

**Albemarle County Planning Commission  
FINAL Minutes Regular Meeting June 14, 2022**

The Albemarle County Planning Commission held a public hearing on Tuesday, June 14, 2022, at 6:00 p.m.

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

Members absent: Fred Missel; Daniel Bailey.

Other officials present were: Jodie Filardo, Director of Community Development; Charles Rapp, Deputy Director of Community Development; Candice Perkins, Director of Planning Andy Herrick, County Attorney's Office; Vivian Groeschel and Carolyn Shaffer, Clerk to the Planning Commission.

Ms. Shaffer was present electronically via Zoom call.

**Call to Order and Establish Quorum**

Ms. Shaffer called the roll.

Ms. Firehock established a quorum.

Ms. Firehock welcomed Lonnie Murray as the newest Planning Commissioner. She asked Mr. Murray if he would like to say a few words.

Mr. Murray said it was a welcome to serve. He said he had served on the Albemarle County Natural Heritage Committee and on the Thomas Jefferson Soil and Water Conservation District for many years. He said it was going to be an exciting opportunity to participate.

Ms. Firehock thanked Mr. Murray for agreeing to serve.

**Matters Not Listed on the Agenda**

Ms. Firehock said this item was for matters not currently scheduled for a public hearing, so if there was anything that was not on the public agenda for this evening that a member of the public would wish to speak to, now would be the time. She said she saw no one approach the podium.

Ms. Shaffer said there was no one signed up remotely.

Ms. Firehock said she would move to the next item.

**Consent Agenda**

Ms. Firehock asked if any Commissioner wished to pull an item from the Consent Agenda.

Mr. Bivins said he would not like to pull anything but he would like to offer sincere appreciation to the developer of Galaxie Farms on the naming of the streets of that particular development for being so bold to name them after women in Science, Technology, Engineering, and Math.

Ms. Firehock said it was noted. She asked if there were any further comments or items to be pulled from the agenda.

Mr. Bivins moved the Planning Commission adopt the Consent Agenda, which was seconded by Mr. Clayborne. The motion passed unanimously (5-0).

Ms. Firehock said there were two public hearings even though there was one site being considered because there were two specific items that had to be addressed separately.

## **PUBLIC HEARING**

### **ZMA202100008 Old Ivy Residences**

Ms. Ragsdale introduced herself as Rebecca Ragsdale, Planning Manager with Community Development for development review, joined by Kevin McDermott, the Planning Manager for Transportation. She said they had a number of requests to cover, the two separate zoning requests, and along with the primary zoning request was a stepback waiver and a parking reduction request. She said these would be discussed with time for questions, with action taken by the Commission on each request at the end. She said Mr. McDermott would be covering the transportation section of the presentation. She said the primary rezoning was the residential rezoning, and the associated rezoning was the amendment to the steep slopes overlay zoning district.

Ms. Ragsdale showed a map to orient everyone with the location of this site. She said it was at the corner of Route 250 Bypass, along Old Ivy Road, and was about 35.5 acres near the intersection with Old Ivy and the on/off ramp for 250. She said they had heard a great deal about its location being significant from some of the letters of support and it was also mentioned in the application. It is in close proximity to a number of employment centers such as UVA and commercial destinations, so it would be convenient for residents of that area.

Ms. Ragsdale showed a closer aerial image of the site. She stated that the surrounding properties closest in proximity to it were University Village, Huntington Village, and Ivy Gardens, which was heading east into the UVA area. She said across the road were some properties that had been developed with UVA offices and were commercial. She said to the north was the Darden Business School at UVA, North Grounds, including the law school and other nearby UVA destinations.

Ms. Ragsdale said she would discuss the specifics of the zoning request because this project had a large number of details with the five different parcels and three different zoning categories of R10, R15, and R1 that comprised the approximate 35 acres. She said those included the R10 and R15 properties, which had proffers associated with them. She continued that one of the proffers was that the R15 properties were limited to R1 density until transportation proffers were deemed satisfied by the Board of Supervisors.

Ms. Ragsdale said she would give an overview of the request. She said it was a request for 525 residential units and would be a mix of at least two housing types, maybe more, because it would allow apartments, single-family detached, single-family attached, and duplexes as a range of housing types. She said they were providing open space and protecting environmental features, allowing for adequate amenity areas for active recreation and accommodating the Rivanna Trail. She said they were providing a transit stop and crosswalk across Old Ivy Road to existing pedestrian connections, and a proffer for off-site pedestrian connections along with affordable housing.

Ms. Ragsdale said they had reviewed this against the Comprehensive Plan. She showed on the screen the parcels were outlined in yellow and included Parks and Green systems of 20.67 acres, and the orange color was the Urban Density Residential category, which was designated for up to 34 units per acre. She said it was consistent with the housing types and the density in terms of the number of units, with one exception. There are some areas shown as green space that they believed should be redesignated, including portions of parcels where it would be appropriate to use the Urban Density calculation. She said the Comprehensive Plan would suggest up to 500 units, and the proposal was 525, which staff believed was reasonable.

Ms. Ragsdale said there was a lot of history associated with these parcels and the Land Use Designations, some of which tied back to it being a corridor for the western bypass, which was no longer a project. She said with rezonings, as they knew with some of them, they got into a finer level of analysis in terms of the environmental areas and what areas should be used for development, keeping in mind they wanted to

preserve those areas, but it was also in the Development Area where the land should be utilized efficiently, as far as one of their other Comprehensive Plan goals.

Ms. Ragsdale showed an overview of the concept plan, and the applicant would additional detail on some of the features of the plan. She showed the directions of north, Old Ivy Road to the left, and the bypass was to the west, and to the south was Huntington Village and University Village. She said the tan areas were the building envelopes, and the light blue color along the vehicular travel-ways were laid out. She said in the hatched area and the Comprehensive Plan designated green space areas, those environmental features such as the wooded areas, stream buffers, and some managed slopes that were being preserved as green space on the site.

Ms. Ragsdale said this was an R15 development, so unlike the planned development districts that required the plan as part of the Ordinance, the mechanism with an R15 district was proffers, so the major elements of this plan were proffered. She said the blue lines were the multi-use paths, which was along the frontage of Old Ivy, and the purple line was emergency access for fire that meandered through the site. She said it was very important in terms of the Rivanna Trail to allow for its current location to remain in some places and allowing for its relocation to the connection on the site, shown in purple on the left.

Ms. Ragsdale said the purple was the existing trail and the green-dashed line was the relocated trail, and the Rivanna Trails Foundation had indicated that they did not object to that relocation, and Parks and Recreation had also reviewed the request. She said there were opportunities for interconnection and future pedestrian access points if the applicant was able to work with the adjacent owners. She said some of the transportation and multi-use aspects would be discussed by Mr. McDermott.

Ms. Ragsdale said one of the issues raised by staff about this project was consistency with the affordable housing policy. She said the County's policy was that it was recommended that the total residential units within a new development would provide 15% affordable units. She said the application proposes 525, 14 of which would be affordable. She said the applicant had based their calculation on the difference between what they believed the by-right yield would be if those properties were able to develop at an R15 density up to 430 units. She said staff had provided in the report that the difference was significant in terms of doing that calculation, which was not consistent with the policy. She said providing affordable units consistent with the policy would provide about 78.7 units, and those were offered as rental units, and there was an affordability note on the application plan. Ms. Ragsdale asked if there were any questions.

Ms. Firehock asked for the presentation to continue.

Mr. McDermott introduced himself as Kevin McDermott, Transportation Planning Manager in Albemarle County. He said the Old Ivy Residences had performed a Traffic Impact Analysis as part of their proposal, and the traffic engineer's trip generation calculation for the total number of trips for this project would be 4,326 daily trips added to Old Ivy Road. He said the Traffic Impact Analysis (TIA), did identify that existing conditions in this area, primarily on the western side of the bypass. He said on the screen the locations were numbered 1, Ivy Road and Canterbury Road intersection, and 2, Old Ivy Road and Route 29 off-ramp. He said existing conditions at those were currently failing for many movements and were poor all-around.

Mr. McDermott added that the County and VDOT had been aware of these issues out there and they had been studying the situation to identify potential improvements. He said they had not fully identified or vetted specific improvements yet, although there were some options that they were looking at. He said they were still evaluating those to find out if they were feasible, and if they were determined to be feasible, they would need to identify funding for that. He said they were also looking at the other end, just north on the number 5 seen on the map, Old Ivy Road crossed under the railroad line; it was a very narrow crossing where they saw a number of pedestrians going through, which had also been a cause of concern for the County, from VDOT, and from the university, so they were looking at opportunities to improve that situation.

Mr. McDermott said once again, they had not identified specific improvements or funding for it, but they were looking at some potential options. He said the Traffic Impact Analysis showed that with the proposed

addition of that 4,326 daily trips, there would be additional delays, primarily at those same intersections, so the current delays would be extended beyond what they were currently with this proposal.

Mr. McDermott said about the proffer that Ms. Ragsdale mentioned that ZMA198500021 was approved with a proffer that limited the density to the R1 level until Old Ivy Road was "improved to the satisfaction of the Board of Supervisors of Albemarle County." He said there was not a lot of specificity to that proffer, and the minutes from that Board hearing discussed improvements for things such as the lack of curb and gutter throughout the entire corridor, narrow lanes and the desire to have a 30-foot roadway width from curb to curb to fit those 12-foot lanes, which would be ideal. He said most of those improvements had been completed; there was curb and gutter along a lot of that section of Old Ivy Road now, and most of this section had a 30-foot width.

Mr. McDermott said another item discussed in that public hearing was the realignment of Old Ivy Road under the railroad underpass. He said there had been no change in that, and it was still a cause for concern for them. He said the provision of sidewalks on one side of Ivy Road was partially complete on the south side of Old Ivy Road. He said with the development that the University had out there, they had put sidewalks on a significant portion of that, but they definitely did not go through the entire corridor. He said the intersections west of the bypass were not specifically identified at that time, but they knew now that they exhibited poor operations, and based on that analysis, staff did not consider that the 1985 proffer had been satisfied.

Mr. McDermott said the proposed improvements that the applicant had committed to through either their application plan or for proffers, included a future bus stop along the site frontage along Ivy Road, which currently was not served by any transit service, but it was possible they could get transit service. He said at one point in time the university had some transit service out on Old Ivy Road, but it no longer existed. He said another item they were proffering was a shared use path, which was shown across the frontage by the solid blue line on the slide, and they also offered to extend that shared use path through to Ivy Gardens, which was shown by the dotted blue line. He said they had proffered to construct that if the necessary right-of-way were donated by the current property owners, and if the property owners did not donate that right-of-way, the developer had offered to provide the County with \$500,000 for construction of that path so the County could do it as a public project in the future.

Mr. McDermott said they also added a pedestrian crossing at the site frontage of Old Ivy Road, and as he mentioned, there was sidewalk on the south side right now, so that would provide some connectivity, and also it provided connection for the Rivanna Trail, which went through there and crossed the road. He said also was a right-turn leading to the US-29 Bypass there on the west end of their property. He said there were other potential improvements, such as a shared use path connecting to Leonard-Sandridge, but all of that was subject to the availability of easements and discussions that were ongoing between the developer and other property owners.

Mr. McDermott said overall, staff saw a lot of value in those proposed improvements, however, there were remaining unaddressed transportation issues, and those included the poor operations of the intersections west of the bypass in the future no-build condition, in which they got measurably worse with the proposed development, the railroad overpass on the eastern end was severely constrained with poor sight distance, flooding issues, insufficient width, and a substandard intersection at Ivy Road. He said on the screen were pictures of that overpass and the issues were pretty apparent there. He said also included was the lack of pedestrian connectivity to surrounding systems. He said there were existing pedestrian facilities on Old Ivy, and the developer was proposing to provide some more, but those did not connect to anything beyond that small area of Old Ivy there around the development and some of the UVA facilities.

Ms. Ragsdale said there were two other requests related to this, one of which was the stepback waiver request, which the Commission had seen as a frequently requested item with apartment buildings that wanted to go up to four stories. She said this request would apply for this multi-family apartment buildings that potentially would go up to four stories and waive the stepback requirement. She said staff did not have any concerns about it as far as it producing what was called "the canyon effect" or any concerns with

buildings and spaces of human scale with the building spacing, and setbacks they indicated on the illustrative plan, which was shown on the screen, so they recommended approval of the stepback waiver provided that the County received more information about setbacks on the application plan. She said shown on the slide was the R15 setbacks, where the front stepback was five feet, but it looked like that was a bit increased from Old Ivy, and that was a factor they indicated in their stepback waiver request, which was in the packet.

Ms. Ragsdale said the second special exception was a parking reduction request, and they provided in terms of what the Ordinance required for one-bedroom and two-bedroom apartments, townhouses, and what the proposed parking request was. She said that was based on ITE figures and comparison of similar sites, including experience Greystar had with similar properties in other locations. She said they discussed that the transit stop would be provided and there would be opportunities for multi-use paths to be provided, and staff's recommendation at this point was that if the reduction request were approved, it should only be with the condition that at least the multi-use connection to Leonard Sandridge Drive is made. She said typically, these parking reduction requests were reviewed administratively, and sites must provide certain things, and the zoning administrator could reduce the parking, but because these things were not currently in place, it needed to be processed this way as a special exception. She said now was an opportunity for questions.

