

**Albemarle County Planning Commission
FINAL March 2, 2021**

The Albemarle County Planning Commission held a public hearing on Tuesday, March 2, 2021 at 6:00 p.m.

Members attending were Julian Bivins, Chair; Karen Firehock, Vice-Chair; Rick Randolph; Daniel Bailey; Corey Clayborne; Jennie More; and Luis Carrazana, UVA representative.

Members absent: Tim Keller.

Other officials present were Andy Reitelbach; Stacey Pethia; Bart Svoboda; Charles Rapp, Director of Planning; Andy Herrick, County Attorney's Office; and Carolyn Shaffer, Clerk to the Planning Commission.

Call to Order and Establish Quorum

Mr. Bivins said the meeting was being held pursuant to and in compliance with Ordinance No. 20-A(16), "An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster." He said opportunities for the public to access and participate in the electronic meeting will be posted at www.albemarle.org on the Community County Calendar, when available.

Ms. Shaffer called the roll. All Commissioners indicated their presence except for Mr. Keller, who was absent.

Mr. Bivins established a quorum.

Other Matters Not Listed on the Agenda from the Public

There were none.

Consent Agenda

There was no consent agenda.

Item Requesting Deferral

SP202000012 Scruby Property-Tier III Personal Wireless Service Facility

Mr. Bivins asked if any other information needed to be shared about the deferral request and heard none.

Mr. Clayborne moved to defer the item.

Ms. More seconded the motion, which carried unanimously (6:0). (Mr. Keller was absent.)

Public Hearings

ZMA202000007 RST Residences

Mr. Andy Reitelbach, Senior Planner, said this was a public hearing for a rezoning request, ZMA202000007, RST Residences.

Mr. Reitelbach said he would give a brief overview of the property that is the subject of this rezoning request. He presented an aerial map on the screen, showing the site in the middle. He said the site is two separate parcels along Route 29, at the northeast corner of the intersection of Ashwood Boulevard and Route 29. He said to the east and northeast are areas of the Forest Lakes neighborhood, and that shown near the eastern side of the aerial photo was Sutherland Middle School and Hollymead Elementary School, which are two of the local schools where the property falls within their district. He said the bottom of the aerial photo showed the Brookhill development, which is currently under construction.

Mr. Reitelbach presented a zoomed-in aerial photo of the site. He said the Ashland Townhomes section of the Forest Lakes neighborhood is directly to the southeast of the property. He said there are forested properties to the north, and across Route 29 are additional forested properties as well as communication towers adjacent to Berkmar Drive, shown in the top-left corner of the picture.

Mr. Reitelbach presented a street view from the perspective of driving along Route 29. He said one of the parcels in this project is a motel just north of the Ashwood intersection, which is one of the more physical aspects of this property from the Route 29 frontage.

Mr. Reitelbach said he would give a brief overview of the proposal. He said it consists of Tax Map Parcels 46-108 and 46-109, which together total approximately 19.51 acres. He said the existing uses on these properties include a motel, as well as the Ridgewood mobile home community and a small historic cemetery (on TMP 46-109).

Mr. Reitelbach said the applicant is requesting to rezone this property to PRD – Planned Residential Development to allow for a maximum of 370 residential units. He said the Commission would also hear that evening about an associated special exception request submitted by the applicant to modify the setback requirements for buildings over three stories or 40 feet tall (whichever is less).

Mr. Reitelbach said the current zoning of the property is R1 – Residential, which allows for one dwelling unit per acre. He said the applicant is requesting PRD – Planned Residential Development, which allows for up to 35 units per acre. He said by right, with the current R1 zoning, the applicant would be allowed to construct up to 19 dwelling units, with the possible addition of more units based on bonus factors up to 50%. He said this would depend on how those bonus factors work, as some do require discretionary approval, but the applicant could construct approximately 30 additional units based on bonus factors.

Mr. Reitelbach said the overlay zoning districts along this property include the Entrance Corridor Overlay District (along Route 29) and the Airport Impact Overlay District. He added that there are areas of both managed and preserved steep slopes on the property.

Mr. Reitelbach said looking at the nearby existing zoning of other properties, the forested

properties to the north are also zoned R1, and to the west across Route 29, the properties are zoned RA – Rural Areas. He said surrounding much of the site is the Forest Lakes neighborhood, which is zoned PUD – Planned Unit Development. He said the Brookhill development, which is under construction and slightly to the south of the subject property, is zoned NMD – Neighborhood Model District.

Mr. Reitelbach said regarding the Comprehensive Plan, the subject property is within the Community of Hollymead of the Places29 Master Plan. He said there are two land use designations on the property: Urban Density Residential (shown on the map in orange), and Privately Owned Open Space (shown in dark green). He said the Privately Owned Open Space on the subject property is a narrow strip along the Route 29 frontage.

Mr. Reitelbach said other land use designations for the surrounding areas are additional areas of Privately Owned Open Space that largely follow either existing open space or environmental features, such as stream buffers; Neighborhood Density Residential, including the Brookhill property and areas of the Forest Lakes neighborhood; and the Ashland Townhomes to the southeast, which is also designated as Urban Density Residential. He said there is one property designated as Institutional, across Ashwood Boulevard from the site, at the southeast intersection of Ashwood and Route 29. He said to the west, across Route 29, are properties designated as Rural Areas.

Mr. Reitelbach said the applicant is requesting a maximum of 370 dwelling units, but what is currently being proposed on the application plan is 362 dwelling units, which include 254 multifamily apartments and 108 “two-over-two” style townhome units (which are two-story townhouses on top of other two-story townhouses). He said the applicant said those are intended to be sold as condominium units, whereas the multifamily apartments are intended to be rental units.

Mr. Reitelbach said the gross density of the site is 18.97 units per acre, which falls roughly in the middle of the recommended density for Urban Density Residential, which is 6.01 to 34 units per acre. He said the net density of the site, which removes those areas designated as Preserved Steep Slopes, comes out to 19.89 units per acre. He said this is approximately one more unit, but still well within the range of the Urban Density Residential land use designation.

Mr. Reitelbach said the applicant is proposing 4.88 acres of open space and recreational amenities on the site, which is 25% of the site and does meet the requirement of a 25% minimum of open space for Planned Residential Development.

Mr. Reitelbach said the applicant is proposing 50% of the units to be affordable housing, which is more than is what is recommended in the Housing chapter of the Comprehensive Plan, which is 15%.

Mr. Reitelbach said the applicant is proposing buildings of between three and five stories tall, as depicted on the application plan. He said that in the Urban Density Residential land use designation in Places29 for residential buildings, four stories is the maximum recommended. He said there are two buildings in the center of the property, or two wings of one building in a kind of L-shape, that are depicted as five stories, which is more than is what is recommended in the Places29 Master Plan.

Mr. Reitelbach said the applicant is requesting a special exception for modifying the requirements

for setbacks for those buildings over three stories to eliminate the required 15-foot setback.

Mr. Reitelbach presented a view of the application plan provided by the applicant that shows the buffer areas (in orange hatched areas), which is a proposed [inaudible] foot forested buffer along Route 29. He noted that the bottom of the photo was west, and the left side of the photo was north. He said the burgundy colored squares and rectangles on the plan are the proposed buildings. He said to the bottom and center of the screen were what are proposed to be the rental apartment units, and the five burgundy blocks at the top of the screen were the proposed two-over-two townhouse units.

Mr. Reitelbach said the gray dashed lines show the proposed circulation within the site, and the green hatched areas were areas of proposed open space and recreational areas.

Mr. Reitelbach said at the bottom of the screen, the location of the cemetery was shown. He said the application is proposing a sidewalk or pedestrian path to provide access to the cemetery.

Mr. Reitelbach said the finger-like areas of gray shown on the plan are areas of preserved steep slopes, and the applicant is not proposing to disturb those slopes during construction if this ZMA were approved.

Mr. Reitelbach said the next slide showed a conceptual layout of the development based on the application plan shown on the previous slide, which showed more detail on the residential buildings; where the parking spaces will be located; and where the open spaces and recreational areas would be located, including tot lots or asphalt recreational areas. He said the applicant has indicated that a pool is a potential amenity area at the center triangular area of the development, as well as a dog park along the eastern property line. He said the proposed stormwater management areas were shown at the top of the layout, along the northeast corner of the property, which was shown as a narrow green rectangle.

Mr. Reitelbach said one aspect of this development he wanted to highlight was the affordable housing. He said the applicant is proposing at least 50% of the total number of dwelling units to be affordable, which would be 185 units at a maximum based on the applicant's request for 370 units. He said as the applicant is proposing 362 units, however, this would come out to 181 units. He said the applicant is proposing that the affordable units could be for sale, for rent, or a combination of both, at the owner's discretion.

Mr. Reitelbach said the terms of the affordable housing were provided on the cover sheet of the application plan, in the lower right-hand corner. He said a few highlights of the terms include that the affordable housing would be available to individuals making 80% Area Median Income (AMI) for the Charlottesville area.

Mr. Reitelbach said that for the for-sale units, the applicant would provide the County a period of 90 days to identify eligible purchasers, and this 90-day period would commence upon written notice to the County from the applicant that the units will be available for sale. He said the notice shall not be more than 60 days prior to receipt of Certificate of Occupancy (CO) for the applicable dwelling units. He said that for the for-rent affordable units, these would be affordable for ten years following the issuance of a CO.

Mr. Reitelbach said regarding access and circulation to the site, there are two proposed entrances into the site. He said one is on the western side of the property, which would be a right-in/right-

out off of Route 29. He said the only full-movement entrance into the site would be at the southern end of the property along Ashwood Boulevard. He said this proposed entrance is opposite Archer Avenue, which has not yet been constructed but is proposed as one of the major north/south roads in the Brookhill development that would connect up to Ashwood Boulevard.

Mr. Reitelbach said the applicant is proposing that all of the internal roadways of this development be private. He said three of the roadways (Travelways A and B, as designated on the application plan, and Private Road C), however, would have public access easements to allow other members of the public to use those roads.

Mr. Reitelbach said one private road, which would be constructed to private road standards, is Road C, which is the one that goes north from the Ashwood entrance to the northern property line and is roughly parallel to Route 29. He said the applicant is proposing an easement near the northern property line for future extension of this road if the properties to the north were developed.

Mr. Reitelbach said the other roads in the development are designated as travelways for internal movement through the apartment and condominium complexes.

Mr. Reitelbach said the applicant is also proposing internal sidewalks and pedestrian paths throughout the development along both sides of most of the travelways and Private Road C, as well as a sidewalk or pedestrian path parallel to Ashwood Boulevard.

Mr. Reitelbach said an item that has been an issue of concern is Tax Map Parcel 46B5-1D, which is a narrow piece of property that is located between the applicant's property and the Ashwood Boulevard right-of-way. He said it is property that is currently owned by the Commonwealth of Virginia that had been acquired as part of the Route 29 improvements. He said the proposed project entrance off of Ashwood would cross this property.

Mr. Reitelbach said that after conversations with staff, the applicant did provide a letter written by VDOT, which is included in the staff report as Attachment 8, outlining the process for converting this piece of property into public right-of-way. He said it is not public right-of-way at this moment, but according to VDOT, there is a route to convert it to right-of-way. He said as the project moves forward and if the rezoning were to be approved by the Board, it would require further action by the property owner and VDOT and follow up by the County to finalize that access and the conversion of that property into right-of-way.

Mr. Reitelbach presented a chart that showed impacts to the schools in the area. He said this property is within the school districts for Albemarle High School, Sutherland Middle School, and Hollymead Elementary School. He said the column on the left showed the enrollment capacity for the 2019-2020 schoolyear, where Hollymead and Sutherland were both under capacity, and Albemarle High School was already over capacity.

Mr. Reitelbach said the middle column enrollment capacity was the projected enrollment capacity for the 2029-2030 schoolyear based on the school system's numbers, which would not include this development's proposed generation of students. He said Albemarle High would be over capacity, Sutherland Middle would be just slightly over capacity, and Hollymead Elementary would be under capacity.

Mr. Reitelbach said the numbers in the second-to-right column were the projected numbers of

students generated by RST based on the calculations provided by the school system. He said RST would be expected to generate approximately 47 elementary school students, 15 middle school, and 22 high school students. He said if those students were to be generated as expected, Hollymead Elementary would become over capacity by about four students. He said Sutherland Middle would be over capacity based on the 2029-2030 projections, as well as Albemarle High School.

Mr. Reitelbach presented a list of factors favorable to the request. He said the request is consistent with the uses and density recommended by the Places29 Master Plan, including a residential use with a mix of housing types and density that does fall within the range of 6.01 to 34 units per acre. He said the proposal provides at least 50% affordable housing, which is more than the 15% minimum recommended by the Comprehensive Plan. He said the request proposes to provide additional pedestrian connections in the area, including parallel to Ashwood Boulevard and connecting to the existing multi-use path along Route 29. He said the request does at least partially address the 12 Neighborhood Model Principles, which are included in the staff report as Attachment 5.

Mr. Reitelbach said the factors unfavorable to this request include that the proposed development will result in additional student enrollment to area schools including Albemarle High School (which is already over capacity), and Sutherland Middle and Hollymead Elementary reaching near-capacity or over-capacity by the 2029-2030 schoolyear. He said the proposed height of some of the buildings is inconsistent with the recommendations of the Places29 Master Plan, which recommends a maximum of four stories for residential buildings in the Urban Density Residential designation.

Mr. Reitelbach continued that although the minimum amount of open space has been provided, the intent of the PRD Zoning District is identified in the Zoning Ordinance recommends an improved level of amenities, which cannot be analyzed at this time with the information currently available. He said that although all of the Neighborhood Principles are at least partially met, it is important to note that most of the Neighborhood Model Principles are only partially met and could be strengthened.

Mr. Bivins noted that there were audio issues and asked to pause.

Mr. Rapp said there was one more slide, but the concerns about audio needed to be addressed. He offered to take a pause if the Commissioners were having a hard time hearing the meeting.

Mr. Bivins asked the Commissioners to send a message to Mr. Rapp if they were encountering serious issues.

Mr. Reitelbach presented the staff recommendations on the screen. He said that based on the factors favorable and unfavorable, at this time, staff is unable to recommend approval of ZMA202000007 RST Residences. He said in addition, staff is unable to recommend approval of the Special Exception Request SE202000003 RST Residences, which is to modify the requirements for a setback of 15 feet for each story that exceeds 40 feet or three stories (whichever is less).

Mr. Reitelbach presented the suggested motions for the rezoning request and special exception request and offered to answer any questions.

Ms. Firehock asked Mr. Reitelbach if he could elaborate on the lack of specificity in the open space amenities. She said he had mentioned that the applicant did meet the minimum standards, but she wanted him to elaborate as to in what ways the information was not sufficient. She asked if it was that the type of amenities were not specified.

Mr. Reitelbach replied that as he had mentioned, the applicant does meet the minimum 25% open space requirement for the PRD, but in the Zoning Ordinance for PRD, the intent is that PRD have an improved level of amenities. He said there are areas in the application plan that do meet the minimum square footage (which equals out to 4.88 acres), and there are areas with the required number of tot lots, basketball courts, and the like. He said there is a substitution request, however, identifying additional amenities that would be over and above what is recommended that has not been provided. He noted that there is a dog park and a pool shown on the conceptual layout, however.

