

**Albemarle County Planning Commission  
FINAL Minutes March 15, 2022**

The Albemarle County Planning Commission held a public hearing on Tuesday, March 15, 2022, at 6:00 p.m.

Members attending were: Karen Firehock, Chair; Corey Clayborne, Vice-Chair; Julian Bivins; Fred Missel; Daniel Bailey; Luis Carrazana; Jennie More

Members absent: None.

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

**Call to Order and Establish Quorum**

Ms. Firehock called the March 15, 2022, meeting of the Planning Commission to order at 6:00 p.m.

Ms. Shaffer called the roll.

Ms. Firehock established a quorum.

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

There were none.

**Consent Agenda**

Ms. Firehock noted that the Consent Agenda included the meeting minutes from February 15, 2022.

Mr. Bivins added the Consent Agenda also included the meeting minutes from March 1, 2022.

Mr. Bivins moved to adopt the Consent Agenda as presented. Mr. Missel seconded the motion. The motion carried unanimously (7-0).

**PUBLIC HEARING**

**ZMA202100015 Glenbrook**

Ms. Mariah Gleason, Senior Planner of the Community Development Department (CDD), said the subject property for the application was TMP-56A2-1-62. She noted the parcel was undeveloped, though some construction activities had occurred with the previously approved plan. She said the parcel represented the last phase of the Glenbrook neighborhood development. She said other phases were completed or in-progress.

Ms. Gleason said the property was zoned residential (R-6). She said properties to the west and the south were similarly zoned R-6 which allowed for the development of 6 residential units per acre. She noted the parcels to the north and the east of the subject property were zoned R-2. She

said the surrounding properties were largely comprised of residential houses, consistent with the zoning district, with the exception of the New Mission Baptist Church abutting the subject property to the east. She mentioned Star Hill Brewery was located further north and east across the railroad.

Ms. Gleason said the applicant did not request changes to the existing zoning district. She said the application could be thought of as a request to modify a previously approved rezoning. She explained that in 2017, the Board approved a rezoning application to rezone parcels to R-6 Residential. She said there were two areas of the Glenbrook development: the rezoning area and the by-right area.

She said the 2017 ZMA approved the rezoning of 37.93 acres from various zoning districts, such as R-1, R-2, and light industry, to residential R-6.

Ms. Gleason said the ZMA prescribed a maximum density of 180 residential units and identified a percentage-based minimum mixture of building types. She explained a minimum of 50% of the proposed lots would be single-family detached houses, and a minimum of 10% of the units would be single-family attached houses or townhouse units. She said the ZMA stipulated that 15% of the total number of residential units would be designated as affordable, or the applicant would pay cash in lieu of constructing affordable units.

Ms. Gleason said the specific commitment to a percentage-based mixture of building types was voluntarily offered by the applicant to demonstrate alignment with the neighborhood model principles. She said in the neighborhood model principles, there was a principle regarding the provision of a "mixture of housing types and affordability". She said the original rezoning successfully demonstrated alignment with the principle; however, the percentage-based mixture was not a topic of concern or importance.

Ms. Gleason said the proposal was a request from the applicant to relieve the subject property, being the 1.89-acre portion of the original 37.93 rezoning area, from the percentage-based mixture of building types prescribed by the previous rezoning. To accomplish this, she said the applicant requested to add the following language to the proffered application plan, "This building type requirement does not apply to TMP 056A2-01-00-06200." She said if approved, the subject property would still need to abide by the housing types and standards of the R-6 zoning district. She noted all housing types were permitted in the R-6 district with the exception of mobile-homes, and structures could not exceed 35 feet in height.

Ms. Gleason said the applicant indicated one of the reasons for the request was to allow the construction and delivery of affordable housing units to the local housing stock. She said the applicant stated that building affordable units within the Glenbrook development, versus paying into the Housing Fund, meant more options were available for residents sooner. She said the proposal did not change the zoning district or the maximum density. She said in addition, the change would have no effect on the previously developed phases and areas of the Glenbrook rezoning area. She said the applicant essentially requested to build more attached units in the subject area than would otherwise be permitted by the original note.

Ms. Gleason said the previous rezoning application permitted up to 40% of the dwelling units be of any type allowed by-right within the R-6 zoning district. She said the area had already been deemed appropriate for all housing types allowed under the R-6 zoning district regulations.

Ms. Gleason said staff compared the application against the recommendations of the long-term future vision for the area, guided by the Comprehensive Plan, specifically the Crozet Master Plan. She said the land-use designation for the subject property was Middle Density Residential which recommended residential densities of six to 12 units per acre. She said small scale housing types such as small and medium scale multiplexes, accessory dwelling units, and other unit types were recommended as well. She said staff found the request to be in alignment with the land use designation and consistent with the neighborhood model principles. She said staff found favorable factors to the request. She said no unfavorable factors were identified with the proposal. She said the favorable factors were included in the staff report.

