

**Albemarle County Planning Commission  
FINAL Minutes Regular Meeting  
November 29, 2022**

The Albemarle County Planning Commission held a public hearing on Tuesday, November 29, 2022, at 6:00 p.m.

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

Members absent: none

Other officials present were: Charles Rapp, Director of Planning; Andy Herrick, County Attorney's Office; Kevin McCollum; Rebecca Ragsdale; Cameron Langille; 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.

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

There were none.

**Consent Agenda**

There were none.

**PUBLIC HEARINGS**

**SP202200017 Maple Grove Day Care Center**

Mr. Kevin McCollum, Senior Planner, stated that the proposed special use permit requested a child day care center within an existing church. He said that the subject property was located north of the City at 3210 Proffit Road, and the property was about 1,500 feet east of the intersection of Airport Road, Seminole Trail, and Proffit Road. He stated that the property was 6.68 acres and that it was zoned R-1 residential.

Mr. McCollum stated that the site was home to an existing 18,000-square-foot church building currently used by the Maple Grove Christian Church. He explained that the parcel included existing parking spaces, two playgrounds, a basketball court, a youth center in the rear, and a parsonage building in the front. He noted that the parcel was zoned R-1 residential and that a majority of the surrounding properties were zoned residential with a majority of the uses being single-family homes.

Mr. McCollum stated that the properties to the west of the subject site included the Lighthouse Christian Church and Preschool, Bright Beginnings Preschool, and a variety of commercial uses along US Route 29 North. He said that the applicant had requested a special use permit for a five-day-a-week daycare with a maximum enrollment of 50 children at the existing church facility.

He said that the proposed daycare program would operate year-round from 7 a.m. to 5:30 p.m., Monday through Friday.

Mr. McCollum explained that the proposed daycare would utilize the existing building, parking areas, playgrounds, and basketball courts. He stated that the concept plan provided an overview of the site layout and the proposed parent pickup and drop-off loop.

Mr. McCollum stated that based on the findings in the staff report, the proposed use was consistent with the Places29 master plan. He stated that the proposed use provided a daycare option for people who lived and worked in the area and that there were no anticipated detrimental impacts to adjoining properties. He said that staff recommended approval of SP202200017 Maple Grove Daycare Center with the conditions recommended in the staff report.

Mr. McCollum stated that sample motions for the special use permit were available for the Commission. He continued that he was available to go over the conditions recommended for approval or to answer any questions.

Mr. Clayborne asked if there was a fence between the basketball courts and the parking areas.

Mr. McCollum said that the applicant may be able to answer the question.

Mr. Bivins stated that the playground was enclosed by a fence.

Mr. Bivins asked if there was discussion about why pickup was scheduled for 5 p.m. as opposed to a later time. He noted that the section of US 29 could have significant traffic and could potentially make travel difficult. He suggested that they have a conversation about extending the pickup time to 6 p.m.

Ms. Firehock noted that it was possible the applicant wanted children to be picked up by 5:30 p.m.

Mr. Bivins said that he understood. He said that he was giving the applicant an opportunity.

Ms. Firehock called the applicant forward to present. She stated the rules for comment.

Mr. Steve Bailey said that he was one of two elders from Maple Grove Church who was present at the meeting. He restated that they were located off of Proffit Road and that the facility was 18,000 square feet on nearly 7 acres of property. He stated that both of the playgrounds were fenced. He clarified that the basketball court was no longer a basketball court and was not fenced.

Mr. Bailey stated that there were two other structures on the property—a youth center at the rear of the lot and a parsonage at the front. He stated that the daycare would only operate in the children's wing of the main church building. He explained that the children's wing was the section of the church facing Proffit Road, and the proposed playground associated with the daycare was directly accessible from the church.

Mr. Bailey said that they anticipated using other sections of the property for walkabouts. He stated that a fellowship hall would be used for the children to eat and play during rain. He stated that the fellowship hall was about 3,000 square feet. He said that the main church building was constructed in 1992, but there had been a Maple Grove Christian Church for over 100 years. He said that the church was later modified in 2002. He stated that the building was designed for over

400 people to worship with an additional 60 or more pre- and elementary school-aged children attending Sunday School.

Mr. Bailey stated that they were currently running at about 25% capacity after the COVID-19 pandemic. He stated that they still had a number of congregation members who participated online. He said that there were about 100 adult members in person and about 25 to 30 children each Sunday. He stated that before the pandemic, they had been seriously considering the daycare, but they had to delay their plans because of the pandemic.

Mr. Bailey noted that the surrounding area was growing and that there were 100 new houses being constructed around the site. He said that they tried to support the community and that church members had noted a scarcity of Christian daycare in the area. He said that they had the facilities and that they were not being fully utilized. He noted that homeschoolers occasionally met at the facilities, but it was not typically used during the day or week.

Mr. Bailey said that even though there was housing around the property, they had planted trees over the years, so there was a buffer all around. He stated that they did not anticipate that children would cause any conflict or noise.

Mr. Bailey stated that except for three staff members, no one would be at the church during the operating hours of the daycare. He said that there were some nighttime activities, but those would be after the daycare was closed. He noted that there was a Boy Scout group, regular Bible studies, and other activities that met.

Mr. Bailey said that they anticipated that there would have to be modifications to the children's wing but that they did not anticipate that there would be changes made to the exterior of the church or the grounds. He said that he was available to answer any questions.

Mr. Jeffrey Ange addressed Mr. Bivins' question. He said that the hours specified were the core business hours of the daycare center. He explained that most daycares would have a contingency written into their procedures as to what happened when circumstances dictated children stay longer. He said that those circumstances would be in procedures and sent to parents. He asked if there were other items they needed to address or specify in their request or if they would be interested in the daycare procedures. He noted that the children would be kept safe while the parents traveled to pick up.

Ms. Firehock clarified that Mr. Bivins was asking when the applicant would be entirely done with the daycare operations.

Mr. Ange responded that there would be no time limit. He said that if a parent was not able to get to the church for pickup because of an emergency, then a staff member would stay at the daycare supervising the child until the parent arrived. He said that was the program's contingency procedure. He said that it would not be helpful to state a timeframe.

Ms. Firehock said that it would be stating whether they would be open until 6 p.m. for late parents and if so, then the operating hours should end at 6 p.m. even if the daycare ended at 5 p.m.

Mr. Ange said that he believed there should not be such a limit.

Ms. Firehock said that in order to grant the special use, they needed to know the absolute end

period of the day, including the contingency. She said that the applicant may want to say that their hours ended at 6 p.m. so that there would be an hour buffer for parents to arrive if they were late.

Mr. Ange said that he was not certain that that was typical or normal.

Mr. Bailey said that they would happily do that.

Ms. Firehock said that they would not be required to stay open until 6 p.m., but they would be allowed to operate until that time of day.

Mr. Ange said that was not what he was saying. He said that if a person's child needed care until 8 p.m. because the parent had an emergency, then care would be provided until 8 p.m. He questioned what they would do with the child otherwise.

Ms. Firehock said that they wanted to get the applicant's most usual business hours. She said that Mr. Bivins was concerned about rush hour traffic. She said it may be more common that parents arrived at 5:40 p.m.

Mr. Ange stated that he did not have an issue if they wanted to add an additional buffer of 30 minutes.

Ms. Firehock said they wanted to ensure there were no complaints or concerns.

Mr. Clayborne asked the applicant to explain how the 50-child cap was determined and what the enrollment projections were.

Mr. Ange responded that it was due to the square footage and CDC criteria. He said that it would be validated when they went before the DOE to get plan approval.

Mr. Clayborne asked if the children would use the enclosed playgrounds and not use the surface court.

Mr. Bailey said that they did not plan on doing that. He said that children would be allowed to walk around the property if the teacher or curriculum dictated it. He noted that there were six acres. He said that primarily, the children would be in the classroom and on the playground.

Mr. Clayborne stated that he wanted to avoid children running into the street to retrieve balls.

Mr. Bailey said that the back of the property was fenced off during the week, so no one would be back there.

Mr. Clayborne stated that the Board had affirmed a commitment to equitable communities. He asked how the proposal fostered equitable communities and whether there would be financial aid opportunities.

Mr. Bailey responded that they had not discussed the issue, but it may be on a case-by-case basis. He said that if someone wanted to use the daycare facilities but was unable to afford it, then they would likely find ways to help them. He stated that they currently did not have funds set aside.

Mr. Ange said that they were working with an experienced director to help design the program.

Mr. Bailey said that for families with siblings, they would not want to break up the children but rather keep the families in school together.

Ms. Firehock opened the hearing for public comment. She noted that there were no speakers signed up for comment. She closed the public hearing and brought the item back before the Commission for deliberation.

Ms. Firehock said that she liked applications within existing facilities with existing parking, and they did not require a lot of analysis from the Commission. She stated that daycare was needed in the County.

Mr. Bivins requested that they change the condition related to hours of operation as proposed by staff from 5:30 p.m. to 6 p.m.

Ms. Firehock stated that such an amendment could be included in a motion.

Mr. Clayborne moved that the Commission recommend approval of SP202200017 Maple Grove Daycare Center with the conditions outlined in the staff report and the amended condition related to the hours of operation, changing 5:30 p.m. to 6 p.m. Mr. Missel seconded the motion, which carried unanimously (6-0).

**SP202200024 Ivy Proper Water Consumption and SP202200031 Ivy Proper Catering and SP202200025 Ivy Proper Veterinary Office**

Items 4b and 4c were heard concurrently.

Ms. Rebecca Ragsdale, Planning Manager, stated that agenda items 4b and 4c would be combined into a joint public hearing, but separate action would have to be taken on each item.

Ms. Ragsdale said that there were separate use categories in the ordinance. She said that the parcel was 0.87 acres located in the former Village of Ivy. She explained that the Village of Ivy was once a development area and contained some commercial zoning.

Ms. Ragsdale explained that a site plan had been approved in June 2022 and that a building was currently under construction. She noted that the proposals were related to the building under construction. She said that the Buckingham Branch railroad was along the northwest portion of the property. She noted that the property was along Route 250 and Owensville Road.

Ms. Ragsdale said that there were some commercial uses that were developed around the property, including offices, Scotts Ivy, the Ivy Post Office, and Ivy Garden Center. She said that there were some residential uses across the railroad tracks more than 250 feet away, however, the lot line was closer than 200 feet, so a special exception was required.

Ms. Ragsdale noted that the proposal was located in the rural areas of the Comprehensive Plan. She said that village residential zoning was typical of former villages, otherwise known as rural crossroads communities.

Ms. Ragsdale stated that there were three separate proposals. She clarified that the site plan had been approved and the building was under construction. She explained that a portion of the

building was proposed to be a veterinary office, and there was a modification to the supplemental regulations that applied to the offices. She explained that there was a requirement that if they were improved that they be more than 200 feet from a residential property line. She clarified that the proposed use was closer than 200 feet to the lot line. She noted that the building would be soundproofed.

Ms. Ragsdale explained that the second special use permit request related to water consumption. She said that for properties that were not served by public water, there was a limit of 400 gallons per site acre per day. She said that the proposed use was limited to 348 gallons per day. She explained that the request was to allow more flexibility and tenant mixture and would allow up to 875 gallons per day. She explained that no concerns were raised regarding the request.

Ms. Ragsdale said that in recent years, there had been a few such proposals come before the Commission with sites of varying sizes, but there were a few examples of 1- or 1.3-acre sites approved up to 1,000 gallons per day or 5,000 gallons per day. She stated that it was dependent on the water study, and they had not had any concerns raised regarding the site.

Ms. Ragsdale explained that the ordinance had been amended a few years ago for a few use categories to make them permitted by special use permit regardless of the water issue if they were not served by public water. She explained that restaurant use was a category that required a special use permit, and there may be the potential for a small catering operation. She continued that there would be no onsite dining or carryout and that the site would be limited to the proposed water budget.

Ms. Ragsdale explained that they analyzed each of the special use permit requests and found no concerns with the detriment to abutting properties. She noted that the veterinary use would be soundproofed and comply with the other applicable regulations in the ordinance. She said that the site plan was already approved which included reviews for stormwater and traffic impacts. She continued that there were no additional impacts anticipated with the veterinary use.

Ms. Ragsdale stated that the area was primarily commercial development, so staff believed the use would not change the character of the area. She said that they did not believe there would be issues with the use being in harmony with the surrounding uses, and there were no public health and safety concerns. She said that while the proposal was in the rural area, there was the notion of crossroads communities that would provide a certain level of service for rural area residents.

Ms. Ragsdale stated that staff recommended approval of each special use permit with conditions that limited the size and scale of operations for the veterinary clinic. She said that there were typical conditions that stipulated where the building and parking would be located, and there would be no outdoor exercise areas or runs. She said the conditions specified the hours of operation and that there be no boarding.

Ms. Ragsdale stated that the applicant expressed concerns about the condition stating there be no hours of operation on Sunday. She said that such a requirement would limit emergency appointments, so staff was agreeable to a change. She stated that the water special use permit was limited to the impacts associated with water consumption.

Ms. Ragsdale stated that conditions typically limited the water consumption to 875 gallons which is what had been reviewed. She said that it was typical to have a monitoring requirement and

reporting requirement to the Zoning Administrator.

Ms. Ragsdale stated that the catering operation would be limited to the conditions that limited the size and scale and prevented a full-scale restaurant operation. She said she was available to answer questions.

Mr. Missel asked how many applications they had received that were of a similar type. He asked if they were mapped within a certain area so that they could identify whether adjoining properties had also requested higher levels of groundwater use. He asked if there was a general approach to mapping and tracking groundwater in the County.

Ms. Ragsdale responded that in terms of special use permit requests, they were tracked. She said that it was a specific analysis. She said that they looked at the surrounding properties, and it was included in the technical report. She stated that none of the wells nearby the site had requested a special use permit to go over the 400 gallons per site acre per day. She said that there had been about four or five similar applications in different parts of the County, but they were sending in well reports if the condition was stipulated, and there had not been any issues.

Mr. Carrazana clarified that the 875 gallons per day limit applied to the whole development—the veterinary use, catering use, and any other potential use.

Ms. Ragsdale responded that the water consumption special use permit was specific to the water condition. She said that it did not limit the uses, but as the tenants came in, they would be required to submit zoning clearances, so there would be additional review and monitoring. She said that it allowed for the flexibility of tenant mixtures. She said that the limit applied to the full 6,500 square feet.

Mr. Carrazana clarified that groundwater mapping was available technology, and if they were not using it, then they should. He noted that there were groundwater issues in Ivy.

Mr. Bivins noted that the site plan had three entrances to the building. He clarified that they were reviewing two of the three possible uses for the building because the building had what appeared to be three doors.

Ms. Ragsdale responded that it was a multi-tenant building, and the special use permits that were required were for the veterinary use and the catering.

Mr. Bivins clarified that a stationary store use could rent the additional space without further review from the Commission.

Ms. Ragsdale said that was correct. She said they were approving any of the other permitted commercial uses.

Mr. Bivins clarified that if the catering company went out of business, a different commercial activity could fill the space without further review by the Commission unless the use required further review by the Commission.

Ms. Ragsdale responded yes.

Mr. Bivins noted that there was not an area to exercise the animals at the vet, but animals needed

outdoor space. He said that clients would arrive and likely let their animals outside before going to the vet. He asked how the County would facilitate the need for designated space for the animals to exercise or relieve themselves. He asked if it would be possible.

Ms. Ragsdale responded that it was not a necessary special use permit condition, but there was area on the site where people could walk their dog if necessary.

Mr. Bivins clarified that people could walk their dogs.

Ms. Ragsdale responded that it was more like a regular outdoor run or kennel.

Mr. Bivins clarified that no runs would be allowed.

Ms. Ragsdale said that was right.

Mr. Bivins requested that they remove the limitation on customer pickup for the restaurant use. He said that the catering business may have special event personnel who needed to pick up food from the business to take to an event, or a client may need to pick up food from the business. He stated that not allowing customer pickup would require the caterer to only provide delivery. He noted changing practices since the COVID-19 pandemic.

Mr. Clayborne asked if a test was performed and submitted for the acoustic levels.

Ms. Ragsdale said that there would be verification of the sound level.

Mr. Murray asked where stormwater would be treated on the site.

Ms. Firehock responded that it was underground tanks and that it was only treated for volume. She said that the applicant would purchase offsite credits for the water quality.

Mr. Murray noted that they were removing water from the water table but not putting it back in.

Ms. Firehock said that they were because there was a septic system. She said there were figures showing how much water would be returned to the groundwater and how much would be lost. She said that a majority of the water was returned.

Ms. Firehock asked for clarification regarding what was included in the water use estimate for the veterinary use. She noted that other uses stated the water usage was for four people but that the veterinary use was only one "use."

Ms. Ragsdale said that it was broken down by the practitioner.

Ms. Firehock clarified that it was categorized by the practitioner and assumed the associated staff and animal uses.

Ms. Ragsdale said yes.