Mr. Carrazana said Mr. Reitelbach mentioned a historic cemetery. He asked if this designation comes from a historic registry or DHR.

Mr. Reitelbach replied that it did not, to his knowledge. He said he believed it was a cemetery with several older tombstones in it, and the applicant has provided that they are not aware of who the actual owner of the cemetery is based on descendants of those who are buried there.

Mr. Carrazana asked Mr. Reitelbach if he knew of any archaeology performed to properly identify the boundaries of the cemetery. He said he noticed that the [inaudible] disturbance goes right up to it.

Mr. Reitelbach replied that he was not aware of this and suggested that perhaps the applicant may have additional information on the level of investigation that has taken place on the boundaries of the cemetery.

Mr. Carrazana suggested that staff may want to consider a requirement for archaeology.

Ms. More asked if the special exception to modify the setbacks is for all of the buildings, or if it was just for the apartment buildings.

Mr. Reitelbach replied that it would be for the five structures of the two-over-two townhouse units, which are four stories; as well as the two wings of the central L-shaped apartment building, which is shown as five stories tall. He said the other three apartment buildings are proposed to only be three stories, and so they would not need the setback special exception.

Mr. Bivins asked to hear from the applicant.

Ms. Valerie Long introduced herself as representative for the applicant and owner of the property, RST Development. She said there were a number of representatives of the project team in attendance that she would introduce so that the Commission knows who is there and can draw on their expertise as needed. She said attending were Mr. Scott Copeland and Mr. Alex Mays with RST Development; Mr. Carl Hultgren with Ramey Kemp & Associates, the applicant's traffic engineers; Mr. Ryan Yauger, a civil engineer with Bohler Engineering; Mr. Neil King and Mr. Scott O'Brien, architects from LAS Architects; and her colleague, Mr. Charlie Alvis.

Ms. Long said this is RST's first project in Albemarle County. She said RST is a family-owned

business and that Mr. Copeland, his brother, and his father have been developing affordable housing projects up and down the East Coast for several decades. She said she was excited to have been working with them over the past year.

Ms. Long said Mr. Reitelbach had shown the Commission where the property is located, noting that it has been a trailer park and a motel for many years. She said that a number of those residences were located very close to the property line, noting that she wanted to mention this as she knew it was a question that would come up later.

Ms. Long said the zoning is R1, and there are relevant portions of the Places29 Master Plan that show that the property is designated for Urban Density Residential.

Ms. Long presented a map, indicating to the location of Route 29 and noting that the lime green areas that are somewhat onsite as well as off are preserved steep slopes, which are not to be touched except for certain exceptions.

Ms. Long said with Mr. Copeland's permission, he has agreed to make some enhancements to the affordable housing commitment. She said all along, Mr. Copeland has intended to make these, as his primary business is affordable housing. She said from the very beginning, they had hoped this project would stand on its own, and they continue to feel very confident and adamant that this project satisfies all the County requirements, including all of the Neighborhood Model Principles, and certainly merits the Commission's support, even if it only had the bare minimum requirement for 15% affordable housing for the ten-year affordable term for rental properties and 80% AMI affordability.

Ms. Long said that a few months ago, the applicant updated their proposal so that instead of 15%, 50% of the units would be affordable to those making up to 80%. She said RST has always planned to do much more significant affordable housing, but there are a lot of variables involved in the project. She said they need to make sure that the other elements of the project are approved, but it is also subject to underwriting, and low-income housing tax credits will be involved. She said they were hesitant to make too much commitment, and they were also somewhat hesitant to get out in front of the community about what they were able to do.

Ms. Long said that given some of the questions the applicant has received in the last few days, RST asks that they go ahead and make it clear to everyone that they have enhanced the affordable component substantially and as a result, that evening, they could commit that 75% of all the apartments onsite will be affordable. She said this is a minimum of 190 units. She said the affordability range would be from between 30% and 80% of AMI, for an average of at least 60%. She said the affordable term would be for 30 years.

Ms. Long said as Mr. Reitelbach noted, there are townhomes on the back side of the property, which are 108 condominium units. She said currently, they are being built just down the street, half a mile away, at Brookhill and are selling like hotcakes for under \$300,000. She said if this can continue, those units would meet the County's affordability requirement of 80% of AMI. She said combining those with the 254 rental units, 75% of those would be affordable for 30 years at an average AMI of 60%.

Ms. Long presented a color version of the conceptual plan. She indicated to the two-over-two townhouses in the back and to the apartments. She said she would talk a lot about two of the buildings. She indicated to the cemetery on the plan, noting that the applicant did have it surveyed

prior to submitting any applications. She said the indicated rectangular areas on the plan were the surveyed boundaries of the cemetery per an old plat that was of record. She said currently, there is no fence involved but as a part of the project, they would fence that area and also provide a path for any family members or other visitors to that cemetery to keep it available.

Ms. Long said the area in orange on the conceptual plan, around the boundaries, is a natural buffer that would be left in place as much as possible, except where utilities may need to come through. She said it is 20 feet on three sides, and it is 100 feet wide along the Route 29 frontage, which is a recommendation of the Places29 Master Plan.

Ms. Long said the area shown in yellow is currently part of the VDOT parcel. She said the area in yellow and blue are a single tax map parcel owned by VDOT. She said the applicant has been working very closely with VDOT's right-of-way team and Mr. Adam Moore, who have helped to ensure that the connection that would be made across Ashwood Boulevard and align with the future Archer Avenue will be made.

Ms. Long said that as part of the applicant's site plan review, the indicated area in yellow would be added to VDOT's right-of-way inventory, which would then allow the connection to be made at that time. She said the indicated area in blue would remain owned by VDOT, and she believes they have plans to market it for sale.

Ms. Long said there are also a number of amenity areas, as were discussed. She indicated to the location of a central pool amenity area, some recreational areas, and a tot lot. She said she would touch on a few of the issues raised in the staff report.

Ms. Long said that with regard to the amenity areas, at the rezoning stage, the only requirement is that applicants demonstrate that it is reasonably possible that they will be able to satisfy the amenity requirements, come site plan stage. She said as staff indicated, the applicant does demonstrate that they can achieve those amenity requirements. She said the site plan stage is when it is typical to submit a substitution request officially, and this is when they have always done it. She said the applicant believes that the amenities are well spaced in this location. She said most importantly, the swimming pool and other amenity areas are dead center in the community, which the applicant thinks is the best location for that so that it is centrally available to everyone.

Ms. Long said some of the other amenities are spread out, and some are closer to others. She said that because the buildings are set back as far as possible from the adjacent property lines and there are not buildings in these locations, the applicant thought it was a good place to locate amenities. She indicated to a tot lot, noting it was closer to the indicated areas.

Ms. Long said that regarding the sidewalk and retaining wall, there is a sidewalk along the entire area she indicated to on the conceptual plan. She said pedestrians will be able to access the swimming pool from all sides of the area. She said if the retaining wall were not there, there would need to be a fence there anyway for safety and security as well as noise reduction.

Ms. Long presented a zoomed-in view, noting that she could skip over some slides and use them later to answer any questions. She presented a plan of the townhouses, noting that she had a slide coming up that showed the distances that these buildings are set back. She indicated to the buildings on the screen, explaining that they are set back 112 feet, 78 feet, and 87 feet. She said the applicant worked hard to make sure those buildings were set back as far as they could from the adjacent neighborhood. She said that the four stories, as her slides would show, do not create

an adverse impact on those adjacent neighbors.

Ms. Long presented an image that showed the pedestrian connections throughout the community. She said the applicant added sidewalks in every place that staff suggested if they had not been included already, including a component of the sidewalk along Ashwood that is through the VDOT right-of-way and was not highlighted so much in the staff report. She said this is an off-site sidewalk that the applicant has requested to make. She said the applicant is very [inaudible] of the pedestrian connections.

Ms. Shaffer noted that Ms. Long's speaking time had expired.

Ms. Long presented a slide of the green space and combination of the amenity areas that preserve steep slopes. She said the applicant was not touching those steep slopes and, in fact, are staying 5 feet back from them. She said other green space will remain onsite, including the buffer areas.

Ms. Shaffer again informed Ms. Long that her time was up.

Ms. Long said she had a few more slides to cover in response to any questions that may come up, including the one shown on the screen that talks about the special exception request and why the applicant believes it has merit to waive the requirement for the 15-foot setback.

Mr. Bivins asked the Commissioners if they had questions for the applicant.

Mr. Clayborne said one of his concerns was in regard to the existing mobile home community. He asked Ms. Long if she could talk in more detail about the plans to handle that so that they are not displacing people and if there was a timetable.

Ms. Long replied that from the beginning, RST has been cognizant of this issue. She said that as part of redeveloping a community like this with affordable housing, they have been very sensitive about it from the beginning. She said the very first thing that RST did was hire the prior owner of the community to be their onsite manager. She said the owner had been managing the property for decades, for as long as he owned it, and has long-time relationships with these residents. She said Mr. Copeland and his family members asked the prior owner to stay on board, hired him, and have been paying him ever since to be the manager and to, among other things, assist the residents with relocation plans.

Ms. Long said that under state law, one is required to give residents at least six months' notice of any relocation deadlines. She said in this case, RST will have given almost 18 months of notice. She said there are a couple of residents who are still there, but the vast majority have successfully been able to find other housing and make other arrangements. She said there are still a few existing units onsite, and some of those are waiting to be moved by new owners, while others will be left in place if they do not meet the code. She said the vast majority have either moved on and found new housing, or they have found new housing and are waiting for their move-in date.

Ms. Long said the owners and manager have been working with the residents since RST acquired the property in November of 2018 and provided plenty of time. She said they had originally provided a 12-month period for relocation, but once it became clear that it was going to take the applicant much longer to work through the review process on the rezoning, this deadline was extended for another six months or so. She said she was sure Mr. Copeland could provide any additional information.

Mr. Clayborne asked if there is a timetable for all the residents to be relocated, noting that with COVID, he has read about people losing their jobs and not making their rent payments. He asked how this plays into the situation.

Ms. Long said that this has been a challenge over the past year, and it was also part of the reason why Mr. Copeland and his team wanted to provide as much extra time as possible. She said she believed that the current deadline was through the end of March.

Mr. Copeland said the current period was the end of March, which had been recently extended from the end of February. He said they have extended several times throughout the COVID period for that very reason. He said there is one resident left on the property that does not have a definitive move-out date and plan, but they are working on it. He said the applicant is assisting with finding another location for them to reside.

Mr. Copeland said the applicant has provided a great deal of information to residents from the very beginning and has held onto the actual homes, some of which are not moveable. He said in many cases, the homes do not meet what is called the HUD standard due to their age. He said the homes become a liability, and the applicant has allowed the owners to leave them in place so that the applicant can handle that liability for them. He said there are a handful of residents still onsite that are waiting to be moved, the balance of which is owned by RST and was part of the acquisition of the property.

Mr. Clayborne said his other question was in regard to the school system, as he saw a statistic that showed that roughly 84 students are projected to be put into the school system. He asked how the project plans to handle this.

Ms. Long said she thinks the most important way that the applicant plans to handle this is by providing a place for those families and students to live. She said those students are obviously either currently in the community or will be coming, and the applicant thinks the best way to mitigate the impacts of those students is to ensure they have safe, affordable, clean housing in the designated development areas near the schools.

Ms. Long said the elementary and middle schools will not be over capacity. She said it is well known that Albemarle High School is over capacity, but she has been working closely with the schools to understand what their plans are for that. She said land was proffered and dedicated, or committed to be dedicated, to the County as part of the Brookhill project for both a high school and an elementary school. She said there is also an elementary school proffered at the North Pointe community. She said she understands that the County may no longer be interested in the Brookhill high school site, though she was not certain.

Ms. Long said she knows the schools are working hard on what they call the "Center II" concept to further spread out some of the students that either are at Albemarle High School now or would be there in the future.

Ms. Long said the applicant has also looked at the school capacity numbers and that she had some data she could share on actual students that live in apartment complexes. She said they are much more realistic than the County's projected formula and results in a much smaller number of students. She said this was obviously debatable, and how it turns out depends a lot on the unit mix. She said a large number of these units will be one- and two-bedroom, which do not generate

as many students. She said the applicant feels that the best and most important thing to do is to ensure that these students have housing to live in that is affordable.

Ms. Firehock said that she wanted to see the slide that visually depicts the rationale for the setback.

Ms. Long pulled up the slide, then pulled up the one before it in order to better orient the Commission. She indicated on the plan to the main entrance off of Route 29, explaining that the first two buildings are three-story buildings. She indicated to another three-story building, then to a five-story building. She explained that the five-story building is actually a single building with two connected wings. She said the image she would show looks at those two buildings from the roundabout.

Ms. Long said the image that Ms. Firehock asked to see was prepared by the applicant's architects to show the impact that the setback requirement would have. She reiterated that the regulation applies to all buildings that are taller than three stories, no matter where they are located in the project. She said that starting with the fourth and subsequent floors, a 15-foot setback is required. She said where the red line was shown would cut that chunk out of the building.

Ms. Long said this is a challenge for any mid-rise residential buildings. She said it is possible to do this on a scale if there are very tall buildings like the ones seen in Downtown Charlottesville and along West Main Street, and some of the newer student housing buildings have this. She said that for a building like theirs, this will completely decimate the floorplan of the fourth and fifth stories of those buildings if this is enforced.

Ms. Long said the purpose of the requirement is to avoid a canyon effect. She said the applicant thinks that by virtue of this five-story building being located adjacent to a three-story building, there is not a canyon effect that needs to be mitigated.

Ms. Long said her suggestion had been about spreading out the floor and instead of having a five-story and three-story, having lots of four-story buildings. She said this was a financial impact in that once they go to four floors, they need to have elevators, which adds substantially to the cost of the building. She said in order to meet the affordability goals and targets, the idea was to have this be a five-story building. She said the applicant does not think that it has an impact.

Ms. Long said there is parallel parking and sidewalks that spread out the distance between those two buildings to mitigate any canyon effect. She said the five-story buildings are visually prominent because they have shared indoor amenities. She said most important, it is located right in the heart of the community and forms a hub with all of the amenity areas in it. She said they are very far from property lines.

Ms. Long presented another rendering showing that the applicant does not think there is any difference in terms of a canyon effect between the three-story and five-story buildings compared to other buildings on the site. She said likewise, all eight of the buildings that contain the two-over-two townhouses would also be subject to that same requirement. She said that on the fourth floor of those buildings, if they are not successful in obtaining a waiver of the setback requirement, the impact on the second floor of that unit would remove two of the three bedrooms, one of the two bathrooms, the laundry closet, and half the staircase. She said as a result, they would end up with units that are essentially a one-bedroom, one-bath townhouse that is not marketable to

anyone and is not the goal.

Mr. Bailey asked if the cemetery is part of the 25% open space calculation or if it had been withheld from it.

