The Albemarle County Planning Commission held a public hearing on Tuesday, November 12, 2024, at 4:00 p.m.

Members attending were Fred Missel, Chair; Luis Carrazana, Vice-Chair; Corey Clayborne; Karen Firehock (arrived late); Lonnie Murray; and Nathan Moore.

Members absent: Julian Bivins

Other officials present were Michael Barnes, Director of Planning; Andy Herrick, County Attorney's Office; Tori Kanellopoulos, Cameron Langille, Kevin McDermott; and Vivian Groeschel.

**Call to Order and Establish Quorum**

Ms. Groeschel called the roll.

Mr. Missel established a quorum.

**Work Session**

**CPA202300002 AC44 DA Land Use Actions**

Tori Kanellopoulos, Principal Planner, said that she will be presenting on development areas and land use for the comprehensive plan update. She said that they would begin with a brief overview of the Board meeting held on November 6, followed by an explanation of the objectives for the Development Area Land Use Chapter, a walkthrough of the actions outlined in the discussion topics as outlined in the memo to the Planning Commission, and a brief overview of the upcoming schedule.

Ms. Kanellopoulos said that to start, she would like to provide a quick recap of the Board's work session last week, which focused on development area land use policies. She said that this session coincided with the Planning Commission's work session on October 22, where they discussed the future land use map and activity centers. She said that the Board expressed general support for accessory dwelling units with the right performance standards in the zoning modernization update, but it also had mixed feedback on whether they should be allowed by right to require a legislative review.

Ms. Kanellopoulos said that concerns were raised about the potential over saturation of retail and the need for significant investment to support any given activity center. She said that the Board also asked them to explore potential incentives for redevelopment and encouraging activity centers. She said that they were supportive of the Commission's future land use map recommendations to distinguish between public and private open space. She said that the Board was in favor of raising the lower end of the residential density recommendation for community mixed-use areas to 12 units per acre, rather than six units per acre.

Ms. Kanellopoulos said that the meeting's topics will focus on the goals statement, objectives, and actions, which were the last three pages of the Development Areas Chapter. She said that

as previously discussed, the Commission touched on these topics during their previous work session. She said that they had also made updates to the objectives since Phase 2. She said that following this work session and the corresponding Board work session on actions, which was scheduled for next Wednesday, staff will update the full chapter, including both the policies and actions, and re-share it with the full comprehensive plan document.

Ms. Kanellopoulos said that they will be discussing several topics related to efficient use of development areas and land, as well as balancing protecting the natural environment. She said that they had initially planned to delve deeper into parking requirements in the transportation chapter but decided it would be more suitable to discuss it within the development area land use chapter, so they will be addressing this topic today. She said that they would discuss some potential recommendations to incorporate into the chapter, as well.

Ms. Kanellopoulos said that it was worth noting that they would focus on parking requirements for activity centers, rather than the development areas as a whole. She said that they would be exploring the balance between efficiently using development areas and protecting the natural environment. She said that a significant community priority they had heard was tree coverage, so they wanted to discuss this further.

Ms. Kanellopoulos said that they had incorporated community input, Planning Commission and Board direction, and worked with various staff and partner agencies across the County to identify what should be carried forward from the 2015 plan, and then they examined relevant data and best practices. She said that each chapter included a goal statement, objectives, and actions. She said that the goal statement served as a vision for what they wanted their community to be like.

Ms. Kanellopoulos said that previously, there were separate goals for development area land use, which had been consolidated into one goal statement. She said that the objectives were the targets they were trying to achieve, and they should be measurable. She said that they had updated the objectives from Phase 2 to ensure they were all measurable and then reclassified some of them as actions, as they seemed to fit better at that level of detail. She said that the actions outlined how they would implement the comprehensive plan to meet the objectives.

Ms. Kanellopoulos said that this summary represented the goal for the development chapter, which reflected the community input and priorities they had heard to date, including thriving, walkable, and mixed-use places with a variety of housing types, connections with multimodal transportation, tree coverage, and protected natural areas, as well as encouraging redevelopment, infill, and adaptive reuse.

Ms. Kanellopoulos said that there were four objectives they aimed to achieve with this chapter, so they wanted to ensure their actions focused on implementing at least one of these or more. She said that these included increasing infill, higher density development, adaptive reuse and redevelopment, increasing the number of jobs and housing units and activity and employment centers, investing in existing neighborhoods, and increasing tree coverage in development areas, prioritizing areas with lesser tree coverage than average across the County.

Ms. Kanellopoulos said that the actions they were seeking feedback on included incentives for redevelopment in activity centers, reforming parking requirements, site design, and tree coverage

and tree replacement. She said that she would like to share a news story that highlighted what some of this tree replacement could look like in action. She said that changes from the 2015 comprehensive plan included that they had reduced the number of neighborhood model principles to four community design guidelines, standardized land use categories across area plans, and simplified the approach to mixed-use development within activity centers. She said that they also recommended changing net-density to gross-density for residential use density calculations. She said that for actions, they emphasized investment in existing neighborhoods, replacing tree coverage, and infill development. She said that they did not include actions which were already codified development requirements.

Ms. Kanellopoulos said that before they discussed efficient use of land in development areas, she would like to provide some background and context. She said that one of the negative effects of excessive parking was the increased impervious surface, heat island effect, and stormwater issues. She said that other negative impacts included taking up space that could be used for other purposes, such as buildings, the demolition of historic buildings to make room for parking, and disrupted walkability at sites.

Ms. Kanellopoulos said that they had heard from the Commission and the Board to consider revising parking requirements, particularly for non-residential uses, and allowing these types of uses to propose their actual parking needs rather than adhering to stringent minimum requirements. She said that this could also benefit businesses seeking to expand, as they may not have sufficient space to construct the required parking. She said that local examples of current parking requirements were included, which ranged from more stringent to more reasonable.

Ms. Kanellopoulos said that across the U.S., many localities were updating their parking requirements, which had often been in place for years or decades and could be updated to be more reasonable. She said that some localities did not distinguish between different locations, resulting in the same parking requirements in walkable downtown areas and suburban areas. She said that they currently allowed alternatives such as shared parking and transportation demand management, including reduced parking for transit and carpooling. She said that expanding on these alternatives could also be considered.

Ms. Kanellopoulos said that there were some opportunities for parking reform. She said that the parking maximums were already included in the chapter, but as she had mentioned, they were considering covering these in the transportation chapter and then thought they would fit better in the site design for the development area land use chapter. She said that these were additional ones that they could look at, such as requiring shared parking in activity centers, having multimodal transportation infrastructure in exchange for less parking, bike parking requirements, and then having better design requirements for safe pedestrian walkability throughout parking areas.

Ms. Kanellopoulos said that a report noted that a lot of the best-suited sites were places that had lost anchor retail, were not being well-maintained, or were in areas that had too much retail. She said that these were sites that had good potential for redevelopment. She said that there were both challenges and opportunities to these sites. She said that some of the challenges included the need for rezoning, which needed time and created uncertainty. She said that these sites often required large enough areas to accommodate construction and staging equipment. She said that additionally, they were typically more expensive than just doing a greenfield development that never had any infrastructure.

Ms. Kanellopoulos said that they could be in areas that did not require disrupting existing businesses and structures with infill, if that could be created to replace some of that surface parking and make it more walkable. She said that there were also interesting site design possibilities, such as the five over one building that featured one floor of parking underneath and then five stories above. She said that this type of development required a lot of density to actually pan out.

Ms. Kanellopoulos said that the Stone field apartments, which were recently completed, demonstrated this with a density of about 92 units per acre on just one parcel. She said that following their analysis of surface parking in activity centers, they found that approximately a quarter of the land in these centers had development potential that was currently being used for surface parking. She said that at the time of the analysis, 40% of the developable land in the Rio 29 small area plan was parking lots.

Ms. Kanellopoulos said that as mentioned, they also wanted to discuss incentives for redevelopment and centers. She said that according to Action 1.6 in the chapter, incentives could include water and sewer connections, structured parking, and other potential incentives listed. She said staff would appreciate hearing their thoughts on what additional incentives they might consider to encourage redevelopment in centers. She said one of the biggest challenges in this chapter was striking a balance between using land efficiently in development areas to protect rural areas, while also ensuring a high quality of life and resilient communities within those areas.

Ms. Kanellopoulos said they discussed parking reform and its importance in efficient land use, as well as the benefits of replacing tree coverage, which can include ecosystem services such as shade, carbon dioxide removal, and increased retail sales in commercial areas. She said that within the chapter, recommendations included replanting in areas with low tree coverage, protecting groves, and replacing them in important areas like along stream buffers. She said other topics related to the natural environment and environmental stewardship included lighting, balancing dark skies with safe pedestrian and bicyclist environments, green infrastructure, open space, and street design standards within activity centers.

Ms. Kanellopoulos said there were also several overlapping recommendations in other chapters, including environmental stewardship and resilient community. She said to provide a brief overview of the upcoming and completed schedule, they had already discussed development area land use policies in this phase. She said at this meeting and at the Board meeting next week, they will focus on goal objectives and actions. She said next week, they will also begin exploring the rural area land use chapter. She said that the Planning Commission meeting on Tuesday will focus on rural area policies, the meeting on December 10 will focus on actions, and the Board will discuss the entire chapter on January 8.

Ms. Kanellopoulos said that as a quick reminder, the topics they were focusing on required feedback, specifically regarding efficient land use in the context of parking requirements, incentives, and environmental protection.

Mr. Murray asked for clarification about the current parking requirements.

Ms. Kanellopoulos said that it may depend on the total number of apartments. She said that for apartments, she believed it was generally one space per one-bedroom unit, and two spaces per single-family unit.

Mr. Clayborne said that he was considering the concept of right-sizing parking. He said that staff which had potential for redevelopment was dedicated to asphalt. He said that when he thought about right-sizing parking, he thought of Whole Foods as an example. He said that it felt like a good fit, as it was hard to find parking there, but when he went to Giant, there were numerous open spots available. He asked for clarification about the parking requirements for strip malls and grocery stores. He asked why the Whole Foods parking was different from the Giant parking.

Ms. Kanellopoulos said that she believed that it partly depended on whether places implemented shared parking or if the total amount of parking ended up being added together. She said that for some commercial areas, if individual stores and businesses only met their own parking requirements, and then all those requirements were combined, it could create a sea of parking. She said that on the other hand, if they could implement shared requirements or receive a reduction, it made the overall layout feel more balanced and right sized.

Mr. Clayborne asked if expanding the micro-transit program would help alleviate the transportation and parking needs.

Mr. Barnes said that the micro-transit program was doing well. He said that when they moved on to the transportation chapter, it was likely that they would cover transit strategies.

Mr. Carrazana said that he had a couple of questions regarding parking. He said that they had mentioned looking at several different municipalities. He said that he was particularly interested in the counties without a transit system and the City, as their policies may differ due to the presence of mass transit. He said that he was curious about the specific examples they were considering. He said that he would like to understand their approach to eliminating parking requirements and how they arrived at reductions.

Ms. Kanellopoulos said that to clarify, she believed eliminating parking requirements would likely be limited to regional activity centers, where the density would make it feasible. She said that in these areas, there could be more shared parking and increased walkability. She said that she did not think this would be feasible across the board.

Mr. Carrazana said that identifying comparable jurisdictions was the key to determining their parking requirements.

Mr. Moore asked if the objectives and actions were ordered in terms of priority. He said that

Ms. Kanellopoulos said that the list was not in any particular prioritization order.

Mr. Moore said that he had a question regarding incentives for redevelopment or higher density in the activity center, particularly with regards to parking structures. He asked if they had discussed this with property owners and developers.

Mr. Barnes said that they had discussion about the challenges they faced, which had been the primary focus of their conversation. He said that they had discussed incentives, but nothing had been finalized. He said that for instance, in the Barnes Lumber Redevelopment Project in Crozet,

there was a TIF in place to help with the redevelopment of that property and the creation of a public plaza.

Mr. Moore said that he was asking because he wanted to know if the developers or current owners of some of these underutilized commercial spaces had expressed interest in repurposing them. He said that he was unsure what would need to happen to move development forward.

Mr. Barnes said that it certainly represented a significant barrier to achieving the next level of growth. He said that there were several basic market realities they were facing.

Mr. Moore asked what other barriers existed.

Mr. Barnes said that high land prices were a significant factor. He said that the commercial market was currently in a challenging state.

Mr. Missel said that one of his initial observations was that when reviewing the objectives and actions, he noticed that there were several specific goals, including increasing the use of infill, higher density development, increasing the number of jobs, investing in existing neighborhoods, and increasing tree coverage. He said that he was curious about the last one, as increasing tree coverage seemed quite specific.

Mr. Missel said that in contrast, even in the document, it discussed the balance between efficient use of development areas, quality of life, and environmental stewardship. He said that he was wondering if there was room to consider whether the objective had been written in a way that was too narrow or too broad, and if it could be rephrased to be more inclusive of these other factors and consider resiliency.

Mr. Murray said that [inaudible].

Mr. Missel asked if there was a reason that they focused on tree coverage.

Ms. Kanellopoulos said that one reason they focused on trees was that the Climate Action Plan recommended prioritizing tree coverage in development areas, and this was a topic that frequently arose during actual development and community input. She said that she thought it was a good point to consider making this recommendation broader, as there were numerous other environmental stewardship topics that could be integrated into it.

Mr. Carrazana said that he wondered if it was a matter of categorizing it, but he believed there was a distinction between green spaces and canopy loss. He said that he was aware that, at UVA, they had been taking steps to address this issue. He said that one approach was to protect the canopy, as once trees were removed, they could not be replaced in a short period of time. He said that in terms of the impact, canopy loss and the benefits of green spaces were distinct.

Mr. Carrazana said that the environmental benefits of a canopy were unique and must be prioritized, which was different from other types of green spaces. He said that he thought they needed to create a category that encompassed opportunities like green roofs, which were beneficial, but also considered alternatives such as permeable pavers and other methods that prioritized canopy protection.

Mr. Murray said that he believed one of the key things they were lacking in the County was specific rules. He said that they needed rules on the proper maintenance and planting of trees. He said that often, one saw trees that were planted in areas referred to as "islands of death," where they withered and died, only to be replaced by new ones once they passed away. He said that he would appreciate seeing a tree commission established to oversee these matters.

Mr. Moore said that he believed they were also discussing the need for a more robust and modern public works department. He said that they were starting to implement some of this. He said that they were taking a more proactive approach to stormwater management, aiming to improve these areas. He said that for a long time, they had struggled with issues such as the Rio overpass, where they had attempted to add planters and flowers, only to have them fail. He said that this lack of a dedicated department to handle such tasks had been a challenge for a long time. He said that he felt that bringing in expertise could be beneficial in addressing these ongoing issues.

Mr. Missel said that he believed the goal statement's mention of neighborhoods being green and resilient was a broader concept. He said that it highlighted the importance of tree coverage, protected natural features, and energy-efficient designs. He said that considering these objectives, it might be worth exploring ways to broaden the scope of the goal, but it did make sense as it stood.

Mr. Missel said that the Biophilic Cities Movement was something to consider, and he believed there were grants associated with it.

Mr. Murray said that he had pulled up the website, and it listed partner cities, including Arlington, Austin, and others. He said that he would love to explore the possibility of joining as a partner city.

