

**Albemarle County Planning Commission  
FINAL Minutes Regular Meeting  
November 22, 2022**

The Albemarle County Planning Commission held a public hearing on Tuesday, November 22, 2022, at 6:00 p.m.

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

Members absent: none

Other officials present were Charles Rapp, Director of Planning; Andy Herrick, County Attorney's Office; Scott Clark; Kevin McCollum; Andy Reitelbach; Kevin McDermott; and Carolyn Shaffer, Clerk to the Planning Commission (via Zoom).

**Call to Order and Establish Quorum**

Ms. Shaffer called the roll.

Ms. Firehock established a quorum.

**Moment of Silence**

Ms. Firehock led the Commission in a moment of silence.

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

There were none.

**Consent Agenda**

There were no items pulled or amended from the Consent Agenda.

Mr. Missel moved that the Commission approve the Consent Agenda, which was seconded by Mr. Murray.

Mr. Clayborne stated that he would abstain because he had not been present for the meetings.

The motion carried unanimously (5-0). Mr. Clayborne abstained

**PUBLIC HEARINGS**

**AFD202200001 Critzer – Hatton AFD Addition**

Mr. Scott Clark, Natural Resources Program Manager, explained that the request was a proposed addition to the Hatton Agricultural-Forestal District (AFD). He said that the subject parcel was 82.43 acres. He noted that the staff report imprecisely stated that the parcel was previously removed from the AFD, but according to records, only a small portion of the parcel had previously been in the AFD. He explained that the applicant proposed to include the entirety of the parcel within the AFD.

Mr. Clark stated that the parcel had 67.5 acres of important agricultural soils and one remaining small-lot division right. He noted that the parcel extended from James River Road to the CSX railway. He stated that the subject parcel and the parcels to the east were under the same ownership and were primarily agricultural and forestal uses. He noted that there was a summer camp use around the ponds to the east. He explained that the summer camp use was permitted by special use permit before the parcels were added to the AFD.

Mr. Clark stated that at the November 9 meeting, the Agricultural-Forestal Districts Advisory Committee voted 6 to 0 to recommend approval of the proposed addition. He explained that the proposal would have to undergo a hearing before the Commission and before the Board before the action would be complete.

Mr. Murray asked what the benefit was to the County in terms of conservation for including the parcel.

Mr. Clark responded that the benefit was the limitations on residential development. He explained that once the parcel was added to the district, the remaining development right could only be used for family subdivisions. He said that there would be further limitations on commercial uses or future special use permits because the parcel's inclusion in the district would have to be taken into account during the review. He said that the parcel's inclusion would fill a hole in the middle of the district and make the district more contiguous.

Mr. Murray clarified that if the property joined the AFD, then the development right could be further subdivided.

Mr. Clark explained that the subject parcel or any other parcel in the district could do family subdivisions or 21-acre subdivisions per the terms of the district. He noted that it was the nature of the program.

Ms. Firehock asked if the applicant was present.

Mr. Clark responded that they were not. He explained that applicants rarely attended for such hearings.

Ms. Firehock opened the hearing for public comment. She noted that there were no commenters, so she closed the public comment portion of the meeting.

Mr. Bivins asked for clarification regarding the large open area in the middle of the parcel.

Mr. Clark responded that there may have been a corn maze in the area, but it was just a guess of his.

Mr. Bivins said that it seemed that there may have been a recreational use. He said that he asked because there was a category of agricultural land that was pure, perfect, and should be preserved. He said that he wanted to determine if the subject parcel could be characterized as such a pure, perfect, preservable parcel. He stated that he wanted to figure out the agricultural value of the parcel and determine why they were accepting the parcel back into the AFD.

Mr. Clark responded that the districts did not impose any particular requirements in terms of land management or crop production. He stated that they functioned largely through limiting subdivisions and controlling commercial uses. He stated that the districts did not require any particular use in the way that the use-value tax categories required minimum amounts of production in the agricultural category. He noted that the parcel had a low-impact outdoor recreational area for the summer camp, a hardwood area, and a commercial pine area. He stated that there was a hayfield in the front, and there was a history of hay and crops in the southern portion.

Ms. Firehock said that the situation around the portion of the parcel that was removed from the AFD was confusing. She clarified that a portion of the parcel was taken out of the AFD but now it was applying for inclusion in the district.

Mr. Clark responded that he believed the owners were playing it safe. He explained that less than an acre of the property was included in the AFD because of a former boundary-line adjustment. He stated that the owners wanted to be removed from the district, perform the subdivision, then rejoin. He said that during staff review, they realized it was only the acre that had been included in the AFD, and with the proposal, the district was actually being increased by over 80 acres.

Ms. Firehock said that she understood.

Mr. Clark said that similar withdrawals had happened before. He said that it was perfectly permissible for a property to drop out during a 10-year review, perform a division, then return. He said that the present situation was a better deal because the district was increasing in acreage with the proposal.

Mr. Missel stated that he attended the November 9 meeting, and there was very little discussion and unanimous support.

Mr. Clayborne moved that the Commission recommend approval of AFD202200001 Critzer – Hatton AFD Addition, which was seconded by Mr. Missel. The motion carried unanimously (6-0).

#### **SP202200022 & SE202200047 Verizon – Walnut Creek Park Tier III PWSF**

Mr. Kevin McCollum, Senior Planner, stated that the application was for a personal wireless service facility (PWSF), commonly known as a tower. He said that the proposal was for a 195-foot tower on the County-owned Walnut Creek Park property.

Mr. McCollum stated that the park was located south of the City off Old Lynchburg Road. He said that the proposed tower site was near the entrance to the park off an existing driveway leading to a park maintenance building.

Mr. McCollum explained that there were three different types of applications in terms of cellular towers. He explained that Tier 1 towers were antennae located within or attached to an existing building or structure, Tier 2 towers were called tree-top towers which were no more than 10 feet taller than the closest tree within 25 feet, and Tier 3 towers were any tower that was not classifiable as a Tier 1 or Tier 2 tower.

Mr. McCollum stated that Tier 3 towers were typically the largest towers or were within an avoidance area which included a historic district or entrance corridor. He said that Tier 3 towers

followed the legislative review process requiring a special use permit which was approvable by the Board.

He stated that the application proposed a 195-foot-tall monopole tower. He stated that the applicant had submitted a special exception request to allow the antenna to be mounted 18 inches from the tower face instead of 12 inches.

Mr. McCollum stated that the ordinance allowed the top part of the antenna to be mounted 18 inches from the tower and the bottom part 12 inches from the tower giving a downward tilt to the antenna. He said that the applicant requested a special exception to mount the antenna parallel to the tower at a distance of 18 inches from the tower.

Mr. McCollum stated that the applicant conducted a balloon test. He explained that a balloon test included flying a balloon at the height and location of the proposed tower. He said that while the balloon was flying, staff walked and drove around the area to gain an understanding of where the tower would be visible.

Mr. McCollum said that because the balloon was the approximate width and height of the tower, they assumed that if the balloon was visible, then the tower would be visible. He stated that staff took photographs from as many public locations where the balloon could be seen as possible.

Mr. McCollum stated that after the balloon test, photographs that were taken were provided by staff to the applicant. He said that the applicant create photo simulations to show what the proposed tower would look like from the different viewpoints documented by staff.

Mr. McCollum said that photos 1 through 6 were from within park property, and photos 7 and 8 were from openings along Old Lynchburg Road. He said that a majority of the surrounding areas were wooded, and the balloon was not visible, or they were on private property where staff was unable to investigate the visibility

Mr. McCollum provided examples of photo simulations of the proposed tower. He noted that viewpoints were shown from the park's main drive looking west, from the boat landing and parking area more than 0.5 miles from the proposed tower, and from along Old Lynchburg Road. He said that trees and existing vegetation along Old Lynchburg Road generally blocked the view of the tower, but there were sections without vegetation where the tower was visible.

Mr. McCollum said that staff had reviewed the application under all applicable sections of the zoning ordinance, the Comprehensive Plan, and state and federal regulations. He stated that staff believed that the proposed location was well-sited for a tower of the proposed size. He noted that a majority of the surrounding area was wooded, reducing visibility. He stated that all trees within 200 feet of the tower were on the park's property and were protected by ordinance regulations.

Mr. McCollum said that a majority of the area from which the tower would be visible was located within the Walnut Creek Park property, and staff believed this to be an unfavorable factor. He said that however, the County was the owner of the park and had provided the applicant permission to submit the application. He said that the only additional visibility observed by staff was along small sections of Old Lynchburg Road, however, the views were minimized by trees and vegetation along the roadside.

Mr. McCollum stated that based on the tower viewshed analysis, some portions of the property that were to the west appeared to have some visibility. He continued that the potential visibility was greatly reduced by the distance from the tower and the vegetation that existed between the tower and the properties. He said that given the information and the full analysis that was in the staff report, staff recommended approval of the special use permit and special exception.

Mr. McCollum stated that staff recommended approval of the special use permit with conditions. He noted that staff recommended a condition to limit the height to 175 feet because FCC regulations permitted the applicant to administratively apply for a one-time increase in height by 20 feet. He said that if the tower were approved at 175 feet, it can be built up to 195 feet. He explained that if the tower were approved at the 195-foot height as shown in the application, it could then be constructed to 215 feet.

Mr. McCollum stated that staff recommended approval of the special exception with conditions. He said that FCC regulations allowed the applicant to administratively apply for a one-time increase in the size of the standoff of up to 20 feet. He explained that since staff believed it was a concealment element, they recommended a condition to limit the standoff to the proposed 18 inches.

Mr. McCollum stated that potential motions for the special use permit were available. He explained that the Commission was not required to make a recommendation in regard to the special exception, but if the Commission chose to make one, a draft motion was provided.

Mr. Murray asked whether master naturalists or other people had gone to survey the site of the proposed tower. He asked whether trees and other vegetation would be cleared where the tower would be located.

Mr. McCollum responded that some trees would be removed, and those were identified on the plans.

Mr. Murray asked if the County had done a survey to determine that rare species and habitats would not be affected by the location of the tower.

Mr. McCollum responded that a tree conservation plan would be required prior to the issuance of the building permit. He said that trees were identified on the plan to be removed, and the plans had been removed.

Ms. Firehock clarified that the tower was proposed close to the edge of the wooded area, and it was not located deep within the woods.

Mr. Murray said that there was an existing access way to the park maintenance building, and it was located off of the existing drive.