Mr. Bivins said Attachment 4 stated, "the building type requirement did not apply to the 1.89-acre section." He asked if there was anywhere in the attachment that stipulated the building types that would apply, what the mixture would be, and how much would be dedicated to affordable housing.

Ms. Gleason said the housing types that would be allowed would be any permitted by the R-6 zoning regulations—all housing types, single-family attached and detached units, and multifamily units, except for mobile housing. She said structures were limited in height to 35 feet. She said the County did not have a percentage mixture of units to base the developments on. She said the percentage mixture was a commitment in the previous rezoning.

Ms. Gleason said if the developer wanted to build the remaining units to reach the maximum of 180 units, there would be 41 units on the subject parcel. She said if the applicant wanted to deliver the number of units that were committed to in the original zoning, there would be 27 units if built to the maximum density committed. She said by exhibits presented, the proposed development would look like an attached multifamily unit with 27 affordable units provided.

Mr. Bivins noted there was nothing in the documentation that matched Ms. Gleason's explanation.

Ms. Gleason said the applicant had not made a formal commitment concerning the building types that would be constructed on the subject property.

Mr. Bivins said the applicant was asking to be released from the percentage-based minimum building type mixture to then construct anything on the parcel without commitments to building structure mix or affordability mix on the 1.89 acres.

Ms. Gleason clarified that the applicant would still be subject to the R-6 zoning district, and there were standards within the district. She said in regard to affordability, the applicant would be under the previous rezoning commitments which required 15% of the total number of dwelling units be designated affordable, or the applicant would be required to provide cash in lieu of affordable units. She said the cash proffer was approximately \$25,000 per unit with an annual adjustment.

Mr. Bivins said he would expect to hear that information from the applicant and see it in writing. He said the applicant requested to relieve a burden on the property without demonstrating the benefit to the County.

Ms. Firehock asked staff to explain the affordable housing proffer. She asked if the applicant would have to provide the same number of affordable units as the original proposal. She clarified that the applicant requested relief from the mix of housing types requirement so that they could construct the affordable housing stock on site rather than provide cash proffers.

Ms. Gleason explained the way the proffer was originally written in 2016 and adopted in 2017 was not similar to the affordable housing proffer language the County currently uses today. She said the proffer stated 15% of the total number of dwelling units shall be designated affordable—for sale or for rent. She explained that whatever the total unit count ends up being, 15% had to be affordable units, or the applicant could offer cash in lieu of affordable housing.

Ms. Firehock noted if the applicant built more total units on the site because the mix of types requirement was removed, then more affordable units could be provided.

Ms. Gleason said the applicant was restricted to a maximum of 180 units, and the number of units would decrease with a lesser number of built properties. She noted at most, there would be 27 affordable housing units if the applicant constructed 180 units.

Ms. Ashley Davies, Riverbend Development, said Mr. Scott Collins, project Engineer, was also present. She said the request was to build affordable units on site. She said there was a unit type that allowed the developer to create the affordable units on site. She said the applicant found that the development plan was 2 units off from the original required percentage of single-family units. She said the overall unit count was not changing.

Ms. Davies said the proposal would allow the applicant to develop more of the attached style or condominium style units. She said the proposal was complicated because most of the rezoned area had, at this point, been platted and built out with a variety of unit styles. She said the applicant was in the midst of planning and preparing for the Phase 3 area which was in the by-right portion. She said Phase 5 had been sold to Stanley Martin and was under construction. She said what remained of the original rezoning was the 1.89-acre subject area. She said the concept plan provided an overview of the developments in the neighborhood. She said there were single-family homes, townhomes, villa units, and two-over-one units.

Ms. Davies said most of the affordable units would be located in the subject property. She said the applicant requested the variation because it was two units off from meeting the required percentages. She said the applicant was required to come back before the Commission and Board for the item because the property was in the R-6 zoning district. She said the subject property would be entirely attached units.

Ms. Davies noted that initially the applicant had had a not to change the minimum percent of single-family homes was from 50% to 40%, however the note was seen not to work because the rest of the area had already been developed. She said the previous proffer statement is still in full affect, with the exception of flexibility regarding the building type mixture. She said the 27 affordable units would be a variety of one- and two-bedroom units. She noted many unit types could be constructed because of the R-6 zoning regulations. She said the developer wanted to ensure it could build all the possible affordable units instead of paying into the Fund.

Mr. Carrazana asked what the original plan for the subject parcel was. He asked if the applicant originally proposed to pay into the Fund or if there was a different development proposed.