Mr. Missel said that another area of interest was preserving old growth forests or small, rural tracks, which could be set aside for preservation in the future.

Mr. Murray said that [inaudible]. He said that a tree commission could help identify old growth trees. He said that having records of trees which were important to the community would be beneficial.

Mr. Barnes said that he believed one of the topics they had been discussing was the potential to incorporate elements from resilient community initiatives, but it was also a climate change and heat island issue. He said that he supposed that one of the key factors driving environmental stewardship was the need to balance development with the need to efficiently use it, which sometimes required cutting trees to achieve that goal. He said that at the same time, they must prioritize canopy coverage associated with streams and critical slope systems. He asked where the Commission stood on the balance needed to preserve trees and efficiently use developable land.

Mr. Murray said that the development areas had a lot of invasive species. He said that people did not fully grasp how much of the landscape was covered by invasive species. He said that this meant that the number of native species that needed to be preserved in their development areas was relatively small. He said that there were specific specimen trees or areas where notable species existed that he thought they should examine. He said that this did not mean that development could not occur in those spaces, but rather that they should be taken into consideration as one of the factors.

Mr. Murray said that if there were notable species in a development area, and they were destroyed during development, the County should ensure that they were replaced in-kind. He said that they should also focus on invasive species removal.

Mr. Missel said that one thing that struck him was that they had the benefit of and the challenge of severe topography, even in development areas. He said that he wondered if there were areas in the development zone where it was unlikely that development would occur, such as floodplains or other preserved areas. He said that these locations may be better off for preservation, as they would not be subject to the same level of development pressure. He said that if the County invested in preserving these areas, such as the fairgrounds, it may be more effective than developers attempting to create more density and minimize tree canopies.

Mr. Carrazana said that in the development area, if they were preserving certain areas, but then they were limiting the ability to build housing, it was a trade-off. He said that on the other hand, if they utilized growth, they could benefit from it. He said that they could still protect the areas that needed protection while allowing for higher density. He said that he believed there were benefits to this approach, particularly in terms of environmental sustainability.

Mr. Carrazana said that there was a balance to be struck, but if they looked at the areas they were not planning to develop, there were still opportunities to maximize their buildable areas. He said that when discussing replacement, they had guidelines in place that prioritized tree preservation, and they wanted to continue promoting that. He said that he did not believe they had developed robust planting guidelines. He said that they should ensure that the plantings survived, since it would take some time for the new trees to have an impact on the environment.

Mr. Clayborne said that it emphasized the importance of utilizing existing buildings and adaptive reuse, which would have less negative impacts on the site design. He said that incentivizing this approach was crucial.

Mr. Murray said that he appreciated that they had already addressed the gross versus net. He said that considering this in terms of development, one could almost draw a continuum as development occurred. He said that in rural areas, the balance was protection, but as the number of people increased, the focus shifted from protection to restoration, moving towards artificially created ecosystems versus natural ones. He said that this involved creating ways to treat stormwater while preserving the natural systems.

Mr. Murray said that in rural areas, he believed that net density made more sense, as it allowed for a more balanced approach to development. He said that in areas with sensitive ecosystems, such as stream buffers and critical slopes, it was essential to protect these areas as they were, rather than allowing for increased development. He said that in development areas, gross density was more suitable. He said that in areas identified as sensitive, such as those next to waterways or impaired waterways, it was necessary to limit the footprint while still allowing for development. He said that by doing so, they could achieve better development outcomes, with the same number of units, but with a more sensitive approach to the environment.

Mr. Carrazana asked for more information about the conversations regarding developer incentives.

Mr. Barnes said that staff was following the Board's direction on the matter.



Mr. Carrazana asked if the suggested incentives had come from developers.

Mr. Barnes said that they were not directly from developers. He said that staff recognized there were challenges.

Mr. Missel said that they should consider the costs associated with the incentives. He said that there were costs associated with implementing certain measures, and there were benefits that could be more efficient and cost-effective. He said that he had also thought about the items that would require significant upfront costs, such as public infrastructure connections and stormwater management. He said that structured parking, in particular, was a costly endeavor. He said that he was curious to know if the County might participate in building structured parking to support larger developments, and what the original intent behind structured parking was.

Mr. Barnes said that this was a significant topic, and for the reasons previously mentioned, it was very expensive. He said that it had come up multiple times during their previous meetings regarding the development area. He said that they were aware of its cost and the substantial change it would represent for the County. He said that they were not actively promoting the incentives for it, but rather responding to the discussions that were taking place.

Mr. Carrazana said that it was challenging to envision building it out as originally conceived. He said that by consolidating parking lots at the district and area plan levels, it allowed for more density, which was crucial. He said that the question was how did they achieve this in a public initiative, targeting specific areas that would benefit the most people. He said that there were certainly benefits to be gained from this approach.

Mr. Missel said that the first lesson he learned about real estate was the importance of surface parking, followed by structural parking above ground, and then underground parking. He said that the process typically began with surface parking, and then moved to above ground and eventually underground. He said that he did not understand how it was an incentive for density if the developer had to pay more for structured parking.

Mr. Moore said that they were talking about a County investment in structured parking. He said that when he reviewed this, he began to think about the Rio Small Area Plan. He said that if the County were to build and operate a structured parking facility, it could potentially enable other dense, private developments around it. He said that it had been almost a decade since the 2015 small area plan, and all they had achieved was a Home Depot.

Mr. Murray said that he thought about Albemarle Square. He said that Albemarle Square was essentially a ghost town, with only a few attractions drawing visitors. He said that the majority of the space was underutilized. He said that the developer had the final say on whether to redevelop the space or not. He said that he believed they could be made to be more receptive. He said that in his opinion, offering tax increment financing could be a good way to encourage redevelopment.

Mr. Murray said that since they were not currently generating revenue from redevelopment, this would be a way to create new revenue streams. He said that structured parking spaces were essential for this. He said that by putting this on the table, they could offer tax increment financing in exchange for removing surface parking. He said that they could implement performance-based standards, including criteria such as reducing surface parking, improving stormwater management, and incorporating green space.

Mr. Murray said that it was worth noting that they were not currently seeing any benefits from Albemarle Square. He said that he had recently visited Pantops and seen a large, empty parking lot that was not being used, but the signs instructed people not to park there. He said that the unused parking lot seemed like a lost opportunity, and it was a reminder that they needed to think creatively about how to utilize these spaces.

Mr. Murray said that if nothing else, he wondered if the County should consider leasing some of these parking lots as commuter lots. He said that by doing so, they would be bringing people into these areas, who would then be inclined to stay and engage in other activities, such as shopping or picking up groceries, since their car was already parked there. He said that this could be a way to utilize these lots.

Mr. Missel said that currently, structured parking required a special use permit. He said that they should establish a process to automatically allow structured parking under certain criteria.

Mr. Murray said that he thought it was worth considering that areas currently zoned commercial, such as the mall, could be repurposed for housing. He said that this would require rezoning. He said that they should allow developers to retrofit housing into these areas by-right, but they should not be allowed to replace all of the commercial space. He said that residential uses should be able to be developed in parking lot areas by-right.

Mr. Moore said that he appreciated the discussion on various incentives and how they could be implemented. He said that it seemed like there could be a straightforward approach to it. He said that according to section 2.3, the objective was to utilize CIP funds to support projects that supported activities and development. He said that he could see how CIP funds could be used to build a parking garage in conjunction with a developer who had a viable plan to revitalize a downtown area, such as Fashion Square. He said that if the partnership allowed the County to meet its stated goals, then the funds should be used to build parking.

Mr. Missel said that for him, the challenging part was incentives for affordable housing. He said that the results of the incentives often did not come close to covering the cost gap, according to developers. He said that he struggled to see how they could create incentives that would cost the County money, and it did not feel like a priority. He said that when discussing affordable housing, he found it challenging to envision how they could redirect funds that were currently available.

Mr. Murray said that the benefit of tax increment financing was that they were not receiving revenue now, and they would never receive it unless redevelopment occurred. He said that they were actually losing revenue by not redeveloping spaces. He said that he regretted that the County did not pass an impervious surface fee.

Mr. Carrazana said that if they could increase density and affordability, that could be a solution. He said that there were people who needed to operate these garages, unless the County decided to get involved. He said that examining opportunities with partners, they could build garages, which enabled denser development. He said that this would result in more affordable housing and tax revenue. He said that he thought they needed to find a way to move money from one to the other.

Mr. Moore said that if they could invest their funds proactively in initiatives like that, it would likely pay for itself in the long run. He said that he often drove by Fashion Square Mall and the Rio 29 corridor, and occasionally, when he was daydreaming, he imagined a potential downtown area

for the development area. He said that it would not materialize solely through tax breaks. He said that proactive investment was necessary to make it happen. He said that having adequate parking could be the incentive to make it a reality.

Mr. Clayborne said that he had a question regarding staff's perception on the viability of density and height bonuses. He said that he was asking this question based on the proposals that had been submitted to them, where they had rarely achieved the maximum density allowed. He said that in terms of height, he did not recall many instances where people had requested more height. He said that he was curious to know staff's perception on whether these incentives were effective in encouraging developers to pursue higher density and taller buildings.

Ms. Kanellopoulos said that she believed that this issue would likely come up more frequently as they saw more infill and smaller sites being developed, particularly those with apartments. She said that as she had pointed out, many of the larger planned communities in the past were spread out over a significant area, but they were now seeing some smaller, more compact sites emerge. She said that while some of these projects had been successful, with developers opting for higher density and more units, others had faced challenges related to access, easements, and other issues.

Mr. Clayborne said that the height incentives were viable, but mostly for infill.

Mr. Moore said that he had seen this pattern in at least two large-scale projects, where an outside developer entered the scene, familiarized themselves with their rules and goals, and presented a very practical proposal that aligned with their vision. He said that the development would then often receive significant pushback from the community, leading them to essentially abandon the project. He said that a local developer then stepped in and proceeded with the project in a manner that was consistent with how things were always done.

Mr. Moore said that they had been discussing the possibility of density and height bonuses, and many of them were eager to see them implemented. He said that as a County, they had expressed interest in pursuing these bonuses, but they had not actually done it.

Mr. Missel said that they could consider reviewing the building code to increase density. He said that some of the height restrictions related to material requirements.

Ms. Kanellopoulos said that she believed a task force recently began examining the possibility of reducing staircase requirements for smaller apartments, such as those in the "missing middle" category.

Mr. Murray said that people could thrive in areas where they had walkability. He said that he wondered if there was a walkability index that they could use. He said that by examining areas with a high walkability index, they could consider relaxing parking requirements in their growth areas. He said that there were individuals who preferred to use public transportation, walk, or bike, and did not need a car. He said that there should be spaces where the County can support this.

Mr. Missel asked if there were any incentives missing that they wanted to talk about.

Mr. Clayborne said that he had a question regarding economic development. He said that he was thinking about the Virginia Economic Development Program, which included the site readiness

program. He asked if there were incentives to reuse existing buildings or spaces for development. He said that he was thinking of sites like vacant malls.

Mr. Carrazana said that these incentives could be used for the development of the activity centers. He said that [inaudible]. He said that they could focus on priority centers to target developer incentives.

Mr. Clayborne said that there may be intersection improvements or public transportation improvements that could encourage development.

Mr. Carrazana said that the incentives for density and height bonuses were certainly possible. He said that his sense was that the City, with their new zoning, was now building ten-story buildings. He said that he thought they were on the cusp of seeing more of this, as they had already seen four or five-story buildings. He said that they should be prepared to take advantage of this trend, and they should have a clear path forward for developers that did not require significant investment.

Mr. Murray said that he attended a meeting for the stormwater conservation district, and they had provided incentives for improving surface permeability. He said that they had provided an incentive for small-scale projects, offering a cost share payment for installing appropriate pervious surfaces. He said that the costs were shared with the state, as well. He said that this program benefited residents, homeowners, and small businesses. He said that it would be beneficial to upscale these incentives, particularly for larger projects, such as removing several acres of pervious surface.

Mr. Missel said that when they thought about reducing parking, they must also consider how to handle transportation. He said that reducing parking required them to figure out how to get people around. He said that there were examples of parking that was difficult to manage. He said that he believed there were two main reasons for this. He said that it was due to how they were using their buildings now. He said that with more people working from home, there were fewer people in the buildings, and this could lead to unused parking spaces. He said that repurposing some of these buildings into labs, residential spaces, or other uses could help reclaim parking spaces. He said that he was not sure about this, but he thought the County had a policy that prohibited off-site parking, which could limit their ability to build parking facilities near their buildings.

Ms. Kanellopoulos said that she believed a special exception process was required.

Mr. Missel said that if that was a hurdle, they should consider taking out those requirements.

Mr. Moore said that setbacks were a consideration, even if it was not a frequent issue. He said that when building in the development area, they typically required 10-foot setbacks. He said that he was not sure if it was necessary to require 20 feet between every building.

Mr. Clayborne said that they should consider actions that could show a measurable reduction in the amount of developable parking sites.

Mr. Murray said that he was looking at Action 1.1 under the objective of increasing the use of infill. He said that it should be amended to include areas with excess parking.

Mr. Clayborne asked if adaptive reuse required its own objective. He said that it was merely a question to consider. He said that he was curious about the string of descriptors in the objectives, including infill, higher density development, and adaptive reuse development. He said that these terms seemed excessive, and adaptive reuse, in particular, caught his attention.

Mr. Clayborne said that focusing on the existing buildings, it was worth considering whether adaptive reuse needed to be a standalone objective. He said that, given the housing affordability crisis, he was surprised to see language related to this issue missing in the objectives. He said that it appeared to be mentioned in one of the actions, which was understandable, but he found it surprising that it was not an objective.

Mr. Moore said that a few slides mentioned accessing the parks and the associated amenities, and as far as he could tell, the development area only had a single park, the Charlotte Humphris Park. He said that he thought this effort to create urban-style parks for community gatherings was something they had discussed before, and he believed it would likely be explored in a future chapter. He said that he just wanted to bring this to the Commission's attention.

Mr. Moore said that he had a question about section 2.2, and he was not clear on what it was about. He said that he would like clarification on the proposed update to the County's residential bonus density requirements, which would remove minimum lot size and street frontage requirements to allow for additional open space, natural areas, and recreational spaces to be retained.

Ms. Kanellopoulos said that this section was worded strangely, and it originated from the Crozet area plan update. She said that upon reviewing it, they had considered the possibility of applying it more broadly. She said that essentially, the proposal aimed to update the zoning ordinance by eliminating minimum lot size requirements and removing the requirement for street frontage. She said that this allowed houses to front onto a shared amenity space, similar to a cottage court, which had been successfully implemented in the County before. She said that this would enable more flexible site design options.

Mr. Moore said that there was a lot in section 2.3 that could be utilized in a proactive manner. He said that he believed that their County should strive to be a leader in this area, similar to how they had invested heavily in the Rivanna Futures project. He said that they should be allocating substantial resources to projects that served the community's needs, and this can include housing built by the County. He said that social housing had not been a serious consideration, but he planned to continue advocating for it because he believed it was essential.

Mr. Murray said that one of the significant issues he saw in their development areas was that they often ended up with isolated pocket parks, but what the community truly desired was a comprehensive solution, such as a bike lane or sidewalk that addressed a serious problem in their neighborhood. He said that they should establish a parks fund that could be an alternative to developers providing green space. He said that this would be a great way to connect the County's greenways and provide opportunities for larger parks.