Mr. Copeland replied that he did not believe it was part of the 25%. He asked Ms. Long and Mr. Yauger if they could confirm.

Mr. Yauger confirmed that the cemetery is not part of the 25% and is actually on a separate parcel, although it is part of the overall development.

Ms. More asked how tall the two-over-two townhomes are.

Ms. Long replied that they are 48 feet tall.

Mr. Bivins asked if his understanding was correct that was being shared that evening was the desire to have 190 of the apartment units be affordable and have that affordability be for 30 years.

Ms. Long replied yes. She said 75% of all the apartment units would be affordable, which equates to 190 units affordable for 30 years. She said the affordability range was for those making between 30% and 80% AML.

Mr. Bivins asked if there is a relationship between RST and Hercules Real Estate.

Mr. Copeland replied yes. He said Hercules Real Estate Services is a wholly owned subsidiary of RST Development.

Mr. Bivins said on some of the applicant's properties, they offer special relationships to certain types of employees. He asked if this is the kind of thing they are thinking of here. He gave examples that included federal employees, County employees, first responders, and medical personnel.

Mr. Copeland said there are tremendous opportunities to do this very thing. He said part of the reason that the applicant wanted to see the wide range of affordability, which goes from the 30% level all the way to market rate level, averaging in the 60% range, as it does give them an opportunity to provide housing for individuals or groups of people Mr. Bivins mentioned.

Mr. Copeland said that there is often a challenge in the affordable housing world of people qualifying, so there are narrow windows of making too much income as a household to qualify to live in the project. He said on the other side is having the income to pay the rent if one does qualify. He said there are narrow windows at times, but the opportunities they are creating with the wide range does provide for that opportunity with teachers, firefighters, first responders, etc.

Mr. Bivins said that while this was not on the site plan as the Commission had received it prior to that evening, he wondered if the plan would be modified before going to the Board of Supervisors.

Mr. Copeland replied yes. He asked Mr. Bivins if he was referring to the levels of affordability.

Mr. Bivins said he was referring to the levels of affordability and the amount of time.

Mr. Copeland said yes.

Mr. Bivins pointed out that this was new.

Mr. Copeland said he understood.

Mr. Bivins said that before receiving anything else that was new, he wanted to make sure this would be locked down.

Mr. Copeland said he fully understood and assured Mr. Bivins that it will be.

Mr. Bivins opened the public hearing.

Mr. Scott Elliff said there was a lot of ground to cover because there were so many issues regarding this proposal. He said it is deficient and unacceptable in numerous detail, which the Commission would see in great detail well beyond the building height, special exceptions, and minimal open space area.

Mr. Elliff had a presentation to share, but Ms. Shaffer noted that there were technical difficulties with sharing it.

At 7:10 p.m., Mr. Bivins announced a break until 7:15 p.m. to work out the technical issues.

Mr. Elliff began his presentation again. He said the issues were wide-ranging and broad. He said the petition speaks for itself with respect to the details. He said the HOA board presidents would speak, and a number of volunteer residents would talk about a number of specific topics and have done research. He said there would be charts, analyses, and examples, including a couple of areas where they actually contracted the HOA for outside professional support for this meeting.

Mr. Elliff noted that the community is not opposed to development. He said this is in the growth area, but they think it needs to be done responsibly and appropriately. He said from what they would show the Commission, they would see that this is not it and not even close. He said this does not have to do solely with building heights, special exceptions, and minimal green space areas, but many other issues (including traffic).

Mr. Elliff said the affordable housing proposal was so new that it was not even on his slide, as he did not know about it before. He said it does not have any effect, however, on the community's opposition to this. He said affordable housing is a terrific and laudable goal, but the community's opposition is about all the items they would go through with respect to density and the local community, environment, traffic, and property values.

Mr. Elliff said he and others who would be speaking ask that the Commission denies the application based on many deficiencies. He said the applicant needs to go back to the drawing board and start all over, in his view.

Mr. Elliff said he would start with a couple of highlights that the Commission would see later. He presented a rendering of what the four-story buildings look like from Ashwood Boulevard. He said this is a computer-generated model, and the person who created it would speak on it later. He noted that the model was to scale. He said the building was shocking, huge, and incredibly out of scale. He said it looks like a college dormitory quad, and one cannot even see all of the eight

buildings (the two-over-two townhomes). He said there are no trees, but that pavement, parking, and apartments are jammed in as tight as they could possibly be. He said the Commission had already seen on some of the slides how dense everything is, and this model is an important visual representation of that.

Mr. Elliff said the community asked for this repeatedly from the developers and representatives and it was never done, so they contracted for it themselves. He said it is important to see what this actually looks like when turning off of Route 29 and turning into Ashwood Boulevard to go into Forest Lakes. He said they would get into this more, including the before and after, later with one of the other speakers.

Ms. Shaffer informed Mr. Elliff that his speaking time expired.

Mr. Elliff said an issue they would discuss later is another issue that was contracted for, which was traffic. He said the blue dots on the map shown are cars that would back up all the way to Archer Avenue and beyond in the morning, according to the scenario that was run running the standard model that was contracted for. He said this will potentially create a tremendous amount of traffic.

Ms. Shaffer noted that there were many speakers and that she had to stop Mr. Elliff.

Mr. Mike Tubridy (3018 Water Crest Drive, Charlottesville) said he is a 26-year resident of the Forest Lakes community and presently serves on the HOA board. He said he and his wife, Linda, have always enjoyed living there, and it is where they raised their three children, who have all grown and moved on in their professional and personal lives. He said Forest Lakes has always been home to them, and he is thrilled that they keep coming back.

Mr. Tubridy said that for much of his time living there since 1994, his professional life was spent at Klockner Pentaplast, which is a global plastic films company headquartered about 30 miles away, in Gordonsville. He said he was their president for the Americas during his last 11 years, from 2003-2014, and was responsible for nine manufacturing sites in North and South America, with about 1,200 employees, when he left and started his consulting practice.

Mr. Tubridy said in part, he serves in a director capacity on an advisory board, but in his consulting practice, he mainly works with business owners and CEOs to help them tackle the biggest challenges and identify best opportunities for growth. He said they work sometimes one-to-one and sometimes together with their leadership teams and sometimes in peer groups with other CEOs and business owners of non-competing companies.

Mr. Tubridy said the reason he was telling the Commission this was simple, and hopefully relevant and illustrative. He said often, people look backwards into problems and challenges to identify where things actually started to go sideways. He said they sometimes discuss opportunities for do-overs and what those might look like to establish better-laid plans going forward.

Mr. Tubridy said his intent was to tee up for others who were about to speak and give the Commission a backdrop of what they would be listening to, and perhaps have a chance to reconsider, redraft, or fine-tune this project and growth plan before agreeing to set it into motion. He said this would thereby hopefully curtail the need for a future project autopsy to understand what went wrong and why, and perhaps have a chance for a do-over before actually setting the wheels into motion.

Mr. Tubridy said the main concerns of the local residents, neighbors, and friends fall into different categories, and he would not get into the details because they would be covered. He said these included impacts on the neighborhood perspective, whether it is aesthetics, safety concerns, traffic, the potential deterioration of home values, and so on. He said the big one was infrastructure, with the 350 additional new housing units being too much, too soon, on the heels of the two projects that are underway (Brookhill and North Pointe). He said these points, as well as the current occupancy schools, are all points that need to be addressed.

Ms. Sheila Katz (2352 Ravenswood Court) said she is literally across the street from where this proposed development would be, and so she would be looking at what she deems as big, ugly buildings. She said she would be providing the comments that were given by those who signed the petition, which she assumed the Commission had seen.

Ms. Katz read one comment aloud: "I am concerned about the traffic, as well as schools in the area not being able to handle this development." She said traffic would be backed up to her development, and she did not know how she would get out in the morning. She said this was too many cars.

Ms. Katz read another comment aloud: "This is a poorly designed, ugly, and excessive development that benefits no one except a handful of opportunists ignoring what is best for our special community." She said it is a harsh, institutional kind of housing with no trees or greenery. She said her home was built in 2001 and has a bucolic feel in the community, which is not going to be reflected by this proposed development.

Ms. Katz read another comment: "I don't want to see the aesthetic or environmental impact that this development will cause." She said the bottom line is that there are no trees, no berm, and no welcoming feeling to coming home because everyone who lives in Forest Lakes is going to have to pass that. She said there is no way to ignore it.

Ms. Katz read another comment: "I live in Forest Lakes and want to preserve as much natural habitat as possible. I am not opposed to sensible development, but this proposal seems overly burdensome and dense. It will definitely put a strain on the area." She said this comment spoke for itself.

Ms. Katz said another comment was, "School population density will already be greatly affected by the new developments approaching completion along 29, near Polo Grounds. This additional growth creates a growth rate that is unable to be supported in schools and local infrastructure." She said the Brookhill development is going to add more than 1,000 apartments, which means it will be more than 2,000 cars, as there will be a mother and father in each apartment, and everyone has a car. She said this will jam up Route 29.

Ms. Katz read another comment: "The scope and scale of this particular proposal is outside the plan for Spaces 29 and unprecedented in Albemarle County."

Ms. Shaffer informed Ms. Katz that her time expired.

Ms. Helen Marie Field (3168 Autumn Woods Drive) said that on January 15, the Daily Progress published a letter written by Mr. Elliff entitled, "Overdevelopment Puts Albemarle at Risk." She said it summarizes many of the concerns the Commission would hear that evening, and it

emphasizes the critical point they are at in overdeveloping 29 North and changing the character of the place that they call home.

Ms. Field said she wanted to read into the record a couple of the comments written in support of the letter. She said Mr. Brad Elhart wrote on January 26, "This is ridiculous. Has money been approved for new schools to accommodate this growth? This will bring an unsafe amount of traffic through Ashwood Boulevard. The planning of the 29 North corridor needs to take a serious pause before moving forward with all of these development or else, we're going to have a dire situation with overcrowded schools, unsafe traffic patterns, and other services such as EMS that cannot meet the needs of all the people."

Ms. Field said Mr. William Vollrath on February 12 wrote, "This proposed development is an unbelievable affront to common sense and good aesthetics. It seems straight out of the 1950s style of Soviet architecture – not to mention it is clearly of excessive size for the entrance area to a residential neighborhood of quality single-family and higher-end townhomes. Furthermore, the already overcrowded schools and roads serving this area simply cannot handle such an increase in population density. Rejection of this ill-conceived development is the obvious, best choice for preserving the healthy environment so many have worked to create."

Ms. Field said as the Commission knows, this proposed development is at the entrance to Forest Lakes South. She said she lives in Forest Lakes North, but she wanted the Commission to know that whatever affects Forest Lakes South affects the whole community. She said they are all in this together.

Ms. Field said she is very passionate about her opposition to this proposed development. She said she grew up in Northern Virginia, specifically in Vienna, and she has watched the terrible overdevelopment over the years. She said that after graduating from UVA, she stayed in Charlottesville specifically because of its charm and the character of Albemarle County. She said this is being threatened more and more each year.

Ms. Field said Mr. Elliff stated in his letter to the Daily Progress, "The long-dreaded concern of starting to look like Fairfax or Loudoun is taking place before our distracted eyes," to which she completely agrees.

Mr. Mark Manley said the slide on the screen showed the existing berm from Ashwood. He indicated to the trees, the block, and the separation between themselves and the other part of this community as well as Forest Lakes.

Mr. Manley said the next slide showed the infamous change in structure. He said it showed many buildings slapped in, no berm, and no merge between Forest Lakes and the new community. He said it does not fit the neighborhood, and the buildings are huge. He said he thinks they are taller than the Charlottesville Airport control tower. He said these are the tallest buildings between Downtown Charlottesville and Culpepper.

Mr. Manley said the next slide showed a map demonstrating how much of the space the applicant is using not only vertically, but in the floor plans or boxes. He said it also gives the scale that they are going up to four or five stories, as well as using all that vertical space. He said that both vertically and horizontally, these buildings are huge and cannot be undone.

Mr. Manley said the next slide (a picture from the Places29 Master Plan) showed what the

community would like to see that includes setbacks and three stories. He said this would blend with the rest of Forest Lakes and asked why they could not have this.

Ms. Catherine Smith (2775 Cricklewood Court), a resident of Forest Lakes, said the picture on the slide was one of a project that the community undertook to show the scale of the buildings as they are intended to be built. She said they used a balloon and raised it up to the height of the buildings as the developers have indicated they would be. She said the balloon could barely be seen in the picture, but it is well above what is an eight-foot privacy fence, which is directly behind some of the homes in Cricklewood Court.

Ms. Smith said the next slide showed more of the obtrusiveness of the two-over-two, four-story buildings. She said the scale of these units do remain a concern, and the residents shown with the fence behind them are very close to the property line. She said right behind it, which cannot be seen in the photo, is a trailer. She said the trailers are, on average, roughly 13 to 14 feet tall and that based on the two-by-two buildings that are 48 feet in height, this is a 34-foot difference. She said that in some cases, is larger than the buffer that is being touted as some sort of barrier to this structure – particularly in the Ashland neighborhood where, in some cases, the barrier between the buildings and the neighborhood is a mere 20 feet.

Ms. Smith said the next slide showed this further. She said one of the problems with this plan is that it goes against the community value of viewsheds. She said the [inaudible] structures would make any vantage point obscured, both from the intimacy of their own homes and public streets as they would see the buildings straight from their windows. She said the buildings would create a lot of light pollution, potential noise pollution, and would obstruct the vantage point of the sky.

Ms. Smith said the community's point is not that they do not want development, and they are open to and happy to have development. She said this development, however, is a bit heavy-handed compared to the neighborhood, particularly in relation to the two-story homes that are currently there. She said it does not preserve the character of the existing neighborhoods. She said it will remove trees and damage the surrounding landscapes. She said the community wants it to be designed in a more thoughtful way.

Mr. George Pearsall, President of Ashland HOA, was signed up to speak, but experienced technical difficulties.

Ms. Shaffer asked Mr. Elliff if he wanted to read Mr. Pearsall's comments.

Mr. Elliff replied that he could. He said Mr. Pearsall is President of Ashland HOA, and Ashland is the townhouse development that is directly next to this proposal consisting of one-story townhouses. He said these one-story townhouses are 70 feet to perhaps 90 feet away from the four-story buildings. He said a picture was taken of what this looks like from 70 feet away, and this picture was taken at Brookhill. He said it depicts what the Ashland residents would see from their backyards, except for the privacy fence on the bottom layer. He said one cannot even see the entire building, and it basically takes up the whole camera frame.

Mr. Elliff said the next photo showed that from 100 feet away, one could at least see the top of the building. He said these are four-story buildings, presumably similar to what RST is proposing.

Mr. Elliff's said Mr. Pearsall's primary point is that the scale of this proposal, as Ms. Smith mentioned, is overwhelming and huge compared to one-story residential townhouses in the area.

He said as Mr. Reitelbach mentioned at the beginning, the Ashland community is actually Urban Density, which is what the project is supposed to be. He said they can compare the one-story townhouses they have and what Mr. Manley showed as an example of Urban Density, versus imagining that this project would possibly qualify as Urban Density or the Places29 equivalent. He said the Ashland sub-association is very concerned about this.