Ms. Firehock said the site may already have some disturbance. She stated that the applicant may present.

Ms. Laurie Schweller, Williams Mullen, said she represented the applicant, Verizon Wireless. She stated that Nate Holland, GDN Sites, was also present. She stated that Mr. McCollum had covered the proposal adequately with his presentation, so she did not feel the need to present

further. She said that she was available for any questions and that the applicant was amenable to the conditions listed in the staff report.

Mr. Missel asked if the applicant had considered alternative locations and why they chose the particular site.

Ms. Schweller responded that the site was the tallest point in the park and that the rest of the park lowered in elevation toward the lake by 40 to 50 feet. She stated that the height and the location were needed to get coverage throughout the park. She said that it was a safety issue because there was no coverage in the park.

Ms. Schweller stated that the site was a good site for construction. She explained that there was a clear driveway, and the County preferred the location because it was out of the way of the park and there was existing infrastructure for access. She noted that the maintenance building was near the site.

Mr. Missel asked if the range of the tower extended beyond the park.

Ms. Schweller said that it did, and that was one of the benefits of locating the tower at the top of the hill. She said the tower was necessary to provide coverage to the south and the west of Old Lynchburg Road.

Mr. Missel clarified that the park was the main reason for the tower, but there were added benefits in coverage.

Ms. Schweller responded that it was both.

Mr. Missel asked if the height of the monopole could be lowered if coverage were targeted to just the park.

Ms. Schweller said that she did not believe so. She said that she was unable to answer the question. She said that the height was necessary for the proposed coverage.

Mr. Murray noted that the height could be extended without another hearing. He asked if the additional extension would be needed at some point or if it could be foregone.

Ms. Schweller said the applicant was seeking a height of 195 feet with a 4-foot lightning rod. She said that because of the applicant's stated need, the County recommended approval of a 175-foot limit where the applicant could apply for a 20-foot extension per federal law. She explained that the extension could be accomplished with an administrative application. She said that the County recommendation aligned with the applicant's request, it was just a two-part process so the applicant could not extend the height above 195 feet.

Mr. Carrazana asked how much more coverage was gained from the additional height as opposed to a Tier 2 or Tier 1 tower.

Ms. Schweller said that they did not have an RF engineer present.

Mr. Carrazana said that the towers seemed to get taller and taller. He said that he wanted to know the cost-benefit of the additional coverage area from a taller tower.

Ms. Schweller said that it depended on the topography of the landscape and the tree coverage in the area. She explained that they requested the height that Verizon's RF engineers determined was needed in a particular location. She said that a tower of such a proposed height could extend coverage for two to three miles, but in some areas, it could extend five miles if there were no obstructions. She said that they aimed to provide coverage to the lake and the boat launch.

Mr. Carrazana said it would be helpful to provide a better understanding of the coverage. He suggested providing options for multiple towers.

Ms. Firehock opened the hearing for public comment. She stated the rules for public comment.

Ms. Jessica Atkinson said she lived across the street from the proposed site. She said that she had a few concerns. She stated that if the goal was to increase service in the area, then the proposed site was not the highest location in the area though it was the highest in the park. She stated that she did not read any research demonstrating what and where the need was in the community nor confirmation as to how much service would be improved. She asked where specifically service would be improved and how much it would be improved.

Ms. Atkinson said she questioned the precedent set by the proposal. She said she appreciated the diligence of the Commission to ensure the height, distance, and color. She questioned whether more towers would be constructed in parks. She said that the intention of the park, as evidenced by the vision and mission statements, was to provide the opportunity to be in nature and enjoy the provided recreation while being a steward of the land. She said that a cellular tower seemed inconsistent with the vision and mission statements.

Ms. Atkinson said that if the County was considering using the park as a revenue generator, she had only spent about \$6 for use of the park in the past three years despite using the park almost every day. She said that traffic had increased exponentially since the pandemic, but gate fees were only charged during a narrow time frame throughout the year. She suggested that it be evaluated as a more appropriate source of revenue for the park.

Ms. Atkinson noted that she did not see a lot of transparency as to how much the County would profit from the lease and how the profits would be utilized to the benefit of the park and its patrons. She stated that as a property owner, she was not notified of the information meeting held in September and did not attend. She said that the staff report was misleading by stating that there was no community opposition.

Ms. Atkinson clarified that the viewpoint simulations of the tower did not take into consideration the perspectives of the two home sites listed as being most impacted. She stated that the visibility impact was substantial. She noted the need for increased service, but she did not want a cellular tower visible from her house.

Mr. Tim Collins said that he was the husband of Ms. Eckenson. He stated that he had attended parks with kiosks. He said that he assumed the intent of the tower was to generate revenue. He said the tower was large and was not appropriate for the park. He said that the western view of the park at sunset was a view that should be protected, and the tower would disturb the view. He said that a kiosk could be installed to charge admission to the park which would generate revenue.

Mr. Collins said that it was well-documented that cellular towers depreciated property values. He noted that the tower was sited 1,000 feet from their house, but they were never notified. He noted that the balloon test was performed during the summer while the trees were fully covered in leaves. He stated that a balloon test would yield different results if performed at this time.

Mr. Adam Doyle, participating remotely, stated that he owned a property to the east of the proposed tower site. He said that this was the first open discussion he had heard regarding the proposal, and he was not notified about the initial research period over the summer. He said that he was not opposed to better cellular coverage, but he was concerned about light pollution. He said that Mr. McCollum had responded previously to his questions and informed him that there would be no lighting.

Mr. Doyle said there were ways to make the tower less visually intrusive, such as disguising it as a tree. He said that the County should consider alternatives, and if coverage was the ultimate goal, then there were other more appropriate locations.

Ms. Firehock stated that the applicant would have the chance for rebuttal.

Ms. Schweller explained that Mr. McCollum provided the applicant with a list of all of the abutting property owners, and Nate Holland had sent letters to each of the abutting property owners. She said she could not explain why the property owners did not receive notice. She stated that about seven people were present at the community meeting.

Ms. Schweller confirmed that there would be no lights at the site, and because it was under 200 feet, lighting was not required. She said that in terms of the siting and structure, Verizon worked with the County as to the siting and the height, and they determined what was optimal for the location.

Ms. Schweller explained that under state legislation adopted in 2020, localities could no longer require applicants to submit information regarding coverage, such as propagation maps, or customer and service information. She stated that the information was considered proprietary information and was not acceptable for a zoning case. She said the applicant was not attempting to conceal information.

Ms. Schweller stated that a balloon test worked by driving around the neighboring roadways at the time of the test. She said if property owners were present at the time and wanted to invite the testers onto their property, then they would conduct view tests from the property, but they did not enter onto private property during balloon tests except in special circumstances. She said that they would not know whether a structure was visible from a front porch. She stated that the County took the photographs from public roadways and provided them to Verizon.

Ms. Firehock closed the public hearing and brought the matter back before the Commission.

Ms. Firehock noted that the applicant did not have to provide information regarding coverage. She asked counsel whether the Commission was allowed to consider their opinions on coverage during their own deliberations.

Mr. Andy Herrick, Deputy County Attorney, explained that the issue was outlined in the staff report which cited the new Virginia Code section. He stated that the Code section provided that



localities shall not disapprove an application on the basis of an applicant's business decision with respect to its designed service, customer demand for service, or quality of its service to or from a particular site. He said that a locality could not disapprove a proposal based on business considerations, propagation, customer base, or other such considerations.

Mr. Herrick said that because a locality could not disapprove a proposal on such bases, it was unlikely to serve as a suitable topic of discussion for the Commission and would be irrelevant to the Commission's deliberations.

Ms. Firehock noted that a previous application had been approved along I-64 because it would help with coverage during traffic accidents.

Mr. Herrick clarified that the law provided that coverage shall not be the basis for disapproval.

Ms. Firehock asked if that were the same as how many the tower would serve or not serve.

Mr. Herrick said that was correct.

Mr. Clayborne asked if the residents could request service information from the applicant.

Mr. Herrick said that residents could request the information, but it would not be relevant to the Commission's consideration.

Mr. Clayborne noted that it would not be relevant to the Commission but asked if there was a community meeting whether residents be able to request the information.

Mr. Herrick responded that community members could request whatever they wanted, but the applicant was not required to provide the information because it was not relevant to the consideration of the decision-makers.

Mr. Carrazana said that they could discuss the height and the visibility.

Ms. Firehock noted that they could consider the impacts to the viewshed.

Mr. Carrazana said that they had no way of knowing how much more a 200-foot tower covered versus a tree-top tower. He noted that a tree-top tower would limit visibility significantly.

Ms. Firehock stated that the County had prioritized limiting visibility in the Comprehensive Plan and in its guidance.

Mr. Carrazana said that he did not see how the proposal limited visibility.

Ms. Firehock said that the tower would be more visible if it were painted brown because it was taller than the trees and would contrast against a blue or white sky. She said that her suggestions so far were to not paint the tower and remove the requirement from Item 2D. She said that the other solution was to not approve the proposal at all.

Mr. Missel said that safety was an issue, but they did not know whether a Tier 2 monopole would be able to cover a substantial portion of Walnut Creek Park.

Ms. Firehock said that three smaller towers could possibly cover the same area.

Mr. Missel said that the higher elevation of the tower was benefiting an area larger than the park. He said that the focus was on the visual appropriateness. He said that based on the visual appropriateness and the balloon tests, he could not approve the tower at the proposed height.

Ms. Firehock said that while it was true the applicant was not required to provide its business plan, the applicant was not prevented from stating why three smaller towers could be more intrusive and require more habitat disturbance than a single taller tower. She stated that the County policy created the need for more towers because they could not be as tall and visible.

Mr. Carrazana questioned at what point a tower would be too tall. He said that the County had to have a regulation.

Ms. Firehock noted that they had express guidance.

Mr. Carrazana said they had to determine at what point a tower became too tall.

Ms. Firehock said that it was an aesthetic-based and value-based judgment. She noted that the tower appeared to be two to three times the height of the tree line. She said that the artificial tree method of concealment was not effective.

Mr. Murray said that the comment about precedent was important. He said there were several other parks that were undeveloped that were mountainous. He said that the proposal could set a precedent for the other parks. He asked if the County would consider the matter by different standards if it were a private property with the same site proposal.

Ms. Firehock said that they did not know what the revenue would be from the tower, and it was not part of the deliberations. She stated that there was a higher aesthetic standard for a county park that was used to enjoy nature. She noted that the park had beach trails, frisbee golf, and natural areas.