Mr. Murray said that several of the action items included things such as incorporating native ecosystems. He said that specifically, he wanted to see a goal established to provide training and certification opportunities for staff, including things like the Chesapeake Bay Landscape and Professional Certification, or training in ecosystem design. He said that this would help develop staff's skills and develop the growth area in a more ecologically sensitive manner.

Mr. Missel said that one point he would like to make is that they had not recently reviewed and established typical parking standards for various uses, such as work, retail, or other purposes. He said that it was unclear how long those standards had been established. He said that he would like to bring up a previous discussion about autonomous vehicles and their potential impact on parking. He said that although he was not aware of the current status, he believed it was worth considering how this might influence other communities that had reduced parking requirements. He said that based on his recent attendance at a real estate conference, he had heard that the current trend was to view retail as a desirable use.

Mr. Murray said that retail and industrial sites were important for the County's revenues. He said that if they ended up with too much residential, they would end up with a significant infrastructure deficit. He said that they may need to facilitate the transition of commercial and retail uses to alternative solutions that were more viable. He said that for them to maintain viability as a county, they needed those spaces because they were revenue generating.

Mr. Moore said that he had a question and comment regarding two of the other goals, 1.7 and 1.8, specifically related to monitoring supply and demand, as well as the development area and new housing. He said that this was a 10-year plan, and they did not have any concrete measures in place to address potential issues with demand.

Ms. Kanellopoulos said that she would be updating these based on the feedback that had been shared and the Board's input as well. She said that she also needed to update these actions. She said that it was also a carryover from the current plan, which emphasized consistently performing land use build out analysis and tracking the metrics.

Mr. Murray said that he believed the key issue was that when looking at the density of Charlottesville, the County could be much denser.

Mr. Moore said that they had challenges with covenants that prevented denser development.

Mr. Murray said that one thing he had been thinking about was how development used to occur within communities. He said that historically, they would have a cluster of houses, which over time would be redeveloped into apartments, and those would eventually become larger buildings. He said that this process created a continuum on the landscape, shaping the character of the community. He said that he had been reflecting on the town where his grandparents grew up, where one could walk to a grocery store or a drugstore, and these uses developed naturally.

Mr. Murray said that the introduction of cars disrupted both the old and new ways of life. He said that now, they had essentially locked in the uses of a place, designating it as single-family housing, for example, and making it difficult to change. He said that he wondered if they could ask applicants to consider the potential future of a site, not just its current use, but what it could become in 50 years.

Mr. Missel asked staff to review the upcoming schedule.

Ms. Kanellopoulos said that they had shared the full development areas chapter, and everyone had now gone through the full chapter. She said that they would check back in with the Board next week to discuss the actions, and they would send an email with their feedback. She said that

a few days ago, they had received the rural area land use chapter, which was the full chapter. She said that the discussion would be split across two work sessions.

Ms. Kanellopoulos said that she anticipated that the discussion next Tuesday would be primarily focused on the policy aspects of the chapter, or everything before the goals, objectives, and actions. She said that they would then discuss the goals, objectives, and actions at the December 10 work session. She said that the Board would discuss the whole chapter in January.

Mr. Barnes said that the November 19 meeting was at 6 p.m. He said that it was the only item scheduled for that meeting.

Mr. Murray said that it would be helpful if staff sent an email with a calendar event for these meetings so that they would be automatically added to his calendar.

Mr. Barnes said that Ms. Shaffer had sent an email stating that the meeting would be held at 4 p.m. next Tuesday. He said that his intent was to hold the meeting at 6 p.m. instead.

Mr. Missel asked if there would be an advertising issue with a 6 p.m. start time.

Mr. Herrick said that when they closed the meeting, they would just adjourn to next Tuesday at 6 p.m.

Mr. Missel asked if there was a meeting the following week.

Mr. Barnes said that there was a meeting scheduled for November 26, starting at 4 p.m. He said that they would be holding a work session on the riparian buffer. He said that generally, they would conduct regular business on the second and fourth Tuesdays, and they would hold work sessions at 4 p.m. on those days. He said that for the first and third Tuesdays, they would hold a work session at 6 p.m. to address AC44 business.

### **Recess/Reconvene**

The Commission recessed at 5:30 p.m., and reconvened at 6:00 p.m.

### **Public Comment on matters pending before the Commission, but not listed for a Public Hearing on this agenda**

Sunshine Mathon, Executive Director of Piedmont Housing Alliance, said that he would discuss the trajectory of affordable housing as outlined in the comprehensive plan moving forward. He said that he wanted to share a few thoughts as the Planning Commission and Board of Supervisors considered affordable housing prioritization, policy, and future rezoning.

Mr. Mathon said that he wanted to highlight a few key concepts that he believed were most impactful, particularly in their region. He said that he wanted to draw attention to the historical legacy of racial covenants and exclusionary tactics that had shaped the housing landscape in their area. He said that this was well-documented work by Jordy Yager and the Jefferson African American Heritage Center, which had shed light on the racialized covenants that existed in both the City and the County.

Mr. Mathon said that this history had had a profound impact on the way families lived, accumulated wealth, and where they resided, and it was a crucial factor in understanding the underlying dynamics of their community. He said that supply and demand played a significant role in determining affordability. He said that this was certainly true in Albemarle County, in Charlottesville, and in their region. He said that the general rule of thumb was that as a nation, they were somewhere between 10 and 20 years behind the curve on the housing supply equation.

Mr. Mathon said that this ultimately drove up the cost of housing, and it meant that there was a gap in housing at all levels of affordability. He said that as higher-income individuals and households searched for housing, they looked into other areas that would otherwise be moderate-cost housing. He said that this displacement of families created a cascading effect that ultimately put the greatest pressure on those with the greatest need, those in the 30, 40, and 50% AMI.

Mr. Mathon said that the gap in the housing needs assessment conducted by the County and the City was greatest at those deepest levels of affordability. He said that another factor of the supply-demand issue was the inevitable inflated cost of land, making it more difficult to build affordable housing, either naturally or with subsidy. He said that this had essentially created an uneven playing field that privileged higher-cost housing, unless direct intervention took place.

Mr. Mathon said affordable housing was not possible without some form of subsidy. He said that to achieve affordability, they must utilize every tool available, including direct dollar subsidies, density bonuses, and policies outlined in the comprehensive plan and zoning regulations. He said that supply alone was insufficient; it must be part of a comprehensive approach. He said that if they relied solely on supply through the planning and rezoning process, they would not achieve the depth of affordability their constituents required.

Mr. Mathon said that he wanted to highlight a couple of jurisdictions that had addressed this issue. He said that one example was Cambridge, Massachusetts, which in 2020 passed the Cambridge 100% Affordable Housing Overlay, the only rezoning overlay of its kind in the country. He said that this overlay allowed for denser, 100% affordable housing development, streamlining the approval process for affordable housing projects.

Mr. Mathon said that by integrating this overlay into the zoning regulations, Cambridge aimed to balance the playing field between market-rate developers and affordable housing developers, creating a more equitable and affordable housing market. He said that if under the base zoning, a developer could build 100 units at market rate, they might be able to build 150 units at affordable housing rates. He said that the nature of the base zoning could vary, but there was a consistent increase in affordable housing units due to the overlay.

Mr. Mathon said that as an affordable housing developer, he could pay more for the land, which would otherwise be out of reach, and distribute the cost over more units, making it comparable to market rate developments. He said that it enabled affordable housing projects to move through the planning commission and approval systems more quickly than traditional market rate developments. He said that he would not delve into the details here, but he encouraged them to review the overlay.

Mr. Mathon said that a review conducted in early 2024, approximately four years after the overlay's creation, showed a significant increase in affordable housing units. He said that prior to the overlay, the city averaged about 40 units per year; after the overlay, this number increased to around 200 units per year. He said that this had a substantial impact.



Mr. Mathon said that Charlottesville was worth paying close attention to. He said that the process the City undertook was somewhat unique in that it began with an affordable housing plan that established goals and parameters, moved into the comprehensive plan, which set the basic framework at the land use level, and then transitioned into rezoning, where the comprehensive plan concepts were codified in code. He said that there were several factors in this process that he would encourage the County to examine closely.

Mr. Mathon said that he wanted to highlight the outcome of this process, which resulted in a hybrid between an overlay and a more robust inclusionary zoning concept. He said that in residential districts with lower density levels, the overlay concept was applied. He said that in higher density districts, an inclusionary zoning component was used, which provided additional density increase but also mandated a percentage of affordable housing. He said that as the Commission considered the future of affordability in the County, their role in reviewing the comprehensive plan and rezoning was crucial, as it served as the foundation for other tools to be employed.

Mr. Missel said that the Commission planned to discuss the affordable housing chapter of the comprehensive plan in February.

Emily Dreyfus, representing the Legal Aid Justice Center and the Charlottesville Low Income Housing Coalition, said that as a community organizer, she had the chance to engage with people in the community, and she believed that the Commission's expertise in land use was invaluable. She said that she would like to share some insights she had gained from her work, particularly regarding the growing number of people experiencing homelessness in the area.

Ms. Dreyfus said that she often found people were struggling to find affordable accommodations. She said that residents were rent burdened. She said that she appreciated the recommendations and statements made by Mr. Mathon. She said that a salary of over \$70,000 was necessary to avoid being rent burdened and afford an average-priced apartment in the area. She said that the rent costs in Charlottesville and Albemarle had increased by over 30% in the last four years, significantly impacting the quality of life.

Ms. Dreyfus said that she appreciated the early discussion on balancing quality of life, equity concerns, and environmental stewardship, as these were crucial issues. She said that often, they did not see the quality of life issues because they were not experiencing it themselves. She said that she encouraged the County to increase growth areas and density through zoning and an overlay district.

### **Consent Agenda**

Mr. Moore motioned to approve the Consent Agenda. Mr. Clayborne seconded the motion, which carried unanimously (6-0). (Mr. Bivins was absent)

### **Public Hearing**

#### **SP202200026 Shull Property**

Cameron Langille, Principal Planner, said that this was the second public hearing held on this item. He said that the previous hearing took place on March 12, 2024. He said that at the applicant's request, it was deferred. He said that since then, there had been some updates to the

proposal. He said that his presentation will be similar to the one in March, with some minor updates.

Mr. Langille said that the parcel of land was located at TMP 121-86(i), measured 6.41 acres, and was zoned RA rural areas. He said that it was situated in the entrance corridor overlay zoning district, at the southeast corner of the intersection between Scottsville Road, Coles Rolling Road, and Plank Road. He said that the surrounding area featured a mix of uses, including the Keene Post Office, Piedmont Veterinary Service Clinic, Green Mountain Country Store, and the Keene VDOT area headquarters.

Mr. Langille said the zoning ordinance defined a public garage as a building or portion thereof, other than a private garage, designed or used for servicing or repairing motor-driven vehicles. He said that the services allowed in a public garage would include engine work, battery and fluid replacement, flat tire repair, and safety inspections. He said that it was essential to note that a public garage was not a body shop, which had a separate definition in the zoning ordinance.

Mr. Langille said that Coles Rolling Road was still the entrance location, similar to the original proposal reviewed in March. He said that there will be an opaque gate, and a six-foot-tall fence will surround the developed area. He said that the existing forested buffer, which varied in width along the perimeter, would remain. He said that the staff report noted this. He said that the most significant changes from the original proposal were that the land disturbance has been reduced from 3.02 acres to 2.8 acres. He said that only 1.05 acres of the property will be developed for buildings, parking, and travelways.

Mr. Langille said that the white areas will be graded, with existing vegetation to be cut down. He said that the purpose of these areas is to accommodate a septic system drain field and a proposed stormwater detention pond, both of which were located in the same areas as previously proposed.

Mr. Langille said that the last topic he would like to discuss was brought up during the public hearing. He said that the Commission and staff had a discussion about it, and they also heard comments from members of the public. He said that initially, the business had proposed using four shipping containers for storage of parts or materials needed to operate the business. He said that those containers had since been removed, and they were now proposing a permanent accessory building in the same area.

Mr. Langille said that the proposed changes did not alter the original staff analysis. He said that to mitigate potential impacts, visual and noise measures will be implemented to prevent disturbances to adjacent properties. He said that given the high number of non-residential uses on those parcels, they believed the character of the area will remain unchanged. He said that the proposal was in harmony with the purpose and intent of the chapter, and it complied with the supplemental regulations for public garages.

Mr. Langille said that the original proposal did not address these regulations, but the revised concept plan included the exact language. He said that if approved, staff will ensure that these regulations were adhered to during the site plan review and construction phases. He said that allowing this use would provide limited service delivery to rural residents, aligning with the comprehensive plan. He said that from an environmental protection standpoint, the revised proposal retained 59% of the existing vegetation, an increase from the original 53%.

Mr. Langille said that the application was consistent with the review criteria for special use permits outlined in the zoning ordinance. He said that it was located in the rural area zoning district, which already had other nearby non-residential uses. He said that unfavorable factors included that the public garage did not actively support agricultural or forestal activities in the rural area.

Mr. Langille said that the conditions recommended for approval of this Special Use Permit had been slightly modified. He said that the first condition had been removed, eliminating the reference to storage containers. He said that the second condition, which had previously limited storage containers to a maximum of four, had been removed since a permanent accessory building was proposed. He said that the third condition remained unchanged from its March presentation.

Mr. Moore said that he appreciated staff providing the total acres of land disturbance comparison between the previous proposal and this one. He asked if staff could please explain the same comparison for the paved area.

Mr. Langille said that the paved area, which included the parking and travel ways, as well as the buildings, originally measured 1.30 acres, but had since been reduced to 1.05 acres.

Mr. Murray asked if there would be facilities for oil changes and other maintenance services on site, and if provisions would be made for the storage of potentially contaminated fluids or hazardous materials.

Mr. Langille said that oil changes would be permitted. He said that in terms of long-term storage of contaminated fluids, he believed this was dictated by the Department of Conservation and Recreation or the Health Department, and there were additional state-level regulations that these types of businesses must comply with. He said that however, there would not be any permanent storage of those fluids in tanks or containers on-site.

Mr. Clayborne said that he had a clarifying question regarding the conditions. He said that he wished to confirm that this excluded towing vehicles to the site, so they could potentially be taken to the site at any hour, such as 2:00 a.m. if necessary.

Mr. Langille said that currently, the wording of the condition did not allow customers to drop off their personal vehicles before 8:00 a.m. He said that this was a common practice with other public garages in the County that did not open until 8:00 a.m. but had a drop box for early drop-offs. He said that he did not believe the current wording would allow tow trucks to operate all night long; it did not explicitly state that tow trucks would be allowed to operate all night.

Ms. Firehock asked if there was information available regarding the type of privacy fence intended to surround the facility, such as chain link.

Mr. Langille said that the proposed perimeter of the fence would be a minimum of six feet in height for the entire area. He said that given that this was the entrance corridor, they had determined that it needed to be made of opaque materials to protect the visual sight line into the property from the roadways. He said that they had not yet finalized the exact colors, but if this project moved forward and the SP was approved, staff and the Architectural Review Board would revisit this aspect.

Mr. Missel opened the public hearing. He asked if the applicant had a report.