Ms. Lena DeLiso (1446 Ashland Drive) said she has concerns about several aspects of the proposed development. She said as others were speaking, she would limit her concerns to just two, although she also shared the concerns about traffic, congestion, stormwater runoff, and school overcrowding.

Ms. DeLiso said her biggest objection is the proposal for an exception to the density requirement. She said maintaining the current County requirement for density, or even lower density, will result in a more enjoyable environment for the future residents, allowing for more green space and less crowded parking. She said green space is important for people's physical and mental wellness. She said a less-crowded environment results in a better community, reducing the potential for conflicts related to disputes over noise, parking spaces, traffic, snow removal, pets, and other situations created by packing more people into smaller areas.

Ms. DeLiso said this could be an opportunity for building a pleasant neighborhood for people to call home if the density change is not allowed. She added that keeping the berm at the entrance at Forest Lakes South maintains the privacy and visual design of the community.

Ms. DeLiso said her second objection was to the requested exception to the setback requirement. She said her understanding of a setback is to promote a more comfortable environment by reducing visual impacts of taller buildings. She said the current plan has taller townhome buildings that are in addition to increasing the density, which also creates the potential for intrusive lighting for the Forest Lakes community.

Ms. DeLiso said ideally, the aim should be better than just meeting the bare minimum standards. She said at the very least, the minimum requirement should be met. She said exceptions to the density and setback requirements should be rejected.

Mr. Vlad Gavrilovic (3027 Watercrest Drive, Forest Lakes) said he is a planning and design principal with a local firm called EPR-PC, and he is also a 15-year resident of Forest Lakes. He said as Mr. Elliff mentioned, FLCA hired EPR-PC to do a visualization and analysis of the proposed development, and he wanted to share some points about the visualization first.

Mr. Gavrilovic said the Commission had seen this before, but he wanted to emphasize that they used a free computer modeling technology program called Sketch Up to ensure that they had the scale and viewpoint right. He said they projected the building forms, locations, and heights accurately using this computer model, and they then had a professional render and placed the facades from the development plans themselves that were submitted to give a realistic impression of what one would see on Ashwood Boulevard after this is built.

Mr. Gavrilovic said he was asked to do a professional assessment of the proposed plan, and there are some concerns found from the plan in terms of it deviating from what he considers to be professional best practices. He said based on his 35 years of experience doing this kind of work all over the country, he has some grave concerns with this layout. He said these included things like the building heights, scale, character, compatibility with surroundings, open space, and street

design. He said his biggest observation, however, was that this is packed in very tightly, with an overly regimented layout and a lack of what he would call “breathing room” in this layout.

Mr. Gavrilovic said the plan on the slide showed, in green, some of the modifications they suggested without completing redesigning the plan. He said these include things like lowering building heights, widening streets and sidewalks, and relocating the communal recreation areas so that they can be more central, safer, and more accessible. He said one of their biggest recommendations is to do the same buffer being done in Route 29 to the surrounding Forest Lakes community. He said these are 100-foot buffers to Ashwood Boulevard and to Ashland.

Mr. Gavrilovic said his firm was asked the question, “How many units could be accommodated if our suggested modifications were applied to this plan?” He presented their revised plan, respecting the applicant’s basic layout. He said they lowered the building heights and setbacks to meet County requirements. He said they widened roads to meet professional standards, and these could be better adapted to public roadways if needed. He said they applied the buffers and centralized the recreation areas. He said they did not, however, modify the basic layout which, as has been pointed out, is a very regimented layout.

Mr. Gavrilovic said the bottom line is that these modifications yielded 200 units, down from 362 (and actually, 197 units). He said the firm believes this is a much more reasonable yield for a property using professional design standards.

Ms. Elizabeth Alice Keys said she owns two properties in the Ravenswood neighborhood of Forest Lakes: 2326 Ravenswood and 2351 Ravenswood. She said both of these properties will have the unfortunate sightline of this proposed development. She said she lives in one of these homes and rents the other one.

Ms. Keys said the slide showed some objective strategies and statements she took from the Places29 Master Plan, Comprehensive Plan, Growth Management Report of 2019, and zoning regulations. She said these speak directly to how the proposed RST development does not meet the criteria set forth in these documents and therefore should be denied. She said this proposed development meets the density required in the Comprehensive and Places29 Plans, but it does not respect scale and character of the existing surrounding neighborhoods. She said the proposal does not complement but rather, it distracts from the neighborhood with the overwhelming difference in density and architecture.

Ms. Keys said a couple of the objectives discuss the County’s and developer’s meeting with neighborhoods. She said to minimize any negative impacts of infill and redevelopment, and to help new developments blend into the current neighborhoods. She said this has not happened.

Ms. Keys said other objectives discuss infrastructure that should be in place prior to developments being approved, including public transportation and schools. She said at this time, infrastructure is not in place for this development, and the developer is not offering any proffers to help with that infrastructure. She said only at the last minute, even that evening, the applicant keeps raising the affordable housing in order to try to get the proposal approved. She said infrastructure, however, does not exist to support affordable housing.

Ms. Keys said the graph on the slide depicted data from the Growth Management Report of 2019, which states that by 2040, 11,750 new dwelling units were needed to support the projected population of Albemarle County. She said at that time, 8,843 units were already in the pipeline.

She said this left only 2,906 dwelling units needed by 2040.

Ms. Keys said in summary, the following statement from Objective 9 of the Comprehensive Plan says, "In order for developed areas to be places where new and existing residents want to live, impacts from new development should not adversely affect existing residents and property owners. One way to mitigate impacts is to ensure that adequate infrastructure is in place before or concurrent with development. If roads are overburdened or schools overcrowded, the Development Areas become places where people do not want to live." She thanked the Commission for considering denial of this proposal.

Mr. Paul Merrel said he appreciated both the opportunity to speak and the considered, well-documented opinions of his colleagues. He said he has lived his entire adult life in Albemarle County and has been driving on Route 29 North as his commute for 40 years. He said in that time, he has watched steady growth and development in the County, mostly well-planned. He said he remembers when Rio Road was the edge of the wilderness, which is much different now.

Mr. Merrel said he and his wife wrote the first contract in Forest Lakes South back in 1993, moved there in 1994, and have watched the steady development there. He said Forest Lakes South is a very livable, walkable, connected development consistent with the way they would like the County to be. He said they are very blessed and recognize that not everyone is going to have the same density or quality they have there. He said the proposed development, however, is definitely not similar to this neighborhood, nor the livability. He said it is instead an example of urban sprawl, not in character with the neighborhood there now.

Mr. Merrel said ongoing development is a given in the County and generally a sign of growth and a healthy economy. He said the community appreciates this, and they know that things are not going to stay the way they are. He said he has spent many years watching things change and had his fair share of time in Northern Virginia, where things have exploded much more readily.

Mr. Merrel said despite the fact that the community wants development and understands it needs to happen, this development has significant exceptions to the existing zoning specifics, such as maximum height and setback. He said it only really benefits the developer's profit and outcome from the development, and while the community certainly does want more affordable housing (adding that there are lots of opportunities across Charlottesville and Albemarle County for affordable housing), this one only really considers the benefit to density in this particular development.

Mr. Merrel strongly urged the Planning Commission to consider the precedent set if this exception is approved and where this will stop for the next person who wants significant development and to violate the tenets of the current zoning.

Mr. Steve Cameron (2774 Cricklewood Court) said he wanted to amplify some of the information in the County staff report. He said County staff did an analysis on the overall project plan submitted by RST to see how it melded with the Places29 Master Plan and if the developer had done their due diligence all along. He said staff looked at 12 items in particular, and some include (but are not limited to): pedestrian orientation; mixture of uses; parks, recreational amenities, and open space; and buildings and space of human scale.

Mr. Cameron said staff graded the project plan submission on each one of those 12 items as either meeting the principle of the Places29 Master Plan, partially addressing the principle of the

plan, or not addressing the principle. He said the overall assessment was that five of the 12 principles had been met. He said this equates to 41%. He said six of the 12 principles have been partially met, and one of the 12 principles was largely not addressed.

Mr. Cameron said in delving into one of the 12 principles – the one specifically dealing with parks, recreational amenities, and open spaces – staff said in their report, “The applicant has provided the minimum square footage of open space required if the tot lots and basketball courts required by the ordinance are installed instead of submitting a substitution request at the site planning stage.” He said what the applicant has done is come in with a minimum, and they can skinny out later on at the site planning stage and go below the minimum.

Mr. Cameron said staff also took a look at the request for waivers, and there had been talk about going up to five stories. He said another staff quote was, “At five stories, the two central buildings of the development already are proposed to exceed the maximum recommended height for the land use designation in the master plan. Waiving the requirements for a setback would further reduce the ability to create buildings and space of human scale, as recommended in the Neighborhood Model Principles of the Comprehensive Plan.” He said this was from the County’s own professional, paid staff.

Mr. Cameron said lastly, the Places29 Master Plan is a good document that should be followed. He said if this land is to be developed, RST should follow the letter of the law and put forth a better effort in the future.

Ms. Sue Friedman said that as someone who is newly appointed to the Places29 North CAC, and as someone who has just completed a 10-year term on the Forest Lakes Community Association Board of Directors, she has a great interest in Forest Lakes and in the new developments that are proposed and ongoing in the area. She said she believes strongly in community engagement and service.

Ms. Friedman said she wanted to address equity in terms of this proposal, as well as three areas that she believes merit some equity consideration. She asked what the tradeoff is in harming an existing development (Forest Lakes) versus giving developer concessions. She asked what the expense is that they are willing to have those who already live there bear for this new development, particularly looking at traffic and the aesthetics, scope, and scale.

Ms. Friedman said that in terms of how the County and the planning process address equity, she wondered if those who are in Forest Lakes deserve to be harmed or to have challenges and expenses to benefit a new development, especially with the concessions and special exceptions, etc.

Ms. Friedman said this led her to the second issue, which is that there are a number of waivers and special exceptions being offered and requested through this process for RST. She said those in Forest Lakes expect the Places29 guidelines to be executed and followed, and they do not expect for the number of waivers and special exceptions to be offered to any development – most particularly, how this development will impact those who are already there and have an expectation of remaining happy County residents.

Ms. Friedman said those in Forest Lakes have covenants and resident expectations for how they run their organization, and she can say from her time on the Forest Lakes Board of Directors that they took it as a very important responsibility of the board to follow their own covenants,

guidelines, and policies, and that they would not offer waivers and special exceptions.

Ms. Shaffer informed Ms. Friedman that her time was up.

Ms. Friedman said her last question was if it was appropriate for VDOT to allow access to RST.

Ms. Shaffer noted that Mr. Bob Jones had been slated to speak, but that Mr. Elliff would speak for him, as Mr. Jones was not able to make the meeting.

Mr. Elliff said they would turn their attention to traffic, which is another area where the community contracted for another scenario using the standard VDOT model, which is the same one that the developers' consultants use. He said they did this because they looked at how many units are in Forest Lakes now, or would be in the future, which is about 850 to 880, and they thought about the number of units in Brookhill. He said in the north part of Brookhill that would come north to Ashwood Boulevard, while no one knows exactly, it was something in the order of 150 to 300. He said there are then the RST proposed units, at 350 or more, which results in an increase of 62% to 80%.

Mr. Elliff asked how it could be that the developer's traffic study only showed a 35% increase in traffic. He said it did not seem right, and they actually asked the developer to run an alternative scenario so that they could understand the potential. He said the developer declined to do that specifically, and so the community spent their own money to contract it. He said it was the same model, but with different inputs.

Mr. Elliff presented their commissioned study's results. He said the step chart shown on the slide was the number of cars that would be turning left onto Route 29 from Ashwood Boulevard in the A.M. rush hour. He said the baseline, which was a car count from 2019, was 369. He said they basically built it up by adding step by step, updating the baseline, adding Brookhill's initial estimate (which was re-estimated somewhat in this scenario), added in the developer's transportation impact analysis for RST, and updated further. He said they ended up with 60% more cars turning left than was anticipated by the developer.

Mr. Elliff said the question was to when this would overwhelm the intersection and result in backups, and his colleagues would describe this in more detail and show the Commission the results, including the shocking chart from the very beginning that showed a 404-car backup in the morning, which is incredibly troubling and unsustainable.

Ms. Jane Keathley said she is a 25-year resident of Forest Lakes South and serves on the board of the Forest Lakes Community Association. She said she passes through the Ashwood Boulevard/Route 29 daily, sometimes more than once a day. She said she feels like the RST development, as planned, is a poor fit for the space at that intersection. She said there are too many planned units, and it will not be able to be adequately accommodated by the local surroundings, as the residents had described that evening. She said she agreed with the sentiments expressed thus far and wanted to add more thoughts on the traffic situation.

Ms. Keathley said the additional traffic that Mr. Elliff just outlined, with the increased number of cars, will lead to congestion. She said the diagram on the slide showed the blue cars as being backed up, which was from the commissioned analysis of the traffic situation. She said it shows a 404-foot backup at peak times, going back through the intersection with the Archer Avenue access points to the south and through the north (which would be the new RST access point) and

back into the Forest Lakes South neighborhood. She said in addition to the backup, to the south on Archer Avenue, cars would be coming up from Brookhill in an attempt to turn left onto Ashwood Boulevard.

Ms. Keathley said there is gridlock and congestion that would lead to delays, wasted time, and potential safety concerns as people try to scramble to get through the intersection. She said the report graded this a very poor “E,” closely bordering on an “F” assessment for this scenario.

Ms. Keathley presented a schematic showing the same information just presented, but with actual numbers of cars. She said one could see between the center of the chart, between the gray and pink stripes, 784, which is the number of cars that go through the four-way intersection where Archer Avenue crosses over Ashwood Boulevard in the proposed plan. She said this mixing bowl area would see an increase of 52% of cars. She said following this out to the left-hand turn onto Route 29 South, they would anticipate an increase of 60% of cars turning out of the neighborhood to go south, which is a big increase.

Ms. Keathley said the community does believe these assumptions are accurate and reflect the current situation in terms of the number of cars per family and school traffic. She said they believe these are reliable predictions.

Ms. Shaffer informed Ms. Keathley that her time was up.

Ms. Keathley said the next slide showed the time wasted, and she would ask the Planning Commission to consider the community’s comments and not support the proposal for development.

Ms. Paula Grazzini said the map on the screen was of the Brookhill development has five areas in the northern section, circled in black. She said these areas are the ones that are in closest proximity to Archer and Ashwood, and the community feels that the majority of people living in those areas are going to choose Archer and Ashwood as their morning rush hour route to reach Route 29, whether they are going north or south. She said there are also two other areas slightly to the right of that, circled in gray, and they believe that those residents (or at least the people going north) would opt for the Archer Avenue/Ashwood route.

Ms. Grazzini said they are assuming that about 50/50 heading south would also take that route, with the reason being that to go the alternative through Brookhill, going south to Polo Grounds, the common-sense assumption is that they are more likely to encounter school buses, trash trucks, and commercial deliveries that will tie up traffic. She said everyone in rush hour is in a hurry to get where they are going, whether it be to their jobs or if they are taking their children to school.