Ms. Firehock opened the hearing for public comment. She stated that the applicant was able to make their presentation.



Mr. Reed Murphy said that in terms of the water usage and mapping the water table, they performed a tier 3 groundwater analysis which studied the groundwater in the entire area. He said that the study should have been included in the Commission's materials.

Mr. Murphy noted that the septic capacity was 875 gallons per day. He stated that underneath the parking area was a culvert for stormwater management that released water back into the groundwater. He said that during max-quantity events, the stormwater facility would overflow.

Mr. Murphy stated that most of the stormwater would go back into the ground and the regular usage would go into the septic system which would partially go back into the ground. He said that based on the tier 3 analysis, only 5% of the water did not get returned to the ground. He said that the 875 gallons per day applied to the whole project.

Mr. Murphy explained that the building was currently under construction and not fully leased. He said that they wanted to provide the most flexibility for leasing uses. He said that he provided examples from the North Carolina administrative code because the Virginia administrative code did not have the same examples. He said that the North Carolina code estimated about 250 gallons per practitioner per day and assumed the associated uses.

Mr. Murphy said that the sound was part of the zoning clearance and permit approval for construction. He said that the sound would be evaluated during the construction process. He said that he was available to answer any questions.

Mr. Bivins asked if it would be appropriate for a caterer to offer in-person food pickup. He asked if the applicant was committed to preventing in-person order pickup.

Mr. Murphy said that they were not wedded to the condition. He explained that the County code and state code did not have the same definition for "caterer." He explained that the County code did not have a definition for a caterer use, so it fell under a more general restaurant use. He said that the use was not a restaurant because it did not serve food on the premises.

Mr. Murphy said that staff believed it was important to include the use in the restaurant category. He said that the water usage and parking needs were different. He said that they would support permitting a catering use to allow prepared meal pickup. He said that he supported allowing the veterinary office to be open for emergency services on Sundays.

Mr. Clayborne asked where the veterinary use was located within the building.

Mr. Murphy responded that it would be located furthest to the east and that it was intentionally located furthest from the residential uses.

Mr. Clayborne noted that the proposal was located within an entrance corridor, so there was likely to be an ARB review. He asked if the catering use would be a commercial kitchen with an exhaust fan on the exterior.

Mr. Murphy responded that there would be an exhaust fan. He stated that the site had undergone ARB review. He said that the building design was modular with alternating gabled and flat roofing styles. He explained that the HVAC units were located on the flat-roofed portions and were set back behind parapet walls so that they were not visible. He said that they had not anticipated a caterer and exhaust hood, but the conceptual design for the kitchen was that the vent hood would

have to be located on the flat-roofed section behind the parapet wall.

Mr. Clayborne said that his question was answered and that he did not want to be driving down the road only to see an exhaust hood.

Mr. Murray asked for more information regarding lighting and how the applicant would prevent light pollution.

Mr. Murphy explained that the lighting plan was part of the site plan which had been approved. He said that they had to submit the specifications for all of the exterior light fixtures—downlighting, lumens, and projection distance to the property line—during the site plan process.

Ms. Firehock clarified that they were only reviewing the use and the water consumption.

Mr. Missel said that the traffic analysis stated that there were multiple VDOT studies, including a turn-lane warrant analysis. He said that the last sentence of the report stated that there were no impacts identified or concerns specifically related to the veterinary office or catering use. He asked if the traffic analysis would change if onsite pickup was allowed for the catering use.

Mr. Murphy said that he did not know the answer, but the issue may arise during the zoning clearance process. He said that if they wanted to lease the space to a catering use, they would have to go through zoning approval, and if the traffic analysis suggested there were impacts from onsite pickup, then it may not be permitted. He said such a determination would occur during the zoning review process upon approval of the tenant and the use.

Ms. Ragsdale said there were no initial concerns regarding onsite pickup, but they could have transportation review the proposal again. She noted that there was the zoning process where VDOT could determine if there would be an intensification of the use. She noted that the proposed structure was a mixed-commercial building and could have a range of uses.

Mr. Murphy said that VDOT's main concern was about the location of the entrance and the visibility with the railroad trestle. He said that there were required protocols related to eastbound traffic and the need for a left-turn lane. He said such items were vetted during the site plan process. He said that the entrance was shared and that was part of the approval process. He said that the radii had to be lessened to ease entering and exiting traffic.

Ms. Firehock opened the hearing for public comment. She noted that there were no commenters. She closed the public hearing and brought the item back before the Commission.

Ms. Firehock said that adding the Sunday operating hours seemed appropriate. She noted that some animals may need the extra time to recover with specialized observation or care.

Mr. Missel stated that there was a draft amendment allowing flexibility on Sundays for emergency appointments.

Mr. Bivins said that was fine.

Ms. Firehock asked if the amendment would include animals that were boarded overnight.

Ms. Ragsdale said that the wording could be worked on, but the motion should provide for those

items.

Ms. Firehock said that a technician could be staying to look after the animals even though it was not an emergency appointment.

Mr. Herrick suggested that the amendment could state that Sunday operations shall be limited to emergencies only.

Ms. Firehock said that the condition should allow for continued care of currently boarded animals but not for new appointments.

Mr. Herrick said that it could.

Ms. Firehock noted that the applicant noted that they would like to allow people to pick up orders from the catering business. She said that the area was tricky for traffic even though they met the entrance standards. She noted that there was a lot of turning on the road. She said that it may not be a good idea to allow people to pick up dinner orders while on the way home, but if there were large catering orders that needed to be picked up, it would make sense.

Ms. Firehock said that the condition should be phrased in a way that was appropriate. She suggested it state that only large orders be permitted for in-person pickup.

Ms. Ragsdale said that the wording could be drafted, and they could follow up with transportation to determine if it were an issue. She stated that there were weekday hours, other hours of operation, or only weekend pickup if they wanted to avoid rush hour traffic.

Ms. Firehock said she was concerned because of the traffic at rush hour. She said that they should not add to the traffic by encouraging people to pick up a dinner order on the way home.

Mr. Carrazana stated that it was a multi-tenant development and that there could be some other retail use that had daily customers. He said that he assumed VDOT had considered that there would be multiple tenants and a variety of uses.

Ms. Ragsdale stated that there could be retail tenants that were open. She stated that the veterinary use had an hours of operation condition, and other tenants would not be limited.

Mr. Carrazana said that he assumed VDOT's analysis factored in the retail uses and appropriate trip generation. He said that he did not believe allowing in-person pickup would exceed the traffic from a typical retail shop.

Mr. Bivins said that he could not tell from the site plan how much green space was around the building. He noted that it was significantly more than 200 feet from the nearest residential structure even though the property line was closer. He noted that the railroad tracks were nearby. He suggested that the veterinary use be located on the other side of the structure because there was natural buffering. He said that the use should be located at the front if people were coming and going to drop off and pick up their pets.

Ms. Firehock noted that the railroad trestle was elevated and had a big embankment.

Mr. Carrazana said that the track was elevated, so he was not concerned about the property line

distances because of the conditions of the development and the elevated track.

Ms. Firehock said that pet owners had to have access to a grass patch for their pets that was away from the traffic.

Ms. Firehock moved that the Commission recommend approval of SP202200025 Veterinary Office for the reasons stated in the staff report and with the staff-recommended conditions including the amended condition regarding hours of operation on Sundays. Mr. Carrazana seconded the motion.

Mr. Missel asked to review the edit made to the condition.

Ms. Ragsdale responded that they were not voting on the exact wording, but the edit would cover emergency appointments on Sundays.

Ms. Firehock said that they were not able to draft the language from the dais.

Mr. Clayborne clarified that the motion was specifically for the veterinary use.

Ms. Firehock said that was correct.

The motion carried unanimously (6-0).

Mr. Missel moved that the Commission recommend approval of SP202200024 for water consumption increase to 875 gallons per day for the reasons stated in the staff report and with the staff-recommended conditions. Ms. Firehock seconded the motion, which carried unanimously (6-0).

Mr. Carrazana moved that the Commission recommend approval of SP202200031 Catering for the reasons stated in the staff report and with the staff-recommended conditions.

Mr. Herrick asked Mr. Carrazana if the motion included the condition regarding the customer pickup of food.

Mr. Carrazana said that it was not included.

Mr. Herrick asked Mr. Carrazana to clarify whether his motion was to allow customer pickup of food. If so, Mr. Herrick stated that the staff-recommended conditions would be revised to allow customer pickup of food.

Mr. Carrazana responded yes.

Mr. Missel seconded the motion, which carried unanimously (6-0).

Mr. Herrick asked if the Commission would address the special exception for the veterinary clinic.

Ms. Firehock stated that they were not required to take action on the item.

Mr. Herrick responded that it was optional and not required for the Commission to take up the proposed special exception.

Ms. Firehock suggested they not take up the action. She noted that they did not have a legal authority in terms of special exceptions.

**ZMA202100008 Old Ivy Residences and ZMA202100009 Old Ivy Residences – Preserved to Managed Slopes**

Ms. Firehock clarified that this was the second time the application was being heard. She stated there had been some changes, so they requested staff to focus on what had changed rather than review the entire presentation.

Mr. Herrick clarified that the hearing would also include the consideration of ZMA202100009 steep slope amendment.

Mr. Cameron Langille, Principal Planner, stated that there were four requests that were part of the overall proposal. He said that the first request was ZMA202100008 which sought to rezone parcels of land measuring a total of 35.37 acres from R-1, R-10, and R-15 districts with existing proffers to the new R-15 district with new proffers. He stated that there was a step-back waiver request, a parking reduction request, and a second ZMA application, ZMA202100009.

Mr. Langille explained that ZMA202100009 sought to rezone some areas of preserved steep slopes on three of the parcels to managed steep slopes. He said that to the west of the parcels was the Route 250 and Route 29 bypass, to the south was Old Ivy Road, to the north was land owned by UVA and bordered Leonard Sandridge Road, and to the east was existing residential development which included University Village and Huntington Village.

Mr. Langille noted that the Darden School of Business and the Law School were located further to the northeast of the site. He said that three of the five subject parcels were zoned entirely R-15, one of the parcels was zoned R-1, and the last parcel was within two zoning districts—R-15 and R-10. He explained that an existing proffer from 1985 applied to the parcels zoned R-15, and part of the request was to waive the proffer as it applied to the properties with the previously approved ZMA.

Mr. Langille said that the Comprehensive Plan urban density residential future land use category allowed for all types of residential uses at densities between 6.01 and 34 dwelling units per acre. He said that 14.7 acres of the total site was designated as urban density residential in the Comprehensive Plan.

Mr. Langille stated that the Comprehensive Plan park and green systems future land use category meant to represent areas with sensitive environmental features—wetlands, flood plains, or steep slopes. He said such permitted uses included preservation areas, open space, or recreational amenities. He stated that 20.67 acres of the subject site were within the parks and green systems designation.

Mr. Langille stated that the request was to rezone the parcels to R-15 so that a total of 525 dwelling units could be built on-site. He said that a mix of unit types was proposed—multi-family units, single-family detached or attached units, townhomes, and possibly duplexes or triplexes. He noted that the applicant intended to have a mix of dwelling types in the project.

Mr. Langille said that they proposed 15% of the total units be designated as affordable housing totaling 79 affordable units. He said that there would be open space, amenity areas, and a

proposed transit stop along Old Ivy Road. He said that frontage improvements related to transportation included turn lanes into and out of the site, a multi-use path with the possibility for eastward expansion offsite, and proffers for cash contributions for the transportation improvements.

Mr. Langille said that the concept plan showed the layout that was intended for the site. He noted the locations on the concept plan where the different housing types, community areas, recreational spots, and other amenities would be located.

Mr. Langille noted that there was an existing segment of the Rivanna Trail that ran through the property. He said that the developer proposed to retain the portions that were indicated in purple on the concept plan. He said that the portion of the trail that ran through the site would be relocated and realigned.

Mr. Kevin McDermott, Planning Manager, stated that he had reviewed the application for transportation issues. He said that transportation had been a significant issue when the item previously came before the Commission, and since then there had been a lot of development.

Mr. McDermott stated that a traffic impact analysis had been performed by the applicant. He said that the proposal generated an estimated 4,326 daily trips on Old Ivy Road. He said that the existing conditions identified showed that there were failing movements during the morning and afternoon peak hours, and they were primarily at the intersections labeled 1 and 2 on the displayed map. He said that intersections labeled 3, 4, and 5 on the map did not have existing problems and were not projected to have significantly failing future performance due to the development.

Mr. McDermott stated that there was a lack of pedestrian and bicycle connectivity in the corridor, and the TIA showed that the proposal would increase delay at all of the intersections. He said that one of the issues was related to a 1985 proffer that limited the density to R-1 until Old Ivy Road was improved to the satisfaction of the Board. He said that it was not specified as to what would meet the criteria, but items identified during the discussion included a lack of curb and gutter and narrow lanes.

Mr. McDermott noted that some curb and gutter had been installed since the 1985 proffer as other properties were developed along the corridor. He said that another identified item was a realignment under the railroad underpass which was narrow and had poor site distances. He said that there had been no change to the underpass since 1985. He stated that the provision of sidewalks was identified. He noted that sidewalks had been constructed on one side of Old Ivy Road that were associated with developments that had occurred.

Mr. McDermott said that the intersections on the west side of the bypass were not specifically identified, but they recognized that they exhibited poor operations currently. He said that the proposed improvements included in the application included a future bus stop on the site frontage. He explained that the area was not currently served by transit, but it could be expanded to the area as development increased.

Mr. McDermott stated that a shared-use path was proffered across the site frontage which would extend to Ivy Gardens. He said that the applicant required the necessary rights-of-way to be donated to achieve the path extension. He said that if the owners of the adjacent properties did not donate the rights-of-way, then the applicant proffered to provide \$500,000 to the County so

that it could construct the rest of the segment of the shared-use path on the north side of the road.

Mr. McDermott stated that the applicant proffered a cash contribution for offsite transportation improvements in the area to the west side of the bypass. He explained that the cash proffer was a minimum of \$100,000 and up to \$750,000. He said that the proffer was equal to 6% of the future transportation improvement costs.

Mr. McDermott said that 6% was developed because during the analysis, they identified that in the area described as the congested area on the west end, their contribution to the total future traffic was equal to 6%. He said that the applicant proffered a pedestrian crossing of Old Ivy Road at the site frontage and a right-turn lane at the Route 29 bypass ramp.

Mr. McDermott explained that VDOT had been engaged in a study to determine transportation improvements that would address some of the significant issues at either end of the Old Ivy corridor. He said that the initial findings from the studies had been presented to County staff and some institutional stakeholders, including the City and the University of Virginia. He clarified that the study was still being finalized but that it would be made publicly available.

Mr. McDermott stated that based on what had been reviewed, staff and VDOT believed there were immediately implementable solutions to address the poor operational issues at the western end of the corridor. He said that once completed, the recommendations from the study would be presented to the Board and the public for feedback. He noted that the bridge that traversed the Route 29 bypass was slated for a decking rebuild, and as part of the rebuild, a four-foot shoulder would be added to one side of the bridge to accommodate pedestrians.

Mr. McDermott said that an issue for the congested area was that traffic coming off the bypass would back up from the Route 250 intersection of Canterbury Road to the bypass and would enter the mainline of the Route 29 bypass. He said the traffic backup caused a significant safety issue.

Mr. McDermott stated that the traffic back up was the issue they were trying to address, and VDOT believed it had a solution. He said that all of the congestion was based on the condition of the Route 250, Canterbury Road, and Old Garth intersection. He said that they believed if the intersection conditions were improved, then they would be able to develop a solution to free up traffic in the area.

Mr. McDermott stated that the applicant had proffered funds up to \$750,000 to make some of the improvements. He said that because a potential solution had been identified that could be implemented quickly and because of the proffered funding, staff believed the issue would be sufficiently addressed.

Mr. McDermott said that regarding the Old Ivy corridor, there were significant traffic volumes, and a previous lack of curb, gutter, and bicycle and pedestrian facilities. He stated that previous improvements included turn lanes, curb and gutter, and sidewalks that had been installed by adjacent developments. He said that the improvements had improved operations on the corridor.

Mr. McDermott noted that the applicant proffered the construction of a pedestrian crossing and a shared-use path for a significant length of the corridor and the right-turn lane for the northbound Route 29 bypass ramp. He said that based on the existing improvements and proffered items, the issues on the corridor would be sufficiently addressed.

Mr. McDermott said that regarding the east end of Old Ivy Road where the underpass was located, they were not able to identify the same level of immediately implementable solutions, but they were still evaluating options to get pedestrians under the railroad. He stated that they had identified a few options that were longer-term and cost more money. He said that they would continue to work toward longer-term solutions and look for other easily implementable solutions. He said that none of the solutions had been finalized at the time.

Mr. McDermott stated that there had been pedestrian improvements at the Old Ivy Road and Ivy Road intersection that were recently completed, and those included a new pedestrian crosswalk. He stated that with the addition of the pedestrian improvements on Old Ivy Road, staff believed significant improvement was occurring even if it was not yet complete.