Ms. Firehock said to continue with the presentation.

Ms. Ragsdale said the last item before the Commission was a request to amend the Steep Slopes Overlay district. She said it was a district that was established in the zoning ordinance and created what they called Preserved and Managed slopes. She said the Preserved Slopes were shown in green and the Managed Slopes were in yellow on the map on the right of the screen. She said the applicant provided a detailed analysis of the slopes, which were located on the northern and western portions of the site along the bypass, as indicated on the map.

Ms. Ragsdale said provided in the packet was an overlay of potential footprints and areas that may be disturbed, shown on the map on the left, with the slopes shown in red. She said it was 1.5 acres of Preserved Slopes that they would like to rezone to Managed Slopes. She said there was a detailed analysis that gave the history of the site, because the slopes were man-made and were not associated or adjacent to a perennial stream, and the applicant said in some cases there might be improvement to runoff.

Ms. Ragsdale showed the plan set on the slide. She pointed to the area where the travel-way extended up and all the way back to the bypass. She said the slopes were shown in the areas adjacent to the bypass and in the middle of the property. She said it could be seen on the slide which properties were affected along the edges near the open areas where some of the wetlands that were closest to the slopes were. She said the County Engineer did not object to the request, but they pointed out in the staff report that wetlands were called out for preservation in the Comprehensive Plan. She said as part of the zoning ordinance analysis, they raised some concerns about both the note on the plans for wetlands preservation and the need for rewording that so it achieved what she believed the applicant had intended in order to not disturb wetlands unless they had to and reworded it so that it would be subject to County approval.

Ms. Ragsdale said they also suggested potentially looking again at the areas where the slopes were, because the request was to change the zoning map and change them from preserved to managed. She said the distinction was that Preserved Slopes only allowed for very limited things like trails and public facilities that could not go anywhere else, and Managed Slopes allowed for all of the underlying by-right activities. She said both were subject to the design standards section of the zoning ordinance.

Ms. Ragsdale said they had received public comment in the form of letters of support, which touched on things such as the location and providing housing types, as well as concerns, which included traffic and safety concerns and the condition of Old Ivy Road. She said Commission and staff had read all of those. She said in summary, they were not recommending approval at this time, and they acknowledged the positive aspects, but as noted, they had issues with the consistency with the affordable housing policy and

traffic concerns. She said there were suggested motions for the Planning Commission when they were prepared for that.

Ms. Firehock asked if there were questions for staff.

Mr. Clayborne said asked if the two intersections mentioned, Ivy and Canterbury, and Ivy and the 29 off-ramp were volatile, as in there were a number of traffic accidents that happened there.

Mr. McDermott said they had not identified those as significantly problematic safety issues currently. He said the biggest concern with that area was primarily in the a.m. peak hour, they were noticing that the queue lengths were extending up the ramp and approaching the main line of Route 29, and they were afraid if that continued to be a busy intersection that those queue lengths could get into the Route 29 main line and cause significant safety concerns. NO

Mr. Clayborne asked if proffers had a statute of limitations on them or something similar. He said 1985 was almost 40 years ago, so he would like to know if they were held in perpetuity.

Ms. Ragsdale said yes.

Mr. Herrick said the short answer was yes, unless or until amended by the Board of Supervisors.

Mr. Clayborne asked if it could be described in layman's terms what a "Class B Type 1 Primitive Trail" was and what were its characteristics.

Ms. Ragsdale said that was compacted earth or mulch or stone dust, not a paved path.

Mr. Clayborne asked if the County had to maintain that.

Ms. Ragsdale said in this case, the applicant would maintain that, or whatever relationship they had with Rivanna Trails.

Mr. Clayborne said his last question was if the County had standards that defined what was acceptable for documenting sites and buildings before, they were demolished. He said he read there was a property with some outbuildings on the parcel there. He asked if there was a standard and if not, they could just do a napkin sketch and be done with it.

Ms. Ragsdale said that demolition permits were required, and as part of that, the historic preservation planner took a look at them, and they typically would reach out to the applicant and discuss with them voluntary documentation and offer assistance either with the historic preservation committee member or a staff person so they could get that level of detail. She said the property owners were not required to provide that access and could do it themselves, but they provided them as much guidance as they could as part of that process.

Mr. Bivins asked to see a map showing the separate parcels. He asked if they could help him understand what could be done today.

Ms. Ragsdale said that was where the proffer came into play.

Mr. Bivins asked if she was referring to the 1985 proffer.

Ms. Ragsdale said yes. She said the dark brown parcel on the slide was R15 that was subject to the R1 proffer, and the lighter brown color was also subject to the proffer. She said the avocado-green was the R1 parcel. She said the table on the screen was provided by the applicant. She said the colors did not match, but the R15 parcels were in the lightest tan, and their acreage along with the acreage of the R1 was shown as well.

Mr. Bivins asked if the R15 was about 27 acres today.

Ms. Ragsdale said it was a majority.

Mr. Bivins said that today they could do whatever was allowed for 27 acres of R15 land.

Ms. Ragsdale said that was true if the Board deemed that transportation proffer satisfied.

Mr. Bivins said even though that was R15 and dealt with in 1985, the condition precedent about the Board agreeing to the conditions on Old Ivy Road still would govern what could be done.

Ms. Ragsdale said she could not hear what Mr. Bivins said.

Ms. Firehock said she thought Mr. Bivins was saying that they could not develop it unless the Board's stipulation was met with regards to traffic, road condition, and related items.

Ms. Ragsdale said the Board would have to take that matter up to make that decision. She said without that step, it was R1.

Mr. Carrazana clarified that it could be developed as an R1.

Ms. Ragsdale said yes, with the R1 density.

Ms. Firehock said not as the R15.

Mr. Bivins said not as the R15.

Ms. Firehock said in their memory, in terms of looking at applications and special use permits, had they encountered other applications where they offered the affordable housing percentage based on the difference between by-right and the expanded number of units with the rezoning.

Ms. Ragsdale said there might have been one a long time ago, and recently they saw this type of request with another one, but she did not know which one it was off the top of her head and what those numbers were, but she thought it had been some time since them had updated their affordable housing policy.

Ms. Firehock said she was trying to get a sense of how unusual it was, because she had been on this Commission for 8.5 years and she did not recall one, at least in terms of this body.

Mr. Bivins said about Mr. Clayborne's comment about the a.m. queue on the road near St. Anne's-Belfield School that he had spent a great deal of time in that particular area and that the queue issue happened in the afternoon as well. He said they had advised people to never use that road because it was an unpredictable intersection. He said it was difficult to drive around during the school year, both in the morning and afternoon.

Ms. Firehock asked if the traffic study accounted for the new UVA buildings that had been built. She asked if that traffic was fully flowing and part of this analysis.

Mr. McDermott said yes, he believed the counts were done when UVA was in session.

Ms. Firehock said they had built a number of new structures that had added traffic, so she was curious as to whether the traffic impact study was done when those new buildings were open and fully functioning.

Mr. McDermott said yes, it would have been done. He said when they reviewed the TIA, they believed it accurately depicted the existing depictions out there.

Mr. Carrazana asked what the date of the traffic study was.

Mr. McDermott said he would find that information.

Mr. Carrazana said he would like the Commission to have that information because it would be interesting to see if that was done during a time when Covid-19 was in play and the one UVA structure there on Old Ivy Road today was up to its capacity.

Ms. Firehock said she drove along that road during the construction of those new buildings, and she was unsure if they had been completed.

Mr. Carrazana said they had been completed, but they emptied during the pandemic, and many people had not yet returned.

Mr. McDermott said of their standards for the TIAs that if they believed that Covid-19 may be a factor in the existing counts, they may have the traffic engineer add traffic into those counts so they could accurately predict that. He said there was also a background growth rate that was assumed in there as well. He said there were no issues with the existing counts, and he knew the traffic engineer who performed that study was available to answer questions as well.

Mr. Carrazana said they would get the data. He asked Mr. McDermott for clarification on the VDOT efforts and planning for the several studies that had been taken place, including underneath the trestle bridge. He asked if he could explain where they were with those processes.

Mr. McDermott said that the planning was funded by state planning funding and VDOT was performing those studies. He said they put together a draft report that identified some options that may have worked well, however, most of those options were too expensive to move forward with. He said now, they were evaluating some lower-cost solutions, and some had been identified that were promising and well under \$500K to allow the County and VDOT to identify funding for. He said they were currently evaluating those options and running them through models to make sure they work, and then find the money for it. He said it probably would be a few more months down the line until they saw results from those studies and found whether any of those options were going to work, and then they had to find the money to implement them.

Ms. Firehock asked if there was anything further from the Commission to the staff.

Mr. Murray said there was an unusual spot where the Rivanna Trail seemed to be constrained between development on the map. He asked how that was going to be characterized in that area. He said it did not look buffered by vegetation at all, and he would like to know what the site would look like and the character of the trail in the area. He asked what that area was.

Ms. Ragsdale asked for clarification in what Mr. Murray was asking exactly.

Ms. Firehock asked if it was a strip of green space.

Ms. Ragsdale said it was one of the amenity space areas. She said it would be routed through green space behind, and as it got closer to units, it would be routed between them, a green space area, there would be a pedestrian crossing provided for safety as it went through on the other side to connect to the existing purple section.

Mr. Murray said it looked like buildings were coming close to there. He asked if there would be buffering vegetation between the trail and the buildings. He said it did not look like there was.

Ms. Ragsdale said the applicant could speak to what they intended, but there was not any higher level of detail for that area than what was provided on the application plan as far as green space. She said there

was not a certain planting plan that had been proposed since it was a concept plan at this point, but those things were what they needed their feedback on, and the applicant would probably respond to that in their presentation as well.

Mr. Murray said he assumed it was not an all-or-none proposal. He asked if the applicant could propose to, as opposed to recharacterizing all of the slopes from preserved to managed, designate a portion of the slopes to be managed as opposed to the whole block.

Ms. Ragsdale said that was not what was before the Commission this evening, but there were rezonings where they would need to establish a plan and topographical line for them to follow on GIS, so that was a possibility as something that could be done, but the applicant had not proposed that yet or might not.

Mr. Murray said he and his wife observed a car flooded up to its windows within the past month or two under that railroad. He said he knew that VDOT had accident data, but he would like to know if that included damage from flooding, people caught in floods, or fatalities in flooding at that intersection.

Mr. McDermott said that would not be included in their crash data for that. He said it was something he believed VDOT could track, because when those issues came about and they did a service call for it, they recorded it. He said he did not have the numbers for that, and he was just aware that VDOT did get occasional calls on that flooding.

Mr. Murray asked if Fire & Rescue had made any comments about this proposal.

Ms. Ragsdale said the Fire Marshall reviewed the emergency access connection, and when they got to the site plan stage, they would need to meet all the fire code requirements, but she did not believe there were any other comments as far as difficulty accessing the site during service calls.

Ms. Firehock asked for the applicant to please give their presentation. She asked for the speaker to state their name and organization.

Mr. Clarkson introduced himself as John Clarkson, Managing Director of Greystar Real Estate Partners. He said they were based in Charleston, South Carolina, and he represented the division in Washington, D.C. He said it was a very important project, and they did entitlement across the country, and it was the first time in two years they had been able to do this face-to-face, so they appreciated the opportunity. He said this project was critically important to them. He said there was an affordability crisis going on across this country, and they were not immune to that in Albemarle County.

Mr. Clarkson said they had a project that was very appropriate for what was defined by the zoning. He continued that they intended to build a very thoughtful and well-designed project that met the housing demand while doing it appropriately with their neighbors and becoming an important part of the community. He said they intended to adhere to young professionals as well as graduate students. He said there were two former students present with them today from Darden who knew the community well, and it was critical that they designed this to meet the needs, but also to become an integral part of the community. He said Valerie Long, the Land Use counsel, would give more information.

Ms. Long greeted the Chair and members of the Commission. She introduced herself as Valerie Long, with the law firm of Williams Mullen, representing the applicant. She said thanked the Commission for their questions and said she had answers, but was very cognizant of her time, so she asked if those questions could be addressed later if she could. She said she would skip over the areas they had already talked about, and she was happy to elaborate on the zoning. She said to specifically answer Mr. Bivins' specific question, for clarification, Ms. Ragsdale was correct that until the proffer was deemed satisfied, the proffer required that the R15 parcels could only be developed at an R1 level of density, which was not consistent with the Comprehensive Plan.

Ms. Long said there was an extensive history about the Comprehensive Plan, which was covered in great detail in their narrative, but to summarize, based on their research, the primary reason that the area in green was shown that way was because when this map was adopted in 2015, the property was owned by VDOT because it was part of the western bypass land. She said not too long after the project was canceled, the land was sold back to the owners, and unfortunately, the map had not come back up for amendment since then.

Ms. Long said this was one of the very first things they discussed at the pre-application meeting, and they were advised by senior staff that they understood the issue and would not interpret it strictly, and what they would be looking for was for the applicant to preserve these sensitive environmental areas, and they believed that was what they were doing. She said she hoped the Commission would agree would be happy to elaborate on that.