Ms. Grazzini said as far as RST’s assumptions, the community sees no reason to assume that the traffic rates for their apartments would be lower than any single-family housing, particularly for the reasons listed on the slide. She said their apartments, and especially what was presented that evening, are going to cater to working people and renters – people who are going to have to commute to a job downtown or in other parts of Charlottesville they are working in. She said that with such a large share being affordable housing, in order to pay their bills, the adults living in those apartments are likely to have to provide their own transportation.

Ms. Shaffer informed Ms. Grazzini that her time was up.

Mr. Bill Wuensch, a traffic engineer and principal with the firm EPR, PC in Charlottesville, said he is a County resident (3205 Watts Station Drive). He said EPR was contracted to run some scenarios for the Forest Lakes subdivision, using trip generation and distribution characteristics, for their local knowledge and intuition.

Mr. Wuensch said the Synchro model was the same modeling platform used for these types of studies, and it is the same as the developer's engineer uses. He said the purpose was to run some "what if" scenarios, which the Commission heard about from the prior speakers. He said the trip generation is higher, and the distribution is more geared up towards the north.

Mr. Wuensch said that in some of the graphics presented earlier and based on these scenarios developed by the Forest Lakes residents, there could be some additional congestion experienced in the morning peak hours that would cause some backups, and multiple signal cycles are required to get through the intersection. He said while these scenarios differ from the model runs produced by the developer's engineer, it is the same model with some different volume and distribution inputs.

Mr. Bill McLaughlin said he has lived at 1800 Easy Lane in Hollymead for the past four years. He said he is a Hollymead board member and has recently been appointed to the Places29 North Citizens Advisory Committee. He said he believes that as proposed, this development is overly dense and has insufficient usable outdoor space.

Mr. McLaughlin said his concern is for the health of the people who will be living there in relation to the threat proposed by airborne viruses, similar to the one causing the current pandemic. He said as planned, this proposal simply has too many people and not enough space. He said as everyone was well aware, the current pandemic has struck most heavily at essential workers that cannot work from home and often work closely with the public. He said it is, of course, these people who most often live in high-density housing.

Mr. McLaughlin said he realizes that density is not the only factor in COVID transmission, but an April 2020 study done by PolicyLab at Children's Hospital of Philadelphia stated, "Data from a new county-level model shows social distancing policies, population density, and temperature are the most impactful factors in the spread of COVID-19." He said when he brought this up at an earlier public meeting, a developer's representative assured the residents that COVID-19 would be over before people moved in, and so they did not need to worry. He said this may be true, but he would ask if they should be building new super-dense housing based on the assumption that a pandemic like the current one will happen only every 100 years.

Mr. McLaughlin said admittedly, the developer has provided some open space so residents could follow Dr. Fauci's succinct prescription that outside is better than inside. He said a good portion of that open space, however, is in the buffer zone that faces Route 29 or is on steep slopes, neither of which are conducive to residents actually using it. He said therefore, not for his benefit, nor the benefit of any of the people speaking that evening, but for the health and benefit of the people who would be making their homes in this development, there needs to be fewer units and more open space.

Mr. McLaughlin said another point he needed to make was with regard to access. He said five of the other parcels on Route 29 in this area have only right-turn-in/right-turn-out access. He said if the RST parcel is developed in a modest way, then this same of access could be adequate, with

no need for a traffic-disrupting street intersecting with Ashwood Boulevard.

Mr. Rich DiMeglio (2674 English Oaks Circle) said he has lived in Forest Lakes South since 2009 and as such, he routinely drives in and out of the Forest Lakes South/Ashwood Boulevard exit onto Route 29. He said many are concerned about the impact that the proposed new street connection (listed as Road C on the application plan) of the RST development would have on both traffic flow and general safety.

Mr. DiMeglio said as was pointed out, during normal times, the traffic leaving Forest Lakes South can already get backed up onto Ashwood to the point where one cannot catch the left turn onto Route 29 South during A.M. and P.M. peak hours. He said adding to that, they are facing a significant increase in traffic load onto Ashwood from the new Archer Avenue being connected north into Ashwood from the new and very large Brookhill Commons development to the south.

Mr. DiMeglio said adding yet another connector road to Ashwood from the RST development will only exacerbate the traffic problem and can cause accidents as cars are attempting to turn and merge together in a rather confined space, where there is a bend in the road and some difficult areas of visibility.

Mr. DiMeglio noted that the 50-page and rather complex traffic impact analysis was done with data from a day in mid-December in 2019. He said from looking at that study, there appears to be a lot of assumptions, variables, and unknowns that go into the creation of an analysis like that. He said he would ask that the experiences of those who have actually exited Ashwood for the past decade be considered as well.

Mr. DiMeglio said the reality is that they do not know exactly how this new Archer Avenue will impact traffic flow and safety there, and to add on yet another intersection there does not seem to be advisable.

Mr. DiMeglio said as noted in a prior slide, in Section 15.2-2283 of the Code of Virginia, which encompasses the purpose of zoning ordinances, Subsection (ii) notes that zoning ordinances shall be designed in part “to reduce or prevent congestion in its public streets.” He said he therefore would simply ask that the Commission consider the impact of the congestion on Ashwood Boulevard if they were to permit this new connection.

Mr. DiMeglio said in summary, he would ask that the Commission oppose RST’s development request to have an easement of some other right-of-way through VDOT-owned property to Ashwood Boulevard since there is a very real probability it will cause a traffic and safety problem. He said the proposed Road C should be added as an unfavorable factor in the Commission’s consideration.

Mr. DiMeglio said the community believes the solution is simple: that the RST development simply right-size; that the existing right-in/right-out access to the property at Ridgewood Drive that the residents of that area have used for decade may be more than adequate for the RST development; and that traffic, congestion, and safety on Ashwood would not be negatively impacted.

Ms. Deborah Bremer (1155 Rustic Willow Lane, Forest Lakes) said she is concerned that if this development is approved, the overcrowded schools will become more overcrowded, and property values will be negatively affected.

Ms. Bremer said Albemarle County schools are already overcrowded, and some of the classrooms are actually bursting at the seams because new developments are always being approved.

Ms. Bremer said the slide on the screen showed various numbers from the Albemarle County School Board Long-Range Planning's capacity enrollment study. She said looking at the column that is current for the 2021-22 schoolyear, it shows that at Baker-Butler, it is projected to be 114 students over capacity by the upcoming schoolyear and will get worse from then. She noted that these projections are based on new housing permits and the projection of the existing student base, and so these projections do not even include all of the new developments that are coming down the pipeline, for which there are probably a number of them.

Ms. Bremer said looking at the Albemarle High School line on the slide, it is projected that in the next coming year, the high school will have 163 students bursting out of the walls. She said that by 2029, it will be over capacity by almost 400 students, and this is before they even add any more developments on.

Ms. Bremer said the school system as a whole is obviously over capacity, and it is getting worse. She said her point is that if developments keep being approved, they can build more schools and maintain the quality of schools, but these cost a lot of money. She said they would get money not only from bonds, but from taxpayers as well. She said this will decrease property values.

Ms. Bremer said the other thing they could do is keep approving developments and stuffing kids into the existing schools, which will overcrowd the schools even more and diminish the overall quality of the schools.

Ms. Shaffer informed Ms. Bremer that her time was up.

Ms. Tamera Hammond (3125 Turnberry Circle) said she has been a resident of Forest Lakes for 26 years. She said the topic she wanted to touch on was the RST development and the Albemarle Climate Action Plan.

Ms. Hammond said one of the main themes of the Climate Action Plan is to protect the local natural environment. She said it also states that the plan is as much about the kind of place they want to live in Albemarle County as it is about reducing the community's contributions to global greenhouse gas emissions. She said it appears that these basic principles are not being considered in the proposed development.

Ms. Hammond presented a slide showing software shared by the Piedmont Environmental Council that tabulates current vegetation on any given landscape. She said currently in this space, trees account for about 55%, although she believed it was probably a little more, and grass is 25% of the flora. She said currently, there is sufficient buffer between the developments, Route 29, and Ashwood Boulevard. She said this makes for the kind of place they want to live both aesthetically and sustainably.

Ms. Hammond said this is shockingly different with the proposed development. She said the entire 20 acres will be clear-cut, leaving only the required 100 feet of buffer along Route 29, removing mature trees along Ashwood Boulevard, and leaving an absurd 20-foot buffer along the shared line with all adjoining Forest Lakes homes. She said 20 feet is not very much.

Ms. Hammond said bulldozing the mature trees near these houses will endanger those left by undoubtedly cutting into their roots. She said trees, canopy, and buffer greatly reduced, or worse yet, gone is not a place one wants to live.

Ms. Hammond acknowledged they are in a growth zone and that she is not opposed to growth, but clearly, the message from the Climate Action Plan is not being followed. She said the slide included a 3,200-acre swath of the northern corridor showing current vegetation of about 50% trees and 20% grasses. She said with an 80% loss of those resources, there are awful results.

Ms. Hammond said the top priority should be to make this a place where, indeed, they would all like to live, where the current surroundings are taken into account to benefit the quality of life for all residents and to protect the natural environment.

Ms. Hammond said the residents were asking the Planning Commission to be good stewards and strongly consider the Climate Action Plan on these issues, not only for the RST development, but for all future development in the northern growth area.

Mr. Dick Billings (1605 Pepperidge Lane) said he is a member of the Board of Directors in Forest Lakes and has been a resident for 25 years. He said the slide on the screen showed a topographic view of the Ridgewood area, and one of the things he wanted to point out is that first of all, this represents the highest ground in the local area. He said every bit of rainfall that hits this development has to run off to somewhere.

Mr. Billings said on the north side of this parcel is a ravine that is 60 feet deep. He said this is where the concern lies, both in the construction phase as well as ongoing in the residential phase of this development. He said the community is not aware of any actions to reduce or manage runoff, and they are very concerned about that.

Mr. Billings said Ridgewood has the highest elevation in the immediate area. He said there is a significant reduction in open land to absorb any runoff in the current proposal. He said this must essentially all be managed with storm drains, which is obviously not where they are today. He said Forest Lakes has a history of dealing with these issues, and he would refer the Commission to the Hollymead Town Center development, where Hollymead Lake was significantly affected with siltation. He said they do not want to see that again, and what they would like to see is any plan going forward having a requirement for 100% remediation of any damage to the local area.

Ms. Gail Hayes (2240 Reserve Circle, Rockingham) said she grew up in Hollymead, and her parents currently live there. She said she has a PhD in Environmental Engineering, so she was asked to provide some inputs on the environmental aspects of this project, particularly with regards to the water quality concerns.

Ms. Hayes said the Commission would hear her echo some of what Mr. Gavrilovic, Ms. Hammond, and Mr. Billings said. She said the bottom line is that she believes the plan is not acceptable as it was presented and should not move forward until substantial changes have been made.

Ms. Hayes said what strikes her the most is the transformation of the site from the vegetated and forested plot with low-density development to primarily buildings and pavement. She said natural vegetation is good at managing its own runoff, but the current plan is to basically replace the natural landscape of the forest with roofs, pavement, and highly manicured open space, perhaps

with a few trees scattered around.

Ms. Hayes said this will result in significant increases of runoff volume from the site that will in turn cause issues with erosion, flooding, and deposition of contaminants in the downstream areas. She said for example, on the northern edge, the site drops off very sharply to a local stream. She said without the proper design in place, the stream is vulnerable to adverse effects from the project such as silting, flooding, erosion, and contaminant transfer.

Ms. Hayes said secondly, the plan calls for few trees (except for the perimeter buffers, which seem inadequate. She said specifically, the east side buffer of the plot is only 20 feet in width. She said mature native trees, from oaks to dogwoods, can require at least as much space between themselves and another tree in order to thrive, meaning that there would likely be, at most, a single row of trees in this "buffer."

Ms. Hayes said furthermore, the 20-foot buffer is slated to allow fences, dog parks, pedestrian, and multiuse paths, as well as stormwater management facilities within itself. She said in her professional opinion, such a narrow strip cannot support any one of these functions and still serve its buffer purpose.

Ms. Hayes said good stormwater management uses a range of designs that are distributed around a developed site. She said examples include rain gardens, swales, manufactured treatment devices, green roofs, etc. She said each system treats a little bit of the runoff to prevent a single system that is liable to fail from having to handle all of the runoff.

Ms. Hayes said that while not all developed sites allow for distributed stormwater management, she sees no reason why this particular site cannot support that. She said instead, what she is seeing is a single stormwater management system on one edge of the site. She said there is no evidence that any analysis has been done to show that the single system (whatever it will be) is up to the task at hand.

Ms. Hayes said that while detailed designs are not required at this point, it is both reasonable and environmentally responsible to ask that an environmental analysis is conducted on this project.

Mr. Todd McGee (1606 Purple Sage Court) said he is currently a resident of Forest Lakes and has been part of the neighborhood since 1997. He said his first home in Forest Lakes was on Ashland Drive, which is one of the groups of homes that border the proposed development. He said he is chair of the Architectural Review Board for Forest Lakes and also sits on the Board of Directors for the neighborhood.

Mr. McGee said he agrees with the concerns made by his colleagues and neighbors that evening regarding the scale of the proposed project. He said as a local Realtor, he sees the opportunities for new development and also gets to see the impacts new developments have on the immediate areas surrounding them. He said unfortunately, this project would have a negative impact on the value of the homes that border the site. He said redeveloping the site and erecting four- and five-story buildings that tower over the one- and two-story homes right on the edge of an existing neighborhood is not a good decision. He said packing 350-plus units into the area is also not a good plan.

Mr. McGee said the Places29 guiding principles state preserving the character of existing neighborhoods. He said it also states respecting the scale of the existing development. He said

the proposed development will have a negative impact on the value of any home that is directly adjacent to the site. He said the homes in the sections of Ashland and Teakwood that border the project will have a decline in their market value as a result of the density and scale of the buildings, which are not compatible with Forest Lakes.

Mr. McGee said developers have a responsibility to use design principles to promote compatibility between new and existing developments. He encouraged the developer to rework the project using the guiding principles of the Places29 Master Plan that would respect the suburban scale and character of Forest Lakes.

Ms. Donna Cameron said they had all heard many facts and figures that evening. She said she was not there to deliver more data, but to address the intangible and unmeasurable human impact that this proposed development has upon the Forest Lakes residents.

Ms. Cameron said she and her husband were transferred to the Charlottesville area from Northern Michigan. She said they specifically chose Forest Lakes for the trees, walking trails, open spaces, and dark skies. She said they love the country atmosphere inside the convenience of the city. She said they knew the area behind them was zoned Residential and would someday be developed, but they trusted in the integrity of the Places29 Master Plan. She said they never dreamed that waivers, special exclusions, or expanded stepbacks would create austere concrete high rises that would breach their privacy, invade the dark skies, and potentially cause runoff flooding.