Ms. Davies said when the property was zoned, it did not have a full development plan that had been engineered. She said the proffers were left open to allow the applicant to choose a for rent, for sale, or cash offer. She said the applicant was committed to affordable housing, and it wanted to construct affordable units that would stay affordable and draw people to the area.

Mr. Bivins asked if there would be two stormwater management facilities once the project was completed.

Ms. Davies said the stormwater management facilities were shown on the plan, so she assumed they would be built.

Mr. Scott Collins, Riverbend Development, said there were two storm management facilities on the property.

Mr. Bivins asked if there would be access and amenities associated with the stormwater management or if they would be solely for water collection.

Mr. Collins said there would be trails around the stormwater management facility in Phase 3 which would connect over to trails in Phase 5. He said the other stormwater management had foot trails around it, but no paved trail.

Mr. Bivins said the stormwater management sites should not become mosquito breeding grounds. He noted 27 affordable units were proposed for the subject property. He asked what type of units were at the left edge of the development.

Ms. Davies responded that the units at the leftmost edge were the same type of units proposed to be in the subject property.

Mr. Bivins asked if those units would also be affordable units.

Ms. Davies said sections marked with hashes on the conceptual map contained affordable units.

Mr. Bivins noted that all the affordable units were in one location. He said he was not supportive of the decision, and he noted the affordable units were next to a historical Black church. He said the affordable units could have been spread out through the community. He said when considering the Comprehensive Plan, staff should encourage developers to not locate the affordable housing in one location. He said the applicant was trying to put 27 units into the smallest portion of land available to the development.

Ms. Davies responded that the affordable units were not throughout the site, but they were specific to the unit type in Phases 3 and 4.

Mr. Missel clarified that the areas marked with hashes indicated affordable units. He asked if those were intertwined with market rate homes.

Ms. Davies said Mr. Missel was correct.

Mr. Missel said he supported the mixed income approach as well. He noted there was a mixture of market rate and affordable housing in one block of the development.

Ms. Firehock opened the hearing for public comment. She noted there were no speakers signed up for comment. She closed the hearing to the public.

Mr. Clayborne said he agreed with Mr. Bivins and would rather the affordable units be spread throughout the development. He said he would prefer to see the units built for the development, so he was supportive of the proposal.

Ms. More said she agreed with Mr. Clayborne's comments.

Mr. Carrazana said the proposals left items up to the imagination, and he said he would like more information from projects moving forward. He said he would support the project. He echoed comments that the affordable units should be distributed throughout the development.

Mr. Bivins said having units that met the affordability standard was good for the community. He noted Riverbend Development was a seasoned development firm that built large projects in the County—they were not new. He said it was not helpful to say the developer was new—he said it was annoying. He suggested to Mr. Rapp that there be an explicit note to applicants that it would be helpful if the affordable housing be distributed throughout the development rather than located in one section.

Mr. Bivins noted the proposed affordable units were all located next to a historical Black Baptist church. He said he understood the developer's decisions, and he noted they were not novices. He said he continues to struggle with the idea that the built affordable housing only helped the first person to buy the house. He said if a person lived in a house for two years and then sold, the house value would likely come to a reasonable market rate. He said the person who purchased the house when it initially went on market was the beneficiary, so there would be no long-term impact on increasing the long-term availability of affordable housing stock. He noted the median housing price in Albemarle was over \$400,000.

Mr. Bivins said housing types had to be affordable for more than one owner. He understood the developer followed the rules and ordinances of the County to do its business as it saw fit. He said the appropriate signals could be sent to applicants to indicate the preferences of the Commission. He asked Mr. Rapp if there was a way to better handle the issue.

Mr. Rapp said meetings had gone on with staff to figure out the best way forward. He said there would be work sessions to determine the best approach, and the Commission could be shown examples. He said the work required collaboration with staff planners as well as members of the development community.

Ms. Firehock said the County was in a different position—she said in the past, there had not been an effective system to match individuals to the affordable units, but the County had launched a regional database to track the affordable properties. She was hopeful the units would be sold to the people who needed them. She said if the units were not sold to qualifying individuals within a certain amount of time, then the units were released to the general market. She said the County liked to see designs that incorporated affordable housing throughout the development.

Ms. Moore said the rezoning was interesting. She noted when the proposal first came before the Commission there was minimal information, and some commissioners were skeptical. She said the issue was apparent at the time. She said the application was barebones and showed the critical road connections.

Ms. Moore moved to recommend approval of ZMA202100015, Glenbrook, for the reasons stated in the staff report. Mr. Clayborne seconded the motion. The motion carried unanimously (7-0).