Ms. Long showed the prior land use map from 1996 and said it could be seen that the entire area was shown for urban area residential at that time. She said they had maps of the area, and she was sure they were all familiar with it. She said as Ms. Ragsdale indicated, there were sidewalks in many of the areas, but not all of them. She said shown on the screen was what was essentially a photograph of the future driveway as well as the existing driveway, sidewalks, and utilities at well. She showed a photograph showing a building that was added by the University recently. She showed a photograph of the entrance to the Rivanna Trail, and it could be seen, there was no sidewalk there, whether along Old Ivy or across the street. She said they would address both of those issues.

Ms. Long continued that they had a lot of meetings with the community over the years, and as Mr. Clarkson said, from the very beginning they had been focused on being a good neighbor and outreach to the community. She said they had had neighborhood meetings, several meetings with their most adjacent neighbors at University Village and Huntington Village. She said they worked very closely with staff and resubmitted the application a total of four times in an effort to continually improve it based on staff's feedback and comments.

Ms. Long showed a slide that she said was included in their application to specifically address the 1985 proffer. She said she would be happy to discuss this in more detail, but it could be seen that there were quite a number of improvements to this corridor since 1985, most significantly the University's construction of Leonard Sandridge Drive, which obviously took a tremendous amount of traffic off of Old Ivy.

Ms. Long said as Mr. McDermott indicated, there was a lot of widening, curb and gutter, sidewalks, of the three deficiencies that were discussed in the 1985 proffers, and the only outstanding one was the railroad trestle. She said they certainly understood and agreed that was a problem, and she was comforted and encouraged by Mr. McDermott's comments about how closely they were working with VDOT and the University representatives to address that issue. She said she knew that VDOT had some ideas they were working with, and nothing had been funded yet, but they were optimistic, and Greystar had indicated a willingness to contribute to that solution; that request or offer remained outstanding.

Ms. Long said based on those issues being satisfied or potentially able to be satisfied in the near future, combined with all these other improvements that had been made, and combined with all of the development that had occurred around since 1985, they thought the most important thing was the location of housing inside the existing scarce development area close to their community's largest employer, not to mention graduate schools and other destinations close in.

Ms. Long said that was how they thought it would serve the community the best, and not improving the project would not make the transportation challenges go away and would only exacerbate them. She said they thought the proffers and other commitments that the applicant was making would certainly overcome any additional trips that were added, and they thought they could prove it at least to a marginal degree. She said Mr. McDermott highlighted the proposed improvements along the frontage, most significantly the pedestrian bicycle path across the entire frontage that would also connect the Rivanna Trail to the sidewalk in this location.

Ms. Long said people using the trail could come across, and the committed sidewalk would cross them over to where there was an existing sidewalk, substantially improving the safety for users of the trail. She said the fact that the applicant was voluntarily committing to retain the Rivanna Trail for the benefit of not only its residents, but the community, was significant, as it was not required, and the existing easement was a license that was revocable. She said they had proffered to construct or contribute financially to the extension of that multi-use bike-ped path across the frontage, so that would be an additional distance of 1,725 feet of bike-ped trail. She said if that were to happen, it would connect to an existing path that went back to Leonard Sandridge.

Ms. Long said they could see there were a number of sidewalks, and the plan was committed to those sidewalks shown in blue on the slide. She said they believed these frontage improvements were substantial, and the applicant could not make off-site improvements voluntarily or unilaterally. She said they could, however, control and improve its frontage, and things it had the legal ability to do, it was committing to do. She said there was significantly a full turn lane dedicated to the northbound ramp, so any residents coming out of the project could immediately get into a right turn lane and then get onto the northbound ramp if they were going downtown, so even if they had to get into their car to go to work, they would be able to jump right on the bypass and not contribute to the traffic in the mornings in the areas the traffic was congested.

Ms. Long said as Mr. McDermott said, in 1985, the concerns did not involve those congested intersections by Canterbury and the Bellair Market, the concern was about Old Ivy itself. She showed their application plan on the screen and while Ms. Ragsdale covered most of it, they were happy to go into as much detail as they would like. She said they thought the amount of commitment was substantial, the commitment to two different types of housing, lots of open space and lots of sidewalks.

Ms. Long said they were very hopeful they would construct that path; they could not do it alone, but they were in conversations with some of the adjacent landowners, and they would continue that. She said the density, when factoring in the issues they described with the master plan, included the preserving over eight acres, and in open space it was fully consistent when looking at it in context with the Comprehensive Plan.

Ms. Long showed the concept plan, which detailed diagram of types of properties, varieties of housing types, and as was noted, it would be an entirely for-rent community, a type of product that was not available in this area at all. She said finally, the project benefits were its central location, its unique housing type, consistency with the Comprehensive Plan, preservation of environmentally sensitive areas, committing to a transit stop on site with the hope that the UVA shuttle would come back, and Greystar was very intentional with how they designed the site to have higher-density and taller apartment buildings as far away from their neighbors as possible, and the lower density, shorter buildings closer to them. She said they would be happy to elaborate on that more.

Ms. Firehock said now was the time to ask the applicant about anything in the application or about anything Ms. Long had just said.

Mr. Murray asked if Ms. Long could characterize that community space that he highlighted on the Rivanna Trail.

Ms. Long thanked Mr. Murray thanked Ms. Long for reminding her. She showed an illustrative plan, and then showed the proffered concept plan. She said their proffers stated that they would develop the property and general a quarter this plan, and then they specifically identified important elements of this plan, and one of them was the Rivanna Trail. She said the conceptual plan shown on the slide would be binding, including all of the notes on there.

Ms. Long said it could be hard to understand what they were looking at, so they also had a land planner create an illustrative plan showing the vision. She indicated the proposed location of how the trail would be routed through, and said they identified that area with sidewalks and designated open space, so it would go through a small green space area, and obviously would be going through a neighborhood, so they

wanted to highlight it, but Greystar also wanted to integrate it into the neighborhood. She said then it became not only an amenity for those using the Rivanna Trail and passing through the community, but also for the residents of the community.

Ms. Long said that most of the trail would go through open space and natural areas, but in the discussed area, because they needed to connect to it and it ended off-site, they designed it as shown. She said it was conceptual for now, but they did commit to having some green space around, and to Mr. Murray's question, to provide buffering and space so people were not running next to people's houses.

Mr. Murray said they said they were preserving environmentally sensitive areas. He asked what they were doing to protect the integrity of those sensitive areas, including the wetlands, for example. He asked if they were doing anything to protect invasive species from spreading to those wetlands that may be used in plantings.

Ms. Long said she did not think they had gotten into the issue of invasive species at this time, but they did show on the plans there were a handful of isolated wetlands areas, and on the concept plan, those areas were shown as not being disturbed. She said as Ms. Ragsdale indicated, and as was indicated in the staff report, they tried to demonstrate a very high standard and commit to a very high standard for not disturbing those wetlands to the greatest extent possible, however their engineers had clarified and made them aware that because the site had yet to be designed, they did not know with 100% certainty that they could stay out of every square inch of the wetlands.

Ms. Long said in those events, there was a process to work with the Corps to allow very limited disturbance if necessary, with mitigation requirements as a result, so they were not comfortable saying that they could 100% guarantee they would stay out of every inch of the wetlands, but they added a note to the proffered concept plan that said it was the intent of the applicant to not disturb them at all, and to use the maximum extent practical to avoid them. She said if they needed to disturb any, they would coordinate with the Corps and the County and any other parties to do that. She said Ms. Ragsdale did suggest it might be better to change that language or add to it to say that the County engineer would have to review that and confirm whether that standard had been met. She said they believed that was implied, but they were certainly willing to add that.

Ms. Long said with regard to the other sensitive environmental areas, there was a stream that had a water protection ordinance buffer, and on the concept plan, the outline of the 100-foot WPO stream buffer was shown, and they had committed to stay out of that area. She said they also had that area delineated early on by the Corps, so they were certain of where exactly its boundaries were. She said the other issues were preserving the natural wooded area on the site. She said Greystar representatives could state that one of the main things they loved about this site from the time they saw it was its extensive natural area and the ability to preserve as much of that as possible and make it an amenity for the community, and they had worked hard to do that.

Ms. Long said with regard to the preserved slopes, as Ms. Ragsdale indicated, they were zoned as preserved slopes, but they were definitely manmade. She said when Leonard Sandridge Drive was constructed, this area was permitted as a waste area, so the dirt from building the road was piled here, and that was just one of the numerous times the area was disturbed over the years based on the aerial imagery. She said while it was near this pond, those manmade slopes did not have the characteristics as other preserved slopes, and the civil engineers could provide more detail about it, but their explanation to her was that if the project was approved, the ability to have an engineer-designed plan for the site would improve the environmental features by reducing those areas and preserving the other areas that provided much greater environmental benefit.

Mr. Murray said one of the great potentials of this site was if there was a mass transit option, and then they could have a pedestrian-oriented development. He said one of the biggest concerns he had was about the cars, and for that matter, a bus could not fit under the railroad to his knowledge. He said they were proposing 1.35 spaces per unit, and he would like to know if they had considered asking for even less than that.

Ms. Long said to clarify, it was 1.35 for the apartments, for the townhouses it was 1.6, and the no-change for other single-family. She said that what her developer clients told her was that the County's parking regulations required substantially more parking spaces than were actually needed for multi-family units. She said it sounded like perhaps they agreed, but regardless, what Greystar had asked was to not have to build more parking spaces than it needed. She said they would much rather save that land and put it towards amenity areas, green space, etc. She said they managed a lot of apartments around the country, and based on their experience for a community like this in a location like this, they had looked at this with a lot of fine detail, and with what they had proposed what was exactly the right amount, because they had to have enough to lease the units and did not want to build more than they needed.

Ms. Long said if things worked out well with transit, and as she stated, they were committing to have a transit stop on site, and they would coordinate the location of that with CAT or UVA if they restated their shuttle, and if that proved to be significant enough, they could reduce it even more. She said what they had asked for was what they thought was the right ratio based on what they currently knew. She said they always had the ability to ask staff for an amendment to allow that parking reduction request, but what they proposed in that request was what they thought made sense. She said they may be right about the railroad trestles, and she thought the one near the Bellair Market may be okay, but even if it were not, the UVA shuttle bus was the size of a JAUNT bus or the Crozet Connect buses that could navigate the railroad underpasses effectively. She said those were things they had not worked out, but those were the types of things they were hopeful could be implemented.

Mr. Clayborne said it was necessary that they discuss the affordable housing determination, and he would like Ms. Long to spend time speaking to that and why they all decided to do something different than what was in the County policy.

Ms. Long said they were committed to affordable housing, had proffered, and put a lot of thought into this. She said as noted earlier, about 27 acres of the land was zoned R15. She said they were not asking for an increase for those parcels in terms of units. She said the 1985 proffer regulated that for purposes of traffic, but for purposes of actually allowing those units, that land was rezoned to R15 back in 1985, so they did a granular look at exactly how many units could be built across the property by right based on the R15 zoning for those parcels, and the R1 zoning that was on a 5-acre parcel. She said the reality was that they could build 430 units by right, so they were asking to go from 430 to 525 and commit to have 15% of the units over and above be affordable housing. She said there was precedent for this, and the County had approved that.

Ms. Long said they had asked Ms. Ragsdale, who may not have been involved, but there were two that she herself had been personally involved in. She said one was the project on Rio Road called Oakley, which she worked on the zoning for twice, and originally it was zoned R6, and they rezoned it to neighborhood model. She said she could not recall the number of units it was supposed to have. She said when the assisted living facility came along, they had to amend the zoning to allow the assisted living facility, which reduced the number of units, and when they came back and amended the proffer, they asked for what the County termed "by-right lot yield credit," which at the time was against cash proffers when those were being accepted, as well as affordable housing. She said they asked for that credit, and the Board granted it.

Ms. Long said likewise, she was involved in a project on Rio Road called the Lofts at Meadow Creek, across from Treedsdale, and likewise, the Board granted by-right lot yield credit for that as well. She said a lot of times with rezonings she had been involved in, if the underlying zoning was R1 or RA such that the by-right lot yield credit was very small, it was not worth worrying about. She said the easier thing was to say they would do 15% of all of those units and made a difference of sometimes two or three units. She said in this case, it was a difference of a substantial number of units, and they very intentionally did not propose to increase the zonings on those parcels above what it was approved for back in 1985. She said they thought it was appropriate given that they were essentially not up-zoning those parcels in order to commit to the affordable housing that reflected the up-zoned units.

Ms. Long said she understood, and no one disputed the challenges of affordable housing or housing in general. She said they thought the benefits this project would provide to the community by having this many units close to their largest employer in an area that was designated for much higher density and could contribute to some movements, multi-modal and others, that when balanced together, along with the affordable housing that had been committed to, that that addressed the policy. She said she knew others may disagree.

Mr. Clayborne said he thought she was aware there was a perception of how challenging that would be to have 500 units and only 14 affordable ones. He said it was very challenging. He said in terms of sustainability, it was very important to their community and vision, climate action, and Comprehensive Plan. He asked if Ms. Long could tell them how they were going to take steps towards achieving that vision with this project in particular, whether through the site design or building design.