Ms. Cameron said that like most of their neighbors, they have made significant improvements to their home, especially since they chose Charlottesville as their retirement home. She said they have earnestly paid their real estate taxes and believe that whether one is a young or old resident in Forest Lakes or anywhere else in the County, one's real estate holdings funds the next chapter of their life. She said it is therefore so disheartening to hear from Mr. McGee and Nest Realty that this development, as proposed, will have such a detrimental effect to their future property value.

Ms. Cameron emphasized the fact that she has cherished both her front-door and backdoor neighbors. She said she looks forward to those new friendships that will come with this new development. She said she does not oppose the new development at all, but she is asking the Commission to consider the human aspect of their decisions. She asked the Commission to think seriously about the trust the residents placed in them to uphold the Places29 promise and to deny these excessive plans as they are proposed.

Mr. Paul Moruza said he has lived with his wife at 1755 Goldentree Place for 26 years, where they raised their four children. He said he has been on the Hollymead board for about 10 years and is currently the president. He said he wanted to draw the Commission's attention to Hollymead. He said there had been many excellent descriptions and presentation from the Forest Lakes North and Forest Lakes South communities, to which Hollymead is contiguous, making them all part of one community.

Mr. Moruza said Hollymead consists of 468 families and individual residents, and there are single-family homes, condos, and townhomes there. He said Hollymead is the older brother of the developments in Forest Lakes. He said they have been there for many years, and the trees are mature. He said they are a walking neighborhood, and children walk to the schools along Hollymead Drive.

Mr. Moruza said this development, which will also be contiguous with Hollymead, will affect the traffic. He said they will have increased traffic, as estimated on Hollymead Drive, for those who will avoid going out the overly congested Ashwood Drive. He said this will affect the safety of pedestrians with that congestion.

Mr. Moruza said they are concerned with the aesthetics, which had been covered well by other speakers. He said it is a block, Soviet-style construction, which will be seen from all over. He said it is too dense, and the community does not agree with the waivers from the 29 plan that are proposed.

Mr. Moruza said all of the developments there, including the mobile trailer park, have always used and respected the topography, with ridges and valleys. He said this new development shows no respect for the topography of the area and completely changes the way the old mobile home park was configured.

Mr. Moruza said on behalf of the Hollymead Citizens Association, he was speaking out against the approval of this plan as it is proposed.

Mr. Jimmy Baranik (1925 Becker Lane) said he lives in Forest Lakes and is its current board president. He said Forest Lakes has the largest homeowner association in Albemarle County, with 1,500 homes and about 5,000 residents. He said as Mr. Moruza mentioned, Hollymead is right in between them, and it along with Forest Lakes North and South is one big, happy neighborhood.

Mr. Baranik thanked the Planning Commission for spending so much time, acknowledging that the meeting was approaching the three-hour mark but that this is an important topic. He said he also wanted to thank the great citizens of Northern Albemarle, as they were doing a great job. He said he appreciated them signing the petition and speaking out and loved their passion.

Mr. Baranik said to him, it came down to this, which sums up what everyone before him said: the Places29 Master Plan says, "preserving the character of the neighborhood." He said these large dormitory-style buildings in no way, shape, or form preserve the character of the neighborhood, not to mention what it does to the lakes or to the precedent the Commission sets. He said if the Commission approves these four- and five-story buildings, he wondered what the next developer would say. He said no one wants this to start at the corner of Ashwood Boulevard and Route 29.

Mr. Baranik said in closing, as requested many times throughout the speakers' comments, they would ask the Commission to deny RST's development proposal and send them back to the drawing board for a complete overhaul.

Ms. Crystal Passmore said she rents her home at 1510 Amherst Street. She said she wanted people to have affordable homes and live in the town where they work. She said she does not want people to have to commute from Ruckersville if they work in Charlottesville or downtown Albemarle. She said she does not know anything about viewsheds or intrusive lighting, but she wants people to have homes they can afford.

Ms. Passmore said this is an area the County wants to develop. She said the developer is giving them the green space they asked for. She pointed out that there are 370, if not more, people, plus 85 children, who were not represented that evening. She said those are the people who would benefit from this being built. She said the residents of Forest Lakes kept saying no one benefited

from this project, and she does not know why they said that, as they are wrong about that. She said she wished 370 people who want affordable homes could be there to talk to the Commission, but they do not have these homes right now.

Ms. Passmore said this sounds like a nice community, in a beautiful area. She said everyone who spoke before her has convinced her that this is a lovely place to live. She said she would love if the County would allow more people to live there. She asked the Commission to allow the development to go forward.

Mr. Josh Carp (1510 Amherst) said the proposal will provide for 190 affordable apartments for families making 30% to 80% of the AMI for 30 years, plus 100-plus townhomes that will be affordable at 80% AMI, without subsidies. He said these numbers are all somewhat abstract in terms of AMI and percentiles. He said they are talking about 200 actual families, and he wanted to be more concrete about the types of families they will be.

Mr. Carp said he has a toddler who goes to daycare in Charlottesville at the YMCA. He said the teachers there make about \$12 per hour, which is about 30% of the AMI. He said he knows many of the teachers, and one thing they all have in common is that they do not live in the area, as they cannot afford to live in the City or Albemarle. He said they live in Louisa, Fluvanna, or Greene. He said if there was affordable housing in the County at 30% AMI, then his kid's teachers could live closer to work and not spend 1.5 hours every day in their cars.

Mr. Carp said he knows there are concerns about the project, namely about property values. He said those concerns are not realistic. He said a study a few years ago from Habitat for Humanity in this area showed that building affordable housing actually increases property values in the area. He said that in any case, he thinks it is more important that people have affordable housing than the property values continuing to go up. He said he looked at the property values in the area, and these houses are worth half a million dollars plus.

Mr. Carp said if the Commission wants to deny affordable housing to maximize property values for people who have that much money, maybe they could go to his kid's daycare and explain to the teachers why they cannot live in the area. He said if one thinks property values matter more than people having a place to live they can afford, they should be ashamed of themselves.

Mr. Carp said he also wanted to talk about setbacks. He said he knows there are complaints that they are too small, and people will not have enough space. He said space costs money, and bigger setbacks mean fewer homes and higher prices. He said he has lived in a single occupancy, and he can say that when money is tight, he is happy to sacrifice a setback if he can pay his rent. He said people affording housing is more important than aesthetics. He asked the Commission to support the project.

Mr. Chris Hawk of Piedmont Environmental Council (PEC) said PEC recognizes that the applicant's updated affordable housing component is significant and addresses a large portion of their concerns related to the affordable housing component of this rezoning. He said they thank the applicant for these substantial changes.

Mr. Hawk said PEC hopes the applicant, Planning Commission, and Board of Supervisors will work together to address their concerns regarding connectivity, public transit, walkability, special exceptions, public schools, and onsite tree canopies as it pertains to this development and its environs. He said if this rezoning is to move forward to the Board, PEC asks that the missing

public infrastructure, such as public transit and walkability to nearby services, be addressed. He said these issues are outstanding in Places29 North as a whole and should be addressed regardless of the outcome of this rezoning.

Mr. Rory Stolzenberg said he wanted to speak in favor of the project. He reminded the Commission of several points from its own Comprehensive Plan. He said Land Use Objective #5 is to promote density within the Development Areas to help create new compact urban places; encourage developers to build at the higher end of the density range on greenfield sites, provided that development will be in keeping with design recommendations in the Neighborhood Model; encourage developers to build within the density range recommended in the master plans on infill sites; ensure that housing is equally available to all populations; provide for a variety of housing types for all income levels, and help provide for increased density in the Development Areas.

Mr. Stolzenberg continued that the objective states that the County provide affordable housing options for low- to moderate-income residents of Albemarle County and those persons who work within Albemarle County who wish to reside there. He said the Comprehensive Plan, Places 29 North Master Plan, and Climate Action Plan all demand that the County support dense, affordable development within the Development Area.

Mr. Stolzenberg said he wanted the Commission to think about the residents (their potential constituents) who would live in these homes – at the 30% AMI level, and all the way up to 80% AMI – who do not have the opportunity to raise HOA dues on their neighbors to hire professional consultants, engineers, and PR firms and enlist the local supposed environmental firms that sit on the boards to help oppose this housing in their backyard. He asked the Commission to think about those future residents and whether they will have a place to live.

Mr. Stolzenberg urged the Commission not to send this back to be downsized and eliminate homes so that fewer people can live there, but to embrace density and having homes on this site, and to maximize this use of the land so that they do not tear down acres and acres outside of the Development Areas for large-lot, expensive, detached, energy-inefficient, low-amenity housing that they will be forced to have if they do not allow apartments and stacked townhomes for affordable rentals and entry-level home ownership opportunities.

Mr. Matthew Gillikin (Charlottesville resident) said he was speaking in favor of the project. He said it is remarkable to see how consistently affluent neighborhoods in the County gather their resources together to fight against housing for people who do not have the resources they have. He said he spoke to the Commission months earlier (as the last in-person event he attended pre-pandemic) speaking in favor of the Parkway Place development, and he appreciated that the Commission all voted in favor of that.

Mr. Gillikin said he hoped the Commission would take the same tact with this project by voting in favor of what, as best as he can tell, is one of the most generous and robust proffers of affordability that the County has ever seen. He said he thinks the opportunity to have this degree of affordable housing is one that the County cannot pass up based on everything the County has said about its care for affordable housing.

Mr. Gillikin said his wife is a teacher in the City schools, and he works at UVA Hospital. He said many of their coworkers have to come from the surrounding counties because they cannot find affordable apartments to rent in the Charlottesville or Albemarle area. He said he would love for them to have shorter commutes to put less pollution in the environment from their cars and to

have the chance to ride their bus into work, rather than drive. He said he hoped the Commission would vote in favor of the project.

Ms. Nancy Trudel (2666 English Oaks Circle) said she respectfully requests the application to be denied. She said under Section 33.7 of the zoning codes, the Commission has a duty in zoning when considering the zoning map amendments to do so according to good zoning practices, which were clearly not accomplished by this development – and not by the development on behalf of the surrounding residents, but of the very residents who will reside within the development.

Ms. Trudel said an inherent and critical component of good zoning is set forth in the Commonwealth of Virginia's Section 15.2-2283, which has been cited by a few of the previous presenters. She said this section of the code requires compliance with the purpose of the Zoning Ordinance's Section (ii), to reduce or prevent congestion in public streets.

Ms. Trudel said the applicant's proposed development is so condensed and overinflated that it not only puts Forest Lakes residents, the general public, and those that use the streets located at Ashwood Boulevard and Route 29, but the applicant's own homeowners on congested roads, which are currently dangerous at the high-traffic hours of day. She said the evening before, she came in around 5:30 p.m., and the turning lane that goes onto Ashwood Boulevard was backed up by five cars. She said to get to that turning lane, one crests a hill, and that hill is a blind spot, even in good weather.

Ms. Trudel said the proposed use of Ashwood Boulevard by these developers is unnecessary. She said if development were more reasonably sized, they could use their own existing roads – Ridgewood Drive, and the road located that serves the developer's own motel site. She said there is no reason to use Ashwood.

Ms. Trudel said she respectfully requests the Commissioners do their duty to revisit this road site for the benefit of all the residents, including those who will live in the development, to prevent the roads from becoming increasingly dangerous and even ultra-hazardous in good weather conditions.

Mr. Jimmy Baranik, who spoke earlier, said he wanted to point out that they were not opposed to underfunding anyone, nor were they opposed to people who cannot afford wages in their neighborhood. He said they are opposed to the buildings and the building environment. He said they need to overhaul the plan, and he wanted to make sure everyone was clear about that.

Mr. Bivins concluded Mr. Baranik's points. (What does this mean?)

Mr. Christopher Schmidt (17 Lowell Street, Cambridge, Massachusetts) said he was calling in as a long-time fan of Charlottesville and someone who has been looking to move to the area. He said he has been paying more attention to things as a result of that.

Mr. Schmidt said having spent most of that day reviewing many of the details around the project, he was excited to see this type of development being considered in the Charlottesville area. He said he thinks the value of the affordable housing offers are strong and that as another commenter said, there is obviously a lot of value to this community. He said this is a place where people feel like they have the best of all worlds living in Charlottesville and the County, and with being so close to so many great things. He said he thinks it is an opportunity to take some of the greenfield development and create something that is able to have more affordable homes and people who

can live there who otherwise would not be able to.

Mr. Schmidt said having lived in a much denser city than this area, while people have expressed concerns about open space and other things, he thinks that all of these things are livable. He said being able to have a home to live in is the important part. He said he did not care if this was COVID or talking about open space for recreation. He said he did not care about any of those things because if all one can afford to do is live in their car, they do not have access to any of those amenities anyway. He said something is almost always better than nothing, which is what many people do not have. He said some may not be living in their cars, but they are spending a lot of time in them.

Mr. Schmidt said he thinks the project is well thought out, and the word "Soviet" to describe the design is such an abusive term that is thrown around for something that he does not think accurately describes what this project is. He said it looks like a good, compelling project, and he was sure the Commission will do the best thing and move forward with it.

Mr. Travis Pietila (Southern Environmental Law Center) said he wanted to first acknowledge the applicant's commitment to affordable housing. He said the SELC appreciates the changes presented that evening, with a broader range of AMI and an increase of the affordability period to 30 years.

Mr. Pietila said one issue SELC wanted to briefly address was public transit. He said they were a bit concerned to see that the applicant is not offering any commitments or contributions towards transit in this application, particularly in light of the number of affordable units being proposed. He said given the distance of the site from the County's jobs and activity centers, without access to transit, most residents will have to rely exclusively on personal vehicles, which can greatly increase household transportation costs, not to mention exacerbate traffic impacts on Route 29 and undermine the County's climate goals.

Mr. Pietila said it is also clear that Places29 envisions future transit service along this corridor and that new developments will be made transit-ready to help facilitate the creation of this service. He said indeed, other recent developments, including neighboring Brookhill, have included transit components.

Mr. Pietila said along those lines, SELC encourages the applicant to commit to putting in a transit stop and contribute funding for future transit service as part of this proposal.

Mr. Jason Inofuentes (2103 Aspen Road, at Pantops) said he was impressed with the very well-fertilized grassroots movement they were witness to that evening, and he wanted to echo some of the points made. He said he generally agrees with concerns about the environment, traffic, and community. He said it was for those reasons that he rises in support of the development.

Mr. Inofuentes said affordable housing is an imperative that cannot be set aside for the interests of a select few homeowners. He said the development would represent an incredible value across 30 years to those who are not in a position to buy a well-manicured lawn on a quarter-acre lot. He said so many of the speakers proudly proclaimed their longevity in the area. He asked them to imagine how many more lives could be impacted 30 years from now, and how many lives could say that they were residents in Albemarle County for 30 years thanks to this opportunity.

Mr. Inofuentes said that while he hopes the concerns are well-taken from the Forest Lakes

community, he does think that the priority needs to be the housing that this opportunity represents.