Mr. Missel stated that future applications should make attempts to minimize visibility or provide a statement as to why it was not possible. He said that the importance of the aesthetic impact had precedence in the County.

Ms. Firehock said that the County Attorney had informed them that they were not setting a precedent because each site was unique. She stated that a tower was allowed at a high school because there was already tall stadium lighting. She stated that the context of the site was germane to the deliberations.

Mr. Bivins said that he was concerned about the function of the tower. He noted that the property decreased in elevation from the tower to the lake and that the terrain of the pedestrian paths was rugged. He said that it was important for the tower to be at a height where it could function. He said that the towers served a dual function. He said that the rural parks had fewer and fewer staff over the years. He noted that the ranger cabins were rarely staffed. He said that having a communication channel in rural parks to emergency services or in case of other emergencies was important.

Mr. Bivins said that it was about a 10-minute drive from the beaches at Walnut Creek Park to Old Lynchburg Road. He noted that if there were a fire tower at the park, it would likely have to be at a similar height to survey the forest and surrounding hills. He said that he considered the County's budget in regard to staffing the parks and that the parks were fully utilized from the spring through late fall. He stated that there was a cycle at the park that warranted the tower.

Mr. Bivins said that he hoped the County was evaluating all of the rural parks for some sort of communication structure. He said that it was difficult to get service at several of the rural parks, and the only park he was able to get decent service at was Charlotte Humphries Park—the only park in the development area. He said that in an emergency and alone, it would be difficult to seek help at any of the rural parks.

Mr. Bivins said that given the current staffing trends with rural parks and the increase in park utilization, the County had an obligation to create communication networks valuing safety over form. He said that the proposed tower would have a smaller impact on the land than three smaller towers, but it would have a larger visual impact.

Ms. Firehock clarified that Mr. Bivins emphasized safety as the primary concern.

Mr. Bivins said that it was not just safety, it was also the fact that there was utilization of the parks beyond what was anticipated. He said that there was a different staffing structure than before, and even if the parks were staffed, they would need communication networks. He said that people were traveling and operating in ways where it would be helpful to have communication connections.

Mr. Clayborne said that they could not discuss the coverage aspect, so they did not know if a Tier 1 or Tier 2 tower could achieve the same coverage. He said that the only judgment they could make was in regard to the aesthetic.

Ms. Firehock noted that the applicant was not prevented from informing the Commission that they evaluated three shorter towers.

Mr. Carrazana said that the applicant did not have to provide business details, but they could inform the Commission as to what had been evaluated and considered. He said that he did not know what sized tower would work best and whether a Tier 2 tower would provide the same safety. He said there were other ways to address the coverage and ensure there was coverage. He noted that the Commission did not know what options were discussed, so he had a hard time supporting a 200-foot tower.

Mr. Bivins responded that the tower was 195 feet tall.

Mr. Carrazana said that the tower was 199 feet tall with the lightning rod.

Mr. Bivins said that the FCC required towers above 200 feet to have lights, and the proposed tower was not 200 feet tall, so it would not have lights. He clarified that it was five feet below the FCC regulation for a tower. He said that the viewshed was an indicator of how the signal would be distributed because there would be a clear path.

Mr. Bivins stated that the area would never be a 5G area because there were not enough locations where there was a point of sight to the tower, and 5G was dependent on sight lines.

He said that the rural parts of the County did not have enough flat land to utilize 5G without tall towers. He said that they were trying to determine the balance of form and function. He noted there was an aesthetic piece, but he was looking to shorten the amount of time to receive a response.

Ms. Firehock allowed the applicant to make a clarifying comment.

Ms. Schweller said that the site required a 195-foot-tall tower. She said that if a Tier 2 tower were possible, then Verizon would have offered the option to the County. She said that there was no advantage to the applicant to offer a taller tower because they were not in the tower building business. She said the request was for the infrastructure which was needed in the proposed location to provide coverage to the park and surrounding areas.

Ms. Firehock moved that the Commission recommend denial of SP202200022 Verizon – Walnut Creek Park Tier III PWSF because the proposal did not keep with the County's aesthetic desires for cellular tower concealment.

Mr. Herrick clarified that in the staff report, there were two other items that should be included in a recommended denial. He said that one of the items was that if the County were aware of any modifications to the project that would permit the locality to approve the proposed project, the locality should identify them in a written statement provided under Subdivision 1.

Mr. Herrick explained that if the Commission were aware of any modifications that may make the proposal approvable, it should state them. He said that any motion recommending denial should also clarify that the recommendation was not based on Virginia Code § 15.2-2316.4:2(A), but that it was rather based on § 15.2-2316.4:2(B)(1), which was to say that denial was based on permissible rather than impermissible grounds.

Mr. Herrick asked Ms. Firehock if, as part of her motion, there were any grounds or modifications the Commission could stipulate that would allow the proposal to be approved.

Ms. Firehock said that the only condition which would allow for her to consider approval was if the tower were a tree-top tower which would guarantee near complete concealment in the park.

Mr. Herrick also asked Ms. Firehock to confirm that under her motion, the Commission's recommendation would not be based on Virginia Code § 15.2-2316.4:2(A), but rather on § 15.2-2316.4:2(B)(1).

Ms. Firehock responded yes. She said that was her motion.

Mr. Carrazana seconded the motion.

Mr. Bivins suggested that they review the cellular tower ordinance in a way to facilitate discussions that they frequently had. He noted that the decisions were based on an ordinance drafted almost 22 years ago.

Ms. Firehock said that she agreed. She said the same could be done for the lighting ordinance, and there were several codes for which technology had outpaced the law.

Mr. Rapp said that there was a cellular tower ordinance review on the books. He said that there was a proposal that was submitted and that the Board had directed staff to move forward with it. He said that it would be coming before the Commission within the next six months.

Ms. Firehock said that she was excited.

Mr. Murray suggested that if the proposal were to come back before the Commission that there may be nearby landowners who may appreciate a balloon test from their house, and such a demonstration would be helpful for the Commission to review.

Ms. Shaffer called the roll.

The motion carried 5 to 1. Mr. Bivins voted against.

Ms. Firehock stated that the Commission recommended denial of the proposal and that it would then go to the Board for final consideration.

#### **ZMA202100001 Willow Glen**

Mr. Reitelbach greeted the Planning Commission and stated that he was a Senior Planner with the Albemarle County Planning Division. He said that he would present ZMA2021-01, Willow Glen. He began by showing an aerial view of the subject property of the rezoning application. He said that it consisted of six parcels in Willow Glen, with two phases, one circled on the screen which had been developed with 36 residential units and associated open space lots. He said that three of those parcels, two open space parcels and one residential lot, were part of this rezoning application. He said that the majority of the application was the second phase, Phase 2 of Willow Glen, which consisted of three, larger, undeveloped parcels that were highlighted on the screen. He said the airport to the west, Deerwood Village and Abington on Place to the east, and one parcel that was surrounded by Willow Glen on Dickerson Road that he wanted to note was not a part of the application.

Mr. Reitelbach said that the application consisted of six parcels that totaled approximately 20.457 acres. He said that three parcels were in Phase 2 and were 19.27 acres, and the three parcels of Phase 1 were included in the proffer amendments that were part of this application. He said that it was an amendment to a previously approved rezoning, ZMA2006-00019, so the zoning district, Planned Residential Development, would remain the same, and the application was to amend the application plan and the proffers previously approved and accepted with that earlier rezoning.

Mr. Reitelbach said that the applicant was requesting to increase the maximum number of units in the development by a total of 126. He said that currently, 198 units were permitted in the Phase 2 area, and the applicant was requesting a maximum of 324 units in the Phase 2 area for an overall increase of 126. He said that there were 36 units previously constructed in Phase 1, so the overall Willow Glen development would total 360 units. He said that in Phase 2, the gross and net density would be 16.81 units, and pulling the Phase 1 part of the development that had already been constructed, it would be an overall density of 15.08 units.

Mr. Reitelbach said that the zoning of the property was PRD in accordance with the previously approved rezoning that included proffers. He said that there was a maximum of 198 units permitted in Phase 2, and as he mentioned, there were 234 units total, the 36 units constructed in Phase 1, which left 198 units to be built in Phase 2. He said that the zoning overlay districts for this property included steep slopes and the airport impact area. He said that the surrounding

zoning districts included Rural Areas to the west, north, and southwest. He said that while these properties were zoned Rural Areas, they were all located within the community of Hollymead Development Area. He said that the property to the east, Deer Wood Village, was zoned R4, Abbingdon Place to the southeast was zoned Neighborhood Model District, and there were some properties to the south that were zoned R15 residential.

Mr. Reitelbach said that this property was in the Places 29 Master Plan. He said that as he had mentioned, all of the surrounding properties were located within the Places 29 Master Plan and were located within a development area. He said that the vast majority of this site, which was identified in orange on the screen, was Urban Density Residential, which allowed residential between 6.01 and 34 units per acre, with supporting uses. He said that there was a small sliver of property in the southeast portion of the parcel that was designated Neighborhood Density Residential, the yellow color on the slide that allowed 3 to 6 units per acre. He said that in the Places 29 Master Plan, the residential building height for Urban Density Residential recommended a maximum of four stories.

Mr. Reitelbach said that the proposal was more specifically a request for a maximum of 324 dwelling units in Phase 2, totaling 360 units in all of Willow Glen, which was an increase of 126 units from the prior application. He said that the density was approximately 16.81 units in Phase 2 alone. He said that a change requested by the applicant was a change in unit types for Phase 2. He said that currently under the existing rezoning, it was a mix of different unit types, including single-family detached, townhouses, duplexes, and condos, however, the applicant was looking to construct all multi-family units with the new amendment.

Mr. Reitelbach said that the multi-family apartments would be spread across 12 residential buildings that would be 3 to 4 stories in height, with most having three stories on the front façade, and four stories built into the hillside or rear. He said that there were additional buildings for a clubhouse and fitness center. He said that there were two site entrances to the property off of Dickerson Road, and currently under the existing rezoning, there was a proffered road connection from Town Center Drive through the Willow Glen development to Dickerson Road, and the applicant was proposing to eliminate this through-street and make the portion of that existing road that was currently constructed in Phase 1 terminate in a turnaround and become a dead-end street. He said that in PRD districts, the ordinance required that 25% of the property be open space, and the applicant had proposed that 37.84% of the Phase 2 property would be open space, or approximately 7.29 acres.