Ms. Long said she was glad Mr. Clayborne raised the matter, because she neglected to mention that one of the many benefits to the community was that by locating these homes within a close-in location, close to a large employer, close to other destinations, it would have people drive less, whether it be through mass transit or walking to work, and would have a significant impact on climate action by definition of its location. She said the fact the community had been designed with sidewalks throughout the community to foster and support that would help, they were committing to the multi-modal improvements that would also help, and Greystar in its communities regularly incorporated features like bike storage lockers in their buildings, bikes that could be borrowed, and programs like that would help further those goals as well.

Mr. Clayborne asked if she could discuss more about the buildings, because they could be there for 50 to 75 years.

Ms. Long said they had not gotten to the point of design, building materials, or those sorts of things at this stage.

Ms. Firehock said to clarify, they were not asking for proffers on the spot.

Mr. Carrazana said the density was happening in the grey blocks on the slide, and beyond the grey blocks, they did not know much about it. He asked if they were four-story buildings with setbacks. He said he assumed the width would be accurate to the development, but it was hard to see from the illustration.

Mr. Nickerson introduced himself as Dan Nickerson and said he had been working on this project since January of 2020, and the design was the fun part, so he was happy to walk them through some of that. He said one additional thing they did specifically for climate change was adding EV chargers to all of their projects, because more people wanted to drive cars that reduced carbon emissions.

Mr. Nickerson showed an illustrative rendering of the project with the townhomes going towards the stormwater pond. He said these were not the full details and were just early renderings but were meant to give an idea of scale and size. He showed another rendering from above to show how the parking had been hidden, and to the point earlier about having these mews and having these areas where people could enjoy their neighbors. He said it could be seen that the main apartment buildings were four stories tall.

Mr. Bivins asked which building was the four-story building.

Mr. Nickerson said the big white blocks in the background of the image.

Mr. Bivins said they looked like barns.

Mr. Nickerson said that was not detailed out in these renderings, which were meant to show size and shape. He showed another slide that he said was an early design concept of four-story buildings with elevators product into their corridors, with symmetry and brick added to fit in with the overall aesthetic while still being a modern design.

Mr. Carrazana asked if there were four or five of those buildings.

Mr. Nickerson said there were five.

Mr. Carrazana asked if all five of those buildings were the same scale, including the ones against the road.

Mr. Nickerson said yes.

Mr. Carrazana said they did not understand what the setback was. He said he understood they were asking for a stepback amendment, but they did not have anything showing setbacks or the height of the building. He said he did not see it in the application, which was what prompted his question.

Mr. Nickerson said his understanding was that they did not proffer any of those things, and they had not gotten to that level of design. He said they could show the heights.

Mr. Carrazana said he was not asking to proffer any of that, but he was asking to understand it, because they were asking for an amendment for a waiver.

Mr. Nickerson said that was along the travel-way.

Mr. Carrazana said it was for the stepback, and for them to understand and begin to review whether they could grant that waiver, they had to understand more about the building height and setbacks. He said he wanted to give an opportunity for clarification, because he did not see any of that in the application.

Ms. Long asked Mr. Nickerson to display the concept plan. She said it was a copy of the proffered concept plan and the areas in tan were the building envelopes committed to for the buildings. She said they were not aware of a setback being established as necessary until they saw the staff report, but they thought the suggestion was for a five-foot setback along the front, which they could certainly do. She said regardless, they had proffered or committed to develop the property with general accord with this plan, which would require the buildings to be located in those envelopes. She said she believed that effectively created some setbacks, but to the extent that that was not efficient, they were happy to clarify that on the plans to address the concerns. She said they were not aware of it until they got the staff report.

Mr. Carrazana asked for clarification about what they were unaware of until they saw the staff report.

Ms. Long said they were not aware of the concern that there was not a setback established on the plans because this was going to be an entirely for-rent community as opposed to part of a subdivision plot in which each of those plots would be subdivided in the future with each individual lot with an established setback. She said they understood the entire R15 setbacks would apply to the entire parcel, but regardless, they were fine with committing to a five-foot setback to confirm that the buildings were not going to be right next to the road, and while it would be close to the road, it would be consistent with the County's neighborhood model principles. She said they did not want to crowd the land and had left room for the multi-use path and other things. She asked if that addressed Mr. Carrazana's question.

Mr. Carrazana said it clarified that they did not have a setback to understand or to evaluate the stepback requirement at this point. He said he wanted to make sure he did not miss that information, but it did not yet exist.

Ms. Long said they could provide that. She said perhaps Ms. Ragsdale could clarify, but she believed the R15 front-yard setback would apply to the buildings, where they at least had to be at least five feet from the property line at a minimum.

Ms. Ragsdale said in this situation, the narrative request for the stepback said "generous setback from Ivy Road," so they would need to establish an exact number in order to have enforceability later on. She said

in the staff report that based on what she could see from the illustrative plan, that the vehicular travel-way was not a street, but it functioned as a street, and they should establish setbacks from it. She said there may be places where she thought it would be appropriate to establish a setback where perhaps it would not usually apply based on ordinance definitions. She said she was unsure of what the right number was for Old Ivy Road, but she wanted to point out that the maximum setback was 25 feet in the ordinance, so if that were a problem, they needed to address that, but she did not know what the number was, and that specificity would be helpful to everyone as the project moved forward.

Ms. Long said with an update, they could at a minimum indicate a measurement from the distance of the property line to the building envelope and make sure it was within the 5- to 25-feet distance if that would help. She said that would at least make it easier at the site plan stage to confirm that the plan complied with those setbacks.

Ms. Firehock asked if the multi-use path was running along the frontage or not.

Ms. Long said yes.

Ms. Firehock said there would be some distance for that, about eight to ten feet.

Ms. Long said that was correct.

Ms. Firehock said there would be some distance between that and the building, and then some distance between the path and the road.

Ms. Long said it was indicated on the concept plan that there was white space along the blue multi-use path and the tan building envelope.

Ms. Firehock said that it was difficult to see without scale.

Ms. Long said they could certainly add those measurements. She said they would have done that earlier on if they had known it was a concern.

Ms. Firehock said it was always a concern when asking for a stepback exception. She said they had granted those, but in the ones, they had granted recently had been cases of the building being far back from the road, so it was not an issue of the cavernous effect discussed earlier.

Mr. Bivins asked to see the image that had the illustrative plan. He asked what the amenities were that would be useful all year round.

Mr. Nickerson said they had two clubhouses next to the pools. He said there was one near the single-family and duplexes, as well as one near the apartment buildings. He said they also had sports courts, which would likely be used for the vast majority of time.

Mr. Bivins asked if that was the area notated as recreation area.

Mr. Nickerson said there were two at one part of the development and two at another end. He said they also planned to have a dog-run area, but that was not shown on the plan because they were still trying to decide where those should be. He said other amenities they had were the open space and the addition of trails besides the Rivanna Trail.

Mr. Bivins asked what the purpose of the positioning of the single-family units on the lower part of the plan.

Mr. Nickerson said the bump-outs were to show a pedestrian and bike path; there was an easement that ran around the site. He said they planned on building out that pedestrian and bike path on one side. He said they were trying to finalize and come to an agreement to eventually connect that to Leonard Sandridge

or a development that had a future path to Leonard Sandridge. He displayed an aerial image showing the easement and section Mr. Bivins was referring to. He indicated the other area Mr. Bivins had mentioned, which was a future interconnection point. He said they had been talking with their neighbors about connecting with them, so it allowed them the ability at any time to connect if they decided to do so.

Mr. Bivins said it seemed like the parking should not be reduced. He said they used for example the cities of Charlotte and Raleigh, but they did not sit in the same research triangle. He said to use those places to find what kind of transportation that this piece of property would have access to made him pause. He said he did not think that transit would be able to get up there after a decade of conversations with UTS and CAT, and unless the applicant's project was going to buy a CAT stop, which was expensive but possible, it would not happen any time soon. He stated that he did not agree with the parking reduction and wanted to be up front about that.

Mr. Nickerson said Mr. Bivins comment about Charlotte and Raleigh was well-received. He said they should have shown a map of where those projects actually were, because those cities were mentioned as the closest cities, but in actuality, these were projects that were significantly farther out and were suburban projects similar to the one presented today. He said they were not as close to the bus stop that was currently in front of North Grounds or other areas. He said they wanted to give a general area of what they were, but they were not in downtown Charlotte, but were nearby.

Mr. Bivins said if they were going to carry that analysis through, they should look at Ivy Gardens and Huntington Village to see how many of the vehicles were there during the day, because that would give a way to speak about what the local use of vehicles on that particular road were. He asked what the rent was going to be for this project.

Mr. Nickerson said the rent was dependent upon the type of unit, and they had a large variety of units. He said it would be anywhere from \$1850 all the way to \$3600.

Mr. Bivins said whatever happened with the next rent hike would determine how much they would get. He noted that that was not an inexpensive rental price point. He said Mr. Clarkson talked about wanting to be part of the community and to ensure this was a project that was embraced by the community, but they chose to stick with the 14 affordable units. He clarified that affordable units were not about poverty, but it was about people who had jobs, and because their community was moving towards more of a service industry, those jobs did not pay as much as other jobs used to. He said if this went forward, it would be a strong signal that they wanted to be responsive to the community to not say that they were giving 14 units. He said going forward, they should have those internal conversations.

Mr. Nickerson said they understood the \$1,800 to \$3,600 was not the cheapest rent.

Mr. Bivins said he was not giving them a difficult time about the rent, but if it was signaled to him that they wanted to be embraced by the community, it was reasonable with the rent and amenities, but he still had severe concern about the 1985 proffer and even more so about the ability to have people who wanted to work here and live here. He said when discussing the largest employer, he wished that they would at the same time think about the range of salaries paid, which could be accessed on the UVA Human Resources website.

Mr. Bivins said there were people who were probably not going to law school or business school but would not be among the most modest roles among us who were living there. He said it would be people like himself who were tired of having a big house with property, and they wanted to live some place where those things would be taken care of by someone else. He said if they were going to do that, they needed to think of what that communities looked like and how they invited other people in. He said he had a hard time balancing some of this given some of the wonderful words that Mr. Nickerson's managing partner gave earlier.

Ms. Firehock said unless the Commission had any further questions, she would open the public hearing to respect the audience who had been waiting a long time.

Mr. Murray said some of the community who provided comments to them talked about their concerns with the stormwater, and as noted, there were significant issues with flooding on that road. He said this would add a lot more pavement and impervious surfaces to this area. He said he understood this was conceptual, but he wanted to know if they had any idea how much stormwater they anticipated treating on site.

Mr. [1:35:31 name] stated that he could not speak to specifics, as they were still in conceptual planning and there were a lot of variables that played into that, but he could say that the project would be in full compliance with the stormwater codes of the state and the County.

Ms. Firehock said they were not usually required to provide stormwater management details at this point. She said there were some developers who said they were planning to do a more progressive thing on their site, such as permeable pavement or other BMPs they may decide to offer.

Mr. Murray said he mentioned it because they stated that they were providing environmentally sensitive design.

Ms. Firehock said it was a fine question to ask, but the answer was usually not known at this stage. She said she often asked the same thing. She said the Commissioners would have another opportunity to talk and the applicant would have another opportunity to come back up after they held the public hearing to let the public who signed up to speak, speak. She said with that, she would open the public comment period of this hearing.

Ms. Firehock said they tried to conduct themselves in a civil manner, so she asked that people not cheer, shout, throw things, boo, hiss, etc. She said being in support of something, it was fine, and something they found worked very well was to raise one's hand so that the Commission could see that they agreed with who spoke, and they could put their thumbs down if they wanted to, but they asked for no loud outbursts. She said each person would have three minutes to make their comments. She said a green light would come on, and that was the cue to start. She said yellow would come on when they were close to the end, and red meant to stop. She said if someone felt like they were speaking slowly and were not getting their point across, they should cut to the most important thing they wanted to say. She said it was fine to say "ditto" if agreeing with the person who spoke before them and then make a new point.

Ms. Firehock said with that, there were twenty people signed up to speak so far, and if not signed up to speak, they would have a chance to come forward and offer comments as well, so there was not a limit to how many people could speak this evening. She said to speed things along she would call the first three people to queue up, and that way they would not have to wait as each person got up out of their seats. She said she apologized if she did not pronounce people's names correctly. She said the first speaker was Joel Loving, followed by Robert Whaley and Donna Deloria. She said to please state one's name into the microphone so that it was on the recording.

Mr. Loving introduced himself as Joel Loving, and his family and he lived at 17 Deer Path in the Bellair neighborhood across from Route 250 and this proposed development. He said they were grateful that representatives that Greystar met with several of them from this neighborhood last week to discuss their proposal. He said the session was extremely informative and forthcoming, and it appeared from the answers to the questions they had at this meeting, however – and probably as the Commission understood as well -- that there were a lot of issues regarding the proposed development that had not been settled or even formally discussed, with entities such as VDOT, the CSX railroad, the County of Albemarle, and the University of Virginia.

Mr. Loving said there did not seem to be much communication with the entities that needed to be involved with this. He said there was no question that adding as many as 1,500 residents and 1,000 vehicles to this small area would have a substantial impact on pedestrian and vehicular traffic, stormwater, the local school

system, and he was sure there were plenty more that would be discussed this evening that he was not even aware of or had thought of. He said as a frequent traveler on Old Ivy Road, typically multiple times a day, he wanted to briefly address the traffic issues to which he was most familiar. He said he thought it had been discussed ad nauseum already tonight, so he would not go through all his details.