## **Committee Reports**

Mr. Missel said the Village of Rivanna CAC met Monday evening, and Mr. Kevin McDermott provided an overview of transportation projects—he noted there were SMART SCALE related efforts to be tracked. He said Mr. McDermott's presentation was followed by significant discussion from many CAC members. He said the meeting transitioned to a review of the Master Plan language. He said Supervisor Donna Price was present at the meeting as well.

Mr. Missel said the 5th and Avon CAC would meet Thursday. He said the meeting would focus on transportation planning and future development in Southwood.

Mr. Carrazana announced MPO Technical Committee had met earlier in the morning to discuss the FY22 budget and the FY23 budget. He said there were conversations regarding SMART SCALE projects—including the Rivanna River crossing. Two options were discussed at the MPO, one at Market Street and the other at Chesapeake Steet. He said the MPO made a recommendation for the Chesapeake street crossing.

Ms. Firehock asked if the Chesapeake project was a bicycle and pedestrian bridge.

Mr. Carrazana said the project was a bicycle and pedestrian path. He said he could share images of the project.

Mr. Bailey said the Rio CAC met and discussed the review of the Rio Corridor plan and the first phase—the planned traffic circle and realignment of the neighborhoods along Rio Road. He said there was engagement from the CAC and general public. He said he would share more information as the process progressed.

## **Review of Board of Supervisors Meeting: March 2, 2022**

Mr. Rapp said the Board had approved the special use permit for the Boys and Girls Club (BGC) on the Lambs Lane campus. He reported that the Board had set a tentative schedule to return to in-person meetings for the Board and Commission. He said the April 12 meeting may be in person. He said the Planning Commission meeting schedule would shift to the second and fourth Tuesday of each month starting in April.

Mr. Rapp said the Board had elected for a hybrid meeting type where the supervisors, commissioners, staff, and applicants would appear in person, and the public could join in person or virtually. He said staff needed to figure out the technical aspects to be shared with the Commission. He said the Rio Road Corridor plan was scheduled to come before the Commission at the end of April for feedback. He said there would be a number of work sessions being scheduled to make progress on the Comprehensive Plan and zoning ordinance.

Mr. Bivins asked Mr. Rapp if a new meeting schedule would be sent to the commissioners.

Mr. Rapp said he would send a schedule once some meeting dates were finalized. He said he would likely send the schedule by the end of the week.

## **Old Business/New Business**

Mr. Carrazana noted the commissioners had requested figures on the net affordable housing increase from year to year. He asked if the County was successful with its housing program. He said he assumed the County was not gaining any affordable housing. He said affordable housing was disappearing around the County—he noted trailer parks and mobile homes were disappearing. He noted that whatever people may think about mobile homes, they were affordable housing for communities. He said as a Commission, there was not a good understanding of the state of affordable housing. He asked if there was a report on the net change in the affordable housing stock.

Ms. Firehock said the Commission had requested figures from staff to indicate how the County was doing with numbers of affordable units that were put out for sale or rent. She said the Commission had received an email from staff in response before the completion of the affordable housing strategic plan. She said staff had worked to put metrics in the plan so that there were measurable goals included. She did not know if the strategic plan had been in effect long enough to show results. She said she would follow up with staff on the status. She said staff could come before the Commission and present findings if there were findings to present.

Mr. Carrazana said he recollected that the Commission had requested a report on the net change in affordable housing. He said the housing stock could possibly be at a net negative.

Mr. Bivins said staff was attempting to capture information to be able to answer the questions regarding the impacts of the affordable housing program. He said the Board was discussing ways to incentivize developers to build affordable housing stock. He said he hoped once the Board decided on an approach, the issue would come before the Commission and the status of the County's housing program would be explained.

Mr. Rapp said he did not know if the housing stock was at a net negative. He said the affordable housing had not achieved the numbers the County had hoped which was why the changes to the affordable housing policy were undertaken. He said the new policy had been adopted and the Comprehensive Plan had been amended, and the missing step was to develop the incentives to get developers to build the affordable stock. He said staff would return to the Board with proposed solutions to provide incentives to build affordable housing. He said once the Board decided on an option, staff could return for a discussion before the Commission.

Ms. Firehock said she was interested in the status of the databases.

Mr. Bivins said the report should state the number of affordable units built during a specific period of time. He said the report would give a sense of the state of the community at large. He said the discussion should include the number of units that remained affordable. He said the University of Virginia was examining long-term affordable housing.

Ms. Firehock said she had struggled to find housing in Albemarle for a staffer she recently hired. She noted the prices were significantly higher than when she was in her 20s. She said she would follow up on the affordable housing topic with staff.



## Adjournment

At 7:09 p.m., the Commission adjourned to April 12, 2022, Albemarle County Planning Commission meeting, 6:00 p.m. via electronic meeting.



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Charles Rapp, Director of Planning

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

Approved by Planning Commission
Date: 04/12/2022
Initials: CSS