Clint Shifflett, said that he was with Timmons Group, representing the applicant, Tommy Shull. He said that he had a few slides to share, consisting of five or six slides. He said that some of this information had been mentioned by Mr. Langille, but they wanted to ensure that these key points were covered. He said that the first slide was the application plan, which Mr. Langille had effectively addressed. He said that the next slide provided site context, illustrating the parcel's location in relation to surrounding land uses.

Mr. Shifflett said that the VDOT headquarters, Green Mountain Country Store, U-Haul facility, Piedmont Veterinary Service, U.S. Post Office, and the Southern Albemarle Convenience Center were all nearby. He said that the visual aid helped to characterize the land use in that area. He said that although some slides were duplicates from previous presentations, they helped to provide a visual representation of the site. He said that the two images on the right of the slide showed the view from Coles Rolling Road heading north.

Mr. Shifflett said that the images on the left depicted the view from Scottsville Road, with the parcel in question visible. He said that the images also highlighted the existing heavy vegetation along the roadside. He said that the next slide had been touched upon during previous public meetings, but it served as a visual representation of the project's evolution as it had incorporated community feedback. He said that the image on the left was from their original SUP application plan. He said that he had presented this information to the community at the community meeting and received staff feedback.

Mr. Shifflett said that Mr. Shull and he had revisited the project, determining how to scale it back, minimize the site's impact, and preserve more buffer zones and other features. He said that as a result, they had achieved a 37% reduction in land disturbance between September 2022 and the initial application plan presented to the Commission in March. He said that building on this; after further refining the design and incorporating community feedback, they were able to reduce the overall disturbance by an additional 7%, resulting in a 41% reduction from the original proposal to the current application plan.

Mr. Shifflett said that he would like to reiterate some of the conditions included in the recommended approval, as well as some of the ordinance items, as they addressed many of the community's concerns regarding the site, including restricted hours of operation, limited use to repairing and equipping vehicles, a 30-day maximum vehicle storage limit on site, and screening and landscape planning. He asked that they please note that these conditions would be reviewed by the ARB, and the opaque fencing material, vegetation buffering, and other elements would be subject to their review.

Mr. Shifflett said that the ordinance governing public garage uses, including storage of all parts and materials within the enclosed building and prohibition of vehicles awaiting repair from being visible from the public street or residential properties, would also be reviewed by the ARB. He said that one thing he would like to address is a question about towing and after-hours operations. He said that before this meeting, Mr. Shull and he had discussed his operations and the records he kept.

Mr. Shifflett said that it was clear that he maintained thorough records, including tow logs. He said that in the last 30 days, there were only two instances of cars being brought in after-hours, with one occurring at 6:15 a.m. and the other at 7:30 p.m. He said that most of Mr. Shull's towing operations took place out of his Avon parcel, which was closer to town and where the majority of

towing occurred. He said that as a result, this location was not expected to see significant towing, and after-hours incidents would be exceptions rather than the norm.

Mr. Clayborne asked how many cars the applicant was expecting to service per day.

Tommy Shull said that he estimated an average of three or four cars per day.

Mr. Clayborne asked if the applicant could explain the thinking behind the site design and amount of pavement proposed, considering the service of three to four cars per day.

Mr. Shifflett said that on a site like this, they typically assessed one method to determine how much pavement was needed, which involved anticipating employee parking and a certain number of cars awaiting repair. He said that they used a technique called auto turn modeling, which simulated the movement of vehicles turning in and out, navigating around the site, and facilitating employee parking. He said that this one-acre pavement, which was a reduction from the original three acres, represented their assessment of the bare minimum area required for the site to function properly, allowing for cars awaiting repair and vehicles to come and go as needed, while also accommodating employee parking.

Mr. Clayborne asked what the largest vehicle they anticipated would require this turn radius.

Mr. Shifflett said that they modeled a 45-foot box truck as an example vehicle. He said that in their analysis, they used this as a representative vehicle, regardless of whether it was towing a car or potentially larger vehicles, as those possibilities were considered.

Mr. Murray asked where the primary customer base for this facility was anticipated to come from. He asked if this facility would primarily service the rural area or primarily serving Charlottesville residents.

Mr. Shull said that it was intended for the Charlottesville area, which they had assumed from the beginning. He said that it was not to say they would not bring in work from that area, but they had a significant number of requests for repair within the towing business, so that was what this would address.

Mr. Moore said that based on the letters they had received at the Planning Commission, he believed there was a concern about the need for a full acre of pavement for a four-bay garage, where only three or four cars were repaired daily. He said that he would appreciate it if the applicant could provide more information on the size of the pavement area. He said that in his experience, garages with similar configurations typically had a much smaller pavement footprint.

Mr. Shifflett said that was helpful to understand the context. He said that adjacent to the garage building, they could see that they had five parking spaces, each with a 24-foot drive aisle to accommodate vehicles. He said that he brought this up to provide some context. He said that the entire corner area was designed to facilitate these five parking spaces. He said that if they were to expand this concept across the site, it would not require a full acre of land and would not accommodate as many vehicles as one might expect.

Mr. Shifflett said that the front of the garage facility needed to have access for cars to enter and exit, as well as space for towed vehicles to be dropped off and then leave. He said that there was

also a need for access to the storage building and some vehicle storage. He said that while it was not an exact science, this had been evaluated, and considering operations and working with Mr. Shull, they had determined that this was the minimum level of asphalt required for the site.

Mr. Missel asked if they had any examples of the auto turn available.

Mr. Shifflett said that he did not have them on hand, but he could provide them later.

Ms. Firehock said that she had another question regarding their customer base. She said that she wanted to know how they acquired clients for repair services. She asked if they would repair people's broken-down cars that they towed.

Mr. Shull said that that was correct.

Ms. Firehock asked if the applicant was seeking a location to expand their current business, but not located close to Charlottesville.

Mr. Shull said that that was correct.

Mr. Shifflett said that the Avon facility was currently being used for dispatch purposes. He said that this was because the majority of tow vehicles would originate from that location, as it was closer to clients who needed to be towed within the city, rather than the rural community, where business was typically limited to day-to-day towing needs. He said that the need had been requested for the facility to provide additional repair services. He said that the idea was that this facility would serve as the repair hub. He said that Avon would continue to function as the central hub for towing vehicles.

Mr. Missel said that he had a few questions and a couple of these may have already been addressed, but he wanted to confirm his understanding. He said that they had identified many surrounding uses, which was helpful to see. He said that however, he also said that he noticed that there were a significant number of residential surrounding uses that were not identified; they were mixed in with the other uses. He said that they had mentioned earlier that the hours of operation were noted as a timeline between 8:00 a.m. and 5:00 p.m. He asked if it was possible they would be towing vehicles after hours as well.

Mr. Shifflett said that his understanding was that the current condition would not restrict bringing vehicles in or out after hours.

Mr. Langille said that his reading was that the condition did restrict towing. He said that however, it did allow customers to drop off earlier than 8:00 a.m. on the days of operation. He said that staff could further review this if necessary.

Mr. Missel asked if they opened at 7:00 a.m., a customer could drop off their car at 7:30 a.m.

Mr. Langille said that no, the business would not be able to open before 8:00 a.m. He said that customers could come onto the site, park their vehicle, deposit their keys in a drop box, and leave the site before 8:00 a.m.

Mr. Missel asked if the gate would be closed and then opened at 8:00 a.m.

Mr. Langille said that that would likely be something they would figure out as they moved forward, but there were ways to implement sensors or other technologies to make the gates more efficient. He said that for example, customers could be given a code to access the facility, and they could call ahead to schedule a drop-off time. He said that once they arrived, they could enter the code and exit the facility without needing to be present, even if no one was there to assist them. He said that there were various ways to make this process work, but he was not aware of any specific plans at this time.

Mr. Missel asked Mr. Shull what the protocol would be for the internal site after hours. He asked if the gate would be closed and locked when they were done with business for the day.

Mr. Shull said that yes, they would close it. He said that they could implement a valet code system similar to what they had in place at their current facility. He said that it would allow customers to receive a code to open the gate, allowing them to enter and drop off vehicles.

Mr. Clayborne said that there appeared to be some uncertainty regarding his last question about the 8:00 a.m.-to-5:00 p.m. schedule and the ability to drop off tow trucks. He said that he wanted to ensure clarity on this matter because, based on what staff had said, the current language did not permit this. He said that the applicant may have interpreted the policy as allowing this, but it seemed that was not the case.

Mr. Shifflett said that they were happy to provide additional clarity in the condition if needed. He said that they were willing to restrict tow truck drop-off and pick-up to within business hours, if that would be helpful. He said that if there was any ambiguity, they could certainly provide that clarification as well. He said that they would like to reserve the ability for customer drop-off, even outside of business hours, as it was reasonable to allow someone to drop off a car on their way to work. He said that however, if there was a way to include a provision in the conditions to disallow towing operations and drop-off and pick-up during late-night hours to alleviate concerns about noise and lights, they were happy to add that to the conditions as well, if necessary.

Mr. Missel asked if there were any members of the public who wished to speak on this item.

Jerome Beasley said that he lived in Esmont with his wife. He said that they owned property across the street from the proposed mechanic shop. He said that when the application was initially filed a year ago, during the community meeting in the spring, numerous objections were raised, primarily due to the applicant's blatant disregard for zoning laws at both his home and the parcel in question. He said that he operated without consequence, aware that enforcement action was unlikely due to the complexities of court action. He said that at the last Planning Commission meeting, they expressed concern about the neighborhood's lack of trust in the applicant, which was reasonable.

Mr. Beasley said that one would expect the applicant to be motivated to bring his property into compliance with zoning laws; however, he had doubled down and done the opposite. He said that instead of complying, the applicant had increased his violations by repositioning his commercial towing trucks, tractor trailers, and other business equipment onto residential property, which was not permitted. He said that what made this situation even more alarming was that his property was only a few hundred feet from the proposed site. He said that it was clear to the public that this was not merely a public garage, but rather an unauthorized auto and towing shop, as indicated by the size and the after-hours drop-offs.

Mr. Beasley said that these violations of ignoring zoning laws were a serious concern. He said that approving this application would allow the applicant to continue bypassing zoning laws and gradually moving his industrial equipment onto the site. He said that this amounted to a bait-and-switch tactic aimed at the Planning Commission. He said that the applicant's pattern of behavior demonstrated a total disregard for county regulations. He said that once a special use permit was granted, enforcing its terms and existing laws and regulations would likely become impossible once the applicant established himself on the land.

Mr. Beasley said that finally, the parcel of land commanded attention and took on a prominent focal point on the corner of Highway 20 and Coles Rolling Road, thanks to its elevation and substantial size. He said that however, the establishment of an auto mechanic shop, accompanied by hundreds of feet of fencing along Highway 20 and Coles Rolling Road and a parking lot for industrial equipment, would starkly contrast with the rural charm of the area, diminishing its character and appeal. He said that he strongly urged the Planning Commission to recommend denial of this special use permit to prevent the unfortunate situation from unfolding.

Andrew Brennan said that he was a resident of nearly 30 years on Secretary's Sand Road, off of Plank Road. He said that as Joni Mitchell once sang in 1970, "They paved paradise, but they put up a parking lot." He said that he hoped they were in a better place now than they were then. He said that he would like to discuss Keene itself, as he believed it was essential to the context of this matter.

Mr. Brennan said that they may not be aware that Theodore Roosevelt had his first Camp David at Pine Knot in 1905, which was still standing, just a short distance from this proposed location for a tow lot. He said that their area was home to at least three buildings listed on the National Register of Historic Places: Christchurch Glendower, Plain Dealing Farm, and the rectory, all located on Coles Riding Road. He said that additionally, the Mount Pleasant Baptist Church, a historic Black church, was just across the road.

Mr. Brennan said that he would like to point out that Keene bore a resemblance to the County's logo behind him, as they had numerous horse farms in the area. He said that Plain Dealing had produced an Olympic horse and a silver medal. He said that looking at the buildings and orchards, he was concerned that the new logo might be "horsepower" rather than horses, and that they might be trading parking lots for orchards in the future. He said that he urged the Commission to recommend denial of this submission, as he believed it was crucial that they preserve the character of their community. He said that as the guardians of their County and countryside, he hoped they would reject this submission.

Sarah Sargent said that she was a resident of Esmont. She said that she was present to voice her opposition to SP2200026. She said that a massive public garage like the one presented is at odds with the charming community crossroads image they have been painted. She said that she would like to know how many of the Commissioners are familiar with that intersection. She said that currently, it has a distinct country charm, with the historic veterinary clinic on one side and the Green Mountain Store on the other. She said that while the store rents U-Hauls, labeling it a U-Haul facility suggests a much larger commercial operation than it actually is. She said that it is simply a side business with a handful of U-Haul trucks parked there.

Ms. Sargent said that the VDOT facility is hidden along Coles Rolling Road, and the recycling center is disguised on Esmont Road. She said that these are necessary civic operations, not



private enterprises. She said that beyond the immediate impact on the surrounding area, she fears that approving this business will set a precedent for developers and business owners seeking cheap land. She said that this could lead to the area being overrun with subdivisions, solar farms, and businesses that should be in industrial zones in Charlottesville or Scottsville, just six miles away. She said that she urged the Commission to reject the submission.

Laurel Davis said that she resides on Esmont Road. She said that she had moved there 30 years ago, drawn by the area's natural beauty and quiet atmosphere, with the intention of building a home and raising her daughter there. She said that what concerns her is that those in charge of shaping the County's future seem to view themselves as the CEOs of a profitable corporation, rather than the protectors of the natural beauty and character of their County.

Ms. Davis said that 15 years ago, her then eight-year-old daughter stood before the County Board, opposing the proposed firing range, and said, "You're supposed to be the guardians of this County, and you're doing a stinky job of it." She said that she must confess, she feels the same way now. She said that when she hears about plans to further erode the beauty and rural nature of her neighborhood, she is particularly concerned about proposals that would bring commercial enterprises into areas zoned for residential use.

Ms. Davis said that she wonders if, once again, the decision has been made that her end of the County, with its high concentration of low-income and African American households, is not entitled to the same protections that were written into the comprehensive plan. She said that they had already seen the dumping of waste, the proposed firing range, and now a waste site and a tow truck depot. She said that she is not opposed to change in principle, but she is opposed to change that destroys the essence of places. She said that she begged the Commissioners to consider their roles as guardians of this County, a role that requires them to carefully consider the impact of their decisions on the lives and lifestyles of the adjacent community, and whether the proposal will benefit it or further erode the rural charm and peace that make this the place they call home.

Shirley Phillips said that she resided on Coles Rolling Road. She said that her property bordered Shull's, where he resided and operated a business. She said that the containers they discussed would not be located on the corner, but rather on the land behind her. She said that she suggested that they visit the location and count the containers there. She said that during the first meeting at Walton School, it was relayed that he was running a business. She said unfortunately, nothing had been done to address this issue.

Ms. Phillips said that she was concerned that Albemarle County may be providing some level of protection to him, but the residents of Albemarle County, including herself, had rights too. She said that he continued to operate his business in a manner that disregarded the rights of others. She said that if this proposal was passed, which she feared it would be, she did not care about the restrictions in place; he would find a way to proceed as he saw fit. She said that she would like to know how many of the Commissioners planned to drive from Charlottesville to Keene to have their vehicles repaired.