Mr. Loving said as it currently existed, Old Ivy Road was no thoroughfare. He said it was a twisty, hilly, at least on the east side, it was narrow, overcrowded, and particularly for pedestrians and bicyclists, it was extremely dangerous. He said it was not ready for prime time, and he would save the rest of his details. He said at the meeting with Greystar, they were told that none of these traffic issues had been addressed with VDOT or the University of Virginia, only that they had offered \$500,000 to help traffic congestion problems. He said he thought they could safely conclude that even ten times that amount was not going to help Old Ivy Road.

Mr. Loving said he would like to bring up one point, which was UVA's necessary involvement. He said he brought this up for two reasons, which were Leonard Sandridge Road and North Grounds. He said he did not believe any of that had been discussed yet. He said as they understood from Greystar's representatives, they believed this apartment and townhome complex would primarily house UVA graduate students. He said while he was not convinced of this, if it were, then the most logical primary access and main entrance to this property would of course be on the northeast end of the side from Leonard Sandridge Road.

Mr. Loving said they were told by Greystar that they had asked for a meeting with the University officials to talk about this possibility, but UVA chose not to respond. He said there was no logical way to make Old Ivy Road to work for this community, and UVA was obviously not on board with access to Leonard Sandridge Road. He said he believed the proposal had a long way to go and needed to go way back to the drawing board.

Mr. Whaley introduced himself as Robert Whaley, resident of Canterbury Road in Bellair. He said the only traffic entrance to Bellair was off of Ivy Road at the Bellair Market Exxon. He said this was the same intersection with one of the railroad underpasses off Old Ivy Road, the western underpass. He said that Maury Creek also ran through Bellair. He said the proposed Greystar development was in the watershed of Mori Creek, upstream of Bellair. He said he wanted the County to hold to the 1985 proffer; the road should be substantially improved before any more buildings were added. He said three things specifically needed to be done. He said the Old Ivy eastern underpass needed to be widened and a safe pedestrian route added.

Mr. Whaley said the second was that the Old Ivy western railroad underpass needed to be widened and improved, and the third was that the horrible cloverleaf from eastbound Old Ivy Road to northbound bypass needed to be fixed. He said the problem was that the cloverleaf merge lane was far too short, and most people avoided the scary cloverleaf by turning left from Ivy Road at the Bellair intersection, going under the railroad underpass, and turning right onto Old Ivy Road to use that ramp to the bypass instead of the cloverleaf. He said this impeded traffic on Ivy Road. He said a proper cloverleaf would be much more efficient for both Ivy Road and Old Ivy Road.

Mr. Whaley said the only other thing that worried him was stormwater. He said in the 23 years he had lived in Bellair, things had been getting progressively worse for them in Bellair with regards to Mori Creek overflowing. He said this increase in flooding coincided with much new development on Old Ivy Road. He said the Greystar project would change the land from grass and forest that absorbed lots of rain to parking spaces and roofs that absorbed none of it. He asked if their plans to mitigate stormwater runoff actually work. He said no one would really know for sure until a hurricane or bad thunderstorm came through during or after construction.

Mr. Whaley said Greystar was trying to claim that this was student housing and that these students would have very few school-age children and would rarely drive, and instead would walk to class and shop. He said this claim might help Greystar get this project approved, but was it really so? He said also, once complete, a manager or rental agent for a property like Greystar with a mixture of townhomes, detached

houses, and apartments would rather have older tenants who would be more responsible and stay longer than students. He said regardless of what students did, the older tenants would drive to work and would have children enrolled in County schools. He said he hoped the County would make sure the roads were fixed prior to building this development. He said also, he hoped the County would carefully review the stormwater plans to ensure that people downstream were not adversely affected during construction and afterwards.

Ms. Deloria introduced herself as Donna Deloria with the law firm of Payne & Hodous, and was speaking on behalf of The Filthy Beast, LLC, and Father Goose, LLC, who were the owners of parcels 24-C, 24-C1, 24-C3, and 24-C4, which were part of the application. She said she was also speaking on behalf of their owner, whose home had been in Huntington Village for more than 45 years. She said this property was neighbor to Ivy Gardens, which was 100% rental apartments, Huntington Village condominiums, which averaged about 65% rentals, and University Village condominiums. She said the popularity of this location for people to live because it was close, convenient, right by the University, and right by everything the City of Charlottesville had to offer, was well known. She said the County had deemed this County appropriate for development at urban densities since at least 1985, just like Ivy Gardens, University Village, and Huntington Village.

Ms. Deloria said however, in the early 1990s, this property came under the shadow of the proposed western bypass, and it was not until 2020 that the final parcel was able to be reacquired from VDOT. She said Greystar's commitment to understanding and responding to the site and the community was demonstrated by several things, and first came to their attention when they learned that they would only seek 125 units, which was far less than had been suggested by other developers. She said they also on their own motion determined that they would place multi-story apartments only at the lower elevations, and two-story structures in the higher elevations.

Ms. Deloria said they did not wait for anyone to complain or ask for that, and did it because in their assessment, it would accommodate concerns about views from University Village and the entrance corridor, while still allowing them to develop a desirable community. She said that community would be a unique mix of apartments and single-family housing with the purpose of being built as rental. She said it would have the ability to meet changing housing needs over many years, whether it be student, retiree, or another need of the community as time went by.

Ms. Deloria said it had the potential to serve as a model for future communities; they developed it as a flagship and worked not only actively to pursue transportation, bicycle, and pedestrian improvements that were within a private developer's limited ability to impact, but they also worked to connect those that the County, VDOT, and the University, who had much greater ability to effect change, had not said the railroad bridge was out of their control, but had put people in touch, talked to the University, and done many things to continue to urge and push that. She said these were the actions of a responsible developer, which was committed to its community.

Ms. Kuchai introduced herself as Elizabeth Kuchai. She said for 48 years, she had lived in the City near UVA, and for 46 years, she lived in the City. She said not quite three years ago, she moved less than a mile to University Village and now found herself in the Jack Jouett District in the County. She said in more than 48 years, she had seen a lot of new buildings erected by private developers and by UVA. She said she was very concerned about Greystar's proposal to build 525 dwelling units on raw land fronting on Old Ivy Road. She said this was way too many for the already-crowded road.

Ms. Kuchai said the University of Virginia had already erected many new buildings on Old Ivy Road, and they also owned Ivy Gardens apartments and had plans to redevelop that property, increasing its density by 150%. She said that was a little fact they tucked into one corner of a PowerPoint slide when they came and talked to them. She said the University had already announced plans to add Darden graduate housing on the Ivy Gardens site to the tune of 440 beds. She said they did not have to ask for the Commission's permission to do this because they were exempt from any zoning controls, and the little road they all used would carry even more traffic as a result. She said Greystar said they wanted to max out R15 zoning with

525 units, and the only reason imaginable for such high density and the problems it would bring would be to make a profit after paying too much for the land. She said fourteen of these would be affordable, and to her, that was the dictionary definition of hutzpah.

Ms. Kuchai said her long experience of living in this community and attending many meetings of City and County planners had taught her two things: one, the University could and would do whatever it liked, and two, private developers would relentlessly pursue their goal to get the highest possible density for their projects at the least possible cost to them. She said over and over again, she had seen local governments cave into pressure from developers who overpromised and underdelivered. She said she begged them not to cave in this time.

Ms. Ellen Roberts said she was a resident of University Village. She said the recognition of the traffic problem on Old Ivy went way back and was fundamental to the decision on the proposal. She said the applicant requested the Commission overturn the 1985 road proffer that limited residential density along Old Ivy Road. She explained to do so, the Board must find that the traffic problem had improved to their satisfaction. She said satisfaction was hard to define, but improvement could be studied.

Ms. Roberts said the applicant submitted a document that claimed extensive and significant improvement of the road with 27 improvements since 1985. She said the evidence of improvement was questionable. She said the photographs spanned time and showed the development on and near Old Ivy Road had been extensive, including numerous housing additions and office buildings. She said on the traffic problem side that corresponded with available traffic volume information, traffic counts in 1984 were 4,011 trips per day, and in 2019, it was 8,300 trips per day.

Ms. Roberts said by image and counts, traffic was far worse and had more than doubled than it was 3 years ago, the current traffic count could only be guessed. She said the figure of 4,326 from the applicant was questionable. She elaborated what she found from a careful examination of the location mapping and associated photos in the Old Ivy improvements document.

Ms. Roberts said six photos were entries into developments, proving development happened but did not represent traffic improvement. She said 14 of the claims were of acceleration or deceleration lanes, sometimes with sidewalks, and these showed how traffic was made less worse, not improved. She said two were not on Old Ivy Road. She said five represented improvements but paled in significance compared to the 4,289-increase in trips per day. She said the added burden clearly outpaced improvement, and Old Ivy Road had questionably worse traffic than in 1985.

Ms. Roberts said greater traffic volume mattered, but the matter involved additional safety and emergency access concerns caused by the railroad underpass. She said she was worried for travelers on the road. She requested the Commission to reject the claim of significant improvement and to sustain the 1985 proffer limiting higher density. She said traffic growth on Old Ivy Road would only grow exponentially with the addition of the Emmet and Ivy corridor. She said the additional danger to travelers and emergency vehicles should be avoided at all costs.

Ms. Lisa McDermott said she was a resident of University Village since 2016. She said she was an internal medicine physician, worked at several nursing homes, and worked occasional shifts at Sentara Martha Jefferson Hospital. She said her concerns regarded the inadequacy of roads and infrastructure on Old Ivy Road. She said she traveled to work on a daily basis and was concerned about increased traffic in the area. She said there needed to be significant improvement in the infrastructure as vehicular and pedestrian traffic increased in the area. She said she could not always avoid high traffic times. She noted the buildup of traffic on Route 250 / Route 29 southbound exiting to Old Ivy Road.

Ms. McDermott said high traffic times included when Saint Anne Bellfield School let out in the afternoon and during rush hour. She said traffic often backed up from the highway onto the shoulder, creating a dangerous situation as cars had to break hard due to unexpected early exiting. She said there was a law enforcement officer that had to direct traffic when the school released. She noted the railroad bridge at the

east end of Old Ivy Road. She said it was narrow and only allowed one car to pass through at a time. She said cars from both directions had to navigate the underpass.

Ms. McDermott said there was also pedestrian traffic. She said since there was no path or sidewalk, they must use the narrow road along with the vehicles. She said it was extremely hazardous at night because there was no lighting in the area. She said the concrete wall was crumbling. She said there was a traffic study that showed significant problems on Old Ivy Road, and her own experience echoed the findings.

Ms. McDermott said as a commuter, doctor, and resident in the area, she was concerned about pedestrian traffic and commuters trying to navigate the underpass. She said Morningside Assisted Living was also on Crestwood Drive, and it required EMS, as did some residents at University Village. She said EMS would have to navigate the same traffic challenges, slowing the response and putting lives at risk. She said the Commission should consider infrastructure upgrades before approving a substantial increase in additional housing units.

Ms. Betty Natoli said she was a resident of University Village. She said she was concerned about the proposed size of the development. She said it was to the west of her neighborhood. She noted the pedestrian conditions along Old Ivy Road were a serious threat. She said according to the traffic impact analysis, the proposed development would generate a total of 4,326 average daily trips once complete. She said the safety of pedestrians on the road would be challenged. She noted the railroad bridge at the east end of the road was a safety hazard. She said to the west of the road was the Route 29 / Route 250 bridge.

Ms. Natoli said an important part of the applicant's proposal of improvements for safe pedestrian passage on Old Ivy Road was the upgrade of the Route 29 / Route 250 bridge. She said in the initial application, the applicant claimed the upgrade was funded, planned, and included a four-foot expansion to accommodate cyclists and pedestrians. She said a VDOT representative confirmed on June 10 that the applicant's claim was not true—there was no pedestrian improvement included with the rebuild, and the proposed length of the bridge was 26 feet and 7 inches rail-to-rail.

Ms. Natoli said work would be done on the substructure to provide a minimum over Route 250, and a new superstructure would be installed over the minimally modified abutments and piers. She said it was a bridge repair, not a replacement. She said the proffer of 1985 stated that without serious improvements to the Route 29 / Route 250 bridge, development of the road would not be feasible, and certainly not for that size of development. She said the proffer had not been satisfied. She said there were spotty, non-connecting sidewalks and no bicycle or walking paths. She said the Commission should be aware of the problems.

Mr. Frank [Winecaw] said he and his wife lived at University Village. He said he was not anti-development or anti-student-development. He said a development of the proposed size threatened the safety of the neighborhood and surrounding neighborhoods. He said on a two-lane road with limited access, minimum sidewalks, no crosswalks, and no stop lights. He said his wife, at 92 years old, regularly walked on Old Ivy Road, crossing the road twice on a two-mile route. He noted she dodged fast moving traffic, along with cyclists, scooters, cars, and other walkers. He said safety was a concern.