Mr. McDermott stated that staff believed that the proposed development was not responsible for the additional improvements that needed to occur because most had been addressed, and they were working with property owners and local stakeholders in the area to finalize the solutions.

Mr. Langille stated that there were two special exception requests tied to the overall proposal. He said that the first was a request to waive the step-back requirement for the multi-family structures to be located at the south end of the project. He stated that the structures were proposed to be four stories in height. He explained that under the current zoning ordinance, when a building was four stories tall, the front of the façade had to be stepped back 15 feet. He said that the applicant requested to waive the requirement for the multi-family structures.

Mr. Langille said that Attachment 9 was a detailed justification provided by the applicant related to the step-back waiver request. He said that the applicant had included cross-sections of the structures, how they would look from adjacent properties, site lines, and other details. He said that the intent was to convey that if the step-back requirement were waived, it would not pose any detriment to the public health, safety, and welfare.

Mr. Langille stated that staff had reviewed the step-back waiver request and did not have objections to it, so they recommended approval. He stated that the other special exception request was to reduce the amount of minimum amount of required parking by the zoning ordinance based on the proposed dwelling unit types. He explained that under the ordinance, the applicant was required to provide 911 total parking spaces, but the applicant requested to only provide 751—a reduction of 160 spaces.

Mr. Langille explained that the proposed reduction in parking spaces would be for the multi-family unit types and townhome unit types that would be built on-site. He said that the request had been reviewed, and the applicant had provided a justification statement in Attachment 10. He said that due to several factors, including keeping the Rivanna Trail on-site, the potential for future transit, the proximity to key locations, staff believed that it could support the parking reduction request.

Mr. Langille noted that there were some associated conditions with the parking reduction request. He said that they wanted to clarify the exact ratio of spaces that would be needed per unit for the apartments and townhomes. He said that all apartment-type units would have 1.35 spaces per unit and townhomes would have 1.6. He stated that staff-recommended approval of the special exception.

Mr. Langille said that in regard to ZMA202100009, the request was to change some of the preserved steep slopes existing on-site to managed steep slopes. He said that there were areas



of slopes that were above 25% topography and were designated as managed steep slopes in the ordinance. He said that there were other 25% slopes designated as preserved steep slopes.

Mr. Langille explained that preserved steep slopes were usually slopes identified to be associated with a water feature or other sensitive natural environmental element, and they were meant to be protected. He explained that under the zoning ordinance, preserved steep slopes could not be disturbed or built upon for any structures. He said in some cases, utilities could not be built through preserved steep slopes. He said that the main criteria for identifying preserved steep slopes was if it was a natural feature.

Mr. Langille said that the applicant provided detailed research and evidence that demonstrated that the preserved steep slopes were primarily created through manmade activities, including the construction of Leonard Sandridge Road in the 1990s. He said that there was evidence that the sloped area was created by placing fill and dirt from the construction of the Route 29 and Route 250 bypass. He said that there was evidence that the slopes were created through the movement of dirt and grading activities related to agricultural practices that occurred at the properties 20 to 40 years ago.

Mr. Langille said that there was a detailed analysis in the staff report regarding whether the slopes met the criteria and definition of preserved steep slopes or managed steep slopes. He stated that staff believed that the preserved steep slopes should be rezoned to managed steep slopes, and they therefore supported the ZMA request.

Mr. Langille stated that he would provide a summary of the changes in the application from the June 2022 public hearing. He said that in June, one of the biggest unfavorable factors was that the affordable housing proposed by the applicant did not comply with the 15% affordable housing policy. He said that the applicant had proposed to do 15% affordable units based on the difference between what they could achieve through the existing R-15 zoning district and the new areas that would be rezoned to R-15. He stated that staff did not support the proposal because they believed that the 15% affordable housing units should be applied to the 525 total number of units requested by the applicant.

Mr. Langille stated that the applicant had revised the concept plan since the June hearing to include a note that stated that affordable housing was one of the key elements and features of the concept plan that was proffered. He stated that the affordable housing proposal had been reviewed by Dr. Stacy Pethia from the Office of Housing, and staff did not have any objections. He stated that the proposal now complied with the affordable housing policy.

Mr. Langille stated that in June, concerns were expressed in regard to the wetlands. He said that the concept plan had identified a few small areas of wetlands that existed on-site. He said that staff was uncertain whether grading, installation of retaining walls, or other site features would encroach onto the wetland areas.

Mr. Langille stated that since the June meeting, there had been several meetings with the County Engineer, staff in Community Development, and the applicant and its representatives, and they had reviewed the proposed concept plan. He stated that there were no improvements shown to encroach into the wetland areas and there was no grading shown.

Mr. Langille said that the applicant had added a note to the concept plan which gave the County Engineer final discretionary authority at the time of site plan review where if unforeseen

circumstances arose that may require the applicant's engineers to show some sort of disturbance to the wetlands, the County Engineer could provide final review of the request and state whether other alternatives were available to design the site and not disturb the wetlands.

Mr. Langille stated that the original first proffer noted the key elements of the concept plan that the applicant was committing to, but it did not include a reference to the turn lanes at the site entrance. He clarified that there would be a westbound right-turn lane into the site and an eastbound left-turn lane into the site. He noted that the turn lanes had been added to the proffer as a key element of the concept plan.

Mr. Langille explained that proffer 2A was slightly revised. He stated that during staff review of the revised materials, the existing easement that applied to the Rivanna Trail on the site had a clause stipulating that at any given time, the property owner may give notice to the Rivanna Trail Foundation and remove the easement. He stated that proffer 2A had since been revised to state that the developer would ensure that the easement would be revised so that it was a permanent easement, and the trail could exist in perpetuity.

Mr. Langille stated that proffer 3A had been added, and it included the cash contribution proffer to give up to 6% of the cost of any future transportation improvement projects in the congestion area to the County's CIP. He stated that the contribution could range from \$150,000 up to \$750,000.

Mr. Langille stated that proffer 3B had been clarified to identify the length of the shared-use path that could be installed if the developer could secure the land from the adjoining property owners. He said that the length was 1,275 linear feet. He stated that there was another provision included that if the applicant could not secure the land and build the shared-use path, then they would contribute \$500,000 to the County's CIP which could be used for multi-modal transportation improvement projects along Old Ivy Road.

Mr. Langille stated that there were several positive aspects to the request. He stated that the request was consistent with the majority of the principles and recommendations from the Master Plan and Comprehensive Plan. He noted that the request retained the Rivanna Trail on-site, and the revised proffer was highly significant. He noted that bicycle and pedestrian improvements were proposed along the frontage and that there was the potential for significant expansion eastward.

Mr. Langille stated that there would be a mix of housing types, and the development proposed 15% of affordable units as required by the Comprehensive Plan. He said that staff identified concerns with the project. He stated that Albemarle High School was currently over capacity, and based on the anticipated student generation figures available from ACPS, the development would add some students at the high school level.

Mr. Langille stated that the overall network feeding into Old Ivy Road had not received any significant improvements to alleviate the congestion issues. He noted that staff believed there was a solution for the traffic issues in the future that could enhance operations, reduce congestion, and increase safety. He stated that he was available to answer any questions.

Mr. Clayborne asked if the proposed transit stop would include a shelter and a bench or if it would just be a post in the ground.

Mr. Langille said that he would have to review the concept plan. He said that typically, they looked for shelters with a bench and signage when they considered proposed transit stops in concept plans. He said that the applicant would be able to provide more information.

Mr. Bivins noted that Mr. Langille stated that there would be a right-turn lane and a left-turn lane into the site. He asked whether there would be an additional turn lane onto the bypass.

Mr. Langille stated that with the original proposal, the right-turn lane and left-turn lane into the entrance were shown on the concept plan. He stated that a new right-turn lane was proposed onto the northbound on-ramp for Route 29 and Route 250. He stated that each of the improvements was shown on the concept plan, and the only change was that they were specifically mentioned in the proffer statement as a key element to which the developer was committing to.

Mr. Bivins asked whether the funding for the turn lanes was included in the cash proffer.

Mr. McDermott noted the work VDOT had done to identify potential improvements. He stated that VDOT had identified funding to implement the projects which were designated as immediately implementable. He said that VDOT believed the funding would cover the recommended improvements.

Mr. McDermott stated that if the funding was not enough to cover the cost of the improvements, then the applicant's proffer funding of \$150,000 to \$750,000 could be utilized to supplement the existing funds. He noted that there was additional proffer funding from another developer that could be utilized.

Mr. Bivins clarified that the funding for those improvements would not take away funding for proposed turn lanes into the property and for the Route 250 and Route 29 on-ramp. He clarified that those improvements would use separate funds.

Mr. McDermott stated that was correct. He said that the proposed turn lanes for in front of the property and for the on-ramp were separate funds, and they would be completed by the developer.

Mr. Bivins noted that there was a pedestrian network on the south side of the road. He asked if they had considered extending the facilities on the south side of the road rather than on the north side. He noted that Huntington Village was not engaging on the sidewalk.

Mr. McDermott clarified that Mr. Bivins was asking if staff was evaluating any opportunity to provide pedestrian facilities regardless of which side of the road it was on.

Mr. Bivins noted that the Huntington Village homeowners had stated that they were not interested.

Mr. McDermott explained that the clause stating that if Huntington Village and the adjacent property owner did not agree to donate the right-of-way to the developer then the project would turn into a public project existed because the County had methods to acquire the property. He said that it would not prevent improvements on the north side of the road.

Mr. McDermott said that if the north-side improvements did not happen, then the County would keep its options open. He noted that there was enough flexibility in the cash proffer that funds could be utilized to move improvements to the south side of the road.

Mr. Bivins stated that there was a special exception for the setback. He said that the plan seemed to indicate the applicant wanted to eliminate the setback throughout the entire project. He clarified that the applicant only wanted to eliminate the five-foot setback requirement along the sidewalks.

Mr. Langille said that the applicant would be able to clarify. He said that inside of the site, because it was not subdivided, the setback requirement applied from where the property touched the right-of-way of Old Ivy Road itself. He said that the structures within the site would still meet what a setback requirement would otherwise be. He said that the special exception request was for the building step-back along the façade.

Mr. Bivins asked if it applied to the buildings along Route 250 or Old Ivy Road.

Mr. Langille responded that it applied to the buildings along Old Ivy Road.

Mr. Bivins clarified that it would not apply to the interior portion of the project.

Mr. Langille said that it applied to any of the multi-family structures that would be four stories tall.

Mr. Bivins clarified that it was in reference to the step-back, not the setback.

Mr. Langille said that was correct, it was the step-back.

Mr. Bivins stated that the step-back was for any of the multi-family units. He clarified that the setback was only for the section facing Old Ivy Road. He said Note 8 seemed to state that the applicant was seeking the ability to set back from the sidewalks.

Mr. Langille said he would look into the item for more information and return to the Commission with an answer.

Mr. Carrazana noted that intersections 1 and 2 were failing, and the additional traffic generation would further degrade the intersection. He said that Mr. McDermott did not address intersections 3, 4, and 5. He noted that intersection 4 was the on-ramp.

Mr. McDermott said that was correct.

Mr. Carrazana noted that there were improvements to the on-ramp that were part of the development that were not included in the proffer.

Mr. Bivins stated that it was included in the proffer.

Mr. McDermott stated that it was included in a separate proffer that was not the cash proffer.

Mr. Carrazana clarified that the improvements were modeled, and it was determined that the additional traffic generation would not impact the intersections because of the improvements.

Mr. McDermott responded no. He stated that the analysis did not include the right-turn lane that would be constructed. He said that current conditions showed that there were no failing movements at intersection 4. He clarified that the delay coming from the parking lot across the street created a failing movement, but few vehicles came out from the parking lot. He said that

there were no other failing movements under current conditions.

Mr. McDermott stated that under the proposed conditions, the delay did increase, so additional vehicles would backup, but it did not deteriorate to a failing category. He said that the analysis did not include the right-turn lane. He said that the lane may relieve some of the delay, but because it was a right-turn lane, it would likely not have a significant impact on the overall delay.

Mr. Carrazana said that currently, vehicles backed up on the on-ramp because it was not possible to make a left turn as vehicles were making a right turn. He said that he assumed that the improvements would continue to allow left turns to continue to happen.

Mr. McDermott said that the idea was that the vehicles moving westbound on Old Ivy Road would be able to move through the intersection faster which would create additional breaks for people to make the left turns. He clarified that the applicant was not proposing an additional receiving lane onto the ramp to enable left turns and right turns at the same time. He said that the applicant could provide further clarification.

Mr. Carrazana asked if they had details as to what was proposed.

Mr. McDermott said that they did not. He said that all it stated was that there would be a right-turn lane from Old Ivy Road onto the ramp.

Mr. Carrazana said that he assumed that they did not have the traffic model because they did not have the details of the proposal.

Mr. McDermott stated that they did have a traffic model. He said that the future conditions had been modeled with the 4,300 additional trip generation at the intersection without improvements, and the conditions were shown not to be failing.

Mr. Carrazana asked how transit worked on Old Ivy Road. He noted that transit could not enter on the east end. He asked if there was a turnaround that was proposed in the future.

Mr. McDermott stated that there was currently no transit on Old Ivy Road. He said that if it were to be implemented, it would have to either ensure that vehicles were small enough to fit under the east end, or they would have to find a turnaround location. He said that it was not something that staff had determined the details of. He noted that most buses would not be able to fit under the underpass of the railroad.

Mr. Missel noted that a number of enhancements had taken place on Old Ivy Road since the 1985 proffer. He asked if the improvements had been measured or quantified against the original intent of the ZMA.

Mr. McDermott stated that as he had already stated, the intersections on the west end of Old Ivy Road were not identified as an issue in the 1985 proffer. He said that the other items that were identified were not necessarily criteria that would be able to be measured in operational improvements. He said that the curb and gutter aided in stormwater runoff and with creating an urban feel on the road.

Mr. McDermott noted that there had been large sections of curb and gutter construction since 1985. He said that the sidewalk improvements had measurably improved access although the

improvements were not quantifiable. He stated that the sidewalks provided access to multiple properties along the south side of the road. He stated that the alignment under the railroad had not changed.

Mr. Missel said that if the intent was to limit density to R-1, then it was also likely intended to limit traffic volumes. He noted that the improvements that had taken place were not measurable in terms of helping vehicular transportation.

Mr. McDermott said that was correct. He said that it was most obviously shown at the intersections at the west end where staff identified significant new problems, but solutions had been identified. He stated that the intersection on the east end was not shown to have failing movements in the future. He said that the road was two lanes, and the existing volume was around 6,000 to 7,000.

Mr. McDermott said that a two-lane road would be able to accommodate an additional 5,000 trips, especially because there were no stop signs or signals on the road, and there were turn lanes. He said that the turn lanes would improve operation on Old Ivy Road.

Mr. Missel noted that the applicant appeared to be focused on a cash contribution, not a 6% contribution of whatever the cost would be. He clarified that the range was fixed between \$150,000 and \$750,000.

Mr. McDermott said yes. He said that it was between \$150,000 and \$750,000, but it had to be 6% of the total cost of the improvements identified.

Mr. Missel clarified that if the total cost of the improvements was higher and the 6% figure were more than \$1M, then the 6% figure would govern the contribution.

Mr. McDermott responded that it would be limited to a maximum of \$750,000.

Mr. Missel asked if the cost estimates were based on current VDOT figures. He asked how the figures had been determined.

Mr. McDermott said that the cost was not related to any specific improvement because they had not identified any at the time of submittal. He stated that the cost was limited to 6% of the total cost, and the applicant was willing to contribute up to \$750,000.

Mr. Missel clarified that there were solutions that could improve traffic on the western side in a relatively short amount of time. He asked if the improvements would have to go into a six-year plan or through other processes.

Mr. McDermott responded that VDOT had identified Highway Safety Improvement Program funds that they were able to immediately move to the project. He said that they were able to start the project almost immediately after the study and engineering had been finalized and the Board accepted the recommended improvements. He said that improvements would be completed prior to any buildings related to the Old Ivy Residences being occupied.

Ms. Firehock asked if the County would move forward with the improvements if the application did not move forward. She asked whether the improvements were needed regardless.

Mr. McDermott responded yes. He said that they had been analyzing the road improvements

before the Old Ivy Residences application. He stated that they would move forward with the short-term improvements with or without the Old Ivy Residences.

Mr. Missel asked if the project was fully funded or if it was dependent on other sources.

Mr. McDermott said that it appeared to be fully funded with state funds. He said that it was likely that the County would not need the proffer funds for the improvement. He noted that it was considered an interim improvement, and in the future, they would likely have to perform larger improvements and utilize the proffer funds.

Mr. Murray asked if the flooding issues on both sides of the road had been addressed.

Mr. McDermott said that he was aware of flooding issues through the underpass on the east end. He asked if there were flooding issues on the other end of the road.