Ms. Phillips said that if he was towing vehicles down Route 20, a dangerous road, that would only add to the danger. She said that it was stated that the gates would be closed, and if they were, it would be impossible for people to drop off their vehicles. She said that she had lived on Coles Rolling Road since 1972. She said that the state highway was a satellite office, and that had developed into a mega-business. She said that she did not think that Coles Rolling Road could

stand anymore traffic other than the state highway and the horse trailers that go to Plain Dealing Farm.

Jeannie Boatwright said that she would like to provide some context. She said that as Shirley's next-door neighbor, she had lived in the area for 58 years. She said that she resided at 1585, directly behind the property in question. She said that the picture they had of the corner was incorrect; it showed a wooded area, but when one got closer, one could see into the property and notice two large dumpsters currently on site. She said that additionally, when entering the property on Coles Rolling Road, there was a significant hill that was often difficult to navigate, especially when turning right into the road.

Ms. Boatwright said that she used to own the property, and she and R.E., Shirley's son, would often ride their bikes on the road that ran through it during their childhood. She said that unfortunately, they had had numerous close calls while driving up the hill on Coles Rolling Road and turning into the road, narrowly avoiding being rear-ended. She said that her property, 1585, was directly behind the private property, and she could often hear large equipment operating from her house, causing vibrations that affected her home.

Ms. Boatwright said that in the past, she had noticed a significant amount of vehicle traffic, including a large oil tanker, as well as numerous old tow trucks, ambulances, and cars. She said that the vehicles were crushed because they had gotten into trouble, and they were disposed of. She said that however, the activity continued, and she could see three full dumpsters on the property, which were currently being used. She said that the wooded area they were trying to depict was not accurate; it was actually located closer to the road, at that corner lot location.

Ms. Boatwright said that having lived there for most of her life, she had come to realize the dangers of Route 20 South. She said that her father had been hit there and suffered permanent injuries, which prevented him from working again. She said that due to the businesses and increased traffic in that residential neighborhood, she could see the intersection becoming increasingly hazardous. She said that the presence of numerous large trucks and horse trailers on Coles Rolling Road was concerning, as it could not be beneficial for the neighborhood. She said that this situation was likely to worsen.

Ms. Boatwright said that the added vehicles would also decrease her home value, and she was aware that her neighbors had expressed similar concerns about the decline in their property values due to the business's presence and the noise it would generate. She said that in closing, she believed the business had already been cited for its business operations on private property. She said that she wondered what was to stop them from converting this property into a junkyard, similar to what had happened on that corner lot. She said that although the vehicles had been removed from that location, the site was still visible, and it was a precedent that she was concerned would be repeated.

Peter Bertone said that he lives in Esmont. He said that if it does not walk like a duck and talk like a duck, it is probably not a duck. He said that in this case, it is no public garage. He said that the applicant, who has a successful towing, impoundment, and vehicle storage business on Avon Street Extended, is attempting to replicate that business in Keene.

Mr. Bertone said that knowing that such a commercial establishment would not be allowed under the regulations in the rural area, the applicant is trying to position the facility as a public garage.

He asked the Commission to not be fooled; it is no public garage. He said that however, there are four public garages that adequately serve the Keene area: Southside Garage, East Main Garage, West River Garage, and a garage on Plan Road, which is only 0.25 mile from the applicant's site. He said that each of these garages has a scale and design suitable for a public garage in a rural area and does not resemble the proposed site.

Mr. Bertone said that the Plank Road and Southside Garages have no hard surfaces for parked vehicles awaiting repairs, while East Main and West River have less than 5,000 square feet for vehicles awaiting repairs. He said that in contrast, the applicant's requested facility would be 10 times larger than the largest public garage footprint and 20 times the average, necessitating a large amount of asphalt to accommodate a fleet of large tow trucks and store impounded cars. He said that furthermore, the existing public garages did not have retaining ponds, but the applicant was requesting one.

Mr. Bertone said that the reason is obvious: ten times too much asphalt. He said that the existing public garages did not require gates to lock away, but the applicant was requesting one. He said that public garages did not need to lock away to protect impounded cars. He said that the existing garages have an average of 2,000 square feet, but the applicant had requested 6,000 square feet. He said that this impoundment and vehicle storage business in Keene was operating under the guise of a public garage, as he was currently doing improperly at his current residence. He asked the Commission to not be fooled; this is not an applicant for a public garage.

Sean Cossette said that she lived in Scottsville. She said that although her neighbors had eloquently expressed her sentiments, she would like to share her perspective. She said that they had moved to southern Albemarle County 20 years ago, seeking to live in a historic rural area. She said that her home was a historic farm, and Route 20 was a historic byway. She said that she was puzzled by the consideration of a large commercial repair shop in this area, as it seemed out of place.

Ms. Cossette said that she was not opposed to small businesses, but she believed this was a much larger operation than she had seen before. She said that she was also unclear about the footprint request, and she thought it would be more suitable for a commercial or industrial area rather than a rural agriculture residential area. She said that her heart went out to her neighbors, who had lived in the area for a long time.

Ms. Cossette said that the current state of the property, with the storage of residents' vehicles and trucks, was unsightly. She said that it was not fair to them, and it was not fair to her, who valued the historic rural community that Albemarle County celebrated. She said that as she traveled through the County, she saw signs celebrating its historic rural heritage, from the airport to the County offices. She said that she implored the Commission to honor the spirit of their community, which was centered on preserving its rural charm.

Paula Beasley said that she resides at 6198 Green Mountain Road and owns 1790 Coles Rolling Road. She said that for at least three decades, the comprehensive plan had consistently supported the preservation and protection of their rural areas, encompassing agricultural, forestal, equine, and related endeavors.

Ms. Beasley said that this industrial commercial application was not permissible on a rural area zoned parcel. She said that two minor changes to the application did not alter this fact. She said that one of the changes, which she observed this evening, involved the removal of all trees on

the side of residential properties directly in front of her rental home, and the four containers that were previously 1,286 square feet were now replaced with a 2,000 square foot permanent structure.

Ms. Beasley said that under County regulations and UVA law, public garages were distinguishable from auto repair and towing shops, body shops, and none of these categories were permitted by right or special use permit in rural areas. She said that this decision, including the state-owned VDOT and the size and scope of the recycle center, should not be used to justify the approval of this commercial enterprise or future industrial activity that would spur development.

Ms. Beasley said that it was insightful for the crossroads community designation conversations. She said that their community had made it clear and loudly stated that they did not want or need this industrial-sized auto repair and towing shop in their historic rural intersection. She said that she was puzzled as to why the relevant criteria and considerations were being bent to approve this application. She said that it was commendable that the applicant had been successful and was expanding his business in a commercial industrial area where it belonged.

Ms. Beasley said that however, she wondered who would protect the interests and values of the community, including the elderly residents who had lived in the area for over 50 years and expected the rural area's zoning to be honored. She said that forfeiting their quiet way of life to bolster the profits of one man would result in a detrimental change to their environment and way of life, as well as disrupt the harmony of the area with the beeping of trucks and the ambient noise of a commercial enterprise. She said that the economic drivers that the country should be supporting in rural areas were agricultural, forestal, equine, and related businesses, not industrial sprawl.

Ms. Beasley said that considering the broader context of the area, approval of individual commercial endeavors, such as spot zoning, would transform rural areas into sprawl and ultimately lead to the demise of rural areas. She said that once these developments are built, the damage is irreversible. She said that no fines or revocation of special use permits can restore the site or the rural areas. She said that although the Commission may not have had control over the state's VDOT decisions, they do have control over this decision.

Tim Schmidt said that he and his wife live at 6507 Scottsville Road, where they had resided for about 30 years. He said that he had written a speech about it, and it boiled down to who believed that a four-bay garage required an acre of asphalt paving and the subsequent big fence, drainage pond, and other features. He said that this was a loophole in the zoning that allowed for industrial storage sites in rural areas. He said that he was really concerned about the implications. He said that his picture taken yesterday, as he was driving by, showed the Shull property, which was private property. He said that it featured semis, trailers, various vehicles, and excavation equipment, all in violation of the current zoning rules.

Mr. Schmidt said that it had even been inspected recently, and it was confirmed to be in non-compliance. He said that what they expected at this site was that nobody needed an acre for four bays of a garage. He said that instead, it would likely become a towing site or storage site for construction equipment, both of which were not allowed. He said that however, there was no one who would check on this. He said that they could not expect the Zoning Office to visit every two weeks to ensure compliance. He said that there would be a fence around it, which would be locked. He said that this raised concerns about who could enter the property and verify the situation.

Mr. Schmidt said that his wife and he had received letters from a lawyer advising them not to enter the property, but they had never set foot on it. He said that they did not trust the situation. He said that they were aware that the applicant had a history of abusing zoning rules and was not compliant with the rules as they were clearly stated. He said that he encouraged the Commission to examine this proposal more closely. He said that they should not be naive about its legitimacy. He encouraged them to ask themselves whether this was truly a legitimate garage application or if it was a ploy to relocate an industrial business into their rural area.

Kim Schmidt said that she was married to Tim Schmidt, the previous speaker. She said that they moved here from Florida, where development was crazy and there were few protections. She said that she told her realtor they wanted to live where it was least likely to grow, because they did not want to live in a place where there were frequent zoning changes. She said that they settled in Albemarle to raise their children. She said that they had attended meetings related to this application for over a year now and had written many letters. She asked if the Commission's job was to protect the community. She said that she understood that Albemarle County supported agriculture; that was why they had bought a horse farm there.

Ms. Schmidt said that many of them had spoken out and written letters, but nothing had changed. She said that at the meeting in March, there was a deferral of these proceedings. She said that she found it very interesting that Mr. Missel pointed out an important element from all of the many topics brought up. She said that he stated it was clear that this community did not trust Mr. Shull. She said that Mr. Missel had boiled down the hours of debate to one key point: the community simply did not trust him. She said that after the many meetings, letters, and phone calls, Mr. Shull had done exactly what the public had warned the County he would do.

Ms. Schmidt said that he had not been in compliance then, and he was not now. She said that he openly disregarded their concerns. He said that it was a matter of honor. She said that he did not care about their community, its historical nature, or rural lifestyle. She said that he did not care that the unsightly nature of this business was not suitable for this area. She said that they did not trust him, but they were placing their trust in them, the Commission, to do what was right, to fulfill their duties, and to uphold the zoning regulations in place to protect this community they served.

Nick Duke said that he resides on Alberene Road in Esmont. He said that he would like to express his strong opposition to the special use permit application for Shull's Property Wrecker Service proposed for the intersection of Route 20 at Scottsville Road and Coles Rolling Road in Keene. He said that there were two primary reasons for his opposition. He said that traffic concerns were a major issue. He said that Route 20 had experienced a significant increase in commuter traffic, particularly during peak hours of 6:00 a.m. to 9:00 a.m. and after 4:30 p.m. in the evenings.

Mr. Duke said that the intersection of Coles Rolling Road and Route 20 was already hazardous, especially during these times, with no blinking red warning lights or stoplights to slow traffic. He said that adding a series of large tow trucks with vehicles in tow, operating at all hours of the day and night, would drastically increase the risk of crashes and fatal accidents. He said that he had concerns about the respect of their rural community. He said that the proposed Shull facility directly conflicted with the agricultural, forestal, natural, scenic, and historic resources of this area.

Mr. Duke said that nearby farms and historic venues provided valuable economic benefits through hay and crop production, veterinary services, equine programs, winery tourism, and bed and breakfast venues. He said that he did not believe the location, character, size, and extent of this

proposed facility aligned with the County's comprehensive plan. He said that many nearby neighbors and area residents were also opposed to this facility, and he strongly believed that they did not need or want an asphalted wrecker service parking lot and public garage buildings on this wooded property in their rural neighborhood.

Collins Huff said that he was a resident of Esmont. He said that he wished to express his respect for his neighbors who were opposed to the proposal, but he wished to offer his perspective. He said that in the book "Home From Nowhere" by Howard Kunstler, it chronicled the expansion of urban sprawl, which was the opposite of what this project seemed to be addressing. He said that the decline of the rural economy was also touched upon, and one of the key takeaways from both was the village concept.

Mr. Huff said that this concept was based on the idea that one could work, obtain basic services, and live within proximity to one's own property. He said that he would argue that Mr. Shull's business was actually beneficial to the farms. He said that for instance, having a repair shop nearby would be more convenient for farmers like himself, who would rather have their trucks and horse trailers fixed closer to the farm rather than being towed all the way to town.

Mr. Huff said that the employees working for Mr. Shull would not have to commute into town, which would alleviate traffic on Route 20. He said that customers who got their cars serviced at the shop would also not have to go into town, which would reduce the pressure on the route. He said that he believed that this project would actually benefit the logging trucks, farmers, and the local community members, including himself as a farmer who currently took his truck to a shop on Avon Street, would rather have this service closer to their residences.

Susan Love said that she agreed with everything her friends had said, except for the gentleman who just spoke. She said that she somewhat disagreed with him, but she would like to address a different matter. She said that she would like to talk about their hearts. She said that as a schoolteacher with 34 years of experience, she had dedicated herself to her home, which was just one mile from the proposed special permit.

Ms. Love said that everything she had worked for was at stake. She said that she had spent 34 years in the classroom, and it was everything to her. She said that if the Commissioners' homes were just one mile from this, they would not be having this conversation. She said that this is what it boiled down to for her. She said that she valued peace and solitude, and she believed that was what was being lost here. She said that the applicant had another property in town, which meant his business was already not a rural business.

Ms. Love said that this is why she disagreed with the gentleman who just spoke. She said that additionally, she said that she would like to bring up the point about red flashing lights that her friend Nick Duke had mentioned. She said that she did want to give them any ideas, because they did not want those either. She said that as a math teacher, she had noticed the difference between one and three-tenths of an acre and one and five-hundredths of an acre. She said that that difference was minimal. She said that the numbers 59% to 53% were not huge decreases, either. She said that she believed that peace did not equal noise, that rural did not equal traffic, and that asphalt was not congruent to environmentally friendly.

Ms. Love said that approval did not necessarily support their constituents. She asked if the restrictions really matter if there was no one to enforce them. She said that she did not think their

rural County had the bandwidth for it, and she did not think the Commission did either. She said that once this decision was made, it would be extremely difficult to reverse it. She said that they would cast their vote and move forward, but the neighbors would have to live with the consequences every single day in a place they cherished. She said that she urged the Commission to consider this when casting their vote tonight.

Sophie Massie said that she lives near Scottsville. She said that she had been a happy customer of Shull's Towing in the past. She said that her comments were actually about taking issue with the permit. She said that the obvious fact was that Shull's is applying for a special use permit for a public garage, a use that is allowed in the rural area with a special use permit, but their application and stated intentions do not align with this. She said that the plans they had submitted reflect their desire to open and operate a garage and a storing, wrecking, towing business.

Ms. Massie said that she would point out that towing, in particular, falls under Section 3.1 in the County Code, under storage, warehousing, distribution, transportation, and it is allowed by right in the highway commercial and industrial districts and with a special use permit in the commercial, commercial office, and downtown Crozet districts. She said that however, it is not permitted, even with a special use permit, in the rural district. She said that this distinction in the County Code reflects the wisdom of the zoning ordinance and prohibits intensive commercial uses in the rural and residential districts.