Mr. Winecaw said Old Ivy Road was not just a housing destination. He noted the large presence of the University, with offices and warehouses. He said there were private office buildings and a prominent restaurant on Old Ivy Road, and the road offered access to Routes 250 and 29. He said pedestrian safety at the eastern entrance to Old Ivy Road was of particular concern—as cars and trucks made turns through the one-way rail-road tunnel, he had personally seen walkers, joggers, and mothers with baby carriages walk through the tunnel, all the while dodging traffic.

Mr. Winecaw said pedestrians had no chance. He said with the prospect of a large number of construction vehicles and a projected 500 additional personal vehicles, and Old Ivy Road would become deadly. He said with any of the concerns for safety—without road improvements or upgrades—any recommendations for a project of the proposed magnitude would not be a prudent decision.

Ms. Deborah [Shatain] said she was a resident of University Village. She said she would focus on her observations and experiences as a driver on Old Ivy Road. She said driving the road included many problems, and one of the most critical was ensuring safety of pedestrians and bikers while driving. She said bikers, walkers, and runners were often on the roads, sometimes against traffic. She noted most drivers proceeded carefully, some did not slow down and swung into the other lane. She said it was even more dangerous as cyclists and pedestrians entered the narrow passage under the railroad on the east end of Old Ivy Road. She said she would slow down or stop until they cleared the passage. She said some drivers did not.

Ms. Shatain said it was complicated even more when walkers were on the road at night or on their phones. She said there was no other route for residents of the area to reach the stores on Old Ivy Road. She said she was concerned about changes that would increase the number of non-drivers. She said she was interested in proposals that may make Old Ivy Road safer and more accessible. She said the proposed multi-use path on the northside of Old Ivy would be helpful but for two problems—one was the deceleration lane, steep hillside and retaining walls that made passage along Huntington Village difficult if not impossible.

Ms. Shatain said the second was that even with the successful path along the northside, pedestrians, runners, and cyclists would still be unable to reach destinations along Old Ivy Road without having to go under the railroad underpass. She said the condition of the road was a danger to other drivers, especially to navigating the narrow passage under the railroad on the east end. She noted many drivers yielded and took turns to facilitate safe movement, and others did not. She said at times, opposing vehicles and pedestrians were present at the same time. She said if full development happened, more walkers, runners, cyclists, scooters, and vastly more vehicles were expected. She said the dangers would only increase. She said reasonable decision makers should push hard for effective solutions before the problem became worse.

Mr. Lyle Hallowell said he was a resident of University Village. He said he would focus on Old Ivy Road traffic problem concerns. He said he would focus on the traffic impact analysis. He said it showed traffic problems despite the limitations of its methodology. He said those limitations related to current usage sampling that was restricted to counts at five intersections for two two-hour periods on a single Thursday, May 6, 2021—during the COVID-19 pandemic. He said the resulting undercount was acknowledged and corrected for volume by adding 10%—but that did not correct for traffic pattern differences.

Mr. Hallowell said current traffic load was relevant and used for the future modeling, but it was less important than the prediction of traffic problems after Old Ivy Road residences were fully occupied. He said the Old Ivy Residences application, the proffer of 11,15,21, finding staff review comments referenced a 6% to 6.5% figure as the added traffic burden. He said the staff report concluded traffic would be exacerbated, “by a small amount.” He said the seemingly small amount was calculated by taking the projected count of Old Ivy Residences traffic in the worst hour only—4 p.m. to 6 p.m.—and dividing by the projected total traffic count, both produced by modeling.

Mr. Hallowell said the worst hour total was further limited by including only three intersections and not all possible directional movements so that a full count was not used in the calculation. He said the 6.5% of future traffic load was problematic. He said the worst hour effect mattered, but so did others. He said traffic impact analysis modeling calculated an expected daily traffic contribution of 4,326 trips per day. He said the 2019, pre-pandemic Old Ivy Road count by VDOT was 8,300 trips per day.

Mr. Hallowell said combining the two, there were 12, 626 trips per day—meaning Old Ivy Residences would account for a 52% increase in traffic volume and would represent 34.2% of all traffic on the road at that time. He said the numbers suggested a large amount, not a small one. He said Old Ivy Road would be significantly more traveled. He noted that in 1985, Old Ivy Road was said to have an “intolerable traffic level” of 7,500, declared by one of the VDOT representatives at the time. He said the County planning staff had repeatedly acknowledged traffic problems in the review of the application. He said it was up to the Commission to respond.

Mr. Daniel Living said he lived in University Village since 2004. He said he was one of the few residents employed full-time—he was a librarian at the JAG School on the other side of the law school. He said he was familiar with the area. He requested the Commission deny the project because of the lack of fire and emergency access. He said a term of art was fire apparatus access roads, and he was not satisfied the areas provided by the applicant met two standard codes: the international fire code, and the national fire protection organization code.

Mr. Living said they had detailed requirements for fire and rescue access to developments of over 200 units. He suggested the Commission return the application and request the applicant outline in detail how the two access roads met both of the codes. He said it was a serious situation. He noted the size of the development was gigantic. He said no fire department, no matter the skill, would be able to cope with a fire in a development of such a size when there were people packed in like sardines.

Mr. Living said it would take a while for the response to arrive, and if there were people fleeing, they would not be able to get in as quick as they would like. He said in Overland Park, Kansas, in 2017, there was an eight-alarm fire that got out of control. He said 53 engines and hundreds of fire fighters were unable to contain the fire. He said the applicant should have to illustrate how the two fire access roads met the codes.

Ms. Betty Dinwiddie said she was a resident of University Village for 15 fifteen years. She said it was her and her husband's second time in the County, returning in 2007. She said she did not have a developer's mentality. She said she did not see an open piece of land and green space as a place to build something. She said she lamented the sacrifice and the destruction of the diminishing green spaces. She said they could not be replaced, and they were not growing anymore of them.

Ms. Dinwiddie said development depleted air quality, water availability, increased trash, and human waste. She said the Rivanna trail system went through the land. She said the trail folks had accepted the promises of the developer. She said the piece of green space was part of the view shared by some University Village residents and the drivers along the bypass. She said it was a consideration—that some of those at University Village enjoyed a nature trail in the woods adjoining the land—that was under threat. She said the air and sound pollution associated with the development was to be dreaded. She noted that Old Ivy Road could barely handle the traffic it already carried. She said there appeared to be no viable solution. She said the addition of construction vehicles and the potential for more residential vehicles added to the traffic concerns. She said the worst violation was the loss of a green area.

Mr. Bill Sherman said he was a resident of University Village in an age restricted condominium. He said he was on the Board of Directors. He said at 95 years old, he chaired the Long-Range Planning Committee, which was planned five years out, beyond his expiration. He said he believed the concerns with the development could have been settled in 2021. He said the developer did not listen to the community's requests. He said he had requested the applicant to keep the natural woodlands in the northeast corner of the project undeveloped, and the applicant had refused the request.

Mr. Sherman said his clients were born and had spent their entire lives in the County. He said he served them pro bono—they were the mature trees and the woodland creatures whose lives were at risk from the Commission's decision. He said they were residents of a 1.6-acre part of parcel 60-24C1 and was zoned R-10. He said in a recent report on the UVA project to provide 440 housing units in Ivy Gardens for graduate students at Darden Towe, the applicant was building competing grad student housing that offered the potential for forested hills to the west, north, and east. He said the applicant's concept plan envision a serious break in the forested hills.

Mr. Sherman said the 1.6 acres held mature oaks and other trees. He said if left intact, there would about 20 acres of mature forest wrapping around the project. He said in the applicant's May 16 narrative under impacts and environmental features, the project stated, "the project is designed to conserve the existing forested areas as much as possible. Specifically, the development layout focuses on utilizing development spaces to minimize the disturbance to the surrounding forested area."

Ms. Hillary Strubell said she was Director of Resident Relations at University Village in the County. She said she had worked in the community for the last 20 years, and it had become her home away from home, and the residents were here extended family. She said she was speaking to express her concerns regarding the potential problems from the proposed sewage lift station. She said Virginia Administrative Code § 25-790-380 Article II on stations began, "sewage pump stations should be located as far as practical from present or proposed built up residential areas, and an all-weather road shall be provided. Stations should have a proper zone of controlled or limited use surrounding them. Within such zones, residential uses, or high-density human activities, should be prevented."

Ms. Strubell said the Old Ivy Residences' proposed sewage lift station was located on their plan in a small section of green space between two of the proposed apartment buildings and a set of townhomes. She said the lift station was directly next to a residential area, and there was no indication of an all-weather access so the lift-station could be properly maintained. She said sewage lift stations containing pumps, valves, and electrical equipment were a collection of moving parts that required continuous maintenance and repair.

Ms. Strubell said broken or damaged lift stations could result in a variety of negative situations, ranging from unpleasant smells, standing water, to serious health violations. She said it could be an issue for future residents of the proposed development. She noted the six-story residential building of University Village was located directly downwind from the vent pipe for the lift station—when the lift station would fail, the order would affect the residents of University Village as well. She said the Commission should consider the limits of R-10 zoning as opposed to R-15—limiting the proposed residences to 350. She said with 350 homes, there was the possibility to use a gravity fed system which would eliminate the environmental issues for current and future residents of Old Ivy Road.

Mr. Peter Rightmyer said he was the Executive Director of University Village. He said during his 33-year property management career, he had the unpleasant obligation to tow several cars from overly dense, poorly designed communities. He said he was there to discuss the proposed parking reduction request. He said the special exception application proposed a parking space to resident ratio of 1.21 to 1.46, with the aggregate being 1.35. He said the problem was because it was based solely on the number of residences in the complex, and the total did not include any parking spaces for the typical clubhouse, guests and visitors, employees, or technicians.

Mr. Rightmyer said when included, the requirements left the community short by 85 parking spaces. He said the applicant's counsel wanted the Commission to believe that because of the proximity to UVA and the Barracks Road shopping area, the tenants would not have vehicles and would use pedestrian means of travel. He said historical resident usage patterns from Huntington Village, neighboring University Village, had a ratio that was 2 spaces per condo plus 20 guests demonstrated that it was not how normal transportation in the area was.

Mr. Rightmyer said to compound the problem, the road designed with parking and driveway curb cuts left no room for moving or delivering vehicles servicing the rental units, which road result in a constant aggravation of the residents. He said the applicant stated they required less parking because they would build a bus stop for non-existent, non-planned public transportation service on Old Ivy Road. He said the parking reduction request included examples of similar garden style properties from the applicant—Metro University City Apartments in Charlotte, North Carolina, was listed at 1.46 per resident.

Mr. Rightmyer said the website for the community stated the proximity to the Links Blue Line and the area's best shops is what makes them the perfect place to call home. He said those tenants were on a metro line, had nearby stores and shops, and had more parking spaces. He asked what the affect would be if the projection were wrong, as there was no offsite overflow parking reasonably available, and disputes would certainly follow, putting more burden on County police and others. He said the problem could be avoided with less density.

Ms. Barbara Grzymala said she was the President of University Village, an age restricted condominium with approximately 120 residents who ranged in age from 55 to 101. She said her first contact with the applicant was during a Zoom meeting in July 2021 with the manager, Mr. Rightmyer, and Mr. Sherman. She said at that time, for the benefit of both parties, an interconnectivity path was proposed across the meadow, as most destinations from Old Ivy Residence would pursue would be to the east and would necessarily take them through the property going and coming home. She said the proposed path was rejected.

Ms. Grzymala said the applicant then requested the University Village community to donate the frontage property for the construction of a multi-use pathway on Old Ivy Road to facilitate interconnectivity. She said they agreed to provide them with the resident information. She said 66% of the residents would have to agree to the donation of the land. She said they never followed through, so the solution to help with inter-parcel connectivity was never acted upon.

Ms. Grzymala said in April 2022, the Association bought back previously owned land from VDOT, and they informed the applicant of the purchase as it would enable them, with an agreement, to use the land and allow for an alternative emergency fire access road and the construction of a student pathway crossing to Leonard Sandridge to reach the UVA campus. She said the attempt to help was denied. She said the village was frustrated from the lack of concern from the applicant to do its part to ensure the development plan for Old Ivy Residences adhered to the County neighborhood model, which emphasized neighbors' mutually acceptable interconnectivity. She requested the Commission to not approve the proposed development or rezone the land until the interconnectivity issues were resolved.

Ms. Sally Thomas said she was a resident of University Village. She said she had worked for 16 years arguing for and helping develop the County Growth Management Plan, which encouraged compact developments and interconnectivity. She said the Old Ivy Road apartments project was not what the County hoped for in terms of smart growth. She said it was dense and within the growth area, but it was like too many other projects—it overloaded the present facilities and the connectivity had not been developed in a way that would work for residents of the neighborhood.

Ms. Thomas noted the potential issues of the sewage pump station, inadequate parking, and the inadequate road conditions. She said that in 1975, the County Board stated there should not be more development on Old Ivy Road. She said the Commission was responsible to the community as a whole. She noted the various interests of the surrounding stakeholders. She said the university and the Darden Towe development may solve the road issues by providing an alternative development to Old Ivy Road with new entrances to Leonard Sandridge Drive.