Mr. Murray said they were not as bad.

Mr. McDermott said that the issues had been discussed, but they had not identified a way to improve them. He said that VDOT was aware of the issues, but it was probably more of a maintenance issue to correct the culverts and other facilities.

Ms. Firehock said that the applicant was invited to present.

Ms. Valerie Long said that she was with the law firm of Williams Mullen and was representing the applicant, Greystar. She said that their civil engineer and traffic engineer were among some of the team members present to answer questions from the Commission. She said that Mr. Langille and Mr. McDermott covered the issues well and thoroughly, which saved a lot of time, and she wanted to do what they did and focus on the changes that had been made in response to the feedback provided by the Commission in June, and also to provide clarifications on some of the questions raised.

Ms. Long said that there were a few new renderings to show a conceptual 3D way so that the look could be evaluated. She said that there had been questions about the quality and quantity of amenity space, and they were proud of what had been proposed, with over 8 acres of open space, with very high amenities that would make it a very attractive location. She showed the illustrative plan that the prior image was based on, then an overview of where the amenities were located in the layout of the housing.

Ms. Long said that the level of sensitivity that Greystar applied to this project from the very beginning to be sensitive to the neighbors immediately adjacent in University Village and Huntington Village, among other things, locating the apartments as far away from both neighborhoods as possible, and having the shorter, two- and one-story townhouses and family homes adjacent to those neighborhoods to minimize as much as possible the visual impacts and to be respectful of their location.

Ms. Long said that over 80% of the property was already zoned R15, so the rezoning request was for 7.1 acres. She continued that the updates included an increase in the cash proffer for transportation for a total of \$1.25 Million. She clarified that they drafted the proffer to be very flexible, and in addition to the funds being able to be used in that so-called triangle or congestion

area, the funds could also be used anywhere along Old Ivy Road, plus the section at the Bellair and Canterbury Road signal toward the bypass where the congestion was.

Ms. Long said that they also updated the traffic counts, due to a comment made at the last meeting about the traffic study being conducted during the last day of UVA classes, so they repeated the counts and were pleased to say that they were consistent with the earlier counts, which had a 10% Covid-adjustment factor involved, so they had confirmed the accuracy and validity of those counts. She said that they had increased the affordable housing commitments substantially, with 15% of all constructed units being affordable, for a maximum of 79 units, which was a significant increase over the original.

Ms. Long reiterated that the application was consistent with the County's climate action plan, incorporating green principles, and they could elaborate on that if there was interest. She said that most of the changes to the concept plan were technical ones, clarifying the affordable housing, clarifying the wetlands note, and adding a clause that, if VDOT allowed for it, the proposed crosswalk that would extend from the entrance of the project across Old Ivy Road to the south side, so that people could access the sidewalks that existed on the south side. She said that they also added a note that clarified a setback issue, which she would speak to in connection with Mr. Bivins' question.

Ms. Long showed more renderings and a list of benefits of the project, many of which had been mentioned already. She said that the most important part of the Comprehensive Plan that this project met was that this land was designated for urban density residential use for decades. She said that they had worked hard to address as many concerns as possible from neighbors, the most significant being traffic safety and traffic congestion. She said that all of the transportation proffers and elements of the application plan, including those turn lanes, were important for both reducing or preventing congestion as well as addressing safety concerns.

Ms. Long said that sidewalks and the multi-use path were intended to mitigate any potential future transportation impacts associated with the project, so they contended that they had fully mitigated any safety or traffic congestion issues. She said that they had worked closely with supporters of the Rivanna Trail to clarify that that commitment was permanent. She said that it was always intended to be permanent, but they clarified that in the updated proffers.

Ms. Long said that the updated traffic counts confirmed the earlier counts. She said that the traffic study counts, in addition to repeating all of the previously studied intersections, their traffic engineers also studied new trip counts coming in and out of the other three residential communities nearby, which were Huntington Village, University Village, and Ivy Gardens. She said that the summary was that those existing residences were a relatively small proportion of the traffic on Old Ivy Road, and the vast majority, and more significantly, was the pass-by or cut-through traffic.

Ms. Long said that the local residents were not contributing to the vast majority, and as such, Old Ivy Residences would contribute trips, but would not be the driving force of any exacerbation. She said that this had been a known, long-standing traffic issue, and the 1985 proffer talked about the shortcomings of Old Ivy Road. She said that the minutes reflected that the issue was not about congestion, but the quality of the road, which, as Mr. McDermott described, included sidewalks, the railroad trestle, and the need for curb and gutter.



Ms. Long said that the increase in affordable housing aligned with the County's policy and a variety of additional goals and objectives. She said that they also had some data that could be discussed more that showed that this development was located in Neighborhood 7, and there had been almost no development in this neighborhood, while there had been development in all the other neighborhoods. She said that only five units had been built in this neighborhood since 2018. She showed an image of the updated concept plan, which had a summary of changes.

Ms. Long said that important to note was a segment that addressed the issue of the turn lane. She said that the turn lane provided a second lane for vehicles driving west to get onto the bypass, and while it was not a site plan-level of design, those details would be part of the site plan application. She said that VDOT would require all of these improvements regardless, but they had committed to them, and their traffic engineer had educated her on how much those turn lanes would contribute to safety improvements and reduction of congestion.

Ms. Long said that because some other neighborhoods did not have a left turn, one vehicle waiting to turn left into another neighborhood would create congestion, so the turn lanes would create more breaks and free up cars that were trying to get onto the bypass ramp, especially now that they knew how much of the traffic was pass-through traffic.

Ms. Firehock said it would be appropriate for questions and answers to be discussed. She asked if Ms. Long could address the previously asked questions.

Ms. Long said that Mr. McDermott's slide was addressing the challenges of the concern of the eastern railroad trestle and said that they did not believe that this project should bear responsibility for those improvements, but the slide said that they should bear. She said that she wanted to clarify that important distinction. She said that she wanted to reiterate that the total amount of cash proffer for transportation improvements was \$1.25M, which was designed to be as flexible to the County as possible and could be used in the so-called congestion area or anywhere along Old Ivy Road. She said that their traffic engineer clarified to her that, among other benefits, those dollars could be used by the County as matching funds for any VDOT funding programs they might apply for, so it applied that even larger benefit to the County.

Ms. Long said that the question of the bus bench was something she did not have a chance to research, but if it was not already clear, Greystar would commit to a bus stop and shelter, as they had done with another recent project. She said that Mr. Bivins had inquired about a five-foot setback. She showed the illustrative plan again and said that they had established on the plan a five-foot setback, where any buildings on the travel ways would be set back a minimum of five feet from the edge of the sidewalk.

Mr. Bivins said that it was the edge of the sidewalk in the document.

Ms. Long said that it would not technically be required because it was a travel way and not a subdivision, but staff had pointed out that it would be an appropriate thing to commit to, so it was put on the plans in between. He emphasized that they were not asking for any setback modifications but were proposing to add that one. She said that if she understood Mr. Carrazana's earlier question, whether the traffic study modeled that turn lane as if it were going to be in place, and the traffic engineer had told her yes, it was assumed that the counts in the modeling at full buildout that the turn lane would be in place. She said Thomas Ruff with the Timmons Group could handle further questions about the traffic. She said that Mr. Carrazana had also asked about the transit and how it would work on Old Ivy Road.

Ms. Long said that there was no transit now, but the hope was that accommodating future transit would help—and the University's Ivy Gardens master plan had a lot of elements about the importance of transit and accommodating transit infrastructure, so the hope was that when UVA redeveloped Old Ivy Gardens or somewhere else, transit would come, and this would be ready for it. She said that they would be happy to work with the transit personnel about the access and turnarounds, and she knew that before Covid-19, the University had a shuttle system that went between the hospital and office facilities and included Old Ivy Road as part of its route. She said that she was unsure if it had been restarted, but they hoped that that shuttle could continue to Old Ivy Residences to serve its residents. She said that another location internal to the site may be a better location, but they wanted to do what they could to accommodate future transit or improve current transit.

Ms. Long said that Mr. Missel had asked a question about where the 6% figure came from and the \$125,000 to \$750,000. She said that those were based on cost estimates that were in the draft study about what they put together about what certain long-term improvements might cost, and it was difficult to come up with a number when there was not an actual project yet, but they had to have a number, and state law required them to demonstrate that whatever the cash proffer amount was, was that it was proportional to any impact that the project would create, so that was how they arrived at those numbers.

Mr. Missel said that Ms. Long mentioned that the total transportation proffers were \$1.25M. He asked if that was the maximum.

Ms. Long said that was correct.

Mr. Missel said that meant there was a range of \$650,000 to \$1.25M.

Ms. Long said that it was a \$125,000 minimum, and up to \$750,000. She clarified that one section of the proffer said that they would contribute between \$125,000 and \$750,000 to future transportation improvements in this area. She said that the second proffer said that in addition to building the multi-use path across the frontage, Greystar would also build it across the two adjacent neighborhoods if they donated the land, and if they did not donate the land, they would give the County \$500,000 so that it could build it.

Ms. Long said that in conversations with Mr. McDermott, they realized that it would be helpful to not restrict how the money could be used, especially since there was not yet certainty on what that project would be, so they devised it to say that they could use the \$500,000 for the multi-use path or for whatever other purpose. She said that the intent was to provide enough uncertainties and to provide flexibility to make it as valuable as possible.

Mr. Missel asked if there was an update to the connection to Leonard Sandridge Road.

Ms. Long said that they were not there, and while Greystar had met with representatives of the University to talk about that and had requested an easement that would be needed because there was a piece of land that the future path would go to. She showed the multi-use path on the slide and indicated the blue line, which was an existing 20-foot access easement that this land benefited from. She said that it was through land that was owned by the University and was called Tufnell Road, and the easement had been in place for a long time. She said that the current owners of the property had worked very hard over the years to maintain that access easement,

and there was a 30-foot easement on the University Village side because there was originally a plan to have a vehicular connection. She said that Greystar had no plans for that but appreciated having a bicycle and pedestrian path to Leonard Sandridge Road, and the Rivanna Trail functioned quite well for that purpose, but it would be helpful to have another one.

Ms. Long said that the proposal was that they would build a bike-ped or multi-use path, and the blue line indicated where they had the right to do so. She said that the red line indicated land owned by the Rectors and Visitors, so they would need an easement to make that connection. She said that the red line coincided with a platted easement when it was reserved for a time, and coincided with where an existing footpath was, so they thought it was a good location. She said that unfortunately, the University was not receptive to that issue, but they would like to and hoped to continue those conversations.

Ms. Long said that there was concern that it could interfere with future redevelopment of Ivy Gardens, which they appreciated. She said that they hoped to gain a temporary easement at least that would facilitate the bike-ped path, which they thought would be a benefit to the entire community. She said that the Tuftnell Road was paved nearly everywhere, but functioned as a bike-ped connection already, and people were already using it, but in order for Greystar to build it, they required the University's support.

Mr. Missel asked if the proposed conceptual pedestrian path marked as blue was constructible based on the current ownership and did not require an easement.

Ms. Long said yes.

Mr. Missel said that it was noted on the proposed site map as "conceptual fire access."

Ms. Long clarified that with the original proposal, one of the many things that their engineers looked at from the beginning was making sure that this site would have a future fire access road, and they needed two entrances. She said that originally, the proposal was to use that Tuftnell Road as the fire road, and they could still do so—but in the meantime, they wanted to make sure they had another option as well. She noted that this was indicated by a purple color on the updated concept plan, which would not be paved but was designed to have pavers to hold the weight of firetrucks and would not be a noticeable path. She said that it would provide that connection through the parking lot, and that road was part of a pedestrian network, needed for vehicular access to provide maintenance for the pond, and served a third purpose of serving the emergency fire access. She said that it was not official which would be decided, but both were potential options.

Mr. Carrazana said that he knew that there was a section about the step-back that had been provided.

Ms. Long said that it was in the application plan. She asked if Mr. Carrazana was referencing the exhibit that Mr. Langille showed of the building cut-out.

Mr. Carrazana said that he was unsure. He said that he was trying to rationalize that section with the illustrative plan and the application.

Ms. Long showed the views of the parcel from Old Ivy Road, the entrance corridor, and further up the bypass. She asked Mr. Carrazana if this was the item he was referring to.

Mr. Carrazana said that traveling through Old Ivy Road would still show those four stories as being evident because there was not much of a landscape buffer when looking at the application. He said that the land would be disturbed, so plantings would be new.

Ms. Long showed another image that she said may help. She said that a technical change made to the plan was that there was an existing setback, and there were questions about how far the building would be set back from Old Ivy, to evaluate whether the step-back request was warranted, so they showed how it met the 25-foot step-back that was measured from the closest corner, so there was room for landscaping. She said that it was not shown on the slide, but there was room in between the multi-use path to provide landscaping.

Mr. Carrazana asked if the setback was from the road or the multi-use path.

Ms. Long said that it was from the property line. She indicated the line on the screen that represented 25 feet from the red color that represented the property line. She said that was the effort made to demonstrate that they would be at least 25 feet from the property line, as required.

Mr. Carrazana said that they would have opportunity for landscaping, but it would be all-new landscaping because there were no mature trees that would remain there. He asked if that was fair to say.

Ms. Long said that she could not speak specifically to that because she had not studied those trees. She showed the illustrative plan on the slide again to provide clarity.

Mr. Carrazana said that the size of the building and proximity to the road meant that the trees would be gone.

Ms. Long said that there were not any trees there currently. She said that there were slides from Google Earth available at the end of her presentation.

Mr. Carrazana said that he understood that there would not be a buffer there, so that façade was fully exposed to Old Ivy Road.

Ms. Long said yes. She said that there was room for landscaping and plantings, which was shown in the illustrative plan.

Mr. Bivins said that he appreciated the minimum of five feet from the travel ways there. He asked if that was indicated by the rust color and yellow color.

Ms. Long said that was correct.

Mr. Bivins asked if it would extend to where the orange color was at the cul-de-sac.

Ms. Long said that the plan talked about the distance from the travel way.

Mr. Bivins asked if it was considered a main route.

Ms. Long said yes, it was effectively all one.

Mr. Bivins asked what the assumed setback would be around the multi-family structures.

Ms. Long asked if Mr. Bivins was asking about this road.

Mr. Bivins said yes, around the cluster of apartment houses.

Ms. Long said that it would be the same setback applied and that all buildings would have to be a minimum of five feet from the edge of the sidewalk.

Mr. Bivins asked if that also included the travel way.

Ms. Long said it was the sidewalk along the travel way.

Mr. Bivins said that he understood. He said that he was still concerned that all of the multi-family housing was in one area, and he understood that they said they wanted to preserve buffers from Huntington Village, but some areas existed that could have been appropriate for a multi-family unit, so they were not all clustered together. He asked if there was knowledge of where the affordable units would be located and if they would be in different housing types or only one type. He said he was unsure of why they could not be distributed across the land to integrate those structures.

Ms. Long said that those issues had not been fully resolved yet, but Greystar was very open to those and was interested in finding ways to make that work wherever possible. She said that was one of the many benefits of the variety of housing types. She said that she was not aware of any other projects that had affordable housing units in anything other than multi-family, so they were open to that option if they could figure out how to make it work.

Mr. Bivins said that census demographics indicated that affordable housing in this community was for people who were working clerical roles in businesses in the area, so those would not be individuals who would benefit from being in other housing types. He said that it was a rental community.

Ms. Long said that it was a workforce housing issue. She said that the County's Housing Director was working on an incentives package to make some of the concepts more feasible, and they hoped that by the time those got adopted, they could take advantage of those.

Ms. Firehock said that the application provided a 10-year limit for the offer on affordable housing, so the affordable housing would only be available for that decade before becoming unaffordable. She asked for Ms. Long to comment on that.

Ms. Long said that the County policy currently listed 80% AMI per 10 years, and as she understood, the incentives package that Dr. Pethia was working on was intended to provide necessary financial incentives to encourage much longer terms of affordability. She said that it became a significant issue without the incentives package, so they hoped to take advantage of that and address that issue.

Mr. Clayborne said that the modifications made since June helped the proposal. He said that in his notes from June, he had the rent price to be between \$1800 and \$3200, so it was not a low price point. He said that his notes also indicated that there was a sewage lift station, but he could no longer find it in the documents.

Ms. Long said that that was a technicality that she would show on the concept plan. She said that because it would be a single parcel that was not subdivided into individual lots, there was an issue with gravity-fed sewer and a need to have a lift station where it was essentially lifted uphill in the ground, so the lift station technically constituted a private septic system that required specific Board of Supervisors approval. She said that the term “technicality” may not be accurate, but the private sewer system was not allowed unless Supervisors approved, and because the lift system would have to be maintained by the owners and the Service Authority did not want to maintain it, By Greystar owning it and maintaining it, it made it a private system, thus requiring Board of Supervisors approval.

Mr. Clayborne asked where it was on the slide.