Ms. Massie said that this particular special use permit is not the appropriate route for this business to operate in the rural area. She said that she could compare it to a hospital trying to open in Keene by applying for a special use permit for a daycare because the hospital happens to offer daycare to its employees. She said that the public garage special use permit does not fully reflect what the applicant intends to do. She said that the applicant should either resubmit an application for a modest garage with square footage matching that usage and a prohibition on towing and impoundment.

Ms. Massie said that alternatively, the applicant could try to change the zoning ordinances to allow this type of commercial industrial use in the rural area, which would be challenging. She said that another option was that the applicant could identify a location in the County where this type of commercial industrial use is permitted by right or with a special use permit, such as not in the rural residential area. She said that as it stands now, the applicant's garage towing warehouse hybrid model is not permitted, even with a special use permit in the rural area.

Roberta Williams said that she resides at 1790 Coles Rolling Road. She said that she lived directly across the street from the proposed entrance to the subject property. She said that her first question to all of the Commissioners was whether any of them had ever attempted to navigate the intersection of Route 20 and Coles Rolling Road. She said that they must be aware of how hazardous it was, with eight different options, limited sight lines, and roads that did not align.

Ms. Williams said that the high speeds on Coles Rolling Road after passing through this intersection made the proposed site entrance a considerable distance away, which only exacerbated the issue. She said that she could hear the tires screeching and the vehicles approaching. She said that it was unsettling. She said that when turning into the site, drivers would need to turn into the opposing lane to make a right turn, which posed a challenge, especially for larger vehicles like her Ford 350 long-bed, four-horse, head-to-head trailer, which was 45 feet in length. She said that furthermore, the noise from the site was already a concern, as she could hear the sounds of ATVs and unpleasant conversations when she was working from home.

Ms. Williams said that the dense foliage, although it currently blocked out a small portion of the noise, would be significantly reduced once the trees were cut down. She said that the homes and buildings had bright lights, making it difficult to screen out the noise. She said that in fact, it was almost as if one could launch or land a lunar module on the site. She said that given the proximity and the noise, she strongly believed there was no compelling reason to proceed with this project. She said that as someone who already experienced the disturbance firsthand, she urged the Commission to vote against it.

Carol Carter said that although she did not live nearby, she had a strong affection for Keene. She said that she particularly enjoyed the quaint post office, which was only open part-time and rarely had a line. She said that she also appreciated the well-regarded veterinary clinic in the area. She said that although she did not rely on the state VDOT services, she believed Keene was a charming town. She said that she strongly opposed this special use permit, as it represented a significant disruption to the rural neighborhood.

Ms. Carter said that it had a major impact on the peaceful lifestyle of the residents, who often experienced frequent deer strikes and, as recently as last week, two cars collided with a cow on the road. She asked the Commission to consider the perspectives of those who lived and worked in this area. She said that it was a rural community with limited infrastructure. She said that she also questioned the necessity of storing a car for up to 30 days for an oil change, but that was a separate issue. She said that finally, as a postscript, with the growing popularity of low-maintenance electric vehicles, she hoped that businesses like this would eventually become obsolete.

Mr. Shifflett said that he would like to address a few points that were mentioned by the public. He said that to clarify, he understood that there were concerns about zoning violations, which seemed to be related to trust issues. He said that he had been informed that Mr. Shull was not currently under any zoning violations and had been working closely with the County, including Lisa Green, to address any past issues. He said that he currently had a permit application for the storage units on his parcel, which was not the subject parcel in question.

Mr. Shifflett said that he would like to address the concerns about a tow truck depot, which some had described as a "bait and switch." He said that their intention for the project was to utilize the Avon facility, which had been experiencing growth and was now at capacity. He said that they aimed to split the bulk of the repair work for this location and continue to use the Avon site as a tow truck depot, as it was closer to the customer base. He said that regarding noise and zoning violations, he would like to point out that there were existing ordinances in place to police noise and other issues. He said that the current ordinance already limited the use of the public garage, and allowing impounded vehicles on the lot would be a violation of the code.

Mr. Shifflett said that they would like to offer an additional condition to limit or prohibit after-hours towing, and if possible, add a condition to limit the use of the lot as an impoundment, which was not their intention. He said that this lot would not be used for impounding vehicles. He said that any impoundment activities would take place at the Avon facility. He said that they could restrict this use in the conditions, which would add clarity and help narrow the scope, ultimately providing some goodwill to the neighborhood, which had expressed suspicion.

Mr. Clayborne asked what community engagement the applicant had participated in since March.



Mr. Shifflett said that they had not had any official community meetings since March.

Mr. Missel closed the public hearing, and the matter rested with the Commission.

Mr. Missel said that he would like to make a brief comment before they proceeded with discussion. He said that this was not a direct response to a public comment, but rather something he had planned to read. He said that he believed it was helpful to review this periodically to remind themselves, as well as the members of the public, of their role as a public body.

Mr. Missel said that the Albemarle County Planning Commission's primary role was to serve as an advisory body to the Board of Supervisors to promote the orderly development of the County and its environs, and to accomplish planning, zoning, and land subdivision and development objectives set forth in state law and the Albemarle County Code. He said that he wanted to remind everyone of this purpose.

Mr. Missel said that additionally, there was a comment made about the care and intentional focus on the part of the Planning Commission and the County relative to the rural areas. He said that he wanted to reiterate that this was a serious and focused area of conversation for the Commission, and there were many opportunities for public input during the comprehensive plan process.

Mr. Murray said that they would be discussing, particularly as the rural area plan came up, what types of uses were appropriate in these areas. He said that it was worth noting that some language in the drafts they had seen so far suggested that small businesses and various activities may be allowed in rural areas. He said that he believed this raised a fundamental question: was the primary purpose of this facility to support the rural area? He said that the applicant had stated this himself, and the citizens themselves had expressed that the primary purpose was not to support the rural area, but rather to support Charlottesville businesses. He said that from this perspective, he could not support this proposal because it did not align with their objectives for the rural area.

Mr. Moore said that he had a question that may eventually lead to a comment, but it had been mentioned in several comments and emails regarding a garage on Plank Road. He said that the address was 1467 Plank Road. He said that he would like to see more information about this location, as there did not appear to be any registered business or operational garage, yet there were numerous cars parked there, and it was being referred to as a garage. He said that he was simply curious about what was going on at this location.

Lisa Green, Manager of Code Compliance, said that one would not find any evidence of this garage because it was an illegal garage that was currently under violation. She said that they were actively working on that case.

Mr. Moore asked about the process for issuing fines and the findings that led to them be described. He said that he was curious about how this process unfolded, particularly in cases like this. He said that he was asking hypothetically, as he was interested in understanding the steps involved.

Ms. Green said that there is a process outlined by the state that they follow. She said that they investigate and work with the owner to determine if they will come into compliance without further court action. She said that if the owner agrees, they send notice and do not seek court action.

She said that if the owner does not cooperate, they have to send notice and follow the court process outlined by the state, which includes fines.

Mr. Moore asked what came next if compliance was not done voluntarily.

Ms. Green said that it would include court action and fines.

Mr. Murray said that the pictures submitted were not dated, and they were not referring to the subject parcel. He said that however, it did relate to the point about community trust. He asked if Ms. Green could provide information on the history of zoning violations at the applicant's other property.

Ms. Green said that the applicant's home was currently in violation. She said that the applicant had a violation the previous year, which had been investigated and worked with Mr. Shull to address before the compliance was implemented. She said that as a result, there was significant cleanup on the property, and progress had been made, so they had not revisited the area for issues related to noncompliance.

Mr. Moore said that he brought up the Plank Road example because it was good to know that it was being addressed. He said that his concern was whether there might be another out-of-compliance garage situation, at least one of them and possibly several of them might not want to approve an actual approved garage. He said that if it was actually known about and being addressed, that alleviated some of his concerns.

Ms. Firehock said that she would like to make a comment, and please note that this is not an indication of how she would vote on this matter. She said that she would like to bring up the notion of garages and conveniences in rural areas, a topic she had previously discussed. She said that she did not believe a convenience use like a repair shop did not belong in the rural area unless it was serving a specific need, such as servicing tractors or cattle. She said that people living in rural areas did need services, and she thought it was reasonable to have them available. She said that they had discussed other aspects of the comprehensive plan, including climate change and emissions, and the benefits of reducing driving to Charlottesville for car repairs and maintenance.

Ms. Firehock said that having convenience stores in the rural area was a good thing, and she thought they should consider having more of them. She said that however, this was not the main point she would like to make. She said that the reason this use was allowed by SUP, and it was not disallowed, was because in the right situation, the right scale, and at the right location, it could be appropriate. She said that another garage application in the Batesville area was on a much smaller scale but was purported to serve the same number of vehicles as tonight's application. She said that therefore, she was concerned about the scale of this operation and its potential impact on the immediate neighbors.

Ms. Firehock said that she wanted to reiterate that it was not necessary for a repair shop to serve only farm use to be appropriate in the rural area. She said that it could serve the residents who lived there and provide some convenience. She said that she did not expect a large retail store like Wegmans to come to Keene. She said that what she was trying to say was that not every resident needed every convenience in the rural area; however, she did think that there were times when the scale of the use could be fitted into the rural fabric without causing significant disruption.

She said that the question the Commission should be discussing is if that is the case with this particular proposal.

Mr. Missel said that he agreed with Ms. Firehock. He said that he would also add that without significant disruption and with some benefits, this could be a positive development, especially for appropriately scaled and located facilities.

Mr. Murray said that to clarify his comment, he believed it also got to the customer base. He said that in the case of what Ms. Firehock had previously discussed, it should be specifically designed to serve the needs of the local community. He said that this did not necessarily mean fixing tractors, but rather something that was tailored to meet the specific needs of the community, rather than an overflow of business from Charlottesville.

Ms. Firehock said that that was his current customer base, largely due to his current location. She said that they could not assume that he would not then attract new rural customers as a result of being located more conveniently in the southern part of town.

Mr. Carrazana said that to follow up on Ms. Firehock's scale question, he was having trouble understanding the scale when he compared it to the three to four cars per day that they had previously discussed. He said that he had experience with garages of similar scale, and even when considering the turning radius for trucks, he found that they could accommodate five times that amount of parking, and potentially six or seven times that amount if the design was optimized. He said that this was based on his experience with recent projects he had worked on. He said that he was struggling to comprehend the scale of this facility.

Ms. Firehock said that she had been pondering the scale of repair shops after having her car towed to various locations recently. She said that her car currently had a non-passed inspection sticker, and she was still trying to get it fixed, with a scheduled visit to Scottsville tomorrow. She said that she had been paying close attention to parking lot size, the number of cars a lot could serve, hours of operation, and she must say, this facility before them tonight was quite large, especially when compared to many smaller lots that served significantly more cars than what was currently present tonight.

Mr. Missel said that he would like to offer a couple of thoughts as well. He said that at the beginning, he noticed a slide that highlighted the surrounding commercial and non-residential uses, and he thought the point being that there were many of these types of uses in the area, as well as significant residential uses. He said that for him, one of the concerns was whether it was appropriate for a rural area, and whether it was scaled and located appropriately within that area.

Mr. Missel said that this added another layer of consideration to the discussion. He said that if they calculated the space required for a parking area and travel way, approximately 300 square feet, and divided that by an acre, they got around 140 parking spaces of asphalt with travel way. He said that this highlighted the scale issue, and how this project was scaled.

Mr. Missel said that the plan itself seemed oddly shaped, with a large amount of asphalt. He was having trouble understanding the design, particularly the turning radiuses, which should not be oddly shaped. He said that there was geometry involved in site planning that should result in a more cohesive design. He said that his comments were not intended to critique the plan itself, but rather to express his confusion about the level of asphalt used.

Mr. Missel said that he wanted to reiterate that the Commission's purpose here was to discuss land use, not to judge someone's character or discuss personal matters such as trust. He said that he apologized if his comments had been taken out of context. He said that however, he believed that public hearings were an opportunity for the community to share their knowledge and perspectives, and he took that seriously. He said that traffic impacts would be a concern for him, and particularly in relation to access to Coles Rolling Road and the intersection at Route 20.

Mr. Clayborne said that while some of these concerns had already been expressed, he had no issue with a four-bay garage in a rural area. He said that his concern lay with the scale of the project. He said that he was having trouble reconciling the visual graphics presented in the narrative with his own expectations. He said that he took his car to NTB on Long Street, and it looked nothing like the proposed facility. He said that there seemed to be a missing element to the site, a piece of the story that was not being told. He said that as a result, he was unable to support the project in its current configuration.

Mr. Missel motioned that the Planning Commission to recommend denial of SP202200026 Shull Property, based on the many reasons stated this evening. Mr. Carrazana seconded the motion, which passed unanimously (6-0). (Mr. Bivins was absent.)

### **Recess**

The Commission recessed at 7:50 p.m., and reconvened at 8:01 p.m.

### **ZMA202300014 Archer North Development**

Kevin McDermott, Deputy Director of Planning, said that he was here to present the rezoning application for ZMA202300014 Archer North redevelopment. He said that before he began, he would like to mention that he had placed a document at each of their places. He said that the document they were reviewing was an updated version of the affordable housing evaluation, which superseded the older version included in the packet.

Mr. McDermott said that the updated evaluation had the same assessment as the original assessment, but with a revised unit count. He said that the numbers had changed slightly due to the updated unit count, but the overall outcome remained the same. He said that he would now proceed with the rezoning application for the Archer North redevelopment.

Mr. McDermott said that on the aerial view, they could see the outline parcels in yellow. He said that the trailer homes that were previously on the property had been removed. He said that he had included an updated aerial view in the packet for their reference. He said that the area was bordered to the west by US Route 29, to the south by Ashwood Boulevard, and was surrounded by the Brookhill development to the south, Forest Lakes residential development to the east, and the proposed Holly Hills development to the north, which was currently in the site plan stage.

Mr. McDermott said that the current zoning of this property was Planned Residential District (PRD), which was intended for residential use. He said that the proposal was to maintain this zoning designation, but it was necessary for the applicant to rezone the property to update the application plan. He said that he would provide more details on that shortly.

Mr. McDermott said that they could see the two tax map parcels being considered, which were surrounded by this property. He said that the zoning included rural areas across Highway 29 to

the south, where Brookhill was located. He said that they could also see the neighborhood model development zoning planned unit development surrounding it, with the light green color indicating that area. He said that there were a few R1 residential zoning districts on some parcels just to the north of this property.

Mr. McDermott said that the comprehensive plan recommended urban density residential, allowing for residential densities of six to 34 units per acre, and also permitted other uses such as religious institutions, schools, and small-scale commercial office and retail. He said that additionally, surrounding this property was zoning for urban density residential, neighborhood density residential, rural areas, private open space, and institutional zoning that encompassed a stormwater pond.

Mr. McDermott said that the applicant was proposing to utilize the stormwater pond, although this was not discussed in the application narrative. He said that there was nothing in the rezoning that would prevent this from happening, and it would be something that they would address in the site plan stage. He said that the applicant may discuss this further during their presentation.

Mr. McDermott said that the proposal for this project included a mix of single-family attached multi-family condominiums and multi-family apartments, broken up into two phases. He said that the first phase, being developed under the by-right zoning, included 78 units and was currently in the site plan stage. He said that the portion being redeveloped was phase two, which included 224 units, all located in this area adjacent to Route 29. He said that the density was 15.48 units per acre gross and 16.24 units per acre net, which was close to the middle of the recommendations of the comprehensive plan.