Ms. Thomas said the Commission had been warned it cannot cut density and preserve the growth boundaries—but that was an issue with a mathematical model, not an underlying goal. She said an attractive, safe, urbanized area was the ultimate goal. She said if a development were too dense for the existing facilities, it could destroy the goal more surely than any numerical calculation. She said they should not consider a development that overloaded the facilities.

Mr. David Wood said he was possibly the oldest resident of University Village. He said he practiced law in the City for 45 years, and he had been retired for 30 years. He said the project that had been presented was not objectionable, but it was much too dense. He said if the size would be reduced, then it would be acceptable. He said it was estimated there would be 1,000 additional cars between the two underpasses each day. He said that was totally unacceptable. He said the Commission should reduce the size of the project.

Mr. Ivo Romanesco said he lived in the Jack Jouett District, in Farmington along the Ivy Road corridor. He said he had been a resident for 48 years. He said he had served on Disc 1 and Disc 2 committees in the late 1990s. He said he was in support of the neighborhood model and the climate action plan. He said he was in favor of the Old Ivy Residence plan. He said he had sent a letter of support to the Commission. He

said the Comprehensive Plan and the Neighborhood Model District were on trial. He said there had been many meetings and hours of work spent settling the issues.

Mr. Romanesco said the clock was ticking on the growth area. He said the double-digit growth percentages that were occurring with population in the County and the planning district put pressure on the County. He said he would like to see the growth area accommodate as much reasonable, well-designed develop as it could to preserve the beautiful areas of the County as long as possible. He said there were tools to do that—the neighborhood model. He said the community needed to get more comfortable with density and with more traffic.

Mr. Romanesco said the way to get people out of their vehicles was using the neighborhood model. He said he remembered that if there was public water and public sewer, then there could be high-rises and dense development. He said when they discussed the neighborhood model, it was to reduce car use and the reliance on cars, to preserve the environment. He said the proposed development was at the scale and size to improve the prospects of preserving the rural areas. He noted 525 units was a lot and asked where else was there a property of that size. He said the residents of the County complained about traffic, but they did not like to see roads built, such as the bypass.

Ms. Sharon Donavon said she had lived in the County all her life. She said she lived in Bellair and worked at McLean Faulkner. She said she knew the problems of the proposed site well. She said she was a real estate agent and supported development. She said she had discussed the need for rental housing. She said even if low-income housing were provided, they would still struggle to get to work due to the traffic.

Ms. Donavon noted the deceleration lane or the access to Route 29 South and how traffic gets backed up past the bridge as people waited to turn right. She noted there would be sidewalks to nowhere. She said it was a bad idea if there were sidewalks that encouraged pedestrian traffic into a dangerous situation. She said until those dangerous situations were corrected, then the project could not move forward in any competent way.

Mr. John Matthews said he lived at 45 Canterbury Road in Bellair. He said he was familiar with the site and had walked it many times in the past 30 years. He said his office for a decade was on Old Ivy Road, and his office for the past 20 years was close to the site as well. He said the applicant requested the Commission to approve housing close to town on a parcel that was surrounded by UVA-owned or UVA-controlled property. He asked if the project were not suitable in the proposed location, where would it be suitable. He said it was an ideal location.

Mr. Matthews said a growing number of planning commissions and jurisdictions around the country had asked developers to increase the density of their projects. He noted that was contrary to much of the public comment. He suggested the Commission do the same and ask the developer to increase the density. He said increasing density promoted a more efficient use of the land. He said the land was finite. He said it was more compact and more sustainable development.

Mr. Matthews said increased density would commit the developer to provide a higher contribution to the improvements of Old Ivy Road. He said it would allow the developer to increase the contributions towards affordable housing. He said the improvements to Old Ivy Road would benefit more than the residents of the proposed development—it would benefit the entire community. He noted the Commission was considering studying increasing the growth area. He said the Commission should first consider increasing the density in the most logical, reasonable, and appropriate areas. He said the proposed development was a poster child for that type of density.

Ms. Firehock asked if there were speakers signed up to comment virtually.

Ms. Shaffer said there were three people currently queued to speak.

Ms. Kathleen Jump said she lived in the Jack Jouett District. She said she had submitted a long letter to the Commission the prior week discussing how the Board in 1985 wrestled with the R-15 zoning application and the restrictive proffer that was offered. She said the supervisors in 1985 agreed that it made sense the land be built at an urban density given its location and proximity to UVA and the City. She said they recognized that though the area had all the necessary infrastructure, it did not have a suitable road, and thus the restrictive proffer.

Ms. Jump said the 1985 proffer had not been satisfied according to the staff report. She said some of the commissioners agreed as well. She said in terms of added traffic from the project, VDOTs 2019 traffic counts were 8,300, and the applicant's traffic analysis projected 4,326, which was a 52% increase in traffic on Old Ivy Road from the project. She said the applicant had submitted a list of 27 improvements to Old Ivy Road since 1985 via aerial photos dating from 1990 to 2021. She noted some of the improvements were duplicates, and some were mystifying.

Ms. Jump said Leonard Sandridge Road was specifically built concurrent with the construction of the John Paul Jones Arena to carry traffic from athletic precinct to the bypass. She said all the improvements were required as Old Ivy Road properties were developed over time and none represented a net-gain to Old Ivy Road. She said the photos did show a significance—all of the underdeveloped land on the southside of the road had disappeared and been replaced by office buildings and parking lots.

Ms. Jump said it was the same activity the Board considered in 1985, and it admitted if other development occurred, the land may never be able to be developed. She said the applicant's proffers did not help the road. She said Old Ivy Road was an 18th century road with a 19th century overpass, and both had degraded since 1985. She noted concrete fell from the bridge, it was unlit and flooded. She said it was out of place in the urban area. She noted VDOT and the County had discussed solutions for years.

Ms. Shaffer said Ms. Jump's time was up.

Ms. Jump said the applicant could not be held responsible for the poor conditions of Old Ivy Road. She said in 1985, the Board instructed that development not occur on the road until conditions improved.

Ms. Megan McGee said she was a resident and homeowner of Huntington Village neighboring the proposed site. She said she was 28 years old and graduated from the Darden School where she was the student body president and represented a student body of nearly 800 graduate students, at least half lived in the Huntington Townhomes and Ivy Garden Apartments. She said she was a previous resident of Ivy Gardens. She said she was an avid runner and hiker, and she had two dogs that she walked every day along Old Ivy Road.

Ms. McGee said she drove along the road every day. She said if the development had existed when she moved to the area in 2019, she would have considered living in the development. She said now that she was familiar with the area, residents, and land and road use, she opposed the project for many reasons. She said the three main reasons were that community need did not exist. She was speaking regarding the graduate student population. She noted the natural area and wetlands and that the road was dangerous and unsustainable.

Ms. McGee said in terms of community need, the applicant mentioned there were no other rentals in the area that were fully rentals. She said the Ivy Garden Apartment complex was located on the road and was owned and managed by affiliates of UVA. She said the Ivy Garden Complex had plans to expand that within the next five years. She said because of the existing and future availability, Darden and the law school had sufficient housing already. She said they had plans to build closer to the school. She said the natural area and wetlands in the area were put at risk through the proposal. She said the areas in the proposal with single-family and duplex housing take over the Rivanna trail.

Ms. Shaffer said Ms. McGee's time was up.

Mr. Taylor Ahlgren said he was a resident and homeowner in Huntington Village. He said he worked from home, and his wife was in her second year at Darden School of Business. He said points had been made that needed to be addressed if development were to occur at Old Ivy Residences. He said he agreed with the neighbors at University Village that the road was dangerous and there were many potential points of conflict. He said he was running on the edge of the western end of Old Ivy Road two months prior, and a driver honked at him, accelerated past him, and grazed his shoulder.

Mr. Ahlgren said on the other side of the road, he was biking from the railroad bridge, and a vehicle passed him by two feet, honking. He said those were two examples that other residents had noted. He said there were great suggestions from others, such as why Leonard Sandridge Road was not being utilized. He said a multi-modal path and vehicular exit on Leonard Sandridge Road would be a solution to some of the traffic problems. He said there were some good aspects of the project. He said he supported rejecting the proposal as proposed.

Mr. David Sprague said he lived in the Jack Jouett District at 500 Crestwood Drive. He said he lived adjacent to the property being considered for rezoning. He said he spoke as a resident of the County. He said he spoke as someone who used Old Ivy Road, as a walker, as a cyclist, and as a volunteer trash collector. He said he had written regarding his observations about safety issues on the road and had communicated how other jurisdictions in the area had successfully dealt with similar traffic problems. He said the suggestions for improving the safety of Old Ivy Road were listed in his mailings to Mr. Langille.

Mr. Sprague noted that new railroad overpasses should not be presumed. He said he was assured the Commission would receive copies of the communications. He said the County had decided it was best for the greater community to concentrate development in limited areas of the County and to allow greater density of development in the areas. He said such an approach, to be successful, required good infrastructure to be built if it did not already exist.

Mr. Sprague said if high density development occurred with no provision for adequate infrastructure, a deterioration of the quality of life should be expected for the new residents and the existing residents of the County. He said infrastructure referred to road systems, walkways, bike paths, water and sewer systems, public recreational green spaces, and adequate control of noise, air, and light pollution.

Mr. Sprague said his concern with the present rezoning request was that there was no good plan to assure the need infrastructure would exist to support the higher density requested. He said the most egregious deficiency was the state of the pedestrian and vehicular road. He said that regardless of the action after the hearing, he hoped that a new public discussion of possible options to improve the safety of Old Ivy Road would be triggered.

Ms. Shaffer said Mr. Sprague's time was up. She said there were no more speakers.

#### **Recess**

**[Need exact times]** Ms. Firehock noted there were no more speakers. She said the Commission would take a five-minute recess until 9 p.m. She said commissioners should refrain from discussing the proposal in any way with anyone during the recess.

#### **PUBLIC HEARING**

##### **ZMA202100008 Old Ivy Residences**

Ms. Firehock said the applicant would have the opportunity to address any comments received or any additional points they wished to make.

Ms. Long said there were responses to all the comments and questions that were raised. She said if she did not address one in her response, then to please ask her to provide one. She said most comments were

from the future adjacent neighbors of the development. She said that the current residents lived where they did because the location was excellent. She said she lived in Ivy Gardens during her first year of law school. She said she was able to walk to class. She said it was not affordable because it was the only option.

Ms. Long said the Commission should keep in mind the needs of the future residents of Old Ivy Residences. She said those people were not able to speak because they did not have a home to live in yet in the development. She said there was a market, and the applicant knew there was a market—they would not undergo the process if they were not certain there was a market. She said many of the speakers, while the raised concerns about traffic and safety, moved to Huntington Village or University within the past few years. She said if the traffic was that bad, why did those residents move to that location.

Ms. Long said the applicant understood the need for traffic improvements and pedestrian and safety improvements. She said the project committed to all of the previously discussed improvements. She said valid concerns were raised about the lack of full pedestrian facilities on Old Ivy Road. She said there were a lot of existing sidewalks on the southside. She said the applicant would commit to a sidewalk that would extend from the northbound ramp to Ivy Gardens. She said she could provide a map that illustrated an existing paved path that went between Ivy Gardens, Crestwood Drive, and Leonard Sandridge Road.

Ms. Long said the connection could be made, and the applicant would like to make an additional connection that extended from the back on a more direct route to Leonard Sandridge Road. She said however, the applicant did not own the land it would have to negotiate with the neighboring property owners. She said there were comments that the applicant rejected a proposal from the neighboring property owners. She said she could go into detail, and the applicant had been negotiating diligently and in good faith for the access easements.

Ms. Long said written proposals with significant monetary compensation offers had been drafted. She said the applicant had offered up to \$750,000 for easements. She said the easement demand was \$3 million. She said part of the demand was for the payment for the easements to occur prior to the hearing before the Commission. She said the applicant had committed to continue the negotiations. She said the Commission should understand the applicant was not being unreasonable. She said the issue was not entirely about the traffic.

Ms. Long said University Village had the ability to build three more phases under its zoning approvals from 1990, after the 1985 proffer. She said Phases 1 and 2 of University Village had 94 units. She said if the other three phases had a similar range, there would be an additional 159 units. She said the Commission should consider that and how that would impact the residents' concerns around traffic safety and infrastructure.

Ms. Long said the applicant was committed to negotiations with the neighbors and wanted to improve the traffic and safety issues. She said the applicant continued to make the contributions and making the connections. She requested the Commission keep in mind the overall benefits. She said there were a lot of important community factors and considerations to balance.

Mr. Bivins said serious consideration should be given to the traffic plan, because it was completed when UVA was not in session. He noted data collection occurred on Thursday, May 6, 2021—an off-peak period.

Ms. Long said the traffic engineer said the date was agreed to by VDOT and the other parties involved. She said she believed the school was still in session.

Ms. Firehock said classes had ended, and the typical pattern was that there was much less traffic on the road when people did not have to go to class.

Mr. Bivins said the numbers should be verified. He said he was not calling the numbers into question. He said he was just concerned about the data that data was collected on. He said the applicant should be concerned that many of the buildings on the southside of the road were empty. He said the large UVA

building only had a receptionist in the building. He said there was a utilization of the space that was severely different in May 2021. He said the applicant should consider how the numbers may be affected by the change.