Mr. Reitelbach showed a page from the new application plan that was being proposed, showing the building envelopes for the various buildings surrounding the site, the open space areas, and the stormwater pond in the rear, which was also utilized as open space. He said that this image was included in the staff report package as well. He showed for comparison the old application plan that was approved back in the 2006 rezoning, which was also included in Attachment 4 of the staff report. He said that looking at the specifics of the proffers for this proposal, not only the application was being changed but the proffers were being changed as well, and the applicant was proposing to remove a proffer that required 15% of the constructed dwelling units being affordable for 10 years as well as the County option for cash in lieu.

Mr. Reitelbach said that the affordable housing proffer was not being eliminated but being replaced with a note on the application plan, which was permitted since the application plan was the governing plan for a planned development district. He said that the applicant was proposing to make 20% of the constructed units in Phase 2 affordable at 80% AMI for a period of 15 years,

which was Note #4 on the new application plan. He said that the applicant was requesting to remove a proffer that was accepted with the original rezoning that would require a cash contribution for each unit constructed and not designated as affordable.

Mr. Reitelbach said that the applicant was requesting to remove the proffered connection to Town Center Drive, which was the through road that connected Town Center Drive through the development over to Dickerson Road. He said that the portion of the road that had already been constructed in Phase 1 was known as Shannon Glen Court and would be terminated in Phase 1, near the property line of Phase 1 and Phase 2, so there would be no vehicular connection between the two phases.

Mr. Reitelbach said that however, the applicant was proposing a trail connection to connect those two phases. He said that the applicant was also proffering sidewalk construction and the conveyance of temporary grading and construction easement for the Dickerson Road frontage on the southwest side of the property. He said that the grading and construction easement was for allowing the extension of that sidewalk onto the adjacent property when that property was developed.

Mr. Reitelbach noted that in the staff report, the names of the schools in the grid included were incorrect, but the text of the staff report had the correct names included. He said that the correct names were included in the grid shown on the slide, which were Baker-Butler Elementary, Lakeside Middle, and Albemarle High Schools. He said that Baker-Butler and Albemarle were currently over capacity, and both were expected to remain so over the next ten-year planning period of the school system, and this development would add additional students at both of those schools.

Mr. Reitelbach said that Lakeside Middle School currently had capacity but was expected to be over capacity by the 2028-2029 school year. He said that overall, in the bottom row of the grid, they could see the projected number of students that would be generated at each school based on the school system's calculations. He said that it was about 29 students at elementary, 6.5 at middle, and 19.5 students for high school, for a total of 55 students. He noted that the 55 number included all 324 units in the proposed development and did not include the increase in students for what was permitted by-right.

Mr. Reitelbach said that looking at the streets and transportation issues with this proposal, TIA was reviewed with this application and there were no concerns from VDOT or the County's Transportation Planning Staff with this TIA. He said that Shannon Glen Court was the constructed portion of the through-street that had been approved with the previous rezoning, and was approved as a public street; however, the bonds were still in place and had not been accepted by VDOT for public maintenance at this time. He said that to truncate this street, in Phase 1 the applicant was requesting this and not extend it into the Phase 2 area. He said that VDOT required some changes to the street to be made, mainly to make the temporary turnaround that was currently there become a permanent turnaround so that it could meet all cul-de-sac standards.

Mr. Reitelbach stated that the applicant proposed a trail system around the property, including a bridge and trail connecting the edge of Shannon Glen Court with the Phase 2 property. He said that in place of extending the through road, a walking and biking multi-use trail would be offered. He said that there was a proffered sidewalk along the southwest frontage of the property. He clarified that no sidewalk was currently provided along the northwest frontage of the property. He stated that staff saw sidewalks as being important for pedestrian orientation, multi-modal

transportation, and inter-parcel connectivity—all important principles of the 12 Neighborhood Model Principles.

Mr. Reitelbach noted that due to recent changes in VDOT policy, they may not accept so-called sidewalks to nowhere—sidewalks that did not connect on either end to other sidewalks. He said that such sidewalks may not be accepted into the public highway maintenance system, and that could be an issue in constructing sidewalks in areas that did not currently have sidewalks.

Mr. Reitelbach stated that along with the zoning application, two special exceptions were requested. He said that one was to request a modification in the recreational facilities from those listed in the zoning ordinance. He stated that the applicant proposed a reduced number of tot lots from what was required in the zoning ordinance.

Mr. Reitelbach said that the applicant proposed three tot lots to be provided throughout the development. He said that the tot lots would be replaced with recreational facilities, such as a club house and a fitness center with a pool. He noted that there were various trails connecting the building to the areas. He stated that there would be facilities around the stormwater management pond to make the pond an amenity for the development, and items would include a viewing platform and a gazebo.

Mr. Reitelbach stated that the applicant submitted a request to reduce the required number of parking spaces across the development by 5%, about 28 spaces, and about 570 spaces would still be provided. He said that staff did not have objections to the request if approval of the ZMA was recommended. He stated that there were several positive aspects to the development, which included that it was consistent with the uses and density recommended by the Places 29 Master Plan, and the density of 16 units per acre fell within the range of 6-34 units per acre in Urban Density Residential, the request was consistent or mostly consistent with the majority of the applicable neighborhood model principles, and the request provided affordable units at 20% of the total number of units constructed, consistent with the County policy on affordable housing.

Mr. Reitelbach said that there were concerns about this development, the first being the inter-parcel vehicular connectivity that was being eliminated with this proposal. He said that the road, Shannon Glen Court, designated as Road D in the application plan from the 2006 rezoning that connected Phase 1 and 2, was proposed to be eliminated, so there would be no vehicular connections between the two phases and going through this development to Town Center Drive and Dickerson Road.

Mr. Reitelbach said that Shannon Glen Court, the portion that had already been constructed, had not been accepted by VDOT into the public road system, so it would still need to work through the process to address any concerns that VDOT or the engineering division of the County may have in ensuring that a road previously expected to be extended farther and was now proposed to be truncated into a dead-end cul-de-sac was still accepted by VDOT. He said that the proposed development would result in additional student enrollment at Albemarle High and Baker-Butler Elementary Schools, which were already over capacity. He said there was also the issue of the sidewalk that he had mentioned earlier.

Mr. Reitelbach said that staff did not recommend for this application ZMA2021-00001 Willow Glen to be approved due to the concerns outlined in the previous slide. He said that regarding the special exceptions, SE2021-00007 and SE2021-00008, if the Planning Commission did choose to recommend approval of the rezoning, staff had no objections to the approval of either the



special exceptions, however, if the Planning Commission chose not to recommend approval of the rezoning, it would not make sense to approve either of the special exceptions.

Ms. Firehock asked if there were any questions for staff.

Mr. Bivins said that effectively the plan was a new proposal, although it was established 5 years ago.

Mr. Reitelbach said that the original rezoning was approved in 2007.

Mr. Bivins said that the applicant would not have to come before the Planning Commission if they did Phase 2 as it was decided 15 years ago and could just get permits and roll it out.

Mr. Reitelbach said yes.

Mr. Bivins said that they were being asked to divorce a proposal that was established 15 years ago and consider a new proposal and to disregard all the various connectivity that was agreed to 15 years ago, because all the connectivity was being pushed away. He said that a walking bridge was not connectivity compared to a road, so they were looking at a completely different use for this piece of property.

Ms. Firehock said yes. She said that it was housing.

Mr. Bivins said that it was still residential.

Mr. Missel said that he understood the applicant was requesting a 5% reduction in parking. He asked if that was the maximum that they would request.

Mr. Reitelbach said that they could request more. He said that up to 35% could be requested under the ordinance, but the flexibility of design and what they were proposing indicated that 5% was what worked for them.

Mr. Missel said that that was good to know. He asked if it was a cap placed by the County.

Mr. Reitelbach said no.

Mr. Carrazana asked if the maximum height the applicant was proposing exceeded the guideline for step backs.

Mr. Reitelbach said that it did not. He said that factor was analyzed, and the four-story height where it was on the basement was generally on the rear of the buildings, so they measured the step back from the front of the buildings.

Ms. Firehock said that there was an inset that showed it was 45 feet tall.

Mr. Carrazana said that was on the back side.

Ms. Firehock asked if that was with the basement.

Mr. Bivins said that with the basement, it was 50.

Mr. Carrazana asked if that was what it said.

Ms. Firehock said yes. She said the scale showed the basement to be 50.

Mr. Carrazana asked if the evaluation was that it fell within the requirements.

Mr. Reitelbach said that was correct. He said that it did not require a special exception for waiving the step back requirement.

Ms. Firehock asked if there were any other questions for staff. Hearing none, she asked to hear from the applicant.

Ms. Laurie Schweller greeted the members of the Planning Commission and stated that she was representing the applicant. She said that the applicant was requesting permission for approval for Dickerson Overlook, Phase 2 of Willow Glen. She said that the applicant, Dickerson Ridge, LLC., was represented by George Ray, and Breeden Construction was the contract-purchaser, developer, and manager. She said that tonight they had with them Brian Revere and Moses Romero, as well as Steve Edwards, who prepared all of the zoning drawings and design, and Joe Wallace from Ramey Kemp's traffic engineering, and her colleague Valerie Long and herself were representing Williams Mullen.

Ms. Schweller said that the property being considered by the Planning Commission was comprised of 19.7 acres. She said that Mr. Reitelbach had described the context and different housing types around the project. She said that the airport was immediately across Dickerson Road to the west, and Hollymead Town Center was .7 miles to the east. She showed on the screen an image of the view of Dickerson Road with the airport on the left and project property on the right. She said that 700 feet south of this section of road was the intersection with Town Center Drive.

Ms. Schweller said that a brief history of the project was that it was rezoned in 2007, the site plan was approved in 2008, and then the recession stymied the work on the project. She said that Mr. George Ray had been working to make the project work in a number of different ways that could be discussed in more detail if needed. She noted that Mr. Ray built Phase 1 with 14 single-family detached units and 22 townhomes, and in doing so, provided over \$500,000 in cash proffers, six affordable units, and \$10,000 to the Service Authority to analyze and upgrade systems.

Ms. Schweller said that the request being made would provide quality, multi-family housing in the development area in close proximity to all other housing types, eliminate the cash proffers to make the project economically viable, dramatically increase the number of affordable units and affordability generally, and provide inter-parcel connectivity between the existing Willow Glen neighborhood and Dickerson Overlook as a ped-bike connection rather than vehicular. She showed the future land use plan designation and stated that the parcel was zoned Urban Density Residential with a density of 6.01 to 34 dwelling units per acre. She said that the existing plan was only 10 dwelling units per acre, and Phase 2 was proposing 16.81 units per acre, which was needed in the development area for housing.