Mr. McDermott said that the affordable housing proposal in the comprehensive plan recommendation was for 15% of the total units, with eight units in phase one and the remaining seven in phase two. He said that they had stated that there would be no cash in lieu option for this affordable housing, and instead, they planned to build it on-site. He said that the application plan was included in the rezoning, which was why they were present today. He said that during the site plan stage, these elements would be held to. He said that the transportation aspects of this proposal included extending Archer Avenue north through the property, which would connect to the Holly Hills development and serve as one of the primary access points.

Mr. McDermott said that a secondary public road would connect from Archer Avenue north to Route 29, with a right-in, right-out configuration. He said that a 10-foot shared use path was proposed, with existing paths along Route 29 and Ashwood Boulevard in front of the property. He said that the applicants had also proposed future transit stops, with up to two locations to be determined during the site plan stage. He said that these would include shelters and benches. He said that currently, the area was not served by fixed-route transit, but these stops would be available if transit service was established in the future.

Mr. McDermott said that it was worth noting that this rezoning did not require a traffic impact analysis, whereas a previous rezoning with additional units had a traffic impact analysis performed, which found no significant transportation consequences. He said that the Holly Hills development also conducted a traffic impact analysis, which showed that most of the traffic would be directed down Archer Avenue and connecting to Ashwood, with the build-out of Archer North, and did not reveal any significant impacts. He said that the site included open space and amenities as required, and he had presented this information for their consideration.

Mr. McDermott said that staff had reviewed the existing by-right application plans, and he would like to ensure everyone understood the differences. He said that what had been approved with the RST development, located along Ashwood Boulevard on the south side and Route 29 along another side, included 17 units, with a gross density of 17.02 units per acre and a net density of 17.85 units per acre. He said that the affordable housing in this proposal included 75% of the total units for rent, targeting those earning between 30% and 80% of the Area Median Income (AMI).

Mr. McDermott said that in this proposal, all internal roadways were private, but they did include 10-foot shared use paths and future transit stops. He said that the positive aspects of this proposal were that it was consistent with the uses and density recommendations in the Places 29 Master Plan and the Comprehensive Plan Neighborhood Model Principles, which had also been analyzed in their packet. He said that the request provided new public transportation improvements, including Archer Avenue, multi-use paths, and connections along Route 29 and Ashwood Boulevard, as well as throughout the development.

Mr. McDermott said that the proposed buildings were more consistent with the character of the surrounding areas, with a maximum height of four stories in the central area, compared to five stories allowed under the RST development. He said that the main concern of staff was that the approval of this request would reduce the number of required affordable housing units from 191 approved under the RST residences to 45. He said that overall, staff recommended approval of the ZMA, as the positive aspects outweighed the concerns.

Mr. Carrazana asked if the first phase was currently in site plan review.

Mr. McDermott said that yes, that was correct.

Mr. Missel asked if the phase in site plan review was not held to the percentage of affordable housing for that particular phase, so they could not look at 75% affordable for that phase.

Mr. McDermott said that no, when they initially began building phase one under the RST approval, the affordable housing was intended to be included in future phases. He said that therefore, it was not initially included in the first phase. He said that the applicant had since stated that they planned to provide up to eight units to meet the 15% requirement for the overall site.

Mr. Clayborne said that he wanted to confirm that the maximum number of units was indeed 302, as he had previously read it was 280; he simply wished to clarify this point.

Mr. McDermott said that 302 was the correct number of units; it had been updated from the previous submission of 280 units.

Mr. Clayborne asked if the total number of affordable units was 45, or if it was 42 as stated in Dr. Pethia's report.

Mr. McDermott said that the updated document he provided showed that 45 was accurate for the 302 units. He said that the 42 units was in reference to the previous submission of 280 units.

Mr. Moore asked where the affordable units would be located if they were not included at all in phase one.

Mr. McDermott said that initially, phase one was not intended to include affordable units, but the developers had since agreed to provide eight affordable units in phase one. He said that to meet the 15% requirement, the remaining affordable units would be included in phase two, although their exact locations had not been specified. He said that according to the developers, there would be a variety of housing options throughout the overall site, including eight affordable units in this phase. He said that if the project was completed at its maximum capacity, it was likely that the remaining 37 affordable units would be distributed throughout the rest of the site.

Mr. Moore asked why the proposal shifted so much in terms of the number of affordable units.

Mr. McDermott said that the applicant would have to explain that reasoning.

Mr. Clayborne said that according to Dr. Pethia's report, they needed approximately 297 units per year to meet their housing goal by 2040. He said that he was curious to know how they were tracking this year, specifically in 2024. He said that while this was primarily Dr. Pethia's area of expertise, he wondered if this information was commonly known within the County.

Mr. McDermott said that he was unaware, but he could provide that information as a follow-up.

Mr. Missel asked how many trailers were on the site that had been demolished.

Mr. McDermott said that he did not have a specific number available, but his recollection was between 60 and 70 trailers.

Mr. Missel opened the public hearing. He asked if the applicant had a report.

Ashley Davies said that she was with Riverbend Development and representing the applicant. She said that she was joined by Alan Taylor of Riverbend Development, Scott Collins of Collins Engineering, and Chris Schooley of Greenwood Homes, the home builder for this property. She said that on this first slide, they could see some of their other communities that are currently under development and being built by Greenwood Homes. She said that tonight, she would like to focus on their housing plans, which are a key component of their comprehensive plan. She said that they had heard from several speakers about the importance of addressing housing shortages in Albemarle County. She said that Riverbend Development was proud to say that they are committed to creating new neighborhoods to help alleviate these issues.

Ms. Davies said that the location of this site was particularly interesting, as it was situated between the existing neighborhood of Forest Lakes South, the up-and-coming neighborhood of Brookhill, and the future Holly Hills. She said that when she first arrived, she was a bit nervous about the large turnout, but upon reviewing the sign-up sheet, she noticed that everyone was there to discuss the other public hearing. She said that this spoke to their company's values of transparency and collaboration. She said that since taking on the Archer North project, they had worked closely with the Forest Lakes HOA and Board members to ensure that their designs were consistent with the existing community and met their needs.

Ms. Davies said that they were committed to bringing a high-quality product to the neighborhood, one that will be a positive addition to the area. She said that they will be working closely with the Ashland Townhomes project, which will be adjacent to this site, to ensure a cohesive and consistent look. She said that that this was really important to them, and she would also like to note that she hoped each of the Commissioners have had the opportunity to drive through the

Brookhill neighborhood. She said that there had been significant construction activity, and the neighborhood was really coming together.

Ms. Davies said that when considering this project as a whole, she preferred to think of it as a tapestry, because they see that in the Brookhill neighborhood, they already have a number of apartment buildings constructed, including senior living options, a range of residences at different price points, and the town center was set to start construction soon, along with additional apartments that meet an affordable level. She said that she would like to revisit their application plan. She said that regarding the Archer North neighborhood, they had a two-phased approach. She said that phase one aligned with their original design, featuring amenity spaces and unit types that they would have built anyway. She said that due to the previous rezoning, affordability was not shown in that area.

Ms. Davies said that they wanted to include affordability in both phases, spacing it throughout the neighborhood. She said that therefore, both phases would include affordable units. She said that this approach was crucial to them. She said that she believed that their new plan provided much-needed public roads, including Archer Avenue and a road connecting to Route 29 North, which set up a great network for connecting neighborhoods. She said that they were also providing better amenity spaces that were evenly spaced throughout the development, and they were dedicating 40% of the space to open areas.

Ms. Davies said that their sister company, Greenwood Homes, was doing well in Albemarle County, and they were taking a similar approach to address housing needs. She said that in their Brookhill development, they were already providing a significant amount of affordability through the apartment complexes. She said that for-sale affordable units were a crucial factor in addressing issues in Albemarle County, and she did not see other places effectively incorporating this into the market. She said that as a result, they had taken a distinct approach, which was different from what was seen with RST, but they were providing all for-sale product.

Ms. Davies said that they were proud to be building these units and had a strong marketing team that she believed would be able to sell them easily. She said that she thought they could assist in addressing the County's housing needs. She said that she did not think there was a single approach to this issue. She said that they were happy about that. She said that she would like to focus on her work in affordable housing, which she did every day. She said that she believed there was a significant reason why the previous rezoning did not come to fruition.

Ms. Davies said that once they delved into the realm of 75% affordability, it took them into the world of tax credits, which often required nonprofit or semi-governmental status. She said that this could limit access to capital, and even with subsidies, there could be a significant funding gap of up to \$10 million. She said that as a result, she believed that the previous rezoning was ultimately unsuccessful because it entered the tax credit realm, which was highly competitive and came with significant costs. She said that many people were hesitant to pursue tax credits because of the associated costs.

Ms. Davies said that balancing the tax credit with the increasing cost of the credit, as well as the construction costs and subsidies required, was a challenging task. She said that from her perspective, she understood that he would have liked to see a different outcome, but she did not think it was a realistic scenario in this market. She said that instead, they were focusing on creating a great neighborhood with for-sale opportunities that aligned with the surrounding areas.



She said that she knew that Mr. Collins had planned to discuss stormwater management, but they were running low on time.

Scott Collins said that he would like to briefly discuss their stormwater management approach on this property. He said that it was a unique approach, but one they had successfully implemented on two other sites. He said that on the first site, VDOT built stormwater management facilities along Route 29 and on Berkmar Drive, enclosing them with chain link fence to minimize maintenance.

Mr. Collins said that they had seen these facilities numerous times while driving by. He said that they took this as a challenge and incorporated one of these facilities into the overall development on the Brookhill property, enhancing it with landscaping, decorative fencing, and blending it into the surroundings. He said that this approach worked well, and the facility was now functional and visually appealing.

Mr. Collins said that they were applying the same approach to the Holly Hills development, incorporating a pond into the overall design to serve as a stormwater management facility for both the site and the VDOT roadway. He said that they were also planning to enhance the facility and make it blend in with the community. He said that on the County property, they had a third pond that, although existing, was in need of improvement.

Mr. Collins said that it was currently enclosed with chain link fence but appeared neglected and was easily visible. He said that their goal was to send their stormwater management approach to this facility, enhancing it and making it a more attractive and functional part of the community. He said that to summarize, their goal was to integrate the existing facility with stormwater management from their site, rather than relying on underground pipes and releasing treated water into the environment.

Mr. Collins said that they proposed enhancing the existing pond to improve drainage and incorporate it into the facility, rather than over-designing it with VDOT standards. He said that this approach would also allow them to incorporate landscaping and maintenance into their development, reducing the need for costly nutrient credits and underground infrastructure. He said that by handling stormwater management in-house, they could achieve better water quality outcomes and avoid the complexity and expense of buying credits.

Mr. Murray asked if it would be a wet pond or a dry pond.

Mr. Collins said that it would be a wet pond.

Mr. Murray said that there was a great opportunity to utilize excellent native plants such as American lotus, swamp rose, and hibiscus. He said that he looked forward to seeing what they did with the pond.

Mr. Collins said that he agreed it was a great opportunity to do that.

Mr. Moore said that he understood there were complex factors and multiple layers of capital involved in creating deeply affordable or 75% affordable units. He said that it was a challenging process. He said that he was wondering if they could provide more information about Riverbend's experience and role in the Crescent Hall project and the City's public housing initiatives.

Ms. Davies said that she worked on that on a daily basis. She said that it was about six years ago that they became the pro bono development partner of the Housing Authority, working to bring those resident-led redevelopments to fruition. She said that these projects relied heavily on private donations and match grant funding from the City. She said that when she said a lot, she meant it was essentially an additional \$10 million in funding on top of the other sources, such as Virginia Department of Housing and Community Development (VDHCD) funding. She said that this created a complex capital stack.

M. Davies said that even with all these funding sources, it was challenging to pull off. She brought this up because she thought it highlighted why private developers may struggle to create deeply affordable housing. She said that since they started this work, it had become increasingly competitive. She said that many organizations, including local groups beyond the Housing Authority, were now vying for the same tax credits on a statewide basis. She said that the availability of these credits could change from year to year, and even then, there were limited credits available. She said that as a result, it was extremely difficult to pull off.

Mr. Moore said that everyone he had spoken to who had worked on these projects had told him it was extremely challenging. He said that he had inquired about this because, from what he had read and understood, the developer had connections with nonprofit developers and potentially could pursue some of those opportunities or gain a better position than some of the others who passed through there. He said that he was trying to find out more about the decision-making process behind not being able to support that approach for this project.

Ms. Davies said that the work they were doing in affordable housing was actually quite extensive. She said that they had multiple phases planned, which were essentially stacked up for at least the next decade. She said that they were looking to add anywhere from 500 to 600 new units beyond the existing Housing Authority stock. She said that hundreds of new units were already coming online throughout Charlottesville. She said that what they were creating was a significant number of units, but it was not happening at this particular site, because it did not make sense in this context.

Mr. Moore said that he also wanted to inquire if the company had considered voluntarily opting into the 20% affordability requirement under the new ordinance. He said that this would involve providing a 20% property tax credit to make up for the difference.

Ms. Davies said that thus far, they had been working under the existing policy when they applied, similar to other zoning applications at the time. She said that their goal was to focus on promoting home ownership, and she believed it was essential to note that their site plan approval for phase one, construction was scheduled for early 2025, with affordable units expected to be available for sale by the end of the year. She said that she emphasized this because she thought it was crucial that they begin construction as soon as possible, as the problems were compounding, and she believed Greenwood had a real strength in addressing this.

Ms. Davies said that as a project team, they could provide a comprehensive solution, from design to deployment, and successfully deploy these units, resulting in a beautiful new neighborhood. She said that in contrast, the previous rezoning approval had been unable to move forward, and the property had ultimately been unloaded, leaving them back at this point. She said that she believed they had a unique opportunity to build a new neighborhood with for-sale affordable units, which would help people get into their new homes.

Mr. Moore said that he strongly agreed about the need for affordable housing, which had been referred to as an emergency-level issue. He said that he appreciated the earlier comments about increasing the supply. He said that although there had been no new housing developments in the area for several years, the fact that there were available units was a positive step. He said that he understood that the goal was to increase the supply and make housing more accessible. He said that he would like to ask about the applicant's plans to ensure that affordable housing developments were sold at the affordable rate, rather than being sold at market rate after the initial 90-day window.

Ms. Davies said that as someone who worked on affordable housing every day, she had often been frustrated by policies that did not result in people getting into units. She said that she believed Greenwood's approach was unique in its ability to effectively communicate with and market to a wide variety of people. She said that their company ethos was centered around maintaining affordability, and they were absolutely committed to getting families into these units.

Ms. Davies said that she did not know if Mr. Schooley had any insights on this, but she wanted to share her perspective. She said that recently, she had interacted with Greenwood's company and website, and she was impressed by their helpfulness and dedication to getting people into homes. She said that she believed they had the tools and marketing capabilities to effectively reach the people who needed these units. She said that they were willing to work together to make that a reality.

Chris Schooley, with Greenwood Homes, said that he would like to make a comment regarding their previous discussion about the 297 units. He said that he had done some quick math and was expecting to deliver over 180 units in 2025, with 34 units in the city and the remaining 146 units split between Glenbrook and Crozet. He said that he hoped their South First Street project downtown would be a success. He said that Belvedere had 16 units, and Victoria Heights had eight. He said that when they added these up, Greenwood Homes was one of the primary developers delivering Affordable Dwelling Units (ADUs) in the market. He said that they were pleased with this situation because their ADUs were for sale, not rental.