Ms. Caroline [last name unknown], a Charlottesville resident, said she wanted to voice her full support, adding that she thought Mr. Inofuentes said it perfectly. She said as someone who wants to perhaps buy a house and settle down in the area, she thinks this housing development is something that should be a number-one priority. She said she hears the concerns of the people who have been living in the area for a long time, but she thinks that affordable housing is the thing that the County needs to focus on and prioritize, and the way they do this is in the way they spend their money and how they build the community.

Mr. Bivins said that unless someone had a new thought to add, they were now getting into the place in the public hearing where if they had been in person, people would have stood up to show their support of a speaker's comments. He said he did not know how many more different views that would be added and would help to shape the Commission's deliberations in this conversation. He said unless someone had a very different approach to the conversation, he believed it was about time for the public hearing to close.

Ms. Shaffer said there was no one else asking to speak at that time.

At 9:02 p.m., Mr. Bivins closed the public hearing and announced a break until 9:17 p.m. He said afterward, the applicant would have five minutes to rebut before the Commission would go into deliberations. He thanked the public for all their sentiments, thoughtfulness, and passion.

After the break, Mr. Bivins asked Ms. Long to give her five-minute summation.

Ms. Long said the applicant could not, in five minutes, rebut all of the comments that were made that evening. She said they have very clear responses and rebuttals to every single point that was made in opposition, so to the extent anyone has a question about what their response to any of them might be, the applicant is ready to respond.

Ms. Long said she wanted to start with the traffic study, noting that the applicant's certified traffic engineer, Mr. Carl Hultgren, could jump in to respond to any specific questions. She noted for the record that the applicant's professionally prepared traffic study demonstrates very clearly that whether this project is built or not, the traffic will remain the same. She said that under the no-build conditions from 2023, it is a level of service of "C" in both the morning and afternoon. She said likewise, with the build conditions and the improvements that the owner and applicant will make, the level of service will continue to be a "C."

Ms. Long said that in the very worst case, there will be a two-second delay in the overall wait time. She said the applicant actually thinks it will be much better if looking at the bottom row on the chart shown on the slide, which is called the "lost time adjustment." She said this is the realistic estimate that the traffic engineer makes, and the applicant could discuss that if anyone was interested.

Ms. Long said she wanted to reiterate the distance of the buildings from the adjacent parcels and from the adjacent roadways. She said the Commission saw some renderings that were extremely misrepresentative of what the views will be. She said the view the Commission saw, as shown on the slide, from the association's rendering, made it look like it was about 20 feet away. She said in fact, it is 115 feet from the roadbed of Ashwood to the buildings. She said the five-story buildings that people expressed concerns about are 540 or 480 feet away from adjacent parcels, 321 feet

from the property line, etc. She said these are significant distances that will not have any impact on any roads, anyone's views, or anyone's house.

Ms. Long said there has not been any actual evidence of any actual impacts on the traffic, on any of the neighbors, or on anyone in the neighborhood. She said it is all entirely speculative. She said by contrast, the applicant has provided actual evidence that there will be no impacts created by this project.

Ms. Long presented an exhibit that the applicant's civil engineers prepared. She said at the top, one could see the location of the property line. She said the trees shown in yellow were the trees that will remain. She said the trees shown in brown are those that will be removed to accommodate the project. She said down below were those trees in the view that they will look like from the road.

Ms. Long said the images the Commission saw from the criticisms of the project are entirely inaccurate, and they imply and show that all of the trees on the VDOT parcel will be removed when, in fact, this is just not the case.

Ms. Long said the two views shown on the screen were from the applicant's plan, which showed the relative height and impact on the existing single-family homes in Cricklewood Court and the significant distance. She said there is 88 feet just from the property line to the edge of those properties. She said there is a lot of natural vegetation, including onsite. She said the applicant does not think that they will tower over them. She said likewise, the existing townhomes in Ashland are of a higher elevation than the Cricklewood Court homes were, and the impact is even less there. She said the distance is about 88 feet to the property line, and there is lots of vegetation as the buffer and setback are in that area.

Ms. Long said the applicant also had a number of renderings, noting that if she could not get through all of them, they have them. She said the applicant's architects prepared these renderings to show what the buildings would look like with the trees being opaque (in wintertime). She said the buildings do not tower above the trees, and the trees could be seen in the foreground.

Ms. Long said the renderings the residents showed, among other things, had all of the trees from the Ashwood median removed to make the image look worse than it actually is. She said the applicant's rendering on the screen showed the trees that would remain in the median and along the berm. She said no one was taking out the berm, contrary to what had been stated. She said the buildings could be seen in the background. She indicated to the five-story building and stated that it would not tower over anyone. She said it is only 7 feet taller than the four-story buildings.

Ms. Shaffer informed Ms. Long that her time was up.

Ms. Long presented a screenshot that she had taken when the community's slideshow had been presented. She said one could see the speakers took out the trees in the median and in other places, including the trees off the VDOT parcel. She said this is inaccurate and does not accurately reflect the project.

Ms. Shaffer again told Ms. Long that her five minutes had expired.

Ms. Long said the applicant would be happy to respond any questions from members of the Commission that may not had been addressed, including school capacity.

Mr. Bivins brought the matter back to the Commission. He noted that there were staff members present from Zoning, Housing, and Traffic if the Commission had questions to ask them.

Ms. More said she wanted to ask Ms. Long a question. She said she got to see a slide for a few seconds and wished she could see it again, and she had some notes to ask about.

Mr. Bivins suggested that staff may know the answer.

Ms. More stated that, to be clear, she wanted to figure out a way to get to “yes.” She said one of the things on her list of concerns was what the view would be and the buffering from the proposed development, the five buildings that are two-over-two, and the existing neighborhood. She said Ms. Long did show a slide that indicated that there was 88 feet from the property line to the building. She said this helped her see that there is a more generous area there than she had imagined and to see the possibilities that could happen there with buffering, so she felt much better about it.

Ms. More said she did want to ask if Mr. Reitelbach wanted to respond to the question that she believed Ms. Firehock had asked about the minimum amount of open space and what he had put in staff’s report. She said that when Ms. Firehock asked that question, Ms. Long responded at the beginning, but she did not know if they could hear from Mr. Reitelbach about how that would be addressed and how the applicant could fulfill the requirement if that is something that would happen during site review.

Mr. Reitelbach replied that the Planned Residential Development Zoning District does require a minimum of 25% open space recreational space, which is depicted on the application plan at approximately 4.88 acres. He said as proposed by the applicant, this includes the buffers, undisturbed open space (e.g., preserved steep slopes), and recreational areas shown on the application plan sheet.

Mr. Reitelbach said the Zoning Ordinance does state that the PRD is a zoning district that is intended to have an improved level of amenities. He said what the applicant has proposed is the minimum required, but without the substitution request or more information, staff cannot determine at this time whether there is an improved level of amenities. He said as Ms. Long mentioned, the substitution request is something that can be provided at the site plan, and it is not required at the rezoning stage.

Mr. Reitelbach said he did recognize that the applicant showed a dog park and a pool area on the conceptual layout (Sheet 4 of the plan). He noted that in the actual application plan (Sheet 3), however, those areas are only designated as recreation areas without identifying whether those additional amenities (i.e., dog park and pool) would be provided on those areas.

Ms. More said this answered her question, and she wanted to keep this in the conversation. She said it sounded if there was more of a commitment perhaps to not where certain things would be, but that they would be included, her thought is that this would satisfy it better.

Ms. More said another question she had (which she noted she should know but did not) was after reading the fine print of the for-sale affordable units, she noticed that it said that the 90-day timeframe could start no more than 60 days before the CO is issued. She asked if this was in the County’s policy and if it could already happen, as it struck her as a bit odd. She said perhaps it

was already there, however, and she had never realized it.

Mr. Reitelbach deferred to Ms. Stacey Pethia, Principal Housing Planner.

Ms. Pethia replied that this is standard language in the proffers. She said the County typically asks developers to provide a 90-day for-sale period where the units are offered to qualified homebuyers. She said this period is quite often started 60 days before the CO is issued in order to make sure they have a homebuyer for that unit before anyone can occupy it.

Mr. Bailey said he wanted to get some clarifications, as there were many different numbers and a change in what was being offered. He said he was trying to figure out if he heard correctly that the commitments of affordable housing is for the rental units and that the townhomes were for sale but with no commitment to affordable housing. He asked if he understood this correctly, adding that there may have been a comment that there was an association with the existing Brookhill Commons that were possibly on the edge of affordable housing, in the high \$200k's to low \$300k's.

Mr. Bailey asked Ms. Pethia where the townhome would rank in the scale of affordability for the median income. He said looking at the policy document, there is an increase in the \$300k+ and a decrease in the units from \$200k-299k range. He said these were right on the cusp where they are seeing an increase but a decrease in stock. He said he was trying to understand how affordable the townhomes are for Albemarle County citizens at that price point.

Ms. Pethia said she would answer the first part of the question, then turn it back over to Mr. Reitelbach for the specific numbers, as she could not recall what those were. She said the current policy puts the affordable sale price at \$243,750, and so it is right in the middle. She said this was set for 80% of AMI. She said the proposed housing policy recommends bringing this sale price down, and there would be two different sale prices. She said the first would be for affordable housing, for households with incomes up to 80% of AMI, which would bring the maximum sale price down to under \$200,000. She said they would lower the maximum sale price down to about \$215,000 for workforce housing, which would be the 80% to 200% AMI level.

Ms. Pethia said currently, the price is currently where the current policy sits.

Mr. Copeland asked Mr. Bivins if he could address the question about affordability.

Mr. Bivins replied no.

Mr. Reitelbach asked Mr. Bailey if he could repeat his question about the numbers.

Mr. Bailey said he wanted to understand, based on the most recent proffer from the applicant, where the dedicated (in writing) affordable housing lies. He asked if it is in the rental units and if there was any commitment in the townhomes.

Mr. Reitelbach replied that the new proposal Ms. Long presented that evening had not yet been submitted to staff, and so he could not say what those numbers were on the 75% that Ms. Long mentioned, given he has not seen a plan. He said perhaps Ms. Long could expand on that more, as he did not know without having seen anything yet from the applicant.

Mr. Bivins asked if he could reframe that. He said the original documents that were shared with

the Commission did state that not only would there be some affordability in the apartments, but there would also be in the townhomes, whether or not they are stacked one on top of the other. He asked if this was not correct.

Mr. Reitelbach replied that on the cover sheet of the application plan, regarding the affordable housing units, it was left up to the owner's discretion. He said the exact note was, "At least 50% of the total number of dwelling units shall be affordable housing units, which may be for-sale units, rental units, or a combination thereof in the owner's discretion." He said it was not committed one way or the other, but it was left up to the owner.

Mr. Bivins said he wanted to get a clarification on something Ms. More asked Mr. Reitelbach. He said the Commission saw on a few slides from the applicant that there is an 88-foot buffer on the east side of the property, next to the existing community. He said yet, on the proposed draft site plan, it has 20 feet. He asked how they determine whether or not the firm number is 88 feet or 20 feet.

Mr. Reitelbach replied that he believed the actual buffer area would be 20 feet, and the additional 60 feet or so is left open on the application plan. He said there is a section of it, however, that is dedicated to the travelway that encircles a couple of the structures. He said within that 80 feet, it would not all be buffer area, but could include some pavement or sidewalk on the travelway. He said the actual landscaped or vegetated forested buffer would only be 20 feet.

Mr. Bivins asked if there were any other questions or readiness by the Commission to make a decision.

Mr. Carrazana said he wanted to bring up another issue that he believed was presented by some of the residents, which he thought was compelling in terms of the topography of the area. He said they did not hear anything about what they were doing in terms of stormwater management on the site, and at least from what they saw, he did not remember seeing a topographic plan of the application. He said they did see one from the residents, and it was an interesting topography. He said he had not appreciated that there would be a 60-foot drainage ditch there, which looked naturalized. He said this is significant, and it does seem to go downhill towards the existing development.

Mr. Carrazana said this would certainly be looked at much more carefully in the site plan process, but he found it interesting that this was not discussed in the application. He said it seems to be a sensitive site when it comes to rainwater and obviously, so much was going to impervious surface from where it is today. He said there is a significant difference of percentage there.

Mr. Carrazana asked Mr. Reitelbach if there had been any discussion of that in the process that he could shed light on.

Mr. Reitelbach said he would share one of the sheets of the plan that was provided. He pulled up the sheet on the screen, noting that it included some of the conceptual grading. He said there are at least conceptual stormwater management facilities shown in the northeast corner of the site, adjacent to the Ashland Townhomes development and in the northeastern corner at Cricklewood Court.

Mr. Reitelbach zoomed into the location of the conceptual stormwater management, including some that the applicant has proposed underneath a recreational area, in the middle. He said there

is an outfall on the very edge of the property.

Mr. Reitelbach said the County Engineer has reviewed at least the conceptual grading and stormwater management, and he had no objections. He said stormwater management is something that would have to be addressed at site plan stage and would have to meet all the state and VSMP requirements.

Mr. Carrazana thanked Mr. Reitelbach for providing this. He said his guess was that with the amount of impervious surface, it would have to be larger than that, but they would work through this in the site plan.

Mr. Carrazana said he had a follow-on comment to his initial question referencing the cemetery. He said Ms. Long's comments about a survey unfortunately did not allay his concern. He said the survey may identify the property line there, but it is not going to do any archaeology. He said given the amount of disturbance, he does believe that some level of archaeology, particularly if it is historic (noting that he did not know the ages of the plots), would give understanding to what is potentially outside of that fence or property line and might be beneficial before they start digging up the area. He said he would recommend that a level of archaeology is warranted in a site like this one.

Ms. Firehock said she wanted to make a couple of comments in response to the citizen concerns about the stormwater. She said the County would not permit the site plan stage to move forward unless the applicant had satisfied all their regulations for treating the post-development runoff. She said the post-development runoff must equal the pre-development runoff. She noted that having said that, modern stormwater management is not able to mimic nature exactly. She said there will be alterations to the hydrology.

Ms. Firehock said she is disappointed that given the large amount of area the applicant has to work with, they have not done anything terribly creative here. She said Ms. Long, having come before the Commission on many occasions, would probably have already advised the applicant that this is a particularly green Commission, and they look to see developments that are progressive.

Ms. Firehock said she is very supportive of the need for affordable housing in the community. She said she is disappointed at the notion that this means they have to sacrifice green space and adequate recreation area. She said people who are lower income do not have money to go on fancy vacations and do wonderful things. She said here in the COVID situation, everyone is very aware of the need to be able to access green space close to where one lives, perhaps without having to get in a car.

Ms. Firehock said she is very troubled by the lack of green space, and she also does not understand why the decision was made to put most of the buffer along Route 29 and move close towards the neighborhoods. She said a 20-foot vegetated buffer will do very little to offset the noise and light pollution from this new development. She said it needs to be much thicker to respect the neighborhood.

Ms. Firehock said she does not agree that affordable housing means that they cannot have green space and quality development. She said she has been personally involved in the design of some affordable housing projects that have wonderful green amenities to them. She said everyone deserves a good quality of life.

Ms. Firehock said she was not leaning in favor of the development at this time due to this. She noted that having said that, the Commission's recommendation is only advisory to the Board of Supervisors, and the developer would certainly have ample opportunity to amend their application once it leaves the Planning Commission, whether they end up voting for or against it.

Mr. Clayborne said he shared sentiments similar to Ms. Firehock's. He said he thinks the affordable housing piece is certainly admirable, without question. He said at the same time, however, the Commission is charged with looking at projects holistically and how they impact the community.

Mr. Clayborne said he made some notes about his concerns and while they talked about school impacts, he did not see much movement in the answer he received in actually rectifying the issue.

Mr. Clayborne said he was concerned about public transit and the notion of working with the County if they are to have many affordable housing units with no public transit there. He asked if they should just leave it alone or turn a blind eye to it. He said he was disappointed not to hear any kind of movement towards some kind of consensus or resolution on that.

Mr. Clayborne said Mr. Carrazana made a great point about the archaeology piece, and Ms. Firehock did the same. He said he trusts staff's judgment as well, and he agreed with many points made in the staff report.

Mr. Clayborne said they had seen renderings from Ms. Long. He asked if any renderings were done from the perspective of an existing house in the neighborhood. He said all of the renderings the Commission had seen were from street views, driving down the road, but he wanted to see a rendering to rebut some of the things they saw from the citizens who stated exactly what they would see in their backyards. He said there are undoubtedly concerns there.

Mr. Clayborne said a proposal should be looked at holistically, and even though affordable housing is great and certainly needed (which no one was arguing), they want the best project for all citizens.

Mr. Bivins told Mr. Copeland that he saw his hand was raised, but he needed to share that during this time, this was like the "family talking to each other." He said he was not calling upon Mr. Copeland for that reason.

Mr. Randolph said the question he would pose is, "Twenty years from now, what will this development look like?" He asked if it would be another project like Cabrini-Green in Chicago, or Passyunk Homes in Philadelphia where, in this era of the concern with the construction of more affordable housing units, they parallel the logic of the New Deal in the 1930s to provide housing for relocating African Americans to cities like Chicago or to Philadelphia's Passyunk Homes so that G.I.s returning to the states would have housing units available at low cost.

Mr. Randolph said now, those units have all disappeared because in terms of urban affairs, they were seen as means of providing housing to which one of the speakers in defense of the project spoke, but they did not satisfy the need of the community to have a soul. He said therein lies his concern – that he could not find a soul to this project.

Mr. Randolph said in Southwood, which is also an affordable housing project, there is a soul

because there was a commitment to ensure that there would be open space – perhaps not as much as some people wanted, but there was a commitment to open space that was there and meaningful. He said this proposal does not have a meaningful level of open space.

Mr. Randolph said he thinks this project has a lot to recommend it, but if it were a play and it had just opened up that evening in New Haven, and the Commission is the New Haven audience, he would say it is not ready for Broadway. He said it has many issues that need to be worked out.

Mr. Randolph said the project needs to be greener, with more open space and a demonstration that this is a community that is livable, not just a place where people are warehoused during the day. He said secondly, it therefore needs to be less dense and less impersonal than this. He said thirdly, there has to be provision for public transit stops on Route 29. He said the developer has proposed that it will be worked out with CAT that there will be a stop.

Mr. Randolph asked if the applicant does not have any responsibility to provide a weatherproof stop for people to get on a bus and go north, and across the way to work with the owner of that land to provide another stop for the bus to go south. He said thereby, there is also a need to provide a crosswalk so that residents can safely cross Route 29, with a red light and an island in the middle to get safely across to the other side.

Mr. Randolph said this does not begin to contribute to addressing the impacts on the Albemarle County School Division enrollment picture, neither for the elementary school or middle school in the longer term, but most especially for Albemarle High School.

Mr. Randolph said the project needs to honor setbacks as is the County's expectation and yet, the applicant is asking them to be waived as a special exception. He said the applicant needs to respect the master plan as to scale and character. He said it is too dense and too many units in too small a space. He said the applicant needs to adhere to more Planned Residential Development principles, which staff has pointed out they do not meet them all, at all.

Mr. Randolph said the applicant needs to work on the traffic flow issue on Ashwood Boulevard. He said as he has learned over a period nine years (and as Prime Minister Disraeli of Great Britain once said), there are statistics, but not all of the statistics are accurate. He said he does not, for one minute, believe in traffic analyses over the long term because they often underestimate, in his experience, the actual traffic flows.

Mr. Randolph said finally, there needs to be clarity here as to how residents can afford to maintain the roads within this community, plow them when it snows, and cover the annual costs of their HOA fees for pool and exercise facilities when, now, 75% of the units are going to be affordable housing. He asked where the money would come from, noting these are not inexpensive. He asked who would be responsible for these roads if, in the future, they are not well maintained. He said the County knows this game where the residents ask the County to take them over. He said he believed they were setting themselves up for tremendous expenses going forward under this proposal.

Mr. Randolph asked if affordable housing is the tail that wags the dog in Albemarle County. He said once one can say there is affordable housing and a meaningful number of affordable units to any project, the question is if they should throw out all of their planning principles, good judgment, and awareness (as Ms. Firehock pointed out) of balancing the needs within a community to make it livable and workable just to say they are getting affordable housing units.

He said this was the logic behind Cabrini-Green and Passyunk Homes. He said he worries about what they are establishing in embracing this density in this location.

Ms. More said her initial reaction to staff's report and to all the attachments that day was that she thinks there are many things there that are good, but some of it feels like a lot of loose ends. She said getting into the Neighborhood Model Principles and the attempt to not be able to fulfill those, it feels to her, especially with the time the applicant has had, that she would have hoped to see more of that and more information for staff. She said she feels like some of those principles could be met and yet, it reads that they are mostly only somewhat met.

Ms. More said the major items she has not been able to cross off include the height, which she believes she could be convinced about. She said she thinks that when bringing the Commission brand new information, especially when it is important information that is a change, the night of the Commission meeting, it is something that is great to add to the concern, but the Commission and staff are not able to respond because it has not been submitted. She said this leaves them with questions about something that is key. She said to her, it renders difficulty to their ability to talk about some of the other issues. She said she went through her list, but she feels like she is pushing things to the side because they spent more time learning about something new.

Ms. More said the level of public comment, though great, tends to wear the Commission down somewhat where perhaps the Commissioners are not asking the great questions they could ask, despite having staff present to answer questions about traffic and other things. She said this is too bad because she would like to figure out how to get to "yes," but she did not know that they were able to do so that evening when she started to hear what other people had to say.

Ms. More said her initial take on the application was that there are loose ends. She said sometimes, the Commission will see these things, and applicants will indicate they are willing to work on them before going to the Board. She said sometimes, it can be a scary thing when there is a project with so many loose ends, and the Commission lets it go and hopes for the best. She said it was certainly the applicant's prerogative to do that, however.

Ms. More said she absolutely agrees that public transit seems to be a missing piece, and she had already talked about the green space. She said the density did not bother her so much because she feels there are ways that it can work. She said it is on Route 29, and so it does have access to that. She said she does see there is a tradeoff – that if they want more green space, they will lose those units. She asked if there is a creative alternative to this that perhaps they have not seen yet.

Mr. Bivins said the Commission was at a point where people had spoken about what was on their minds and what they had been wrestling with for the past five or six days. He asked the Commission what they wanted to do.

Mr. Clayborne said he was prepared to make a motion, as it felt as if there was some consensus.

Mr. Bivins reminded Mr. Clayborne that there were two motions to make.

Mr. Clayborne moved to recommend denial of ZMA202000007 RST Residences for the reasons stated in the staff report and for the reasons stated in the conversation the Commissioners had amongst themselves.

Mr. Randolph seconded the motion.

Mr. Bivins asked Ms. Long if her hand was raised for a pressing matter.

Ms. Long replied yes. She said obviously, there had been many comments made. She reiterated that the applicant was prepared to address them all, if asked. She said if this was not the preference of the Commission that evening, the applicant would be more than happy to take the comments that they received that evening, go back, and amend their plans. She said they would update the affordable housing proposal and work on the precise location of transit.

Mr. Bivins said he thought Ms. Long was asking about something else, and this was not what they were doing. He said Ms. Long stated that they would take whatever the Commission decides and go forward, and he thought she might be asking for a different kind of situation.

Ms. Long said the applicant would like to request a deferral so that they can take the comments they received that evening and see if they can do their best to address those so that they can come back with an application that could hopefully gain the Commission's support and recommendation.

Mr. Bivins informed Mr. Herrick and Mr. Rapp that there was a request by the applicant for a deferral and asked if they could provide some guidance.

Mr. Herrick said a motion for deferral, if made by a member of the Commission, is in order at any time before a vote. He said if there was a Commissioner that wished to make a motion for a deferral, this would be in order.

Mr. Bivins said there was also a motion on the floor that was made and seconded. He said they could table this and go to another motion, but he wasn't sure what the Commission's procedures would be.

Ms. Firehock said there was a motion and a second, and it was now back for discussion, at which time they could also discuss the concept of deferral.

Mr. Bivins said before having the discussion of the deferral, there should be a motion to defer.

Ms. Firehock said they had not actually discussed the vote that was on the table.

Mr. Bivins said he recognized this, but they could also table the motion if needed.

Mr. Randolph said he believed what they would need to discuss is whether Mr. Clayborne would want to withdraw his motion, and whether Mr. Randolph would then second that withdrawal so that they come back to the status quo ante prior to the motion being made. He said they could then have a discussion as to whether they would want to consider a deferral or proceed with the vote. He said this would remove the pressure of the motion for the actual vote.

Mr. Bivins said this was correct.

Mr. Clayborne said he was happy to withdraw his motion.

Mr. Bivins asked Mr. Randolph if he would withdraw his second.

Mr. Randolph said he was happy to withdraw his second.

Mr. Bivins said the applicant made a request to consider a motion for deferral. He said counsel suggested that there needed to be a motion for that.

Mr. Clayborne moved to defer ZMA202000007 RST Residences.

Mr. Randolph seconded the motion.

Mr. Bivins asked if there was discussion on the deferral.

Ms. Firehock said she does think this development can be fixed in terms of the things that the Commission has recommended. She said whether or not this meets the applicant's pro forma is up to them, and the Commission has absolutely no idea what that is, nor do they usually know this. She said she thinks a much more quality development is needed with more green space, more attention to fitting in with the character of the neighborhood, and public transportation.

Ms. Firehock pointed out that even with the pool area, one cannot swim 12 months out of the year, and she would ask if there is a community facility or some other type of community gathering space besides the swimming pool. She asked if there is same way for a diversity of opportunities within the development so that one does not have to walk all the way across to access them. She mentioned buffering the neighborhoods, adding that there is a whole host of things that she did not want to waste time reiterating. She said she wanted to say that she was in favor of deferral.

Mr. Bailey said he wants to support the project, as he is a huge proponent of affordable housing. He said he agrees with what was already discussed, but he was somewhat discouraged that it constantly feels like a zero-sum game, and they cannot balance many of the things that were discussed that night with affordable housing. He said as a County, he thinks they can do better, and it does not have to be a zero-sum game, nor perceived as such. He said he hopes that during this deferral, the potential of this development is realized.

Mr. Clayborne said he wanted the spirit of the project to be successful, and so he was happy to hear about deferral. He recommended that more community engagement needs to happen. He said he could not direct the applicant on how to do that, but seeing what he saw that evening, there is some unfinished business that he thinks should probably occur within those communities that surround the project.

The vote to defer carried unanimously (6:0). (Mr. Keller was absent.)

Mr. Herrick clarified that since no date was specified, this would be an indefinite deferral.

Mr. Bivins agreed. He addressed Ms. Long, stating that she heard the thought and cares of the Planning Commission, and he believed he could say that each Commissioner wants this to be a successful project. He said many of the Commissioners, however, felt that they were not provided with enough information to support the project in the most positive way.

Mr. Bivins said as Mr. Clayborne suggested about the community, Ms. Long heard that perhaps there needs to be more sitting down with them to understand what this might mean for their living environment. He asked Ms. Long to take these comments and work with her team, the owner,

and staff in a way that helps to advance all of this. He said he thinks the Commissioners will all be waiting to hear and see how this comes back to them at a time in the future.

Ms. Long thanked Mr. Bivins.

Committee Reports

Mr. Bailey said there was a good discussion at the Rio CAC meeting on Thursday, February 25 about the upcoming Rio Corridor Study. He said he wanted to relay back that some of the discussions around this echoed concerns that Rio North, where much of the development is occurring with lofts and others, is outside the scope of the study. He said there are ongoing concerns with the CAC and broader community that this area was excluded from this study.

Mr. Bailey said the Rio CAC also discussed form-based code and is interested to see how this continues and how the work plan unfolds, especially around incentives.

Mr. Randolph said two members of the 5th and Avon CAC requested that there be a discussion about the process by which ABC (Albemarle Business Campus) was approved by the Board. He said this resulted in Mr. Roger Johnson and Mr. J.T. Newberry, along with County Attorney Greg Kamptner, sitting in for that meeting, and it was a very active discussion about what the County can do in terms of expectations of a particular plan and its execution by the developer. He said he thought this was a productive discussion and hopefully helped make some members of the CAC more aware of the issues there that are not always immediately obvious.

Review of Board of Supervisors Meeting – February 17, 2021

Mr. Rapp said the February 17 regular meeting of the Board of Supervisors included a work session on the Section 33 zoning text amendments that came before the Planning Commission for a similar work session. He said this was productive.

Mr. Rapp said the Board also approved the ZMA for Premier Circle as recommended by the Commission.

Mr. Rapp noted that there had previously been a work session set up in the schedule that was sent out a week or so ago for next Tuesday, March 9. He said the Commission may have noticed on the evening's agenda that this has been cancelled. He said last time they met, staff mentioned they were going to adjust the schedule for the Crozet Master Plan to incorporate some additional feedback and engagement with the Crozet CAC and the community there. He said in doing so, they have adjusted their timeline with the Board and some of those meetings, and so they did not want to get ahead of that schedule.

Mr. Rapp said as a result, the work sessions with the Planning Commission will be adjusted as well and be pushed back a month or so. He said there will not be a work session next week on March 9, and so the next meeting will be on March 23. He said that meeting will include a couple of public hearings and that he would also be presenting the annual report for 2020.

Old/New Business

There were no items.

Items for Follow-Up

There were no items.

Mr. Bivins thanked the Commissioners and staff for their participation that evening. He said they heard a number of things from people who care, on very different places, on how their lived-in community goes, and he thanked his colleagues for their guidance on this. He said he hopes that the applicant and his team take it all back and do the kinds of things that will give the Commission a different way of sitting with this project when it comes back before them.

Mr. Bivins said he is hopeful that everyone is able to get vaccines, as it would be nice for everyone to see each other in the same room. He urged everyone to be safe and wear their masks, adding that there was another variant discovered recently.

Adjournment

At 10:08 p.m., the Commission adjourned to March 23, 2021, Albemarle County Planning Commission meeting, 6:00 p.m. via electronic meeting.



Charles Rapp, Director of Planning

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

Approved by Planning Commission
Date: 03/23/2021
Initials: CSS