Ms. Long said she believed that issue was accounted for. She said she was not in the scoping meeting with the traffic engineer, Mr. McDermott, and the VDOT representatives. She said those terms and scopes were agreed upon and had to be approved.

Mr. McDermott said the County agreed to the date when the traffic counts were done. He said regular County and City schools were in session, but UVA was in the finals week, so regular classes were not ongoing. He said there was a 10% factorization increase in the counts.

Ms. Firehock said they were not trying to solve the issue at the moment.

Mr. Bivins said the applicant should be aware the date may be an issue because it was not a typical day of traffic.

Ms. Long said the traffic engineer pulled up the calendar, and the day was the day courses ended at UVA, and exams started the day after. She said she thought the factors were accounted for with the 10% increase.

Mr. Bivins said he was noting there could be concern over the date.

Ms. Firehock said regardless of the Commission's decision, there would be another hearing before the Board, and Mr. Bivins was providing tips. She said she would bring the item back before the Commission. She said there was enough information to have a reasonable deliberation.

Mr. Carrazana asked how the items would be addressed. He said there were two different items presented at the same time.

Ms. Firehock said her understanding was each one had to be addressed as its own decision. She said there would be a discussion and motion for each item.

Mr. Herrick said there could be a combined public hearing regarding two different matters, but the way the proposal was initially presented, it would be two separate public hearings. He said there should be another public hearing on the steep slopes matter because of the way it was initially presented. He said procedurally, the public hearings could be held in adjunction, but because it was introduced as two separate hearings, he suggested holding the steep slopes hearing separately.

Ms. Firehock asked if they would open the hearing for the item.

Mr. Herrick suggested they open the hearing to the public for the steep slopes item.

Mr. Carrazana thanked Mr. Herrick for the clarification. He said the Board in 1985 created a gate with the proffer. He said it was a concept he believed was useful as they considered amendments to the Comprehensive Plan. He said the Commission addressed, project after project, and staff would bring the same two negative aspects: overburdened roads and overcrowded schools. He said in this case, there were failing intersections and dangerous road conditions.

Mr. Carrazana said the Board in 1985 determined that once the issues were solved and there was the infrastructure for development, then the gate should be opened for additional density. He said that was the opposite of how they worked—they built the density then failed the infrastructure and then complained about the lack of infrastructure. He said now was the opportunity to see how the gate could work, and it could be used as a model as they thought about amendments to the Comprehensive Plan. He said the applicant had not met those requirements.

Mr. Carrazana said it was evident to people in terms of the failing road. He said it was not getting better, and it was dangerous—it was narrow and barely two lanes. He noted May 2021 was still during the pandemic, and there was more than 10% of UVA that was not present at the time. He said the road issues needed to be addressed. He said there were other issues raised—setback issues that needed to be considered. He said water and stormwater issues were to be considered. He said the Commission did not hear about the stormwater management.

Ms. Firehock said Mr. Carrazana had mentioned the situation where development overbuilt, and the community required new infrastructure. She said the arguments they often heard regarding roads were that VDOT would not provide funding to upgrade an intersection or build a new road until it could be shown the demand was there and often exceeding capacity. She said they were forced to get into a bad situation in order to get the new road improvement.

Ms. Firehock said the issue was more complicated because there was a railroad involved. She said she had many years of experience with railroads. She said the mayor of the City at one point had been unable to get railroad companies in discussions. She said it was difficult to work with them in terms of changing overpasses or trestles. She said there was one comment from a letter the Commission received that the overpass served as a traffic calming measure.

Ms. Firehock said she had seen cars floating in the tunnel, and cars that were totaled and had to be towed out of the tunnel. She said the need had already been demonstrated. She said if some of the problems were not solved before the density was allowed to be built, then it would drive people away. She said people would not want to live in the County, and they would vote with their feet.

Mr. Carrazana said when there were such metaphorical gates, it would incentivize ways to make the needed improvements to the infrastructure. He said until the improvements were made, the additional density could not happen. He said the gates could be effective.

Ms. Firehock said the site should be developed. She said it was the appropriate site for infill, and connectivity could be made. She said it was possible to make a well-connected, dense development. She said the density could not be put on the road with the railroad bridges and the existing conditions.

Mr. Murray said when density was discussed, they needed to think beyond density of housing and also consider density of service. He said the proposed site offered an opportunity for density of housing, but there was an infrastructure deficit. He said even if the housing were located on the site, the service would lack. He said the proposal did not meet the 1985 criteria. He said his mind would be changed if there were access to Leonard Sandridge Road, a reliable public transit option, but as it stood he could not support it.

Mr. Clayborne said there were nice aspects of the proposal. He said he was not against the density or the size of the project. He said there were issues that were showstoppers for him. He said one was the traffic issue. He said the staff recommendation in that regard was strong. He said the transportation piece had not been satisfied according to the Board stipulation. He said the second one was the affordable housing. He said the County wanted to be an inclusive place to live. He said nothing prevented the applicant from going above the policy.

Mr. Clayborne said he could not support 525 units with 14 affordable units. He said affordable housing was not for people in poverty—it was for regular people who had good jobs but did not make \$200,000 a year. He suggested the applicant present on the quality of greenspace for useability. He said a rendering was shown that showed the prominence of parking and asphalt. He said the greenspaces were afterthoughts, and if someone tried to play catch in the spaces, they would not have room. He said the applicant should provide more detail regarding the bus stop.

Mr. Clayborne noted there was no transit to the area. He said in many places, the bus stops were just poles in the ground with no shelter nor places to sit. He noted sustainability goals—he said he asked the same

question of all the applicants regarding building materials. He said the conversations regarding the building materials were happening. He asked the applicant to share the conversations that they were having on the topic.

Mr. Clayborne noted the climate action plan and Comprehensive Plan, and the applicant should provide information that showed they were a partner in trying to help the County achieve its vision. He said they often received details on the sidewalk and the slope of concrete. He said they did not need to see that information at present, and he did not necessarily want to know the sidewalk details. He said the proposed footprint of the development would impact the community for 50 to 75 years.

Mr. Murray said when the question was raised regarding stormwater, the response was the applicant would meet the County's stormwater requirements. He said truly being sustainable meant exceeding the requirements. He said there should be opportunities to review what sustainability really meant. He noted Mr. Clayborne's point about quality greenspace. He said sustainable design was important.

Mr. Bivins said that anything that occurred at Ivy Gardens would come back before the Commission because it was not owned by UVA—it was owned by the University Foundation. He said in the narratives, it would be helpful to acknowledge the project would be further reviewed by the Commission. He said he was unable to perceive what the Board was thinking in 1985. He said all he knew was that the Board, in 1985, decided that the Board would have to determine whether the conditions on a particular road had been met. He said it was not his issue, and he was not a member of the Board.

Mr. Bivins said he knew the area and owned real estate on that road. He said the Board had stated development on the subject parcels had to improve to the satisfaction of the Board. He said the Commissioners would have the ability to provide their input to the Board. He said it was not his decision to say yes to the project. He said he continued to be deeply concerned that a project of the proposed significance, from a global company, would take the position that the affordable housing would be at the proposed level. He said it disturbed him.

Mr. Bivins said the applicant was coming to a community that had many conversations about affordable housing and how to keep residents in the community. He said the proffer of 17 affordable units did not work for him. He noted he supported other aspects of the project. He said the applicant, as an international company, should push the limits as to what he sees as American rental development. He noted the design of the three proposed housing types. He said if he was in the apartments, he was not supposed to go over to the single-family house section.

Mr. Bivins noted how conflicts arose from neighbors using shared communal spaces. He said there were ways to locate the amenities within the community to create opportunities for people to be together. He said the proposed layout from the applicant would end in community divisions that the developer was trying to avoid. He encouraged the applicant to work with UVA about getting an exit onto Leonard Sandridge Road. He said if the applicant could negotiate the exit onto that road, it would be helpful and would push the Board to approving the project. He said he could not support the project. He said the decision about the proposal was for the Board to make.

Ms. Firehock noted there were other items related to the proposal—the steep slopes overlay district amendment, the step back waiver, and the parking reduction. She asked if it was possible to bring those into a motion. She asked if the Commission needed to consider each one individually.

Mr. Herrick suggested separate motions on each of the items. He said the special exceptions did not require a separate public hearing, but they each should receive a separate motion.

Mr. Bivins asked if the issue was moot.

Ms. Firehock said if they decided to move forward, then they would have to go through each of the items. She said the affordable housing piece was a big issue for her. She said she did not find the number of units

acceptable given the situation of the community. She said the County decided to move forward in a way that made people come in and get rezonings and then have other improvements ancillary. She said the Commission did not have what it needed to support the proposal. She asked if there was a motion.

Mr. Bivins moved that the Commission recommend denial of ZMA202100008 Old Ivy Residences for the reasons stated in the staff report and as discussed by the Commission. Mr. Murray seconded the motion.

Ms. Firehock noted the applicant requested to approach the Commission. She said she did not want to hear the applicant provide a defense of the proposal. She said it would have to be a unique comment from the applicant.

Ms. Long said the suggestions and guidance from the Commission was appreciated. She said the applicant requested a deferral so they could follow up on the suggestions and guidance to bring the proposal back in a more acceptable form.

Ms. Firehock said the applicant was requesting deferral of the present item and the item still to have a public hearing. She clarified if they still had to have a public hearing on the other item.

Mr. Herrick said there was a motion on the floor. He said if there was a commissioner interested in making a motion to defer, it would be up to the commissioner, but the motion on the floor should be withdrawn.

Mr. Bivins said he would withdraw his motion.

Mr. Murray said he withdrew his second of the motion.

Mr. Herrick said the motion had been withdrawn. He said if a commissioner were interested in making a motion to defer, the motion would have to come from a commissioner. He said it would be noted it was at the request of the applicant.

Mr. Bivins moved to defer ZMA202100008, Old Ivy Residences, to a date to be determined at the request of the applicant. Mr. Murray seconded the motion. The motion carried unanimously (5-0).

Mr. Herrick said he received indication from the applicant that they were requesting a deferral to an indefinite date. He said the motion was sufficient.

Ms. Firehock noted the motion carried.

Mr. Herrick said it was not clear whether the applicant requested deferrals of the other matters pending before the Commission—the steep slope ZMA and two special exceptions. He asked that the applicant clarify whether they requested a deferral for all matters pending. He noted the applicant's counsel confirmed the deferral of all matters pending before the Commission.

Ms. Firehock said the applicant was nodding. She said for that reason, the next hearing on ZMA202100009, Old Ivy Residences Preserved and Managed Slopes, would not occur.

Mr. Herrick said before the Chair made the ruling, there should be a motion, second, and approval of a deferral for the other matters.

Ms. Firehock asked if there was a motion to defer.

Mr. Herrick said a motion to defer all other matters pending before the Commission on the application.

Mr. Bivins moved to defer all other matters pending before the Commission on the application. Mr. Murray seconded the motion. The motion carried unanimously (5-0).

## **Committee Reports**

Mr. Bivins said the Hyrdaulic29 CAC met. He said they were in a different model where the agenda was split. He said there was a report on the Affordable Housing Plan that was going before the Board soon. He said there was a report from the International Refugee Organization. He said the reports provided context as to what was the need for people relocating to the area with limited assets and how the County was trying to respond on how to move forward with affordable housing.

Ms. Firehock noted one of her employees had been involved with refugee resettlement. She said it was a nightmare and it was near impossible to find housing for families that is affordable.

Mr. Bivins noted the housing had to be near transportation.

Ms. Firehock said many of the refugees did not have vehicles.

Mr. Bivins said the Commission needed to remind people that the County did not own the transit system. He said if CAT decided to change the bus stops, then it could. He said the regional transit discussions would help balance out the transportation problems.

Mr. Murray said he attended the Crozet CAC. He said there had been controversy regarding the Mont Clair stream that was culverted in Crozet. He said a loophole was found in the water protection ordinance that allowed the stream to be removed.

Ms. Firehock said it was a problem with state code that a stream did not need to be buffered if it was piped.

Mr. Murray said the County engineer presented on the state of the ordinance and the plans to patch the loophole. He said there was an interesting discussion and he looked forward to following the issue.

Ms. Firehock said she was interested in how the patch to the ordinance was made.

Mr. Murray said the code had not been changed yet, but there were a series of stream health proposals. He said one was the stream buffer overlay district. He said it was one of the proposed patches to fix the situation with the code.

Ms. Firehock said her CAC would meet on Thursday. She said the ACE committee was suspended, and the Historic Preservation Committee did not have a quorum.

## **Review of Board of Supervisors Meeting – June 1, 2022**

Ms. Perkins said the Board met on June 1. She said there were two planning items scheduled for public hearing—a ZMA for the Skyline Ridge Project that was before the Commission on March 1. She said the Board approved the application. She said the second was another ZMA for Maplewood. She said that proposal was before the Commission on May 1, and the Board approved the application.

## **Old Business / New Business**

Ms. Firehock welcomed the new commissioner. She said if there were any vacation plans, to let the Chair know to ensure there were no scheduling conflicts.

## **Items for Follow-up**

There were none.

## **Adjournment**

At 9:55 p.m. the Commission adjourned to June 28, 2022, Albemarle County Planning Commission meeting, 4:00 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: 08/23/2022
Initials: CSS