Mr. Brian Sahaki, Civil Engineer with the Timmons Group, stated that the limitation was three connections or more required that request from the Board of Supervisors. He said that the intent was so that there was not a burden on three property owners to maintain a system like that. He said that in this sense, with a large, multi-family operator like Greystar, it was not an overburden for them to have the lift station to serve the site, which was necessary for gravity restrictions to sewer the property. He said that there would be no odor, and there would be power backup with generators so that the system could function even with a power outage.

Mr. Clayborne asked who the target audience was for this project. He asked if it was for workforce or students.

Ms. Long said that it was meant for all people. She said that there was some expectation for there to be some residents who were graduate students at the business school or law school, faculty and staff of those schools, and other UVA professionals. She said it could also include those who worked on the office buildings on the south side of Ivy Road, young professionals, and people who did not want to have to drive very far. She said that it was a wonderful and closed-in location that was near employment areas and the University.

Mr. Murray said that he assumed they were still in discussion with the Rivanna Trail as to where that would actually go.

Ms. Long said that was correct. She said that they had shown where the trail was now and the conceptual relocation area and had communicated with them that they wanted to collaborate early in the development stage with Greystar to make sure they were working together to ensure the location and design made sense. She said that there was a strong commitment to work together on those issues for the benefit of everyone.

Mr. Murray said that there was an awkward area where the trail went between a bunch of buildings, and he wondered if there was a possibility to compact the buildings to give more space for the trail between there. He said that it was going to be a much more urban walk between those buildings, so anything that could be done to give the trail more space would be a positive change.

Ms. Long said that would all be part of future conversations. She said that they had shown it this way, and that was feedback from staff also. She said that in case it was unclear, she would indicate where the existing trail connected to the property, the conceptual new route of the trail, and where it connected to the purple area on the slide. She said that the conceptual route would go between the buildings, but staff suggested that they specifically show that as green space to

demonstrate that they were addressing that it must be made with more thought. She said that they would be working together to ensure that it was a pleasant transition area.

Mr. Murray said that in a space that narrow, there was only so much that could be done for landscaping. He said that it felt that more space might be necessary there.

Ms. Long said that that may be true. She showed the illustrative plan on the screen. She said that it was designed to be a short segment that went between the buildings, but she knew that they would be working with the Trails Foundation's leadership to address this.

Mr. Murray said that he thought something could be discussed in terms of if there were other kinds of buildings.

Ms. Firehock asked if an example would be going along the tot lot.

Mr. Murray said that was a possibility as well. He said that perhaps taking the duplexes and making them into fourplexes could happen.

Ms. Long said that it was conceptual and could easily go somewhere else instead.

Ms. Firehock said that it could go along to an amenity where people were already recreating instead of between two residences.

Ms. Long said that while the area did not look large, it would be a programmed amenity space, much like the image she showed earlier of another conceptual area. She said that she knew that Greystar and the Trails Foundation shared the goal of making it an appropriate transition while working through the site constraints and construction.

Mr. Murray asked if Ms. Long could enumerate the commitments to sustainability.

Ms. Long said that the list she mentioned were the types of things that Greystar did in general for all of its projects, such as electric vehicle chargers, WIFI in clubhouses, and amenities to promote remote work and reduced car trips. She said that they were not the type of things that zoning officials would like them to proffer, but it was a long list. She continued that it included high-efficiency windows, low VOC building materials, WIFI-controlled thermostats, bike racks, bike lockers, or bike storage, which were things that were becoming market standard. She said that they were planning to do these things and did them in most of their communities to achieve sustainability.

Ms. Long said that there were other elements of the plan itself that were commitments that were equally important in terms of sustainability, such as the location, protection of the wetlands, accommodating a bus stop, and a bike-ped path. She said those were types of things that could be committed to through the proffer process, but the other things were more difficult, such as enforcing WIFI-controlled thermostats. She said that Greystar was perhaps farther ahead than other developers in incorporating those features into their projects.

Ms. Firehock said that before the public hearing, the Commission would take a five-minute recess from 8:50 p.m. to 8:55 p.m.

Ms. Long thanked the Commission.

## **Recess**

The Commission recessed at 8:50 p.m. and reconvened at 8:55 p.m.

## **PUBLIC HEARING**

Ms. Firehock read the protocol for public comment.

Ms. Elizabeth Kuchai said that she had lived in this town for 49 years and had been to lots of these meetings. She said that she had seen a lot of buildings erected by private developers and by UVA on Old Ivy Road. She said that the University owned Ivy Gardens, and they had plans to increase the density by 150%, so this was exacerbating an existing traffic problem, and she was surprised to hear that this had been going on since 1986. She said that these people said that it was going to get done, and she had seen developers overpromise and underdeliver for years. She asked the Commission to please be skeptical and applauded them for all the questions they asked. She said that the developers said very misleading things and it was all up in the air. She said that she was personally terrified to walk under the railroad underpass and had almost hit pedestrians who were wearing black.

Mr. Bill Sherman introduced himself as a nine-year resident of University Village and a citizen of the Jack Jouett District. He said that he would be 96 in a month and had 80 years of accident-free driving experience. He said that he was a frequent user of the 29 Bypass off-ramp south of Route 2601, Old Ivy, and about two months ago, in fast-moving traffic on the southbound bypass, he was set to turn off the off-ramp pullout, then left on Faulkner, onto Old Ivy, then to his home. He said that in a critical second or two, he realized that the queue of cars backed up on that off-ramp left no road for his car to get out of the traveled lane. He said that for someone with a lot of driving experience, it was a situation that he could handle, but his concern was for those youthful and distracted drivers with only 30 or 40 years of experience who were taking on Old Ivy driving challenges.

Mr. Sherman said that he had often seen the cars of St. Anne's Bellfield parents waiting on Faulkner for a break in the southbound cars, streaming down that off-ramp, risking their kids if their timing proved faulty. He said that with the benefit of patience that came with old age, he worried about the hastiness and fast pace of today, like how others handled frightful moments driving west facing heavy cross-traffic on the 29 Bypass off-ramp, which was intersection #2 on a slide shown to the Commission. He said that with good planning, no local traffic should cross the bypass off-ramp to Old Ivy, and Old Ivy drivers should not have to face such unsettling and dangerous experiencing.

Mr. Sherman said that beyond inadequate funding, Greystar gave nothing—not even ideas—to their desperately needed traffic solutions, only an addition of more drivers. He said that since the decision on June 14, they knew that it took a “no” vote to nudge Greystar toward making some improvements in their projects. He urged the Commission make the recommendation of “no” on a deferral with the time and reason for Greystar to meet County standards and neighbors' needs for safety. He said that Greystar had offered himself and others the excuse that they paid too much for the project site, which was an unacceptable excuse. He said that they had local representatives from Darden.



Ms. Elizabeth Vinton said that she was a resident of University Village. She said that she liked to walk, and Old Ivy was a risky place for pedestrians coming from any neighborhood. She said that if one was walking on Old Ivy, they must do so with vigilance, and the road was unsafe, and the bridges at both ends that funneled traffic contributed. She said that she was not against development, be it student or private housing, but she opposed any consideration that would increase the traffic on Old Ivy and put everyone, especially their pedestrians, at greater risk. She said that professionally, she was a retired pediatrician, and as such, her role was to take care of children and guarantee their safety while providing preventive care. She said that she was asking the Commission to make safety their primary consideration as well as preventive.

Ms. Vinton said that an increase in traffic with the Greystar proposal as it currently stood was predicted to increase the daily trips of vehicular traffic on Old Ivy from 8,000 to 12,000 trips per day, an increase of 50%, for a road no different from the 1985 proffer, which stated that no new development should be considered on Old Ivy without considerable improvements to the roads. She said that they were told that improvements were in process but were not told what the improvements would be. She said that any increase in traffic, as with car traffic, would adversely affect pedestrians, and unfortunately would increase the risk of an accident there, God-forbid leading to a tragedy. She said they should act to prevent such an occasion by being preventive.

Ms. Vinton asked how they would face a parent whose college-aged child was hit and perhaps killed on this walkway. She said to look at national statistics and the *New York Times* that had yesterday stated that road deaths were decreasing across the globe but not in the United States. She said that the recent rise in fatality was most pronounced among the vulnerable, and those were pedestrians. She said that it pointed out the need to identify dangerous traffic corridors. She said that they had one right here, which was Old Ivy, and the most vulnerable road users today were people who were outside of the cars and were pedestrians. She asked the Planning Commission to deny Greystar approval and to take the traffic elsewhere and away from Old Ivy.

Ms. Debra Shayton said that she was a resident of University Village in the Jack Jouett Magisterial District. She said that her comments would focus on her experiences and observations of pedestrian danger from the perspective of a driver on Old Ivy Road. She said that as a recent resident from Queens, New York City, she was astonished at how many traffic troubles and safety issues there were now on this short piece of road. She said that driving on Old Ivy Road included many problems, and one of the most critical was ensuring the safety of pedestrians and bikers while driving. She said that bikers, runners, and walkers were often on the road itself. She said that while most drivers proceeded carefully, some did not slow down, and many swung into the other lane and maneuvered, which was often complicated when an oncoming vehicle was in that lane.

Ms. Shayton said that she had observed a frightening instance a few weeks ago, when a child of about 7 or 8 years old was biking on the westbound traffic lane, and a fast-moving car approached from behind as they reached the curve. She said that instead of stopping or slowing, the driver swerved into the eastbound lane, but luckily, no collision happened. She said that this was even more dangerous when cyclists or pedestrians entered the narrow passage under the railroad on the east end of Old Ivy. She said that she slowed down and stopped until they cleared the passage, but some drivers did not.

Ms. Shayton said that it was complicated even more when walkers were there at night on their cell phones, or on scooters. She said that unfortunately, there was no other route for residents of the Old Ivy area to reach stores or other destinations along Old Ivy Road, and the same could be

said for the western path underneath the western railroad bridge. She said that because of this, she was very concerned about any changes that would increase the number of non-drivers at risk, and she was interested in proposals that made Old Ivy safer.

Ms. Shayton said that well-intentioned proposals by the developers were unfortunately unconvincing. She said that the proposed multi-use path on the north side had two problems, the first being the narrow deceleration lane and steep hillside retaining walls that made passage along Huntington Village difficult if not impossible. She said that the second was that even with the path on the far north side, pedestrians, runners, and cyclists would still be unable to reach destinations along Ivy Road without going through the dangerous railroad underpasses.

Ms. Shayton said that the condition of Old Ivy was also a danger for drivers, which was especially true in the passage under the railroad on the east end. She said that like herself, many drivers yielded, but others did not, leading to harrowing encounters that were even worse when opposing vehicles and pedestrians were present simultaneously. She said that if full development happened, more walkers, runners, and bikers were expected, as were more vehicles. She said that the safety issues and dangers would definitely increase.

Ms. Betty Natoli said that she was a resident of University Village. She said that what she had written had been said many times, but there was one new item that had come to their attention from the VDOT plans for the 601 bridge, which was just a repair and not a replacement. She said that the size and width of that bridge had not changed, and it was about 26 feet. She said that from that 26 feet, VDOT had proposed a 4-foot walking and biking path. She said that most planners would assume a 10-foot path, but it would be a 4-foot path with traffic on either side. She said that because the 26 feet had 4 feet taken from it, the travel lane had been reduced to 11 feet.

Ms. Natoli said to imagine someone with a baby carriage and child walking across this bridge and the cars were very close. She said that when she was driving under the eastern end bridge, she slowed down if she saw someone walking there, but not everyone did. She said that the change in the size of the bridge was not only going to slow down traffic for people who were very careful, or it was going to be a disaster. She said that they were calling this a walking and biking trail, but there were no sidewalks on either side of this walking trail, so it was almost a walking trail to nothing and was another hazard that they were all very concerned about.

Ms. Natoli said that she thought that Greystar deserved to be there, but the size of Greystar was what was contentious. She said to imagine 12,000 cars going over Ivy Road daily blew her mind, and everyone should seriously consider that this was not the place. She said that connectivity to the bridge was not good, and even if they used the proffers to extend the walking trails on the south side of the road, those proffers would not come close to the cost of doing that project. She said the bridge was scheduled to be finished in 2024.

Ms. Firehock said that the yellow light indicated the time to speak was nearing its end.

Mr. Daniel Leva said that he was a resident of University Village and also publicly spoke in June. He said that he would take a different track today and talk about the two turn lanes he had heard a lot about this evening, which were the major reason that staff changed their opinion that this might be approved. He said that they should not approve this. He said that he was at the University of Virginia Ivy stacks facility right across the street from these two turn lanes every single day. He said that he would take the Commissioners out there to see what he saw there because it was ludicrous to suggest that the two turn lanes on a busy road would slow down the traffic, and the

only thing it would do would increase accidents. He said that it was bad as it was, but he wanted to focus on that they could not understand why staff did such a complete turn, and the two turn lanes appeared to be the reason, which they did not see having any effect on reducing traffic. He said that it would be “accident city.”

Ms. Ellen Roberts, a resident of University Village, said that the recognition of a traffic problem on Old Ivy Road went far back and was fundamental to tonight’s decision. She said that Greystar asked the Commission to recommend overturning the 1985 road proffer that limited residential density along Old Ivy. She said that to do so, the Board of Supervisors must find that the traffic problem had improved to their satisfaction, and satisfaction was hard to define, but improvement could be studied. She said that Greystar had submitted a document that claimed extensive and significant improvement of Old Ivy Road with 27 improvements since 1985, but the evidence of improvement was questionable at best.

Ms. Roberts said that the photographs went across time and showed the development on Old Ivy had been extensive, including numerous housing additions and office buildings. She said that the traffic problem corresponded with the available traffic volume information, and traffic counts in 1984 were 4,111 trips per day, and in 2019, they were 8,300 trips per day. She said that clearly by imaging counts, traffic was far worse, more than double, and that was three years ago, so they could only guess what it was today.

Ms. Roberts said that a careful look at the location mapping associated with those in the Old Ivy improvement documents showed the 27 claimed improvements were not to be credited to them. She said that the elephant in the room was Old Ivy Road and increased traffic. She said that the most sensible egress was clearly Leonard Sandridge, as was so strongly recommended by Mr. Bivins at the last meeting. She said again to think about the safety of the residents in this area.

Ms. Firehock said that speakers should adjust the microphone as needed.

Mr. Lowell Hallowell stated that he was a resident of University Village. He said that he had been before the Commission in June and was present again to speak. He said that Bob Hope was once asked where he wanted to be buried, and he replied, “Surprise me.” He said that he was surprised at some of what he had heard this evening. He said that he had heard that there was new data collected and was happy to hear so, but he was sad that it was not widely shared with everyone, so they learned about who counted and who did not tonight. He said that they also heard in terms of the heavy focus on the western corridor, which was certainly important, but it was not all of Old Ivy, and there were many other different problems and configurations depending on the intersection being looked at, so they should look at the whole road and not just part of it.

Mr. Hallowell said that they heard tonight from Mr. McDermott that Old Ivy Residences was not responsible for east-end traffic, which was only true because it did not exist yet. He said that it was a strange statement, but one that he must cogitate to figure out. He said that if they looked at the intersections one by one, as he attempted to in a memo he sent out, it could be seen that there was a lot of complexity along that road, and they had to figure out how the complexity would change with the changes that would occur. He said that there was not enough information to figure that out, as some of the comments and questions that arose here tonight suggested.

Mr. Hallowell said that they knew that this would increase, and there was a predicted 52% increase of 4,326 trips per day, and they heard that most of the traffic was pass-through traffic and very little was generated by current residences or offices, so they would be adding 4,326 Ivy-

generated trips to the pass-through traffic, which would change things a lot, but in ways that they could not anticipate. He said that they had heard that there were good plans here, and in those good plans shared with the stakeholders that there was great promise for this road.

Mr. Hallowell said that in New York, where he came from two years ago, they had a phrase that was "What am I, chopped liver?" He said that the residences along Old Ivy were stakeholders, so he wanted to know why none of this was shared with them. He said that they found out about it tonight, and it was a relief to see that there were ideas and that VDOT was putting great energy into this, and he wanted the road to work better, but he would have liked to have known about it earlier and had a chance to look at it carefully.

Mr. Hallowell said that in addition to that, they knew that the east end was a problem, and not much had been said about the east end, whether pass-through or otherwise, and some attention must be given to that because they were all drivers, and drivers changed their pass-throughs based on contingencies, so changing that west end would result in drivers passing through different ways and changing the configuration, possibly affecting the east end. He said that there was not enough known to make a good decision based on this.

Ms. Hilary Strubel said that she had lived and worked in the Jack Jouett District for the past 40 years, from going to school at STAB to working at University Village. She said that "the Village" had been her home away from home for 20 of those years, and the residents who lived there were near and dear to her. She said that the lack of consideration for the Old Ivy neighborhood on the part of Greystar left her frustrated and concerned. She said that Greystar had stated that because of the proximity to both UVA and Barracks Road, the residents would not need cars and would walk and ride bikes or scooters to all of their destinations, yet, they had no realistic path for their residents to safely traverse, and thus, they would be cutting across University Village in search of the quickest route.

Ms. Strubel said that she worried about her residents who were not all drivers with quick reaction times, who had to navigate all up and down their private road, Prestwood Drive without any incident, amidst bikes and scooters. She said that she worried that Old Ivy Residences guests racing on their roads in search of parking made scarce by the parking reduction request would cause problems. She said that Greystar's original development plan identified 911 parking spaces for their 490 units, and the current submission had lowered the number of parking spaces to 751, while simultaneously increasing the number of units to 525, which was a 30% reduction in the parking ratio from their initial proposal. She said that while these students may walk to class and other on-campus events, they all knew that they had lives outside of school and would certainly not be walking from Old Ivy Residences to Stonefield or the Downtown Mall, nor would they be lugging groceries back from Barracks by walking along the Rivanna Trail.

Ms. Strubel said that the reality was that the future Greystar tenants would want both the ability to walk to school and to have cars ready for when that transportation mode was more practical and efficient. She asked if the applicant's unrealistic assessment of their potential residence was wrong, what would the effect in the future be? She answered that it would be an entire neighborhood fraught with problems. She said that this could be avoided with proper planning for parking, pathways, and true neighborhood interconnectivity. She said that Greystar had not put in the work to do so, and there had not been a single meeting, only silence, since the last Planning Commission meeting. She said that she hoped that tonight, the Planning Commission would hold out for a truly desirable project for their neighborhood.

Mr. Peter Reitmeyer said that he was the Executive Director at University Village Owners' Association. He said that when they last met, Mr. Bivins stated that Greystar should go back to the drawing board and find a solution for the additional traffic impact on Old Ivy Road and stated that gaining vehicular access via Leonard Sandridge Road would be the golden ticket. He said that after hearing his comments, including his personal experience with the issue, the UVOA and Huntington Village owners in attendance wanted to jump for joy, as a very practical solution had been forwarded to them from a member of this Commission. He said that months later, they were here again, and the Greystar traffic design was almost exactly the same as before.

Mr. Reitmeyer said that in his opinion, they did not take Mr. Bivins' statement seriously at all. He said that there was no indication that a connection to Leonard Sandridge was ever even considered, and no conversations with the UVOA Board occurred to further the potential of that option either. He said that Mr. Bivins clearly articulated that vehicular access to Leonard Sandridge could solve multiple other issues as well, such as fire safety, pedestrian safety, and neighborhood interconnectivity. He said that they should ask themselves if Greystar, through their actions, had earned a golden ticket with this proposal. He said that the answer was unquestionably "No." He said that there existed no urgency that would make them cast a vote of such significance without getting it right. He said that it could be done, but it took more work, not just for a developer's sense of entitlement. He said that they never even tried.

Mr. Jim Bundy stated that he had lived at University Village for only a few months but had lived in Albemarle County for 23 years. He said that he had worked for half of that time as a pastor before retiring and recently moving to University Village. He said that his experiences as a pastor and resident of Albemarle County had allowed him to attach a lot of importance to affordable housing, and he knew a lot of other people in the County did as well. He said that when a new development such as Greystar was proposing, particularly of the size that it was proposing, besides the other concerns that had been raised tonight, they also brought to the table their hopes and expectations that the developer would demonstrate a sincere desire to address the need for affordable housing.

Mr. Bundy said that Greystar had not indicated that it would do that. He said that its original proposal was woefully inadequate, as several of them had pointed out at the first hearing, as he had been told. He thanked those who voiced that concern at that time and thanked those who had asked the questions tonight about affordable housing. He said that its original proposal was inadequate, and the most recent proposal was also inadequate. He said that the ten-year guarantee for affordable units fell far short of what he would read as the 30-year proposed standard on the housing department's website, and if that was not the case, it should be. He said that 15% at 10 years was not aiming high enough.

Mr. Bundy said that particularly troubling was the thought that Greystar could choose to make a cash contribution to an affordable housing fund rather than providing affordable places for people to live. He said that Greystar made no assurances that it would not do this. He said that if this location was suitable for any development, it was certainly a good place for affordable housing to be mixed in with all the other affordable housing that was proposed and to go for 30 years. He said that in so far that it was their ability, they should please see that real, long-term, lasting affordable housing was a part of this proposal.

Ms. Sally Thomas said that she lived at University Village in the Jack Jouett District. She said that she knew their goal was to create an attractive place for neighborhoods to flourish, and with that goal in mind, they must sometimes approve things first and let taxpayers pick up the amenities, but with this particular proposal, with that very strange 1985 proffer on it, they actually had a

unique possibility this time to make sure the public facility improvements came first. She said that they actually could require workable interconnectivity and roadway improvements or whatever it took to get Old Ivy Road improved to the satisfaction of the Board of Supervisors according to the proffer.

Ms. Thomas said that they did not have to approve the project first, and wonderful rabbits had been pulled out of the hat this evening, but they did not have to take them tonight with what they had heard when most of them had not seen them. She said that they did not have to give extra credit for the Rivanna Trail, because the trail was a gift to this development from thousands of volunteers over the years in the community who had worked on that trail, and it would be an amenity that they would brag about. She said that they personally liked the claim, "I get by with a little help from my friends," but this development should not be based solely on what might perhaps be given to Greystar by its neighbors and the taxpayers.

Ms. Thomas said that why Huntington Village did not want to give up their wall and the neighbors did not want to give up their peace and quiet to the parking of hundreds of young people whenever there was a party, and that was what was going to happen if there was not adequate parking allowed on the property. She said that they should certainly reconsider the parking giveaway, but they should also take advantage of the proffer proposal that gave the County a unique opportunity to do the kind of planning they were good at doing.

Ms. Firehock said that there was next a video presentation that would be accompanied by four speakers. She said that as per the County's rules, the video was submitted in advance of the hearing within the deadline specified in their code.

Ms. Judy Gary said that she lived in Huntington Village and had lived there for 37 years. She said that she had been asked to read a Resolution by the governing board of the Huntington Village Homeowners Association that opposed the rezoning request by Greystar Corporation to build 525 rental units adjacent to Huntington Village and Old Ivy Road. She read "Whereas the Greystar Corporation, which was reported to be the largest operator of rental units in the United States, and had almost 800,000 units under management globally, with its global headquarters in South Carolina, had submitted a rezoning request to Albemarle County to allow the development of 525 mixed-use rental units on 35 acres adjacent to Huntington Village, and whereas thousands of additional vehicles and daily trips would come with this development, and it would have significant impacts on the driver and pedestrian safety of the Huntington Village neighborhood and other communities on Old Ivy Road.

"And it could also be expected to increase the risks to the areas that were subject to flooding near the railroad track overpass, and would also require rerouting of part of the Rivanna Trail, which was a valued public amenity, and whereas the terms of a proffer made in 1985 that linked zoning changes for increased units to significant transportation improvements on Old Ivy Road and Route 601 had not been satisfied to reflect approval from the Virginia Department of Transportation or the Albemarle Board of Supervisors, and whereas, the Greystar Corporation was asking that Huntington Village donate the land buffer frontage of their community so that they could install a multi-use trail for their development, which would impact not only the visual borders of the community but would also require the removal of the iconic stone walls and infringe on the property rights of units owners.

"Now, therefore be it resolved that the governing board of the Huntington Village Homeowners Unit Association unanimously and vigorously opposes the zoning reapplication of Greystar

Corporation for this development, and additionally opposed any additional donation of land to the corporation for this development.” She said that if they lived where she lived, she had no doubt that they would oppose this zoning reapplication.

Mr. Matthew Fritz said that he was a resident of Huntington Village. He said that the Greystar proposal should not be considered in a vacuum. He said that in 2021, the UVA Board of Visitors approved a master plan for Ivy Gardens on Old Ivy Road that would increase its density by 150%. He said that this plan would increase the number of beds from 653 to 1,091, and it would also increase parking from 678 to 856 spaces in both surface and new structured parking. He said that in addition to this significant increase in residential density, the Ivy Gardens master plan called for 46,400 gross square feet of new academic space. He said that he was an alum and staff member of UVA, and could appreciate this academic space, which would include conference rooms, lecture halls, meeting rooms, classrooms, recording studios, and media production, and finally, the plan included shared mixed-use space, which would be located closest to Old Ivy Road.

Mr. Fritz said that this area could include a town center, grocery stores, food trucks, retail, restaurant, cafe, daycare, and fitness club, for a total of 69,500 gross square feet of new commercial space. He said that the plan included a pedestrian bridge over Leonard Sandridge Road to the new professional schools at Darden and the law school, along with a cut-through from Massie to Old Ivy Road. He said that while the cut-through road was intended to alleviate traffic on Old Ivy Road, he was unconvinced that it would not also provide a more convenient route for drivers on north grounds who were heading south or west. He said that there was no west access flyover at Route 250 and Leonard Sandridge Road, so traffic heading west must take a long detour from Massie Road through the athletic precinct to reach Ivy Road, and residents of Old Ivy Road such as himself took this detour all the time.

Mr. Fritz said that in addition, there would be new aspects of Ivy Gardens to attract non-residents who would drive to conference space in the aforementioned facilities. He said that Ivy Gardens students already used the railroad underpass to access central grounds, and with UVA’s expansion west along the Ivy Road corridor, more facilities would attract more students to walk there. He said that they had heard rumors that there would be more ideas to reroute pedestrian traffic from under the railroad underpass, but they were skeptical because pedestrians would choose the path of least resistance. He said that they recognized the Ivy Gardens development plan was not yet funded, but it would be built, and the impact would be an increase of activity. He said to please consider UVA’s ambitious, detailed plan for Ivy Gardens as they deliberated the current issue of safety on Old Ivy Road.

Ms. Kathleen Jump stated that she also lived in the Jack Jouett District. She said she would first identify herself with some of the issues that were raised in a letter sent by Huntington Village to the Commissioners in terms of the staff report. She said that tonight, they still had no real identification or details about the proposed VDOT improvements. She said that the mystery about these was that they were shared with some people but not others, and she was very disappointed but not surprised to hear that there were no solutions for the eastern bridge, which was the issue on Old Ivy Road. She said that the 1985 legislative history stated more than just a concern about congestion also addressed safety in travel ways and the railroad underpass.

Ms. Jump said that a few years ago, she worked for emergency management at the University of Virginia, and she drove by Old Ivy Road and saw a car stranded in floodwaters, so she decided that she should stop and take a picture for a website for the “turn around, don’t drown” message.

She said that as she was taking the picture, a police car pulled up, the police officer got out, and a passenger got out of the front seat and stood there. She said that she walked up to the man to engage in conversation and said that it happened all the time, the area flooded whenever it rained hard, and they had even put a measuring stick so people could see how deep the floodwaters were, but there was always some wise guy who thinks he can get through. She said that she looked at the car and remarked that it was a BMW, and the man told her that it was his car.

Ms. Jump said that as a child growing up in the D.C. suburbs of Maryland, her father would tell her that there were parts of the road that were so dangerous that they were safe. She said that she did not believe the statement was based on a traffic engineering study, but it made sense that if everyone knew it was dangerous, then they acted safely, but that relied on everyone understanding that the danger was present, and it was not common knowledge at the eastern bridge. She said that it then became a very dangerous place. She said that this issue was not only about congestion but was really about safety. She said to please deny the application and make Ivy Road safe now, and then they could talk about more cars.

Mr. Will Sanford said that he lived in the Rivanna District. He said that he was present to express his support for the rezoning of the Old Ivy property. He said that the property contained one of the longest privately-owned segments of the Rivanna Trail, connecting Leonard Sandridge to Old Ivy. He thanked the current owner for letting the public use the trail for more than 20 years. He said that because the current owner decided to sell the property, Albemarle County and City of Charlottesville Parks and Recreation Departments and anyone who used the Rivanna Trail should be concerned for the future of the trail in this area.

Mr. Sanford said that Greystar had been proactive in reaching out to the Rivanna Trail Foundation and Charlottesville Area Mountain Bike Club, and after working with Board members of both organizations, Greystar had illustrated the approximate location of the trail on their concept plan and was willing to proffer a permanent solution for the trail as a part of their site plan. He said that most of the land in question was already zoned R15, and this zoning proposal effectively shifted by-right density away from the wooded area along Route 250 and left the western portion of the land primarily as green space, as envisioned by the Comprehensive Plan.

Mr. Sanford said that the proposed development was not some type of development or an industrial eyesore, and the Comprehensive Plan specified residential usage of this site, and the total density per acre of the development was well within the range envisioned by the Comprehensive Plan. He said that they should avoid a scenario where this property went back onto the for-sale market and was bought by a by-right developer who covered up the western half of the property with apartment buildings, obliterating the trail area and potentially closing the property to public use. He said that they should work with the developer whose plans conformed to the Comprehensive Plan and who wanted to keep the Rivanna Trail.

Ms. Donna DeLoria said that she was with the law firm of Payne and Hotas, LLP, and was speaking on behalf of The Filthy Beast, LLC, Father Goose, LLC, and their manager, who had lived in Huntington Village since its construction. She said that they had previously received written comments of support from owners and managers of a significant number of Huntington Village units, and she reiterated the comments to them in her letter of June 14, 2022. She said that her clients wished to add that, from the perspective of more than 45 years of experience in real estate construction and development, the quality of Greystar's rezoning applications was striking.



Ms. DeLoria said that as was well-documented in the staff's thorough report, Greystar had paid careful attention to the County's land use principles and priorities, as well as to the concerns expressed by members of the public. She said that the concept plan and other proffers would successfully address the effects of the completed development and would additionally provide specific and impactful improvements to Old Ivy Road. She said that her clients supported these applications.

Mr. Patrick Carney said that he was a resident of the Pavilion at North Grounds. He said that he was present today to voice his support for this development. He said that he firmly believed that this development would increase Albemarle County's housing supply to fulfill an unmet need, specifically more housing for Albemarle's young professionals, University students, and hardworking workforce. He said that he had a personal anecdote about how Charlottesville's limited housing supply affected him. He said that before moving here, he served in the United States Army, and during his career, had lived in small cities such as Lawton, Oklahoma, Colorado Springs, Colorado, Tuscon, Arizona, and Albuquerque, New Mexico, which were similar to Albemarle County in that none of these locations were enormous metropolises.

Mr. Carney said that however, they were different in that he had never had trouble finding housing and could easily rent an apartment in a safe part of town with under two months of preparation between a move. He said that unfortunately, his move to Charlottesville was not as easy as previous moves in the military, and he encountered limited housing stock and unprofessional landlords with non-functioning websites. He said that moving here was stressful when it should not have been. He said that he believed that the limited supply of housing and subsequent lackadaisical leasing practices by complacent management companies cost them.

Mr. Carney said that allowing this to go forward would introduce more housing supply to meet growing demand, would support their workforce through the introduction of more affordable housing, and would improve the overall housing experience of residents as a professional property management company like Greystar would oversee this site. He said that this development would provide the needed supply to meet demand. He said that he was excited about this development.

Ms. Christy Carpenter said that she lived on Arlington Boulevard, close to the proposed development site. She said that she wanted to voice her support for the Greystar Old Ivy Residences project. She said that in her experience as a renter, there were currently very limited, quality options for housing and renting, and many others would agree with her. She said that this project would address the supply issue they had today with the scale of the project, thoughtful design, and Greystar's professional property management. She said that it would help with both the supply issue and the lack of quality options today. She said that overall, the project would provide significant benefits to the community.

Mr. Troy Zieman said that he currently lived in the Venable neighborhood. He said that he wanted to share that when he moved to Charlottesville with his wife and young family, he was looking for housing for a long time, and coming back as a student with kids was very stressful. He said that he spent most of his fall and spring leading up to his start of business school searching for housing. He said that he was awarded a spot at Huntington Village, where he was forced to sign a lease, sight-unseen, only given pictures, and when later in the summer he came to Huntington Village, he discovered that the unit did not have the basement it was supposed to, so he had to urgently find new housing. He said that he came before the Commission today in support of the project because the lack of professionalism and supply in Charlottesville was a serious issue. He

said that while students were in the community for a short time, they drove a lot in the community, and UVA was a large part of it.

Mr. Ivo Romanesko stated that he lived in Farmington. He said that he supported the Comprehensive Plan and the Old Ivy Residences plan. He said that as a former DISC I and DISC II member, he was committed to the neighborhood model principles. He said that predictability of land use was critical to the approval of the neighborhood model principles over 20 years ago, which was for neighbors and for landowners. He said that today, landowners were responding to density change, but not fast enough for the population growth. He said that they needed greater comfort and knowledge of their approved community plans. He said that staff recommended this development plan with good reason, as the plan was putting the land to good use and protected expansion of the development areas.

Mr. Romanesko said that the development was consistent with the area master plan's intent and the number of recommended units. He said that to consider if it were not for VDOT's abandonment of the western bypass, a major part of this land would be covered with roads and a massive intersection. He said that he did not believe in the idea of a bypass, because growth either moved out in distance or up in height and density. He said that the 1985 proffer was a tool, but an older tool that frustrated planning goals and impeded efficient land use because it was vague, had no time limit, allowed for proffer avoidance by simply not rezoning the land, and had no criteria to solve the issues. He said that in contrast, Greystar's proffer commitments to specific actions that incorporated the neighborhood model and contributed to meaningful transportation improvements was an improvement.

Mr. Romanesko said that the Comprehensive Plan was updated numerous times, and the zoning code was amended since 1985. He said that the neighborhood model did not exist in 1985, nor did the improvements now in place on Old Ivy Road. He said that the traffic light at Ivy and Old Ivy Road was an improvement. He said that even more important, the turn lanes and acceleration lanes on Old Ivy Road allowed traffic to flow through the travel lanes and reduce rear-end traffic accidents. He said that the turn and acceleration lanes were property specific, but that did not make them ineffective or meaningless. He said that they were required for an entrance, designed for traffic safety, and worked.

Mr. Romanesko said that regional commuters cutting through caused most of the traffic problems on either end of Old Ivy Road, and regional resources should be used to fund Old Ivy Road improvements. He said that this was an efficient land use for all of them, and he hoped the Commission would support this plan, the intent of the Comprehensive Plan, the master plan, and support the concept of predictability that people wanted.

Mr. Joel Loving said that he resided at 17 Deerpath in Bellair. He said that he had two questions that he was told he was unable to ask the developer but could ask the Commission to ask the developer. He said that there had only been one discussion this evening about the solution to the entire problem, and everyone agreed that the University needed more housing, but what had not been addressed was that the University was accessible through Leonard Sandridge Road at the back of this development.

Mr. Loving said that they were graciously granted a meeting with Greystar in the beginning, where they were assured, that Greystar would be talking to the University about that possible access. He said that if granted that access, this whole problem of Old Ivy Road went away, and he thought

the logical solution was to have an exit and entrance at the same entrance on Leonard Sandridge. He said that he would like that question to be asked of the developer.

Mr. Loving said his second question was if the pond shown in the center of the lot was the sediment control plan. He said that the sediment control plan for Old Ivy Road currently was the Bellair pond, and they were currently facing a \$500,000 dredging of the pond because of the silt that had collected in the pond over the last decade. He said that if that plan would not support its own silt in the development, they could kiss their pond goodbye. He said that he would like for those two questions to be addressed on behalf of the entire community.

Mr. Charles Crenshaw said that he was born and raised in Charlottesville in 1940 at the old Martha Jefferson Hospital. He said that he had seen Charlottesville grow and was now seeing Albemarle County grow, and Huntington Village and Old Ivy Road had a semi-rural type of living, as it still was today, but adding 525 units would make it feel like the City when it should stay as the County. He said that last month, he was going to Huntington Village, and from the point at which he tried to get on the bypass at Barracks Road, it took him 35 minutes to get to Huntington Village, which he found ridiculous. He asked the Commission to please reconsider, as they did not need this development and there were plenty of units being built on 29-north where people could find a place to live.

Mr. Rory Stolzenberg said that he had been a resident of the City for the past 12 years, and prior to that, a resident of the Jack Jouett District. He said that tonight, the Commission had the opportunity to recommend allowing or prohibiting over 500 future homes for future residents of the community. He said that it certainly was an interesting site with challenges to motor vehicle traffic that staff and project engineers would have to address. He said that he found striking in the photos and videos seen tonight that, despite the lack of infrastructure and danger along this road, pedestrian traffic and multi-modal vehicular travel persisted, because it was in such close proximity to UVA, north grounds, and shopping, and it was possible to get to places in the urban ring without a vehicle.

Mr. Stolzenberg said that it was understood that housing was needed from seeing the need assessments, and it was understood that it would come at some point, so it would be better to have in the urban ring, where it could be environmentally friendly and there was opportunity to travel without a car. He said that if not, the development would be pushed further out, potentially to Crozet, Green County, or Waynesboro, where people would drive and contribute to cut-through traffic. He asked for consideration of the future residents who would live in these homes and be residents of the community, as well as the consequences for the community and the environment, whether they were here or elsewhere.

Ms. Firehock asked to hear from the speakers who were signed up online.

Ms. Shaffer read the protocol for public comment.

Ms. Barbara Grzymala said that she was the president of University Village Owners Association. She said that her first contact with Greystar was on a Zoom meeting in April 2021 with their manager, Mr. Reitmeyer, and board member Mr. Sherman. She said that they realized that their property stood between them and the likely destination of future tenants, and that activated all of the interconnectivity worries that they heard about earlier. She said that they knew that a future safe home for them and a sustainable neighborhood could only be created with neighborly consideration and mutual regard. She said that at that time, for the benefit of both parties, they

proposed a connecting path at the edge of their woods and across their meadow. She said that the proposed path for their tenants was flatly rejected, and additional meetings and communications, and a land attorney's investigation followed.

Ms. Grzymala said that as part of their proposals to ease Old Ivy traffic problems and create the appearance of interconnectivity, Greystar asked for their community to donate some of their frontage property so that they could construct a multi-use pathway on Old Ivy Road. She said that they agreed to provide them with their residents' contact information and also informed them that condo laws required two-thirds of residents to agree to the donation of their land. She said that they never followed through, so the solution to help with inter-parcel connectivity was never acted upon, but it was still regularly claimed in their application and County staff review.

Ms. Grzymala said that in April 2022, the Association bought back previously owned land from VDOT. She said that they informed Greystar of this purchase, one that was a mutual agreement, would enable them to use UVOA land close to Leonard Sandridge Road for an alternative emergency fire access and a student pathway to likely UVA destinations, but once again, the attempt to help was rejected. She said that they realized that interconnectivity and associated easement rights were private agreements that helped to build and maintain a functioning neighborhood to the benefit of all.

Ms. Grzymala said that they had distinctive needs and concerns on this, as did Greystar, and they continued to be open to discussion in hopes of agreement that built that shared future. She said that it was strange and disconcerting that they had not heard from Greystar at all since the June Planning Commission hearing. She asked that they not grant approval of a proposal that had no safe interconnectivity.

Mr. Taylor Algren said that he was a resident of the Jack Jouett District, his wife was a student at UVA's Darden school, and they had owned and resided at Huntington Village for 16 months. He said that he would like the Planning Commission to defer the Old Ivy Residences proposal. He said that he and his wife owned one car and used it 1-3 times per week. He said that equated to .5 trips per day per unit. He said that they walked and used bicycles for 90% of their trips, including grocery shopping, date nights, and attending sporting events. He said that they would love to see more people living in the urban ring and live similar lives to theirs, which were mostly car-free.

Mr. Algren said that dense neighborhoods were best for the environment to combat climate change, and he supported development of dense neighborhoods with a high proportion of affordable housing and would love to see the development be successful to ease the housing challenges that the students and low-income residents of Charlottesville had. He said that he also agreed with Mr. Peter Reitmeyer of University Village and the other speakers that since the June meeting, there had been no improvements to the bicycle and walking infrastructure for everyday transportation. He said that in the last six months, he had led 15 bicycle rides with up to 12 people from Huntington Village, and sadly, only 3 of these 12 people were comfortable riding a bike for everyday transportation to go grocery shopping or socialize because the safety of Old Ivy Road was insufficient.

Mr. Algren said that he had ridden over 50,000 miles in his life, and had been almost hit three times, all while biking on Old Ivy Road, and once while walking on Old Ivy Road in the last 16 months. He said that they could have a majority of their trips done on foot or on bicycle or other light transportation on Old Ivy Road, but the current infrastructure did not allow that to happen. He said that many had commented about the access to Leonard Sandridge Road, and the current

infrastructure of the Rivanna Trail, owned by UVA to the north of the property, did not allow for bicycles. He said that he was an experienced bicycle rider, and he could use a gravel bike to get across the trail, but someone riding for everyday transportation who was just beginning to ride their bicycle could not use the Rivanna Trail in that location. He said that they needed access to make this safe.

Ms. Firehock ended the public comment period and asked the applicant to offer any further comment or rebuttal for this item.

Ms. Long said that the vast majority of comments heard tonight were about traffic congestion and traffic safety on Old Ivy Road. She said that she did not believe anyone disputed those comments or disagreed with them. She said that it was known that there was a documented, existing traffic congestion issue that was already there, with already-identified traffic safety deficiencies on Old Ivy Road that no one disputed. She said that Greystar wanted their future residents to have a safe road for biking, driving, and walking, just as the other residents of Old Ivy Road did. She said that that was why Greystar had committed to a laundry list of traffic safety improvements, as well as significant financial contributions toward traffic congestion improvements, traffic safety improvements, or some combination thereof. She said that they had mitigated any potential future traffic transportation or safety impacts with the plans.

Ms. Long said that the cash proffers for transportation were substantial and flexible for the County, VDOT, and other experts in traffic to use to figure out what would work. She said that they did not need to wait on approval until they knew exactly what those improvements would be. She said that Mr. McDermott, who was an expert on those issues, along with those at VDOT, had been working through those issues, and as he had said, they were confident that they had some options. She said that the proffered safety improvements would not fix all of Old Ivy Road, but would substantially contribute to improvements generally, as well as for the existing and future residents of that area, and at a minimum, would minimize any new impacts from new residents, including the benefits of the turn lanes and acceleration lanes in reducing collisions, the new bypass lane that would enable those who wanted to go north to get out of the main travel way, which would address congestion and safety.

Ms. Long said that the multi-use path would be helpful, and the crosswalk would help get people safely across the south side where there were more sidewalks. She said that it was not perfect, but it was a substantial improvement over what was there now. She said that no one disputed the congestion issues, but no one else was stepping up to address those other than Greystar. She said that obviously, denying the application or preventing it from being developed would not solve the safety problems or congestion issues. She said that was known because, since 1985, the development had been effectively held up and nothing had happened. She said that letting the land remain vacant would not solve the problem. She said that with this plan, they would get high-quality development in an incredible location in the development area, with substantial cash proffers, all of the improvements that were mentioned, as well as the other benefits of the project.

Ms. Long said that it would be a benefit to the entire community, as well as the University. She said that young professionals had attested to the importance of housing and infrastructure, and in her own first year of law school, she lived at Ivy Gardens and drove under the railroad trestle multiple times a day as well. She said that it was shocking that nothing had changed since 1985, but finally, once the application was submitted, they had brought attention from the County and VDOT on to how to address the area, and the University was highly interested in addressing the pedestrian issues under the bridge. She said that the proffered funds could be applied toward

those future improvements, and they did not dispute any of the safety needs. She said that preventing the project would not solve those issues, and Greystar could not solve everything, but they had done their part.

Ms. Long said that they could address all those other issues, and they had attempted outreach with the University since the last meeting and made formal request efforts to obtain rights for vehicular access, which would require easements through third-party properties. She said that they hired a traffic engineer who had studied it, and while they had thought that a vehicular connection to Leonard Sandridge Road would be very impactful, the results indicated that it actually did not reduce the traffic in the so-called congestion area.

Ms. Long said that this was because those cars would not go that way, so it was not very effective. She said that regardless, Greystar did not have the rights to build those, and University Village had been clear from the beginning that they wanted to avoid having a road along the old 30-foot Tufnell Road with the 30 feet that were on the University Village property. She said that it was designed to be a 30-foot future road, but they made it clear that it did not make sense. She said that they had also been happy to discuss inter-parcel connections, but they had been unable to reach reasonable terms with University Village. She said that they remained open to those conversations but wanted to ensure that the Commission had that information.

Mr. Missel asked if Ms. Long could address the issue of sedimentation.

Ms. Long said that she had communicated about this topic with the Bellair Homeowners' Association president about this today. She said that the existing state and local stormwater management regulations for erosion and sediment control were much more stringent now than they were when Bellair was developed during the 20<sup>th</sup> century, and it was true that the current stormwater management plan for Ivy Road was that pond, and she was unsure if there was anything else. She said that by contrast, this application's site plan would not be approved unless County staff were confident that the project complied with stormwater management plans and regulations, which were designed to prevent the type of concerns that Bellair citizens had addressed.

Ms. Long said that the existing pond would be reconfigured so that it functioned as a stormwater management facility to address the water quality and quantity, but currently this was not happening, and the water flowed in a stream into the pond and then downstream to Bellair Pond. She said that this would actually improve it, and she was happy to have their engineer talk more. She said that it would be addressed at the site plan stage, but also had to be worked through during the rezoning stage so that the project could comply with those regulations.

Ms. Firehock said that if there were no more questions, she would bring the item before the Commission for discussion and deliberation.

Mr. Murray said that based on one of the comments that they had heard about the Rivanna Trail Foundation, and where the trail was actually routed right now, it was interesting that it was recommended to go down Old Ivy Road and the flooded railroad underpass. He said that he pulled it up on the map and thought it was a curious, problematic thing to have all these people walking down the Rivanna Trail, then arriving at Old Ivy Road, where they had to walk down Old Ivy Road, then under the railroad pass.

Ms. Firehock asked where the Rivanna Trail picked up again in that area.

Mr. Murray said that it appeared that people would continue down.

Ms. Firehock asked for a description.

Mr. Murray said they would continue down Route 250 business to where the UVA police station was located, then continue down into that area.

Mr. Bivins said that the police station was west.

Mr. Murray said that the issue was that it could not cross the railroad tracks.

Ms. Firehock asked if Mr. Murray's point was that it was not an elegant solution.

Mr. Murray said that it was not an elegant solution.

Ms. Firehock said that they had done what could be done on their property but could not control where it went after that.

Mr. Murray said that was correct, but it was necessary to point out the other pedestrian issues of Old Ivy Road because there was a community trail that sent people that way.

Ms. Firehock said that it exacerbated the curve problem. She said that it was probably something that could continue to be worked on.

Mr. Murray said that he felt uncomfortable that they had heard of proposed traffic solutions, but did not know what they were, so they could not evaluate whether they would be effective or not, because they did not have them in front of them.

Ms. Firehock said that one of her biggest issues with this was that she felt there was a lot of goodwill and faith in some solutions coming to the fore, but the issue was that she did not have them in front of herself to evaluate. She said that she had not seen them, nor had any other Commissioner, so it made it difficult to evaluate whether they were adequate to provide solutions. She said that Greystar was not responsible for the condition of Old Ivy Road or the lack of improvements to date, but she had to weigh the evidence she had before her in terms of whether solutions were viable, and she did not have enough detail on what VDOT was thinking of or proposing.

Ms. Firehock said there were a few vague potential solutions, but she could not evaluate that, and it was a critical piece to this application. She said that as someone who had followed VDOT projects over decades of involvement with this type of work, sometimes the solutions were not right and did not work, so she did not want to say that because VDOT found a solution that would work. She said that without knowing that they would actually be doing what they said they would do, she could not evaluate that aspect, and this made her reluctant to support the application at this time.

Mr. Clayborne said that the proposal had made significant progress since it was before the Commission in June. He said that doing this by right would allow for a substantial project to be done, and they would still have all the same issues they were talking about, which was important to acknowledge to be fair in deliberating. He said that he was favoring support of this request

because the by-right development would still be substantial, but they were getting a substantial amount more to help mitigate some of the things they had been talking about.

Mr. Clayborne said that in terms of the validity of the proposed solutions by VDOT, they had not seen them, but he placed trust in the staff and VDOT engineers who said that they were confident that the solutions that could be implemented almost immediately would significantly reduce the negative impacts of this. He said that he was leaning toward support, and the housing piece was substantial for the County, and it would be hard to turn down that number. He said that he found it favorable that they had done this the right way.

Ms. Firehock said that she agreed that this development was appropriate for this location. She said that something would be built there at some point, and she would be in support of it at some point.

Mr. Bivins said that he was pleased that the applicant had attempted to be responsive to some of the June conversations. He said that Supervisors had a condition precedent on development there, and regardless of the time that it was implemented, the people who were managing their community decided that ZMA1985-21 must be dealt with prior to any significant additional density in that area. He said that they could still do a significant development there, and then people would still have to deal with the impacts of that because it still could be done without any public input. He said the Supervisors had spoken on this and therefore he must let them speak on whether or not there were enough things that had changed in this area for them to say yes.

Mr. Bivins said that however, he was concerned by Page 9 in the staff report, with the fourth paragraph stating that the applicant also provided supplemental information identifying road improvements that had occurred along Old Ivy Road since the approval of ZMA1985-21, or Attachment 6. He said that the improvements identified were all required to address site-specific access needs as properties within the corridor developed over previous decades.

Mr. Bivins said that these improvements had primarily been turn lanes that led into and out of the entrances of nearby parcels, and it was true that these improvements had enhanced access and safety for vehicles traveling to specific parcels or destinations along Old Ivy Road, however, they had not significantly relieved congestion of vehicles traveling to and through the entire Old Ivy Road transportation corridor. He said that staff had indicated that nothing had improved as of yet, but given that they had a condition precedent that things had to have improved prior to density being allowed on that particular parcel, he would still have to vote no on this item.

Mr. Carrazana said that he had the same concerns about the traffic modifications from VDOT. He said there were no outlines in any way, and the first time they heard of them was today. He commended that people came to the table and were trying to find solutions for how to set the structure and development, which was because of ZMA1985-21. He said that it was a novel concept in Albemarle County that they needed to begin to follow. He said that they should prepare the infrastructure prior to development, which they had an opportunity to do with the Comprehensive Plan and figure out how they could create that so that they did not go through this same issue again.

Mr. Carrazana said that he did not believe anyone thought this was not an appropriate development for this area, and it had improved since June. He said that however, they did not have the infrastructure. He said that perhaps the plans were there, and if this went to the Board of Supervisors, they could evaluate if it was substantial enough. He said that it was not there



because it did not exist today, and maybe the Supervisors knew what those plans were and had the details and traffic studies that showed how the improvements would be there, but the Commission had no way of determining that. He said that for that reason, he would also vote no on the recommendation because they did not have the infrastructure and did not understand what that was.

Mr. Carrazana said that he would recommend that those details were put forth, that there be a timeline, and that the timeline be aligned with the development so that everyone could see when the improvements would happen and when the development would happen. He said that he would also urge them to look at the left turn into the Route 29 and Route 250 bypass, which must be addressed because of the inadequate movement on that part of the road.

Mr. Missel said that he agreed with the other Commissioners' remarks. He thanked staff and the applicant for the thoughtful presentation and application and thanked the community members for their helpful comments. He said that his goal was to be as objective as possible by balancing the charge as Planning Commissioners to serve as an advisory body to the Board to promote the orderly development of the County and its environs to accomplish the planning, zoning, land subdivision, and development objectives set forth in state law and Albemarle County Code, with the land management plan, which had its most recent update in 2015.

Mr. Missel said that he did not think any of the Commissioners would disagree that growth was intended to be in the growth area, the development areas, and directed away from the County's rural areas. He said that in that, it specifically said under Strategy 1B, to help promote the development areas of the County as the most desirable areas for growth, continue to fund capital improvements and infrastructure and provide a higher level of service to the development areas. He said that it was interesting that ZMA1985-21 was in place before University Village was built by about 10 years, and he did not know how it was addressed at that time. He said that the Commissioners found themselves in a common dilemma because they as a County had not developed the infrastructure that was needed to support the growth management plan that they were promoting.

Mr. Missel said that it now was all about timing because the development was a great development, the plan was excellent, and there had been incredible efforts to work on interconnectivity and all of the helpful and necessary urban design standards that would assist with taking it off. He said that he was also cognizant of the fact that they were looking at 7.1 acres of rezoning in that it was the only area that was not R15 right now, so it was a relatively small portion of that, and by right they could go out there and do that. He said that the challenge was that sometimes it took more than just the status quo to incentivize the County or VDOT to do what needed to be done to support the growth management policy. He said that if they backed off, this would be developed at a certain time because it was the right place for development, but it was unclear if it was the right timing.

Mr. Missel said that he put a lot of weight on the paragraph after the one that talked about VDOT's plan, and he highly respected their County colleagues, who said that preliminary results of the study indicated that there were feasible solutions to relieving traffic congestion to the west of the Old Ivy Residences proposal. He said that preliminary studies were mentioned, but they did not know when, and they heard from staff that they would be implemented prior to the construction of this development, which was important.

Mr. Missel said that it was not that he did not believe staff, but the data was not there and they had not seen it. He said that if he was trying to be objective, a lot of what he could be objective on was more subjective in a sense. He said that this area should be developed and was not a concern on his part. He said that interconnectivity, the area to the northeast connecting back and adjacent to Leonard Sandridge Drive to that easement was absolutely critical, stormwater management, and sustainability were all ticking the boxes, but he could not get around the uncertainty of the VDOT traffic improvements at this point in time.

Mr. Carrazana said that Mr. Missel made great points. He said that he did not hear much about the safety issue of multi-modal traffic along Old Ivy Road. He said that that could be done without a huge expense, and they should look at that development as well. He said that he had not heard what VDOT was doing or what could be done, but he understood that the developer had offered to do some of that, and there had been conversations with Huntington Village to create that easement, so those conversations should continue. He said that he would urge all neighborhoods to look at that because it was in the benefit of everyone if they could get VDOT, Huntington Village, and UVA to discuss how to make a great and safe corridor for residents, students, and those who drove through the area. He said that if everyone kept trying to work together, they could make this happen in a safe and responsible way.

Mr. Missel said that from a developer's standpoint, they could not control all of that, but it sometimes fell to the developer, who was the catalyst.

Mr. Bivins said that the developer was the catalyst, but he was willing to say that the western part would work, but his issue was that it did not mean anything because it was not the issue. He said that the County needed to deal with St. Anne's, and St. Anne's needed to own into its proffer, because a lot of what happened on Route 250 was due to the parents collecting their children, and that it must be dealt with in a way that would help that intersection. He said that the issue was that they were talking about traffic that was going west of town, which was not the issue, but the issue was about people wanting to go into town.

Mr. Bivins said the bridge there was difficult to deal with, but the Commonwealth owned those rails now, so perhaps they could have a way to work through that which was previously unavailable. He said that the cut-through was through the University Gardens and would give a path to get them across there, but the issue was that they would either have to go underneath the tunnel, or the major landowner would have to facilitate a walkway to get over to Arlington. He said people would still walk underneath the bridge to get to amenities. He said there was an unattractive nuisance where everyone wanted to go to, and he did not know if solving every other part would solve it, and they had no inexpensive way to deal with the eastern part.

Mr. Bivins said that 60% of the County's budget went to education, and they were not in a place that liked tax increases. He said that in order to do the kind of infrastructure needed here, they must figure out revenues, either through tax charges, industry, or someone must agree to pay more. He said that they could not do the infrastructure unless they had the revenues, and they could not completely lay it on developers, because the return on investment would be blown out of the water if they always ate that cost. He said that the real issue was the east exit, and he did not know how to do that unless they wanted to give away that property.

Ms. Firehock said that they were not representing the University.

Mr. Bivins said that they all had a connection to the institution, and that was integral. He said that when the University was such a significant landholder, they had to be a part of the solution because no one else had the lift to make that happen.

Ms. Firehock noted that staff had hoped that VDOT would release the study about traffic safety in time for this meeting, and they did not. She said that they still wanted it, and it was possible that it would be available by the time the Board of Supervisors would hear this, and they would have access to make a more reasonable judgment than they were able to. She said that the County could not control VDOT's timing.

Mr. Missel said that the applicant could not do that either.

Ms. Firehock said that she sympathized with that. She said that they at least could say whether or not they agreed with a certain approach, and the community would also give local knowledge about how things really happened, and if VDOT said something that differed from practicality. She said that that included data that they did not have.

Mr. Bivins stated that Mr. McDermott had said that VDOT was funding this, and if VDOT was funding this, that meant that while they could add comments, they did not have anything to put into the budget, and therefore had little control over what happened if VDOT decided to do the project. He said that there was no cost-sharing, and as Mr. McDermott said, VDOT was putting the money into this, and it was fully funded.

Ms. Firehock said that that was an interesting point.

Mr. Bivins said that the western solution would work, but it did not solve the problem on that road.

Mr. Carrazana said that there was some funding to begin to address some of the safety issues on that road as they worked east, and there were other partners that had to come to the table.

Ms. Firehock said that the Infrastructure Act had funding for all kinds of improvements.

Mr. Bivins asked if it did.

Ms. Firehock said yes. She said that there was a lot of money out there for transportation improvements that had not been there before.

Mr. Carrazana said that this did not mean that the development hinged on all of these things happening, but if they could see a tangible solution and see that there were improvements on the way, it opened the door. He said that the development would not happen overnight, so all of these things could continue to happen to improve that road.

Ms. Firehock said that she would feel comfortable recommending approval for something when they knew the VDOT plan was available, reasonable, made sense, had been vetted, and would be started with a known timeline.

Mr. Missel said that he believed that they all agreed with Mr. Bivins about the eastern over/underpass. He said that it was a catastrophe. He said that the western side was where the VDOT improvements would be. He said that they were not transportation engineers and relied on County staff to review VDOT studies and tell them whether or not it was applicable and if it would

sufficiently create a safe environment for the traffic generated from this development. He asked if it would be reasonable to put together a condition of some kind that would require County review and approval of VDOT plans prior to this project moving forward, or something to that effect.

Mr. Herrick said that because this was a rezoning application, rather than a special use permit, there was no ability to require conditions.

Mr. Murray said that the other problem with that would be that the public would not get to weigh in on those solutions.

Ms. Firehock said that she understood that they heard tonight from one of the neighborhoods that they had not been approached to work with them on a solution for the pedestrian bike path throughway. She said that the other thing that she found troubling was that these connections could be made only if the land was donated. She asked why the access was not being acquired. She said that they essentially wanted it for free, and that troubled her that they were not offering a fair price for the access that they desired.

Mr. Bivins said that he could appreciate that, but they had all been in transactions, and even if they offered a complimentary price, they could scotch a deal by putting a price tag.

Ms. Firehock said that she understood they could put an inappropriately high price on that.

Mr. Bivins said that they would only know the details of those discussions if they talked to both parties, and they had heard from both parties—one who said that they had not been spoken to and one who said that they had been spoken to. He said that that was a draw for him, but it was a community benefit if someone wanted to put a sidewalk in front of the property, contributing and doing all of the work.

Ms. Firehock said that she was not only referring to the sidewalk along Old Ivy Road. She said that there was an opportunity to make a connection that went around the tall building at University Village, positioned where students may need to walk through. She said that there had been some offers of access that could have worked.

Mr. Bivins said that they received documents in June that stated that there was significant conflict between the parties.

Ms. Firehock said that she understood that there were many sides to any issue, and the fact remained that it was unresolved as of this evening, so she had no solution in front of her. She said that she believed it was a good application. She asked what the Commission's consensus was.

Mr. Missel said that in the traffic impact analysis that was received as part of the application, there were 2025 total future conditions, and they listed the conditions in 2025. He asked if those conditions took into account VDOT improvements.

Mr. McDermott said no.

Mr. Missel asked if that was because the applicant had no access to that information either.

Mr. McDermott said that was correct.

Mr. Bivins asked if there were accident numbers for Old Ivy Road.

Mr. McDermott said that he did not, but they were publicly available.

Mr. Bivins said that he had not seen any data this evening to give weight to the prevalence of accidents or to the conditions of the road.

Mr. McDermott said that there was no specific spot or segment of road that was very high on the priority list for safety improvements of VDOT. He said that while accidents happened out there, they were not of the significance that made other areas stand out.

Ms. Firehock said that because they were present for a second attempt at the application, she would allow the applicant to make no more than two minutes of comments to clarify facts.

Ms. Long said that she would first clarify the issue of interconnection pedestrian paths with University Village. She said that they did not need an easement from University Village to go on the north side of University Village, but they needed an easement from the University. She said that they had legal rights to build a bike-ped path there, and she could show them on the exhibits if that would help. She said that as she stated at the first Planning Commission meeting, they had several meetings with the University Village representatives about a bike-ped path through their meadow. She said that they had thought that was a great idea and completely agreed, but they could not reach reasonable grounds, because their initial demand was \$2 million, which Greystar would pay for, for the benefit of residents of the Greystar project, as well as residents of University Village and Huntington Village.

Ms. Long said that it would be a wonderful community asset for everyone and would address the concerns about trespassing. She said that they had not been able to make progress on that issue but had reached out to them since the first Planning Commission, which there was documentation of. She said that with regard to the traffic information, she was confused because she took a screenshot of Mr. McDermott's slides when he was presenting them, but he had said that they were very confident that there were immediately achievable options for the western end.

Ms. Long said that to Mr. Clayborne's point, they should trust their experts at VDOT. She said that even if they had a proposal tonight in front of them, she suspected that the Commission would not make their decision on their own but would ask for other traffic safety experts' opinions. She said that they had options that they had told Mr. McDermott could be implemented at low costs to fix those problems, which Mr. Bivins had indicated would address the congestion of the western part. She said then there was \$1.25M that could be put toward the issues on Old Ivy Road, including the railroad pass.

Ms. Long said that Mr. Bivins pointed out that the University owned the land all around that eastern railroad, and Greystar had paid the Timmons Group for conceptual designs, which had been shared with the University, Mr. McDermott, and VDOT. She said that the biggest issue, other than the drainage, was the alignment of the road underneath the bridge, which was not perpendicular but at an angle, so it felt like it was getting really narrow. She said that they had a couple of options that showed how to fix that, which would provide room for pedestrian lanes.

Ms. Long said that they wanted to continue to work with all the stakeholders as they had been. She said that they could not do that without this project moving forward. She said that this money

was a substantial contribution to address the issues that they were all concerned about. She said that she would repeat Mr. McDermott's other comment that staff and VDOT did not believe that this application should bear the burden of fixing the eastern railroad. She said that they were doing everything they could and could not fix that on their own, but were putting up \$1.25M toward solutions, which could not be done without the project moving forward.

Ms. Firehock thanked Ms. Long for her helpful remarks.

Mr. Bivins moved to recommend denial of ZMA202100008 Old Ivy Residences, for the reasons stated for this evening on the dais, coming from a lack of any appreciation, understanding, or evidence that the traffic conditions in place had been improved or mitigated, the fact that the preexisting proffer, ZMA21-A had not had condition precedents resolved, and therefore the ability to move one piece of property from R1 to R15 had not been met. Mr. Murray seconded the motion.

Mr. Bivins said that he hoped the Supervisors would see that the Commissioners had spent a long time discussing this issue and that they liked the development, but they were trying to see how to get the various infrastructure in place so that they could have an area that would live into the esprit and dreams represented in the Comprehensive Plan and the County's desire to keep that kind of interesting density within the urban core.

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

Ms. Firehock asked if there should be a separate vote on the steep slopes.

Mr. Herrick said that the motions on the screen currently dealt with setback waivers. He asked to see the motion for the steep slopes.

Mr. Bivins moved to recommend approval of ZMA2021-00009 Old Ivy Residences Steep Slopes Amendment, for the reasons stated in the staff report. Mr. Missel seconded the motion.

Ms. Firehock noted that the general support for this was because this was a slope that was disturbed for the bypass and was not part of a critical habitat slope for the County, but it was composed mostly of refuse that had been moved around.

Mr. Murray commented that not all of the slopes would be flattened, and it seemed that the part that should be switched from preserved to managed was the piece that was going to be disturbed.

Ms. Firehock said that they likely did not want to ask for more.

Mr. Murray said that it would be nice to not have to do the whole slope.

Ms. Firehock said that they were just changing them from preserved to managed.

The motion passed unanimously (6-0).

Ms. Firehock asked if there were any more motions on the floor.

Mr. Herrick said that there were two special exceptions, but based on the Chair's earlier comments, the Commission did not seem interested in taking up the special exceptions. He said that the special exceptions would go on to the Board of Supervisors for its decision.

Ms. Firehock thanked Mr. Herrick. She said that she believed that the minutes would be carefully reviewed, and she hoped the sentiment would be adequately relayed to the Board, and ensured that all Supervisors knew that the Commission thought this was an excellent development, and they may hopefully be in possession of the VDOT study by that time or could receive additional clarification, and perhaps even UVA could come forward and be more communicative about their willingness in making some of these connections.

Ms. Firehock said that she hoped so because this development would likely serve UVA students and professionals, so it was in the University's interest to be more cooperative with this developer. She said that it was a high-quality development and hoped this was not discouraging, but they must reconcile the transportation issues with what they had been provided with this evening. She said that while they completely trusted their staff, Mr. McDermott had stated that he could not tell exactly what was in the VDOT report, because even VDOT had not officially said what the recommendations were from the organization.

### **Committee Reports**

Ms. Firehock said that the Historic Preservation Committee would not be meeting once again this coming Monday. She said that she was on a CIP advisory committee, but apparently there was no more CIP advisory committee in the County. She said that she would talk about this with the Chair of the Board of Supervisors, but she did not understand why there was no longer an advisory committee for the recommending of spending for the Capital Improvement Plan. She said that she would report on this issue at the next Planning Commission meeting. She said that the ACE Committee also remained in abeyance, so she had no updates.

### **New Business**

Ms. Firehock said that Mr. Rapp was leaving the Planning Department for a new opportunity in the community.

Mr. Rapp said that it had been a pleasure to serve as secretary to this Commission over almost three years, and he would be following all of the projects they had going on. He said that he hoped to see the Commission in a different role soon.

Ms. Firehock said that it was a delight to work with Mr. Rapp, who was a true professional, and she valued his knowledge, insights, and at times, his good service. She thanked Mr. Rapp for his service to the County.

### **Old Business**

There was no old business.

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

There were no items for follow-up.

## Adjournment

At 11:10 p.m., the Commission adjourned to December 13, 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