Ms. Schweller said that in the application plan, their new pedestrian path was circling the neighborhood, and an amenity pond that would be stocked with fish. She said that there would be outdoor bicycle racks and indoor bicycle storage facilities throughout the project, and a location

in front for a future transit stop if the routes extend in this direction. She said the PRD plan was where the affordable housing commitment was located. She said that in the illustrative plan, they could see that there would be parks throughout the neighborhood, not only in the center, and the recreational area exceeded the requirement with 38% in this phase.

Ms. Schweller said that they had requested some substitutions to make the recreational area more appropriate for the residents, and Breeden Construction had constructed at least 45 other developments in Virginia and was very familiar with what its residents would use and would like to see. She said that all recreational amenities would be free and available to both Willow Glen Phase 1 and Dickerson Overlook, and that the gym and pool membership would be available for a fee to all residents.

Ms. Schweller said that she would show the Commission the many different parks and other amenities throughout the neighborhood. She said there was a pond, amphitheater, pool, fitness center, three tot lots or playgrounds, a dog park, gathering places throughout the development with seating areas, fire pits and grilling stations. She said that there was also a community garden and more gathering spaces, and in the center would be a large lawn area with various amenities.

Ms. Schweller said that she would address the inter-parcel connectivity and pedestrian-friendly design. She said that on the Google map satellite image, it could be seen that the parcel connection they would provide for pedestrians and cyclists would encourage bike-ped connectivity, and there was already a sidewalk along Town Center Drive. She said that there was no impact that needed to be addressed with a vehicular connection; they had no transportation issues in this area. She said that the intersection with Shannon Glen Court and Town Center Drive could be reached from the project by two routes, but one took significantly longer due to traffic bumps, pedestrian crossings, and the developed neighborhood of Shannon Glen Court.

Ms. Schweller said that they thought the inter-parcel connection as they were proposing it was a positive and not a negative. She said that this was because the development would no longer be automobile centric. She said that the surrounding development over the past 15 years made it impractical to do this development and it would be unfair to send the cars from 300 apartment units through Shannon Glen Court, and the path system would encourage bike and ped use, which was consistent with the neighborhood model principles. She said that they were proffering a sidewalk from the southern entrance south, which would be important for connection to the neighborhood center on the parcel to the other side of Town Center Drive.

Ms. Schweller said that she would now discuss the aspect of affordable housing. She said that the existing plan called for 15%, which was 35 units, and the for-sale units, which only had to be held for 60 days, would be at 80% AMI, and the for-rent units were offered at 120% AMI, and that period of affordability was 10 years. She said that there was also a cash-in-lieu option. She said that they were attempting to get as close as possible to the County's housing policy, as they were proposing 20% affordable housing, or 68 units, rented at 80% AMI for 15 years, and would all be provided onsite.

Ms. Schweller said again that there would be 20% of the units for 15 years, the rental rate would not exceed 30% of the 80% AMI, including all utilities. She said that they would like to do more, and that Breeden was very supportive of affordable housing, but the problem remained that it would not be economically viable until they had some developer incentives. She said that if they were approved for zoning, they could work on a performance agreement that would make sense with perhaps a real estate tax abatement plan for the life of the affordability.

Ms. Schweller said that for schools, the current plan versus the proposed plan was only an increase of 18 students. She continued that the summary of proposed changes was the housing type, reducing to one type but surrounded by every other type in this area, increase in density more appropriate to growth area,

More affordable housing units with a longer period of affordability, and ped and bike connection rather than vehicular cut-through. She said that this would be a quality design and construction; Berkmar Landing was also built by Breeden Construction, so the type of amenity and design that would be made was familiar.

Ms. Schweller said that staff had listed three positive aspects to this request, but they believed there were many more, such as more green space and recreational areas than required with carefully thought-out amenities, recreation areas were fully available to Phase 1 Willow Glen, and there was no traffic routing through Phase 1 Willow Glen, there would be a pedestrian-bicycle connection between Phases 1 and 2, and less environmental impact.

Mr. Murray said that the stormwater pond on the visual shown appeared to have no vegetation around it. He said that he strongly encouraged there to be a buffer made with plants, and for it to function as stormwater, they must utilize native vegetation.

Ms. Schweller thanked Mr. Murray for his ideas. She said that they would work on that material during the engineering phase and the stormwater management plan.

Ms. Firehock said that the design suggestion also limited the use of the pond by geese.

Mr. Clayborne asked Ms. Schweller asked why the change in the proposal was so drastic between 2007 and now. He said that his colleagues could determine whether it was a good thing or a bad thing, but he would like to understand what drove those changes.

Ms. Schweller said that there had been a number of changes through the years and a number of attempts to make changes. She said that the problem with the plan as it currently existed was that it would require another \$1.5M of cash proffers that would not be reasonable under today's state law, and those made the project economically unviable. She said that in addition to the cash proffers, the vehicular connection between the two parcels would be \$1M in addition, so it would be an expensive project to develop as it was. She said that Mr. Ray had tried a number of things, and Ms. Long had presented in front of the Planning Commission and the Board of Supervisors to attempt a number of things to make the project work, one of them being in 2018, when an application to rezone to allow commercial development along Dickerson Road.

Ms. Schweller said that Mr. Ray had that parcel under contract and was going to create commercial with warehousing and loading docks, but that was not successful because of the additional traffic it would bring, so they did some major site plan amendments and came before the Commission again to attempt to reduce the proffers, bifurcating the proffers associated with expanding the facilities, which was no longer allowed. She said that they tried to reduce the proffers significantly by 2/3 and also for credit for units that could have been built under the RA zoning, which was the initial zoning here, and that also failed.

Ms. Schweller said that Mr. Ray had tried several things and had been in contract with different builders, and even had a contract to sell all the lots during that time, but because the proffer reduction failed, he was unable to sell the lots. She said that now, he had Breeden Construction,

who was a high-quality, experienced constructor, ready to develop the apartment complex, and it would be a project that would solve all the problems. She said that without the cash proffers, it could be done, and it provided all of the amenities as she had described.

Mr. Clayborne asked who the target audience was for this project.

Ms. Schweller said that it would have 1-, 2-, and 3-bedroom units and could run the gamut. She said that she envisioned there being professionals who needed to travel, due to the convenience to the airport, and those who worked in the northern part of the County. She said that it was also a great location because of Hollymead Town Center, and all amenities were there.

Ms. Firehock said that she could appreciate the factor of convenience.

Mr. Murray said that staff had a concern about the stress put on the already-overstressed nearby schools. He said that they had also heard about the need for preschools in the area, and he wondered if the applicant for the project had ever considered providing daycare onsite or some sort of space where a preschool could exist. He asked if Ms. Schweller could also address the staff's concern about the sidewalk not being provided on Dickerson Road.

Ms. Schweller said that she would not be able to answer the first question. She said that to her knowledge, there was no plan for a preschool on the site and it had not been considered, but she would defer to Mr. Revere for that answer. She said that she could certainly answer the question regarding the sidewalk north of the site. She asked if she could have her presentation on the screen again. Ms. Schweller said that Mr. Reitelbach had referred to VDOT regulations that had been adopted this summer, "VDOT complete streets bicycle and pedestrian guidelines."

Ms. Schweller said a few excerpts that applied to that included "ending a pedestrian access route into a parking lot or roadway shoulder or stub-outs in anticipation of the future extension were not acceptable means of terminating a pedestrian access route." She said that if they looked at Google Maps where the site was located and went north on that side of Dickerson Road, the only thing there was large, open, green fields with single-family homes dotting the landscape.

Ms. Schweller said that there was nothing there that they would connect to, and then they would meet Airport Road. She said that there was a lot of reason to go south, because in the Comprehensive Plan, there was a proposed neighborhood center further south, and the regional service center, Hollymead Town Center, to the east. She said that at this point, there were no reasons to go north, so the question at this point was if they would dedicate frontage if needed for a future sidewalk. She said that what could be seen in the plans was that the right-of-way was already so wide that there was already plenty of room within the right-of-way for sidewalks, so at this point it did not seem necessary. She said that during site planning, if staff determined that there was something that was needed, they would certainly work with them at that point.

Mr. Bivins asked if the applicant owned the property that was in the corner of the intersection shown.

Ms. Schweller said the intersection was Dickerson Road and Town Center Drive.

Mr. Bivins said that was correct. He asked if the applicant did not own the property.

Ms. Schweller said that was correct.

Mr. Bivins said that they were discussing putting in a piece of sidewalk that may or may not be built someday based on the development of that corner site.

Ms. Schweller said that that was correct. She said that they were proffering to build the sidewalk at the time they built the right-turn taper into the southern entrance, they would build the sidewalk along there and grant an easement for the rest of it for grading, but the sidewalk along the frontage to the south presumably would not be built until the owner developed his property.

Mr. Bivins said that anyone who lived in that community would really need some sort of connection from there to bicycle or walk to Hollymead Center.

Ms. Schweller said that was true. She said that it would be shorter for them to go on the proposed connector route.

Mr. Bivins said that that road may be shorter by vehicle but was more dangerous. He said that he would not feel safe taking a stroller down that road because there was no sidewalk. He said that he would want some sort of connection within the community.

Ms. Schweller said that she understood Mr. Bivins' original comment. She said that it would be safer to go through the community.

Mr. Bivins said that was a reason why they must have some sort of connectivity, whether it was a road or pedestrian path. He said that he understood that the developer may not make their return on investment, but the Planning Commission never heard from developers about what the return on investment would be. He said that he would understand if they were going to do 198 units, which were allowed in Phase 2, but it was basically asking for a change in structures and with the same senses. He said that he was concerned about why they were not putting a road in, because the people in Phase 1 bought into Phase 1 assuming there would be 198 units with a road. He said that he did not understand.

Mr. Bivins said that he wanted an answer to the question of why they were not just asking for 198 units but without making it as varied as it was in the original request and only with multi-family units. He said that he struggled with why they were increasing it by almost half, and he knew the answer would be because of the return on investment, which he in turn had no idea what it was. He said that that went to his point that they did not know what the business plan on any of this was, so they had to take what the applicant said and what their business plans were to accept that.

Ms. Schweller said that Breeden had proposed 308 units, which was a 100-unit increase. She said that almost 70 units would be affordable, so they wanted to do more only multi-family-housing because that was what Breeden constructed. She said that what they would do to prepare Phase 1 residents for the interconnection was certainly fair, except that Phase 1 of the development had happened over many, many years, so those residents who had moved in over the course of 2013 to 2021 probably were not all as familiar with the former application as the Commission may be, and many had lived there for a long time and were used to their small street ending in a cul-de-sac.

Ms. Schweller said that Templehof Court would remain private, and Shannon Glen Court was not, but those residents likely felt that they were in an enclave, and all but four of the 36 residents

signed a petition to express their dismay at having a cut-through in their neighborhood because they felt that it would be unsafe. She said that it was not the same as Eastern Avenue in Crozet that was a through road and the houses were not backing their driveways into the road.

Mr. Bivins said that he appreciated that the street would change people's lifestyles because it had not yet been built during their time as a resident. He asked why they pushed the number of units beyond 198. He said that the applicant did not have to come back to the Commission to ask for an increase in density.

Ms. Schweller said that the prior project was approved for this mix of housing, so the applicant needed to return to the Planning Commission if they were going to do this type of housing.

Mr. Bivins said that he understood that there was an image that said that there was a housing mix, but at the end of the day, the mix was for 198 units. He said that right now, they were being asked to increase the number significantly for density.

Ms. Schweller said that yes, the proposal was for greater density. She said that it was for economic reasons, but it was also necessary for the development areas of the County. She said that this group had analyzed how much development area they had and if they had enough for the residences they need, and the answer was that they did not unless they did higher density on the range that was permitted in each area, which was what they were trying to do. She said that they were trying to get higher density, which was very appropriate in this area of the County, surrounded by all types of other housing.

Ms. Firehock said that Ms. Schweller had stated that they were looking for 308 units and the staff report said 324.

Ms. Schweller said yes. She said that they had proposed a maximum of 324 because they initially applied for the rezoning almost 2 years ago, and during the time, as they had worked through the planning process, Breeden had crystallized its plan, and the number was now 308. She said that though they requested a maximum of 324, there would only be 308 apartment units.

Ms. Firehock said that legally, they would have to stick with 324 because that was what was in the application.

Ms. Schweller said yes. She said that she was very clear when presenting unit numbers to use 308 and use 324 and to use the actual number.

Ms. Firehock said that she required clarification for the Commission's vote.

Mr. Carrazana asked if the calculation on the 20% was based on the 308.

Ms. Schweller responded that it was. She said that it was 20% of whatever was constructed, so they would provide 20% of whatever was constructed. She said a comparison was 308, since that was what they expected, to show that there were 33 additional units.

Mr. Carrazana said that the application was for 327.

Ms. Schweller said it was 324 maximum.

Mr. Carrazana said he was unsure of how that was reconciled.

Ms. Firehock said that they could build 300 and it would be 20% of that and that was what they were voting on. She said that they could revise the business plan to have a total of 292.

Mr. Carrazana said that he was simply further clarifying Mr. Bivins' earlier point.

Ms. Firehock said that it was based on what was in the application and not what they ended up building.

Mr. Carrazana said that he could understand the benefit of having a non-vehicular path and for both developments to be separated, however, the only connectivity they had was pedestrian. He said that he wondered if encouraging the bike paths more could be accomplished, as he did not see any on the plans.

Ms. Firehock said that bike lanes could be added.

Mr. Carrazana said that the only one he saw that was connecting was noted with a darker brown and was for pedestrians only.

Ms. Schweller said that it was intended to be a multi-modal path and those details could be worked through during site planning. She said that she understood Mr. Carrazana wanted to see protection of pedestrians from the bikes.

Mr. Carrazana said that biking should be encouraged through design.

Ms. Schweller said that that was good advice.

Mr. Missel said that Ms. Schweller had referred to the path as bike-ped, but it was written as pedestrian-only, which was the source of the confusion.

Ms. Schweller said that she understood.

Mr. Missel said that it was helpful to have Ms. Schweller provide clarity on some of the connectivity issues. He asked if part of that was driven by the need to expand the stormwater pond or could not get across that area.

Ms. Schweller said yes. She said that they were trying to be sensitive to the intermittent creek that ran along the southern border as well.

Mr. Missel said that it was obvious that they were driving through parking lots everywhere on this site, and he was curious about the 5% number that he had asked staff about as well and if it could be reduced even more. He said that in the area adjacent to the stormwater pond, it was nice to have a lap around the pond, and the area of the outer perimeter of B3 and B2, they only had single-loaded parking, whereas they had double-loaded parking adjacent to the pond. He said that he wondered if there was a way to somehow provide single-loaded parking along the pond to provide better pedestrian access and circulation to that.



Ms. Schweller said that in response to Mr. Missel's initial question, Breeden Construction decided on the number of parking spaces needed based on other developments, which was the reason for that particular number.

Mr. Steve Edwards of Edwards Design Studio said that as seen in the illustration showed the double bay of parking on the backside of B8. He said that it was meant to help accommodate residents on both sides of the building, and garages were integrated into several of the buildings to help reduce the amount of parking. He said that there could be a way that they could introduce a path down that hill so there could be a complete circumnavigable route around the pond, but that would likely come later in the site plan process.

Mr. Missel thanked Mr. Edwards for his response. He asked if this project was intended to be phased, and if so, how it would develop.

Ms. Schweller said that she misunderstood the earlier question about the bike-ped trail so she would pull up the plan again.

Mr. Edwards said that the project was intended to be one phase, but financing could potentially change that. He said that the intent was to begin one building and continue directly into building the next one, as they had done in all their other projects.

Ms. Schweller said that she was not aware of the notation that said the path was pedestrian-only, so she wanted to get some clarification. She showed the plan on the slide, noting the connection between the phases that said "pedestrian-bike connection," but there was an existing pedestrian connection that was being used while working on redevelopment. She asked if that was what was being referred to earlier.

Mr. Carrazana said that the connector was an L-shape and colored dark brown. He said the notes were on the revised site plan.

Mr. Missel said it was on page Z5.

Ms. Schweller said that they would identify that.

Mr. Carrazana said that it was noted as being pedestrian-only on that page.

Ms. Firehock asked if there were any other questions.

Mr. Edwards said that the application plan, which was Z4, was the binding plan, and it said it was a "Class A Type 2 Pedestrian-Bike Connection" in this general area, which was indicated with the dark brown. He said that Z5 was the illustrative plan and that said "pedestrian-bike only connection" as well on it.

Ms. Firehock said that Z5 was not binding.

Mr. Missel said that it did say bike. He said that he had not read it previously.

Mr. Carrazana said that he had missed it as well.

Mr. Murray said he appreciated the consideration of walkability in this plan. He said that a key concept in walkability was the ability to walk to services. He asked if the applicant had considered being able to walk to a coffee shop, restaurant, school, or other local businesses that could be integrated within the local development and also serve the local community.

Ms. Schweller said the development was 0.7 miles from Hollymead Town Center, with a walking time of about 10 minutes. She said that no, the development would be purely residential and not mixed-use. She said that all of the services needed were very near, so it was not in Breeden's plan to add to that.

Mr. Clayborne said that his notes indicated that 55 students would be added across the three levels of schools. He asked what the number would be if this were developed by the by-right density.

Ms. Schweller said that in the current approved housing mix if fully built out, there would be 51 more students, and what was proposed with the plan's mix was 69. She said that across Phase 1 and Phase 2, it was an increase of 18 students over the entire plan.

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

Mr. Rapp said he had a few clarifications. He said that on the initial application that was made with the initial rezoning, there were a total of 94 units that were part of the initial application. He said that all unit types were included, which was one of the main principles of the neighborhood model. He said that as stated by Commissioner Bivins, what they had was basically two separate projects. He said that what was attractive about the initial application was the integrated mix of units throughout all phases, and vehicular connection was not necessarily for getting from Point A to Point B but was about integrating those two phases from a design standpoint to make the phases feel like one community, so staff valued that aspect.

Mr. Rapp said that a comment was made about the capacity analysis that was initially done with the Comprehensive Plan. He said that they ran three separate scenarios, and this information was presented to the Commission recently. He said that all three scenarios, one for maximum buildout, one for historical trends, and one for by-right, all had the capacity within the development area. He said that they got tighter as they went down in numbers, but none of them showed that they would be unable to meet the demand.

Ms. Firehock said she would now open public comment for this item. She asked if anyone would like to speak.

Ms. Mary Ellen Isaacson said that she lived on Bayberry Way and her house backed up to the empty land where the second phase would be going. She said that according to these maps, she had seen multiple images of her lot on the maps, so her lot would be backed up against the proposed pond. She said that she had lived there for about six years and was happy to hear that there would also be some single-family homes behind them, the density of the housing was supposed to get denser as it went toward Dickerson Road. She said that she was not happy to find out that there would be such high density right behind her house. She said that from a traffic standpoint, it was very difficult to get from Town Center Drive to turn onto Dickerson Road in the mornings due to the traffic on Dickerson Road, and she was unsure if that had been taken into consideration.

Ms. Isaacson said that she did not think the residents would have any problem walking to Hollymead Town Center, but the ability to walk to and from the airport was questionable because there were no sidewalks on Dickerson Road, and she did not know anyone who would like to do that. She said that she could walk from her house to the airport in 15 minutes, but there needed to be sidewalks and she would not attempt it without them. She said that part of her concern was the height, because single-family homes traditionally are not very high, so she assumed the new construction would not be very tall, and there was a creek that ran through Deer Wood and Willow Glen. She said that these tall buildings would change the character of the community of people who lived in Deerwood, who were expecting to look out at single-family homes behind them.

Mr. Neil Williamson with the Free Enterprise Forum stated that as an organization, they did not take positions on projects, and they did not have a position on this project. He said that he wanted to call out this moment for the Commissioners who would be working on the Comprehensive Plan, and the moment where they were adding 126 units to a greater-than-10-acre parcel, and how that felt with the concerns they had, the capacity analysis indicated there would be just enough land for them to get to 20 years. He asked how they should be planning the Comprehensive Plan considering where the Commission was at this moment with this application.

Ms. Firehock asked Ms. Shaffer if there was anyone online who wished to speak on this application.

Ms. Shaffer said there were two speakers. She asked the first speaker to identify their self and if they were affiliated with an organization. She said the speaker had three minutes to speak.

Ms. Carolyn Burnett said that she was a current resident since 2015 of the first phase of Willow Glen, and the concern she wanted to speak about today was in support of removing the vehicular connection between the two neighborhoods. She said that this was a key aspect of what made the application materially change the quality and safety of the lives of the people in the existing Willow Glen neighborhood. She said that she was unsure of how many people present had spent time in Willow Glen, but it was comprised of a high number of very young families who had young children who played in the street.

Ms. Burnett said that the width of Shannon Glen was impacted by the number of residents who had to park on the street to contain the vehicles they had. She said that not all of them had garages, so there were always cars parked on both sides of the road, and there was not enough room for two lanes of traffic to pass through the parked cars safely, so as it stood now, even with only the dead-end traffic from this very small neighborhood was already a place where it could get precarious. She said that for this to be dwarfed not only by what was expected but an additional 126 units of traffic would become a significant safety issue for the children in this neighborhood and would significantly impact the quality of life.

Ms. Burnett said that finally, the rush hour traffic on Town Center Drive through Dickerson frequently backed up past the neighborhood entrance. She said that if there were a vehicular connection through the two neighborhoods, it would encourage people who were stuck in that traffic and already waiting at the entrance of that neighborhood to try to pass through both of the residential communities if they were going in the right direction to not have to wait out the significant delay at the stop sign, creating further traffic than just the residential density, and further concern for safety.

Ms. Shaffer introduced the next speaker.

Ms. Kate Ellwood said that she lived in Willow Glen Phase 1 and was the mother of a 7-year-old child. She said that she had lived in the neighborhood for five years and that her child was 2.5 years old when they moved there. She said that there was still not much green space available since the time they moved in. She said that children playing in the street happened because there was nowhere else for them to play. She said that there were no open green spaces for the kids to play, so playing in the street was second nature to the kids, who did so safely. She said that kids would let each other know when a car was coming, and having more than five cars enter the neighborhood at one time was overwhelming to the kids, so she could not imagine having three hundred cars coming through the neighborhood. She said that the kids were very aware already of the lack of play space in this neighborhood, and they had adjusted to this way of living. She said that they kicked balls, set up bounce houses in the streets, and played basketball.

Ms. Ellwood said that taking away a safe space was like taking away a part of their childhood and would increase their anxiety and add to mental health issues. She said that studies had shown that taking a cul-de-sac or dead-end street and turning it into a through-way street caused an increase in anxiety in children. She said that she did not hear anything mentioned about children tonight from the Commission, and she hoped that they could be as concerned about vegetation and the pond and the geese's quality of life as they were their children. She said that this was where their kids played, and it was important to have safety as their top priority. She said that she had read over the entire 29 master plan today, and some language that stuck out to her was that it was essential to respect and work with the terrain, and it should improve access and ensure safety and quality of life.

Ms. Ellwood said that she heard someone mention that this would connect the two communities, and that could be further from the truth. She said that this would definitely divide the communities by having cars going through and heavy traffic would only cause a negative association with the new neighborhood. She said that she supported the bike and ped path, and she had lived in a community in Ohio where both the bike and pedestrian path coexisted beautifully and was wonderful. She said she hoped the Commission would consider not just the impact of traffic, of which the huge impact had a huge component in the master plan, and they should let that work itself out with all the engineers who were working on traffic patterns in town. She said that it would not be improved upon with 300 cars going through a neighborhood. She said that she hoped they would take the children as their first priority and the safety and quality of life of the residents who already lived there.

Ms. Schweller said that she wanted to focus on the comment about the vehicular connection. She said that the vehicular connection was not needed to bind Phase 1 and Phase 2 together, and it would in fact do the opposite as Ms. Ellwood pointed out. She said that Mr. Ray had actually built a playground for the Phase 1 residents in Phase 2 so that there would be a place for children to go. She said that was also accomplished through the interim pedestrian trail. She said that if they had the pedestrian connection between Phase 1 and Phase 2, all of the Willow Glen residents could use all the amenities, and this project provided far more amenities than the prior project did, as well as more units and more affordable units, better stream protection, and more and better amenities.

Ms. Schweller said that the townhomes and condos of the existing project were also three stories, so it would not feel different to the neighbors, but most importantly, this project would not be built with the millions of proffers, which was why it had been sitting and was why Mr. Ray had tried for 12 years to get this changed, and when the proffer laws changed, he came again. She said that

it would not happen, so she hoped perfection would not be the enemy of the good that they were trying to accomplish with this project, and the existing project could not be built, so they wanted to provide a really good project that was, in many ways, superior to what existed currently.

Ms. Firehock said that the Planning Commission had no way to ascertain the financial viability of any project without any kind of proforma statement, so they were not considering that. She said that a statement could be made about the proffers, but they could not objectively evaluate that without a spreadsheet. She said that it was a statement that they had no way to evaluate. She said the item was before the Planning Commission for discussion and deliberation. She said that the application had changed from a mixed variety of units to one type of unit, and there were other types of housing that had been built in the first phase. She said that while this was part of that same development, it was much denser than the prior application.

Ms. Firehock said comments had been made about whether they were putting tall buildings too close to the neighborhood, but there was a large pond separating some of those units and the neighborhood, so it was not necessarily right up against it, and they had also heard that they would provide other amenities in places for the children who were currently playing in the roads due to lack of sufficient parkland nearby. She said that they had been supportive of greater density in the development area, so the question now was whether this was a quality development that provided enough additional or different types of benefits that made it worth it to come back with a radically different plan that was still residential but bared little similarity to the first application submitted. She asked to hear from the members of the Commission, noting that there was no representative for the Rio District on the Commission, so they would have to do their best to represent that district.

Mr. Murray said he would like to begin by addressing the pedestrian versus vehicular connection. He said that he was fully supportive of doing the pedestrian connection instead. He said that the vehicular connection would not be an improvement.

Ms. Firehock asked if Mr. Murray meant that it would not improve traffic in terms of circulation.

Mr. Murray said that he thought it would provide a detriment.

Ms. Firehock asked if Mr. Murray had a comment on the use itself of the apartment model.

Mr. Murray stated that the County had a deficiency of that particular housing type, so he was glad to see more apartments, but he did not know if it needed to be all apartments. He said that he was glad to see more apartments in general, but he was more of a fan of mixed-use developments and did not like to see the absence diversity in types of use.

Mr. Clayborne said that he had both positive comments and concerns. He said that he had no issue with the density and that he agreed with Mr. Murray that the pedestrian-bike path was the appropriate way to connect the site. He said that the lack of diversity in housing was disappointing and thought it would be nice to have opportunities for home ownership within that area as well. He said that there were no longer impacts on the schools addressed—it was glossed over—which he found to be problematic. He said that if they were concerned about kids running around, the site plan looked like 12 buildings and a sea of asphalt, so it did not take that into consideration either.

Mr. Bivins said that he had previously spoken about the lots of communities that were like a ballard community, of which he was firmly against. He said that he understood and had heard the passion about why children should be able to play in the street, and there was a certain nostalgic quality about that statement. He said that he could appreciate that piece, but also thought there was a real need in the community to be able to connect and integrate communities with those kinds of connections. He said he thought the original concept plan, on Page Z2, worked well with the density presented, with perhaps some structures changed to increase the density, but for this community, it worked well in general with those structure types.

Mr. Bivins said he understood there may be limitations in height, but he thought the earlier plan was better for what they had been asking for. He said that the plan that was being presented to them had things that he understood, but it was not enough for him to say yes. He said that as a community, they should get away from always solving connectivity with ballards and he could not support that. He said that he was supportive of the sidewalks proposed by the applicants for Dickerson Road but thought that was a meaningless gift for the future, because unless they could buy out the properties they did not own, there would never be an opportunity for a connecting sidewalk, so he did not know what the value of the offer of a sidewalk on Dickerson Road was.

Mr. Carrazana said that he agreed that the density of certain areas that were appropriate. He said that he was concerned because of the scale around it, but he thought this development had done a good job of trying to buffer and mitigate that, so there were not a lot of places where they were coming close, perhaps in B9 or B10. He said that he agreed with the earlier comments about trying to create more green space even at the cost of parking, being able to still balance the need for parking with the need to create more green space and pedestrian and bicycle interactions. He said that a road would separate the communities more, and just because there was a street, it did not necessarily connect people, while bike and ped paths might allow for more interaction than passing by in cars.

Mr. Carrazana said that there was a better opportunity to think about how they created those walking paths, more opportunities for more buffers, and less asphalt if possible, so he would encourage that. He said that both he and Mr. Missel did not see that it did say "pedestrian bike" as one word, but it was in fact noted. He said that he encouraged the development of that and believed that they should think about how that worked so that both phases felt that it was part of their amenities. He said that it would do more to bring people together and give people the opportunity to meet and see each other, and he thought there was a lot of promise to the development. He said that he was not opposed to the new proposal.

Ms. Firehock said that she could not hear Mr. Carrazana.

Mr. Carrazana said that he was not opposed to the new proposal.

Mr. Missel said that diversity would be best, but in this case, what should be kept in mind for the future was balancing the ability to gain density within the development area with what was part of the larger regional context. He said that the applicant had mentioned that it was a single use; however, it was within a field of a lot of other diverse scales, so it was an appropriate way, and something they should keep in mind moving forward. He said that in terms of density, the density, open space, and parking were all linked. He said that the density was appropriate for this location and to increase the density. He said that if they were going to do that, adding that balance of open space like they talked about with trying to reduce parking, but he understood sometimes it could not be done. He said that they should attempt to think about how to enhance the open space by

strategically thinking about where the parking could be located. He said that the affordable housing proposal was commendable and appreciated.

Mr. Missel said that in terms of the circulation and interconnectivity piece, he agreed with his colleagues that there was a way to do interconnectivity with vehicles correctly, and unfortunately, to do so here would be forceful and done incorrectly. He said that however, he did support interconnecting streets as a general principle when it could be done correctly and safely, but he did not think that that would be the case here. He said that he agreed with his colleagues for connecting it with the bike-ped as the best way to approach that here. He said that finally, to discuss buffers, in thinking about the pond and how it could be used as an amenity as well and trying to increase as much as possible the area around that pond, while still appreciating the fact that it did provide a buffer between the single-family Phase 1 and the new Phase 2. He concluded that he was supportive of recommendation of the application.

Ms. Firehock said that she struggled with this application because she felt that it could be an even better proposal. She agreed that the area around the pond could be widened in some way so that when they were there, they had laid it out as a park. She said that it was a stormwater pond, and she had seen ponds designed to be beautiful amenities, but to back up some of the parking along the edge so that they could weave a path through there and make that loop or make it feel like a park and not parking.

Ms. Firehock said that in terms of the pathways and connectivity through, they relegated the paths to the sides with a buffer, but it was nice to walk through the community rather than to be relegated to the edge when taking a walk. She said that she had challenged other applicants to that in this chamber, and she had seen applicants revise to include a thread through the development so that it was more interactive with the neighborhood and not on the periphery of the community. She said that they could shift the buildings out and put the path through the middle so that it felt like it was going somewhere.

Ms. Firehock said that in terms of the vehicular connection, she had little sympathy for people who bought into a neighborhood that had a proposed connection and then when it came forward, stated that it was unfair or that they did not want it, because that connection was meant to exist. She said that she saw that the vehicular connection for this application did not suddenly make the traffic less or solve other issues. She said that to the point of the neighbors saying that it was very narrow, if it was such a pain to go through that neighborhood, people would likely not drive that way, and the problem would solve itself.

Ms. Firehock said that however, because the connectivity did not gain much in terms of travel time and did not get to a specific location, she did not see the point of creating a vehicular connection. She clarified that she was not opposed to making connections that should be made. She said that the design could be improved, but when looking at the bigger picture, there was diversity of housing in the larger area, and while she liked the original design better and it was a better neighborhood, she would not oppose the plan for that reason. She said that she was leaning in support, with the caveats the ones she had already given. She asked if a commissioner was ready to make a motion for this item.

Mr. Bivins said that there were several things that were the result of Richmond legislature requiring that they could not do something to a plan that had been accepted and there was no sunset clause for plans. He said that now, they were in a situation where, originally, Phase 2 was not the dominant plan for these pieces of property, and Phase 1 was the thing that was hung off of the

community, and they were now doing the reverse. He said that they were now doing the reverse because the plan had been sitting for 15 years. He said that as far as the use of land, the first plan's Phase 2 was more desirable to him, and while the new plan had more density, it was not necessarily a plan that felt like a community, and that was the problem he had currently.

Mr. Missel said that some of the issues they were discussing were details of the plan, which was important and good to convey. He said they were also focusing on the application plan as the document that was the guiding principle, so a lot of what they talked about were things that could be tweaked. He said that when thinking about the need for housing, affordable housing, and the wisdom of putting densities in areas that were able to accept it from an infrastructure standpoint.

Mr. Missel said that while they could not see the proforma of the developer, he believed they had to at least think of what they actually would build, and part of the reason they had gotten 54% of total capacity in the County was because the market had changed, and they had not gotten to the point where they could build it themselves and sell it. He said if they felt that this was a development that could deliver the density, independent of the financing, they should rely on that. He said that the first phase that was shown, he agreed from a design standpoint that it checked a lot of boxes that the new one did not necessarily, but there were also likely many people who could not have afforded to live there but could afford to live at the new one.

Mr. Bivins said that they could not know that because they did not know what the rent was going to be here. He said that at one point, the application plan was very different. He said that while he understood what Mr. Missel was saying, it was untrue because the application plan was passed 15 years ago.

Mr. Missel said that he was not debating that.

Mr. Bivins said that he understood the new plan, Z4. He said that he also wanted to show that for the quality of living in their community, that would have been a better place to live. He said that as a Commissioner, he could ask the applicant to simply keep the currently approved plan and develop it as it was. He said that he was making a decision based on the applicant stating that this construction was more affordable for them to build without ever seeing a proforma.

Mr. Missel said that he understood Mr. Bivins' standpoint.

Mr. Bivins said that for the affordable housing, they were maybe going to build 60 houses at maximum. He said that he was not willing to give up the creation of the future of their community for 60 houses, because the County had other ways to get to that affordable housing. He said that he wanted to ensure that when they had those discussions, it was a place that was inviting to people to live and work in, in a place that they were putting a lot of investment in. He said that the first plan did that, but the new one did not.

Mr. Missel said that he understood that the principles of design and livability in that space were much better in the original plan, but the challenge was if anything would be built there. He said that if it were not and they were truly trying to expand the portfolio of housing of Albemarle County, this one would help achieve that.

Ms. Firehock asked if a Commissioner was prepared to make a motion.



Mr. Missel moved that the Planning Commission recommend approval of ZMA2021-01, Willow Glen, for the reasons stated in the staff report and discussed today. Mr. Carrazana seconded the motion.

Mr. Carrazana said that they should craft language about creating additional buffers around the pond and the proximity of the parking.

Ms. Firehock said that they could add something about encouraging doing all that was possible to widen the space between the pond and parking.

Mr. Carrazana said that they could certainly work on this during site planning.

Ms. Firehock said that that could be included as language but not as a condition.

Mr. Missel said that also included should be the representation on the application plan.

Ms. Firehock said that she would like to see the applicant put the green path through the development instead of on the edge, which would again be an additional design attempt but not a condition.

The motion passed (4-2). Mr. Bivins and Mr. Clayborne dissented.

Mr. Herrick said that there were two special exception requests. He said that he did not believe vehicular access to be one of them, but Mr. Reitelbach had displayed the suggested motions on the screen.

Mr. Reitelbach said that the first one was for modifying the recreational facilities from what was required in the zoning ordinance to what was proposed, and the second was for the reduction in parking.

Ms. Firehock noted that the Commission did not have authority over special exceptions, but only made recommendations.

Mr. Herrick said that was correct.

Ms. Firehock said that they did not need to take that up.

Mr. Herrick said that was correct. He said that if the Commission wished to make a recommendation, it could do so.

Ms. Firehock said that she wanted to clarify that it was not necessary to take them up, but there were two before them. She asked if there was a motion.

Mr. Carrazana moved the Planning Commission to recommend approval of Special Exception Request SE2021-00007, to modify the requirements for recreational facilities associated with the Willow Glen development, for the reasons stated in the staff report. Mr. Missel seconded the motion, which passed (6-0).

Mr. Murray moved the Planning Commission to recommend approval of Special Exception Request SE2021-00008, to permit a reduction in the permitted required number of parking spaces

associated with the Willow Glen development for the reasons stated in the staff report. Mr. Carrazana seconded the motion, which passed (6-0).

Ms. Firehock said that Mr. Bivins wanted to recognize the staff work that went into this very complex application.

### **Committee Reports**

Mr. Missel said that he had attended the Agricultural-Forestal District meeting, which he had also mentioned on the 9<sup>th</sup>, and in addition to the Critzer-Hatton extension that had been discussed earlier, they also discussed the Misty Mountain Camp Resort and Crossroads Tavern and Inn staff report. He said that the Misty Mountain staff report was to reconfigure the development of the campground and was not met with any concern, and the Crossroads Tavern and Inn was an item that he recommended listening to the meeting discussion on because it would be before the Planning Commission in the future. He said that it was very insightful in conversation relative to that and the adjacent Pippin Hill Farm.

Ms. Firehock asked if that was for the Agricultural-Forestal District meeting.

Mr. Missel said that was correct.

Mr. Carrazana asked if a link to the meeting could be shared.

Mr. Rapp said that the meetings were in person, so they were no longer on Zoom.

Mr. Missel asked if they were recorded.

Mr. Rapp said no.

Mr. Missel asked if there were minutes.

Mr. Rapp said that there should be some light minutes, but not similar to the ones for the Planning Commission.

Mr. Missel said that one could visit the Agricultural-Forestal District website and find the staff report for those there for review.

Mr. Bivins asked for clarification as to if this was the project, they had been receiving emails about.

Mr. Missel said that was correct.

Ms. Firehock said that many communications had been made.

Mr. Carrazana said that he attended the MPO meeting but did not have his notes at present. He said that they had discussed the VDOT Smart Scale applications, so he would discuss it in more detail at the next meeting.

Ms. Firehock said that the Commission looked forward to it.

Ms. Firehock said that the Historic Preservation Committee now had its fourth meeting canceled in a row. She said the challenge was that the Committee was unable to change their by-laws because they could not hold a meeting to do so.

Mr. Murray said that he attended the Crozet Community Advisory Committee meeting, where they had a presentation from the Crozet Trails members about the work they were doing. He said that he also attended a meeting of the Albemarle County Natural Heritage Committee, where they discussed recommendations for an invasive species management plan with County Parks. He said that there was an exceptional hemlock within Reedy Creek that they would like the County to take action to save before it succumbed to hemlock woolly adelgid.

Mr. Bivins asked for clarification.

Ms. Firehock said that hemlock woolly adelgid was a pest that ate hemlock trees.

Mr. Murray said that there were also reports from the Education Subcommittee that discussed various ways they could improve the education of Albemarle County citizens.

### **Review of Board of Supervisors Meetings of November 2 and 16, 2022**

Mr. Rapp said that on November 2, the Board approved Southwood Phase 2. He said that on the 16<sup>th</sup>, the Board held public hearings for the Clifton Inn and Collina Farm property, voting to defer it until the next meeting, following a lengthy discussion of the complicated arrangements and interactions of the two properties.

Ms. Firehock asked what the general reasons for the deferment of that item.

Mr. Rapp said that Supervisor Price was not in attendance and the item was in her district.

Ms. Firehock said that she understood.

Mr. Bivins asked the Director if there was a solution for school property in the Southwood community.

Mr. Rapp said that there was in terms of the price of the school property, which was set at a maximum price.

Mr. Bivins asked if it was higher than zero.

Mr. Rapp said that he believed the price was around \$680,000.

Mr. Herrick said that was correct. He said that the other aspect was that if the school chose not to take advantage of that offer, the land would be dedicated to affordable housing, which was the other part of the school site proffer.

Mr. Rapp said that there would be a minimum of 20 additional affordable units within the development if the schools did not use it.

Ms. Firehock asked if Mr. Bivins was indicating he would prefer 20 units of affordable housing than a school for children to walk to.

Mr. Bivins said that he would have hoped that the community would have offered the County a zero cost for that land because a school would help the community in many ways. He said that given the amount of support that had come from the community at large and Albemarle County, he thought the project should offer land for the school and a footprint for the Boys and Girls Club to share that space. He said that he thought it would be an appropriate way to engage with the community.

Ms. Firehock said that she agreed with Mr. Bivins.

### **New Business**

There was no new business.

### **Old Business**

There was no new business.

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

There were no items for follow-up.

### **Adjournment**

At 9:05 p.m., the Commission adjourned to November 29, 2022, Albemarle County Planning Commission meeting, 6:00 p.m.

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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: 01/10/2023
Initials: CSS