Mr. Schooley said that unlike a couple of other developers, Greenwood Homes was building and selling their ADUs, and they also offered a rental program. He said that they liked to offer a diverse range of product types, including the two-over-one unit, which was a nice size for a two-bedroom apartment, as well as the two-over-two unit, which was a two-story with a garage, and their 16-foot-wide townhouse. He said that Greenwood Homes strived to offer a broad range of products that met their sustainability criteria. He said that all of their agreements, including the ADUs, met the same criteria, so he was confident that any agreement would be consistent with their standards.

Mr. Missel said that for the sake of time, he would like to stay on the topic of affordable components. He said that as part of a deeper dive, he would like to address the term of affordability. He said that the applicant wanted to provide for-sale units, which was a great approach to building wealth. He said that however, they did not specifically address the duration of affordability.

Mr. Missel said that when going to the Board of Supervisors, who had strong feelings about affordable housing, the applicant should be prepared to think through some alternatives in order to actually do better in terms of the basic minimums. He asked how long an affordable unit would be considered affordable. He said that for example, if he purchased a for-sale affordable unit,

could he sell it the following year for a market rate? He said that he wanted to know what measures were in place to prevent him from doing so and were there any stop-gaps to ensure that affordability was maintained.

Ms. Davies said that they were exploring ways to address this issue internally, as they were aware that it could be a concern. She said that while it was true that wealth building was important, it was often a short-term gain for one individual. She said that she believed there were alternative approaches they could take to handle this.

Ms. Davies said that for instance, they could utilize deed restrictions for a certain number of years to maintain affordability. She said that they had begun conversations with the Community Land Trust to gauge their interest and potentially purchase units, which would allow them to keep them affordable indefinitely in their portfolio. She said that by thinking creatively, she thought they could find ways to retain affordability, which she believed was a crucial element in this discussion.

Mr. Missel said that according to the new housing policy in Albemarle, rental properties were required to be affordable for 30 years. He said that he did not know the specific requirements for properties sold. He said that it may only apply to rental properties.

Ms. Firehock sometimes nonprofit housing providers had the right of first refusal, which meant they had the opportunity to purchase the property before it was offered to others. She said that this was usually the standard procedure, although this may not have been set up to handle the process.

Mr. Missel asked where the affordable homes would be located on the concept plan.

Ms. Davies said that to clarify, all products would be for sale in the development, so there would be no rental units. She said that the affordable units would be dispersed throughout the site.

Mr. Missel said that he understood the developer had many partnerships in the community, which could help close the gap. He said that Ms. Davies had mentioned \$10 million as a gap. He asked if they had looked at partnering with other nonprofits to bring a higher level of affordability to this development.

Ms. Davies said that thus far, they had not. She said that it was solely a Greenwood Homes development because they felt it was the best place for that type of neighborhood.

Mr. Missel said that it perhaps was not the best way to pursue affordable levels.

Ms. Davies said that honestly, what was proposed in the previous rezoning was unreasonable. She said that it had set a weird precedent that was attached to this property versus anything else coming across their desks. She said that they were all working through that as a group. She said that as Mr. Schooley said, they were very supportive of providing affordable housing, which they were doing all over the County and more so than other developers or homebuilders. She said that they were always looking for creative solutions and suggestions. She said that they obviously were in compliance with the policy but were open to conversations about what they wanted to see here.

Ms. Firehock said that she would like to revisit the affordability question and make a brief comment. She said that there were alternative methods to make housing more affordable, such as purchasing down the housing price. She said that for instance, affordable housing providers had successfully implemented this approach by reducing the price by \$20,000 or \$30,000. She said that she had personal experience with this.

Ms. Firehock said that she would appreciate it if the applicant could provide an abbreviated timeline. She said that she understood they had mentioned that creating these units was challenging, and they preferred to focus on for-sale units rather than rentals. She said that she would like to understand how they transitioned from the initial proposal to the current scenario. She said that they could please provide a concise timeline to clarify the process of how they could not afford to do the previous proposal due to the zoning and how they arrived at this point.

Ms. Davies said that she could outline the basic sequence of events. She said that the property was rezoned under a previous applicant, and following that, the applicant realized they would not be able to proceed with the development due to various factors. She said that she was focusing on this aspect. She said that she believed the rezoning was done in a way that required a tax credit deal, which ultimately proved to be unsustainable.

Ms. Davies said that over time, rising interest rates, increasing construction costs, and decreasing availability of tax credits created a perfect storm that made the project unviable for the previous applicant. She said that as a result, they put the property on the market, and that was when they began exploring the opportunity.

Ms. Davies said that they spent considerable time with the Forest Lakes neighborhood, trying to understand what would be harmonious with the surrounding areas and what could be brought to the market that would be valuable and viable. She said that this led them to pivot and consider the property as a neighborhood for-sale product that better aligned with the surrounding area and complemented the affordable rentals available at Brookhill, where they have hundreds of units. She said that this offering provides a diverse range of housing types.

Ms. Firehock said that was very helpful, and she thought it was a good way to summarize everything. She said that otherwise, they were relying on everyone knowing their recollection of the previous applications. She said that it might be beneficial for the Board as well. She said that she just wanted to make a comment, as she was not planning to ask you to revise their application at this late stage. She said that they mentioned keeping it in character with the surrounding area.

Ms. Firehock said that however, the County's goal was about densifying the urban ring and promoting taller buildings with more stories. She said that she was not convinced that limiting the building to four stories was the right approach. She said that she would prefer to see a taller building with affordable condos on the first floor, which would not only increase density but also provide more opportunities for affordable housing.

Ms. Firehock said that she understood that elevators and other expensive components could be a challenge, but she believed that was a necessary investment for the future. She said that she appreciated the extra green space they had managed to incorporate, and she thought the stormwater management could be improved further, such as incorporating permeable pavement, so the pond was not as necessary. She said that she thought it was helpful to have this kind of history encapsulation, and she understood the challenges faced by developers in the current market.

Ms. Davies said that it was challenging, and she hoped that everyone would recall Ms. Firehock's comments when they returned in a few months for the Brookhill project, where they would be adding 300 additional units to the heart of that town center.

Mr. Clayborne said that he appreciated the opportunity to discuss affordable housing. He said that he was less familiar with the for-sale market because they often focused on rentals. He said that to provide context for their conversations on comprehensive planning, he would appreciate if Ms. Davies could please share the price range for an affordable housing for-sale unit. He said that he was interested in understanding the high and low end of that price range.

Ms. Davies said that the County maximum for their development would be \$308,000 for a for-sale affordable unit. She said that depending on unit type and size, it could go down from that number.

Mr. Clayborne asked if \$308,000 was the maximum.

Ms. Davies said that that was correct.

Mr. Clayborne asked if the applicant could share more about the proposed recreational amenities.

Ms. Davies said that they were currently working through the design options, and they had a great landscape architect on Mr. Collins' team. She said that he may be more familiar with those ideas, but since they had multiple options, she wanted to mention that one area was envisioned as a dog park, while other areas would likely be more focused on playgrounds and fire pits.

Mr. Collins said that they would be incorporating a variety of recreational amenities, including a proposed pickleball court. He said that this development was quite interesting. He said that it would tie in with the Brookhill HOA, forming a single conglomerate HOA that would allow for the use of Brookhill amenities, which would be beneficial. He said that they were building courts, playgrounds such as a dog park, and pavilions, which all worked together to create a sense of community. He said that this was in contrast to Brookhill, which already had a pool, clubhouse, and larger recreational areas, including a newly constructed sports court. He said that overall, this development offered a range of amenities, enhancing the community.

Mr. Missel asked if there were any members of the public who wished to speak on this item. Seeing none, he closed the public hearing, and the matter rested with the Commission.

Mr. Carrazana asked if staff could provide more information regarding the process of selling affordable housing units.

Mr. McDermott said that he did not know the process for housing. He said that they did not have the relevant staff attending the meeting to explain that.

Mr. Clayborne said that it was indeed a beautiful project, and there was no question about its quality. He said that he must admit that he was initially very excited about the affordable housing aspect, but he had come to realize that it may be overly optimistic. He said that as they returned to reality, he was eager to find a project that could serve as a best practice.

Mr. Clayborne said that unfortunately, it felt like they were stuck in a rut and could not seem to push the envelope. He said that he was in support of this project, but he believed they should aim

higher, like the 20% of affordable dwelling units proposed in the new policy. He said that instead of settling for the standard, he was disappointed that this project did not live up to its innovative potential.

Mr. Clayborne said that he understood that the finances may not work, but he was concerned about the 90-day turnaround period. He said that there was a lack of success with this approach, as Dr. Pethia often highlighted. He said that he was unsure what this project was truly solving in the affordable housing space. He said that while he had confidence in the team's efforts to improve the project, he worried that the 90-day deadline may not be realistic and may ultimately lead to failure.

Mr. Carrazana said that he believed it would be beneficial to receive an update on the housing stock. He said that they had previously discussed the AC44 housing policies, but he thought it would be helpful to get an update on the current state of their housing stock before that. He said that he would like to know if progress had been made on the website and marketing efforts. He said that his understanding was that the affordable housing stock should not be solely in the hands of the other developers. He said that in fact, some developers had stated that it was more of a County-level initiative, with the County handling the website and marketing efforts.

Mr. Barnes said that they should discuss this and do it before their housing discussion. He said that he needed to reach out to Dr. Pethia via email to talk about another project, but she was unavailable this week. He said that he would speak with her next week and revisit the conversation.

Ms. Firehock said that part of the reason for this issue was the lack of a central location where individuals seeking affordable housing could find information about available developments. She said that previously, the County had a staff member who acted as a matchmaker, but that position was eliminated.

Ms. Firehock said that they had fought to reinstate it, and eventually, Dr. Pethia was appointed. She said that despite having a website, she was unsure if it was effectively reaching potential homebuyers. She said that this was the problem. She said that it was essential to have a clear understanding that these resources were available. She said that the presence of a nonprofit housing provider, with their established clientele, served as a valuable matchmaker.

Mr. Murray said that there were previously mobile homes on this site, which were certainly affordable. He said that they did not have a zoning designation to protect mobile homes, so those were often converted. He said that he was certain no one was paying \$300,000 for a mobile home. He said that he was concerned about where they were starting and where they ended up with this development. He said that he did not know how to solve that.

Ms. Firehock said that that was part of the rationale for approving the mobile home's transition into the rental project. She said that something worth knowing was how many of those mobile home residents could afford the for-sale units here. She said that the answer was likely zero. She said that there was essentially zero likelihood that anyone from that mobile home park could return.

Mr. Missel said that it was a net loss, not only to the affordable housing stock, but it also resulted in people being unhoused due to the removal of mobile homes.

Ms. Firehock said that they said they would work on helping those residents relocate, but there was no proof that that was successful.

Mr. Missel said that he agreed. He said that it was possible that the application may be viewed more favorably if it had been the first one proposed rather than the previous one which offered 75% affordability. He said that it felt a bit like boiling a frog. He said that they first gave a little bit of hope, and now there was less, but it still appeared acceptable.

Mr. Clayborne said that the first time this topic arose, he thought Habitat for Humanity was involved and possibly spoke on it. He said that he was unsure if they remained a relevant party or if the applicant wished to discuss it further. He said that it appeared that they were no longer a factor, as they were not present tonight. He said that therefore, he believed that answered the question. He said that nevertheless, it spoke to the aspect of connecting people and other relevant factors.

Mr. Missel said that he had the utmost respect for the applicant, who was indeed doing outstanding work in the community. He said that it was clear that the applicant was meeting the necessary housing policy requirements. He said that he would offer his perspective, as he had been in similar situations himself. He said that when preparing for the Board of Supervisors, he would advise the applicant to consider the possibility of achieving 20% affordable housing for a longer period of time. He said that having this in their back pocket could be a valuable asset when presenting to the Board, as he believed it would be a challenging sell as currently presented.

Mr. Clayborne said that he agreed with Mr. Missel's well-stated points. He said that he had forgotten about the displacement of 60 mobile homes.

Mr. Clayborne motioned that the Commission recommend approval of the Zoning Map Amendment ZMA202300014 Archer North Development project, as stated in the staff report. He said that he wished to ensure that any notes or appendices provided by Chair Missel were taken into consideration if the motion passed and moved forward. Mr. Carrazana seconded the motion.

Mr. Missel said that when discussing incentives, they often discussed ways to increase affordability levels in Albemarle County. He said that under the best circumstances, even collaborative efforts had resulted in something that was insufficient. He said that if there were key points that could be made to the Board of Supervisors regarding ways developers could potentially increase affordability, he believed it would be valuable information to share with them. He said that as they were aware, the developer had not been able to make this work, and the 75% had proven to be untenable. He said that if they continued to pursue this as a County, they were losing affordable housing, which was a genuine shame.

Ms. Firehock said that to further emphasize that point, she wanted to say that if this proposal had been presented to them directly to replace the trailer park, she would not have voted in favor of it. She said that it was not fair and not equitable to what they were promised, and she understood that the current proposers were not the original ones. She said that despite the good work they did in the community for affordable housing, she must admit that she was reluctantly in support of this proposal.

Mr. Clayborne said that he felt the same way, and it was located within his own district.



Mr. Moore said that it was one of those situations where now, today, it was a choice between building nothing versus building something with a 15% affordability.

Mr. Missel called the vote on the recommendation of approval of ZMA202300014 Archer North Development.

The motion passed unanimously (6-0). (Mr. Bivins was absent.)

### **Committee Reports**

Mr. Murray said that although it was not a committee of the Planning Commission, he wanted to share that the Natural Heritage Committee had recently met. He said that they had received a sneak peek at the environmental section of the comprehensive plan, which he was very excited and encouraged by. He said that many of the elements he had seen there were promising, and he looked forward to discussing them with everyone once they were finalized

### **Review of Board of Supervisors Meeting: October 30, 2024, and November 6, 2024**

Mr. Barnes said that on October 30, they held the all-CAC meeting for AC44. He said that the other meeting was on November 6, 2024. He said that staff spoke to the Board about the AC44 development area land use policy, which had some comments reflected back to this evening. He said that there were two other items the Board took up which the Planning Commission heard previously, which were Our Lady of Peace assisted living facility off of Hillsdale Drive, which passed.

Mr. Barnes said that the other item was Knight Berkshire off of Berkmar Drive, which also passed. He said that during the Commission public hearing, they discussed the desire to have the path from the development to the school, which the school division did not support. He said that the Supervisors agreed with the Commission that there should be a connecting path, so it was put back into the proposal, which then passed.

### **AC44 Update**

Mr. Barnes said that as far as AC44, they would return next week at 6:00 p.m., for another work session. He said that he would send an updated calendar, so everyone was aware of the upcoming schedules.

### **New Business**

There was none.

### **Items for follow-up**

There were none.

## Adjournment

At 9:05 p.m., the Commission adjourned to Tuesday, November 19, 2024, Albemarle County Planning Commission meeting, 6:00 p.m.

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Michael Barnes, Director of Planning

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

Approved by Planning Commission
Date:
Initials: